From:

Jenn Edwards <stay@innsofgroveland.com>

Sent:

Tuesday, December 25, 2018 6:30 PM

To:

Quincy Yaley

Cc: Subject: John Gray Terre Vi Project

Attachments:

Comment on Terre Vi Lodge.pdf

Good Evening Mr. Yaley,

Please find attached my comments on the Terre Vi Lodge Project. Let me know if you have any additional questions.

Happy Holidays,

Jenn Edwards

Owner

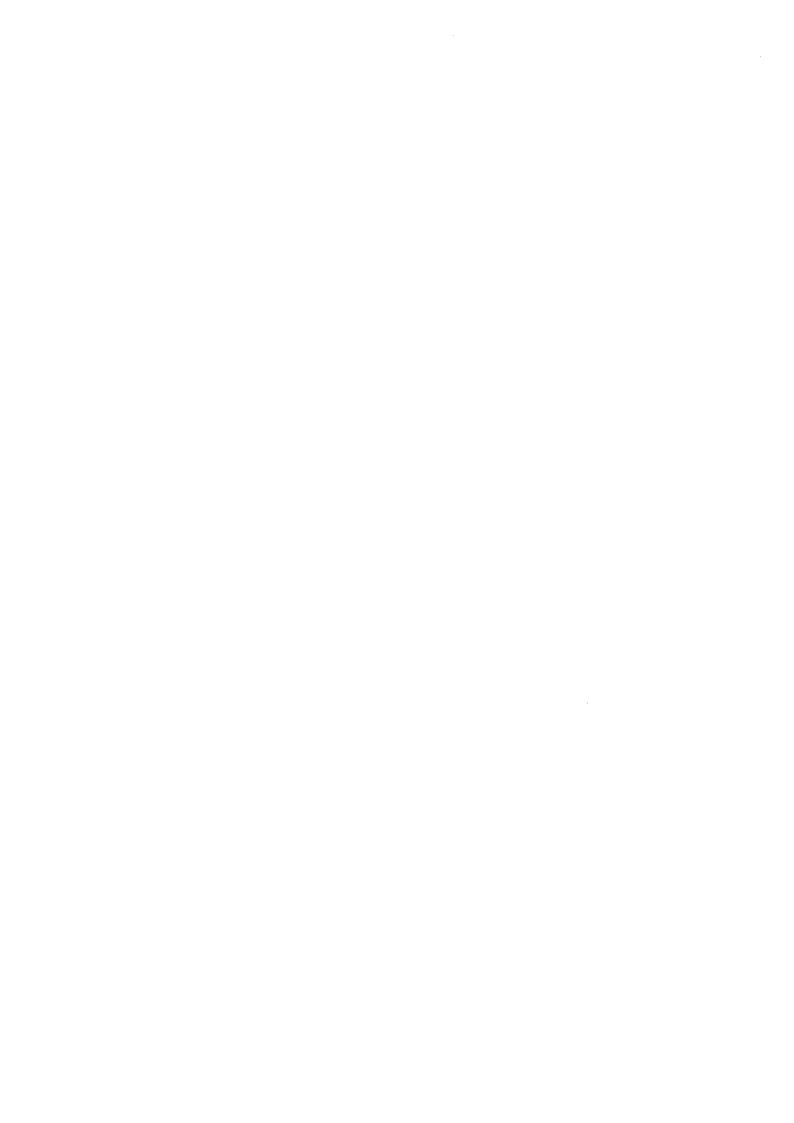
Inns of Groveland

**Hotel Charlotte** 

209-962-6455

**Groveland Hotel** 

209-962-4000



Dear Mr. Yaley,

I would like to respond to the Terre Vi Lodge Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003 Assessor's Parcel Numbers: 068-120-060 and 068-120-061 request for comment. We own both the Groveland Hotel and the Hotel Charlotte, as owner of these properties I feel I have a good sense of both the impact of tourists to our area as well as the employment force.

As for concerns, my first and foremost concern is regarding the complete lack of housing available for the current needed employment pool in Groveland. Due to the fast increase of AirBnB and other vacation rental companies there are almost no long-term rentals available any longer. We are finding it more and more challenging to find qualified employees because they are either moving away due to lack of housing, or interested employees are not able to move here for the same reason. I see that the Terre Vi proposal does reference providing offsite employee housing, but I'd like to understand how they plan to house their entire work force offsite. Many of their staff will be seasonal, so do they plan to build/buy enough housing for their peak season staff, or just for their year-round staff. I find it hard to believe they will have enough housing for all their staff during peak season. This change to our ecosystem will strain our already extremely strained rental housing market.

My second concern is the stress this development will have on our infrastructure. Between guests and employees, they are proposing to have I'm guessing an additional 1,000 or so people to our area per day in the peak season. That is a drastic increase in volume. In response to this, will we have additional police support, additional fire personnel, additional ambulances? We already have a very slow response time to emergencies and I only see adding this many more people to our area as an increased burden on our safety personnel. Aside from the TOT tax, will they be paying any money to the county to increase these services?

Additionally, I can only imagine that this large of a build will have a significant environmental impact from altering the watershed to increased risk of fire. I expect that a full CEQA analysis will be done to allow us all to fully understand the impact of this proposed development.

Thank you for your time and consideration,

Jenn Edwards

Owner

Groveland Hotel/Hotel Charlotte

209-962-4000

stay@innsofgroveland.com

cc: Supervisor John Gray

From:

W Mc <wendemc2@yahoo.com>

Sent:

Friday, December 28, 2018 3:47 PM

To:

Quincy Yaley

Subject:

Urgent letter about development protest of the Hanji-Manly Proposal

Attachments:

Hanji-Manly Proposal - I Carlson letter (1).docx

Sent from Mail for Windows 10



### **Tuolumne County Community Resources Agency**

This letter is in reference to:

Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003 Assessor's Parcel Numbers: 068-120-060 and 068-120-061

We wish to be notified of public hearings scheduled for this project, and to receive notification of the availability of the environmental document prepared for this project.

### **Dear Tuolumne County Supervisors:**

We are 42 year residents/property owners on Hardin Flat Road, and neighbors of the Sawmill Mountain property owners. We have serious concerns regarding this proposed development.

Firstly, the location of the proposed lodge would have a major impact on the adjacent homeowners, some of whom have been there for generations, whose properties are valued not so much by the structures, but by the peaceful solitude this natural setting offers.

Area impact: We understand the Berkeley Camp is preparing to rebuild, Yosemite Lakes/NACO is adding 125 additional sites/units, a new 'glamping' campground is being proposed across the highway from the 'Terra Vi', a new KOA is being proposed in Buck Meadows. A rough estimate of the increase in visitors to the immediate area in peak season is somewhere in the neighborhood of 2200 people per day! This does not include workers. Imagine how this mass of people will impact this beautiful, peaceful area. We hope you will consider the environment, as well as the quality of life that we all value here in Tuolumne County. With increased AirBNB travel and the recent addition of Rush Creek Lodge, there is plenty of lodging in the area, and most are rarely filled to capacity. In addition, all of these proposed developments will be bringing more visitors to Yosemite. The highway and park entrance are already seriously overburdened, as is Yosemite Valley.

Other local business: Have you considered the impact this new lodge will have on existing accommodations in the area? The variety of natural disasters in our area have already put stress on these local businesses. There is no actual need for further lodging in the area, and the potential for putting other local businesses out-of-business is unwarranted.

Water: We understand that the current wells on individual Sawmill Mountain properties are inadequate for many of the single family dwellings. How can there possibly be enough water for a huge development such as this, particularly in view of our drying climate? Is documentation for their well output available for public scrutiny? Does it take into account project expansion in the future? How is it that current site wells 'exceed anticipated requirements for full buildout' when the septic plan is only intended for 50 rooms? And how will the lodge usage affect the neighboring wells? Does anyone really think 'single use dishes & utensils' is a realistic answer to lack of water? In case you do, please consider the environment!

Sewage: Why is the sewage for a 240 room lodge designed for only 50 units?

Staffing: Where will all the staffing come from? Groveland does not have enough willing/available workers as it is. Housing for transients moving to the area for this type of seasonal business is not readily

available. The document states it will create 'sustainable' employment. How is this possible in a seasonable business?

Withstanding disasters: Even if they have a bullet-proof fire prevention and response system for the lodge, how does this company plan on handling the now 'normal' business-disrupting disasters of area forest fires, nocuous smoke, flash floods, heavy snows, and road closures sometimes lasting weeks or months?

You might want to let Hansji know the correct spelling of TUOLUMNE.

We count on our county officials to act on our behalf to preserve and protect our precious county and desirable way of life. Is this not your mandate?

Thank you for your consideration,

Lauren & Dill Nickell 33569 Hardin Flat Road Groveland, CA 95321 209-962-4360 **Tuolumne County Community Resources Agency** 

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Thank you for your consideration,

Lauren & Bill Nickell 33569 Hardin Flat Road Groveland, CA 95321 209-962-4360

From:

Sent:

John Buckley <johnb@cserc.org> Saturday, December 22, 2018 6:57 PM

To:

David Gonzalves; Quincy Yaley

Subject:

Terra Vi comments submitted

Attachments:

Terra Vi Lodge comments.doc

Jeff Carlson 1402 ½ Tamarind Ave. Los Angeles, CA 90028

December 27, 2018

ATTN: Quincy Yaley
Assistant Director, Development
Tuolumne County Community Resources Agency
qyaley@co.tuolumne.ca.us

RE: Site development Permit SDP18-003

**CC:** Supervisor John Gray jgray@co.tuolumne.ca.us

Dear Ms. Yaley,

Our family has owned a parcel adjacent to the proposed development since the mid-1940's. We have a family cabin on the land and have been enjoying the South Fork, Middle Fork, Sawmill Mountain and the Groveland community for four generations.

We have reviewed the materials for this project on the County's web site at: https://www.tuolumnecounty.ca.gov/1158/Terra-Vi-Lodge-Yosemite.

We have also reviewed the December 10, 2018, memorandum to Interested Stakeholders from the Tuolumne County Community Resources Agency regarding this project.

These documents indicate that the County has completed its preliminary review of the project pursuant to CEQA and determined that CEQA applies to the County's approval of the project, that the project is not exempt from CEQA, and that the County must prepare an initial study as described in Public Resources Code section 21151 to inform its decision whether to adopt a Negative Declaration or prepare an Environmental Impact Report for the project. The memorandum to Interested Stakeholders indicates that the purpose of soliciting comments at this time is to assist the county in determining whether it should prepare the initial study or skip that step and proceed directly to issuing a Notice of Preparation of draft Environmental Impact Report, as described in Section 15063(g) of the State EIR Guidelines.

Please notify us immediately if our understanding of these matters is incorrect in any way.

We write now to urge the County to prepare an Environmental Impact Report for the project to evaluate the many significant and negative effects this project will have on the environment.

As governmental agencies, planning and zoning are compelled to work together to create community cohesion and lay the groundwork for responsible development. Good planning and zoning ultimately seek to avoid nuisances, not create them. The land the Hansji Corporation is proposing to develop was historically zoned Timber Production (TPZ) for almost a century. It was eventually sold and subsequently rezoned at the request of the new owner, Robert Manly, to Commercial Recreation (C-K) in 1991 after a contentious battle with local members of the area.

The 1991 County Board of Supervisor's decision to rezone this land created an inherent land use conflict by forcing the abutment of two wildly opposed zoning designations: Rural Residential and Commercial Recreation. This decision all those years ago, opened the door for the Hansji development today and thus, now puts the County in the position of having to defend and mitigate incompatible land uses.

The only other hotel development on this corridor is the 143 room Rush Creek Lodge which opened in 2016 and is a half mile from the Yosemite Park entrance. While it is likely the Hansji developer will point to Rush Creek as a precedent for the proposed development, it is not a precedent for the current proposal for many reasons. Rush Creek was built on the site of a small, decades-ago abandoned hotel, thus, the land use was compatible with its historic use. Further, there are not and never have been residences anywhere near or around Rush Creek. This remains true today. Additionally, it is well known that the approval of Rush Creek Lodge required an EIR and multiple mitigations in regards to site usage, size/scope, view shed, existing habitat, traffic, noise, etc. The Hansji project should require no less.

A project the size/scope of Hansji's proposed Terra Vi Lodge-Yosemite on Sawmill Mountain Road, is absolutely unprecedented up and down the Hwy 120 Corridor. For this reason, and others delineated below, I respectfully request that this hotel not be approved without a thorough study of the environmental impacts. Issuing a Negative Declaration or even a Mitigated Negative Declaration for this project would be environmentally irresponsible and legally insufficient. Only an EIR can truly vet the issues surrounding this project.

It is incumbent upon the County to recognize that the Hansji development leap frogs over any other development that has come before it in this area in both geographic location and size/scope. It sets a terrible precedent in regards to creating massive commercial developments on land with no supporting county infrastructure abutting historically residential areas. Without an EIR there will be no checks and balances, no consideration for the type of impacts the residential area and the entire community will experience.

At 240 rooms with an average of 3 people per room and at just 50% occupancy, a project of this size will bring, at the minimum, 130,000 people a year to a very remote area that will struggle to absorb the impact in terms of natural resources, infrastructure, county services etc.; it will specifically cause extraordinary impacts to rural residential area that only ever has fewer than a range of 1-30 people inhabit it at any given time. The nightly occupancy of the hotel has the potential to be the same size or larger than the population of the entire city of Groveland, especially in the summer.

The impacts of this project are unprecedentedly significant and should not be ignored. This is why an EIR is necessary. Specifically, the following areas of impact must be studied:

### Increased Risk of Fire

Adjacent properties and the community as a whole, will see an increase in risk of fire ignition due to the large number of people who will be visiting this high fire area, specifically, tourists with little to no knowledge of the sensitive nature of being in this type of habitat.

While the hotel structure can be made with fire proof materials and defensible space created around it, the massive influx of people unfamiliar with fire danger, pose a very real and serious threat in regards to their behavior and lack of knowledge around fire safety; lit cigarette butts, unsanctioned campfires, illegal fireworks are all dangers this area faces every day, particularly in the summer, WITHOUT a hotel. Summer will be the hotel's busiest time and an increase in people means an increase in fire danger. There needs to be consideration for this and studies done about how such a large number of people in the area increases the likelihood of fire danger.

To further this point, CalFire is currently in the process of proposing a state policy recommendation that limits and/or disallows development in high fire danger areas so as to reduce the risk of fire as well as avoid creating dense

populations of people who may lose their lives in a wildfire. The Camp Fire in Paradise, CA is a recent example. Here is a link to some information about this policy recommendation:

https://sanfrancisco.cbslocal.com/2018/12/11/cal-fire-chief-recommends-banning-home-construction-in-vulnerable-areas/

The County needs to study the impacts of and take into consideration allowing development in high fire danger areas and do a risk assessment for potential loss of life and property. As we continue to have hotter and hotter weather, and less and less rain, planning and governing agencies need to be mindful and more responsible in choosing development projects; approving a massive project such as this in an area of such high fire risk is irresponsible decision making.

### **Water Supply**

The homes that surround this development get their water from private wells. Because this development does not have access to County infrastructure such as water, it will also need to use wells to sustain their facility. The new meteorological normal that is now years of intermittent drought, suggests that a large development like this, puts nearby tax paying land owners in Tuolumne County at risk of losing their water. Water is more and more a fragile resource and this development will surely impact the neighboring homes' water supply, to suggest it won't is short sighted and, furthermore, cannot be proven. A complete study of the water source and how this development will impact existing properties' water supply needs to be done. What guarantees do neighboring residents have that the development will not drain the area of water? Without an EIR, it is not possible to even begin answering that question. Even with an EIR, it will be difficult. Nonetheless, the risk is there and it must be addressed.

#### Sewage

This site has no county utilities, not water or sewer. This means a special commercial sewage system needs to be created without county support. Those systems eventually fail, and when they do, what will the backup plan be? The plan does not show one. Furthermore, according to the proposal, Hansji intends to install a similar sewage system as Rush Creek Lodge. It is well known that the sewage system at Rush Creek is struggling with capacity and operational issues that are causing repugnant and hazardous spills of black/grey water. This gives area homeowners in the surrounding area grave cause for concern. How will our water supply and our overall environment be protected from these inevitable issues?

The current Hansji proposal shows leach fields that are directly adjacent to private property on a downhill slope that feeds a meadow and a spring below. That meadow contains wells for neighboring cabins fed by groundwater. At 1905 linear feet, the size of the leach fields for this type of development are not insignificant. Studies need to be done on what impact these fields will have in regards to potential contamination of current residents' water supply, as well the unpleasant impacts of off gassing and general foul odors. The risk of water supply contamination in existing wells is an impact that needs to be studied and addressed.

Further, in examining the Hansji site plan, the water flow directional arrow where the leach fields are proposed is not facing the correct direction. The arrow erroneously indicates that water flow in the area runs downhill toward Sawmill Mountain Road. This is simply false. One visit to the land to observe its topography, clearly reveals that the water flow this directional arrow indicates is gravitationally impossible. The arrow where the leach fields are proposed should be indicating westerly downward flow toward the meadow as, in reality, this is actually what happens. Because in the current site plan, the arrow is falsely indicating that water will flow uphill toward Sawmill Mountain Road, it would make it appear that the leach lines will have no impact on existing water supply. The fact is, water flow in this area is downhill and directly feeds local residences' water supply. At best, the arrow in this site map is negligent misrepresentation of reality, at worst fraudulent.

#### Socio-Economic Impact

The socio-economic impact of this project cannot be understated. This is a very remote, rural area that is accustomed to a mild amount of drive thru traffic on the way to Yosemite, as well as summer visits of campers at nearby Yosemite

Lakes Resort. And that is all. The increased traffic, noise and congestion of at least 100,000 people a year converging on this small area is not to be underestimated. There needs to be thorough studies that will specifically examine how this number of people will impact the surrounding community and what those impacts will do to the small, quiet and peaceful community that currently resides in the area.

Furthermore, the occupancy rate of the hotels in the area does not suggest a lack of available accommodations for tourists, if anything, it suggests that there is plenty of available lodging, even in the summer months. An additional 240 rooms in the area will, no doubt, have a dire fiscal impact on the small local hotels and mom and pop B&B's in the area as it will siphon off customers who want accommodations closer to Yosemite. The hotels in Groveland and the small B&Bs along the 120 corridor will, no doubt, feel a significant impact of a large hotel with expansive amenities being built in the area. These small lodges simply cannot compete with the type of development that is being proposed.

These economic changes are likely to force many existing business to close, leading to vacant commercial buildings and physical blight.

#### Archeological Value of the Land

There are several sites of archeological significance in the area surrounding the Manly property. I have attached a map of a survey done in 1990 that shows these nearby sites. I believe a similar study has been done on Manly's land, but because I am not the land owner, I do not have access to it. The land surrounding the Manly property has officially marked Indian grinding stones, etc. which would seem to suggest that the land in question might also have similar artifacts. There needs to be a complete study of the potential archeological importance of this land through a Cultural Resource Survey; all the proper government entities need to be contacted and involved in the cultural assessment of this land.

Additionally, the Me-Wuk band of Indians have considered this land sacred for generations. They collect medicinal plants and herbs from this specific area. The current proposal from Hansji has a section entitled "Historic Heritage" and it suggests they are working in collaboration with the Me-Wuk:

"The Southern Sierra Me-Wuk, originally lived in present Yosemite National Park and central western Sierra Nevada foothills in California. Through a collaborative effort with the Tuolumne Me-Wuk Tribal Council, their cultural heritage of the area will be celebrated in several meaningful ways as they may be permit. This could be done through visual displays both indoors and outside, as well as special educational programs available to the visitor."

In fact, the Me-Wuk have not been consulted in this regards to this project. An elder of the tribe specifically asked to be part of the process but, as of this writing, has not been contacted. At the very least, the Me-Wuk should be consulted but more so, an impact study should be done in regards to how this will affect a local Native American Tribe's ability to use the land.

#### Wildlife Habitat

This area is a significant source of food and habitat for the wildlife that live here and it is specifically used as a corridor by Mule Deer and other animals to get to the meadow below to feed. This development will completely cut off the access of this important corridor for animals and force them to find a new, and most likely more dangerous path.

In addition to being a significant and important wildlife corridor, the land in question is also known as a habitat for arboreal salamanders, spotted owl, mountain lion, bobcat (lynx), bats and pacific chorus frog. Many of these are on federal threatened/endangered lists. In fact, when this land was rezoned in 1991, the presence of the Spotted Owl was noted and yet, this was not considered and the land was rezoned anyway. More recently the area has been known to be habitat for the CA Newt, which is on the watch list of endangered species. A thorough study needs to be done to determine what type of endangered wildlife call this land home and how this development will impact their ability to continue to survive and thrive.

### **Cumulative Effects of Other Developments**

The Hansji project is just one of several proposed future developments in this area, and to approve this project in a vacuum, without looking at the long term cumulative impacts amounts to irresponsible long term planning. Berkeley Camp, that was lost in the 2013 Rim Fire is being rebuilt, Yosemite Lakes in Hardin Flat is proposing an expansion and, on the other side of Hwy 120 across from the Hansji development, also on Manly land, a "Glamping" development is being proposed. All of these proposals need to be weighed together to accurately assess the increased risks of fire, traffic, congestion, noise, infrastructure, public safety among other things. This project is just one among many that are being proposed, these projects will not only dramatically change the face of this area, but will also have lasting impacts that, by and large would be considered negative by the community. The impact of this one project needs to be studied as part of the whole in relationship to the other growth and development happening in the area.

### **Public Safety Infrastructure**

In the proposal, Hansji offers a vague acknowledgment that the County is not equipped to take on the new and significant burden of such a large development, yet offers no solutions to addressing it:

"...we understand the additional impact a resort of this nature will have on the already stressed emergency services system. While we have planned infrastructure and preparedness programs to mitigate services and supplement first responder resources, we understand the challenges and look forward to the conversation and actions necessary to address the impact as a vested partner of this community."

Clearly, this project will create an undue and new burden on County Services that the County is not prepared for and that, it would appear, the County has no plans to address at this time. Fire, ambulance, sheriff services are miles away from this project. A study needs to be done to address how the County will not only support new development with services but what the impact will be with the increased demand.

#### **Traffic and Congestion**

This hotel development is going to create substantial traffic and congestion for both the surrounding community, and the residents of Sawmill Mountain Road, in particular. Sawmill Mountain Road, AKA Forest Route 1S03, is a government fire road easement that acts as an access road for the residents and, additionally, it provides forest access for seasonal campers and hunters. We question the wisdom and the legality of using this government road for commercial access. Additionally, the plan does not classify Sawmill Mountain Road as a cul-de-sac; this position needs to be reexamined. Once on Sawmill Mountain, the only way one can leave the area, is to turn around and go back the way they came. Sawmill Mountain may not be a typical cul-de-sac, but an argument can be made that it is one and, thus, the traffic impacts should be considered accordingly.

Having the hotel entrances/exits directly off Sawmill Mountain Road creates an undue and unfair hardship for the existing residents. This development will mean a massive number of cars and people will descend upon what is now, a very remote road leading to a zoned Rural Residential neighborhood, used primarily by the residents.

The site map submitted by Hansji shows an access on the east end of the property directly off Hwy 120. Why is this access not considered as the main entrance? Every other hotel establishment in the Hwy 120 corridor has its access directly off the highway, why is this development seemingly exempt from that?

Putting the access on Sawmill Mountain Road simply cannot be mitigated; it will create a substantial amount of traffic where, literally, none currently exists. Additionally, it poses potential hazards for residents from the number of hotel guests who will undoubtedly drive up Sawmill Mountain to "explore" the area and go sightseeing, doing so potentially in a reckless manner. Furthermore, as many of the residents are part time, they are left vulnerable to the risk of trespassing and theft by the mass of nearby visitors.

Lastly, the Hansji plan does not actually detail any real or meaningful traffic plan rather, as shown below, it indicates a plan to have a plan. Without a real traffic plan, there is no way to fully understand the complete scope of the impacts on the residents and the surrounding area:

"KdAnderson & Associates (KDA) has provided technical guidance to the project team regarding the design of the project's access to State Route based on the criteria contain in the Caltrans Highway Design Manual. This work has included identification of design standards for left turn channelization and evaluation of alternatives for highway widening to minimize off-site disruption. KDA has also advised regarding truck access and internal circulation design issues based on AASHTO truck and bus turning design standards."

There are no dedicated drawings, no supporting evidence or thoughtful amelioration or design. This paragraph above is the sole plan for traffic in the document. In its lack of detail, this portion of the plan seems incomplete and irresponsible.

#### **Encroachment vs. Access Road**

This plan indicates an "encroachment" on Manly's land that, in fact, is an access road that has been used by homeowners for decades to access their property below. In a conversation with the developer back in April, it was indicated that Manly had the right to shut that "encroachment" down, thus denying homeowners access to their property. This access to their properties needs to be protected and recorded.

### Helipad

Proposing a helipad for emergency use and for "the surrounding community" is flat out absurd. This pad sits at the base of residents' driveway and is a visual affront to all property owners and, it is designed to be out of eyesight for the hotel guests, and with convenient and easy emergency response access. It would seem that every consideration for the placement of this helipad to benefit the project was taken into account, but the plans show no consideration for the impact on the property owners who live with it daily:

"The development includes a landing zone for emergency response helicopters for this site as well as the surrounding community. The proposed location is easily accessible from SR120 and Sawmill Mountain Rd and has an approach and departure that is clear of trees, buildings and overhead wires."

This is simply no mitigating the presence of a helipad for the area.

#### **Impact**

As tax paying residents of the County, we have the right to the peaceful, safe enjoyment of our property and to not be put at risk with a congestion of cars and people flooding our small area. Existing residents should not be so severely impacted and, in looking at this plan, completely not considered. This project puts our community at risk of fire danger, losing our water supply, contaminating existing groundwater, and forever losing the peaceful enjoyment of our property.

The Hansji proposal has taken into account every consideration to benefit the project but shows no consideration for those who will be most impacted by it, the residents of Sawmill Mountain. This is made painfully evident by the developer's description of the project:

"Set back from the 120 highway, the architectural massing builds from the initial 1-story General Store to the 2-story Event Center and ultimately to the 3-story Lodging accommodations."

As indicated, this plan shows more concern for the view from Highway 120, rather than how the surrounding neighbors' view is impacted. This one sentence is the most telling and is indicative of the developer's lack of consideration for the existing residents and the surrounding community overall.

How do you mitigate the 24 hour of presence of hotel lighting in an area where there is not even a street light? How do you mitigate the massive influx of car and foot traffic of 100,000 or more people per year descending on a small community of roughly 30 souls? How do you mitigate the permanent loss of a view shed that is solely comprised of emerging forest and distant mountains? How do you mitigate a helipad, literally, a few feet away from a County zoned Rural Residential Neighborhood?

The answer is you simply cannot. In addition to preparing an EIR, The County needs to seriously consider that this project is not compatible for the area and that, in fact, the zoning itself has created this problem.

Thank you for reading our comments, we appreciate your time.

Regards,

Jeff Carlson 30300 Sawmill Mountain Road Groveland, CA 95321

		;

From:

jenny pfeiffer <jepfeiff@yahoo.com>

Sent:

Thursday, December 27, 2018 8:51 PM

To:

Quincy Yaley

Cc:

John Gray

Subject:

comment about sawmill project/terra vi lodge

Hi Quincy,

my email has been ending up in junk folders so i thought i would send you my comment again from a different account just to make sure you get it, this is VERY important to me that you receive this:)

"The County's website and the Stakeholder documents I have reviewed indicate that the County has completed its preliminary review of the project pursuant to CEQA and determined that CEQA applies to the County's approval of the project, that the project is not exempt from CEQA, and that the County must prepare an initial study as described in Public Resources Code section 21151 to inform its decision whether to adopt a Negative Declaration for the project or prepare an Environmental Impact Report for the project. The memorandum to Interested Stakeholders indicates that the purpose of soliciting comments at this time is to assist the county in determining whether it should prepare the initial study or skip that step and proceed directly to issuing a Notice of Preparation of draft Environmental Impact Report, as described in Section 15063(g) of the State EIR Guidelines.

Please notify me immediately if my understanding of these matters is incorrect in any way.

I write now to urge the County to prepare an Environmental Impact Report for the project to evaluate the many significant effects this project will have on the environment."

My family owns a cabin within 700 ft of this project, we are very concerned about the many ways this project could affect us and the surrounding area and community.

I am very concerned about the added wildfire danger to the forest and the surrounding community this VERY BIG development will add. Our forest as you know gets very dry during the late summer and fall and the more people you add to a community the more fire risk you add, I believe adding this risk is very irresponsible. I am very concerned about the safety of the surrounding community, lots of people walk saw mill mountain road and the added traffic could put lives at risk. I am also concerned about the added pressure this development could add to the area's public emergency services. Ambulance, sheriff and fire are all far away from this development and other future developments (Berkeley camp and the proposed glamping site across the HWY). Unless these emergency services are expanding soon this could be a big problem (a helicopter pad does not solve this problem). I am mostly very concerned about the water supply, with climate change in mind I think this development is irresponsible as it will require a lot of water to service this many units. They cannot guarantee they will not contaminate the water used by surrounding residents and if they lose their water supply the county could be liable for allowing this irresponsible project. The water supply around saw mill mountain has gone down in recent years and I think we all know this will continue, I do not believe there is enough water for this project but the only way to know would be to have an EIR. I believe there was one done a while ago and this is why it is not being done again but the water supply has change so much recently that I think it would be very irresponsible to think nothing has changed in the area and that the conditions are the same as they were when the last report was done. We are also concerned about our well water, it is possible that if this project draws from the same source our water could go dry, this is a VERY scary thought. My last concern is about the road access off of 120. If there is only one road in and out of saw mill mountain area this could cause major problems during an emergency, if the hotel is full and everyone is trying to evacuate at the same time I think you can imagine how this one road could get backed up, blocking the only exit. The recent fires in Paradise

have shown the problems one road in and out of an area can cause. Please consider requiring them to add another access road off of HWY 120.

thank you for your consideration,

Jenny Pfeiffer

From:

Mary Beth Campbell <mb@boomerangproject.com>

Sent:

Tuesday, December 18, 2018 6:53 AM

To:

**Quincy Yaley** 

Subject:

Comment Deadline

### Hello Quincy,

I have left you a couple messages and now am reaching out by email to respectfully ask that you consider extending the deadline for comments on the Hansji development project on Hwy 120 and Sawmill Mountain Road.

I, along with other stakeholders, only just received the notification from the county this last weekend, others I know received it yesterday. With the holidays here, many people are out of town and, therefore, have not even had a chance to review the proposal. A deadline of December 28<sup>th</sup> is very short notice to weigh in on such an important project.

I would request that you please extend the deadline until after Christmas and New Year's have passed. Thank you for your consideration.

**Boom Boom!** 

Mary Beth Campbell

the boomerang project

you get back what you give

800.688.7578

www.boomerangproject.com

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From:

Rachel Croft <croftr@gmail.com>

Sent:

Monday, December 24, 2018 4:23 PM

To:

Quincy Yaley

Cc:

John Gray

Subject:

Comments concerning Hansji development on Sawmill Mountain Road

To whom it may concern,

I am greatly concerned by the plans for development on Sawmill Mountain Road. I have been a visitor for many years and it is a peaceful location inhabited by many long term families and newer families. I am concerned that this development will have major impact for these homeowners - risk to their well water, increased noise and exhaust, and increased risk of fire. I'm also concerned for my own visits to Yosemite which are already hurt from waiting sometimes hours to enter Yosemite's west entrance along this road, which will only get worse with more hotels along this stretch.

This construction should be challenged as it will pose a great strain on the environment, and at the very least an environmental impact study should be conducted. I understand that currently there is no plan for environmental impact. This is completely careless and irresponsible. If the study does not conclude that the construction should be denied, but it will at the very least ensure that the construction has minimal impact on the homeowners and environment.

Thank you, Rachel Croft

Please contact me if you have questions.
Rachel Croft
Lifetime California resident, Palo Alto, CA
<u>croftr@gmail.com</u>

From:

Grace Robinson < gracierobinson@gmail.com>

Sent:

Friday, December 21, 2018 10:48 AM

To:

John Gray; Quincy Yaley

Subject:

Comments for Hansji development of Sawmill Mountain Road

# To whom it may concern:

I have been a regular visitor to the Sawmill mountain area for many years and am concerned about the development of a large hotel without any environmental impact study. (Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003). I'm most worried about the the increase in traffic to Yosemite park, and the incredible fire danger that increased population will bring. This area is surrounded by National Forest, and only a few miles from Yosemite National Park, so there will be impact on wildlife and the land, especially after the recent Rim Fire.

Please conduct a study to examine alternatives and impact before continuing with this development! The Sawmill Mountain area is a treasure, and it would be a shame for this pristine area to be corrupted and damaged by development.

Warm Regards Grace Robinson 510-967-9777

From:

Peggy Stanfield <jeeps11@aol.com>

Sent:

Thursday, December 27, 2018 10:15 PM

To:

**Quincy Yaley** 

Subject:

Comments for Hansji development on Sawmill Mountain Rd.

### Dear People,

I am a regular visitor to Yosemite and especially the Sawmill mountain area for many years.

I have heard and very concerned about the development of a Large Hotel without going through the right process, the ENVIRONMENTAL IMPACT STUDY.

The Hardin Flat LLC/Hansji Corporation Site Development Permit SDP 18-003.

I am very upset about the impact of the increase on the sewer system waste and the water that will be used.

The traffic and noise will impact the National Forest that surrounds this area and it is only a few miles from the serenity of Yosemite National Park. It will impact the wildlife and the land.

The Rim Fire has already weakened the soil and trees. With that amount of people, traffic going from there into the Park it will be much worse.

I feel this is not the right place for this development and that this company is trying to rush the decision for this development through without going through the right steps or canels.

Peggy Stanfield

From:

Kelly Koster < kosterisland@hotmail.com>

Sent:

Thursday, December 27, 2018 12:03 PM

To:

Quincy Yaley

Cc:

John Gray

Subject:

Comments for Hansji development on Sawmill Mountain Road

I'm a full time resident in Groveland and also work full time in the area. I am concerned about the development of a large hotel in the Sawmill Mountain area without any environmental impact study. I feel a development such as this would have a huge impact on sewage and water usage, along with traffic, noise, and trash being left in the area. I work on Sawmill Mountain Road 4 to 5 days a week in the spring and summer months and think it would be a tragedy to infiltrate the peaceful area with a development such as this. That being said I'd request for a study to be conducted to examine alternatives and the impact before going forward with this development.

Thank you,

Kelly Koster

Sent from my iPhone

From: John Stanfield <johnnilsstanfield@gmail.com>

Sent: Thursday, December 27, 2018 6:26 AM

To: Quincy Yaley
Cc: John Gray

Subject: Comments for Hansji development on Sawmill Mountain Road

### Quincy Yaley,

I recently received a notification that you are considering building a large hotel on Sawmill Mountain Road, near Yosemite's Big Oak Flat entrance. I am a homeowner and land owner on Sawmill Mountain Road, I write now to urge the County to prepare an Environmental Impact Report for the project to evaluate the many significant effects this project will have on the environment.

My 4 biggest concerns are:

# Fire Danger:

As a former US Forest Fire Fighter of 12 years and now concerned citizen, I see the increase in population to the Sawmill Mountain area through the summer (fire season) a huge increase in potential for Forest Fire and potential loss of life. This increase in potential should come with an increase in fire resources and shorter response times to the area that are paid for by "Hansji development". This increase in traffic will affect the residents on Sawmill Mountain Rd and should not increase our cost and tax base.

#### WATER:

Our drinking water comes from wells that we all had to drill and fund. The increase of hundreds of people per day through the hottest and driest months of the summer will take a toll on our drinking water supplies. California is experiencing longer and more severe droughts, please study the impact of so much water removal before committing to this project or find alternative, **long term** solutions to the increase water demand.

### SEWER:

500+ people will create a LOT of sewage per day, from the plans I have reviewed the leach fields are to be built on the west side of Sawmill Mt Rd. All the residences are on the west side of Sawmill Mt Rd, this will leach into the natural drainage that feeds our drinking water and the seasonal creek and riparian zone in the bottom of the small canyon below our properties. Please study this and place the leach fields in a place that will not affect the residents and tax payers of Sawmill Mt Rd, we have been here for generations!

### Access:

1S03 (Sawmill mountain road) is a forest service road designed for public access to the national forest, not designed for commercial use. Please create a separate entrance from 120 into this hotel, rather than using this small access road. It is a dangerous turn from 1S03 onto 120 due to a blind corner - even if you build in a new turn lane, there will still be a high risk for accidents if hundreds of out-of-towners, not familiar with the area or driving on mountain roads, are suddenly turning in and out of there every day. This compromises our, currently safe, neighborhood. Hwy 120 is straighter further East so would be much safer to build a new access road there and would make us residents much happier to work with you on this project. Finally, Also, Caltrans uses Sawmill mountain road to get to their shed with heavy equipment, snow plows, etc - they probably won't have time to respond to this request for comments due to your placing the time period during Christmas vacation.

### A few other points:

• The "open space" requirement is being fulfilled to the East of the property - why not put it to the West of the property so that there is some buffer between all of our houses and the new property?

- Make sure you include an analysis of the impact on the many archaeological Native American sites in this area, when you do your study. The Mi Wuk council should be part of any discussions and evaluation prior to development of this area.
- Finally, as I'm sure you're aware, the Rim Fire burned right over this area in 2013, threatening life and property. This is a high fire risk area so putting a 240-room hotel in the area means putting ~500 lives at risk in the next big fire that will burn through here. How can we be prepared for handling that when it arises? (And fires always come in Summer which is peak visitation time for tourists)

Please consider these concerns from a tax paying land owner of Sawmill Mt Rd.

John Stanfield

From: Ken Thomas < kthomas97@gmail.com>

Sent: Wednesday, December 26, 2018 9:37 AM

To: Quincy Yaley Cc: John Gray

Subject: Comments for Hansji development on Sawmill Mountain Road

Dear Ms. Yaley:

My family has vacationed near Yosemite National Park in recent years and we were concerned to learn about the development of a large hotel on Sawmill Mountain Road near our relatives' home.

The hotel is part of Hardin Flat LLC/Hansju Corporation Site Development Permit SDP18-003.

We would urge the community resource agency and the county to seek an environmental impact study in light of the site's location near the national park and the national forest.

We have a number of concerns. The hotel would likely lead to a massive increase in sewer waste and water consumption in the vicinity. The county should have a full understanding of the environmental impact that the hotel may have on the surrounding area, including the groundwater.

As you're well aware, the area has also been susceptible to wildfires in recent years, most notably the 2013 Rim Fire. We are worried that the weakened soil and vegetation in the area would be further degraded by the development and would complicate efforts to prevent future wildfires.

We understand that a new hotel could bring increased economic development to the area. But it should not be pursued without a thorough understanding of how it might affect the environment and community near Yosemite National Park, truly one of the nation's treasures.

We respectfully request that you conduct the EIS to consider alternatives and the impact on the environment before moving forward with the hotel development.

Thank you.

Kenneth J. Thomas Washington, D.C. kthomas97@gmail.com

From:

Brian Ng <bri> sprianng.ca@gmail.com>

Sent:

Monday, December 24, 2018 10:41 AM

To:

Quincy Yaley; John Gray

Subject:

Comments for Hansji development on Sawmill Mountain Road

Hello friends of Tuolumne County,

It's come to my attention that the application from Hardin Flat LLC/Hansji Corporation for Site Development Permit SDP18-003 may be proceeding without an environmental impact study. This is concerning for my wife and I as regular visitors to the Sawmill mountain area.

#### We are concerned about:

- A dramatic increase in water use in an area that is still recovering from the devastating Rim fire and drought.
- Sewer waste provisions and waste management, as many of the currently residents draw drinking water from deep wells.
- Wildlife and surrounding National Forest impact with the increase in traffic and noise.

We as friends and patrons of Tuolumne county and the National Forest system would like to see the results of an independent environmental study on the potential impacts before continuing with the project.

Warm regards, Brian Ng and Julia Ra

,			

From:

Heather Thorne <koshkiii@gmail.com>

Sent:

Friday, December 21, 2018 11:44 AM

To:

**Quincy Yaley** 

Cc:

Bobby Matthews; John Gray

Subject:

Comments for Hansji development on Sawmill Mountain Road

Dear Mr. Yaley,

I have been a regular visitor to the Sawmill mountain area for many years and am very concerned about the development of a large hotel without any environmental impact study. (Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003).

I'm most worried about the impact of the huge increase in sewer waste and water consumption on the land, not to mention the increased traffic and noise. This would also completely change the character of the area - which homeowners and visitors have sought out specifically because it is \*wilderness\* with very little development.

This area is surrounded by National Forest, and only a few miles from Yosemite National Park, so there will be significant impact on wildlife and the land, especially after the recent Rim Fire that devastated the forest and weakened the soil.

Please conduct an environmental impact study to examine alternatives and impact before continuing with this development.

Thank you.

Regards,

Heather Thorne and Robert Matthews 45 Hawthorne Way, San Jose, CA 95110 650 810 3336

From: Kaylene Grove <a href="mailto:kmgrove@gmail.com">kmgrove@gmail.com</a>

**Sent:** Friday, December 28, 2018 5:00 PM

To: Quincy Yaley
Cc: John Gray

Subject: Comments for Hansji development on Sawmill Mountain Road

Re: Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003.

As a full-time resident of Groveland, and Tuolumne County taxpayer, I would like to comment on the proposed development on Sawmill Mountain Road, between Groveland and the Yosemite National Park NW entrance.

My understanding is that this development of a resort complex may proceed without a thorough survey of the possible impact on the area, including of environmental and transit impacts.

I regularly drive Hwy 120 between my home in Groveland and Yosemite, and am very concerned that this project be completed so as to avoid negative impacts such as debilitating traffic, well water contamination or damage to our water table, and problems with sewage that could occur with a large resort development. I believe this resort could have a positive effect on the community and economy IF it is planned and executed properly. Please be thorough in your assessments of the impact of such a development, and do not simply assume that it will be successful without due diligence.

Thank you for your time and service to the community.

Sincerely,

Kaylene Grove 20640 Whites Gulch Rd, Groveland



From:

Susan Hollendoner <shollendoner@gmail.com>

Sent:

Thursday, December 27, 2018 9:08 AM

To:

Quincy Yaley

Cc:

John Gray

Subject:

Comments for Hansji development Permit SDP18-003 on Sawmill Mountain Road

My family owns a property on Sawmill Mountain Road, which would be adjacent to the proposed hotel development. We have many concerns and feel that the residents of the area have not been taken into consideration, that includes wildlife and humans alike. Why are all the leach fields being put on the western side of the development, next to our homes? Why is the open space on the eastern side when it would form a buffer between the hotel and our homes if put on the western side? Why not make the access road further east where 120 is straighter and where there would be less impact on residents and wildlife?

I am very concerned that our water supply would be contaminated by the leach fields proposed in the plans. I also have concerns about the water table with such a big development on the doorstep. We are finally making progress at returning to normality after the rim fire which devastated the area in 2013. The deer, bears and other mammals are returning. The creek at the bottom of the properties is starting to come back to life. It would be a shame if this hotel forced the wildlife to flee the area; it would be equally devastating if the water table was so low that future fires could not be controlled; it would be a terrible health hazard to humans and wildlife if all the wells in the area and the creek became contaminated.

Please do an environmental impact study to see if this development poses a threat to the private homes in the area and on the wildlife.

Thank you for your time and consideration of this development.

Regards, Susan Hollendoner

From: Mary Hollendoner <maryhollendoner@gmail.com>

Sent: Thursday, December 27, 2018 6:09 AM

To: Quincy Yaley
Cc: John Gray

**Subject:** Comments for Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003

I recently received a notification that you are considering building a large hotel on Sawmill Mountain Road, near Yosemite's Big Oak Flat entrance. (Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003.) I am a homeowner on Sawmill Mountain Road and would like to request that an Environmental Impact Report is conducted to address the impact of **significantly increased Sewage and Water**, before undertaking this project.

My 2 biggest concerns are:

**SEWER**: This will be an enormous amount of sewage pushed into our hill, from daily toilet flushings from hundreds of people. We need to understand the impact of this on our groundwater that we all drink daily, and on the creek at the bottom of our hill which houses salamanders and provides drinking water for countless animals (bears, bobcats, deer, etc).

The design plans show the leach fields on the West side of Sawmill road, next to all the private homes and near the creek. The developer should not be allowed to locate their sewer waste so that it washes into our houses, instead of their hotel! If they're going to create this enormous amount of sewage then they should be responsible for it in years to come - not to dump it at the edge of their property where it will all leach down into our groundwater. Please evaluate the option of moving the leach fields to the far East side of the development - as far away from the private developments and the creek as possible. We are all taxpayers and deserve the right to keep our groundwater clean. Who is responsible if/when our groundwater is destroyed?

Rush Creek has had several problems with their grey and black water - freezing sewage on the surface, terrible smells for miles, leaking sewage - so we know that their system did not work. Now that we know this - we need to ensure the same thing does not happen on Sawmill Mountain.

Finally, we consulted a sewage waste treatment expert. He pointed out that the **current sewage plans are only for 50 rooms**! The plans must be revised for the correct number of rooms (current proposal says 240 rooms) before any analysis or request for opinions is done.

#### WATER:

Similarly, the water supply would be in jeopardy from such a large additional user base. Particularly a hotel - where they will wash sheets and towels for hundreds of people almost every day. Not to mention drinking, showering, flushing, washing dishes in the restaurant, etc - it will require enormous water consumption compared to the current usage.

After the 2013 Rim Fire, and subsequent bark beetle infestation and drought, the land desperately needs all the water it can get. Please properly study the effect of this on our groundwater, the creek and the soil.

We recently spent \$15,000 digging a well and testing that water to ensure it's high quality drinking water - who is responsible to compensate us if the water dries up because of this development? For such a profit-driven enterprise, could they be required to bring in water from elsewhere as an alternative?

A few other points:

- Access: 1S03 (Sawmill mountain road) is a forest service road designed for public access to the national forest, not designed for commercial use. Please create a separate entrance from 120 into this hotel, rather than using this small access road. It is a dangerous turn from 1S03 onto 120 due to a blind corner even if you build in a new turn lane, there will still be a high risk for accidents if hundreds of out-of-towners, not familiar with the area or driving on mountain roads, are suddenly turning in and out of there every day. This compromises our, currently safe, neighborhood. Hwy 120 is straighter further East so would be much safer to build a new access road there and would make us residents much happier to work with you on this project. Currently, Sawmill Mtn road is so quiet local kids ride their bikes up and down it, we go for evening walks on it, we regularly see deers walking along it this development would transform the road from peaceful nature trail to busy road. Finally, Caltrans uses the road to get to their shed with heavy equipment, snow plows, etc they probably won't have time to respond to this request for comments due to your placing the time period during Christmas vacation.
- **Fire Danger**: As I'm sure you're aware, the Rim Fire burned right over this area in 2013, threatening life and property. This is a high fire risk area so putting a 240-room hotel in the area means **significantly increasing the risk of future fires** hundreds of non-residents walking around smoking, building campfires, throwing trash, not thinking about the land plus the sparks from campfires at the hotel and their cabins. We need to be reducing the fire risk, not increasing it! Also, you'd be putting ~500 more lives at risk in the next big fire that will burn through here. (And fires are more likely in the dry Summer which is peak visitation time for tourists).
- Easement: When we purchased our land, our realtor did a thorough analysis of the easements and history to ensure that the dirt road access from Sawmill Mtn Road was a legal easement. It has been in continuous use for over 70 years, but additionally she talked to experts at the County who said it's a legal easement. I notice Manly has labeled it an "encroachment" this language needs to be changed. Or, even better, do not use this road for access at all. At one of the meetings which I was not at, Mr. Bissell threatened one of my fellow homeowners saying that he'd make trouble for our access if we requested any environmental analysis I'm pretty sure this is not part of a correct legal process!
- Wildlife: I'm also concerned about the impact on the wildlife in this area. I regularly see deer walking peacefully throughout our properties there is so little traffic in this area that they have nothing to fear. We have bears living happily around us, Bobcats, owls, salamanders in the creek at the bottom of my property so many creatures that took time to return after the Rim fire are now finally returning. We don't want to make this area into a loud, busy area with people walking and leaving trash everywhere.
- Open Space: The "open space" requirement is being fulfilled to the East of the property why not put it to the West of the property so that there is some buffer between all of our houses and the new property? This would help to appease us residents we are currently feeling like we are being completely ignored in this process!
- Public Safety: Please analyze what will be the increased burden on public services like ambulance/fire/police/hospital/etc? Will you get increased budget to cover these increased needs, or will you be needing to raise property taxes?
- Archaeological sites: Please consider the impact on the many archaeological Native American sites in this area, when you do your study. There is an old native american "kitchen" (grinding holes) at the bottom of our property, for example. I don't know what may be on Manly's property.

Thank you for listening to my concerns. We are surrounded by National Forest and only a few miles from National Park - please take this seriously and do a complete study to ensure that this development can be built in a responsible way, not just for the benefit of commercial developers, but also for the land, the water, the air, the homeowners & visitors, and the animals who've been here long before any of us!

Thank you, Mary Hollendoner.

From: Margaret Hollendoner <mhollendoner@gmail.com>

Sent: Friday, December 21, 2018 1:41 PM

To: Quincy Yaley Cc: John Gray

Subject: Concerns about the Hansji development on Sawmill Mountain Road

Hello there,

I heard recently about the proposed hotel construction project on Sawmill Mountain Road, nearby to Yosemite's Big Oak Flat entrance (the Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003).

I am writing with some concerns since my family owns a home on Sawmill Mountain Road, and my understanding is that this large hotel project is planned without any environmental impact study. In particular, we rely on the groundwater for our drinking water, and the creek at the bottom of the hill for the rejuvenation of the area - particularly after the recent Rim Fire - and we have great concerns about the impact that the new, significantly higher volume of sewer waste and water consumption will have on these critical elements.

I am requesting that you begin a full study into the impact the additional demand on the water supply, increased sewage, as well as noise and traffic, will have on this area, for the residents, the groundwater and the nature and wildlife - many of which have just started returning after the Rim Fire. I believe it is critical to complete such a study before continuing with this planned development in order to keep the residents, visitors and additional tourists safe, as well as the wildlife here.

Thank you for your attention, Margaret Hollendoner

From:

Cristiano Pereira < cristiano.l.pereira@gmail.com>

Sent:

Friday, December 28, 2018 5:50 PM

To:

Quincy Yaley

Cc:

John Gray

Subject:

Concerns about the Hansji development on Sawmill Mountain Road

Re: Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003.

I am a full time resident of the Groveland community, a regular traveler between Groveland and Yosemite (thus a regular driver on the intersection of 120 and Sawmill Road) and a regular visitor to many properties on Sawmill Mountain Rd, where several friends own property.

While I am an advocate for economic development of small communities such as Groveland, I am also very concerned about the impact that large development projects have on the environment and the people living in the community. If not properly assessed and understood, I believe the impact can be detrimental to the waterbeds, where many in the community source their water. I am also concerned about the long term consequences that large disposal of sewage can have in the environment, especially on the busy seasons. And lastly but not least, the addition of a resort in the area will likely add more pressure to an already very crowded 120 highway, particularly during the busy months of summer and other popular seasons for visitors to Yosemite National Park.

With those concerns in mind, I would like to kindly request that the county officials apply the appropriate due diligence in conducting all necessary assessments, and thoroughly research the impact that such a project will have on both the environment and the community.

Sincerely,

Cristiano Pereira

Resident and Property Owner at Whites Gulch Rd, Groveland.

From:

Erin Lewis <erinlewis61@gmail.com>

Sent:

Thursday, December 27, 2018 5:34 PM

To:

Quincy Yaley

Cc:

John Gray

Subject:

**EIR Please** 

#### Dear Qyuincy Yaley,

I am writing to urge you to move forward with an Environmental Impact Report on an area off of HWY 120 where a large development is being planned. I'm aware that an EIR was done some time ago in this area, but that was before the Rim Fire greatly changed the area. I have been going to the area since I was a child with other families who all have great concern about this project going through without an update EIR going through. There are generations of families who call these mountains their special place and we would be devastated if the development of this piece of property goes through without this critical piece of the puzzle happening.

I hope that our request can be granted. Sincerely, **Erin Lewis** 

Sent from my iPad

From:

Bill Flanery < BFlanery@UMI1.com>

Sent:

Thursday, December 20, 2018 11:09 AM

To:

**Quincy Yaley** 

Cc:

John Gray

Subject:

Extension Request For Saw Mill Project

#### Quincy,

Good Morning and Happy Holidays. I am writing to request an extension for the project I am sure you are aware that due to the holidays the majority of people are traveling an unable to make this current deadline. Us homeowners in the area have concerns and would like time to address them. As you know we all just received the initial plans and found the deadline an unacceptable short response we are hoping this was not intentional. Please respond with a new extended fair date that gives us ample time to get our concerns answered. Please see my short list below.

- 1. Water Table Effect on Existing Owners
- 2. Waste Water Pollution Leach Field
- 3. Added Fire Danger More People = More Risk
- 4. Environmental Traffic Impact
- 5. Pollution
- 6. Soil Sediment Soil Impact
- 7. Anti-Trespassing Plan Thanks,



Bill Flanery
Plumbing Service Department / Superintendent
C. 510-246-5655 O. 408.232.9000
San Jose | Alameda | Rohnert Park

Did you know we offer 24/7 emergency repair and maintenance services for commercial HVAC systems? Call 1-866-SERV-UMI to speak with a HVAC Specialist today!

From:

Pat Pfeiffer <pat@pfeifferelectric.com>

Sent:

Thursday, December 20, 2018 12:57 PM

To:

Quincy Yaley; John Gray

Subject:

FW: Hardin Flat LLC/Hansji Co SDP18-003

**Attachments:** 

Hardin Flat LLCHansji Co SDP18-003.pdf

Quincy and John

Attached are my initial comments for the Proposed development at Sawmill Mtn, Hard copies to follow via USPS.

Thank you for your consideration

Sincerely

Patrick Pfeiffer

expected with the proposed project, and exact improvement requirements will be determined during the environmental review of the project.

- 5. Open Space zoning is located in the eastern portion of the project site, and adjacent to Highway 120. No disturbance of the Open Space is proposed with this project.
- 6. The Fire Resource and Assessment Program (FRAP) maps indicate that the habitat types found on the project site are Sierran mixed conifer (smc), montane hardwood conifer (mhc), and ponderosa pine (ppn), however much of the project site was impacted by the 2013 Rim Fire.

In accordance with Section 15063(g) and 15044 of the "State EIR Guidelines" as adopted by Tuolumne County, we are offering you the opportunity to comment this project. Please complete the following and return no later than **December 28, 2018**.

Staff Contact: Quincy Yaley, Assistant Director, Development

(209) 533-5633

gyaley@co.tuolumne.ca.us				
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PROPERTY OWNERS: All property owners within 2,000 feet of future public hearings. Due to the nature of the project, the typically required 1,000 foot notification requirement in Ordin 2,000 do not need to request future notification.	nis has be	en exp	panded	beyond the
AGENCIES/ORGANIZATIONS ONLY: Please indicate below hearings scheduled for this project or if you wish to receive environmental document prepared for this project. If you do assume you do <u>not</u> want notification of the hearings or the en	notification not indicat	n of the	e availa prefere	bility of the
Public Hearing Notification	Yes		No	
Notification of availability of the environmental document	Yes		No	
Signed by:				
Agency:	Date:			



# **COMMUNITY RESOURCES**

**AGENCY** 

DAVID GONZALVES, CBO

Director

Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads - Solid Waste

48 Yanev Avenue, Sonore Mailing: 2 S. Green Street Sonora, CA 95370 (209) 533-5633 (209) 536-1622 (Fleet) (209) 533-5616 (fax) (209) 533-5909 (fax - EHD) (209) 588-9064 (fax - Fleet) (209) 533-5698 (fax - Roads) www.tuolumnecounty.ca.gov

Date:

December 10, 2018

To:

Interested Stakeholder

From:

**Tuolumne County Community Resources Agency** 

RE:

Hardin Flat LLC/Hansii Corporation Site Development Permit SDP18-003

Assessor's Parcel Numbers: 068-120-060 and 068-120-061

The Community Resources Agency thanks you for your participation in the land development process in Tuolumne County. We value your comments and look forward to your continued participation in our planning process. This process provides information on your requirements and concerns to the applicant early in the review process. Involvement on your part can eliminate or minimize problems that could arise later.

We have received an application from Hardin Flat LLC/Hansji Corporation for Site Development Permit SDP18-003 to allow the development of Terra Vi Lodge, a master planned lodging development to include one hundred and forty (140) guest rooms, twenty five (25) 4-bedroom cabins, a market, a lodge, event space, and other support buildings. The project site consists of two parcels totaling 63.38± acres. The parcels are zoned C-K (Commercial Recreation) and O (Open Space) under Title 17 of the Tuolumne County Ordinance Code.

The project site is located at the northeast corner of the intersection of Sawmill Mountain Road and State Highway 120. The property is located on both sides of Sawmill Mountain Road (see attached map). A portion of Section 26, Township 1 South, Range 18 East. Supervisorial District 4.

Access:

Sawmill Mountain Road

Cul-de-Sac: No

Sewage Disposal Method: Private Sewage Disposal System (100% redundancy)

Water Source:

Private Wells (two)

Fire Hazard Rating: Very High

#### Additional Information:

- 1. Application materials and project maps are available at the Tuolumne County Planning Division website: https://www.tuolumnecounty.ca.gov/1158/Terra-Vi-Lodge-Yosemite
- 2. The project is comprised of various single, two- and three-story elements beginning at the northwest entrance of Sawmill Mountain Road and continuing northeast. The project will incorporate a LEED equivalent building program which will include Green building materials such as energy efficient windows, skylights, doors, insulation, roofing, lighting, plumbing, heating and cooling equipment, creating a comprehensive energy-efficient building infrastructure and envelope. Solar power panels will be constructed on the roofs of the buildings.
- Increased building separation, low building heights, high performance fire 3. extinguishing and alarm systems, surplus water storage, complete perimeter firefighting accessibility and a community emergency helicopter landing zone have been included in the proposed project to address wildfire issues.
- 4. Improvements to the intersection of Highway 120 and Sawmill Mountain Road are

December 20, 2018

John Gray, Tuolumne Co. Supervisor Quincy Yaley, Assistant Director, Development 48 Yaney Ave Sonora, CA 95370

Re: Terra Vi Lodge Yosemite

Dear Quincy & John,

My name is Patrick Pfeiffer I am a home owner on Sawmill Mountain (APN #68-340-17-0.). My property has been in the Pfeiffer Family since the mid 1960's when my grandfather purchased it from the Lewellen family. I am writing you today in opposition of the proposed project submitted by Hardin Flat LLC/Hansji Corp. SDP18-003 for accessors parcel numbers 068-120-060 and 068-120-061. My initial concerns are as follows.

- A.) Safety concerns for access and exit at Sawmill Mountain Rd. (Forest Service Rd. 1S03)
  - 1.) The entrance to and from the property on to highway 120 is near the peak of the hill. Visibility of east bound traffic at the exit point is very limited. Even with cutting the bank on the north side of the highway as proposed it will still be a very dangerous location to enter onto highway 120 headed east bound towards Yosemite.
  - 2.) Forest Service Rd. 1S03 (AKA Sawmill Mountain Rd.) is also used to access many back-country forest service roads where logging/thinning operations are an ongoing event. Adding another 250 plus vehicles to this road on a regular basis, along with the forest service, logging and current residence use will further increase the potential of a deadly accident on an already busy highway 120.
  - 3.) Per sheet L2 submitted by the Hansji Group visibility approaching Sawmill Mountain Rd., when traveling east bound, is almost non-existent until you are almost past Sawmill Mountain Rd. The concern is that arriving guest will overshoot the entrance and attempt a U-turn on highway 120, resulting in an accident or at the very least adding to traffic issues.
  - 4.) Increased potential for a forest fire is another major concern. 300 400 additional people in and around Sawmill Mountain during the summer months on a regular basis is an accident in the making. This past year watching the communities of Redding & Paradise burn was terrible. Let's be cautious in moving forward with a project of this scale. I believe consultation with Cal-Fire addressing these concerns is warranted to ensure the safety of all involved.

- B.) Environmental concerns.
  - 1.) California Spotted Owls are known to inhabit the Sawmill Mountain area. While not listed as a threatened or endangered they are listed as a "species of concern". Prior to a thinning operation adjacent to my property (Pre-Rim Fire) I was notified by the Forest Service of multiple nesting pairs of Spotted Owls and Great Horned Owls, near and around Sawmill Mountain. At that time the Forest Service outlined the precautions that would be taken to ensure that the nests and habitat would not be disturbed during the thinning operations. Since then we have experienced the Rim Fire which devastated much of our surrounding forest including the Manly property where the proposed development is to take place. I encourage the board of supervisors to require an environmental impact report to make sure the development is in compliance with USFW concerns for the California Spotted Owls and other species that inhabit the area.
  - 2.) Riparian zones may be impacted by the proposed development and its construction of septic/leach field installations. The leach fields are proposed to be situated at the top of a drainage that flows down through a series of closely situated meadows and finally a creek bed. This area is home to California Newts, Yosemite Frogs and other riparian life, some of which are listed as threatened or endangered. Again, I believe an environmental impact report should be required to protect our natural resources at the gateway to one of our most treasured national parks.
- C.) Disruption of current residences.
  - 1.) The proposed helicopter pad at the north side of the project is shown as emergency/personal use. While I appreciate the fact that this pad could possibly save someone's life in an emergency situation, I am concerned that it will be used for personal and/or "VIP Guest". This would be a disruption to the current residences of the Sawmill Mountain area. I would like the use of the helicopter pad to be for emergency use only.

Thank you for taking the time to review my concerns. While I can appreciate the Manly Family's right to develop their property, I hope that the county will take into account safety, the environment and respect for the existing community of the Sawmill Mountain area. This project should not be rushed through. I believe due diligence is in order, starting with an environmental impact report being completed as part of the process.

Best Regards,

Patrick T. Pfeiffer (APN #68-340-17-0)

**≅** (209) 533-5521 **■**(209) 533-6549

⊠ ajamar@co.tuolumne.ca.us

🕆 www.tuolumnecounty.ca.gov

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From: Krystal Patel [mailto:krystal.patel@innsight.com]

Sent: Thursday, December 27, 2018 3:57 PM

To: Alicia Jamar

Subject: Hardin Flat LLC/Hansji Corporation SDP18-003

Tuolumne County Board of Supervisors:

I wanted to have the attached letter reviewed and added to the file for the proposed hotel complex on Sawmill Mountain Road: Hardin Flat LLC/Hansji Corporation SDP18-003. We are concerned about the eventual plans and seek to learn more and have a full environmental report to review.

Please confirm receipt.

Thank you,

# Krystal Patel-Gandhi

Krystal.Patel@INNsight.com Skype: Krystal\_PatelGandhi Mobile: (650) 759-0529 Office: (415) 988-7972 x 104

**Fax:** (415) 988-7972

INNsight Hospitality Group

Management | Technology | Real Estate | Hospitality

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From:

David Ruby

Sent:

Friday, December 28, 2018 10:12 AM

To:

**Quincy Yaley** 

Subject:

FW: Hardin Flat LLC/Hansji Corporation SDP18-003

**Attachments:** 

Letter to County re Hardin Flat LLC-Hansji Corporation SDP18-003.pdf

Hi Quincy,

Forwarding to keep you in the loop – I don't see you in the email chain on this one yet.

Thanks, Dave

#### **David Ruby**

Junior Engineer / DBE Liaison Officer County of Tuolumne Community Resources Agency 2 South Green Street / Sonora, CA 95370 209.533.6629 office / 209.533.5698 fax

From: Tanya Allen

Sent: Friday, December 28, 2018 10:09 AM

To: David Ruby

Subject: FW: Hardin Flat LLC/Hansji Corporation SDP18-003

FYI-

Tanya Allen, P.E.
Engineering Manager
County of Tuolumne I Community Resources Agency
2 South Green Street, Sonora, CA 95370
(209) 533-5903 | (209) 533-5698 (FAX) tallen@co.tuolumne.ca.us

From: Alicia Jamar

Sent: Friday, December 28, 2018 9:25 AM

To: BOS Members

Cc: Carlyn Drivdahl; Sarah Carrillo; Tracie Riggs; David Gonzalves; Tanya Allen

Subject: FW: Hardin Flat LLC/Hansji Corporation SDP18-003

FYI

# Alicia L. Jamar

Chief Deputy Clerk of the Board of Supervisors of Tuolumne County



www.innsighthg.com

info@innsighthg.com

(415) 988-7972

December 27, 2018

Re: Hardin Flat LLC/Hansji Corporation SDP18-003

To Tuolumne County Planning Department:

INNsight Hospitality Group, LLC manages the Yosemite Westgate Lodge and Buck Meadows Lodge facility located at 7633-7649 Highway 120 in Groveland. We have received word of proposed Terra Vi Lodge on Sawmill Mountain Road. We request a full environmental review based on the land use of this massive proposed hotel complex. We feel that our far-flung corner of the county has not received the appropriate funds and resources over many years and we are concerned that any additional hotel developments may not be met by adequate county resources in terms of policing, utilities, and other goodwill efforts. For example, the inlet road off Highway 120 by our property has not been paved for many years, despite being a heavily trafficked corridor. We have had hotel guests who have tripped and fallen in potholes in the county road. We have complained about the derelict and abandoned gas station, which are both a hazard and an eyesore. Our understanding is that the owners of the gas station have not paid property tax in years, so how come this building has not been even red-tagged or scraped? We have people setting up illegal fruit stands at that gas station without a seller's permit and throwing rubbish inside of it creating a fire hazard.

Whatever the case, our corner of the county, due to the tourism and taxes generated as business operators deserve more attention from our representatives. With this said, we want to make sure that this proposed hotel complex will be met with the appropriate environmental assessment required depending on its ultimate land use. For example, this complex will add load on the land, what does that mean to the watershed? To the wildlife in the area? What does that mean to law enforcement? What does this mean to traffic patterns? Our area is unique and we would like to better understand the intended land use and how it will impact the environment.

Until such further points are considered with a written report submitted through the planning department which details the land use considerations and its impacts to our region and the economic impacts, positive and negative, to country resources and its taxpayers, we petition to object to any proposed hotel complexes in the immediate area, until further review.

Please submit this letter of consideration to the exhibit. Do not hesitate to contact our group at 415-988-7972.

Respectfully,

Krystal Patel-Gandhi INNsight Hospitality Group

# FITZGERALD YAP KREDITOR LLP

#### ATTORNEYS AT LAW

Michael J. FitzGerald\* Eoin L. Kreditor\* Eric P. Francisconi Lynne Bolduc George Vausher, LLM, CPA‡ Eric D. Dean John C. Clough Natalie N. FitzGerald David M. Lawrence David A. Kelly Stephen V. Kozak III Jodi M. Wirth

John M. Marston† Deborah M. Rosenthal Maria M. Rullo† Jeanine A. Scalero 1 Larry S. Zemant

Author's Email: drosenthal@fyklaw.com FYK ref# pending

#### December 28, 2018

#### VIA E-MAIL ONLY

Ms. Quincy Yaley, Assistant Director, Development Tuolumne County Community Resources Agency 48 Yaney Avenue, Sonora Mailing: 2 S. Green Street Sonora, CA 95370 OYaley@co.tuolumne.ca.us communityresources@tuolumnecounty.ca.gov

> Hardin Flatt LLC/Hansji Corporation Site Development Permit SDP 18-003 Re:

Assessor's Parcels Numbers: 068-120-060 and 068-120-061

Dear Ms. Yaley:

These comments are submitted on behalf of Jacqueline F. Courtney, Dan F. Courtney, Eric and Sarah Erickson, as well as other owners or residents in close proximity to the proposed Terra Vi Lodge Yosemite project ("Terra Vi Project" or "Project"). Their properties are located so that it will be directly impacted by the proposed development. They therefore have a strong interest in thorough and complete environmental review of the Project, so that both decision-makers and the public are fully informed of its potential impacts. As stakeholders, they have been excellent members of the community and have paid property taxes to Tuolumne County for many, many years. All of them are disappointed to have received virtually no communications or information from this developer prior to submittal of the application.

On December 10, 2018, the Community Resources Agency notified stakeholders of its intent to prepare an initial study for the Terra Vi Project and requested comments on the Project and the scope of environmental review. The stated purpose of the notice was to obtain the recommendation of all responsible and trustee agencies as to whether an environmental impact report or negative declaration should be prepared, and to give the public an opportunity to comment on the potential environmental impacts that should be considered in the initial study. Given the importance of the proposed Project, it is surprising the County gave only 14 days for comment, including the period between Christmas and New Year when many public agencies are closed or on holiday schedules. Rather than defer comments until later in the process, Mr. Courtney urges the County to consider comments submitted by interested stakeholders after the stated deadline of December 28, 2019.

# FITZGERALD-YAP-KREDITOR 111P

Ms. Quincy Yaley Tuolumne County Community Resources Agency December 28, 2018 Page 2

The application materials and maps available on the County Planning Division website offer limited information about the Tierra Vi Project. The descriptions are cursory or self-serving, and the exhibits are difficult to read. Nonetheless, on its face, the Project has the potential to cause multiple significant adverse impacts on the environment. These impacts are not mitigated by the prior environmental review conducted for site rezoning, and both the circumstances and law have changed since this review was completed. While the potential Project impacts are apparent, the design features touted in the Project Description are wholly inadequate to serve as mitigation measures.

Mr. Courtney expects the County will require submittal of the information discussed below from the Project applicant prior to preparation of the Initial study. As explained, the Project description reveals the potential for significant adverse impacts in each of the topic areas covered by the initial study. Mr. Courtney and his neighbors are happy to provide additional background information based on their personal knowledge of the area.

#### I. Aesthetics.

The natural beauty of the Project site is evident in the application photographs. Portions of State Highway 120 connected federal roads and national scenic byways. Yosemite Park is one of the most scenic areas in the country. The Project description states that the proposed architectural massing was designed to be "sensitive to [] neighbors and public views from SR120." However, the description does not explain how scenic vistas and viewsheds will be protected. No scenic corridors are delineated, and setbacks from parcel boundaries are minimal.

Although the majority of existing trees are apparently slated for retention, the site was heavily impacted by the 2013 Rim Fire and no restoration or screening is proposed. Retaining walls of an unspecified height are "proposed throughout the site," and their impacts have the potential for significant aesthetic impacts without careful mitigation. The application materials refer to defensible space, but do not calculate the amount and location of brush clearance required to protect 240 rooms of short-term lodging in a heavily wooded area with high fire risk. While the eastern parcel was impacted by the Rim Fire, the initial habitat recovery is typically rapid with species reintroduced within a few years. For aesthetic purposes, mandatory brush clearance is likely to prevent recovery of scenic views and vistas.

The Project proposes a "sewage treatment plant that will include sludge and aerobic biofilm reactors." The location of the plant is unclear, and its visual characteristics are not described. Well water will be treated and stored in tanks located "near the top of the knoll, approximately 80' above the hotel." Without additional information about locations and size, along with view simulations, it is not possible to confirm that impacts from the treatment plant and storage tanks will be less than significant. This is a highly sensitive aesthetic resource and the public is entitled to assurances that impacts will be mitigated to the maximum extent feasible.

Ms. Quincy Yaley Tuolumne County Community Resources Agency December 28, 2018 Page 3

#### II. Agriculture and Forestry Resources.

The proposed Project will replace 28 acres of mixed conifer forest containing ponderosa pines, white firs black oaks, and open mountain meadows with roads, parking lots, recreational uses, resort facilities, utilities and a large leach field for sewage treatment. Although the site was impacted by the Rim Fire, it remains adjacent to low-density residential development on heavily forested lots and National Forest lands. The Project will also bring tens of thousands of new overnight visitors to a remote forested area every year for the foreseeable future.

The initial study must consider whether the Project will result in the conversion of forest land to non-forest use or involve other changes to the environment that could trigger additional conversion from forest to non-forest use. In this case, the answer to both of these questions must be "yes." Even if damaged by the Rim Fire, the Project baseline must consider that it remained in forest use in a forested area. As more visitors are attracted to the area, pressure will mount to replace other forest areas with resort facilities. Timber removal in the area confirms the forest use, which will be entirely lost as a result of the Project. Project Site Plan TO.01 shows an open space easement over a portion of Lot 068-120-61-00, along with open space zoning, but does not address whether easement restrictions will also prohibit forest uses.

#### III. Air Quality.

Air quality is another significant issue, especially when gas-powered vehicles are brought into forested areas. Yosemite Valley, for instance, has adopted multiple restrictions on vehicular access for a variety of reasons, including air quality and forest health. Within the last week, the California Supreme Court underscored the need for careful and specific health analyses in evaluating air quality impacts. Sierra Club v. County of Fresno Case No. S219783 (Dec. 24, 2018, Cal. Sup.) in this case, air quality impacts in this sensitive and remote area are likely to have an adverse effect on forest and wildlife health, as well as human health. The Project description does not include any measures to reduce automobile usage in the sensitive area near Yosemite, despite the tens of thousands of cars that will be added to the local environment.

#### IV. Biological Resources.

Replacement of natural habitat with a intense hotel/motel use has the potential for significant adverse impacts on wildlife, sensitive plant species and movement corridors. Biological studies prepared for prior environmental review are too dated for use in connection with the Project, especially if they were prepared before the Rim Fire. Recent studies by qualified experts are required to determine if the Project will have a significant impact on biological resources, requiring preparation of an environmental impact report. The Project application describes the larger 36-acre parcel as "open space," and outlines a partial open space easement, but fails to describe any management activities to protect biological resources within these areas.

According to one of the property owners, Carol Manly, in 2001, the Property was heavily utilized by wildlife: "[l]ocal residents have previously testified before the South County Planning

# FITZGERALD YAP KREDITOR ILLP

Ms. Quincy Yaley Tuolumne County Community Resources Agency December 28, 2018 Page 4

Commission and The Board of Supervisors that California Spotted Owls landed right on their porches and that the area was literally crawling with wildlife." (5/4/2001 Manly Letter to County Planning Department.) Despite the Rim Fire, the Property retains the potential to support valuable wildlife and plant species.

#### V. Cultural Resources.

Tuolumne County has a long history of Native American occupation. Conversion of 28 acres of land to urban uses has the potential for significant impacts on cultural resources. Under AB 52, the County must consult with the appropriate National American tribes during the environmental review process, so as to minimize impacts to tribal cultural resources to the extent feasible. At a minimum, a Phase I cultural resources report is required to be completed before the initial study is prepared. Given the likelihood that cultural resources will be located on or near the site, significant impacts can be expected.

#### VI. Geology/Soils.

The Project proposed on-site well water production and sewage treatment, with a large leach field located upslope from neighboring homes. Soil capacity and condition are critical to the successful implementation of on-site utilities, especially at the large scale proposed for the Terra Vi Lodge. Information about geology and soils is therefore essential to understanding the Project's potential environmental impacts, and the availability of adequate mitigation measures.

#### VII. Greenhouse Gas Emissions.

The Project, consisting of 240 hotel/motel bedrooms, plus ancillary resort and conference facilities, will generate greenhouse gas emissions (GHG). The size of the Project, in a remote location, indicates these emissions will be significant, unless mitigated. Yet, the Project description does not commit to any level of GHC reductions or LEED certification. Instead, the application states vaguely that the Project "will incorporate a LEED equivalent building program" that will include choices from a menu of Green building materials. The description adds that solar panels will be constructed, but adds they will only be used to "augment" electricity provided by PG&E. In other words, the applicant offers no assurances the Project will reduce GHG emissions below business-as-usual, nor does it propose any level of energy efficiency or GHG emissions controls. Given the likelihood that the Terra Vi Project will bring new intensive development to a remote area, and encourage substantial new recreational uses, the initial study must conclude that Project impacts will be significant. An environmental impact report will be required to consider the effects of these emissions, in addition to the effect of cumulative emissions triggered by the Project.

#### VIII. Hazards & Hazardous Materials.

It is unknown whether the Project will dispose of hazardous materials during construction or operations. However, the Project will clearly expose people and structures to a significant risk

# FITZGERALD YAP KREDITOR (12)

Ms. Quincy Yaley Tuolumne County Community Resources Agency December 28, 2018 Page 5

of loss, injury or death involving wildland fires, due to its intensive urban construction in a wildland area and the proposed operation of a helipad to serve the resort and surrounding community. The risk of accident is substantial, in addition to the risk of fires triggered by helicopter operations and other equipment.

Wildfires are frequently set when access is provided into remote forested areas, either deliberately or accidently when sparks are generated by vehicles, cigarettes disposed of improperly or campfires incompletely extinguished. The Project application focuses on protecting the hotel/motel structures from burning, but does not address the increased potential for wildfires to be triggered by the tens of thousands of new visitors to the forested area.

#### IX. <u>Hydrology/Water quality</u>.

Based on the information in the Project application, it is impossible to determine whether the Project will impact existing drainage courses or wetlands. However, the Project clearly has the potential to adversely affect water quality and availability. It will utilize two existing on-site wells to provide all water for the 240-bedroom resort. Wastewater will be treated on site, and fire protection will be provided by a combination reclaimed, treated graywater and potable supplies. Black water will be disposed of through a leach field system located near the boundary of the Project, adjacent to existing homes. Considerable additional information is required to ensure the Project will not adversely affect the quality and quality of existing groundwater supplies, off-site wells and streams.

Additionally, it appears the specifications for the septic system and leach field are based on capacity for 50 rooms, not 240. Additional documentation is required to ensure the correct sizing is proposed. The plan for the leach field the flow shows it as travelling to the south, which is uphill. In reality, it would be to the north, directly into the neighboring properties' wells, meadows, springs and streams.

#### X. Land Use/Planning.

The Project introduces a high-density resort use into a remote forested area. Although described as a 64-acre property, in fact it consists of a 28-acre parcel zoned for commercial recreation and a larger 36 acres parcel containing a knoll and hilly terrain zoned open space. Within the commercially zoned parcel, the site plan shown that almost its entirety is covered by parking, buildings, manufactured berms, and pedestrian pathways. The remaining areas within the 28-acre parcel appear to be reserved for landscaped recreation and the proposed leach field. The open space area is described as part of the Project, its uses are undefined and no improvements are detailed.

The resort will have limited event facilities, including conference rooms and larger party spaces. However, the Project description states that food service will be available only to guests, partly to control the amount of food waste that must be disposed of on site. The initial study must

# FITZGERALD-YAP-KREDITOR 13.P

Ms. Quincy Yaley Tuolumne County Community Resources Agency December 28, 2018 Page 6

consider whether the proposed event space is consistent both with land use plans and the Project description.

#### XII. Noise.

The Project will cause a substantial permanent increase in ambient noise levels in the project vicinity above existing levels. The site is currently occupied by forest and meadow habitats. These uses will be replaced by a 240-bedroom resort, with a market, dining room, event facilities, pool and outdoor recreation. The initial study must consider baseline noise on the site and compare it to likely noise levels during construction and at full build-out. While resorts are not generally considered high noise generators, they are not usually constructed in such a remote undeveloped area. Adjacent residents and wildlife should be considered sensitive receptors for the purposes of evaluating ambient noise increases.

#### XIII. Population/Housing.

The Project will bring tens of thousands of new visitors to the area, requiring support services and housing. Assuming the Lodge is developed as a high-end resort with 240 bedrooms, it will need up to 500 employees. The Project application states the Lodge will incorporate offsite housing, including shuttle transportation. It is unclear whether the Project will construct housing for its employees or offer shuttle service from existing housing. However, in either case, the Project will general considerable demand for housing, especially affordable housing in the vicinity. The site plan proposes 30 employee parking spaces, with no on-site employee housing.

The initial study must consider the growth-inducing impacts of the Project, including its impacts on the availability and cost of housing, as well as other support services. If housing construction is proposed, due to a shortage of affordable housing, its impacts must also be considered. In many areas, resort workers cannot afford to live near their jobs, and must travel long distances for housing and neighborhood services.

#### XIV. Public Services.

The initial study must consider the availability of fire and police services, along with schools for employee children. medical care for guests and employees, and area parks to serve the Project. Unless the Project constructs and funds fire and police facilities, response times are likely to exceed accepted standards. By introducing the high-density resort into a remote area, the Project also has the potential to draw public safety resources away from existing development. Presumably, visitors will want to visit area parks, including Yosemite and Sequoia National Parks, which are already heavily used. The families of employees will need schools and other public services, which may not have capacity or be suitably located. The Project has the potential to cause significant gaps and reductions in public services, both quantity and quality.

# FITZGERALD YAP KREDITOR 11.P

Ms. Quincy Yaley Tuolumne County Community Resources Agency December 28, 2018 Page 7

#### XV. Recreation.

The Project will attract visitors who presumably want to experience the natural grandeur and beauty of Tuolumne County and the Yosemite area. As a result, use of existing parks and other recreational facilities are likely to increase by a significant amount. Unless additional facilities are constructed, and funding for existing facilities increased, the likelihood is that Project usage will cause existing recreational facilities to physically deteriorate. Yosemite, for instance, has removed lodging and limited daily traffic to protect its environmental and natural features. The initial study must consider whether the Project will exacerbate existing conditions and trends by increasing demand, and by bringing large numbers of new visitors to the area without adding new recreational facilities. If additional facilities are contemplated, the initial study must consider whether they are appropriately located and designed to avoid environmental impacts.

#### XVI. Transportation/Traffic.

The Project will impact the local transportation and traffic system in multiple ways. For instance, assuming eight trips per day per room, plus commercial and event uses, the Project will generate well over 4,000 trips per day. These trips must be accommodated on the surrounding road system, including Sawmill Mountain Road and State Highway 120. If these roads require widening, they improvements will be considered growth inducing, and mitigation is necessary. Weather impacts and secondary access must also be considered due to the location of the Project.

Traffic improvements, including road widening and intersection upgrades, must be evaluated. The proposed left turns onto Sawmill Mountain Road do not have adequate lines of sight, and have the potential to cause accidents. During peak hours, signals may be required, depending on other area traffic. All of these potentially significant issues must be evaluated and mitigated unless an environmental impact is prepared.

The initial study must also consider the environmental impacts of constructing a new resort in a remote and largely undeveloped area. The Project will not only generate trips, but is likely to generate more vehicle miles traveled (VMT) than would a resort located closer to existing development. Under new CEQA requirements, Project VMT must be calculated against the existing baseline to determine significance.

The initial study must also consider the round-the-clock nature of Lodge operations, including shuttle services for employees. The Project will only provide on-site parking for 30 employee cars, making a 24 hour shuttle essential for resort operations. Shuttle trips must be added to the Project VMT for a complete picture of Project impacts. Especially during the winter, the location of shuttle stops, timing and shelter will need to be considered as potential environmental impacts. The availability of overnight accommodations for employees caught in severe weather must be considered, depending on the number of times that local roads are impassible or temporarily blocked due to rain or snow.

# FITZGERALD YAP KREDITOR in

Ms. Quincy Yaley Tuolumne County Community Resources Agency December 28, 2018 Page 8

Parking ratios should also be evaluated. The Hotel will have 140 guest bedrooms, each with capacity for couples or families. The 25 cabins each offer four bedrooms, totaling 100 rooms with the capacity to lodge multiple guests. Yet, the Project site plan shows only limited parking with far fewer spaces than would be required for the proposed uses. If underground or a remote lot is proposed, it should be considered in the initial study.

#### XVII. <u>Utilities/Service Systems</u>.

The application proposes a septic system and 3-acre leach field for the entire Project, with all Project water to be provided through two on-site wells. The Project therefore requires multiple large-capacity septic tanks, complicated piping for the effluent distribution system and an extensive leach system located at the northwest corner of the property. Pressure dosing is required for dispersal within the leach field system, increase the potential for system failures. Large-capacity septic systems are highly regulated because of their potential for causing groundwater contamination, among other problems. In this case, the Project is entirely dependent on groundwater, stored in on-site tanks, obtained through two existing wells. The potential for contamination due to system malfunction appears high and unavoidable. The initial study must consider the potential for soil contamination, groundwater pollution and drawn-down of the existing aquifer as a result of well usage. Simply providing redundant capacity does not address contamination problems in the event of system failure.

Neighboring property owners are especially concerned about the location of the leach field near the property boundary, upslope of their homes. The initial study must demonstrate that contaminants from black water will not be dispersed off-site or absorbed into the groundwater table or an environmental impact report must be prepared due to this issue alone. Without this information, the public cannot be assured that the Project will not result in catastrophic environmental impacts to their soil and water supply.

#### XVIII. <u>Cumulative Impacts</u>.

The application shows the Project as occurring in two phases: the hotel and the cabins. It is unclear whether the leach field system is designed for both phases, or only the first phase. The County must consider all phases of the Project in the initial study.

The County also cannot ignore the three other Approved or Proposed Projects within roughly one mile of the Project, including the new and expanded Berkeley Camp which reportedly will accommodate up to 1,000 guests per day, the glamping development for 110 cabins on the remaining Manly-owned acreage south of Highway. 120 (APN 068-120-062 and 068-120-063), and 10,000 R.V.s proposed expansion for approximately 115 additional RV spaces and campsites at Yosemite Lakes.

# FITZGERALD-YAP-KREDITOR ILL

Ms. Quincy Yaley Tuolumne County Community Resources Agency December 28, 2018 Page 9

#### CONCLUSION

These comments are based on the limited information available in the Project description, in the interest of ensuring the initial study covers all of the data required under CEQA. Even from these preliminary concerns, it is virtually inconceivable that the Project can be approved without a full environmental impact report. The Project raises serious issues with respect to each of these areas of environmental concern, demanding a full-scale investigation and complete mitigation measures.

These preliminary comments also raise a serious question about the proposed location for the Terra Vi Lodge Yosemite Project. The Project proposes urban densities in a remote forested area, with limited or no public services. Although the Project contemplates eventual public ownership of the utilities, the large-capacity septic system and 3-acre leach field are not typical for the proposed densities or as a public system. Recent fires have focused attention on the costly error in locating urban uses in remote wildland areas, despite the market demand for these developments.

Very truly yours,

Deborah M. Rosenthal, FAICP

Yeard The Lounted

cc:

Mr. Dan F. Courtney Mr. Eric Erickson

From:

Taryn Vanderpan

Sent:

Monday, January 07, 2019 9:15 AM

To:

**Quincy Yaley** 

Subject:

FW: management firm email for the proposed resort for Hwy 120 and Sawmill Mountain

Road

FYI

Taryn Vanderpan Administrative Assistant Community Resources Agency County of Tuolumne (209) 533-5635

----Original Message-----

From: John Hammond [mailto:jhammond2112@gmail.com]

Sent: Friday, January 04, 2019 7:34 PM

To: CRA Inbox

Subject: management firm email for the proposed resort for Hwy 120 and Sawmill Mountain Road

Might I inquire as to the management company for the project? I think this will be a very successful endeavor and great for groveland.

From:

Sybil Anderson-Adams <sybil.andersonadams@yahoo.com>

Sent:

Friday, December 28, 2018 3:53 PM

To:

Quincy Yaley

Cc:

John Gray

Subject:

Fwd: Terra Vi Lodge, Proposed Hotel Complex

Resending due to incorrect email address......

Sent from my iPad

Begin forwarded message:

From: Sybil Anderson-Adams < sybil.andersonadams@yahoo.com >

Date: December 28, 2018 at 10:10:53 AM PST

To: <a href="mailto:qyaley@co.tuolomne.ca.us">qyaley@co.tuolomne.ca.us</a>
Co: <a href="mailto:jgray@co.tuolomne.ca.us">jgray@co.tuolomne.ca.us</a>

Subject: Terra Vi Lodge, Proposed Hotel Complex

Quincy Yaley, Assistant Development Director

Cc: Supervisor John Gray

Mr. Yaley and Supervisor Gray:

I am writing with concerns about the proposed hotel complex at Sawmill Mountain Road, on Highway 120. First of all, I was quite taken back by the timing of the notice for public comment, occurring during a period when families often travel and are otherwise distracted by holiday preparations. It makes me wonder who or what is the driving force behind this project. Why not wait until January when residents are back to their normal post-holiday routines and have a more reasonable timeline to comment?

Secondly, I have concerns about the lack of an EIR for this area. My father bought property off of Hells Hollow Road in 1977 and completed building a second home in 1979; our family has visited this area since 1960. I am very familiar with Groveland as well as the Highway 120 corridor between Groveland and the Yosemite border; I have fished the forks of the Tuolomne River and hiked the surrounding areas. Sawmill Mountain Road provides access to the middle fork of the Tuolomne River. I realize some of this area was devastated by the Rim Fire but nature has a way of restoring itself if we humans let it. Please investigate the impact this hotel would have on the surrounding environment.

Finally, the town of Groveland is historically significant and a gateway to the Highway 120 corridor. Please find a way to keep it thriving.

A concerned property owner and tax payer, Sybil Anderson-Adams 9825 Shortline Road, Groveland 2892 Estates Drive, Aptos, CA Sent from my iPad

From:

John Gray

Sent:

Monday, December 24, 2018 5:52 PM

To:

David Gonzalves; Quincy Yaley

Subject:

Fwd: Terra ViLodge

This is one of the issues that will need to be satisfied. We need to be ready to quantify what dollars are already contributed to GCSD for fire and ambulance . Additional money comes with TOT and Property taxes. John

Sent from my iPhone

Begin forwarded message:

From: Janice Kwiatkowski < janicekowski@gmail.com>

**Date:** December 24, 2018 at 1:25:45 PM PST **To:** John Gray <JGray@co.tuolumne.ca.us>

Subject: Terra ViLodge

Hello Supervisor Gray,

This is Janice Kwiatkowski, a homeowner in PML and would like to address the new proposed development.

I am writing as a constituant regarding the Fire Department and Ambulance services that will be needed if this developement should come to fruition.

I have learned that the Rush Creek Lodge has the use of GCSD for their emergency issues regarding Cal Fire and the Ambulance Services that Groveland property owners pay for with OUR property tax while the County collects all the property tax for Rush Creek.

As a constituent and tax payer I am writing to say I don't want to pay for someone outside of our Big Oak Flat / Groveland area to utilize and drain the services that we pay for.

Janice Kwiatkowski

Pine Mountain Lake, Groveland, CA.

From:

John Gray

Sent:

Monday, December 24, 2018 6:12 PM

To:

David Gonzalves; Quincy Yaley

Subject:

Fwd: Comments for Hansji development on Sawmill Mountain Road

More

Sent from my iPhone

Begin forwarded message:

From: Brian Ng < brianng.ca@gmail.com > Date: December 24, 2018 at 10:40:47 AM PST

To: Quincy Yaley < QYaley@co.tuolumne.ca.us >, John Gray < JGray@co.tuolumne.ca.us >

Subject: Comments for Hansji development on Sawmill Mountain Road

Hello friends of Tuolumne County,

It's come to my attention that the application from Hardin Flat LLC/Hansji Corporation for Site Development Permit SDP18-003 may be proceeding without an environmental impact study. This is concerning for my wife and I as regular visitors to the Sawmill mountain area.

#### We are concerned about:

- A dramatic increase in water use in an area that is still recovering from the devastating Rim fire and drought.
- Sewer waste provisions and waste management, as many of the currently residents draw drinking water from deep wells.
- Wildlife and surrounding National Forest impact with the increase in traffic and noise.

We as friends and patrons of Tuolumne county and the National Forest system would like to see the results of an independent environmental study on the potential impacts before continuing with the project.

Warm regards, Brian Ng and Julia Ra

From:

Shawn Conlan <sconlan@aol.com>

Sent:

Friday, December 28, 2018 10:02 AM

To:

Quincy Yaley; John Gray

Subject:

Fwd: Hardin Flat LLC Hansji Corp Site Development permit SDP18-003

**Attachments:** 

11370 Sawmill Mtn Rd Gerald Cathey SDP18 003.pdf

With the attachment this time.

----Original Message----

From: Shawn Conlan <sconlan@aol.com>

To: qyaley <qyaley@co.tuolumne.ca.us>; jgray <jgray@co.tuolumne.ca.us>

Sent: Fri, Dec 28, 2018 9:58 am

Subject: Hardin Flat LLC Hansji Corp Site Development permit SDP18-003

Dear Ms. Yaley,

Attached is a letter of opposition to Site Development Permit SDP 18-003 from Gerald (Jerry) Cathey the owner of 11370

Sawmill Mtn. Rd. He has asked me to forward this letter to you as he does not have email. Thank You

Shawn Conlan

831-320-3671

for

Jerry Cathey

408-267-9570

· Ng -			

December 27th, 2018

Quincy Yaley, Assistant Director, Development

**Tuolumne County Community Resources Agency** 

48 Yaney Avenue, Sonoma 95370

Email: qyaley@co.tuolumne.ca.us

RE: Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003

#### Dear Mrs. Yaley:

This letter is in opposition to the planned development along Sawmill Mountain Road (Site Development Permit SDP18-003). I am the owner of 11370 Sawmill Mountain, Groveland my name is Jerry Cathey, and my property is located in the residential area across Sawmill Mountain Rd from the proposed development. I have owned the property at 11370 Sawmill Mountain Rd since 1976. First, I oppose this project based on the effect it will have on the water table. Secondly, the size and location of the sewage disposal system and the adverse effect it will have on the surrounding property owners. Lastly, the size of the project will bring a lot of cars and people to this small area.

My opposition to the project is based on the size of the proposed development and the effect the project will have on the water table from the amount of water that will be used, I believe that the water table will be overdrafted and that the new well on my property will be affected, my well is approximately 1500' from one of the proposed new wells. In September 2015 I drilled a new well on my property to replace a shared well. The shared well could no longer supply enough water to service the three homes it supplied due to a declining water table. My new well had to be drilled to 700 feet and supplies just enough water for a single home. The attached well log shows that the water table in this area is located in very small one foot fractures in the granite rock. I believe the amount of water used by this project will overdraft this water table and cause my well and the other neighboring wells to fail. I request that the Tuolumne County Community Resources Agency require the developer to study the effects of the proposed development on the water table and prove that it will not overdraft the available amount of water to my property and the surrounding properties.

In addition to the overdraft of the water I am concerned that the amount of sewage generated by the project cannot be adequately absorbed by the planned leach field and that this will also affect the water from my well. Also, the location of the leach field is planned to be adjacent to the residential development in this area which could adversely affect the existing residential cabins especially when the ground is saturated from rain and snow causing it to smell like a sewage around the project. I request that the developer be required to show that the proposed sewer disposal system will not adversely affect the water table or cause surrounding property owners to smell sewage.

Lastly, I am concerned that the size of this proposed development will bring a lot of traffic from cars and people to this small mountain area. My property is next to the forest service property on two sides.

Traffic at the intersection of highway 120 and Sawmill Mountain Road will become unsafe. The number

of guests coming to the proposed development will cause people to be walking around the surrounding area and trespassing on my property, upsetting the peaceful private atmosphere that currently exists.

For the above reasons I request that the developers be required to study the effects of this proposed project on the water table that currently exists, the effect of the proposed sewage disposal system on the surrounding property owners and the additional traffic from cars and people on this small mountain area. I believe the only way my concerns can be addressed is via a full Environmental Impact Report (EIR) and I request that the County require that an EIR report be completed before approval of this project.

Sincerely, Gerald Ceathey

Jerry (Gerald) Cathey, Owner

11370 Sawmill Mountain Rd, Groveland

Mailing address

1913 Ellen Ave, San Jose, Ca 95125

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Attach additional information, if it exists,
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IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM



# **COMMUNITY RESOURCES**

# AGENCY

DAVID GONZALVES, CBO Director

Administration - Building -- County Surveyor - Engineering -- Environmental Health -- Fleet Services -- GIS -- Housing -- Planning -- Roads -- Solid Waste

48 Yanev Avenue, Sonori Mailing: 2 S. Green Stree Sonora, CA 9537( (209) 533-5633 (209) 536-1622 (Fleet) (209) 533-5616 (fax (209) 533-5909 (fax -- EHD (209) 588-9064 (fax - Fleet (209) 533-5698 (fax - Roads www.tuolumnecountv.ca.gov

Date:

December 10, 2018

To:

Interested Stakeholder

From:

Tuolumne County Community Resources Agency

RE:

Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003

Assessor's Parcel Numbers: 068-120-060 and 068-120-061

The Community Resources Agency thanks you for your participation in the land development process in Tuolumne County. We value your comments and look forward to your continued participation in our planning process. This process provides information on your requirements and concerns to the applicant early in the review process. Involvement on your part can eliminate or minimize problems that could arise later.

We have received an application from Hardin Flat LLC/Hansji Corporation for Site Development Permit SDP18-003 to allow the development of Terra Vi Lodge, a master planned lodging development to include one hundred and forty (140) guest rooms, twenty five (25) 4-bedroom cabins, a market, a lodge, event space, and other support buildings. The project site consists of two parcels totaling 63.38± acres. The parcels are zoned C-K (Commercial Recreation) and O (Open Space) under Title 17 of the Tuolumne County Ordinance Code.

The project site is located at the northeast corner of the intersection of Sawmill Mountain Road and State Highway 120. The property is located on both sides of Sawmill Mountain Road (see attached map), A portion of Section 26, Township 1 South, Range 18 East. Supervisorial District 4.

Access:

Sawmill Mountain Road

Cul-de-Sac: No

Sewage Disposal Method: Private Sewage Disposal System (100% redundancy)

Water Source:

Private Wells (two)

Fire Hazard Rating:

Very High

#### Additional Information:

- 1. Application materials and project maps are available at the Tuolumne County Planning Division website: https://www.tuolumnecounty.ca.gov/1158/Terra-Vi-Lodge-Yosemite
- 2. The project is comprised of various single, two- and three-story elements beginning at the northwest entrance of Sawmill Mountain Road and continuing northeast. The project will incorporate a LEED equivalent building program which will include Green building materials such as energy efficient windows, skylights, doors, insulation, roofing, lighting, plumbing, heating and cooling equipment, creating a comprehensive energy-efficient building infrastructure and envelope. Solar power panels will be constructed on the roofs of the buildings.
- 3. Increased building separation, low building heights, high performance fire extinguishing and alarm systems, surplus water storage, complete perimeter firefighting accessibility and a community emergency helicopter landing zone have been included in the proposed project to address wildfire issues.
- Improvements to the intersection of Highway 120 and Sawmill Mountain Road are 4.

expected with the proposed project, and exact improvement requirements will be determined during the environmental review of the project.

- 5. Open Space zoning is located in the eastern portion of the project site, and adjacent to Highway 120. No disturbance of the Open Space is proposed with this project.
- 6. The Fire Resource and Assessment Program (FRAP) maps indicate that the habitat types found on the project site are Sierran mixed conifer (smc), montane hardwood conifer (mhc), and ponderosa pine (ppn), however much of the project site was impacted by the 2013 Rim Fire.

In accordance with Section 15063(g) and 15044 of the "State EIR Guidelines" as adopted by Tuolumne County, we are offering you the opportunity to comment this project. Please complete the following and return no later than December 28, 2018. Staff Contact: Quincy Yaley, Assistant Director, Development (209) 533-5633 gyaley@co.tuolumne.ca.us AGENCY: WOULD LIKE TO BE NOTIFIED. COMMENTS SEPARATELY. PROPERTY OWNERS: All property owners within 2,000 feet of the proposed project will be notified of future public hearings. Due to the nature of the project, this has been expanded beyond the typically required 1,000 foot notification requirement in Ordinance Code. Property owners within 2,000 do not need to request future notification. AGENCIES/ORGANIZATIONS ONLY: Please indicate below if you wish to be notified of public hearings scheduled for this project or if you wish to receive notification of the availability of the environmental document prepared for this project. If you do not indicate your preference, we will assume you do not want notification of the hearings or the environmental document. Public Hearing Notification Yes Notification of availability of the environmental document athey, GERAID LATHEY Agency: Community Resolved Acquiring This Y AV, Sowma SAWMI'M MIN Rd, Groveland S/Planning/PRC/ECTS/Site Development Permit/2018/SDP18-003 Terra Vi (Hardin Flat LLC)/Application Review/Advisory Agency, doc

1913 EULEN AVE, SAN JOSE, CA 95125

From:

Harry Patel <a href="mailto:harry.patel@innsight.com">harry Patel <a href="mailto:harry.patel">harry Patel <a href

Sent:

Thursday, December 27, 2018 9:34 AM

To:

**Quincy Yaley** 

Subject:

Fwd: Hardin Flat LLC/Hansji Corporation SDP18-003

### Quincy Yaley:

We received word of proposed Terra Vi Lodge on Sawmill Mountain Road. I own the Yosemite Westgate Lodge at 7633 Highway 120 in Groveland. I would like to better understand how this massive proposed hotel complex will impact our area. I would like to receive a copy of the environmental report detailing the impact to the watershed, traffic, environment due to the zoning change so I can review it.

Please confirm receipt of this email and acknowledgment of my concerns in any commission hearings.

I look forward to hearing from you.

Thank you,

Harry Patel Owner Yosemite Westgate Lodge

This email and any attachment(s) thereto, are intended for the use of the addressee(s) named herein and may contain legally privileged and or confidential information under applicable law. If you are not the intended recipient of this e-mail, you are hereby notified any dissemination, distribution or copying of this email, and any attachment(s) thereto, is strictly prohibited. If you have received this communication in error, please notify the sender via return e-mail at <a href="mailto:postmaster@innsight.com">postmaster@innsight.com</a> and permanently delete the original copy and any copy of any e-mail, and any printout thereof.

Thank You For Your Cooperation.

John Gray From:

Saturday, December 22, 2018 10:05 AM Sent:

David Gonzalves; Quincy Yaley To:

Fwd: Hardin Flat Project Subject:

Another one. Sent from my iPhone

Begin forwarded message:

**From:** Sam Flanery <samflanery@sbcglobal.net> Date: December 22, 2018 at 7:48:49 AM PST

To: Quincy Yaley < QYaley@co.tuolumne.ca.us >, John Gray < JGray@co.tuolumne.ca.us >

Subject: RE: Hardin Flat Project

Quincy & John,

We would like to voice our concerns over the Hardin Flat Project. We own the property at 11230 Sawmill Mountain Road in Groveland. We have owned and been paying taxes on this property for over 30 years.

We remember when the said property was rezoned, and at the time we were told it would be for a small RV park not a large resort. The two projects could not be more different; the proposed project has a hotel, restaurant, helicopter pad and grocery store. This in not what we were told would be happening to this land and this proposed project is unacceptable.

We have many concerns about this project and would like to outline just a few for you:

- 1. Sewage / Leach field: The proposed hotel is on a high side of a hill so the leach field will be bleeding into us. Rush Creek has had issues with this. What will stop this from happening here?
- 2. EIR: This should be required. The MND is old and not valid a lot has changed since this report was issued.
- 3. Road Entrance / Traffic: Easement Access
- 4. Security and Our Privacy: We are very concerned about people wondering back onto our property.
- 5. Fire: Increase chances with more people.
- 6. Water Supply: You will drain our water supply as it is non-sustainable.

As we mentioned we have owned this property for over 30 years. Besides us our children, grandchildren and many friends enjoy coming to our cabin, we enjoy being outdoors and spending quality family time together. It was rough for us to recover after the Rim Fire, we lost the majority of our trees from the fire and an out building. This project will destroy the peace and serenity we have at our cabin.

Sam and Helen Flanery

From:

John Gray

Sent:

Friday, December 28, 2018 9:55 AM

To:

**Quincy Yaley** 

Subject:

Fwd: Saw Mill Developement

Not reading them any more. Just passing them on .

John

Sent from my iPhone

Begin forwarded message:

From: "kathyp@exede.net" < kathyp@exede.net > Date: December 28, 2018 at 9:11:22 AM PST To: John Gray < JGray@co.tuolumne.ca.us >

Subject: Saw Mill Developement

Please make sure that all the EIR Reports are done on this before this project goes forward. It will have a huge impact on our community and should not be pushed through.

Thank you,

Kathryn Pritchard

From:

pierre d <pierre23@gmail.com>

Sent:

Thursday, December 27, 2018 7:09 PM

To:

**Quincy Yaley** 

Subject:

Fwd: Sawmill Mountain Road Environmental Impact Study

### Good Evening,

My godparents own a cabin just down the road from where this proposed project has been planned. My family has been lucky enough to travel into your County for decades to enjoy the country, tranquility and peacefulness that it provides. All of that now seems that it will be in peril.

It is very concerning that there is discussion of not preparing a new environmental impact report; and the possibility of using a previous one.

A project of this magnitude is most certainly going to have an affect on the surrounding area, residences, wildlife and forest. The California Environmental Quality Act was created to evaluate the significant environmental impacts of proposed projects and adopt all feasible measures to mitigate those impacts.

The ongoing drought, coupled with the fatal and disastrous wildfires our state has seen in recent years is a concern. These two devastating issues are not occurring every few years as they have in the past. The drought is now a constant struggle and these fires are now occurring multiple times a year. These items change yearly and cannot be accounted for in old reports.

The surrounding area's water sources will suffer, and the nearby homes and forest will be threatened by an overexposure to human traffic and waste with the development of this property. Both human traffic and waste will both bring the threat of contamination and exposure to toxic elements that will have a lasting affect on the area. Just recently in Crescent City, we have seen the impact of foot traffic on the forest itself. Litter, erosion of roots and trampling of plants are now a concern for the historic grove of trees in Crescent City, and this project will bring those concerns to the area.

Lastly, I would like to mention that using the existing Sawmill Mountain Road for an ingress and egress for this project is irresponsible. It is most certainly going to have an impact on those who live on that road. I believe the added traffic will degrade the road for the local residents and make it much more difficult to access the highway. This project most certainly needs its own entrance and exit a significant distance away from Sawmill Mountain road to contain it's guests to the property and not the surrounding residential roads.

It is our expectation that a new environmental impact report will be prepared to identify and mitigate any such issues that will arise from this project.

Respectfully,

Pierre, Megan and Dominic Delaye

# Peter Erickson 3108 Ascot Court Richmond, CA 94806

December 27, 2018

**ATTN:** Quincy Yaley

Assistant Director, Development

**Tuolumne County Community Resources Agency** 

qyaley@co.tuolumne.ca.us

RE: Site development Permit SDP18-003

**CC:** Supervisor John Gray jgray@co.tuolumne.ca.us

Dear Ms. Yaley,

Our family has owned a parcel adjacent to the proposed development since the mid-1940's. My great grandfather bought the property, my grandfather built the family cabin on the land. We have been a part of the local community, enjoying the South Fork, Middle Fork, Sawmill Mountain and the Groveland community for four generations.

We have reviewed the materials for this project on the County's web site at: <a href="https://www.tuolumnecounty.ca.gov/1158/Terra-Vi-Lodge-Yosemite">https://www.tuolumnecounty.ca.gov/1158/Terra-Vi-Lodge-Yosemite</a>.

We have also reviewed the December 10, 2018, memorandum to Interested Stakeholders from the Tuolumne County Community Resources Agency regarding this project.

These documents indicate that the County has completed its preliminary review of the project pursuant to CEQA and determined that CEQA applies to the County's approval of the project, that the project is not exempt from CEQA, and that the County must prepare an initial study as described in Public Resources Code section 21151 to inform its decision whether to adopt a Negative Declaration or prepare an Environmental Impact Report for the project. The memorandum to Interested Stakeholders indicates that the purpose of soliciting comments at this time is to assist the county in determining whether it should prepare the initial study or skip that step and proceed directly to issuing a Notice of Preparation of draft Environmental Impact Report, as described in Section 15063(g) of the State EIR Guidelines.

Please notify us immediately if our understanding of these matters is incorrect in any way.

We write now to urge the County to prepare an Environmental Impact Report for the project to evaluate the many significant and negative effects this project will have on the environment.

As governmental agencies, planning and zoning are compelled to work together to create community cohesion and lay the groundwork for responsible development. Good planning and zoning ultimately seek to avoid nuisances, not create them. The land the Hansji Corporation is proposing to develop was historically zoned Timber Production (TPZ) for almost a century. It was eventually sold and subsequently rezoned at the request of the new owner, Robert Manly, to Commercial Recreation (C-K) in 1991 after a contentious battle with local members of the area.

The 1991 County Board of Supervisor's decision to rezone this land created an inherent land use conflict by forcing the abutment of two wildly opposed zoning designations: Rural Residential and Commercial Recreation. This decision all those years ago, opened the door for the Hansji development today and thus, now puts the County in the position of having to defend and mitigate incompatible land uses.

The only other hotel development on this corridor is the 143 room Rush Creek Lodge which opened in 2016 and is a half mile from the Yosemite Park entrance. While it is likely the Hansji developer will point to Rush Creek as a precedent for the proposed development, it is not a precedent for the current proposal for many reasons. Rush Creek was built on the site of a small, decades-ago abandoned hotel, thus, the land use was compatible with its historic use. Further, there are not and never have been residences anywhere near or around Rush Creek. This remains true today. Additionally, it is well known that the approval of Rush Creek Lodge required an EIR and multiple mitigations in regards to site usage, size/scope, view shed, existing habitat, traffic, noise, etc. The Hansji project should require no less.

A project the size/scope of Hansji's proposed Terra Vi Lodge-Yosemite on Sawmill Mountain Road, is absolutely unprecedented up and down the Hwy 120 Corridor. For this reason, and others delineated below, I respectfully request that this hotel not be approved without a thorough study of the environmental impacts. Issuing a Negative Declaration or even a Mitigated Negative Declaration for this project would be environmentally irresponsible and legally insufficient. Only an EIR can truly vet the issues surrounding this project.

It is incumbent upon the County to recognize that the Hansji development leap frogs over any other development that has come before it in this area in both geographic location and size/scope. It sets a terrible precedent in regards to creating massive commercial developments on land with no supporting county infrastructure abutting historically residential areas. Without an EIR there will be no checks and balances, no consideration for the type of impacts the residential area and the entire community will experience.

At 240 rooms with an average of 3 people per room and at just 50% occupancy, a project of this size will bring, at the minimum, 130,000 people a year to a very remote area that will struggle to absorb the impact in terms of natural resources, infrastructure, county services etc.; it will specifically cause extraordinary impacts to rural residential area that only ever has fewer than a range of 1-30 people inhabit it at any given time. The nightly occupancy of the hotel has the potential to be the same size or larger than the population of the entire city of Groveland, especially in the summer.

The impacts of this project are unprecedentedly significant and should not be ignored. This is why an EIR is necessary. Specifically, the following areas of impact must be studied:

#### Increased Risk of Fire

Adjacent properties and the community as a whole, will see an increase in risk of fire ignition due to the large number of people who will be visiting this high fire area, specifically, tourists with little to no knowledge of the sensitive nature of being in this type of habitat.

While the hotel structure can be made with fire proof materials and defensible space created around it, the massive influx of people unfamiliar with fire danger, pose a very real and serious threat in regards to their behavior and lack of knowledge around fire safety; lit cigarette butts, unsanctioned campfires, illegal fireworks are all dangers this area faces every day, particularly in the summer, WITHOUT a hotel. Summer will be the hotel's busiest time and an increase in people means an increase in fire danger. There needs to be consideration for this and studies done about how such a large number of people in the area increases the likelihood of fire danger.

To further this point, CalFire is currently in the process of proposing a state policy recommendation that limits and/or disallows development in high fire danger areas so as to reduce the risk of fire as well as avoid creating dense populations of people who may lose their lives in a wildfire. The Camp Fire in Paradise, CA is a recent example. Here is a link to some information about this policy recommendation:

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The County needs to study the impacts of and take into consideration allowing development in high fire danger areas and do a risk assessment for potential loss of life and property. As we continue to have hotter and hotter weather, and less and less rain, planning and governing agencies need to be mindful and more responsible in choosing development projects; approving a massive project such as this in an area of such high fire risk is irresponsible decision making.

#### **Water Supply**

The homes that surround this development get their water from private wells. Because this development does not have access to County infrastructure such as water, it will also need to use wells to sustain their facility. The new meteorological normal that is now years of intermittent drought, suggests that a large development like this, puts nearby tax paying land owners in Tuolumne County at risk of losing their water. Water is more and more a fragile resource and this development will surely impact the neighboring homes' water supply, to suggest it won't is short sighted and, furthermore, cannot be proven. A complete study of the water source and how this development will impact existing properties' water supply needs to be done. What guarantees do neighboring residents have that the development will not drain the area of water? Without an EIR, it is not possible to even begin answering that question. Even with an EIR, it will be difficult. Nonetheless, the risk is there and it must be addressed.

#### Sewage

This site has no county utilities, not water or sewer. This means a special commercial sewage system needs to be created without county support. Those systems eventually fail, and when they do, what will the backup plan be? The plan does not show one. Furthermore, according to the proposal, Hansji intends to install a similar sewage system as Rush Creek Lodge. It is well known that the sewage system at Rush Creek is struggling with capacity and operational issues that are causing repugnant and hazardous spills of black/grey water. This gives area homeowners in the surrounding area grave cause for concern. How will our water supply and our overall environment be protected from these inevitable issues?

The current Hansji proposal shows leach fields that are directly adjacent to private property on a downhill slope that feeds a meadow and a spring below. That meadow contains wells for neighboring cabins fed by groundwater. At 1905 linear feet, the size of the leach fields for this type of development are not insignificant. Studies need to be done on what impact these fields will have in regards to potential contamination of current residents' water supply, as well the unpleasant impacts of off gassing and general foul odors. The risk of water supply contamination in existing wells is an impact that needs to be studied and addressed.

Further, in examining the Hansji site plan, the water flow directional arrow where the leach fields are proposed is not facing the correct direction. The arrow erroneously indicates that water flow in the area runs downhill toward Sawmill Mountain Road. This is simply false. One visit to the land to observe its topography, clearly reveals that the water flow this directional arrow indicates is gravitationally impossible. The arrow where the leach fields are proposed should be indicating westerly downward flow toward the meadow as, in reality, this is actually what happens. Because in the current site plan, the arrow is falsely indicating that water will flow uphill toward Sawmill Mountain Road, it would make it appear that the leach lines will have no impact on existing water supply. The fact is, water flow in this area is downhill and directly feeds local residences' water supply. At best, the arrow in this site map is negligent misrepresentation of reality, at worst fraudulent.

#### Socio-Economic Impact

The socio-economic impact of this project cannot be understated. This is a very remote, rural area that is accustomed to a mild amount of drive thru traffic on the way to Yosemite, as well as summer visits of campers at nearby Yosemite Lakes Resort. And that is all. The increased traffic, noise and congestion of at least 100,000 people a year converging on this small area is not to be underestimated. There needs to be thorough studies that will specifically examine how this number of people will impact the surrounding community and what those impacts will do to the small, quiet and peaceful community that currently resides in the area.

Furthermore, the occupancy rate of the hotels in the area does not suggest a lack of available accommodations for tourists, if anything, it suggests that there is plenty of available lodging, even in the summer months. An additional 240 rooms in the area will, no doubt, have a dire fiscal impact on the small local hotels and mom and pop B&B's in the area as it will siphon off customers who want accommodations closer to Yosemite. The hotels in Groveland and the small B&Bs along the 120 corridor will, no doubt, feel a significant impact of a large hotel with expansive amenities being built in the area. These small lodges simply cannot compete with the type of development that is being proposed.

These economic changes are likely to force many existing business to close, leading to vacant commercial buildings and physical blight.

### Archeological Value of the Land

There are several sites of archeological significance in the area surrounding the Manly property. I have attached a map of a survey done in 1990 that shows these nearby sites. I believe a similar study has been done on Manly's land, but because I am not the land owner, I do not have access to it. The land surrounding the Manly property has officially marked Indian grinding stones, etc. which would seem to suggest that the land in question might also have similar artifacts. There needs to be a complete study of the potential archeological importance of this land through a Cultural Resource Survey; all the proper government entities need to be contacted and involved in the cultural assessment of this land.

Additionally, the Me-Wuk band of Indians have considered this land sacred for generations. They collect medicinal plants and herbs from this specific area. The current proposal from Hansji has a section entitled "Historic Heritage" and it suggests they are working in collaboration with the Me-Wuk:

"The Southern Sierra Me-Wuk, originally lived in present Yosemite National Park and central western Sierra Nevada foothills in California. Through a collaborative effort with the Tuolumne Me-Wuk Tribal Council, their cultural heritage of the area will be celebrated in several meaningful ways as they may be permit. This could be done through visual displays both indoors and outside, as well as special educational programs available to the visitor."

In fact, the Me-Wuk have not been consulted in this regards to this project. An elder of the tribe specifically asked to be part of the process but, as of this writing, has not been contacted. At the very least, the Me-Wuk should be consulted but more so, an impact study should be done in regards to how this will affect a local Native American Tribe's ability to use the land.

#### Wildlife Habitat

This area is a significant source of food and habitat for the wildlife that live here and it is specifically used as a corridor by Mule Deer and other animals to get to the meadow below to feed. This development will completely cut off the access of this important corridor for animals and force them to find a new, and most likely more dangerous path.

In addition to being a significant and important wildlife corridor, the land in question is also known as a habitat for arboreal salamanders, spotted owl, mountain lion, bobcat (lynx), bats and pacific chorus frog. Many of these are on federal threatened/endangered lists. In fact, when this land was rezoned in 1991, the presence of the Spotted Owl was noted and yet, this was not considered and the land was rezoned anyway. More recently the area has been known to be habitat for the CA Newt, which is on the watch list of endangered species. A thorough study needs to be done to determine what type of endangered wildlife call this land home and how this development will impact their ability to continue to survive and thrive.

#### **Cumulative Effects of Other Developments**

The Hansji project is just one of several proposed future developments in this area, and to approve this project in a vacuum, without looking at the long term cumulative impacts amounts to irresponsible long term planning. Berkeley Camp, that was lost in the 2013 Rim Fire is being rebuilt, Yosemite Lakes in Hardin Flat is proposing an expansion and,

on the other side of Hwy 120 across from the Hansji development, also on Manly land, a "Glamping" development is being proposed. All of these proposals need to be weighed together to accurately assess the increased risks of fire, traffic, congestion, noise, infrastructure, public safety among other things. This project is just one among many that are being proposed, these projects will not only dramatically change the face of this area, but will also have lasting impacts that, by and large would be considered negative by the community. The impact of this one project needs to be studied as part of the whole in relationship to the other growth and development happening in the area.

#### **Public Safety Infrastructure**

In the proposal, Hansji offers a vague acknowledgment that the County is not equipped to take on the new and significant burden of such a large development, yet offers no solutions to addressing it:

"...we understand the additional impact a resort of this nature will have on the already stressed emergency services system. While we have planned infrastructure and preparedness programs to mitigate services and supplement first responder resources, we understand the challenges and look forward to the conversation and actions necessary to address the impact as a vested partner of this community."

Clearly, this project will create an undue and new burden on County Services that the County is not prepared for and that, it would appear, the County has no plans to address at this time. Fire, ambulance, sheriff services are miles away from this project. A study needs to be done to address how the County will not only support new development with services but what the impact will be with the increased demand.

#### Traffic and Congestion

This hotel development is going to create substantial traffic and congestion for both the surrounding community, and the residents of Sawmill Mountain Road, in particular. Sawmill Mountain Road, AKA Forest Route 1S03, is a government fire road easement that acts as an access road for the residents and, additionally, it provides forest access for seasonal campers and hunters. We question the wisdom and the legality of using this government road for commercial access. Additionally, the plan does not classify Sawmill Mountain Road as a cul-de-sac; this position needs to be reexamined. Once on Sawmill Mountain, the only way one can leave the area, is to turn around and go back the way they came. Sawmill Mountain may not be a typical cul-de-sac, but an argument can be made that it is one and, thus, the traffic impacts should be considered accordingly.

Having the hotel entrances/exits directly off Sawmill Mountain Road creates an undue and unfair hardship for the existing residents. This development will mean a massive number of cars and people will descend upon what is now, a very remote road leading to a zoned Rural Residential neighborhood, used primarily by the residents.

The site map submitted by Hansji shows an access on the east end of the property directly off Hwy 120. Why is this access not considered as the main entrance? Every other hotel establishment in the Hwy 120 corridor has its access directly off the highway, why is this development seemingly exempt from that?

Putting the access on Sawmill Mountain Road simply cannot be mitigated; it will create a substantial amount of traffic where, literally, none currently exists. Additionally, it poses potential hazards for residents from the number of hotel guests who will undoubtedly drive up Sawmill Mountain to "explore" the area and go sightseeing, doing so potentially in a reckless manner. Furthermore, as many of the residents are part time, they are left vulnerable to the risk of trespassing and theft by the mass of nearby visitors.

Lastly, the Hansji plan does not actually detail any real or meaningful traffic plan rather, as shown below, it indicates a plan to have a plan. Without a real traffic plan, there is no way to fully understand the complete scope of the impacts on the residents and the surrounding area:

"KdAnderson & Associates (KDA) has provided technical guidance to the project team regarding the design of the project's access to State Route based on the criteria contain in the Caltrans Highway Design Manual. This work has included identification of design standards for left turn channelization and evaluation of alternatives for highway widening to minimize off-site disruption. KDA has also advised regarding truck access and internal circulation design issues based on AASHTO truck and bus turning design standards."

There are no dedicated drawings, no supporting evidence or thoughtful amelioration or design. This paragraph above is the sole plan for traffic in the document. In its lack of detail, this portion of the plan seems incomplete and irresponsible.

#### **Encroachment vs. Access Road**

This plan indicates an "encroachment" on Manly's land that, in fact, is an access road that has been used by homeowners for decades to access their property below. In a conversation with the developer back in April, it was indicated that Manly had the right to shut that "encroachment" down, thus denying homeowners access to their property. This access to their properties needs to be protected and recorded.

#### Helipad

Proposing a helipad for emergency use and for "the surrounding community" is flat out absurd. This pad sits at the base of residents' driveway and is a visual affront to all property owners and, it is designed to be out of eyesight for the hotel guests, and with convenient and easy emergency response access. It would seem that every consideration for the placement of this helipad to benefit the project was taken into account, but the plans show no consideration for the impact on the property owners who live with it daily:

"The development includes a landing zone for emergency response helicopters for this site as well as the surrounding community. The proposed location is easily accessible from SR120 and Sawmill Mountain Rd and has an approach and departure that is clear of trees, buildings and overhead wires."

This is simply no mitigating the presence of a helipad for the area.

#### **Impact**

As tax paying residents of the County, we have the right to the peaceful, safe enjoyment of our property and to not be put at risk with a congestion of cars and people flooding our small area. Existing residents should not be so severely impacted and, in looking at this plan, completely not considered. This project puts our community at risk of fire danger, losing our water supply, contaminating existing groundwater, and forever losing the peaceful enjoyment of our property.

The Hansji proposal has taken into account every consideration to benefit the project but shows no consideration for those who will be most impacted by it, the residents of Sawmill Mountain. This is made painfully evident by the developer's description of the project:

"Set back from the 120 highway, the architectural massing builds from the initial 1-story General Store to the 2-story Event Center and ultimately to the 3-story Lodging accommodations."

As indicated, this plan shows more concern for the view from Highway 120, rather than how the surrounding neighbors' view is impacted. This one sentence is the most telling and is indicative of the developer's lack of consideration for the existing residents and the surrounding community overall.

How do you mitigate the 24 hour of presence of hotel lighting in an area where there is not even a street light? How do you mitigate the massive influx of car and foot traffic of 100,000 or more people per year descending on a small community of roughly 30 souls? How do you mitigate the permanent loss of a view shed that is solely comprised of emerging forest and distant mountains? How do you mitigate a helipad, literally, a few feet away from a County zoned Rural Residential

### Neighborhood?

The answer is you simply cannot. In addition to preparing an EIR, The County needs to seriously consider that this project is not compatible for the area and that, in fact, the zoning itself has created this problem.

Thank you for reading our comments, we appreciate your time.

Regards,

Peter Erickson 30300 Highway 120 Groveland, CA 95321

# Chelsea Ross 3108 Ascot Court Richmond, CA 94806

December 27, 2018

ATTN: Quincy Yaley
Assistant Director, Development
Tuolumne County Community Resources Agency
qyaley@co.tuolumne.ca.us

RE: Site development Permit SDP18-003

**CC:** Supervisor John Gray jgray@co.tuolumne.ca.us

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#### **Water Supply**

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meteorological normal that is now years of intermittent drought, suggests that a large development like this, puts nearby tax paying land owners in Tuolumne County at risk of losing their water. Water is more and more a fragile resource and this development will surely impact the neighboring homes' water supply, to suggest it won't is short sighted and, furthermore, cannot be proven. A complete study of the water source and how this development will impact existing properties' water supply needs to be done. What guarantees do neighboring residents have that the development will not drain the area of water? Without an EIR, it is not possible to even begin answering that question. Even with an EIR, it will be difficult. Nonetheless, the risk is there and it must be addressed.

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#### Archeological Value of the Land

There are several sites of archeological significance in the area surrounding the Manly property. I have attached a map of a survey done in 1990 that shows these nearby sites. I believe a similar study has been done on Manly's land, but because I am not the land owner, I do not have access to it. The land surrounding the Manly property has officially marked Indian grinding stones, etc. which would seem to suggest that the land in question might also have similar artifacts. There needs to be a complete study of the potential archeological importance of this land through a Cultural Resource Survey; all the proper government entities need to be contacted and involved in the cultural assessment of this land.

Additionally, the Me-Wuk band of Indians have considered this land sacred for generations. They collect medicinal plants and herbs from this specific area. The current proposal from Hansji has a section entitled "Historic Heritage" and it suggests they are working in collaboration with the Me-Wuk:

"The Southern Sierra Me-Wuk, originally lived in present Yosemite National Park and central western Sierra Nevada foothills in California. Through a collaborative effort with the Tuolumne Me-Wuk Tribal Council, their cultural heritage of the area will be celebrated in several meaningful ways as they may be permit. This could be done through visual displays both indoors and outside, as well as special educational programs available to the visitor."

In fact, the Me-Wuk have not been consulted in this regards to this project. An elder of the tribe specifically asked to be part of the process but, as of this writing, has not been contacted. At the very least, the Me-Wuk should be consulted but more so, an impact study should be done in regards to how this will affect a local Native American Tribe's ability to use the land.

#### Wildlife Habitat

This area is a significant source of food and habitat for the wildlife that live here and it is specifically used as a corridor by Mule Deer and other animals to get to the meadow below to feed. This development will completely cut off the access of this important corridor for animals and force them to find a new, and most likely more dangerous path.

In addition to being a significant and important wildlife corridor, the land in question is also known as a habitat for arboreal salamanders, spotted owl, mountain lion, bobcat (lynx), bats and pacific chorus frog. Many of these are on federal threatened/endangered lists. In fact, when this land was rezoned in 1991, the presence of the Spotted Owl was noted and yet, this was not considered and the land was rezoned anyway. More recently the area has been known to be habitat for the CA Newt, which is on the watch list of endangered species. A thorough study needs to be done to determine what type of endangered wildlife call this land home and how this development will impact their ability to continue to survive and thrive.

#### **Cumulative Effects of Other Developments**

The Hansji project is just one of several proposed future developments in this area, and to approve this project in a vacuum, without looking at the long term cumulative impacts amounts to irresponsible long term planning. Berkeley Camp, that was lost in the 2013 Rim Fire is being rebuilt, Yosemite Lakes in Hardin Flat is proposing an expansion and, on the other side of Hwy 120 across from the Hansji development, also on Manly land, a "Glamping" development is being proposed. All of these proposals need to be weighed together to accurately assess the increased risks of fire, traffic, congestion, noise, infrastructure, public safety among other things. This project is just one among many that are being proposed, these projects will not only dramatically change the face of this area, but will also have lasting impacts that, by and large would be considered negative by the community. The impact of this one project needs to be studied as part of the whole in relationship to the other growth and development happening in the area.

#### **Public Safety Infrastructure**

In the proposal, Hansji offers a vague acknowledgment that the County is not equipped to take on the new and significant burden of such a large development, yet offers no solutions to addressing it:

"...we understand the additional impact a resort of this nature will have on the already stressed emergency services system. While we have planned infrastructure and preparedness programs to mitigate services and supplement first responder resources, we understand the challenges and look forward to the conversation and actions necessary to address the impact as a vested partner of this community."

Clearly, this project will create an undue and new burden on County Services that the County is not prepared for and that, it would appear, the County has no plans to address at this time. Fire, ambulance, sheriff services are miles away from this project. A study needs to be done to address how the County will not only support new development with services but what the impact will be with the increased demand.

#### **Traffic and Congestion**

This hotel development is going to create substantial traffic and congestion for both the surrounding community, and the residents of Sawmill Mountain Road, in particular. Sawmill Mountain Road, AKA Forest Route 1S03, is a government fire road easement that acts as an access road for the residents and, additionally, it provides forest access for seasonal campers and hunters. We question the wisdom and the legality of using this government road for commercial access. Additionally, the plan does not classify Sawmill Mountain Road as a cul-de-sac; this position needs to be reexamined. Once on Sawmill Mountain, the only way one can leave the area, is to turn around and go back the way they came. Sawmill Mountain may not be a typical cul-de-sac, but an argument can be made that it is one and, thus, the traffic impacts should be considered accordingly.

Having the hotel entrances/exits directly off Sawmill Mountain Road creates an undue and unfair hardship for the existing residents. This development will mean a massive number of cars and people will descend upon what is now, a very remote road leading to a zoned Rural Residential neighborhood, used primarily by the residents.

The site map submitted by Hansji shows an access on the east end of the property directly off Hwy 120. Why is this access not considered as the main entrance? Every other hotel establishment in the Hwy 120 corridor has its access directly off the highway, why is this development seemingly exempt from that?

Putting the access on Sawmill Mountain Road simply cannot be mitigated; it will create a substantial amount of traffic where, literally, none currently exists. Additionally, it poses potential hazards for residents from the number of hotel guests who will undoubtedly drive up Sawmill Mountain to "explore" the area and go sightseeing, doing so potentially in a reckless manner. Furthermore, as many of the residents are part time, they are left vulnerable to the risk of trespassing and theft by the mass of nearby visitors.

Lastly, the Hansji plan does not actually detail any real or meaningful traffic plan rather, as shown below, it indicates a plan to have a plan. Without a real traffic plan, there is no way to fully understand the complete scope of the impacts on the residents and the surrounding area:

"KdAnderson & Associates (KDA) has provided technical guidance to the project team regarding the design of the project's access to State Route based on the criteria contain in the Caltrans Highway Design Manual. This work has included identification of design standards for left turn channelization and evaluation of alternatives for highway widening to minimize off-site disruption. KDA has also advised regarding truck access and internal circulation design issues based on AASHTO truck and bus turning design standards."

There are no dedicated drawings, no supporting evidence or thoughtful amelioration or design. This paragraph above is the sole plan for traffic in the document. In its lack of detail, this portion of the plan seems incomplete and irresponsible.

#### Helipad

Proposing a helipad for emergency use and for "the surrounding community" is flat out absurd. This pad sits at the base of residents' driveway and is a visual affront to all property owners and, it is designed to be out of eyesight for the hotel guests, and with convenient and easy emergency response access. It would seem that every consideration for the placement of this helipad to benefit the project was taken into account, but the plans show no consideration for the impact on the property owners who live with it daily:

"The development includes a landing zone for emergency response helicopters for this site as well as the surrounding community. The proposed location is easily accessible from SR120 and Sawmill Mountain Rd and has an approach and departure that is clear of trees, buildings and overhead wires."

This is simply no mitigating the presence of a helipad for the area.

#### **Impact**

The Hansji proposal has taken into account every consideration to benefit the project but shows no consideration for those who will be most impacted by it, the residents of Sawmill Mountain. This is made painfully evident by the developer's description of the project:

"Set back from the 120 highway, the architectural massing builds from the initial 1-story General Store to the 2-story Event Center and ultimately to the 3-story Lodging accommodations."

As indicated, this plan shows more concern for the view from Highway 120, rather than how the surrounding neighbors' view is impacted. This one sentence is the most telling and is indicative of the developer's lack of consideration for the existing residents and the surrounding community overall.

There is no way to mitigate the 24 hour of presence of hotel lighting in an area where there is not even a street light. You cannot mitigate the massive influx of car and foot traffic of 100,000 or more people per year descending on a small community next door. You can't possibly mitigate a helipad, literally, a few feet away from a Rural Residential Neighborhood

In addition to preparing an EIR, The County needs to seriously consider that this project is not compatible for the area and that, in fact, the zoning itself has created this problem.

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Regards,

Chelsea Ross

From:

Angie Norquist <angienorquist@verizon.net>

Sent:

Thursday, December 20, 2018 9:07 AM

To:

Quincy Yaley

Cc: Subject: John Gray Hansi Project

Community Resources Agency

Tuolumne County Hansjii Corporation Parcels 068-120-060 068-120-061

Quincy Yaley, Assistant Director-Development cc: Supervisor John Gray

Sawmill Road property owner Bill Norquist Parcel 068-540-016-000

I am very concern on what is happing in this area, THIS IS HUGE I have not received a EIR on this project and I would like a copy, Please.

### My Concerns:

- 1. The impact on the area, road, traffic, noise, liability, fire hazard safety to residence.
- 2. If the project goes through the capacity would be around 700 people using this road, this is a Forest Rd. not made for this amount of people and has this been approved by the Forestry?
- 3. Sewage and Drainage impact to existing residence affecting our water supply with a small well of 30 feet deep.
- 4. Wildlife in the area.
- 5. Archeological Site Me-Wuk Tribe.

These are a few of my concerns, you can send me a copy of the EIR to this Address: Bill Norquist 20137 Black Rd. Los Gatos, CA. 95033

Thank You, Bill Norquist

		:

From:

Sherral Morford <smptmft@att.net>

Sent:

Thursday, December 27, 2018 12:15 PM

To:

Quincy Yaley

Cc:

John Gray

Subject:

Hansji Developers

This self serving proposal smacks of complete disregard of our community's values. An EIR aside common sense dictates acknowledging the permanent destruction of natural forest, wildlife habitat, and the negative impact of a high density installation on traffic, residents, merchants, and property owners. I have had a negative experience with this group. They are pushy, will never be satisfied, and their intent to continue to develop will never go away . We were SMART to get rid of them when we did. PLEASE do the same.

**Sherral Morford Charlson** 

Lillaskog Lodge

Von meinem iPhone gesendet

From:

Lee Kuhn <leekuhn@gmail.com>

Sent:

Sunday, December 23, 2018 6:15 PM

To:

Quincy Yaley; John Gray

Subject:

Hansji development on Sawmill Mountain Road

Good afternoon,

For many years, I have come to the Sawmill mountain area and love it. I have learned about the proposed development of a large hotel construction without any study on the environmental impact of such construction, and I am very concerned about it. (Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003).

My main concern is the sewage increase (and the proposed sewer leach fields next to private homes), and the excess use of water on the land (which will impact fire recovery). Additionally, the construction of the hotel, close to the National Park, will negatively impact wildlife and the land (there will be heavy traffic, additional trash, additional fire danger with people smoking). Please examine whether there are alternatives and also environmental impact before you allow for this development.

Sincerely,

Lee Kuhn

December 26, 2018

Ms. Quincy Yaley Assistant Director, Development Tuolumne County Community Resources Agency 2 South Green Street Sonora, CA 95370-4618

CC: Mr. John Gray Board of Supervisors, District 4 Tuolumne County Administration Center 2 South Green Street Sonora, CA 95370-4618

RE: Hansji Site Development Permit SDP18-003, APN: # 068-120-060 and # 068-120-061

Dear Ms. Yaley,

I am writing in response to your request for comments on the Hansji Development application as an interested stakeholder. My parents own property on Sawmill Mountain and I would like to request future notification of any public hearings and receive all environmental documents prepared for this project.

A few of our neighbors and I met with you on May 14, 2018 with concerns about this project when we initially heard about it. The current proposal is nothing like we were originally told by the Hansji Development Company and the current plan seriously impacts the Sawmill Mountain Area. I left a voice mail for you last week about extending the deadline for comments beyond the holidays to allow more Groveland citizens, agencies, and affected businesses beyond the 2,000 feet notification area to reply. I hope you will be able to accommodate all who wish to provide feedback regarding this project.

My family has owned the Sawmill property since 1962 near the proposed development by Hansji Development Company. We have a number of concerns that should be addressed as the proposed development bordering long-standing residential lands and protected forest area will cause a significant adverse impact on the environment and surrounding properties.

### 1. Adjacent Property Access

Existing dirt roads and skid trails provide the only access to the 80 acres of residential properties and the approximately 15 privately-owned cabins immediately adjacent to the proposed development. About 25' of our access trail traverses a portion of the proposed development property and the developer has threatened that we may no longer utilize the driveway if we oppose the project. Without this trail, my family and the residents of the other privately-owned cabins would have no other access to our properties. Our only access to our properties is via Forest Route #1S03 which is maintained by the Forestry.

Note #8 located on Sheet V3 "NSPS Land Title Survey" of the Architectural section in the Hansji online proposal for the project refers to the aforementioned trail: "A dirt road and a gravel road encroachment have been located, no easements are recorded for these." This is inaccurate as this original dirt road / skid trail has been utilized with continuous use for over 70 years which constitutes a Prescribed Easement. We have no other means of access to our properties.

# 2. Development Traffic and Access

As described above, there are one-lane dirt roads and skid trails that provide access to our private property. Due to the limited existing road access via Forest Routes and the location of the CalTrans maintenance shed, I am concerned about Fire, County, Utility, and Forestry access, as well as the increased load on emergency services for such a massive development. Furthermore, the plans depict a dead-end cul-de-sac which poses a hazardous condition.

Currently the development plans have located the main hotel entrance off of Forest Route 1S03 which may be an oversight by a developer unfamiliar with how the area functions. Forest Route 1S03 is not designated as a road and it is not designated for commercial use; it is a Forest Route. Locating the entrance on 1S03 would subject all of the surrounding neighbors to overwhelming non-stop day/night traffic and congestion as well as create dangerous traffic problems when exiting the Sawmill Mountain Area onto Highway 120. We would not be able to safely turn onto or off of the Highway with so much hotel traffic directed onto our one-way dirt skid trails and driveways. I consider this an undue hardship to the residents of Sawmill Mountain Area that is immitigable and should not even be a consideration.

### 3. Development Size

From my review of the layout and beds available in each hotel room, I estimate that 1,303 guests could reside at the Terra Vi Lodge on any given night. This does not include babies/ toddlers in cribs or the use of roll-away beds, etc. The scale of the proposed development is far greater than other lodges in Groveland and along Highway 120. This development size is greater than both the nearby Rush Creek Lodge or Yosemite Westgate Hotel. The "mom and pop" bed and breakfast and average size hotels in the Groveland area will certainly suffer from a development of this scale and magnitude.

We understand that the County is evaluating proposals for the other portion of property across Highway 120 for "Glamping" sites, and an increase to the nearby Yosemite Lakes Resort. These and other proposed project increases cumulatively add such a massive scale to the neighborhood and should be considered simultaneously during the planning process and environmental review.

It also appears as though the Hansji Development is proposing more phases with future work not yet outlined in their online application. I would like to understand all of the proposals and comprehensive totals affecting our community.

#### 4. Overcrowding, Noise, Traffic, Crime

The Hansji development is endeavoring to make the biggest hotel possible for the most effective monetary gain. We will have over 1,300 hotel guests daily with a few hundred hotel staff driving to and from the site every day. Highway 120 and especially Sawmill Area should be studied to determine how much traffic can be handled safely. This project size appears to saturate a very small space with too much activity and noise generating activities, 24/7 traffic, a market, a pool, a two-story event center, bus stop, and delivery services. The area will be subject to overcrowding, crime, pollution, and cause a substantial increase in ambient noise to the peaceful surroundings. The size of the proposed development does not suit the size of the property, nor is there a need for such a large scale operation in a remote forest and undeveloped location. I see this project development as an unmitigated nuisance for the Sawmill Mountain Area.

In addition to vehicular traffic, the Hansji Development is proposing a helicopter pad which would contribute more noise and is currently located adjacent to our access driveway. This seems unsafe and unnecessary for this mountain location; there is already a helipad located nearby at Pine Mountain Lake. We maintain a quiet refuge on our private properties while enjoying the prevalent wildlife. Additional car traffic, delivery vehicles, human voices and noises, dogs barking, continuous lighting of the hotel grounds in a remote undeveloped area all pose threats to our wildlife that are unaccustomed to humans and frightened easily.

Furthermore, there are already two large hotels and plenty of other available sites within the area that could better absorb the influx of additional tourists. The entrance into Yosemite National Park will be inundated with an uneven distribution of traffic that may exacerbate existing traffic conditions; this entrance into Yosemite is especially treacherous in the winter and often closed. The proposed project would be better suited elsewhere.

## 5. Sewage Disposal and Water Supply

The Tuolumne County Environmental Health Division advises in the 1991 Initial Study that future development is required to address health issues including: provision of potable water, sewage disposal, and solid waste disposal.

The developer has obtained a permit for soil testing for septic and leach lines, and has proposed a location that may contaminate our shallow well that provides drinking water to our cabin. The proposed leach field for a 250 room hotel with toilets flushing constantly would significantly compromise the natural spring/stream that runs through my neighbor's meadow as well as our meadow which supplies our wells. Our well is shallow (only 68') and is fed by the stream/ spring that will be contaminated by sewage. We need to be protected from contamination of our wells and from septic leaching and odors.

As you may know, the recently-constructed Rush Creek Lodge on Highway 120 has had many issues with contaminated water, raw sewage flowing above ground, and odors. On July 13, 2018, I spoke with Robert Kostlivy, Tuolumne County Environmental Health Director, about such problems. He stated that the proposed Terra Vi Lodge system would be vastly different than Rush Creek, however my understanding from reviewing the proposal is that a standard septic system would be utilized. The size, scope, and location of this sewage system appear to be inappropriate and incompatible with the existing homes in the area. The leach fields as designed with sewage contaminating our existing water course and freezing atop the ground during winter months are a major concern.

#### 6. Fire Hazard

The General Plan Fire Hazard rating for the project site is stated as "extreme." We all just lived through the devastating effects of the massive Rim Fire, the drought, bark beetles, and the most recent Ferguson fire. Our water supplies are precious and scarce. The 1991 Initial Study states that the response time from "First Due Engine Company" is 20 +/- minutes. The Initial Study affirms that, "This project may create a significant adverse impact as far as the TCFD's and CDF's ability to provide fire protection within this area." The Initial Study states that a water storage facility must be provided that can hold a minimum 150,000 gallons of water *over and above peak domestic use*. The new development may require even more than this amount and will therefore seriously compromise or drain our precious water resources. In addition, we have been informed that the developer will need to dig over 15 wells, as well as supply water for the

proposed swimming pool. Currently, they have only recently dug two wells and I don't see further mention of additional water sources in the Hansji proposal. I am also concerned about attracting over 1,300 tourists to the site each day who may wander outdoors with cigarettes and potentially cause more fire danger to the area.

We were not able to renew our fire insurance after the Rim fire and this is a very serious concern for all of us on the mountain. No California insurance companies are providing fire insurance to this area as it has now been ravaged twice within a few years. The size of this development is a serious liability to the County and surrounding communities. Again, I do not believe a development of this size and scope should be located on Sawmill Mountain.

#### 7. Archeological Sites

The Tuolumne Band of Me-Wuk Indians has located both prehistoric and historic sites on my property and surrounding neighbor's property. These sites are within walking distance to the proposed development site; it is highly probable that there are cultural resources that may be impacted on the property. A new Cultural Resource Survey is required every ten years, and the Me-Wuk Cultural Development department requests that one of their Native American Monitors be present for the archeological survey. In addition, the area is harvested for medicinal plants by the Tribe Gatherer. They have stated that "this is a very important area and needs to be protected."

### 8. Wildlife, Habitat and Open Space

In the 1991 Initial Study, the Department of Fish and Game advised that a wild-life survey be conducted prior to proceeding with any project. The Forest Service has previously identified a Spotted Owl Habitat Area adjacent to the southern boundary of the property and is interested in the protection of the wildlife habitat of the parcel. The property also provides habitat for the Mule Deer, Bear, Mountain Lion, Bobcat (Lynx), Bats, Pacific Chorus Frog, Coyote, the Arboreal Salamander, and California Newt. Many are on the threatened/ endangered/ or California special concern list.

The habitat found was considered "third priority" wildlife area. In Chapter III of the 1991 Study, Implementation Measure LL of the General Plan requires that where a common habitat type located on a proposed development site is determined to be a third priority wildlife area, Open Space zoning shall be used to conserve 20 percent of the site or the entire habitat area, whichever is less. However, I do not see any mention of this requirement or mention of a wildlife study in the current development plan. This needs to be provided during the EIR and become part of the master development plan.

Additionally, the Central Sierra Chapter of the Audubon Society had reviewed the project in 1991 and they indicated concerns regarding loss of timber producing land, distance from the site to emergency services, impacts on wildlife, and aesthetic impacts to the Highway 120 corridor through the National Forest and into Yosemite National Park. Again, the impact to the animal habitats on site needs to be studied during the EIR.

The 1991 Initial Study determined how much area was to be designated and zoned as Open Space. A portion of the site also contains a year-round spring and several ephemeral drainages which lead to my water supply as well as my neighbors. Another portion was to be zoned O-1 to protect valuable riparian habitat associated with an intermittent stream in the southeast corner of the parcel. The Open Space must be preserved.

### 9. Geology/Soils

The Soil Resource Inventory indicates the erosion hazard is very high on portions of the site. The erosion hazard on the remainder of the site is rated high. Again, this is another critical component of a proper study and EIR.

### 10. Environmental Impact

A previous Initial Study was performed for this same property on June 25, 1991 and many significant issues were revealed 27 years ago. At that time, only a cell tower was proposed for the property and the Manly's themselves opposed the project. Much has changed in the environment over the past nearly three decades and the property should be adequately studied.

With over 240 guest rooms, 25 four bedroom cabins, 286 parking spaces, a helipad, bus stop, shopping market, large event space, multiple out-buildings, 1,300 guests and a few hundred support staff on site, the proposed development has increased in size from what we were initially told by the Hansji Company and does not suit the lot size, location, and is inconsistent with the character of our community.

In conclusion, it appears that there are many areas that require thorough review and appropriate report updates. I have outlined just some of the key areas that are concerning while there are many more that must be considered.

I write now to urge the County to prepare an Environmental Impact Report for the project to evaluate the many significant effects this project will have on our properties, the Sawmill Mountain Area, and the Groveland community as a whole.

Sincerely,

Nancy Constantino

Mrs. Rosalina George 2597 Aragon Court San Jose, CA 95125

December 26, 2018

Ms. Quincy Yaley Assistant Director, Development Tuolumne County Community Resources Agency 2 South Green Street Sonora, CA 95370-4618

CC: Mr. John Gray, Ms. Sherri Brennan, Mr. Randy Hanvelt, Mr. Evan Royce, Mr. Karl Rodefer Board of Supervisors
Tuolumne County Administration Center
2 South Green Street
Sonora, CA 95370-4618

RE: Hansji Site Development Permit SDP18-003 Assessor's Parcel Numbers: # 068-120-060 and # 068-120-061

Dear Ms. Yaley,

I am writing to provide comments regarding the Interested Stakeholder letter I received from the Community Resources Agency. Please continue to send me information and all reports pertaining to the Hansji Development application. I am very concerned about how this project will affect my property on Sawmill Mountain as well as the Groveland community.

My husband and I purchased the first piece of property from Raymond E. and Evelyn Marie Llewellyn's 80 acre homestead in 1962. The original historical farmhouse was where our cabin is currently and it was a one room home with a pot-belly stove. The Llewellyn family owned the entire 80 acre farmland and had horses, goats, chickens, pigs, their own vegetable garden and lived off the land for many years since the 1940's. They also owned Miner's Resort, the Buck Meadows Hotel, and the Buck Meadows Restaurant. They were there because that is where the water, creek, and beautiful meadow are located. There are prehistoric archeological sites dating back to the native Americans who lived on this land before us. It is beautiful. We spend every possible moment there in the mountains and raised our children to respect nature, wildlife, and the beautiful Yosemite National Park.

My husband was concerned that our property was landlocked because the rest of the homestead was still for sale at the time. He also purchased an easement that would allow us access should there ever be a problem when future property parcels were divided and sold. We have never had an issue as our neighbors respected each other and the beautiful forest that we have all inhabited for almost 57 years. The property is accessed by dirt /gravel logging skid trails and one-way driveways that we all share and maintain.

I believe the developer and the Planning Department should consider the Sawmill area and Groveland community as a whole entity while making decisions about the use of the Manly property. We all share the same small area and need to work together. I am hopeful and trusting that this process will seek to be fair and respectful to the Sawmill neighbors as some of us have been on the mountain since the 1940's.

It appears to me that the design has been developed without interaction or comments from my family or my surrounding Sawmill neighbors. I am also upset to see the overall size of the proposed hotel, the location of the main entrance off of the Forest Route that we all use to get to our homes, the size and location of the septic leach system which poses a problem for my well and water supply, the destruction of wildlife habitat and archeological sites, a helicopter area, a bus stop, and disregard for the beautiful, quiet, natural environment where we all make simple abodes and strive to enjoy the peaceful outdoors.

I feel that the proposed development is too large for the piece of property and does not fit in with the current usage of the surrounding properties. It creates noise and pollution by bringing in so many tourists to an area that already has ample hotels, camp grounds, lodges, and inns. The property was rezoned in 1991 and never should have been changed from the Timberland Preserve designation, due to the adjacent proximity to residential and National Forest properties.

We have been fortunate that when we dug our well, we didn't have to go very deep. We realize that we are fortunate to have our water and are careful to conserve as the resources are scarce in this area. The proposed location and size of the septic leach system poses potential contamination for our water supply and the watercourse that serves the animals that inhabit the area. In addition, the large quantity of water needed to sustain a project of this size may deplete our precious natural resource.

In addition to traffic, the Hansji Development is proposing a helicopter pad which would add additional noise and is located on the plans directly adjacent to our access road. This seems not only unsafe, but completely unnecessary. There is already a helicopter pad located at Pine Mountain Lake and close enough to this property. I fear that something like this would be misused and is unnecessary for our community.

This is not the best place to locate a hotel of this size. Hansji Corporation would be better off with a location that would provide public sewer, water, and utilities. We have heard that they have been looking at other properties that would better suit their needs. It seems they are greedy developers who are trying to force something onto Tuolumne County by promising monetary gains. I fear that if a monstrosity is built here, we will have to deal with the consequences and problems that will be created for generations to come.

In addition, I am especially concerned about the extreme fire danger we are currently in and the additional dangers a large development would add to the area. We nearly lost our beloved cabin in the Rim Fire. The firefighters camped out in our meadow and were able to save our structures; some of my neighbors were not as lucky. We were dangerously close to losing our place. We were also evacuated recently during the Ferguson fire. The area is so risky that my insurance company will no longer provide fire insurance. It is frightening to think about so many hotel guests in the area who can wander around the property, tossing cigarettes around, or

leaving trash that will contribute to fires, and/ or attract and pose danger to wildlife. This is a risk that should not be introduced or forced onto the Manly property parcel.

Finally, I have been a Tuolumne County taxpayer and have donated to the Yosemite Conservancy, the Wildlife Society, Yosemite National Park, and support various non-profit groups in Groveland for 57 years. I respectfully request that the County prepare a complete Environmental Impact Report for the project to evaluate the many significant adverse effects a project of this size will have on the environment and surrounding areas.

In conclusion, it appears that there are many areas that should be evaluated in detail before a huge potential mistake is made. I have seen many projects come and go and it is a terrible eyesore to see vacated, abandoned restaurants, hotels, and businesses that are currently along the Highway 120 corridor; we don't want to add to the blight. I have outlined just some of the key areas and many concerns to be adequately reviewed. We need input from the appropriate experts and agencies to provide us with key information that would reduce the impact to our properties, the Sawmill Mountain Area, and the overall Groveland community.

Sincerely,

Mrs. Rosalina George

Ms. Quincy Yaley Assistant Director, Development Tuolumne County Community Resources Agency 2 South Green Street Sonora, CA 95370-4618

CC: Mr. John Gray
Board of Supervisors, District 4
Tuolumne County Administration Center
2 South Green Street
Sonora, CA 95370-4618

December 26, 2018

RE: Hansji Site Development Permit SDP18-003
Assessor's Parcel Numbers: # 068-120-060 and # 068-120-061

Dear Ms. Yaley,

I am the granddaughter of Melvin and Rosalina George, who have owned property on Sawmill Mountain Road for 57 years. I have been visiting our cabin for as long as I can remember. I hope that Sawmill Mountain will continue to be an idyllic, quiet place for the rest of my life, and someday for my own family.

I am in opposition to the detrimental effects that the proposed Terra Vi Lodge development will have on the Sawmill Mountain Area. I am concerned about the development's negative impacts on Groveland and especially Sawmill Mountain Area. Just some of the anticipated consequences of the development include increased fire danger, traffic, crime, noise, and threats to the environment including air quality, water supply, archeological sites, and wildlife. Additionally, the development poses direct complications to our property in regards to water supply, sewage, and well systems.

However, I understand that these water issues will not only affect our property, but also the habitats of multiple threatened species that inhabit the area. For example, the proposed drainage and riparian zone that will be affected by the proposed sewer plans are inhabited by California Newts, which are on the watch list for endangered species in California.

The development also plans a YARTS bus stop, as well as a helipad. Not only will these contribute to even more noise, but create a major lack of security for our properties. I believe that having additional thousands of visitors on Sawmill Mountain is both dangerous and insensitive to the Sawmill Mountain neighbors and the environment. That said, I also believe that the huge proposed development accompanied with high numbers of guests and staff on Sawmill Mountain will create extreme fire safety issues. The Sawmill Mountain area has previously been burned in high fire danger areas during the Rim Fire and was again threatened in the recent Ferguson Fire. The Tuolumne County "Stakeholder Notification" pages even describe the area with a "Very High" Fire Hazard Rating. Therefore, I am deeply concerned about the safety of the inhabitants on Sawmill Mountain as well as the preservation of the environment.

I understand that there are several Archeological sites and prehistoric sites on the property and surrounding properties that should be considered and must not be disturbed. Because I do not have complete details on the scheme of these important sites, I would like to request that the County prepare a complete EIR including a Cultural Resources Report to investigate the property's sites.

Based on all of these negative effects on the area and environment, I am urging the County to prepare a complete Environmental Impact Report (EIR) for the project in order to evaluate the numerous, significant issues this project will generate. I urge you to consider the immediate concerns of the Groveland community and please keep me updated with future meeting and hearing dates for this proposal.

Sincerely,

Sophia Constantino

From:

Mini G <lgeorge567@gmail.com>

Sent:

Friday, December 28, 2018 3:40 PM

To:

**Quincy Yaley** 

Cc:

John Gray; Sherri Brennan; Randy Hanvelt; Evan Royce; Karl Rodefer

Subject:

Hansii Site Development Permit SDP18-003

December 28, 2018

Ms. Quincy Yaley

Assistant Director, Development

**Tuolumne County Community Resources Agency** 

2 South Green Street

Sonora, CA 95370-4618

RE: Hansji Site Development Permit SDP18-003

Assessor's Parcel Numbers: # 068-120-060 and # 068-120-061

Dear Ms. Yaley,

I am writing in response to your request for comments on the Hansji Development application for their proposed Terra Vi Lodge in the Sawmill Mountain Area. My family has owned property off of Sawmill Mountain Road since 1962 near the proposed Terra Vi development. The development would be located adjacent to remote residential lands and protected forest areas, threatening the environment, wildlife and well-being of surrounding property owners.

Our cabin has been the center of my most treasured childhood memories, and throughout my adult life, as well. My early experiences with the area's native wildlife played a large role in my pursuing a career in veterinary medicine. The thought of an enormous sprawling development being built in this peaceful, remote, undeveloped forest land is very disheartening.

First and foremost, the County must prepare and evaluate an Environment Impact Report. According to their plans, the lodge could host up to 1300 guests at any given time. The impact on the area's water supply, environment and native flora and fauna could be disastrous. The excessive noise/light pollution, sewage production, water use, and sheer numbers of visitors and traffic would be horrendous, as well.

In addition, Forest Route #1S03, which is maintained by the Forestry Service for public access, is the developer's proposed entrance to Terra Vi. This is a dirt road that we, and our neighbors, use to access our properties and I believe cannot be restricted in any way for commercial use.

In conclusion, I am strongly opposed to the Terra Vi Lodge development due to potential negative impacts including increased fire danger, traffic, crime, noise, and threats to the environment including air quality, water supply, archeological sites, and wildlife. Please forward any future notification of any public hearings and the environmental documents prepared for this project to me via email. I can also provide my home address if you prefer to mail the documents. Thank you for your attention to this matter.

Laura George, DVM

CC: John Gray

Sherri Brennan

Randy Hanvelt

Evan Royce

Karl Rodefer

From:

Angie Norquist <angienorquist@verizon.net>

Sent:

Thursday, December 20, 2018 9:23 AM

To:

Quincy Yaley

Cc: Subject: John Gray Hansjii Project

Community Resources Agency

Tuolumne County Hansjii Corporation Parcels 068-120-060 068-120-061

Quincy Yaley, Assistant Director-Development cc: Supervisor John Gray

Sawmill Road property owner Angelene Norquist Parcel 068-540-016-000

I am very concern on what is happing in this area, THIS IS HUGE I have not received a EIR on this project and I would like a copy, Please.

#### My Concerns:

- I. The impact on the area, road, traffic, noise, liability, fire hazard, safety to residence.
- 2. If this project goes through the capacity would be around 700 people using this road, this is a Forest Rd, not made for this amount of people and has this been approved by the Forestry?
- 3. Sewage and Drainage impact to existing residence affecting our water supply, with a small well of 30 fee deep.
- 4. Wildlife in the area.
- 5. Archeological Site Me-Wuk Tribe.

These are a few of my concerns, you can send me a copy of the EIR to this Address: Angelene Norquist 20137 Black Rd. Los Gatos, CA. 95033

Thank You, Angelene

From:

Zachary Wiedemann <zwiede@yahoo.com>

Sent:

Friday, December 28, 2018 2:25 PM

To:

**Quincy Yaley** 

Cc:

John Gray; Sherri Brennan; Randy Hanvelt; Evan Royce; Karl Rodefer

Subject:

Harden Flat Hansji Project

# Quincy,

I'm writing in regards to my concerns about the Harden Flat Project. My in laws have owned a property on Sawmill Mountain Road for over 30 years, and this project would be detrimental to the already fragile environment. A few of my major concerns are:

- 1. Our private property rights
- 2. Leach fields
- 3. Nighttime lighting, how can there be 24/7 lighting at this resort in an area where there are no street lamps.
- 4. Extreme fire hazards in an already burned area.
- 5. Environmental impact report. This report is imperative on a project this size in a burned area.

Thank you

Zachary Wiedemann

Sent from Yahoo Mail on Android

From:	Kevin O'Day < K_ODAY@msn.com>
Sent:	Wednesday, December 26, 2018 5:33 PM
To:	Quincy Yaley
Subject:	Hardin Flat LLC/ Hansji Corp. Site Development Permit SDP18-003

Dear Mr. Yaley,

I wish to provide brief comments and request notice of public hearings and notification of the availability of the environmental document prepared for SDP 18-003.

My name is Kevin O'Day and my family and I own property at 31555 Hardin Flat Road. My initial concerns on the proposed development at Sawmill Mountain Road relate to the massive size of the proposed development.

Specifically, I am concerned of the impact of the development on surrounding areas and the safety impact of traffic leaving the proposed development and turning left (eastbound) onto Highway 120. Sawmill Mountain Road intersects Highway 120 at the crest of a hill and increased traffic may present a significant safety impact to the surrounding community.

My contact information is:

Kevin O'Day 1359 Shelby Creek Lane San Jose, CA 95120

k oday@msn.com

Thank you.

Kevin

From: | lor <yosemitelor@yahoo.com>

Sent: Wednesday, December 26, 2018 11:09 AM

To: Quincy Yaley

Subject: Hardin Flat LLC /Hansji Corporation Site Development Permit SDP18 - 00 3 Assessor's

Parcel Number s: 068 - 120 - 06 0 and 068 - 120 - 06 1

I am not against reasonable growth - I am however opposed to the proposed location. Much of the beautiful forested corridor between here and Yosemite has been destroyed by fire. This particular area is a stretch of 120 that evaded that fate. I would hate to see that destroyed by this project. In any case an EIR needs to be completed before this project is given any further consideration. I also agree with those who believe that this project would primarily provide low paying jobs, therefore I believe any approval of this project should insure that sufficient low income housing would be available.

December 27 2018

Matthew Chapman 30445 Sawmill Mt.Road Groveland Calif.95321 209 962-0663 home 209 206 1706 mobile

Tuolumne County Community Resource Agency
RE: Development Permit SDP18-003
Assessor's Parcels 068-120-060/068-120-061
COMMENTS IN OPPOSITION

The proposed lodge complex is mischaracterized by two false factual assertions: (1) Tuolumne County falsely asserting no culde-sac; (2) the proponents of the development project falsely relating it as an eco-sensitive resort. Neither of those assertions could be further from the truth and the falsehoods that flow from those mischaracterizations permeate the whole proposal; an exercise in grand false propaganda.

The CK zoning of the Manly property in 1991 (then a single ±149 acre parcel) was justified by its relation to the highway 120 corridor per a then general plan premise. An apparent 20 foot Right of Access, available to the proponent to highway 120 lying east of the United States Forest Service road ISO3 goes unavailed by the proponents of the lodge. So, rather than a highway corridor CK enterprise, a USFS road ISO3 CK enterprise is proposed.

The Tuolumne County Community Resource Agency in falsely asserting no cul-de-sac has given undue consideration to the proponent to a furtherance in design, unrestricted by cul-de-sac limitations and relieving them of availing their highway Right of Access to further affect design contingent upon that access.

USFS road IS03 (commonly Sawmill Mt.Rd) as of 1965/66 is under the jurisdiction and management of the USFS, as a National Forest System Road. Various parties retain outstanding rights in IS03 dating previous to USFS acquisition, all the land owners north or the project site, as well as the Manly's have some measure of outstanding rights, measured by usage at the time of

USFS acquisition. Those rights do not include commercial use of the roadway; a Special Use Permit (see Code of Federal Regulation 36 §251.50 et esq.) would be required. Moreover as that usage is to access non-Federal Lands (the Manly Property) it must be shown that no other lawful commercial access is available, as stated above, an alternative lawful Right of Access does exists, the proponents refuse to avail it.

As it was not reasonabley forseeable in 1965/66 that a lodge would impact ISO3, and the stakeholders (this land owner one) in the two other easement segments of the ISO3 roadway would be subjected to unreasonable spillover by and thru such unforeseen development; ANY SPECIAL USE PERMIT WOULD IMPLICATE THE National Environmental Protection Act (NEPA). this necessary for the full and proper evaluation of the affect on all the current stakeholders in the use of ISO3; local landowners exercising their acquired ingress egress right, Public Forest user access, USFS administative usage, Cal Trans Highway, snowplow activity would all compete with hundreds of lodge users and daily suppliers at the same choke point; a cul-de-sac no less. A situation of an unmitigable nuisance is proposed by the proponent, an unmitigable bottleneck.

As to the professed "eco-sensitive resort" coming to the rescue of Rim Fire distressed land, the project is anything but; in avoidance of a lawfull Right of Access to the east along highway 120 the proponents have crammmed everything in and along USFS road ISO3 taking full adjuvantage of Tuolumne County assertion to no cul-de-sac. The eastern parcel of the two practically devoid of usage. They have developed the areas west of USFS ISO3 as a massive leach field, an area of direct watercourse to the historic Homestead and Native American meadow that provided the very subsistence of that Homestead. A meadow now circled with redidents dependant upon the shallow wells, wells and meadow subject to thousands upon thousands of daily gallons, year after year of septic black and grey water

inundation. Moreover any stench eminating from this leach field carried by the prevailing breezes from the south. There is no accounting for the performance of this leach field in winter conditions of ground saturation coupled with surface and underground watercourse activity of that natural watercourse It is not without significance that the downhill direction flow of this area of the leach field was falsely represented by project documentation..

Personal experiance with performance of the "state of the art" septic systems at Evergreen Lodge and Rush Creek has shown failures of major significance requiring trucking of sewage offsight, an overwhelming stench noticeable from the highway, an overwhelming stench in and around employee housing and an overwhelming stench in the very center of the commons area of Evergreen lodge. As Evergreen and Rush Creek are historic stand alone lodges these failures do not impact offsight landownwers as none exist, Terra Vi quite to the contrary is not a stand alone historic Lodge, it's CK status was impressed upon the local residants of upwards of a century of rural residential life by egregious and unlawful Tuolumne County actions. Terra Vi leach field and affect thereof should stand alone on the land they lease, land to the east unused, and/or along the highway corridor

The proponent in apparent pride of his falsely labeled "ecosensitive" boasts of only falling some 4-6 trees. His Ignorance and arrogance exposed and fully revealed.

The Manly's in 2015 entered into a Department of Forestry and Fire Protection program derived from the Calif. Forest Improvement Act of 1978; the Calif, Forest Improvement Program, CFIP. That CFIP contractual agreement encumbered the Manly property for \$34,224.00 for Forest Improvement. That Forest Improvement is represented by the hundreds if not thousands of immature trees spread over the subject parcels; to which the proponent apparently has no regard in plowing under for his declared

"eco-sensitive" lodge; apparently in his mind those aren't real trees, merely weeds on distressed Rim Fire land in need of purpose.

The Manly's certified under the terms of the agreement "that the parcel of Forestland to which the Forest Improvement Program applies will not be developed for uses incompatable with forest resource management within 10 years following the recording date". The Manly's further required under the terms of the contract to sign a Land-Use Addendum to this affect as a convenant running with the land with the Office of the County Recorder. This if the land was zoned other than TPZ. Which it was, as it was zoned CK.

However, apparently the Manly's falsely declared the land zoned AE (Agricultural Exclusive) a designation believed typicaly associated with Williamson Act contract to which the land was not apparently encombered by either. See CFIP Contract 8GG14302 Gregory Robert Manly see item 13 at pg.3 of 4, and CFIP Application at pg.1 of 3, also see CFIP Project Description pg. 1-4. The above contractual agreement apparently still in force and affect and satisfied by the State actions in fullfilment of the contract.

The CK zoning of the Manly lands (then a single ±149 acre parcel) was affectuated in 1991 upon notification of removal from Williamson Act contract, CK zoning becoming effective 10 years later in 2001.

That CK zoning was soley justified by the fact that the single parcel straddled the highway 120 corrridor.

Protest in 1991 by the Rural Residential 5 acre minimum neighboring properties asserting inconsistant/incompatable zoning was dismissed with promises that any future proposed CK development would address our concerns, NOW APPARENTLY NOT; comments from the Tuolumne county Community Resource Agency relate no such

consideration, expressing a bias as to how good the project would be for the County, a bias dismissing the in your face, unmitigable nuisance engendered thru incompatable zoning that the project presents.

It was Tuolumne County's action in 1991 that compelled upon Rural Residential 5 acre minimum lands the situation that now threatens their residential sanctity of an ongoing century, with inconsistant/incompatable zoning. Tuolumne County bears responsibility for opening the door to in your face, unmitigable nuisances inherant to this incompatable/inconsistant zoning allowing for a metropolis to situate next to Rural Residential 5 acre minimum lands.

Tuolumne county's irresponsibilty in failing to consider the ramification's of their inconsistant/incompatable zoning actions of the the single ±149 acre Manly land in 1991 was compounded in 2003 when Tuolumne County thru the actions and assistance of the County surveyor allowed for the blatant, unlawful parceling of that single ± 149 acre parcel into 4 parcels. This action was accomplished without an application for land division ever being submitted to the county. The action was a clear violation of the California Subdivision Map Act and the Tuolumne County law established pursuant thereto, current Tuolumne County surveyor derilict in failing to enforce the provisions of the State Subdivision Map Act "whenever" it is brought to his attention. See COMPLAINT UNLAWFUL LAND DIVISION (points 1-23) 8 pgs. and supplemental RECORD FILES (A-F). See also correspondence with County Surveyor, State board Land Surveyors, State Attorney General, District Attorney, Tuolumne County Grand Jury, Tuolumne Board of Supervisors.

The parcels upon which the lodge is proposed are patently unlawful, as are the remainding 2 parcels encompassing the original single ± 149 acre Manly land, all parcels being derived from the patently unlawful land division, the CK zoning of those

unlawful parcels equally unlawful. The unlawful land division must be rescinded, the lodge development project put in abeyance until if and/or when a lawful land division process is undertaken and the result of that lawful process is there to contemplate.

#### ATTACHMENTS SUBMITTED

- (1) CFIP CONTRACT 8GG14302 Gregory Robert Manly 28 pgs.
- (2) COMPLAINT UNLAWFULL LAND DIVISION (Points 1-23) RECORD FILES A-F CORRESPONDENCE
- (3) CODE OF FEDERAL REGULATION 36 §251.50

MATTHEW CHAPMAN

## State of California Memorandum

## **The Natural Resources Agency**

To:

FAS/Landowner

Date:

December 17, 2015

Telephone:

(916) 651-6660

E-Mail:

Aaron.Mills@fire.ca.gov

Cc:

DAO/SCO

Jeff Calvert

Federal Grant Analyst / AFAS

File

From:

CA Dept of Forestry & Fire Protection

Subject:

CFIP Contract - 8GG14302; Gregory Robert Manly - APPROVED

Attached are two (2) originally signed of the above mentioned CFIP contract agreement which has been properly approved. Please forward one (1) original to the Landowner at your earliest convenience.

If you have any questions, please feel free to contact me.

Thank you.

Aaron Mills

Staff Services Analyst Grants Management Unit

## CFIP Agreement 2015 GGRF Page 1 of 4

CFIP Project Number: 14-GHG-CFIP-01-	State Contract Number: 8GG14302					
THIS AGREEMENT is made and entered into and becomes California, acting through its duly appointed and qualified Di	effective upon the last date of the signatories below, by and between the State of rector of the Department of Forestry and Fire Protection,					
hereinafter called "State," and	Gregory Robert Manly					
hereinafter called "Participant," whose mailing address is:	Name P.O. Box 58					
	Street Address/PO Box					
	Moccasin, California 95347					
	City/State/Zip 209-984-0468					
This agreement expires Dec 31, 2019	Telephone					
N WITNESS WHEREOF, this agreement has been executed by	the parties hereto, and becomes effective upon the last date of the signatories below:					
STATE OF CALIFORNIA	PARTICIPANT all landowners appearing on the deed must sign or provide Power of Attorney					
Agency: Department of Forestry and Fire Prote	ection					
Approval for the Ovector Date	Signature Robert Manles					
Printed Name/Title	Printed Mame/Title					
Jeffrey J. Calvert	Signature					
Deputy Chief of Forestry Assistance	e Printed Name/Title					
Local CAL FIRE name and address:	rimed Name/Title					
	Signature					
Adam Frese 785 Mountain Ranch Road San Andreas, CA 95249 (209) 532-2706	Printed Name/Title					
()	Signature					
	Printed Name/Title					
Amount \$ 34,224.00 encumbered:	Program:Local Fund:GGRF Item: 3540-101-3228 Assistance					
Chapter: 25 Statute: 2014 Fiscal Year:	14/15 -9520-418 99-PCA 96240					
I hereby certify upon my sam nersonal learnidadae that build	geled funds are available for the period and numose of expenditure stated above.					
	several transfers are available for the Denon and Duronse of expenditure stated above.					
ignature of Accounting Officer	Date					
hereby certify that all conditions for exemption have been Department of General Services' approval.	complied with and this agreement is exempt from the					
CONSTRUCT CONSECUCIONES OF BORNEY						
ignature of Officer signing on behalf of the agency rendor Identification Number: 039647-00	Date					

### CFIP Agreement 2015 GGRF Page 2 of 4

WHEREAS, under the provisions of the California Forest Improvement Act of 1978, State may enter into cost-sharing agreements with eligible Participants who will undertake forest improvement work upon his/her land; NOW, THEREFORE,

- 1. In consideration of the forest improvement work to be performed by the Participants, as described in the attached Project Summary, State will reimburse costs incurred for the purpose of undertaking forest improvement work on those lands designated. The maximum amount of reimbursement is the amount stated in Project Summary, "MAXIMUM REIMBURSEMENT". Reimbursement will be made for actual cash expenditures and for goods or services beyond Participant's matching contribution requirement. Reimbursement for such goods and services shall be made in accordance with the State's prevailing rates, provided, however, reimbursement shall not exceed the State's adopted maximum per-acre (or other unit of measure) costs or Participant's actual costs, whichever is less for the forest improvement practices. Expected revenues from products generated will reduce reimbursement and no more than 100% of out of pocket costs are to be recovered.
- 2. This agreement is conditional upon appropriation and availability of funds for purposes of this contract. In the event such funds are not available in the Budget Act for the fiscal year concerned or are insufficient to carry out the purpose of this agreement, each party agrees to release the other party from all obligations. Funding of the work is also subjected to annual funding decisions. IF FUNDED, NOTICE TO THE PARTICIPANT BY THE STATE WILL BE MADE. NO WORK MAY COMMENCE WITHOUT THIS NOTICE.
- 3. Participant shall promptly submit records at intervals and in such form as State may request. Payment by the State shall be made after an on-site inspection and approval of the practice(s). The Participant shall submit a CFIP Invoice for payment to the local Forestry Assistance Specialist (FAS) of the California Department of Forestry and Fire Protection. A final CFIP Invoice shall be submitted no later than 45 days after completion or expiration of this agreement, as specified on the Project Schedule.
- 4. The Participant agrees to make immediate monetary restitution of any paid funds for any disallowance of costs or expenditures or unauthorized activities which are disclosed through audit or inspection by the State. If Participant does not complete the five acres of minimum practice(s) of forest improvement work as described and required in Section 1527.1, Chapter 9.5, Title 14 of the California Code of Regulations (CCR) by the end of the term specified herein, all sums previously paid by State shall immediately become due and payable to State.
- 5. Participant shall comply with all local and State fire and safety laws.
- 6. The Project Description, Project Schedule, Environmental Checklist, RPF Checklist, Land-Use Addendum and Management Plan are deliverables due prior to commencement of ground practices. Work started prior to the execution of this agreement will not be eligible for funding under the terms of this agreement. Project costs eligible for assistance shall be determined upon the basis of the criteria set forth in Chapter 9.5 of Title 14 of the CCR.
- 7. Participant shall permit periodic site visits by a representative of the State to ensure program compliance.
- 8. Participant agrees to indemnify, defend, and save harmless State, its officers, agents and employees from any and all claims and losses occurring or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this contract and from any and all claims and losses occurring or resulting to any person, firm, or corporation who may be injured or damaged by the Participant or any agent or employee of Participant in the performance of this agreement.
- 9. The Participant, and the agents and employees of Participant, in the performance of this agreement, shall act in an independent capacity and not as officers, or employees or agents of the State.

### CFIP Agreement 2015 GGRF Page 3 of 4

- 10. This agreement may be amended, or terminated by mutual consent; it may also be terminated by State or Participant upon the giving of written notice to the other party thirty (30) days in advance.
- 11. Failure by the Participant to comply with the terms of this agreement shall be cause for the suspension of all obligations of the State.
- 12. Participant certifies that title to the land upon which forest improvement work will be performed is vested in the persons named in this agreement and that land is under the control and possession of the person(s) named in this agreement.
- 13. Participant certifies that the parcel of forestland to which the Forest Improvement Program applies will not be developed for uses incompatible with forest resources management within 10 years following recordation date, as explained below. If the parcel of forestland is zoned other than TPZ, pursuant to provisions of Chapter 67 (commencing with Section 52200) of Part 1 of Division 1 of Title 5 of the Government Code, a Land-Use Addendum shall be signed by the Participant and shall be incorporated in and made a part of this agreement. Said Land-Use Addendum shall be recorded in the office of the County Recorder of the county of the affected land and shall be a covenant running with the land.
- 14. The Participant agrees to comply with the California Environmental Quality Act (CEQA), Workers' Compensation, and all other state and federal laws applicable to the work carried out pursuant to the proposed forest resource improvement project.
- 15. The Participant, by signing this agreement, does swear under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against the Participant within the immediately preceding two-year period because of the Participant's failure to comply with an order of a federal court which orders Participant to comply with an order of the National Labor Relations Board (Government Code Section 14780.5).
- 16. Participant shall keep such records as State shall prescribe, including records which fully disclose (a) the disposition of the proceeds of state funding assistance, (b) the total cost of the project in connection with such assistance that is given or used, (c) the amount and nature of that portion of the project cost supplied by other sources, and (d) any other such records as will facilitate an effective audit. All records shall be made available to the State for auditing purposes at reasonable times. Such accounts, documents, and records shall be retained by the Participant for at least three years following project termination.
- 17. During the performance of this agreement, Participant and its subcontractors shall not unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, and denial of family care leave. Participant and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Participant and subcontractors shall comply with provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et. Seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285.0 et. Seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990 (a-f), set forth in Chapter 5 Division 4 of Title 2 of the California Code of Regulations are incorporated into this agreement by reference and made a part hereof as if set forth in full, Participant and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have collective bargaining or other agreement. The Participant shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the agreement.
- 18. Participant certifies under penalty of perjury under the laws of the State of California to have, unless exempted, complied with the non-discrimination program requirements of Government Code Section12990 and California Code of Regulations, Title 2 Section 8103.

#### CFIP Agreement 2015 GGRF Page 4 of 4

- 19. Section 7(b) of the Privacy Act of 1974 (Public Law 93-579) requires that any federal, state or local governmental agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by which statutory or other authority such number is solicited, and what uses will be made of it. The State requests each participant's social security account number on a voluntary basis. However, it should be noted that due to the use of social security account numbers by other agencies for identification purposes, the State may be unable to approve agreements without the social security account number. The State uses social security account numbers for the following purpose: reports to the Department of Fair Employment and Housing, Internal Revenue Service, and Franchise Tax Board.
- The Participant acknowledges that a conflict of interest with the State does not exist pursuant to provisions in Division 2, Chapter 2, Article 8, Sections 10410 and 10411 of the Public Contract Code.
- 21. The Participant states the information in the Management Plan and/or Management Plan Addendum (Project Description) is proprietary information and claims privilege against its disclosure pursuant to Evidence Code 1060.
- 22. The contractor or grant recipient hereby certifies compliance with Government Code Section 8355 in matters relating to providing a drug-free workplace. The contractor will:
  - Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code Section 8355(a).
  - 2. Establish a Drug-Free Awareness Program as required by Government Code Section 8355(b), to inform employees about all of the following:
    - (a) The dangers of drug abuse in the workplace:
    - (b) The person's or organization's policy of maintaining a drug-free workplace;
    - (c) Any available counseling, rehabilitation and employee assistance programs; and
    - (d) Penalties that may be imposed upon employees for drug abuse violations.
  - 3. Provide as required by Government Code Section 8355(c) that every employee who works on the proposed contract or grant:
    - (a) Will receive a copy of the company's drug-free policy statement, and
    - (b) Will agree to abide by the terms of the company's statement as a condition of employment on the contract or grant.
- 23. Contractor shall comply with all federal requirements established under 28 code of Regulations, Part 36, and Americans with Disabilities Act, in order to make programs accessible to all participants and to provide equally effective communications.
- 24. In addition to the terms and conditions of this agreement, the Addendum for Greenhouse Gas Reduction Fund (GGRF) Grants Projects is hereby incorporated and made part this agreement.

#### ADDENDUM - GREENHOUSE GAS REDUCTION PROJECTS

#### I. SPECIAL PROVISIONS

- Grant funds shall be used on projects with the primary goal of reducing greenhouse gases (GHGs) and furthering the purposes of AB 32 (Chapter 488, Statutes of 2006), California's Global Warming Solutions Act of 2006.
- 2. Grant funds shall be used on projects limited to specific activities as described in GHG Grants Procedural Guides.
- 3. Greenhouse gas reduction must be calculated using a GHG quantification methodology that has been developed or approved by ARB.
- 4. Grantee shall report project and benefits information when requested by the State (e.g., GHG reductions, disadvantaged community benefits, energy/water savings, and other co-benefits).
- Grantee shall maintain accurate and detailed records documenting project description, project location, and schedule, GGRF dollars allocated, and leveraged funds throughout the duration of the project.
- 6. Failure of Grantee to meet the agreed upon terms of achieving required GHG reduction may result in project termination and recovery of funds.
- Grant funds used on Urban and Community Forestry projects shall adhere to the following:
  - Must contain a tree planting component.
  - b. Must be located in or provide direct, meaningful and assured benefits to a disadvantaged community, if approved as part of the project and as outlined in the Urban and Community Forestry Grants Procedural Guide.

## II. MONITORING AND REPORTING REQUIREMENTS

All Greenhouse Gas Reduction Fund (GGRF) projects are required to monitor and report on carbon flux. This includes direct emissions, avoided emissions and sequestration. All such emissions should be monitored and reported separately. In addition, the Urban & Community Forestry and Forest Legacy Program Grants have to monitor and report on other metrics. Monitoring should be done at sufficient intervals to allow periodic reporting per the specific requirements of the individual grant program. Carbon flux should be expressed as the difference between the pre-project baseline and the in-progress or completed project at the end of the given monitoring period.

This will require the establishment of a pre-project baseline from which direct emissions, avoided emissions and sequestration can be periodically measured throughout the crediting period1 on the project area. Emissions and sequestration measurements should be expressed as metric tonnes of carbon dioxide equivalent [MTCO2e]. Net Greenhouse Gas (GHG) benefit of the project will be determined by the sum of the GHG emissions reductions and sequestration less any GHG emissions resulting from project implementation. All other metrics should be reported in the appropriate units of measure. The reporting requirements should determine the timing and frequency of monitoring actions as described in Table 1.

## a. TABLE 1 GGRF GRANT REPORTING REQUIREMENTS

Grant Program	What to Report	Reporting Frequency	Report Due
Urban & Community Forestry	1, 3, 6, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20	Quarterly, At Completion	January 1, April 1, July 1, September 1, At Completion
Fuels Reduction	2, 3, 4, 6, 9, 10	Annually, At Completion	September 1, At Completion
Reforestation Services	2, 3, 6, 9, 10	Annually, At Completion	September 1, At Completion
Forest Legacy	2, 3, 5, 6, 9, 10, 11, 12, 13, 17, 19, 20	Annually, At Completion	September 1, At Completion
Forest Pest Control	2, 3, 6, 7, 9, 10	Annually, At Completion	September 1, At Completion
Demonstration State Forests Research	2, 3, 6, 8, 9, 10	Annually, At Completion	September 1, At Completion

#### **b.** GGRF GRANT REPORTING REQUIREMENTS

- 1. Increased carbon sequestration through tree growth.
- 2. Increased carbon sequestration through tree growth and timberland management.
- GHG emissions resulting from project implementation actions (fuel reduction activities, timber harvesting, sanitation harvesting, site preparation, research activities, etc.)
- 4. Avoided GHG emissions resulting from reducing hazardous fuel load potential that could lead to large wildfires.

2

<sup>&</sup>lt;sup>1</sup> The crediting period is the time period over which the project accrues GHG benefits.

- 5. Avoided GHG emissions resulting from retaining the forest and avoiding conversion to another use.
- 6. Avoided GHG emissions resulting from utilization of the removed trees or other vegetation for biomass energy, solid wood products or other products.
- Avoided GHG emissions resulting from preventing spread of disease to healthy forests by selectively removing pest- or pathogen-infected trees.
- Avoided GHG emissions resulting from research activities.
- 9. Estimated net GHG benefit achieved to date.
- Estimated net GHG benefit for entire project to date [provide total MTCO2e over the project life].
- 11. Project status [provide one of the following: (a) started during reporting period; or (b) in progress.]
- 12. Project activities completed [e.g., milestones achieved].
- 13. Additional project benefits and results [if applicable, provide estimated totals, if available, or qualitative descriptions, of the following: (a) vehicle miles traveled reductions; (b) open space or greenbelt creation or preservation; (c) wildlife habitat preservation; (d) tons of biomass generated from forest easements and delivered to a renewable energy facility; (e) tons of harvested wood generated from forest easements and delivered to a mill; and (f) property acquired to be repurposed as an urban forestry project site.]
- 14. Number of trees planted and location.
- 15. Vegetation planted and location.
- 16. Maintenance activities conducted.
- 17. Verification that the land is still being managed in accordance with the terms of the forest conservation easement.
- 18. Verification that the site is still being maintained in accordance with the terms of the grant agreement.
- At completion, summarize project accomplishments, including benefits to disadvantaged communities.

20. At completion, summarize co-benefits for entire project [if applicable, e.g., vehicle miles traveled reductions; open space creation or preservation; wildlife habitat preservation].

## III. PROGRAM ACKNOWLEDGEMENT/RECOGNITION

All projects funded both fully and partially by the GGRF must clearly display, identify and label themselves as being part of the "California Climate Investments" program. The acknowledgement must contain the "California Climate Investments" and CAL FIRE logos as well as the following statement:

"Funding for this project provided by the California Department of Forestry and Fire Protection as part of the California Climate Investments Program."

A draft of the acknowledgement must be approved by the STATE prior to publication.

## CALIFORNIA FOREST IMPROVEMENT PROGRAM APPLICATION

CFIP Project Number: 14-GHG-CFIP-01-0054

١	lame:	Bob Manly F	Phone Number(s):	209-984-0468		
•			one mamber(a),			Evening
Į.	\ddress:	P.O. Box 130		Moccasin	Ca	95347
		Street or P.O. Box		City	State	Zip
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,	iaine.		Phone Number(s);		Day	Evening
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μ	Address:	Street or P.O. Box		City	State	Zìp
						·
2. R	tesponsit	ole person to be contacted:				
N	lame:	Bob Manly P	Phone Number(s):	209-984	-0468	
				ſ	Day	Evening
P	ddress:	P.O. Box 130 Street or P.O. Box		Moccasin	Ca	95347
		Street of P.O. BOX		City	State	Zip
3. (a)	Does t	he landowner own 5,000 acres or less of forestland in C	Californla? ⊠ Yes	□ No		
(b)	20 acr	es or more of forestland? 🛛 Yes 🔲 No				
(c)	Is the	otal area proposed for each ground practice 5 acres or	more? X Yes [	□ No □ N/	A (Wildlife/Conse	ervation)
(d)	Numb	er of acres under the Management Plan: 149	Total owners	hip size: <u>149</u>		
(e)	Projec	t area timber site productivity is: 🛛 I 🔻 🗵 II 💢 III	□ IV □ V			
(f)	Has th	e project area been damaged by natural causes within t	the last 10 years?	⊠ Yes □	No	
4 (a)	Housia	the project even report? Check our of the fell suite a sec	- d	4		
4. (a)	_	the project area zoned? Check one of the following an Z Agriculture Preserve A Oth AE	na answer pertiner	t questions:		
	∐ TF	<sup>1</sup> Z ☐ Agriculture Preserve ☐ Oth AE er:				
(b)	restrict	e a Conservation Easement, CC&R's, or a petition for re- resource management activities for the period of time of Monagement activities for the period of time of Monagement activities for the period of time of Monagement	ezoning from TPZ during which the g	to other uses, rant is adminis	existing, underwa stered (10 years)?	y, or contemplated,
	If yes,	explain:				
(c)	List all	land uses permitted under this zoning. Indicate existing				
	List sp	ecific use(s): Timber Production				
(d)		e landowner agree not to put CFIP land to any use incor				

## **CFIP APPLICATION**

5.	Has any of the land proposed for CFIP funds been harvested subject to the 1973 Z'Berg-Nededly Forest Practice Act?
	☑ Yes ☐ No If yes, please list THP, NTMP, SYP Number: 4-13EM-020-TUO
6.	is there a previously prepared Forest or Land Management Plan for the area proposed for CFIP project? 🔲 Yes 💢 No
	Should the plan be revised?   Yes   No
	If yes, list the CFIP Project Number:
7.	Are you an employee of the State of California? 🔲 Yes 🛛 No
	Were you an employee of the State of California within the past 12 months?   Yes   No
8.	Does your current employment or former employment within the last 12 months with the State of California in any way relate to or affect the awarding of California Forest Improvement Program (CFIP) grants or authorization of cost-share payments for work accomplished under a CFIP grant?   Yes  No.
Ple	ease complete the Application Project Summary.
l ce	ertify that the above and attached is true and correct to the best of my knowledge.
E	xecuted on 6-9-15 at Janustown Ca
мp	plicant's Signature

#### **NOTE**

## Other Application Requirements:

- Complete the Application Project Summary (Include as page 3 of 3 for this application).
- The funding rate requested must be explained and justified in the Project Description. Failure to adequately describe the project could result
  in delays or denial of approval.
- Provide maps (scale 15 min. /7.5 min.; USGS topographic maps are best) indicating areas to be treated.
- Provide a detailed project description which includes an explanation and justification for the cost-share rate requested.

STATE OF CALIFORNIA CFIP APPLICATION RM-6 Rev. 12/09/13

#### DEPARTMENT OF FORESTRY

AND FIRE PROTECTION

Page 3 of 3

### CFIP APPLICATION/PROJECT SUMMARY

Management Plan/addendum Mini- Mgt Plan RPF Supervision Site Prep Trees & Planting Tree Shelters Pre-commercial thinning		First 20 ac. Remainder Total Low Medium High	1 20 72 92	NA \$1,750.00 \$150 \$75	\$					
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Planting Tree Shelters Pre-commercial			0		\$	5,250	4,725	\$		Yes
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Pre-commercial		Difficult			\$	3,375	3,038	\$	-	Yes
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Follow up		Low Medium	0	\$250 \$0	-					
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## **CALIFORNIA FOREST IMPROVEMENT PROGRAM**

## PROJECT DESCRIPTION

Landowners:

Bob Manly

P.O. Box 130

Moccasin, CA 95347 (209) 984-0468

CFIP #: 14-GHG-CFIP-01-0054

Legislative Districts:

State Senator - #14, State Assembly - #25, Congressional - #19

#### **Objective**

Establish fully stocked forest conditions capable of carbon sequestration and long term timber production. Establishment of planted conifer plantations and maintain healthy productive stands into the future.

#### Site

This property is located in SE ¼ SE ¼ Section 26 Township 1 South, Range 18 East, Tuolumne County (37.821792°N, 119.960909°W). The project consists of two parcels separated by the Cal Trans easement along Highway 120. These parcels are in the Big Creek planning watershed (calwater 2.2 #6536.800201) that is classified as high risk by the FRAP assessment team. The 14,197.1 acre watershed is part of the broader Tuolumne River watershed that is also classified as high risk. The South Fork of the Tuolumne River runs ¼ mile south of the property. The 2013 Rim Flat fire burned through the majority of the two parcels. The portion north of Highway 120 burned at high intensity and the area south of the highway burned at lower intensity except for a couple of isolated pockets. There are green trees throughout and surrounding the units. Approximately 77 acres of the area were burned at high intensity. This project is located in the footprint of intensively burned area. Salvage timber operations were conducted following the fire and were completed in the spring of 2014. Reforestation under a NRCS contracted was conducted in the winter of 2014-15. Approximately 30 acres of the northeast portion was planted at 300 trees per acre and a spot spray around seedlings was done. The remaining area had adequate natural regeneration and was not planted. A follow-up herbicide treatment in the summer of 2015 is scheduled for the entire burned area. The area is in need of additional reforestation replanting and follow-up herbicide treatments to achieve adequate survival levels of conifers. The sites have extensive bear clover and oak competition. With the current drought mortality of planted and natural seedlings is expected. Replanting on 15 acres, 10% of the total is expected. The area has a history of wildfire activity. The 1987 Complex Fire, Rogge Fire 1995, and the Rim Fire 2013 all burned major portions of the Tuolumne River watershed either burning or threatening the property.

The project is along Hwy 120 between the North and South forks of the Tuolumne River just west of Harden Flat, a major summer recreation area. This project will complement fuel reduction work completed by the Forest Service on bordering land to the west and south of the unit. The proximity of the parcels to Hwy 120, a major State highway and the northern access to Yosemite Park, add to the importance of creating a safe and aesthetic forest landscape.

The Tuolumne River along with the other perennial watercourses provide valuable wildlife habitat for a number of species including deer, bear, wild turkey, and gray squirrels. The landowners want to insure these values by improving forest health and reducing current fuel load levels.

When combined with other properties within the Tuolumne River Watershed, this project will help protect water quality, aesthetics, and wildlife values within the overall watershed.

#### Project

This project proposes three cultural treatments to maintain and improve habitat conditions on the property. Individual treatment areas are shown on the attached map and acreages are listed in the summary below.

- Preparation of mini-management plan. The parcel is not covered by any management plan and will need a mini management plan to meet the long term management plan requirement.
- RPF supervision for a total of 92 acres, 20 to be paid at \$150/ac and 72 at \$75/ac.
  - 1. 77acres of chemical follow-up.
  - 2. 15 acres of chemical site prep and trees and planting. These operations will be conducted together and RPF supervision will be combined.
- 77 acres will be treated with Follow-up herbicide (low). The entire area will be treated in the summer of 2016. Application shall be a directed foliar herbicide treatment. Application will be by backpack sprayer and follow Pest Control Recommendations made by a registered Pest Control Advisor. Work will be conducted by a licensed Pest Control Company and follow all appropriate EPA regulations.
- 15 acres site pre (low). This will consist of chemical spot treatment around seedlings replanted in
  understocked areas as a result of mortality. Application will be by backpack sprayer and follow
  Pest Control Recommendations made by a registered Pest Control Advisor. Work will be
  conducted by a licensed Pest Control Company and follow all appropriate EPA regulations.
- Trees and Planting (Average). This operation will consist of planting trees in understocked areas.
   Operation will be conducted in the winter of 2015-16. Seedlings will be grown from local seed and be 1-0 stock. Operation will be supervised by PRF and tree handling will be done to insure seedlings protection from adverse conditions.

#### **Greenhouse Gas Affects**

- Tree establishment and survival to a fully stocked timber stand will allow for carbon storage
  on site. Long term the stand will be grown to maturity and managed for timber. Trees will be
  left to grow on site to rotation age 60-100 years. As harvests occur regeneration will be
  encouraged to maintain a viable timber stand. Trees will occupy the site and timber volumes
  per acre are expected to be maintained between 15 and 40MBF/ac.
- The project will reforest the currently understocked area resulting from the Rim Fire.
  Historically chaparral vegetation types burn from wildfire every 10-20 years. Establishment
  and future management of invading brush levels and stocking will decrease the potential for
  and intensity of a wildfire. Once trees are established shade will deter the growth of brushy
  fuels and plantation maintenance will greatly decrease hazardous fuel buildups that lead to
  large wildfires.
- Control of stocking as well as competing brush will increase the vigor of trees. Competition
  for nutrients and water will be less providing for a healthier tree able to increase growth as
  well as repel insect attack.
- As the stand grows and timber gets to merchantable size periodic harvests will occur. Trees
  harvested will be used for wood products and store carbon offsite in homes or other wood
  products. This offsite storage will last for an anticipated several decades adding to the carbon
  benefits.
- Emissions from the project will be a result of operating the hand tools and crew mobilization
  in the herbicide application. Emissions from reforestation activities are estimated at 6.93 tons
  of carbon using COLE 1605B evaluation.
- The project will sequester a net 2,130.02 tons CO<sub>2</sub> over the 40 year crediting period and 2,607.16 tons CO<sub>2</sub> over the 100 year project life. A worksheet summarizing these

calculations is attached. Also attached is the COLE 1605 report. Calculations were made using the COLE program. A 100 km radius was used to obtain adequate plot numbers. Timber type was Mixed Conifer and Dunning site class I to III. Only above ground carbon was counted as site preparation will not disrupt the soil and no deep tilling is planned.

- If this project was not implemented the project site would continue to be subject to periodic
  stand replacement wildfire as fuel loading would be extreme. The 2,607.16 tons of carbon
  stored over the life of the project would be zero in the no project scenario as the probability of
  keeping fire out of the area for that length of time in heavy fuel conditions is not likely.
- The landowner employs an RPF to maintain forest health implement management operations. Annual inspections will be made to assess project status. Several photo points will be establish to provide visual evidence of changes over time. The landowner has demonstrated his commitment to long term management through a long history of resource management.
- The landowner is committed to managing the parcel for long term forest and agricultural use.
   Current zoning is rural allowing for these land uses. Development to other uses would require applications to the county and waiting periods.
- Co-benefits of the project include the establishment of jobs for the local community. The
  project will provide approximately 1,000 hours of employment. The promotion of a mature
  forest will provide a diversity of habitat for wildlife.
- The project is along Hwy 120 a major thoroughfare for tourism in Tuolumne County.
- The landowner has maintained the area in well stocked conditions for decades. The landowner has already committed significant resource to begin reforestation activities.
- The applicant is ready to conduct work immediately after approval.
- The area is located within the VeryHighFHSZ in Tuolumne County.
- Biomass was removed during the commercial timber harvest and residual material will not be removed.

This project is designed to achieve the following:

- 1) Establish viable forested condition.
- 2) Restore and improve forest health.
- 3) Protecting water quality by maintaining vegetative debris and minimize potential for movement of herbicides downstream through use of no application buffer strips.
- 4) Help reduce the risk of catastrophic stand replacement wildfires through maintenance and establishment of forested landscapes.



CFIP Carbon Calculation 2015

Project:

Manly

Project #: 14-GHG-CFIP-01-0054

	<u>Crediting Period</u> (40years)	Project Life (100 years)
Gross Carbon Stored (tonnes of C/hectare) (live and Dead COLE Report)	28.03	32.20
Conversion to tons of $CO_2$ per acre 1.486	41.65	47.85
Carbon removed in Site Prep (light to medium Shrubs) tons/acre	-13.90	-13.90
Net tons/ac	27.75	33.95
Acres	77.00	77.00
Total CO₂/acre	2,136.95	2,614.09
Emissions from Site Prep (light Brush Cover) 0.09 t/ac	-6.93	-6.93
Project Onsite tree carbon (tons)	<u>2,130.02</u>	<u>2,607.16</u>

COLE 1605(b) Report for California filtered for Forest Type: California mixed conifer; Site Productivity Class: 225+ cuft/ac/yr, 165-224 cuft/ac/yr, 120-164 cuft/ac/yr, 85-119 cuft/ac/yr; Stand Origin: Planted

COLE Development Group \*

June 3, 2015



## 1 Abstract

This is a standard report produced by COLE, The Carbon Online Estimator. COLE is an online package that was developed under a cooperative agreement between NCASI and the USDA Forest Service, RWU-4104 in Durham, NH.

<sup>\*</sup>NCASI: http://www.ncasi2.org/, USDA Forest Service: http://www.fs.fed.us/ne/durham/4104/

COLE	Carbon	Report

#### 1

## Contents

1	Abstract	1
2	Introduction	1
3	Regional Carbon Tables	2
	3.1 Regional carbon tables by forest type	6
4	Carbon Map	7
$\mathbf{L}$	ist of Figures	
	1 Hex map of Total Aboveground Carbon (metric tons/hectare) for California	8
$\mathbf{L}$	ist of Tables	
	1 Carbon Stocks by Age Class for California	4
	2 Carbon Stocks by Forest Type for California	5

## 2 Introduction

This report includes numerous tables that portray various components of forest carbon. A carbon map is given to show the distribution of aboveground carbon. The map also shows approximately where the FIA plots were located that contributed data to this report. Each plot is assigned to a hexagon (each hex covers 2428 hectares), which is colored to indicate the amount of carbon at that location.

This report is based on data from the states and counties that were selected. The tables may be useful for 1605(b) reporting, but it is important to consider the nature of the data before using these tables. The data originate from USDA Forest Inventory and

Analysis (FIA) plots that are part of an annual forest inventory system. Therefore they are a representative sample from forest land in the U.S. The database for COLE includes all plots in the most recent FIA evaluation group for each state. This report reflects the forest type and site characteristics of stands within the selected region that also meet the filter criteria. The COLE data set is derived from the public FIADB and is updated on a regular basis. The format of the tables and the methods used to develop them are similar to those in (Smith et al., 2006).

Any filters that were selected by the user will impact the tables. Filters can be used to specify characteristics of your land within the limitations of the filter variables. For example, you could generate 2 reports to examine differences in total forest carbon between private and public land. To do this, set the Ownership Group filter to Private and generate a report. Go back to the Filters tab and select public ownership groups. Generate another report. Now you can compare the differences in carbon stocks. This method can be applied using any of the filters. Consult the COLE Filters Tab Help File for details on filter availability and use.

Data provided in these tables will generally not be valid for reporting on forests outside of the U.S. unless the conditions of the forest are consistent with conditions and forest types covered by the tables.

## 3 Regional Carbon Tables

The following tables are made from data from the counties selected in California. Each of the 8 columns in the tables are defined as follows:

- 1. Mean volume: volume of growing stock. This is derived by converting net cubic foot volume per acre (VOLCFNET) from the FIADB to cubic meters per hectare.
- 2. Live tree: carbon in boles, crowns and coarse roots of live trees dbh at least 2.5cm. This is derived by multiplying the dry biomass variable (DRYBIOT) in the FIADB by 0.5 to get carbon. Foliage and root carbon is estimated with equations (Jenkins et al., 2003). Units are metric tonnes per hectare.
- 3. Standing dead tree: carbon in boles, crowns and course roots of standing dead trees with dbh at least 2.5cm. Units are metric tonnes per hectare. This is estimated analogously to live tree carbon, except foliage is excluded.
- 4. Understory: carbon in boles, crowns and coarse roots of trees (dbh less than 2.5cm), shrubs and bushes. Units are metric tonnes per hectare.

- 5. Down dead wood: carbon in woody debris (includes logging residue and coarse woody debris larger than 7.5 cm diameter), stumps and coarse roots of stumps. Units are metric tonnes per hectare.
- 6. Forest floor: carbon in fine woody debris (dbh less than 7.5 cm), litter, fine roots above mineral soil. Units are metric tonnes per hectare.
- 7. Soil organic: organic C (including fine roots) in the surface 1 meter. Excludes coarse roots. Units are metric tonnes per hectare.
- 8. Total nonsoil: sum of carbon contained in live tree, standing dead tree, understory, down dead wood and forest floor pools. Units are metric tonnes per hectare.

The COLE database values for live tree and standing dead carbon are derived from a combination of FIA data and published equations. The FIA data provide a total gross biomass oven dry weight (DRYBIOT) value for each tree in the FIA database (Anonymous, 2007). DRYBIOT gives the total above ground biomass for a tree 1.0 inch and larger including all tops and limbs, but excluding foliage. DRYBIOT is multiplied by 0.5 to convert it to carbon. Carbon in foliage and roots is then estimated for each tree using published equations (Jenkins et al., 2003). Live tree carbon is the sum of 0.5\*DRYBIOT+foliage+roots. Dead tree carbon is 0.5\*DRYBIOT+roots. These tree carbon values are summed for each plot and expanded to represent per hectare values.

The data for the other carbon components, i.e. forest floor, down dead wood, and soil organic, is estimated at the plot level using methods developed for Smith et al. (2006). Mean volume comes from what FIA calls VOLCFNET, which is net cubic foot volume and is provided for each tree in the FIA public data base.

The tables are derived from the COLE database by fitting an equation to the data for the selected region. Therefore, the tables are presenting expected values rather than raw data averages. Any filters that are in place affect the data used to fit the table equations. The equation used for mean volume, live tree carbon and standing dead tree carbon has the form  $y = a(1 - e^{-b*AGE})^3$ , which is the well known Von Bertalanffy growth equation. The a-coefficient gives the asymptote, and the b-coefficient controls the rate of approach to the asymptote. One can compute the time it takes to reach a certain percentage of the asymptote with the following equation,  $t(p) = -log(1 - p^{1/3})/b$ , where p is the desired proportion and b is the estimate for the b-coefficient. The coefficient values are given at the bottom of each carbon stock column. The assumption is that the trend for these components begins at 0.0 at age 0 and eventually asymptotes.

Other carbon components follow different trends which are estimated using methods described in (Smith et al., 2006). Understory will generally decline over time as the canopy matures. The following equation is used to estimate understory,  $underC = \frac{1}{2} \int_{-\infty}^{\infty} \frac{1}{2} dx$ 

 $liveTreeC * e^{c_1-c_2*ln(liveTreeC)}$ , where liveTreeC is the estimate for live tree carbon, and  $c_1$  and  $c_2$  are coefficients that must be estimated from the selected COLE data.

Tables are given for each forest type for both reforestation and afforestation. It is assumed that the following carbon component trends differ for reforestation and afforestation: down dead wood, forest floor, and soil organic. Down dead wood trends for afforestation are estimated with  $ddC_A = r * liveTreeC$ , where r is a coefficient that is estimated from the selected data. Reforestation down dead trends are estimated with  $ddC = ddC_A + d_1 * e^{-agc/d_2}$ , where  $d_1$  and  $d_2$  are coefficients that must be estimated and age is stand age. Adding an additional component for reforestation accounts for the fact that there would be down dead wood following a clearcut harvest.

Forest floor carbon after afforestation is modeled as  $ffC_A = f_1 * age/(f_2 + age)$ . Forest floor carbon after reforestation requires an additional component to account for the fact that there will be residual forest floor carbon following a clearcut. It is modeled as,  $ffC = ffC_A + f_3 * e^{-(age/f_4)}$ , where  $f_1, ..., f_4$  are coefficients that must be estimated from the data.

The soil organic carbon value in the reforestation table is based on the assumption that this component will remain relatively constant over time. For afforestation, it is assumed that soil organic carbon will start off at 75% of the reforestation value and gradually increase to the reforestation value. This is modeled with  $soc_A = soc * \left(0.75 + 0.25 * (1 - e^{-(age/50)^2})\right)$ 

Table 1: Carbon Stocks by Age Class for California

Λ αια	Mean	Live	Dead	Under	Down	Forest	Call	Traka 1
Age					Down		Soil	Total
Class	volume	tree	$\operatorname{tree}$	story	dead	floor		non
		,			wood			soil
years	$\mathrm{m}^3/\mathrm{hectare}$			tonnes o	carbon/l	nectare		
0	0	0	0.58	0	18.96	34.76	49.8	54.29
5	2.72	1.02	0.58	5.34	16.65	34.76	49.8	58.35
10	11.84	4.86	0.58	5.75	15.11	34.76	49.8	61.06
15	22.87	10.11	0.58	4.9	14.06	34.76	49.8	64.41
20	32.54	15.28	0.58	4.35	13.25	34.76	49.8	68.21
25	39.88	19.65	0.58	4.01	12.53	34.76	49.8	71.53
30	45.06	23.07	0.58	3.8	11.84	34.76	49.8	74.05
35	48.55	25.61	0.58	3.67	11.17	34.76	49.8	75.79
40	50.86	27.45	0.58	3.58	10.53	34.76	49.8	76.9
50	53.31	29.65	0.58	3.49	9.37	34.76	49.8	77.85
60	54.32	30.72	0.58	3.44	8.39	34.76	49.8	77.89
70	54.73	31.22	0.58	3.42	7.61	34.76	49.8	77.59
80	54.89	31.46	0.58	3.42	6.99	34.76	49.8	77.2
90	54.96	31.57	0.58	3.41	6.51	34.76	49.8	76.83
100	54.98	31.62	0.58	3.41	6.15	34.76	49.8	76.51
a	55	31.66		0	0,20	525	1370	, 0.01
b	0.09	0.08						
se	25.89	9.76						
n	5	J.10						
	J							

Table 1 shows the regression-based volume and carbon pool estimates by age class for the entire area you have selected, as noted in the table title. Table 1 is based on reforestation assumptions. The number of plots used in calculating the regression is denoted at the bottom of the table as row n. The se value is the residual standard error, provided to help you judge the strength of the relationship between stand age and the various carbon pools. However, many of the carbon components lack regression coefficients. Coefficients and standard errors are provided for the components that are estimated with the Von Bertalanffy equation, i.e. the Mean volume, Live tree, and Standing dead columns. No coefficients are given for the remaining components, since they are only loosely tied to the actual FIA data. The remaining component values are largely based on models and assumptions.

Table 2 is the mean value of the volume and carbon pools for all forest types occurring over the entire area you selected. The next set of tables giving carbon components by forest type are not generated unless there are at least 20 plots. Sample size by forest type in Table 2 is shown in column n.

Table 2: Carbon Stocks by Forest Type for California

Forest Type		-	Live tree	Dead tree	Under story	dead	Forest floor	Soil	non	11
						wood			$\operatorname{soil}$	
		m³/ha			tonn	es carbo	n/ha			
California conifer	mixed	21.3	10.7	0.6	7	13.5	34.8	49.8	66.5	6

## 3.1 Regional carbon tables by forest type

The following tables are broken down by forest type and given for reforestation and afforestation assumptions.

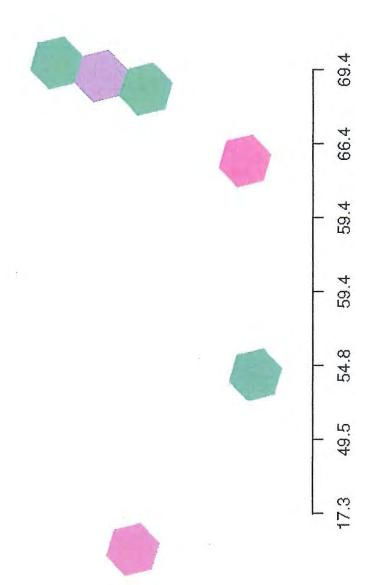
There are 2 reasons that a forest type listed in Table 2 is not broken out in the following series of tables.

- 1. Sample size is less than 20. The regression needs at least 20 samples to produce a reliable estimate.
- 2. Missing values in the data may prevent the regression from converging. This is especially important for a forest type that has close to the 20 sample threshold explained above.

## 4 Carbon Map

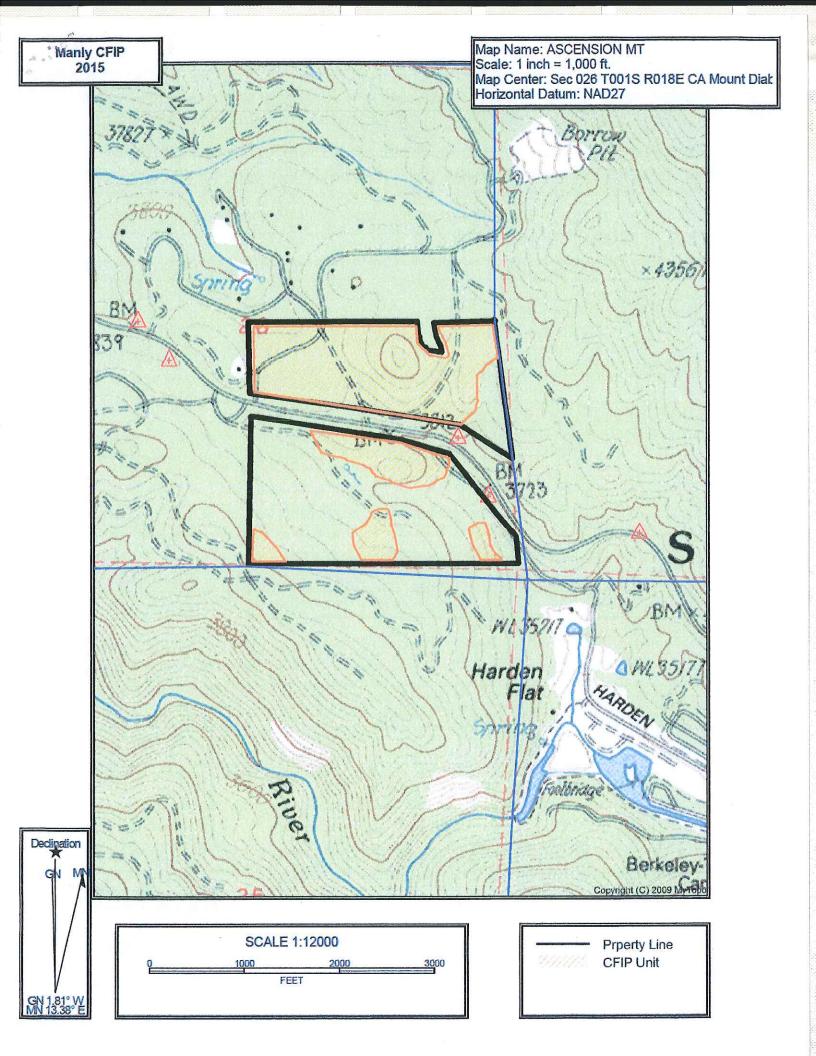
The carbon map gives an indication of the distribution of above ground carbon by coloring hexagons that cover each state. Each FIA plot that contributed data to this report is assigned to a hex. Hexes that aren't filled in contributed no data to this report. A hex is left out of the analysis because it was (1) not selected for inclusion or (2) it has no data in the COLE data base (it might be a non-forest area). It is important to look at this map to understand what data were included when the tables were made for this report. It is possible that 2 reports with exactly the same title were, in fact, made with data from different parts of the state. The report title indicates the state(s) and the filters that were applied. The carbon map definitively indicates the FIA plots that were included.

Figure 1: Hex map of Total Aboveground Carbon (metric tons/hectare) for California



## References

- Smith, J.E., Heath, L.S., Skog, K.E. and Birdsey, R.A. (2006). Methods for calculating forest ecosystem and harvested carbon with standard estimates for forest types of the United States. Gen. Tech. Rep. NE-343. Newtown Square, PA: USDA, Forest Service, Northern Research Station. 216p.
- Anonymous (2007). The Forest Inventory and Analysis Database: Database Description and Users Guide Version 3.0. [Available on internet: www.ncrs2.fs.fed.us/4801/fiadb/index.htm]
- Jenkins, J.C., Chojnacky, D.C., Heath, L.S., and Birdsey, R.A. (2003). National-scale biomass estimators for United States tree species. Forest Science 49(1): 12-35.



# State of California DEPARTMENT OF JUSTICE



PUBLIC INQUIRY UNIT P.O. BOX 944255 SACRAMENTO, CA 94244-2550 (916) 210-6276 TOLL FREE: (800) 952-5225

TOLL FREE: (800) 952-5225 TTY: CA Relay Service (800) 735-2922

PIU: 507835

June 21, 2018

Mr. Matthew Chapman 30445 Sawmill Mountain Road Groveland, CA 95321

RE: Tuolumne County

Dear Mr. Matthew Chapman:

Thank you for your correspondence to the Office of the Attorney General regarding a county employee, agency, or official. We always appreciate hearing from citizens on matters of public concern.

It is our general policy that local governments are primarily responsible for citizen complaints against their employees or agencies, and that appropriate local resources should be utilized for the resolution of such complaints.

We suggest that you first address your complaint to the head of the county agency. If this does not lead to a satisfactory resolution, we suggest that you contact the county counsel's office and your representative on the county Board of Supervisors for assistance.

If you have evidence of criminal misconduct, you may wish to contact the local district attorney in the area where the alleged crime occurred. The district attorney has primary responsibility for the investigation and prosecution of alleged violations of state laws. You may also want to share this information with your county grand jury. In California, grand juries have the authority to investigate allegations of misconduct on the part of local agencies.

If you have concerns about the legality of an action taken by your county authorities, or if you need assistance in resolving a dispute with your county authorities, we recommend that you consult with a private attorney.

Finally, because you may need your documents in any future action that you may take, we are returning them to you.

We hope that this information is helpful. Thank you again for contacting our office.

Sincerely,

Casey Hallinan

Public Inquiry Unit

For

XAVIER BECERRA Attorney General



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944 Telephone: (916) 263-2222 – Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246 www.bpelsg.ca.gov



June 26, 2018

Matthew Chapman 30445 Sawmill Mt. Rd. Groveland, CA 95321

RE:

Complaint Investigation Case No. 2018-06-195

against Unknown

Dear Matthew Chapman:

The Enforcement Unit of the California Board for Professional Engineers, Land Surveyors, and Geologists has received your complaint against Unknown, regarding alleged violations of the Professional Engineers Act (Business and Professions Code section 6700, et seq.), the Professional Land Surveyors' Act (Business and Professions Code section 8700, et seq.), and/or the Board Rules (Title 16, California Code of Regulations section 400, et seq.). The Enforcement Unit would like to thank you for bringing this matter to our attention.

The purpose of this letter is to inform you that the Enforcement Unit has opened a complaint investigation case regarding the allegations made in your complaint. If you have any additional information or documentation regarding this matter, please send it to my attention at the Board's address referencing the above-mentioned case number.

As the Enforcement Unit's investigation progresses, we will keep you apprised of the status of the investigation and advise you in writing of the outcome upon completion of the investigation.

If you have any questions regarding this matter, please do not hesitate to contact me by telephone at (916)263-2284 or by email at Reiana.Mayorga@dca.ca.gov.

Sincerely,

For Reiana Mayorga Enforcement Analyst 916 263 2249



## **COMMUNITY RESOURCES**

## **AGENCY**

DAVID GONZALVES C.B.O. Director

Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads -Solid Waste

48 W. Yaney Avenue, Sonora Mailing: 2 S. Green Street Sonora, CA 95370 (209) 533-5633 (209) 536-1622 (Fleet) (209) 533-5616 (fax) (209) 533-5909 (fax – EHD) (209) 533-5698 (fax – Roads) www.tuolumnecounty.ca.gov

July 13, 2018

Matthew Chapman 30445 Sawmill Mt. Road Groveland, CA 95321

Ref: Lot Line Adjustment No. 04T-02

Dear Mr Chapman,

I received your letter of June 18, wherein you question the validity of this lot line adjustment, and seek to have it rescinded.

As I mentioned to you when you stopped by this office to obtain copies of relevant documents, a lot line adjustment is excluded from the requirement for a landowner to file a tentative and parcel map under the provisions of Government Code section 66412 (d) [Subdivision Map Act, or SMA], which occurs between four or fewer existing parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the local agency, or advisory agency. No tentative map, parcel map, or final map shall be required as a condition of approval of a lot line adjustment. Further, Tuolumne County Ordinance Code Chapter 16.09 specifies the procedure for processing such applications.

You also question the validity of the Certificate of Compliance which was issued in advance of the lot line adjustment.

The Certificate was issued in response to the Manlys' request for determination of the status of two parcels granted to them by the State of California at the end of reconstruction of a portion of Highway 120. That conveyance was made under the provisions of SMA section 66428 (a)(2), where a parcel map shall not be required for land conveyed to or from a governmental agency for rights-of-way. This is what CalTrans does when it obtains right-of-way parcels for proposed improvements and, at the conclusion of construction, relinquishes excess parcels to adjacent landowners.

You mischaracterize this procedure as somehow being a corrective process for perceived offset/gaps between the earlier alignment of the highway and the later resurvey of that alignment. CalTrans maps show the monuments used to control that alignment and the use of a Basis of Bearings as that of a filed Record of Survey. This results in a minor rotation in the bearings reported from those used previously, but is consistent in the calculations derived for use in preparing descriptions of parcels of land to be obtained. This is in adherence to CalTrans' Right of Way Manual which addresses the constant advances in surveying equipment in retracing older surveys. Your reference to Code of Civil Procedure section 2077 is on point, where monuments are to be held as paramount.

The issues you raise with respect to zoning relate more to development of parcels and are dealt with at the time of permitting. As to the Assessor's maps, since rights-of-way are exempt from tax, the assigning of parcel numbers is a function of land becoming subject to that assessment. This was done at the time the lot line adjustment was recorded.

If you would like to meet and discuss this further, I am available to do so.

Sincerely,

Warren D. Smith, LS County Surveyor

Cc: Tuolumne County Board of Supervisors, California Board for Professional Engineers, Land Surveyors, and Geologists

August 8, 2018

RE; Unlawful land division Complaint

Matthew Chapman 30445 Sawmill Mt. Road Grovelamd Ca. 95321

209-206-1706 cell 209-962-0663 HOME

Warren D Smith LS Tuolumne County Surveyor,

Your responding letter of July 13, 2018 relates a mischaracterization of events represented by the facts and circumstance of my complaint of June 18 2018. Your assertion is unobservant of fact, and/or a negligent, willful, denial of fact.

In regard to parcels 1&2 derived via the "Certificate of Compliance" no excess land was ever transferred between Manly and Cal Trans (there was no reconstruction of the highway as you assert in your response) merely a deed correction utilizing a new "Basis of Bearing" N 07° 18' 29" W derived from the 1982 Survey of Record R/S 25-81, affecting that Manly/USFS property boundary; the East Line of the SE¼ of Sec. 26 T.1 S, R. 18 E, M.D.M. (see attached record at pgs. 1-2). A >7 degree difference from the 1960 survey "Basis of Bearing" N 0° E (see attached record at pgs. 3-7)

A survey circa 1960 and the survey of 2003 utilizing different "Basis of Bearing" is an undeniable factual occurrence, both survey's indicate the highway land transferred by deed respective thereto as identical in location by measure in relation to the 3 monuments set in 1960, referenced as found within the 2003 survey. (see attached record at pgs.8-10) In relation to those monuments as paramount (as you assert in your response as "on point") there is no measurable distinction between the lands surveyed in 1960 and the survey of 2003. Thus no excess land transfer could occur, the survey's reveal no excess land to transfer.

Yet it is also an **undeniable** fact that the real land description of parcels 1&2 within the Certificate of Compliance clearly relate a measurable distinction of an offset/gap between the two survey's relative position of the highway's southern right of way boundary. All the land south and west of the 2003 survey calls and north and east of the 1960 survey calls; resulting in 15.1 acres, per the Lot Line Adjustment sketch.

It is not possible for these two occurrences to simultaneously exist. The Tuolumne County Office of the Surveyor, then, and apparently now, thru your response, fail to ascertain the reason for such an absurdity. What was lost at the time, and now attempted to be explained away via various subterfuge is the affect of the > 7 degree change in the "Basis of Bearing". Manly's Certificate of Compliance parcels 1&2 do not exist upon a proper retracing of the original 1960 survey utilizing the then "Basis of Bearing" or a proper, lawful interpretation of the 2003 survey with deference to the 1960 monuments as paramount.

The **changes** made by the 1982 USFS resurvey of the Manly/USFS common property boundary simultaneously **changing** and establishing a **new** "Basis of Bearing" for the highway survey of 2003 is being used to override the monuments set in 1960, apparently by relating the 1960 survey calls (derived from the 1960 'Basis of Bearing" N 0° E) to the changed "Basis of Bearing" of the 2003 survey (N 07° 18' 29" W), which is absurd. A fraudulent integrating of two separate survey's. The above assertion is evident within the Lot Line Adjustment sketch, wherein the 2 separate profiles of the highway's southern Right of Way boundary are depicted, and indicating by protractor a 7-10 degree divergence from their point of origin beginning at a **common "Basis of Bearing"**.

You mischaracterize my complaint, I seek to have unlawful land division rescinded. Your efforts at subterfuge in defending the Lot Line Adjustment without the necessary lawful parcels is advanced by you in disregard of rudimentary Professional Land Survey practice. Rudimentary Land Survey practice articulated within Tuolumne County Lot Line Adjustment Code 16.09.020 (6) referencing Section 8762 of the Business and Professions Code; requiring a survey upon material discrepancy in the position of points or lines or dimensions, as set forth in my complaint at point 7 footnote 2 page 3. It is undeniable fact, that parcels 1&2 of the Certificate of Compliance exist as a result of material discrepancy in the position of points, lines, and dimensions. The Professional Land Survey Act placing it a duty of the county Surveyor at 8767 and 8768 requiring the noting of disagreement and explanation thereof, which did not occur in the creation of the above parcels 1&2. If it had it, the reasonable outcome would have revealed the fraudulent integration of the 1960 and 2003 survey I relate above.

As the 1960 survey and the 2003 survey indicate in reference to measurement in relation to the set and found monuments, there was no transfer of land, moreover no reconstruction of the highway ever occurred in relation thereto, your reliance on SMA section 66428 (a)(2) regarding the above parcels 1&2 is inapposite, I deny it's relevance as out of context. as there were no "excess parcels to relinquish to adjacent landowners."

I can see no point in meeting with you discuss this matter further, in light of your willful disregard of **undeniable objective fact**. If and when you come to realize your greater duty to Profession as a Land Surveyor and duty to enforce Tuolumne county Land Division Law, based on objective fact, please contact me.

Matthew Chapman

Copy to:

Tuolumne County Board Supervisors CA. State Board Professional Engineers, Land Surveyors Geologists 1. FOUND STANDARD U.S.F.S MONUMENT MARKED

T.15, R.18 E.,M.D.M.

23 23 27 26

LS 4792 1981

FOUND THE FOLLOWING BEARING TREES.

- A. CEDAR 5" DIA. BEARS S 33" E 46.06 FT. (LS 4792)
- CEDAR 7" DIA. BEARS S 45-1/2" W 17.80 FT.
- (LS 4792)
- BLACK OAK 18" DIA. BEARS N 13-1/4" W 33.06 FT.
- (LS 4792) CEDAR 9" DIA. BEARS N 26° E 7.4 FT (LS 4792) D.
- BLACK OAK 15" DIA. BEARS S 6-1/4" E 10.55 FT. 8" BLACK OAK S 11-1/2" E 14 LINKS G.L.O.
- 2. FOUND 3/4" IRON STAKE WITH ALUMINUM TAG MARKED R.C.E. 15486. FOUND 18" DIA. YELLOW PINE N 31" W 55.8 LINKS (10" YELLOW PINE N 32" W 56 LINKS PER C.L.C.) ALSO FOUND 22" BLACK OAK S 20-3/4 E. 22.4 LINKS (18" BLACK OAK S 24" E, 22 LINKS PER G.L.O.) ACCEPTED BEARING TREES AS ORIGINAL.

REPLACED IRON STAKE WITH STANDARD U.S.F.S. MONUMENT MARKED

T.1 S., R.18 E., M.D.M. 1/4 5 23 5 26

R.C.E. 25217

SCRIBED THE FOLLOWING BEARING TREES

A. CEDAR 8-3/4" DIA. SCRIBED (1/4 S 23 BT) BEARING

N 8'W 17.3 FEET FROM THE CORNER.

B. CEDAR 10-1/2" DIA. SCRIBED (1/4 S 23 BT) BEARING

- N 69-3/4°W 15.6 FEET FROM THE CORNER. BLACK OAK 8-1/2° DIA. SCRIBED (1/4 S 26 BT) BEARING S 41-1/2°W 24.6 FEET FROM THE CORNER.
- 3. FOUND STANDARD U.S.F.S. MONUMENT MARKED T.1 S, R. 18 E, M.D.M.

23 24 26 25

LS 4792 198:

FOUND THE FOLLOWING BEARING TREES

A. 29" YELLOW PINE STUMP CUT 3 FEET ABOVE GROUND
BEARING N 78"W 49 LINKS (16" Y.P. N 78-1/4"W
49 LKS PER G.L.O.)

- B. FOUND REMAINS OF LIVE OAK N 40°E 132 LINKS (10° LIVE OAK N 43°E, 130 LKS PER G.L.O.).
- C. N 63'W, 103.5 FT. TO 17" WHITE OAK SCRIBED (S 23, T. 1 S, R. 18 E BT) LS 4792.
- D. S 78°W, 79.4 FT. TO 14" CEDAR SCRIBED (S 26, T. 1 S, R. 18 E BT) LS 4792.
- E. N 63°E, 5 FT TO 3" OAK SCRIBED (X BT) LS 4792.
- F. S 57°E, 35.0 FT. TO 5" FORKED WHITE OAK SCRIBED (S 25, T. 1 S, R, 18 E, BT) LS 4792.
- 4. FOUND 1 INCH DIAMETER IRON PIPE WITH ALUMINUM TAG FOUND 1 INCH DIAMETER IRON PIPE WITH ALUMINUM TAG MARKED R.C.E. 15486. FOUND 27 INCH DIAMETER SUGAR PINE N. 79° E., 25 LINKS FROM THE FOUND IRON PIPE. K TAG ON SUGAR PINE DATED 1942 AND WAS MARKED "1/4 SEC. CORNER 26/25 B.T." SET BY K.E.G. AND R.P.M. RECENT SCRIBING FACES TO N.W. FOUND ROTTED AND DECAYED STUMP S.42° E., 24 LINKS FROM IRON PIPE. ACCEPTED ROTTED AND DECAYED STUMP AS AN ORIGINAL BEARING TREE TO THE EAST 1/4 CORNER OF SECTION 26. TO THE EAST 1/4 CORNER OF SECTION 26.

ACCEPTED IRON PIPE AS POSITION OF EAST 1/4 CORNER. ACCEPTED IRON PIPE AS POSITION OF LAST 1/4 CONTRACT
THIS POSITION FITS WELL WITH TOPOGRAPHIC CALLS TO THE
TOP OF RIDGE (49.00 CHS) AND THE BROOK (55.10 CHS)
CALLED OUT IN THE ORIGINAL G.L.O. NOTES (S.A. HANSON,
1880). ALSO FOUND REMAINS OF FENCE PER G.L.O., SEARCH FOR YELLOW PINE PER G.L.O. AND FOUND NOTHING.

SET STANDARD U.S.F.S. MONUMENT AT LOCATION OF FOUND IRON PIPE MARKED:

> T.1 S., R.18 E., M.D.M. 1/4 S26 525

> > R.C.E. 15217 1981

SCRIBED THE FOLLOWING BEARING TREES

- A. 7 INCH DIA. CEDAR, SCRIBED (1/4 S 26 BT) BEARING S. 70°W, 45.6 FEET FROM THE CORNER.
- B. 7 INCH DIA. PONDEROSA PINE, SCRIBED (1/4 S 25 BT) BEARING S.  $58-1/2^{\circ}$  E., 34.9 FEET FROM THE CORNER.

FOUND AXLE AT EDGE OF CREEK. FOUND K-TAG ON ROAD 2 FOUND AXLE AT EDGE OF CREEK. FOUND K-TAG ON ROAD 2 CHAINS, 2.5 LINKS EAST OF SECTION CORNER, DATED 4-11-27 BY R.L.K., L.M.C., J.B.B. THE K-TAG WAS SET BY R.L. KLOPPENBURG, U.S.F.S. GROVELAND DISTRICT RANGER 1921-1929. IRON STAKE WAS SET 7-30-46 BY HILL ACCORDING TO U.S.F.S. CORNER RECORD. THIS POSITION DOES NOT FIT CALLS TO THE NORTH, HOWEVER, A SEARCH OF THE AREA REVEALED NO EVIDENCE TO SUPPORT A DIFFERENT CORNER POSITION.

ACCEPTED AXLE AS THE S.E. CORNER OF SEC. 26, AND SET A STANDARD U.S.F.S. MONUMENT MARKED

> T.1 S., R. 18 E., M.D.M. 26 25 35 36

> > R.C.E. 25217 1982

SCRIBED THE FOLLOWING BEARING TREES

- A. CEDAR, 11-1/2" DIA., SCRIBED (S 26 T1S R18 E BT) BEARING N. 18-1/2 W 41.9' FROM THE CORNER. 9.
- B. CEDAR, 10" DIA., SCRIBED (S25 R 1S R18 F BT) BEARING N. 46 E, 41.6' FROM THE CORNER.
- C. WHITE FIR 5-1/2" DIA., SCRIBED (S36 TIS RIBE BT) BEARING S 59-1/2 E 24.5' FROM THE CORNER.
- D. CEDAR 8-1/2" DIA., SCRIBED (S35 T1S R18E BT) BEARING S 48-1/2"W 16.3" FROM THE CORNER.
- 6. FOUND 29 INCH DIAMETER BLACK OAK, ROTTED OUT AT BREAST HEIGHT. ALSO FOUND 1 INCH IRON PIPE TAGGED R.C.E. 15486 1.87 FEET WEST OF THE CENTER OF THE BLACK OAK. FOUND A 32 INCH PONDEROSA PINE S. 10 W 45-1/2 LINKS OF BLACK OAK WITH K-TAG DATED 2-28-31.

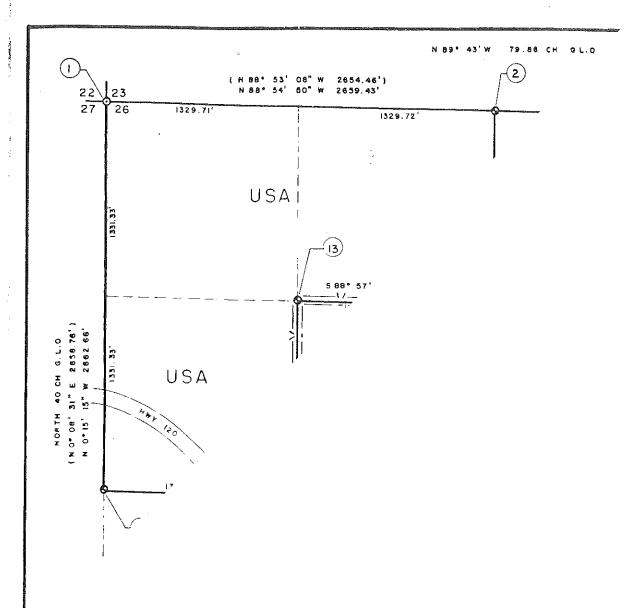
ACCEPTED BLACK DAK AS THE SOUTH 1/4 CORNER OF SECTION 26, AND SET A STANDARD U.S.F.S. MONUMENT 5.0 FEET NORTH OF THE TRUE CORNER POSITION MARKED: 10.

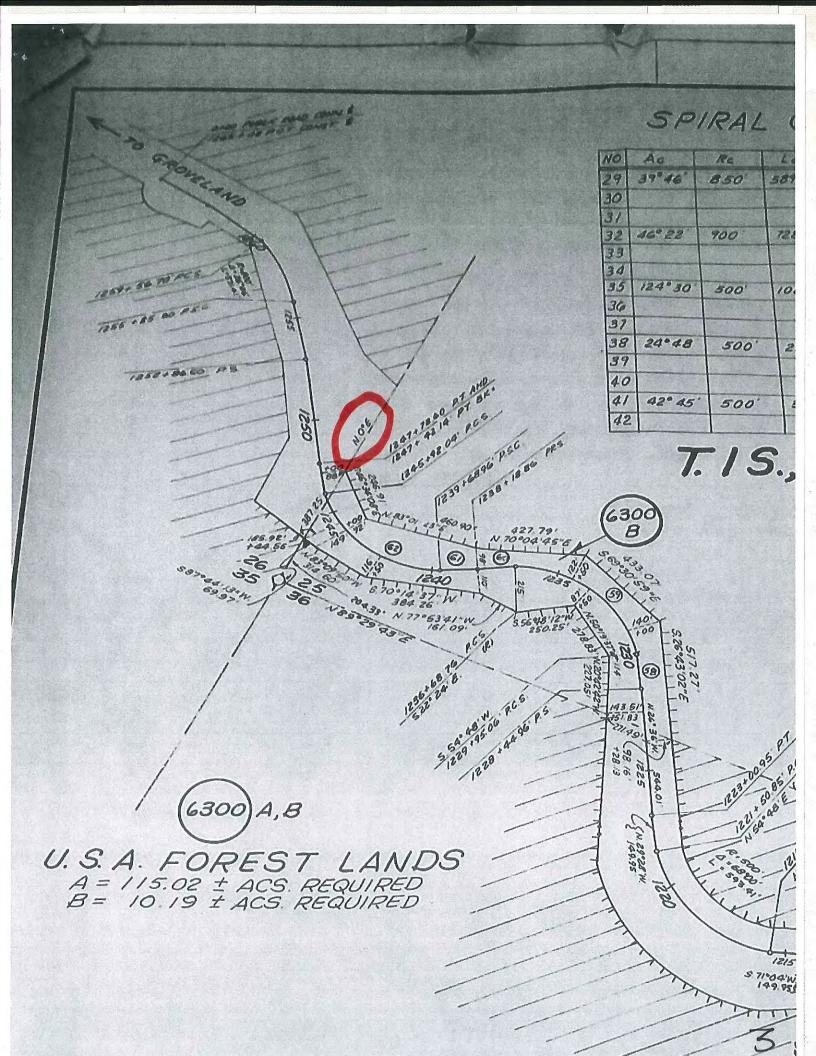
> T.1 S., R. 18 E., M.D.M. W.C. S 26 5.0 ft.

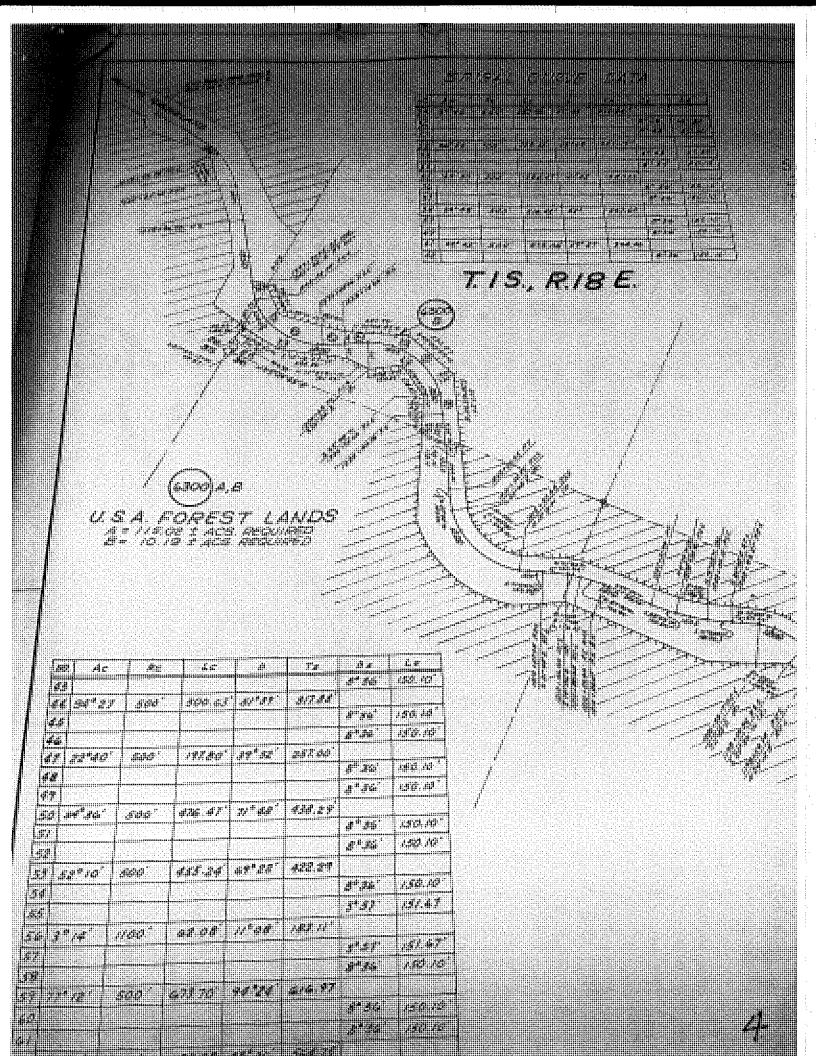
> > R.C.E. 25217

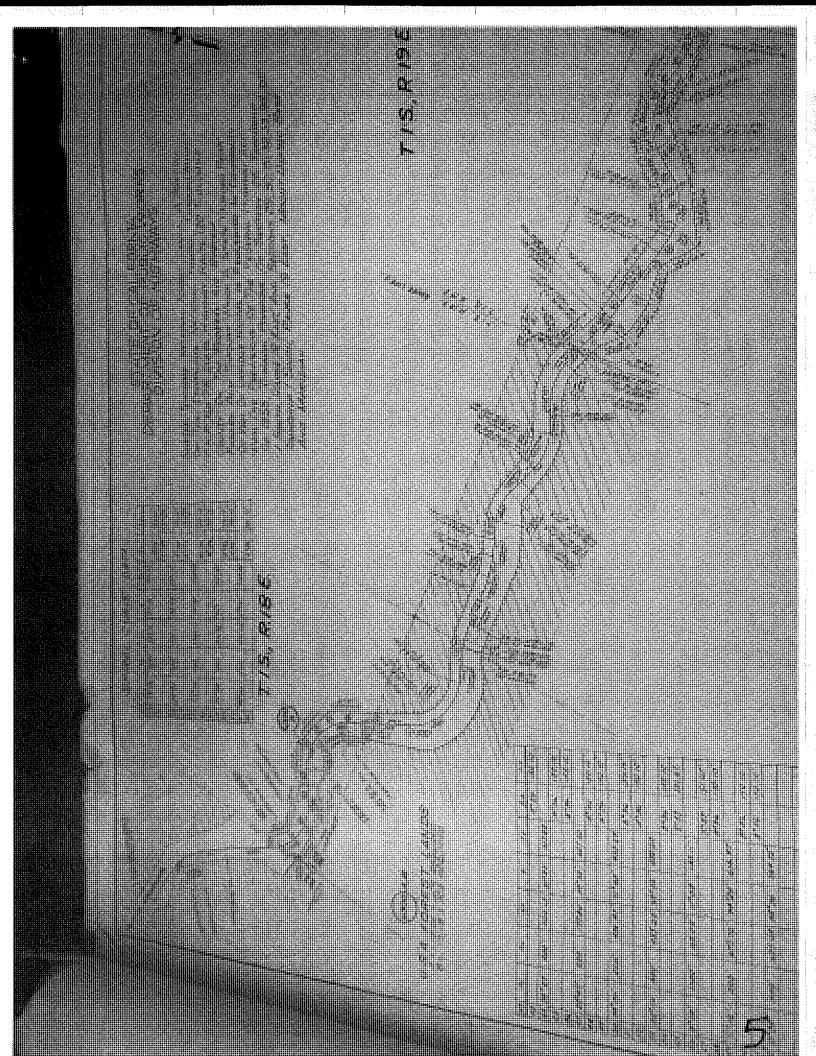
SCRIBED THE FOLLOWING BEARING TREES

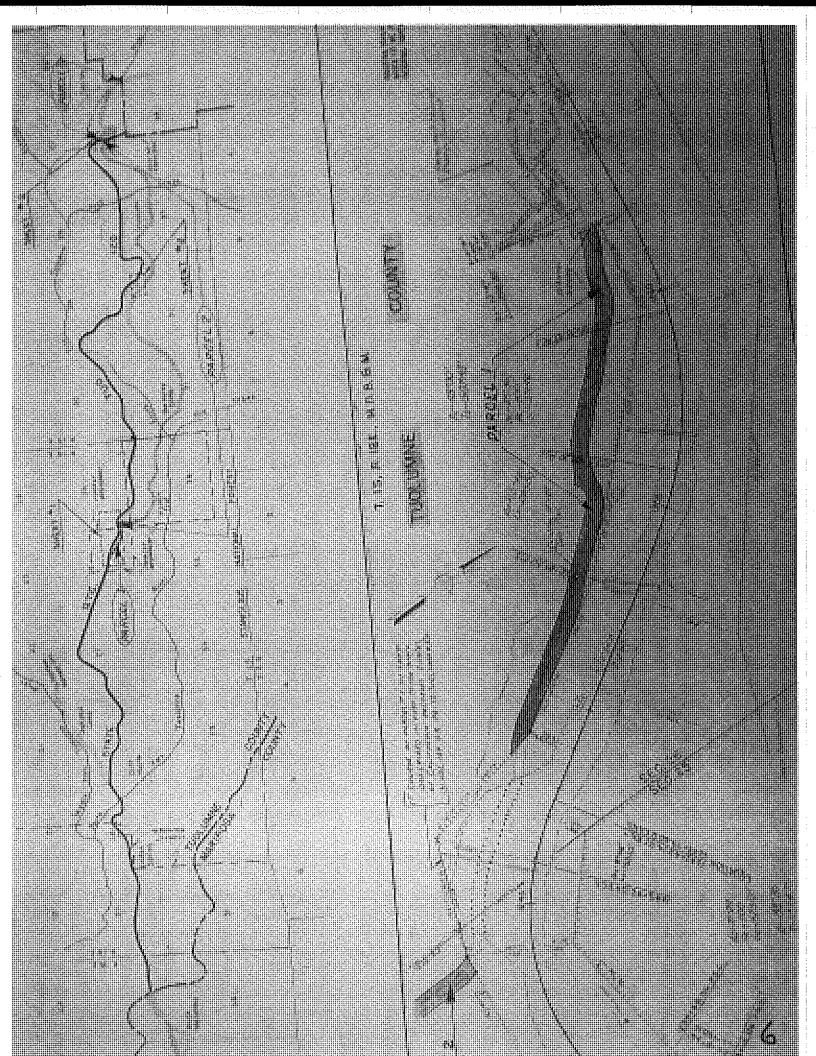
- 7 INCH DIA. CEDAR SCRIBED (1/4 S 26 BT) BEARING N 60-3/4" E 66.9 FEET FROM THE WITNESS CORNER.
- B. 8-1/4 INCH DIA. FIR SCRIBED (1/4 S 35 BT) BEARING S. 22-1/4° B. 102.69 FEET FROM THE WITNESS CORNER.
- FOUND A 3/4 INCH IRON PIN NOT TAGGED. FOUND FORKED BLACK OAK N 22° W, 11-1/2 LINKS FROM PIN. (BLACK OAK, 10° DIA. N 16°W, 11 LINKS, PER G.L.O.)
  FOUND 33 INCH DIA. YELLOW PINE S 32°E 78-1/2 LINKS, 11.
  CHEST HIGH SCAR WITH RECENT SCRIBING. 1934 K TAG ON TREE (30° DIA., YELLOW PINE, S 29°E, 77 LINKS, PER G.L.O.) THE POSITION OF THE IRON PIN FITS ORIGINAL CALLS TO THE HIGHWAY AND CREEK TO THE NORTH.









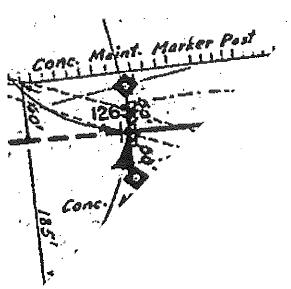


IN VEN. 184 THE TOP TO TOBELLY CASCRIBRO IN DAKO TOTAL ST OF CALIFORNIA CONDEDED COURSE OF PARCEL \*! 1 200 1245-92.04 pcs 1245 925 190 C3 x 01.081 257 08-8030 PARCEL 2 Aurel oc STIWASON OF 0601 7 1000 71,00

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ion to	Station	length Lt.	Length R+.
<b>+08</b>	1266 + 70		1751
<b>₹60</b>	1265+10	52'	-
480		33.31	12.5
490	1272+25	<b>6</b> 53	440'
<b>+90</b>	1271 +85	395"	
₹50			25.0
<u>+00</u>	Road Conn.		39.01

- Construct Connection to Existing



SOUTH MCOP SECTION FD 3" DIA D.S. BUREAU OF PUBLIC ROADS BRASS DISK ON 2.5" IP FLUSH WITH GROUND STAMPED 1278+27.84 1961 PER REF 2 N 10267.6049 E 8882.1299 5351 1-13 N81°57 04"W 1428-40 8 APPROX EXIST R/W REVISED  $\overset{\prec}{B}$ REVISED TO YOSEMITE DATE 1276 N80°20'47"W N80°20'47"W CALCULATED/ DESIGNED BY  $\overset{\star}{B}$ CHECKED APPROX N83 SUECT ENGINEER

9

1 1131



## COMMUNITY RESOURCES

## **AGENCY**

DAVID GONZALVES C.B.O.

Director

Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads -Solid Waste

48 W. Yaney Avenue, Sonora Mailing: 2 S. Green Street Sonora, CA 95370 (209) 533-5633 (209) 533-5616 (fax) (209) 533-5616 (fax) (209) 533-5909 (fax – EHD) (209) 533-5698 (fax – Fleet) (209) 533-5698 (fax – Roads) www.tuolumnecounty.ca.gov

August 17, 2018

Matthew Chapman 30445 Sawmill Mt. Road Groveland, CA 95321

Ref:

Lot Line Adjustment No. 04T-02

Dear Mr Chapman,

I received your letter of August 8, wherein you continue to seek to have this lot line adjustment rescinded.

I stand my earlier response of July 13, in that the County Surveyor's processing of a Lot Line Adjustment submittal was performed pursuant to applicable laws and regulations. The State created excess parcels of land in 1960 through the acquisition of land outside the limits of its highway improvements, and properly disposed of them in 2003.

Thank you for bringing this matter to my attention.

Wan D. Smit

Sincerely,

Warren D. Smith, LS

County Surveyor

Cc: Tuolumne County Board of Supervisors, California Board for Professional Engineers, Land Surveyors, and Geologists

September , 2018

Matthew Chapman 30445 / 11327 Sawmill Mt. Road Groveland Ca. 95321 209 962-0663 home 209 206-1706 mobile

Tuolumne County District Attorney District Attorneys Office 423 N Washington St. Sonora CA 95370 Tuolumne County Grand Jury 41 W. Yancy St. Sonora CA 95370

Re: Demand for investigation of penal / misdemeanor violation of California Subdivision Map Act

As per direction from the office of the state Attorney General, the following complaint against Tuolumne county is delivered to you. (see attached letter of June 21 2018).

The complaint relates an unlawful land division in violation of the California state Subdivision Map Act and the Tuolumne County Land Division law enacted pursuant thereto. (see complaint of June 18 2018 points 1-23).

Contact with the agency of the Tuolumne County Surveyor, as advised by the state has proved disturbingly ineffectual. It is to that ineffectual conduct, that I contact you; for review and investigation of that conduct for the penal and misdemeanor measures attached to violations of the Subdivision Map Act. (see complaint point 19).

The Tuolumne County surveyor charged by Tuolumne county code with "Enforcement Responsibility" of "the policy of the county to strictly enforce the provisions of state law..." (see complaint at points 20-22), has exhibited a disregard of his duty as "shall be enforced by the county surveyor", "whenever the county surveyor has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act ..."

The various reasons for failing to enforce the provisions of the Subdivision Map Act are related in 2 letters of response; first, July 13 2018 responding to the initial complaint, a second August 17 2018 responding to my correspondence of August 8 2018. (see attachments).

The county surveyor maintains a position of transfer of excess land (15.1 acres), yet it is undeniable objective fact that the 1960 survey noting 3 originally set monuments and the 2003 survey noting the finding of those 3 same monuments indicate no excess land to transfer, the highway parcel in both surveys situated the same in relation to those monuments.

The county surveyor additionally relates a mischaracterization as to a gap/offset being exploited between the 1960 and 2003 surveys; yet it is undeniable objective fact that the real land description within the "Certificate of Compliance" providing for it's parcels 1&2 explicitly does just that; in gross contradiction to the survey evidence indicated above, which depict the respective southern boundary of the 2 surveys identical in relation to 3 monuments.

The county surveyors position is untenable in light of these undeniable objective facts, yet he persists in maintaining a transfer of land of 15.1 acres occurring despite being <u>clearly refuted by fact</u>, and maintaining <u>as a mischaracterization</u> that the 15.1 acres was derived from a gap/ offset between the 1960 and 2003 surveys, despite being <u>clearly and explicitly</u> articulated within the "Certificate of Compliance" and exhibited within the Lot-Line adjustment.

It is factually clear that a transfer of 15.1 acres of land between CalTrans and Manly did not physically occur and the explicitly described gap / offset factually described in the real land description within the "Certificate of Compliance" from which that 15.1 acres and 2 parcels were derived is physically and factually non existent.

The office of the Tuolumne county surveyor allowed this fraudulent real land description to be approved in 2003, and the now, the current Tuolumne county surveyor perpetuates that fraud with full knowledge of it's factual defects; allowing it to go forward, which connotes some motive other than his duty to "whenever" and "strictly enforce" Tuolumne county land division law established pursuant and accordance with the state Subdivision Map Act.

The unlawful subdivided parcels providing for a Lot-Line adjustment, are currently involved with a potential commercial development, an "Option To Lease Agreement" between Manly and Hansji Corporation was recorded April 17, 2018; that option to expire as of October 12, 2019 (see attached "Memorandum of Option to Lease Agreement").

The Tuolumne county surveyor in allowing unlawful subdivided parcels to go forward in disregard of his duty could be complicit to an unlawful lease of parcels created in violation of the state Subdivision Map Act (see submitted Complaint of June 8, 2018 points 18,19,23). Tuolumne county has apparently permitted water well and ground activities to take place on involved parcels. The Tuolumne county Board of Supervisors have yet to respond to the June 8, 2018 Complaint.

The Tuolumne county surveyor 's determination is not only unsupported by fact, it is clearly refuted by **undeniable** objective survey documented fact. His determination denies the public policy of the California Sub Division Map Act, its land division parcel map process and procedures, resulting in arbitrary, capricious individual actions denying this aggrieved party the protection of those laws. Laws enforced within the Act by penal and misdemeanor punishment. I demand an investigation into his conduct, that of the county Board of Supervisors, and that of the Office of the Tuolumne county Surveyor for violations of the California State Subdivision Map Act and the Tuolumne county Land Division Law established pursuant and consistent thereto for penal and or misdemeanor punishment.

## ATTACHMENTS SUBMITTED

- 1. Letter June 21, 2018 by Calif.Dept. Justice Public Inquiry Unit
- 2. Letter June 26, 2018 by Board Professional Engineers, Land Surveyors, and Geologists
- 3. Letter July 13, 2018 by Warren D. Smith County Surveyor
- 4. Letter August 17, 2018 by Warren D. Smith County Surveyor
- 5. Memorandum of Option to Lease Agreement April 17, 2018
- 6. <u>Letter August 8, 2018</u> by Matthew Chapman
- 7. Unlawful Land Division Complaint to Tuolumne County; June 18, 2018 Cover letter, Complaint Points 1-23, Record Files A-F

Matthew Chapman

CC; Tuolumne County Grand Jury 41 W. Yancy St. Sonora California, 95370

> Tuolumne County District Attorney District Attorney's Office 423 N Washington St. Sonora CA 95370

June 18, 2018

Matthew Chapman **30445**/11327 Sawmill Mt. Road Groveland CA 95321 209/ 962-0663 home 209/ 206-1706 mobile

Tuolumne County Board Supervisors
Tuolumne County Surveyor
Office State Attorney General
Board Land Surveyors :

By letter dated April 4 2018, local residents and others were informed by HANSJI company of their plans to establish a major lodge development on commercial land adjacent to their residential lands. Unbeknownst to local residents, the single 140 +/- acre parcel had been divided into 4 parcels. Inquiry into that land division resulted in the initial knowledge that it was a result of a Lot Line Adjustment, a process that by law cannot create division of land. Further investigation of that Lot Line Adjustment, revealed the manner in which the Office of the Tuolumne County Surveyor accomplished the land division, without subjecting the division to county ordinance established pursuant to the State Subdivision Map Act.

1

This complaint submitted against that land division, relate the unlawful facts and circumstance by which that land division was undertaken in disregard of Tuolumne County Land Division ordinance established pursuant to the state Subdivision Map Act, Business and Profession Code of the State Land Surveyors Act, and California State Code of Civil Procedure.

Upon the facts and circumstance so related within the complaint submitted, I am clearly within my rights under the codes and regulations as an "Aggrieved Party" to demand an investigation for accountability, penal and/or otherwise, into the actions resulting in an unlawful Land Division and subsequent Lot line Adjustment, additionally investigation into the Business and Profession Codes in relation to the actions of the State licensed Land Surveyors involved in the unlawful Land Division, County employed or acting privately.

It is clear that Tuolumne County thru the Office of the County Surveyor did not abide by their own ordinance in the first instance, codes relating "strict enforcement" and that, "the general regulations set forth in this Title [16] for final and parcel maps in the county must be complied with". It should now be required of the current County Surveyor to act on this matter, as "Whenever the County Surveyor has knowledge that real property has been divided in violation of the Subdivision Map Act and this Title, he/she shall cause to be mailed" see full text Tuolumne County Code 16.22.040. I request the County Surveyor act in accordance with the law as "shall be enforced by the County Surveyor"; see 16.22.060. That the Tuolumne County Board of Supervisors rescind the Land Division, and act to strictly enforce the provisions of their own Title 16, regardless of the fact that violations may have occurred through past actions accountable to the office of the Tuolumne County Surveyor.

I request the oversight of the State Department of Justice and the Attorney General to ensure that Tuolumne County, as a unit of the state, in fact implements Public Policy as directed by the State Subdivision Map Act, despite whatever other motive may apparently possess Tuolumne county.

I request the California State Board of Professional Engineers, Land Surveyors and Geologists to act in accordance with any oversight to the Business and Professions Codes as may be appropriate to their duties regarding the practice of the State licensed Land Surveyors involved in the related land division, to further respect for the profession, and performance, in compliance with the codes thereto.

Matthew Chapman

# Facts and circumstance related to the subdivision and lot line adjustment of Tuolumne county Assessor Parcel Number 68-120-57 C-K/O established by Tuolumne county Ordinance No. 1855 SECTION 2. August 20 1991 as a single 139 +/- acre parcel

1

A new survey conducted in or around the year 2000 of the existing highway 120 revealed a conflict with the 1960 deed calls used to acquire, establish, locate, monument, and build that same existing highway which bisects APN 68-120-57. The conflicting course and distance calls of those two surveys was used to create 2 news parcels by exploiting the offset/gap between their respective relative location of the highway's southern right of way boundary. (File F plats 1-4)

2

One newly recognized parcel, as described, utilized the entire length and width of that offset excepting a separately deeded (1962) pullout parcel adjoining that offset. That same pullout, comprising part of the offset, was then newly recognized as a second parcel. A third parcel of .13 acres APN 68-120-29 (indicated by exhibit as situated within the offset) was through a process of Quitclaim Deeds relinquished by CalTrans (fee owner) to Manly; apparently in exchange for an easement in it's stead allowing for road use and material storage, a storage barn partially located on that former .13 acre parcel.<sup>1</sup> (File F plat 5)

3

Manly never applied pursuant to Tuolumne County Ordinance for <u>land division</u>, the substance and process of that Ordinance never occurred. See 16.11 et.seq.; more particularly 16.11.010 (B), addressing resubdivisions; "resulting in four or fewer parcels are subject to this Chapter, and the parcel map shall comply with all laws and regulations governing the processing, form and content of parcel maps" see then Chapter 16.24 Parcel Maps. (File E Title 16 <u>Tuolumne Cnty Land Division Ordinance 16.02</u>)

A series of deed transfers occurred between Manly and CalTrans; recorded first in the year 2000 and culminating in August of 2003. CalTrans Quitclaim "Director Deeds" were reciprocated by Manly Grant Deeds. Deeds recorded in late 2000 (3), signed as early as 1997, involved the area in and around APN 68-120-29. The later Deeds (2) involve the highway and adjoining pullouts. The 2000 transfers by reference in said deeds were to satisfy Ca. Transp. Comm. "CTC" resolution #G-02 9 for the sale of excess property. (File B pgs 1-29)

4

In disregard of the above Tuolumne county Ordinance and subsequent Ordinance contingent thereto, the Deputy County Surveyor, utilizing some unknown process determined to issue forth a "Certificate of Compliance" on September 18 2003, certifying compliance with the State Subdivision Map Act and Tuolumne County Title 16 Subdivisions Ordinance. (File C pg 7-8)

5

That "Certificate of Compliance" describes **PARCEL 1**, as the offset/gap between the deed calls of the 1960 land granted for purpose of a highway and the calls of the Jan.13 2003 State survey submitted as a <u>survey of correction for the same highway</u> (excepting parcel 2). **PARCEL 2**, is described referencing the originating deed of this same parcel in 1962 without comparison (as with PARCEL 1 to which it adjoins) to the Jan. 13 2003 State survey submitted as a <u>survey of correction for the whole of the parcels comprising the highway</u>. (File C pg 8)

6

The Deputy County Surveyor, entertained in some unknown process, to construe an otherwise readily apparent conflict of surveys, a potential boundary dispute issue, remedied by Deed Correction believed subject to Calif. Code of Civil Procedure CCP 2077 Rules For Ascertaining Boundaries From Description In Deed (File E CCP.), as one of lawful parcel creation. He proceeded to find, certify, and issue forth in Sept. 2003 a "Certificate of Compliance" pursuant to the State Subdivision Map Act and Tuolumne County Land Division Ordinance, in the absence of application for, and process of, county ordinance pertaining to land division. Moreover, certifying in light of Quitclaim deed correction process that had in fact culminated, mutually undertaken and acquiesced to between CalTrans and Manly as will be shown below.

Would, could, and should have the Deputy County Surveyor required Manly to apply for land division in light of the proposition to accept and certify a deed parcel description based upon a conflict of 1960 deed and the CalTrans corrective survey (a corrective survey citing the original 1960 highway survey)? Would, could, or should have the parcel map requirements of County Code 16.11.010 (B) been implemented? ... thus potentially subjecting the land division reviewed pursuant to the Professional land Surveyors Act 8700-8805, Business and Professions Code State of Calif. 8762 et seq. Relating at 8767, 8768; codes requiring the noting of disagreements and explanation thereof and 8770.5; Record of survey-correction? Apparently all duties of the County Surveyor? (File E Professional Land Surveyors Act)

8

Manly on December 30 2003, citing APN 's 068-120-57, 068-120-29 and the Certificate of Compliance #2003024198 applied to Toulumne County for a Lot Line Adjustment, (File C pg 1), it's ensuing process documented in Lot Line Adjustment Application File 04T-2 (File C pg 1-23). The Lot Line Adjustment was approved January 28 2004, a decision rendered, and approved by the Deputy County Surveyor (File C pg 3-6), who previously issued forth the "Certificate of Compliance" in Sept. 2003. The County Surveyor gave "Consent to Record "March 31 2004. (File C pg 2). No record of Public notification exists.

9

The ongoing Quitclaim deed correction process between Manly and CalTrans culminated with signatures in or around July and August of 2003, a Quitclaim Deed from CalTrans and a Grant Deed from Manly simultaneously recorded August 25, 2003 (File B pg 10-29) These Deed corrections in effect, both at the time of his Lot Line Adjustment Application, it's subsequent approval, and at the time the Deputy County Surveyor issued the "Certificate of Compliance", Sept. 18 2003, recognizing these two parcels.

<sup>2</sup> The above requirements necessitating a Record of Survey are not immune from County Lot Line Adjustment code; see Tuolumne county code 16.09.020 (6); No record of survey shall be required for a lot line adjustment unless required by section 8762 of the Business and Professions Code...." see then said Professional Land Surveyors Act Code 8762 Record of Survey when Required (a) thru (e), particularly (b) addressing material discrepancy as "limited to a material discrepancy in the position of points or lines, or dimension."

Concluding Facts 1-9 above; The Deeds of Correction mutually acquiesced to between Manly and CalTrans had nullified any conflict, thus the legal description of both PARCELS 1&2 that rested on that conflict. <u>Deeds of Correction that predated, thus substantively void the</u> "Certificate of Compliance" Subsequently null and voiding any subsequent Lot Line Adjustment resting on and applied for under it's false unlawful pretense.

11

Addressing a third parcel involved in the approved Lot Line Adjustment; APN 68-129-29 deeded back to Manly by CalTrans Quitclaim Deed as recorded Dec.7 2000. That parcel was established by act of Condemnation as represented in a Grant Deed dated 1962; "made for purposes of a freeway", (File D pg 8-9). It has existed since then as a distinct parcel from APN 68-120-57, (File C pg 22), including at the time Tuolumne county Ordinance No. 1855 approved the CK zoning of APN 68-120-57, which did not contemplate APN 68-120-29, (File A pg 1-7). As such APN 68-120-29 has no zoning or would revert back to its status it had in 1962; merely a parcel of the SE¼ of the SE¼ of section 26, Township 1 South, Range 18 East, distinct from APN 68-120-57, non the less never lawfully zoned. Moreover, as a result of the Lot Line Adjustment, it's increase in size has consequently proportionally diminished the size of the CK parcel APN 68-120-57. The above would also be the case for PARCEL 1&2 represented in the "Certificate of Compliance"; except for the fact that they lack foundation for lawful existence as presented in the body of this memorandum. <sup>3</sup>

12

Parcel; (4) a separable, separate, or distinct part or portion or section, as of land The American College Dictionary

13

Disregarding the **separable**, **separate**, **distinct portion**, plain meaning of the word "parcel" and in apparent disregard of the related and expressed theory of "pre-existing underlying parcel"

Upon expansion (.13 to 27 acres) Parcel 68-120-29 established for "freeway purpose", never lawfully zoned, is conterminous to a rural residential 5 acre minimum zoning district. Residential homes established there since the 1940's, in 1991, were subjected to the commercial rezoning of 68-120-57 despite local opposition at the time. The zoning of 68-120-29 would implicate General Plan zoning issues, notification, and CEQA review.

as justification for the Deputy County Surveyor's actions; he non the less refers to them in the "Certificate of Compliance" as "a portion of 068-120-27 and a portion of 068-120-57" in relating their respective APN's. (File C pg 7). As separable, separate, or distinct lawful parcels, they would already have APN's distinct from the above noted.; distinct APN's required of Lot line Adjustment Code 16.09.020 A(1): . . the exhibit map shall include . . current assessor parcel numbers. It is clear from the Lot Line Adjustment Exhibit (File F plat 5) that PARCELS 1&2 derived from the "Certificate of Compliance" do not have APN's;

14

PARCELS 1&2 are declared separate by and thru a "Certificate of Compliance" describing them as distinct portions of the SE QUARTER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 18 EAST making them, in his proffered theory, distinct from 68-120-57 &27 (just as 68-120-57 and 68-120-27 are distinct portions thereof) However, the Deputy County Surveyor does not produce any recorded or otherwise dated pre-existing Parcel Grant Deeds to separate/distinct parcels separable from highway/freeway purposes. The "Certificate of Compliance" real property descriptions of PARCELS 1&2; nothing but a contrived expedient to certification. They were in fact created in 2003, as they rely on the CalTrans 2003 survey of correction for deed calls.<sup>4</sup>

15

Concluding, it must be noted that these supposed "parcels" already exist in physical reality as the existing highway by Deed Correction as acquiesced to by Manly and CalTrans. It was by and thru Lot Line Adjustment process that PARCELS 1&2 derived their APN's. Lacking bona-fide pre-existing Deeds, their Parcel Deeds were concocted in 2003 to provide for "Certification of Compliance". If they were anything previously they were part of the highway parcel 68-120-59; where their 1960/62 Deeds and Asbuilt 1960 survey placed them by monument, where they have existed and been acquiesced to for 40 years; which by Deed of Correction they remain. The subterfuge resorted by the County Surveyor and the County Agency's a party thereto is remiss.

<sup>4</sup> There is no certification, by dated signature and License stamp, as to whom prepared this real property description in conformance with the Professional Land Surveyors Act; Code 8761 (File E); a real property description derived from conflicting surveys, presenting and based upon material discrepancy in the position of points or lines or dimensions, as the Lot Line Adjustment Exhibit illustrates. (see File F at F5)

The facts and circumstance by which the Deputy County surveyor issued the "Certificate of Compliance" to Manly is unlawful pursuant to the Subdivision Map Act, and Local Law established pursuant thereto. There was no Grant Deed prior to March 4 1972; for which the "certificate of compliance" by the Act's design, was established as a grandfather clause. Nor for that matter, the conveyance to an otherwise good faith buyer, of a parcel, established in violation of the Act, for which a, "Conditional Certificate of Compliance" may issue. In the absence of those two scenarios Manly thru the County Surveyor was required to apply Tuolumne County Land Division Codes inclusive of a the Parcel Map process; "The recordation of a final or parcel map "constitute[s] a certificate of compliance with the Act (§ 66499.35 sub(d).5 (File E Save Mount Diablo v Contra Costa Cnty/Ronald E. Nunn et al. At pg 6)

17

Manly with the assistance of the Deputy County Surveyor and Tuolumne County administrative agencies, subdivided land in violation of the State Subdivision Map Act, and apparently in disregard of Codes of the State Land Surveyors Act.

18

Section 66499.30 of The Subdivision Map Act states; "a parcel for which a recorded map is required cannot be sold, leased, or financed in the absence of such map. The issuance of a certificate of compliance authorizing the sale, lease, or financing of a parcel for which there is no recorded map would be consistent with the prohibition of section 66499.30 only if such a map were not required for the parcel- i.e. only if the division creating the parcel were exempt from the map requirement. Manly by law is forbidden (under penalty of law) from selling, leasing, or financing the parcel as he does not possess a bona fide lawful recorded parcel map and does not present facts and circumstance to a statutory exemption from the map requirement. See footnote 5 below.\*

<sup>5</sup> Save Mount Diablo v.Contra Costa Cnty/Ronald E, Nunn et al. Pgs 5-8 addressing and discussing the lawful application and use of the Certificate of Compliance. \* see pg .7 footnote 7 and associated text.

**Subdivision Map Act §66499.31** Each violation of this division by a person who is the subdivider or an owner of record, at the time of the violation, of the property involved in the violation, shall be punishable by imprisonment in the county jail not exceeding one year or in state prison, by a fine not exceeding ten thousand dollars (\$10.000), or by both that fine and imprisonment. Every other violation of this division is a misdemeanor.

**20** 

Tuolumne County <u>Title 16 Subdivisions</u>, Chapter 16.22 <u>Administration and</u>

<u>Enforcement et seq.</u> Section 16.22.010: It is the policy of the County to strictly enforce the provisions of state law and the County's ordinances relative to the division of land. The primary focus of the County's enforcement efforts shall be in regard to ongoing divisions of land. The County will also investigate cases where a certificate of compliance has been requested or information is obtained indicating the possibility of a division of land without compliance with the applicable provisions of law. (Ord. 3290 § 4 2015; Ord. 1562 § 2 (part), 1987)

21

Section 16.22.040: Notice of Intention to Record a notice of Violation A. Whenever the County Surveyor has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act and this Title, he/she shall cause to be mailed, by certified mail, to the then current owner of record of the property a notice of intention to record a notice of violation. The notice of intention shall also contain an explanation as to why the subject parcel is not lawful under subdivision (a) or (b) of Government Code Section 66412.6 and shall state that an opportunity will be given to the owner to present evidence. See full text of 16.22.040 and 16.22.010 thru 16.22.080 (File E Title 16)

22

16.22.060 Enforcement Responsibility The provisions of this Title shall be enforced by the County Surveyor, except enforcement of any restrictive conditions continuing after recordation of a final or parcel map shall be enforced by the Code Compliance Officer

Government Code §66499.33 / Tuolumne Code 16-06.150 This chapter does not bar any legal, equitable or summary remedy to which the county or any aggrieved person, firm, or corporation may otherwise be entitled, and the county, or any such person, firm or corporation may file suit in the superior court of California of the county in which any real property attempted to be subdivided or sold, leased, or financed in violation of this division or local ordinance enacted pursuant thereto is located, to restrain or enjoin any attempted or proposed division or sale, lease, or financing in violation of this division or local ordinance enacted pursuant thereto. (File E Title 16)

Aggrieved Party

Conterminous Parcel Owner APN 068-340-010-000

Matthew Chapman

30445/11327 Sawmill Mt. Road

Groveland Ca. 95321 209/962-0663 Home 209/206-1706 Mobile

CC

Attorney General State of California Dept, of Justice Public Inquiry Unit P.O. Box 944255 Sacramento CA. 94244-2550

Board **Professional Engineers** Land Surveyors & Geologists 2535 Capital Oaks Dr. Sacramento CA 95833

Forest Service before construction shall begin.

[3 FR 1953, Aug. 9, 1938]

#### DESIGNATION OF AREAS

## § 251.23 Experimental areas and research natural areas.

The Chief of the Forest Service shall establish and permanently record a series of areas on National Forest land to be known as experimental forests or experimental ranges, sufficient in number and size to provide adequately for the research necessary to serve as a basis for the management of forest and range land in each forest region. Also, when appropriate, the Chief shall establish a series of research natural areas, sufficient in number and size to illustrate adequately or typify for research or educational purposes, the important forest and range types in each forest region, as well as other plant communities that have special or unique characteristics of scientific interest and importance. Research Natural Areas will be retained in a virgin or unmodified condition except where measures are required to maintain a plant community which the area is intended to represent. Within areas designated by this regulation, occupancy under a special-use permit shall not be allowed, nor the construction of permanent improvements permitted except improvements required in connection with their experimental use, unless authorized by the Chief of the Forest Service.

[31 FR 5072, Mar. 29, 1966]

#### PETERSBURG WATERSHED

#### § 251.35 Petersburg watershed.

- (a) Except as authorized in paragraphs (b) and (c), access to lands within the Petersburg watershed, Tongass National Forest, as described in the Act of October 17, 1940 (54 Stat. 1197), is prohibited.
- (b) Access to lands within the Petersburg watershed is hereby authorized, without further written approval, for the following routine purposes:
- (1) The discharge of official duties related to management of the Tongass National Forest by Federal employees,

holders of Forest Service contracts, or Forest Service agents;

- (2) The operation, maintenance, and improvement of the municipal water system by Federal and State officials and employees of the city of Petersburg; and
- (3) Public recreational use of the Raven's Roost Trail for access to and from the Raven's Roost public recreation cabin and the Alpine Recreation Area.
- (c) Any person who wishes to enter upon the lands within the watershed for purposes other than those listed in paragraph (b) must obtain a permit that has been signed by the appropriate city official and countersigned by the District Ranger.
- (d) Unauthorized entrance upon lands within the watershed is subject to punishment as provided in 36 CFR 261.1b.
- (e) The Forest Supervisor of the Stikine Area of the Tongass National Forest may authorize the removal of timber from the watershed under the regulations governing disposal of National Forest timber (36 CFR part 223) In any removal of timber from the watershed, the Forest Supervisor shall provide adequate safeguards for the protection of the Petersburg municipal water supply.

[53 FR 26595, July 14, 1988]

## Subpart B—Special Uses

AUTHORITY: 7 U.S.C. 1011(f); 16 U.S.C. 4601-6a(c), 4601-6d, 472, 497b, 497c, 551, 580d, 1134 3210; 30 U.S.C. 185; 43 U.S.C. 1740, 1761-1771.

SOURCE: 45 FR 38327, June 6, 1980, unless otherwise noted.

#### § 251.50 Scope.

(a) All uses of National Forest System lands, improvements, and resources, except those authorized by the regulations governing sharing use of roads (§212.9); grazing and livestock use (part 222); the sale and disposal of timber and special forest products, such as greens, mushrooms, and medicinal plants (part 223); and minerals (part 228) are designated "special uses." Before conducting a special use, individuals or entities must submit a proposal to the authorized officer and must obtain a special use authorization from

the authorized officer, unless that requirement is waived by paragraphs (c) through (e)(3) of this section.

(b) Nothing in this section prohibits the temporary occupancy of National Forest System lands without a special use authorization when necessary for the protection of life and property in emergencies, if a special use authorization is applied for and obtained at the earliest opportunity, unless waived pursuant to paragraphs (c) through (e)(3) of this section. The authorized officer may, pursuant to §251.56 of this subpart, impose in that authorization such terms and conditions as are deemed necessary or appropriate and may require changes to the temporary occupancy to conform to those terms and conditions. Those temporarily occupying National Forest System lands without a special use authorization assume liability, and must indemnify the United States, for all injury, loss, or damage arising in connection with the temporary occupancy.

(c) A special use authorization is not required for noncommercial recreational activities, such as camping, picnicking, hiking, fishing, boating, nunting, and horseback riding, or for noncommercial activities involving the expression of views, such as assemblies, meetings, demonstrations, and parades, interest.

(1) The proposed use is a noncommercial group use as defined in §251.51 of this subpart;

(2) The proposed use is still photography as defined in §251.51 of this subpart; or

(3) Authorization of that use is required by an order issued under §261.50 or by a regulation issued under §261.70 of this chapter.

(d) Travel on any National Forest System road shall comply with all Federal and State laws governing the road to be used and does not require a special use authorization, unless:

(1) The travel is for the purpose of engaging in a noncommercial group use, outfitting or guiding, a recreation event, commercial filming, or still photography, as defined in §251.51 of this subpart, or for a landowner's ingress or egress across National Forest System lands that requires travel on a National Forest System road that is not

authorized for general public use under § 251.110(d) of this part; or

(2) Authorization of that use is required by an order issued under §261.50 or by a regulation issued under §261.70 of this chapter.

(e) For proposed uses other than a noncommercial group use, a special use authorization is not required if, based upon review of a proposal, the authorized officer determines that the proposed use has one or more of the following characteristics:

(1) The proposed use will have such nominal effects on National Forest System lands, resources, or programs that it is not necessary to establish terms and conditions in a special use authorization to protect National Forest System lands and resources or to avoid conflict with National Forest System programs or operations;

(2) The proposed use is regulated by a State agency or another Federal agency in a manner that is adequate to protect National Forest System lands and resources and to avoid conflict with National Forest System programs or

operations; or

(3) The proposed use is not situated in a congressionally designated wilderness area, and is a routine operation or maintenance activity within the scope of a statutory right-of-way for a highway pursuant to R.S. 2477 (43 U.S.C. 932, repealed Oct. 21, 1976) or for a ditch or canal pursuant to R.S. 2339 (43 U.S.C. 661, as amended), or the proposed use is a routine operation or maintenance activity within the express scope of a documented linear right-of-way.

[69 FR 41964, July 13, 2004]

#### § 251.51 Definitions.

Applicant—any individual, partnership, corporation, association, or other business entity, and any Federal, State or governmental entity or agency which applies for a special use authorization.

Authorized officer—any employee of the Forest Service to whom has been delegated the authority to perform the duties described in this part.

Chief-the Chief of the Forest Service.

Commercial filming—use of motion picture, videotaping, sound recording, or

Deciding Officer, or designee, shall not discuss mediation and/or appeal matters with the Reviewing Officer.

[64 FR 37846, July 14, 1999

#### Subpart D—Access to Non-Federal Lands

SOURCE: 56 FR 27417, June 14, 1991, unless otherwise noted.

#### §251.110 Scope and application.

(a) The regulations in this subpart set forth the procedures by which landowners may apply for access across National Forest System lands and the terms and conditions that govern any special use or other authorization that is issued by the Forest Service to permit such access.

(b) These regulations apply to access across all National Forest System lands, including Congressionally designated areas, and supplement the regulations in subpart B of this part, and in parts 212 and 293 of this chapter. The regulations of this subpart do not affect rights-of-way established under authority of R.S. 2477 (43 U.S.C. 932); rights-of-way transferred to States under 23 U.S.C. 317; access rights outstanding in third parties at the time the United States acquired the land; or the rights reserved in conveyances to the United States and in other easements granted by an authorized officer of the Forest Service. Except for the aforementioned rights-of-way, currently valid special-use authorizations will become subject to the rules of this subpart upon expiration, termination, reversion, modification, or reauthor-

c(c) Subject to the terms and conditions contained in this part and in parts 212 and 293 of this chapter, as appropriate, landowners shall be authorized such access as the authorized officer deems to be adequate to secure them the reasonable use and enjoyment of their land.

ization.

(d) In those cases where a landowner's ingress or egress across National Forest System lands would require surface disturbance or would require the use of Government-owned roads, trails, or transportation facilities not authorized for general public use, the landowner must apply for and receive a special-use or road-use authorization documenting the occupancy and use authorized on National Forest System lands or facilities and identifying the landowner's rights, privileges, responsibilities, and obligations.

(e) Where ingress and egress will require the use of existing Government-owned roads, trails, or other transportation facilities which are open and available for general public use, use by the landowner shall be in accordance with the provisions of part 212 of this chapter.

(f) The rules of this subpart do not apply to access within conservation system units in Alaska which are subject to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101), except for access to inholdings authorized by section 1110(b) of that Act.

(g) Where there is existing access or a right of access to a property over non-National Forest land or over public roads that is adequate or that can be made adequate, there is no obligation to grant additional access through National Forest System lands.

#### §251.111 Definitions.

In addition to the definitions in subpart B of this part, the following terms apply to this subpart:

Access means the ability of landowners to have ingress and egress to their lands. It does not include rightsof-way for power lines or other utili-

Adequate access means a route and method of access to non-Federal land that provides for reasonable use and enjoyment of the non-Federal land consistent with similarly situated non-Federal land and that minimizes damage or disturbance to National Forest System lands and resources.

Congressionally designated area means lands which are within the boundaries of a component of the National Wilderness Preservation System, National Wild and Scenic River System, National Trails System, and also National Monuments, Recreation, and Scenic Areas within the National Forest System, and similar areas designated by Federal statute.

Landowner(s) means the owner(s) of non-Federal land or interests in land within the boundaries of the National Forest System.

#### \$251.112 Application requirements.

(a) A landowner shall apply for access across National Forest System lands in accordance with the application requirements of §251.54 of this part. Such application shall specifically include a statement of the intended mode of access to, and uses of, the non-Federal and for which the special-use authorization is requested.

(b) The application shall disclose the historic access to the landowner's property and any rights of access which may exist over non-federally owned land and shall provide reasons why these means of access do not provide adequate access to the landowners property.

(c) The information required to apply for access across National Forest lands under this subpart is approved for use under subpart B of this part and assigned OMB control number 0596-0082.

#### §251.113 Instrument of authorization.

To grant authority to construct and/ or use facilities and structures on National Forest System lands for access to non-Federal lands, the authorized officer shall issue a special-use authorization in conformance with the provisions of subpart B of this part or a road-use permit. In cases where Road Rights-of-way Construction And Use Agreements are in effect, the authorized officer may grant an easement in accordance with the provisions of part 212 of this chapter.

## §251.114 Criteria, terms and conditions.

(a) In issuing a special-use authorization for access to non-Federal lands, the authorized officer shall authorize only those access facilities or modes of access that are needed for the reasonable use and enjoyment of the land and that minimize the impacts on the Federal resources. The authorizing officer shall determine what constitutes reasonable use and enjoyment of the lands based on contemporaneous uses made of similarly situated lands in the area and any other relevant criteria.

(b) Landowners must pay an appropriate fee for the authorized use of National Forest System lands in accordance with §251.57 of this part.

(c) A landowner may be required to provide a reciprocal grant of access to the United States across the landowner's property where such reciprocal right is deemed by the authorized officer to be necessary for the management of adjacent Federal land. In such case, the landowner shall receive the fair market value of the rights-of-way granted to the United States. If the value of the rights-of-way obtained by the Government exceeds the value of the rights-of-way granted, the difference in value will be paid to the landowner. If the value of the rights-ofway across Government land exceeds the value of the rights-of-way across the private land, an appropriate adjustment will be made in the fee charged for the special-use authorization as provided in §251.57(b)(5) of this part.

(d) For access across National Forest System lands that will have significant non-Forest user traffic, a landowner may be required to construct new roads or reconstruct existing roads to bring the roads to a safe and adequate standard. A landowner also may be required to provide for the operation and maintenance of the road. This may be done by arranging for such road to be made part of the local public road system, or formation of a local improvement district to assume the responsibilities for the operation and maintenance of the road as either a private road or as a public road, as determined to be appropriate by the authorizing officer.

(e) When access is tributary to or dependent on forest development roads, and traffic over these roads arising from the use of landowner's lands exceeds their safe capacity or will cause damage to the roadway, the landowner(s) may be required to obtain a road-use permit and to perform such reconstruction as necessary to bring the road to a safe and adequate standard to accommodate such traffic in addition to the Government's traffic. In such case, the landowner(s) also shall enter into a cooperative maintenance arrangement with the Forest Service

## ordinance no./855

A SPECIAL ORDINANCE AMENDING SECTION 17.06.020
OF THE TUOLUMNE COUNTY ORDINANCE CODE BY ESTABLISHING
THE BOUNDARIES OF ZONING DISTRICTS UNDER THE
TUOLUMNE COUNTY UNIFORM ZONING ORDINANCE

- o0o <del>-</del>

The Board of Supervisors of the County of Tuolumne ordains as follows:

SECTION 1: Section 17.06.020 of the Tuolumne County Ordinance Code is hereby amended by the establishment of an LIGHT COMMERCIAL (C-1) DISTRICT comprising all that territory within Tuolumne County Assessor's Parcel No. 7-100-14.

SECTION 2: Section 17.06.020 of the Tuolumne County Ordinance Code is hereby amended by the establishment of those districts as shown on Exhibit "A" hereof, attached hereto and by this reference made a part hereof.

SECTION 3: Section 17.06.020 of the Tuolumne County Ordinance Code is hereby amended by the establishment of those districts as shown on Exhibit "B" hereof, attached hereto and by this reference made a part hereof.

SECTION 4: Section 17.06.020 of the Tuolumne

County Ordinance Code is hereby amended by the establishment

of those districts as shown on Exhibit "C" hereof, attached

hereto and by this reference made a part hereof.

SECTION 5: All Ordinances of the County of Tuolumne or portions thereof in conflict herewith are hereby repealed.

SECTION 6: If any provision of the Ordinance or the application thereof to any person or circumstances is for any reason held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications thereof, and to the end the provisions of this Ordinance are severable.

SECTION 7: This Ordinance shall take effect thirty (30) days after its adoption. The Clerk of the Board of Supervisors is hereby authorized and directed to publish a summary of this ordinance in the Union Democrat, a newspaper of general circulation printed and published in the County of Tuolumne, State of California, prior to fifteen (15) days after its passage.

After holding public hearings as required by law, the foregoing Ordinance passed and adopted at a regular meeting of the Board of Supervisors of the County of Tuolumne, State of California, on this Aday of August, 1991, by the following vote, to wit:

AYES: Latitli lampara Marks, leggen, halter
NOES: \_\_\_\_\_\_\_
ABSTAIN: \_\_\_\_\_\_
ABSENT: \_\_\_\_\_\_\_

None

NORMAN TERGESON, Chairman, Board of Supervisors, County of Tholumne, State of California

ATTEST: RUBY HAWORTH, Clerk of the Board of Supervisors

By Like (SEAL)

APPROVED AS TO FORM:

STEPHEN DIETRICH, JR. County Counsel

Deputy County Counsel

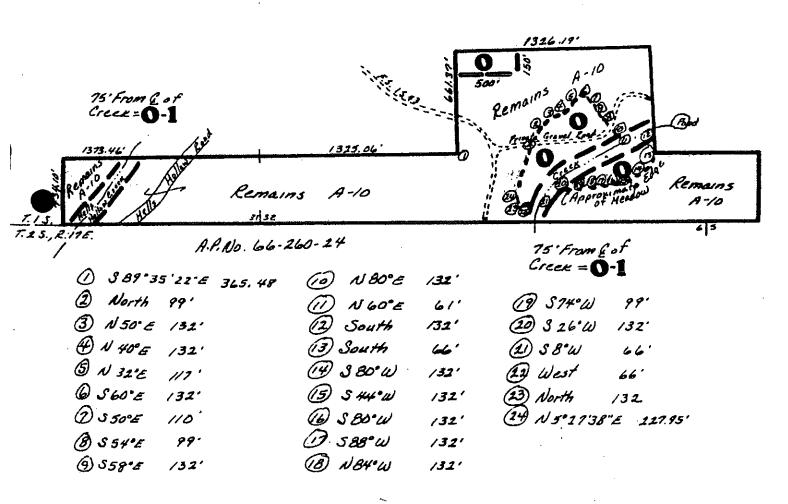
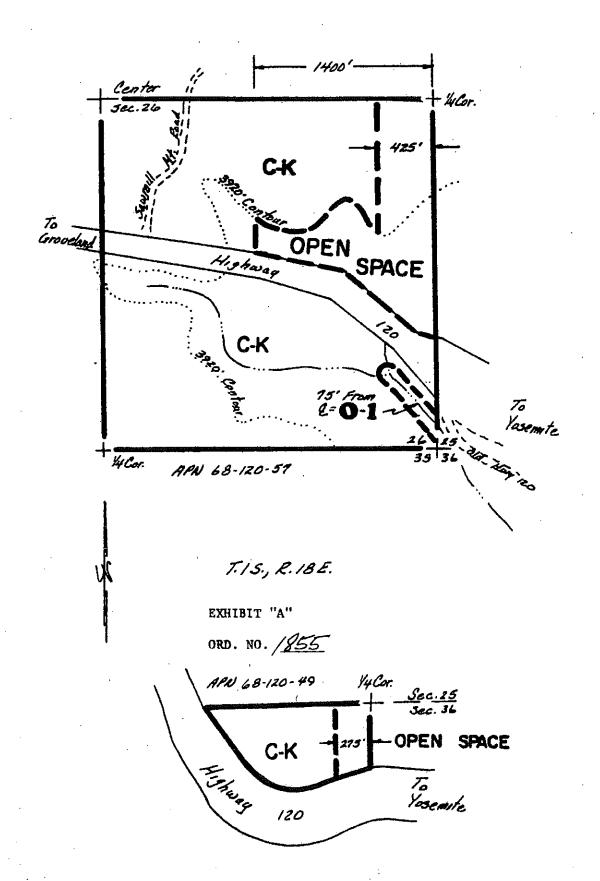


EXHIBIT "C"

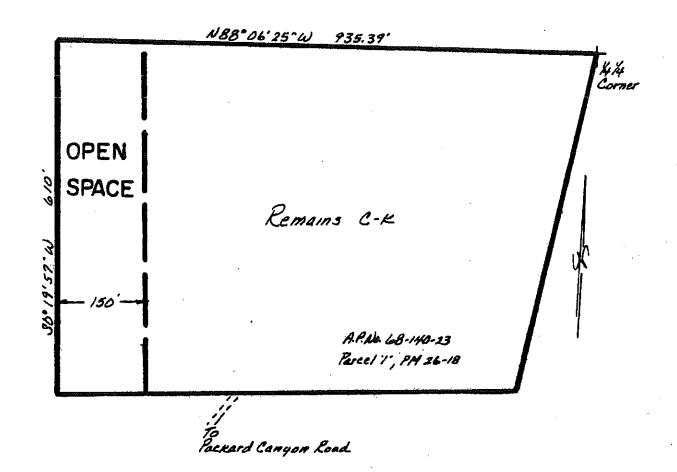
ORD. NO. <u>1855</u>



A 5

EXHIBIT "B"

ORD. NO. 1855



Recorded at the Request of and Return to fs

> COUNTY OF TUOLUMNE PLANNING DEPARTMENT 48 West Yaney Avenue Sonora, CA 95370

RECORDED AT REQUEST OF. THOLUMNE COUNTY VUL 1076 PAGE 232 1991 AUG 28 PM 2: 33

OFFICIAL RECORDS TUDLUMNE COUNTY, CALIF DAVID W. WYNE, RECORDER

#### NOTICE OF ACTION

Type of Entitlement: Amend the General Plan land use designation of two parcels totaling 149+ acres from TPZ to R/P and Rezone the site from TPZ to 112.0 $\pm$  acres of C-K, 25.3 $\pm$  acres of 0 and 1.7 $\pm$ The zone change will not take place from 10 years acres of 0-1. from date of Board of Supervisors approval.

Date of Issuance: August 20, 1991

Owner: (Name and Mailing Address)

Timothy and Carol Manly

6678 Dogtown Road

Coulterville, Ca 95311

Legal Description of Property: Volume 840, page 346 as recorded on October 17, 1986 in the official records of Tuolumne County. Assessor's Parcel Nos. 68-120-49 and 68-120-57. (T1S, R18E, S. 26) This action may affect title to this property and/or impose conditions on development or use. Reference should be made to the actual document referred to herein which is on file at the Planning Department.

Planning Director

THIS TO BE A TRUE COPY OF THE

05/16/201

Kaenan Whitman, Assessor - Recorder

VOL 1076 PAGE 232

## RECORDING REQUESTED BY:

## STATE OF CALIFORNIA

When Recorded Mail to: Department of Transportation District 10 P.O. Box 2048 Stockton, California 95201 DOCUMENT #

BOOK

PAGE

016108 1706 0469 TUOLUNNE COUNTY OFFICIAL RECORDS

RECORDED AT THE REQUEST OF STATE CALIFORNIA, DZT

OCT 26, 2000 12:59:49 PM DAVID W WYNNE, RECORDER # OF PAGES: 4 FEE REC'D: \$0.00

Space above this line for Recorder's Use

## EASEMENT DEED

From: Christina Right of Way

District	County	Route	Post	Number
10	TÚO	120	50.1	13902-1
				13902-2

<del></del>		····	GRANT to the State
of Califo	rnia EASEMENTS upon, over and across to	hat certain real property in the	unincorporated area ,
County c	of Tuolumne , State of California, o	described as follows:	
		SEE	
	Date:	, ràched	
	Recorded Document Menual	CRIPTION	
	<ol> <li>O.T. Desk</li> <li>Surveys         <ul> <li>Engineering</li> </ul> </li> <li>Amanda Common         <ul> <li>Rec XLS</li> <li>Final Title</li> </ul> </li> <li>Parcel File 3902</li> </ol>	1/34 m4r	<b>!</b>

TIMOTHY R. MANLY AND CAROL L. MANLY, HUSBAND AND WIFE

B 1

#### Parcel 13902-1

An easement for roadway purposes, being a portion of the southeast one-quarter of Section 26, T.1 S., R.18 E., M.D.M., lying northerly of the north line of State Highway 10-Tuo-120 and westerly and southwesterly of the following described Line A, and easterly of the following described Line B:

Line A: Commencing at a 2 1/4-inch diameter iron pipe with a standard U.S. Forest Service 3-inch brass disk, set to mark the center 1/4 corner of said Section 26, according to that certain map filed for record in Book 25 of Records of Surveys, page 81, Tuolumne County Records; thence south along the west line of the southeast one-quarter according to said map, S.0°25'43"E., 506.79 feet; thence S. 80°28'44"E., 167.99 feet to the True Point of Beginning; thence S.42°26'23"E., 79.52 feet; thence S.3°36'10"E., 96.12 feet; thence S.0°03'16"W., 170.42 feet to the northerly right of way of the above said State Route 120;

Line B: Commencing at the True Point of Beginning of the above described Line A; thence S.0°03'16"W., 316.71' to the northerly right of way of said State Route.

Containing 0.39 acres, more or less.

#### Parcel 13902-2

An easement for material storage purposes, being a portion of the southeast one-quarter of Section 26, T.1 S., R.18 E., M.D.M., more particularly described as follows:

Commencing at a 2 1/4-inch diameter iron pipe with a standard U.S. Forest Service 3-inch brass disk, set to mark the center 1/4 corner of said Section 26, according to that certain map filed for record in Book 25 of Records of Surveys, page 81, Tuolumne County Records; thence south along the west line of the southeast one-quarter according to said map, S.0°25'43"E., 506.79 feet to the True Point of Beginning; thence S. 80°28'44"E., 167.99 feet to the

northwesterly corner of the above Parcel 13902-1; thence S.0°03'16"W., 84.34 feet; thence S.76°13'43"W., 169.32 feet to said west line; thence along said west line N.0°25'43"W., 152.43 feet to the True Point of Beginning.

Containing 0.45 acres, more or less.

Subject to all easements of record.

This real property description has been prepared by me, or under my direction, in conformance with the

No. 6763

Professional Land Surveyors Act.

Signatur

Date 7-6-00

Dated this 17 day of July	Number 13902-1,-2  Signature R. Marchy Timothy R. Marchy Carol L. Manly Carol L. Manly
STATE OF CALIFORNIA  County of	ine(s) of Signer(s)
WITNESS my hand and official seal.  (Notary Public's signature in and for said County and State)	STEVEN GENE CHRISTENSEN COMM. # 1226959 NOTARY PUBLIC-CALIFORNIA Ban Joaquin County My Comm. Expires June 29, 2003
THIS IS TO CERTIFY, That the State of California, actin (pursuant to Government Code Section 27281), here described in the within deed and consents to the record IN WITNESS WHEREOF, I have hereunto set my hand this	by accepts for public purposes the real property

Form RW 6-1(A) (Revised 12/96)

Attorney in Fact & Field Office Chief

VICCI MESSER RIGHT OF WAY RECORDING REQUESTED BY:

STATE OF CALIFORNIA

When Recorded Mail to: Department of Transportation District 10 P.O. Box 2048 Stockton, California 95201 DOCUMENT #

BOOK

PAGE

018385 1715 0507 TUOLUNNE COUNTY OFFICIAL RECORDS

RECORDED AT THE REQUEST OF STATE CALIFORNIA, DEPT TRANSPORTATION

DEC 07, 2000 11:49:14 AM DAVID W WYNNE, RECORDER H OF PAGES: 2 FEE REC'D: \$10.00

Space above this line for Recorder's Use

### **DIRECTOR'S DEED**

(Quitclaim)

District	County	Route	Post	Number
10	TUO	120	50.1	DK005855-01-
		,		.01

The STATE OF CALIFORNIA, acting by and through its Director of Transpor	rtation, does hereby
release and quitclaim to TIMOTHY R. MANLY AND CAROL L. MANLY, H	USBAND AND
WIFE AS JOINT TENANTS ************** all right, title and in	terest in and to all
that real property in the unincorporated area	
_ County of	, State of California,
described as:	
PARCEL 5855-01-01	
All that real property described in deed to the State recorded June 18, 1962, in Volume 144 of Official Records Tuolumne County Records.  Containing 0.13 acres, more or less.	, page 66,  MAP ENTRY MADE  Dicto: 1/30/01  Dy: MAIE
PARCEL 9873-01-01	CHECKED DY:
All that real property described in deed to the State recorded November 23, 1970, in Volume 316 of Official Records.	The state of the s
Containing 0.26 acres, more or less.	•
MAIL TAX STATEMENTS TO: Timothy R. Manly P.O. BOx 130 Moccasin	, CA 95347

Ì		
	Number	1
	DK005855-01-01	ĺ
		٠,

Subject to special assessments if any, restrictions, reservations, and easements of record.

This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and, in particular, by the Streets and Highways Code.

WITNESS my hand and the seal of the Department of Transportation of the State of California, this day of November 1999.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

JOSE MEDINA
Director of Transportation

By

·

STATE OF CALIFORNIA	ss	PERSONAL AC	KNOWLEDGMENT
County of San Joaquin	J		
On this the 18th day of November	19 <i>99</i> _, before me, S	Teven Gene, Christensen, Name, Title of Officer-E.G., "Jane Doe,	Notary Public. Notary Public"
personally appeared <u>Chene</u> L.	Sirell ~		
Whersonally known to me	,	Name of Signer	

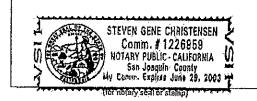
x personally known to me

proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that ShC be/she executed the same in hec his/her authorized capacity, and that by hec his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)



THIS IS TO CERTIFY That the California Transportation Commission has authorized the Director of Transportation to execute the forgoing deed under provisions of CTC RESOLUTION #G-95-07, approved on June 7, 1995, amending RESOLUTION #G-02 PERTAINING TO SALE OF EXCESS PROPERTY.

Dated this 18th day of November ,19

Form RW 6-1(S&T) (New 4/96)
USE FOR SALES DELEGATED TO DISTRICT

RECORDING REQUESTED BY:

선명하다 이 아마를 보는 사람이 그렇게 하다 보다 하다는 작년 전 모양이다.

#### STATE OF CALIFORNIA

When Recorded Mail to: Department of Transportation District 10 P.O. Box 2048 Stockton, California 95201 DOCUMENT # DOOK PAGE 018386 1715 050

018386 1715 0509 TUDLUNNE COUNTY OFFICIAL RECORDS

RECORDED AT THE RECUEST OF STATE CALIFORNIA, DEPT TRANSPORTATION

DEC 07, 2000 11:51:16 AM DAVID W WYHHE, RECORDER # DF PAGES: 3 FEE REC'D: \$13.00

Space above this line for Recorder's Use

#### DIRECTOR'S DEED

District	County	Route	Post	Number
10	Tuo	120	PM 50.1	DD005351-01-01

	THE S	>1A,	IE OF CA	ALIFOI	KNIA, act	ing b	y and throu	igh its Directo	or of Tra	ansporta	tion, does	hereby gr	ant to
TIMOT	HY ]	R.	MANLY	AND	CAROL	L.	MANLY,	HUSBAND	AND	WIFE	AS JOT	NT TEN	ANTS
***************************************	·			the	right of a	cess	over and	across that co	ertain	60.42	fo	ot access	opening in
the	<del></del>	nort	lherly		r	ight c	of way line	of the State h	ilghway	in the _	unincorpor	ated area	
,	Coun	tý o	f <u>Tu</u>	olumn	e	,	State of Ca	lifornia, desc	ribed as	S:			

SEE

**ATTACHED** 

DESCRIPTION

MAP ENTRY MADE

Figio: 1/30/01

By: MAE

CHECKED BY:

MAIL TAX STATEMENTS TO:

#### DD005351-01-01

The right of access over and across that certain 60.42 foot access opening in the northerly right of way of the State Highway 10-Tuo-120 Post Mile 50.1 in the Southeast one-quarter of Section 26, T.1 S., R.18 E., M.D.M., lying west of the southerly terminus of the following described Line A, and east of the southerly terminus of the following described Line B:

Line A: Commencing at a 2 1/4-inch diameter iron pipe with a standard U.S. Forest Service 3-inch brass disk, set to mark the center 1/4 corner of said Section 26, according to that certain map filed for record in Book 25 of Records of Surveys, page 81, Tuolumne County Records; thence south along the west line of the southeast one-quarter according to said map, S.0°25'43"E., 443.32 feet; thence N.64°29'16"E., 63.80 feet; thence S. 42°26'23"E., 160.89 feet to the True Point of Beginning; thence S.42°26'23"E., 79.52 feet; thence S.3°36'10"E., 96.12 feet; thence S.0°03'16"W., 170.42 feet to the northerly right of way of said State Route 120;

Line B: Commencing at the True Point of Beginning of the above described Line A; thence S.0°03'16"W., 316.71' to the northerly right of way of said State Route 120.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

No. L 006418 Exp. <u>/Z-7/-</u>98

Signature

Licensed Land Surveyor

Date October 16, 1997

B 8

e	·)
	Number
	DD005351-01-01

Subject to special assessments if any, restrictions, reservations, and easements of record.

This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and, in particular, by the Streets and Highways Gode.

WITNESS my hand and the seal of the Department of Transportation of the State of California, this day of November 1999.

는 요즘 보다는 보호를 보고 있는 것이다. 그리고 하는 것이다는 것을 다 보고 있다.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

JOSE MEDINA

Director of Transportation

By

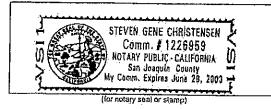
Lesse Attorney in Fact

STATE OF CALIFORNIA	} ss	PERSONAL ACKNOWLEDGMENT
County of San Joaquin	)	
On this the 18th day of November	_19 <u>99</u> , before me, <u>Steve</u> Nan	on Gene Christensen Notary Public.  ne, Tille of Officer-E.G., "Jane Doe, Notary Public"
personally appeared Cherie 1. 51 vo	21/	
personally known to me     proved to me on the basis of satisfactory evidence		e of Signer

to be the person whose name is subscribed to the within instrument and acknowledged to me that  $\frac{5hC}{he}$  he/she executed the same in  $\frac{heC}{he}$  his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)



THIS IS TO CERTIFY That the California Transportation Commission has authorized the Director of Transportation to execute the forgoing deed under provisions of CTC RESOLUTION #G-95-07, approved on June 7, 1995, amending RESOLUTION #G-02 PERTAINING TO SALE OF EXCESS PROPERTY.

Dated this 18th day of November 1

Form RW 6-1(S&T) (New 4/96) USE FOR SALES DELEGATED TO DISTRICT



# RECORDING REQUESTED BY: STATE OF CALIFORNIA

When Recorded Mail to: Department of Transportation District 10 P.O. Box 2048 Stockton, California 95201 Doc # 2003021597
Page 1 of 6
Date: 08/25/2003 12:52P
Filed by: STATE CA, DEPT TRANSPORTATION
Filed & Recorded in Official Records
of COUNTY OF TUOLUMNE
DAVID W WYNNE
COUNTY RECORDER
Fee: \$0.60

Space above this line for Recorder's Use

# **GRANT DEED**

(INDIVIDUAL)

District	County	Route	Post	Number
10	TUO	120	50.3	5351, 6223A, 6223B, 6223C

	TIMOTHY R. MANLY	AND CAROL L. MANLY		
GRANT to	the STATE OF CALIFO	ORNIA, all that real property in the	unincorporated area	
County of	Tuolumne	. State of California, describe	ed as:	

#### SEE

#### **ATTACHED**

#### **DESCRIPTION**

#### Parcel 5351

All that portion of the Southeast Quarter of Section 26, Township 1 South, Range 18 East, Mount Diablo Meridian, Tuolumne County, State of California, lying South and West of the following described Line A, and North and East of the following described Line B:

소속 파트프로 열리 나무에 되었는데 그렇도 동안되었다며 나무를 받았다를 걸리고 한 번째로 했다.

LINE A: Commencing at a 2-inch iron pipe with United States Forest Service brass disk set to mark the East quarter corner of said Section 26; thence (1) along the East line of said Southeast quarter S 7°18'29" E, a Distance of 2720.69 feet to a 2-inch iron pipe with U.S.F.S. brass disk set to mark the Southeast corner of said section; thence (2) leaving said section line, N 5°10'56" E, a Distance of 1007.43 feet to The True Point of Beginning of Line A; Thence (3) N 66°25'36" W, a Distance of 285.54 feet; thence (4) N 49°55'35" W, a Distance of 798.58 feet; thence (5) N 80°40'49" W, a Distance of 481.25 fcet; thence (6) N 83°21'12" W, a Distance of 1429.82 feet;

thence (7) N 82°04'56" W, a Distance of 294.65 feet to a point on the West line of said Southeast quarter lying 1770.43 feet north of the South quarter corner of said Section 26.

LINE B: Commencing at a 2-inch iron pipe with United States Forest Service brass disk set to mark the East quarter corner of said Section 26; thence (1) along the East line of said Southeast quarter S 7°18'29" E, a Distance of 2720.69 feet to a 2-inch iron pipe with U.S.F.S. brass disk set to mark the Southeast corner of said section; thence (8) leaving said section line, N 0°00'20" E, a Distance of 180.23 feet The True Point of Beginning of Line B;

thence (9) N 31°13'44" W, a Distance of 883.36 feet;

thence (10) N 43°19'42" W, a Distance of 608.81 feet;

thence (11) N 78°01'19" W, a Distance of 431.47 feet;

thence (12) N 81°57'04" W, a Distance of 1428.40 feet;

thence (13) N 82°04'56" W, a Distance of 257.49 feet to a point on the West line of said Southeast quarter lying 1558.28 feet north of the South quarter corner of said Section 26.

Containing 19.63 Acres, more or less.

Description continues

#### Parcel 6223A

All that portion of the Southeast Quarter of Section 26, Township 1 South, Range 18 East, Mount Diablo Meridian, lying within the following described parcel:

Beginning at The True Point of Beginning of the above described Line B of Parcel 5351; thence (15) along said Line B, N 31°13'44" W, a Distance of 496.78 feet; thence, (16) leaving said Line B, S 12°27'14" E, a Distance of 330.26 feet; thence (17) S 61°13'50" E, a Distance of 212.58 feet to The True Point of Beginning.

Containing 0.60 Acres, more or less.

#### Parcel 6223B

A portion of the Southeast Quarter of Section 26, Township 1 South, Range 18 East, Mount Diablo Meridian, more particularly described as follows:

Beginning at a point on the above described Line B of Parcel 5351, distant 155.00 feet from the easterly terminus of the above described course (12) of Line B; thence (18) along said Line B, S 81°57'04" E, a Distance of 155.00 feet; thence (19) S 78°01'19" E, a Distance of 196.03 feet; thence (20) leaving said Line B, S 13°13'13" W, a Distance of 50.30 feet; thence (21) S 89°19'02" W, a Distance of 195.71 feet; thence, (22) from a tangent which bears S 86°01'10" W, along a curve concave to the northeast, having a radius 130.00 feet, though a central angle of 86°54'37"; an arc length 197.19 feet; to the Point of Beginning.

Containing 0.59 Acres, more or less.

This Conveyance, as to Parcels 5351, 6223A and 6223B, is made for the purposes of a freeway, and the grantor hereby releases and relinquishes all abutters rights of access, appurtenant to grantor's remaining property, in and to said freeway.

Description continues

#### Description continued from previous page

RESERVING, however, to the grantor, grantor's successors and assigns, the right of access over and across:

The West 20.00 feet of the East 360.49 feet of above described course (6); the Southerly 20.00 feet of the Northerly 35.15 feet of the above described course (20).

ALSO RESERVING that right of access described in deed recorded December 7, 2000 as Document # 018386, in Volume 1715, page 0509 of Tuolumne County Official Records.

#### Parcel 6223C

An EASEMENT for Channel Change Purposes, upon, over and across that certain real property in the Southeast Quarter of Section 26, Township 1 South, Range 18 East, Mount Diablo Meridian, situate in County of Tuolumne, State of California, described as follows:

Beginning at the westerly terminus of the above described course (21) of Parcel 6223B, thence (23) along said course (21) N 89°19'02" E, a Distance of 85.15 feet;

thence (24) S 9°44'47" E, a Distance of 45.590 feet;

thence (25) S 80°15'13" W, a Distance of 84.09 feet;

thence (26) along a tangent curve to the right, having a radius of 160.00 feet, through a central angle of 83°40'19", an arc distance of 233.66 feet;

thence (27) N 75°02'09" E, a Distance of 49.10 feet to a point on the curve described as the above course (22) of Parcel 6223B;

thence (28) along said curve, from a tangent which bears S 28°22'14" E, along a curve to the left, having a radius of 130.00 feet, through a central angle of 65°36'36", an arc distance of 148.86 feet to The Point Of Beginning.

Containing 0.36 Acres, more or less.

Excepting therefrom all oil, oil rights, minerals, mineral rights, natural gas, natural gas rights, and other hydrocarbons by whatsoever name known that may be within or under the parcel of land hereinabove described, together with the perpetual right of drilling, mining, exploring and operating therefor and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from lands other than those *Description continues* 

#### Description continued from previous page

hereinabove described, oil or gas wells, tunnels and shafts into, through or across the subsurface of the land hereinabove described, and to bottom such whipstock or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells or mines, without, however, the right to drill, mine, explore and operate through the surface or the upper 100 feet of the subsurface of the land hereinabove described or otherwise in such manner as to endanger the safety of any highway that may be constructed on said lands.

있는데 - '' 등록 있는 수 등록 하는데 보고 있는데 - '' 등록 하는데 있는데 -

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature Curl

1 1 - -

3 14

The grantor further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for the grantor and the grantor's successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

(As used above, the term "grantor" shall include the plura	
Dated this 8 day of Tuly, 20 5 3	
ū	Carax R. Munder
	CAROL L. MANLY
	Tunothy R. manly
	TIMOTHY R. MANLY
STATE OF CALIFORNIA  County of Two firm He. ss	PERSONAL ACKNOWLEDGMENT
On this the a day of Toly 20 63, before me,	Name, Title of Officer-E.G., "Jane Doe, Notary Public"  And CATELL MANLE  Ame(s) of Signer(s)
personally appeared Timethy R. Manl	GAAC CATEL L. MANLY
Li personally known to me proved to me on the basis of satisfactory evidence	
to be the person(s) whose name(s) is are subscribed to the within in his the their authorized capacity(ies), and that by his but which the person(s) acted, executed the instrument.	strument and acknowledged to me thathashe they executed the same in their signature(s) on the instrument the person(s), or the entity upon behalf of
WITNESS my hand and official seal.	LINDA KIBLER Commission # 1264255 Notary Public - California
Link Killer	San Joaquin County My Comm. Expires May 19, 2004
(Notary Public's signature in and for said County and State)	(for notary seal or stamp)
	by and through the Department of Transportation (pursuant or public purposes the real property described in the within
deed and consents to the recordation thereof.  IN WITNESS WHEREOF, I have hereunto set my hand	TERR WORLD
this 39th day of July , 2003	JEFF MORALES
U O	Director of Transportation  By Sharon A Jansons
	Attorney in Fact SHARON A. PARSONS
	STOCKTON RIGHT OF WAY



#### **RECORDING REQUESTED BY:**

#### STATE OF CALIFORNIA

When Recorded Mail to:
Department of Transportation
District 10
P.O. Box 2048
Stockton, California 95201

Doc # 2003021598
Page 1 of 3
Date: 08/25/2003 12:52P
Filed by: STATE CA, DEPT TRANSPORTATION
Filed & Recorded in Official Records
of COUNTY OF TUDLUMNE
DAVID W MYNNE
COUNTY RECORDER
Fee: \$8.00

Space above this line for Recorder's Use

#### **DIRECTOR'S DEED**

(Quitclaim)

District	County	Route	Post	Number
10	TUO	120	50.3	DK005351-01- 02

The STATE OF CAL	IFORNIA, acting by and throu	gh its Director of Transportation, does hereby
release and quitclain	n toTIMOTHY R. MANLY A	ND CAROL L. MANLY
	334545	all right, title and interest in and to all that
real property in the _	unincorporated area	
County of	Tuolumne , State of Ca	lifornia, described as:

# SEE ATTACHED DESCRIPTION

MAIL TAX STATEMENTS TO: RECORD IN THIS OFFICE

RECORD IN THIS OFFICE

05/18/2018

ATTEST: 05/18/2018

Kaenan Whitman, Assessor-Recorder

COUNTY OF TUOLUMNE, CALIFORNIA

By Mayle Works Deputy

#### Parcel DK005351-01-02

All that portion of the Southeast Quarter of Section 26, Township 1 South, Range 18 East, Mount Diablo Meridian, Tuolumne County, State of California, described in deed recorded March 10, 1960, in Book 111, page 521 of the Official Records of Tuolumne County.

TOGETHER with all that portion of the Southeast Quarter of Section 26, Township 1 South, Range 18 East, Mount Diablo Meridian, Tuolumne County, State of California, described in deed recorded June 18, 1962, in Book 144, page 66 of the Official Records of Tuolumne County.

TOGETHER with all that portion of the Southeast Quarter of Section 26, Township 1 South, Range 18 East, Mount Diablo Meridian, Tuolumne County, State of California, described in deed recorded June 18, 1962, in Book 144, page 70 of the Official Records of Tuolumne County.

TOGETHER with all that portion of the Southeast Quarter of Section 26, Township 1 South, Range 18 East, Mount Diablo Meridian, Tuolumne County, State of California, described as Parcel No 5-A and 5-B in that Final Order of Condemnation recorded September 15, 1964, in Book 178, page 373 of the Official Records of Tuolumne County.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature Licensed Land Surveyor

Date /-24-03

르트 열 시작은 2001 - 1. 그 없었다

Subject to special assessments if any, restrictions, reservations, and easements of record.

This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and, in particular, by the Streets and Highways Code.

WITNESS my hand and the seal of the Department of Transportation of the State of California, this day of <u>fuguest</u> 20<u>65</u>.

# STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

	DEPARTMENT OF TRANSPORTATION
	JEFF MORALES
	Director of Transportation
	Ву
	Maron afarsons
	SHARON A. PARSONS STOCKTON RIGHT OF WAY
STATE OF CALIFORNIA  County of Sagramente Segramente Se	PERSONAL ACKNOWLEDGMENT
	Linda Kibler, Notary public
	Name, Title of Officer-E.G., "Jane Doe, Notary Public"
personally appeared Sharon A Par	50175
personally known to me	Name of Signer
★ proved to me on the basis of satisfactory evidence	
to be the person whose name is subscribed to the within instrument and a pisher authorized capacity, and that by holder signature on the acted, executed the instrument.	acknowledged to me that She hashe executed the same in her e instrument the person, or the entity upon behalf of which the person
	LINDA KIBLER
WITNESS my hand and official seal.	Commission # 1264255 Notary Public - California
6 1 1/ 10.	Son Joaquin County My Comm. Expires May 19, 2004
(Notary Public's signature in and for said County and State)	(for notary seal or stamp)
4	

RECORDING REQUESTED BY: GRANTOR

AND WHEN RECORDED MAIL THIS DOCUMENT TO:

YOSEMITE TITLE COMPANY

40 MANLY P.O.BOX 13D MOCCASIN CA 95347

Doc # 200400667

Page 1 of 4

Date: 04/05/2004 10:46A

Filed by: PUBLIC - COUNTER

Filed & Recorded in Official Records
of COUNTY OF TUOLUMNE

DAVID N MYNNE

COUNTY RECORDER

A.P.N. 068-120-57 and 068-120-29

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Fee: \$16.00

The undersigned Grantor(s) declare(s): Documentary Transfer Tax is NONE computed on full value of property conveyed.

#### **GRANT DEED**

1 - 4님 항문 설문 수 보네 성도보고 있는 항안 있다. - 유민의가 하고 한 달에 관련 등에 들어올라면 하다.

For a valuable consideration, receipt of which is hereby acknowledged

TIMOTHY R. MANLY and CAROL L. MANLY, husband and wife

hereby GRANT(S) to

YOSEMITE TITLE COMPANY, a California corporation

the real property in the unincorporated area of the County of Tuolumne, State of California, described as:

See Exhibit "A", consisting of two pages, attached hereto and made a part hereof by this reference.

The purpose of this deed is to facilitate a lot line adjustment (Tuolumne County #04T-2).

State of California

County of Tuolumne )

On 3-34 of before me. Collect (Acial) to personally appeared Timothy K Manly

Card (Arall Manly

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose names(s) islate subscribed to the within instrument and acknowledged to me that he/shafthey executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official scal.

Signature Collect Cacago



#### EXHIBIT "A"

Order No.: 95159T

All that certain real property in the unincorporated area of the County of Tuolumne, State of California, described as follows:

#### PARCEL ONE:

The Southeast ¼ of Section 26, T. 1 S., R. 18 East, M.D.B. M.

- 공통실명 [12] 경험 - 요즘말 전투명 하님 - 그런 스트 트리아 네트 - 의

EXCEPTING THEREFROM the interest in a portion of said land as conveyed to the State of California, for freeway purposes, by Deed recorded August 25, 2003 as Instrument No. 2003021597, Tuolumne County Records.

ALSO EXCEPTING THEREFROM all that real property described that Certificate of Compliance recorded September 18, 2003 as Instrument No. 2003024198, Tuolumne County Records.

ALSO EXCEPTING THEREFROM A portion of that certain parcel of land situate in the southeast quarter of Section 26, T. 1 S., R. 18 E., M.D.B. & M., County of Tuolumne, State of California, described as follows:

Beginning at the northwesterly corner of that certain 18.76 acre parcel of land described in deed to the State of California, dated January 11, 1960 and recorded in Volume 111 of Official Records, Page 521, Tuolumne County Records, said point lying on the one-quarter (1/4) section line running north and south through said Section 26; thence (1) along said one-quarter (1/4) section line North 95.27 feet; thence (2) S. 80° 24' E., 50.70 feet; thence (3) South 93.41 feet to a point on the northerly line of the aforesaid 18.76 acre parcel of land; thence (4) along said northerly line N. 82° 08' 09" W. 60.41 feet to the point of beginning.

#### PARCEL TWO:

A portion of that certain parcel of land situate in the southeast quarter of Section 26, T. 1 S., R. 18 E., M.D.B. & M., County of Tuolumne, State of California, described as follows:

Beginning at the northwesterly corner of that certain 18.76 acre parcel of land described in deed to the State of California, dated January 11, 1960 and recorded in Volume 111 of Official Records, Page 521, Tuolumne County Records, said point lying on the one-quarter (1/4) section line running north and south through said Section 26; thence (1) along said one-quarter (1/4) section line North 95.27 feet; thence (2) S. 80° 24' E., 50.70 feet; thence (3) South 93.41 feet to a point on the northerly line of the aforesaid 18.76 acre parcel of land; thence (4) along said northerly line N. 82° 08' 09" W. 60.41 feet to the point of beginning.

#### PARCEL THREE:

All that portion of the Southeast Quarter of Section 26, Township I South, Range 18 East, lying Northerly and Easterly of the Southerly line of that pareel described in deed recorded March 10, 1960, in Book 111, Page 521 of the Official Records of Tuolumne County, and Southerly and Westerly of Line B of Parcel 5351 as described in deed recorded August 25, 2003, as Document Number 2003021597 of the Official Records of Tuolumne County.

EXCEPTING THEREFROM, any portion thereof lying within Parcel 6223A as described in said document.

#### PARCEL FOUR:

All that portion of the Southeast Quarter of Section 26, Township 1 South, Range 18 East, described as Parcel No. 2 of deed recorded June 18, 1962, in Book 144, Page 70 of the Official Records of Tuolumne County.

#### PARCEL FIVE:

The right of access over and across that certain 60.42 foot access opening in the northerly right of way of the State Highway 10-Tuo-120 Post Mile 50.1 in the Southeast one-quarter of Section 26, T. 1 S., R. 18 E., M.D.M., lying west of the southerly terminus of the following described Line A, and east of the southerly terminus of the following described Line B:

Line A: Commencing at a 2 1/4-inch diameter iron pipe with a standard U.S. Forest Service 3-inch brass disk, set to mark the center 1/4 corner of said Section 26, according to that certain map filed for record in Book 25 of Records of Surveys, Page 81, Tuolumne County Records; thence south along the west line of the southeast one-quarter according to said map, S. 0° 25' 43" E., 443.32 fcet; thence N. 64° 29' 16" E., 63.80 feet; thence S. 42° 26' 23" E., 160.89 feet to the True point of Beginning; thence S. 42° 26' 23" E., 79.52 feet; thence S. 3° 36' 10" E., 96.12 feet; thence S. 0° 03' 16" W., 170.42 feet to the northerly right of way of said State Route 120.

Line B: Commencing at the True Point of Beginning of the above described Line A; thence S. 0° 03' 16" W., 316.71' to the northerly right of way of said State Route 120.

Assessor's Parcel Numbers 068-120-57, 068-120-29

B 21



#### **COUNTY SURVEYOR**

#### **CONSENT TO RECORD**

THE ATTACHED LOT LINE ADJUSTMENT FOR <u>Timothy R. and Carol L. Manly</u>, WAS APPROVED BY THE DEPUTY COUNTY SURVEYOR ON <u>January 28</u>, 2004, AND CONSENT IS HEREBY GIVEN TO RECORD THE ATTACHED DOCUMENTS.

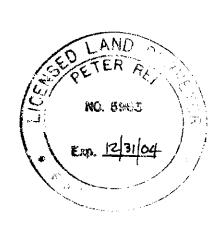
PETER M. REI, PLS 5963

COUNTY SURVEYOR

License Expires 12-31-2004

3340

DATE



RECORDING REQUESTED BY: GRANTEE

AND WHEN RECORDED MAIL THIS DOCUMENT AND ALL TAX STATEMENTS TO:

TIMOTHY R. & CAROL L. MANLY P.O. BOX 130 MOCCASIN CA 95347



Doc # 2004006668

Page 1 of 7

Date: 04/05/2004 10:46

Filed by: PUBLIC - COUNTER

Filed & Recorded in Official Records

of COUNTY OF TUOLUNNE

DAVID W WYNNE COUNTY RECORDER

Fee: \$25.00

A.P.N. 068-120-57 and 068-120-29

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned Grantor(s) declare(s): Documentary Transfer Tax is NONE computed on full value of property conveyed.

#### **GRANT DEED**

For a valuable consideration, receipt of which is hereby acknowledged,

YOSEMITE TITLE COMPANY, a California corporation

hereby GRANT(S) to

TIMOTHY R. MANLY and CAROL L. MANLY, Trustees of the Manly Living Trust dated April 14, 2003

the real property in the unincorporated area of the County of Tuolumne, State of California, described as:

See the following four Exhibits: "A", consisting of one page; "B", consisting of one page; "C", consisting of one page; and "D" consisting of two pages; all attached hereto and made a part hereof by this reference.

The purpose of this deed is to facilitate a lot line adjustment (Tuolumne County #04T-2).

DATED: March 23, 2004	Signature of Grantor
State of California ) County of TUOLUMNE ) S.S.	Wilhard Chygein
On 3.29-04 before me, Wealy Horton, No tary Public personally appeared My Chael Azzaro	MICHAEL AZZARO, Vice President  Yosemite Title Company
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(x) whose names(x) (x) are subscribed to the within instrument and acknowledged to me that (x) she/they executed the same in (x) her/their authorized capacity(ix), and that by (x) her/their signature(x) on the instrument the person(x), or the entity upon behalf of which the person(x) acted, executed the instrument.	

WITNESS my hand and official seal.

NEALY HORTON COMM. #1421281 Motary Public-California TUOLUMNE COUNTY My Comm. Exp. May 31, 2007

В

#### EXHIBIT "A" describing PARCEL A

A tract of land situated in a portion of the West half of the Southeast quarter of Section 26, Township 1 South, Range 18 East, M. D. B. & M., in the unincorporated area of Tuolumne County, State of California, said tract of land being more particularly described as follows:

요리 경기를 가장을 마루되었다는 말이라고 그리리가 들었다. 사람

All that portion of said West half of the Southeast quarter lying northerly of LINE A of Parcel 5351 as said LINE A of Parcel 5351 is described in Grant Deed to the State of California recorded August 25, 2003 as Document No. 2003021597 in the Official Records of Tuolumne County, said LINE A of Parcel 5351 being described in said Grant Deed as follows:

Commencing at a 2-inch iron pipe with United States Forest Service brass disk set to mark the East quarter corner of said Section 26; thence (1) along the East line of said Southeast quarter S 7°18'29"E, a distance of 2720.69 feet to a 2-inch iron pipe with U.S.F.S. brass disk set to mark the Southeast corner of said section; thence (2) leaving said section line, N 5°10'56"E, a Distance of 1007.43 feet to the True Point of Beginning of Line A:

Thence (3) N66°25'36"W, a Distance of 285.54 feet;

thence (4) N49°55'35"W, a Distance of 798.58 feet;

thence (5) N80°40'49"W, a Distance of 481.25 feet;

thence (6) N83°21'12"W, a Distance of 1429.82 feet;

thence (7) N82°04'56"W, a Distance of 294.65 feet to a point on the West line of said Southeast quarter lying 1770.43 feet north of the South quarter corner of said Section 26.

RESERVING THEREFROM a non-exclusive easement for ingress and egress purposes on, over, across, and under a strip of land having a uniform width of 30.00 feet, being 15.00 feet on each side of the following described centerline:

BEGINNING at a point on the above described course (6), said point being located N83°21'12"W a distance of 350.49 feet from the easterly beginning of said course (6), said point being the center of a right of access as reserved by the grantor in said Grant Deed; thence northerly and easterly, along the centerline of an existing dirt road, to a point on the easterly line of said West half of the Southeast quarter, said point being the terminus of the herein described centerline.

The sidelines of the above described strip of land are to be lengthened or shortened so as to begin on said LINE A of Parcel 5351 and end on the easterly line of said West half of the Southeast quarter.

The above-described tract of land is subject to any liens, encumbrances, covenants, restrictions and rights-of-way or easements of record or legally acquired.

Prepared by:

Richard A. Seaman, L.S. 5399

License Expires 12/31/05

#### EXHIBIT "B" describing PARCEL B

A tract of land situated in a portion of the East half of the Southeast quarter of Section 26, Township 1 South, Range 18 East, M. D. B. & M., in the unincorporated area of Tuolumne County, State of California, said tract of land being more particularly described as follows:

All that portion of said East half of the Southeast quarter lying northerly of LINE A of Parcel 5351 as said LINE A of Parcel 5351 is described in Grant Deed to the State of California recorded August 25, 2003 as Document No. 2003021597 in the Official Records of Tuolumne County, said LINE A of Parcel 5351 being described in said Grant Deed as follows:

Commencing at a 2-inch iron pipe with United States Forest Service brass disk set to mark the East quarter corner of said Section 26; thence (1) along the East line of said Southeast quarter S 7°18'29"E, a distance of 2720.69 feet to a 2-inch iron pipe with U.S.F.S. brass disk set to mark the Southeast corner of said section; thence (2) leaving said section line, N 5°10'56"E, a Distance of 1007.43 feet to the True Point of Beginning of Line A;

Thence (3) N66°25'36"W, a Distance of 285.54 feet;

thence (4) N49°55'35"W, a Distance of 798.58 feet;

thence (5) N80°40'49"W, a Distance of 481.25 feet;

thence (6) N83°21'12"W, a Distance of 1429.82 feet;

thence (7) N82°04'56"W, a Distance of 294.65 feet to a point on the West line of said Southeast quarter lying 1770.43 feet north of the South quarter corner of said Section 26.

TOGETHER WITH a non-exclusive easement for ingress and egress purposes on, over, across, and under a strip of land having a uniform width of 30.00 feet, being 15.00 feet on each side of the following described centerline:

BEGINNING at a point on the above described course (6), said point being located N83°21'12"W a distance of 350.49 feet from the easterly beginning of said course (6), said point being the center of a right of access as reserved by the grantor in said Grant Deed; thence northerly and easterly, along the centerline of an existing dirt road, to a point on the westerly line of said East half of the Southeast quarter, said point being the terminus of the herein described centerline.

The sidelines of the above described strip of land are to be lengthened or shortened so as to begin on said LINE A of Parcel 5351 and end on the westerly line of said East half of the Southeast quarter.

The above-described tract of land is subject to any liens, encumbrances, covenants, restrictions and rights-of-way or easements of record or legally acquired.

Prepared by:

Richard A. Seaman, L.S. 5399

License Expires 12/31/05

Date

OF OF

도 양 분들에 그 싫다 학문 등 보고였다.

#### EXHIBIT "C" describing PARCEL C

그 목표를 만든 불로 있게 하는 사람들이 하는 경인을 했다.

A tract of land situated in a portion of the West half of the Southeast quarter of Section 26, Township 1 South, Range 18 East, M. D. B. & M., in the unincorporated area of Tuolumne County, State of California, said tract of land being more particularly described as follows:

All that portion of said West half of the Southeast quarter lying southerly of LINE B of Parcel 5351 as said LINE B of Parcel 5351 is described in Grant Deed to the State of California recorded August 25, 2003 as Document No. 2003021597 in the Official Records of Tuolumne County, said LINE B of Parcel 5351 being described in said Grant Deed as follows:

Commencing at a 2-inch iron pipe with United States Forest Service brass disk set to mark the East quarter corner of said Section 26; thence (1) along the East line of said Southeast quarter S 7°18'29"E, a distance of 2720.69 feet to a 2-inch iron pipe with U.S.F.S. brass disk set to mark the Southeast corner of said section; thence (8) leaving said section line, N 0°00'20"E, a Distance of 180.23 feet to the True Point of Beginning of Line B;

thence (9) N31°13'44"W, a Distance of 883.36 feet;

thence (10) N43°19'42"W, a Distance of 608.81 feet;

thence (11) N78°01'19"W, a Distance of 431.47 feet;

thence (12) N81°57'04"W, a Distance of 1428.40 feet;

thence (13) N82°04'56"W, a Distance of 257.49 feet to a point on the West line of said Southeast quarter lying 1558.28 feet north of the South quarter corner of said Section 26.

The above-described tract of land is subject to any liens, encumbrances, covenants, restrictions and rights-of-way or easements of record or legally acquired.

Prepared by:

Richard A. Seaman, L.S. 5399

License Expires 12/31/05

# EXHIBIT "D" describing PARCEL D

A tract of land situated in a portion of the East half of the Southeast quarter of Section 26, Township 1 South, Range 18 East, M. D. B. & M., in the unincorporated area of Tuolumne County, State of California, said tract of land being more particularly described as follows:

All that portion of said East half of the Southeast quarter lying southerly of LINE B of Parcel 5351 as said LINE B of Parcel 5351 is described in Grant Deed to the State of California recorded August 25, 2003 as Document No. 2003021597 in the Official Records of Tuolumne County, said LINE B of Parcel 5351 being described in said Grant Deed as follows:

Commencing at a 2-inch iron pipe with United States Forest Service brass disk set to mark the East quarter corner of said Section 26; thence (1) along the East line of said Southeast quarter S 7°18'29"E, a distance of 2720.69 feet to a 2-inch iron pipe with U.S.F.S. brass disk set to mark the Southeast corner of said section; thence (8) leaving said section line, N 0°00'20"E, a Distance of 180.23 feet to the True Point of Beginning of Line B;

thence (9) N31°13'44"W, a Distance of 883.36 feet;

thence (10) N43°19'42"W, a Distance of 608.81 feet;

thence (11) N78°01'19"W, a Distance of 431.47 feet;

thence (12) N81°57'04"W, a Distance of 1428.40 feet;

thence (13) N82°04'56"W, a Distance of 257.49 feet to a point on the West line of said Southeast quarter lying 1558.28 feet north of the South quarter corner of said Section 26.

EXCEPTING THEREFROM Parcel 6223A, said Parcel 6223A being described in said Grant Deed as follows:

Beginning at The True Point of Beginning of the above described Line B of Parcel 5351; thence (15) along said Line B, N31°13'44"W, a Distance of 496.78 feet; thence, (16) leaving said Line B, S12°27'14"E, a Distance of 330.26 feet; thence (17) S61°13'50"E, a distance of 212.58 feet to the True Point of Beginning.

ALSO EXCEPTING THEREFROM Parcel 6223B, said Parcel 6223B being described in said Grant Deed as follows:

Beginning at a point on the above described Line B of Parcel 5351, distant 155.00 feet from the easterly terminus of the above described course (12) of Line B;

thence (18) along said Line B, S81°57'04"E, a Distance of 155.00 feet;

thence (19) S78°01'19"E, a Distance of 196.03 feet;

thence (20) leaving said Line B, S13°13'13"W, a Distance of 50.30 feet;

thence (21) S89°19'02"W, a Distance of 195.71 feet; thence, (22) from a tangent which bears S86°01'10"W, along a curve concave to the northeast, having a radius of 130.00 feet, through a central angle of 86°54'37"; an arc length of 197.19 feet; to the Point of Beginning.

The above-described tract of land is subject to any liens, encumbrances, covenants, restrictions and rights-of-way or easements of record or legally acquired.

Prepared by:

Richard A. Seaman, L.S. 5399

License Expires 12/31/05

3/3/04

Date



#### **COUNTY SURVEYOR**

#### **CONSENT TO RECORD**

THE ATTACHED LOT LINE ADJUSTMENT FOR <u>Timothy R. and Carol L. Manly.</u> WAS APPROVED BY THE DEPUTY COUNTY SURVEYOR ON <u>January 28, 2004</u>, AND CONSENT IS HEREBY GIVEN TO RECORD THE ATTACHED DOCUMENTS.

PETER M. REI, PLS 5963

**COUNTY SURVEYOR** 

License Expires 12-31-2004

**建物等** 

DATE

B 29

# **APPLICATION**

DIVISION	MERGE
X LOT LINE ADJUSTMENT	RESUBDIVISIO
RECORDS OR LEGAL OWNER TIM & CAROL MANLY	PHONE # 984-080
ADDRESS P.O. BOX 130; MOCCASIN	
RECORDS OR LEGAL OWNER (SAME)	PHONE #
ADDRESS	
SURVEYOR OR ENGINEER RICHARD SEAMAN	PHONE #_ <i>966-39</i> 5
ADDRESS P.O. BOX 1305 MARIPOSA	A CA : 95338
showing a proposed period	ned Exhibit or Tentative Maj
As a condition of the grant of approval of the procondition of approval of the project (as applicable) indemnify (including attorney's fee and cost award County of Tuolumne, its officers, agents and emploattack, set aside, void or annul a County approval corespect to the County's approval, these obligations are brought within the time period provided for in 6499.37, and shall be conditioned on County prompt any such claim, action or proceeding and cooperating	oject, and as a continuing Applicant(s) shall defend s), and hold harmless the oyees from any seeking to oncerning the project. With apply only to actions which Government Code Section by notifying the applicant of
As a condition of the grant of approval of the procondition of approval of the project (as applicable) indemnify (including attorney's fee and cost award County of Tuolumne, its officers, agents and employattack, set aside, void or annul a County approval correspect to the County's approval, these obligations are brought within the time period provided for in 6499.37, and shall be conditioned on County prompt any such claim, action or proceeding and cooperating.  I agree to the foregoing condition of project approval.  Executed this 30 day of 16 16 16 16 16 16 16 16 16 16 16 16 16	oject, and as a continuing Applicant(s) shall defend s), and hold harmless the oyees from any seeking to encerning the project. With apply only to actions which Government Code Section by notifying the applicant of fully in the defense.
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#### **COUNTY SURVEYOR**

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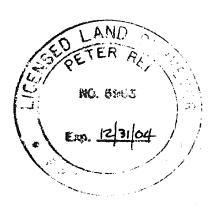
PETER M. REI. PLS 5963

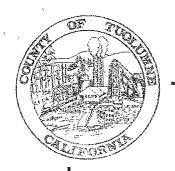
**COUNTY SURVEYOR** 

License Expires 12-31-2004

3 3/04

DATE





# County of Tuolumne Department of Public Works

PETER REI, R.C.E., P.L.S.
Director of Public Works

A.N. Francisco Building 48 West Yaney Avenue Mailing: 2 South Green Street Sonora, California 95370 Engineering and Road Operations Divisions
(209) 533-5601
Transportation Division
(209) 533-5603
County Surveyor Division
(209) 533-5626
Environmental Management
(209) 533-5588
Fax (209) 533-5698

## **COUNTY SURVEYOR'S DECISION**

DATE:

January 28, 2004

LOT LINE ADJUSTMENT

APPLICATION:

04T-2

SURFACE/MINERAL

**RIGHTS OWNERS:** 

Timothy R. and Carol L. Manly

PROJECT

**DESCRIPTION:** 

Lot line adjustment between four legal parcels two of which are described in Certificate of Compliance, Document Number 2003-024198

Assessor Parcel Numbers 68-120-57 and 29

LOCATION: ENVIRONMENTAL EVALUATION:

This project is categorically exempt from environmental review in accordance with Section 15268 of the State and County Guidelines for the Implementation of the California Environmental Quality Act.

Timothy R. and Carol L. Manly Lot Line Adjustment 04T-2 January 29, 2004 Page 2

#### **FINDINGS**

- a. The requested lot line adjustment is consistent with the Tuolumne County General Plan.
- b. The requested lot line adjustment is consistent with the Tuolumne County Ordinance Code.

#### **DECISION**

On January 28, 2004, a decision was rendered by the Deputy County Surveyor approving the lot line adjustment application based on Findings a and b.

#### WARNING:

Any aggrieved person has ten (10) days to appeal this decision to the Board of Supervisors.

DEPARTMENT OF PUBLIC WORKS PETER M. REI, DIRECTOR

Cyrus A. Hoblitt, P.L.S. Deputy County Surveyor

Cyrus a. Abbie

CAH/cc

pc:

Richard A. Seaman, P.L.S.

Nancy Rotelli, Roads

Rebecca Cremeen, Planner



# **County of Tuolumne Department of Public Works**

PETER REI, R.C.E., P.L.S. Director of Public Works

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#### **COUNTY SURVEYOR'S DECISION**

DATE:

January 28, 2004

LOT LINE ADJUSTMENT

**APPLICATION:** 

04T-2

SURFACE/MINERAL

**RIGHTS OWNERS:** 

Timothy R. and Carol L. Manly

PROJECT

**DESCRIPTION:** 

feur

Lot line adjustment between two legal parcels one of which is described in Certificate of Compliance, Document Number 2003-024198

Assessor Parcel Numbers 68-120-57 and 29

LOCATION: ENVIRONMENTAL

**EVALUATION:** 

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Timothy R. and Carol L. Manly Lot Line Adjustment 04T-2 January 29, 2004 Page 2

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DEPARTMENT OF PUBLIC WORKS PETER M. REI, DIRECTOR

**Cyrus A. Hoblitt, P.L.S. Deputy County Surveyor** 

CAH/cc

pc:

Richard A. Seaman, P.L.S.

Nancy Rotelli, Roads

Rebecca Cremeen, Planner



Recording Requested by:

Department of Public Works

WHEN RECORDED, MAIL TO:

Department of Public Works 2 South Green Street Sonora, CA 95370 Doc # 2603024198
Page 1 of 2
Date: 09/18/2003 02:31P
Filed by: TUOLUNNE CO, D/P/W
Filed & Recorded in Official Records
of COUNTY OF TUOLUNNE
DAVID W WYNKE
COUNTY RECORDER
Fee: \$8.00



#### CERTIFICATE OF COMPLIANCE

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcels described herein may be sold, leased or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcels may require issuance of a permit or permits, or other grant or grants of approval.

This Certificate is issued pursuant to Section 66499.35 of the Government Code.

All that real property situated in the unincorporated area of the County of Tuolumne, State of California, being more particularly described as follows:

#### See Exhibit "A"

#### NOTE:

The parcels as described in Exhibit "A" are two (2) separate legal parcels.

OWNERS OF SAID PROPERTY ARE: Timothy R. Manly and Carol L. Manly.

ASSESSOR'S PARCEL NUMBER:

a portion of 068-120-27, and a portion of

068-120-57.

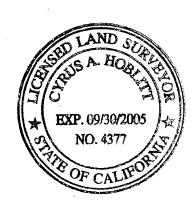
By:\_

Cyrus A. Hoblitt, P.L.S. 4377

Deputy County Surveyor License Expires 9-30-2005

Date:

9-18-2003



#### EXHIBIT "A"

All that certain real property in the unincorporated area of the County of Tuolumne, State of California, described as follows:

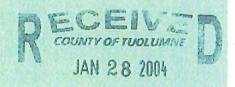
#### PARCEL 1

All that portion of the Southeast Quarter of Section 26, Township 1 South, Range 18 East, lying Northerly and Easterly of the Southerly line of that parcel described in deed recorded March 10, 1960, in Book 111, page 521 of the Official Records of Tuolumne County, and Southerly and Westerly of Line B of Parcel 5351 as described in deed recorded August 25, 2003, as Document Number 2003021597 of the Official Records of Tuolumne County.

EXCEPTING THEREFROM, any portion thereof lying within Parcel 6223A as described in said document.

#### PARCEL 2

All that portion of the Southeast Quarter of Section 26, Township 1 South, Range 18 East, described as Parcel No. 2 of deed recorded June 18, 1962, in Book 144, page 70 of the Official Records of Tuolumne County.



# DEPARTMENT OF PUBLIC WORKS SURVEY

#### **TENTATIVE MAP EVALUATION**

Tentative Map No.	04T-2		
Applicant:	Timothy and Carol Manly		
Zoning:	C-K, O, O-1		
X This r	nap meets Title 17 requirements.		
This r	nap does not meet County requirements, for the following reasons:		
Environmental Eva	uation		
X	This project is exempt from environmental review in accordance with Section <u>15268</u> of the State and County Guidelines for the implementation of the California Environmental Quality Act (CEQA).		
	Approval of this project is based on certain mitigating conditions which are to be applied to the project. A copy of the Conditions are attached.		
<del></del>	This project has been reviewed in accordance with the Wildlife Element of the General Plan.		
Additional Comments:			
Planner: Rebecca	Cremeen Date: January 27, 2004		

S:\Planning\rcremeen\Projects\EXEMPT TPMAPS\Lot Line Adjustments\Manly\TENTATIVE MAP EVALUATIO1.doc



# **County of Tuolumne Department of Public Works**

Peter Rei, R.C.E., P.L.S. Director of Public Works

A. N. Francisco Building 48 West Yaney Avenue Mailing: 2 South Green Street Sonora, California 95370 Engineering and Road Operations Divisions
(209) 533-5601
Transportation Division
(209) 533-5603
County Surveyor Division
(209) 533-5626
Solid Waste Division
(209) 533-5588
Fax (209) 533-5698

#### Memorandum

Date: January 26, 2004

To: Cyrus A. Hoblitt

Deputy County Surveyor

From: Richard S. York, R.C.E.

Deputy Director

Re: Tentative Parcel Map 04T-002

Lot Line Adjustment

Assessor's Parcel – Portion of 068-120-57

State Highway 120

Manly

COUNTY OF TUOLUMNE

JAN 27 2004

DEPARTMENT OF PUBLIC WORKS SURVEY

The Engineering Development Division has no comment regarding this request for a tentative (lot line adjustment) parcel map.

Completed by: Nancy Rotelli, Engineering Technician II



## **COMMUNITY DEVELOPMENT DEPARTMENT**

BEV SHANE, AICP Director

BUILDING AND SAFETY - CODE COMPLIANCE - FIRE PREVENTION - PLANNING - GIS

48 W. Yaney, Sonora Mailing: 2 S. Green Street Sonora, CA 95370 (209) 533-5633 (209) 533-5616 (fax)

DATE:

January 8, 2004

TO:

Cyrus A. Hoblitt, PLS

Assistant Public Works Director

FROM:

Gregory M. Lamb

Chief Building Official

SUBJECT: Lot Line Adjustment...04T-2

I have reviewed the above mentioned lot line adjustment. The map has been approved as shown with no structures present. Parcels resulting from the lot line adjustment will conform to local Building Ordinances.

GML/tm



DEPARTMENT OF PUBLIC WORKS





-Environmental Health 2 South Green St.

Sonora, CA 95370 (209) 533-5990 Fax: (209) 533-5994

Walter L. Kruse

Director of **Environmental** Health

Food Hazardous Materials/ Land Use

Housing Medical Waste

Public Swimming Pools

Public Water Sewage Treatment

and Disposal

Solid Waste

Vector

Water Wells

Public Health

20111 Cedar Rd. N. Sonora, CA 95370 (209) 533-7400 Fax: 209) 533-7406

**Kathy Amos** 

Director of Public Health Nursing

AIDS Surveillance California Children's Services

CHDP

Clinical Services

Communicable

Disease

Emergency Medical

Services

HIV Education and

Prevention Immunization

Maternal Child Health

PHN Case

Management

Tobacco Control WIC

January 8, 2004

To: Carole Carson, Surveyors Division

From: Dan Leasure, Environmental Health Division &

RE: Exhibit for Lot Line Adjustment for MANLY; 04T-02 on APN 68-120-57

Review of the above-referenced exhibit shows that it is exempt from the soil testing requirements set forth in Chapter 13.04 TCOC because it is a boundary line adjustment between existing lots and because all proposed parcels will exceed 10 acres (section 13.04.030 TCOC).

Future development of the property will require compliance with Chapters 13.08 and 13.16 TCOC (regarding construction and maintenance of on-site sewage treatment and disposal systems and domestic water wells) to prevent groundwater contamination and public health hazards.1

Please contact me at the Environmental Health Division, if you have any questions or need additional information.

<sup>1</sup>As each parcel is developed, suitability for on-site sewage treatment and disposal and for well sites must be determined by site and soil evaluations conducted during review of permit applications.

cc: Freeman and Seaman Land Surveyors (P.O. Box 1305; Mariposa, CA 95338) file\dbl\lla10a



DEPARTMENT OF PUBLIC WORKS



**312-008440** 

Fee: \$400.00

Parcel Map Reference: Manly

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY, AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE,

Commonwealth Land Title Insurance Company a corporation, herein called "the Company",

## **GUARANTEES**

(The County of Tuolumne which the land is located),

and any city within

herein called the Assured, against loss not exceeding \$1,000, which the Assured shall sustain by reason of any incorrectness in the assurance which the Company hereby gives that, according to the public records on the date stated below,

- 1. The title to the herein described estate or interest was vested in the vestee named, subject to the matters shown as Exceptions herein, which Exceptions are not necessarily shown in the order of their priority; and
- 2. Had said Parcel Map been recorded in the office of the County Recorder of said county, such map would be sufficient for use as a primary reference in legal descriptions of the parcels within its boundaries.

IN WITNESS WHEREOF, COMMONWEALTH LAND TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, the Guarantee to become valid when countersigned by an authorized officer or agent of the Company.

## COMMONWEALTH LAND TITLE INSURANCE COMPANY

Dated: November 10, 2003 @ 7:30 a.m.

Countersigned:

Authorized Officer or Agent

Attest:

.

President

Secretary

## PARCEL MAP GUARANTEE

Order No.: 95159T

Guarantee No.: 312-008440

1. The estate or interest in the land hereinafter described or referred to covered by this Guarantee is a fee.

A FEE AS TO PARCELS ONE, TWO, THREE & FOUR / AN EASEMENT AS TO PARCEL FIVE

2. Title to said estate or interest at the date hereof is vested in:

TIMOTHY R. MANLY and CAROL L. MANLY, husband and wife, as joint tenants

3. The land referred to in this policy is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO.

#### EXHIBIT "A"

Order No.: 95159T

All that certain real property in the unincorporated area of the County of Tuolumne, State of California, described as follows:

## PARCEL ONE:

The Southeast ¼ of Section 26, T. 1 S., R. 18 East, M.D.B. M.

EXCEPTING THEREFROM the interest in a portion of said land as conveyed to the State of California, for freeway purposes, by Deed recorded August 25, 2003 as Instrument No. 2003021597, Tuolumne County Records.

ALSO EXCEPTING THEREFROM all that real property described that Certificate of Compliance recorded September 18, 2003 as Instrument No. 2003024198, Tuolumne County Records.

ALSO EXCEPTING THEREFROM A portion of that certain parcel of land situate in the southeast quarter of Section 26, T. 1 S., R. 18 E., M.D.B. & M., County of Tuolumne, State of California, described as follows:

Beginning at the northwesterly corner of that certain 18.76 acre parcel of land described in deed to the State of California, dated January 11, 1960 and recorded in Volume 111 of Official Records, Page 521, Tuolumne County Records, said point lying on the one-quarter (1/4) section line running north and south through said Section 26; thence (1) along said one-quarter (1/4) section line North 95.27 feet; thence (2) S. 80° 24' E., 50,70 feet; thence (3) South 93.41 feet to a point on the northerly line of the aforesaid 18.76 acre parcel of land; thence (4) along said northerly line N. 82° 08' 09" W. 60.41 feet to the point of beginning.

## PARCEL TWO:

A portion of that certain parcel of land situate in the southeast quarter of Section 26, T. 1 S., R. 18 E., M.D.B. & M., County of Tuolumne, State of California, described as follows:

Beginning at the northwesterly corner of that certain 18.76 acre parcel of land described in deed to the State of California, dated January 11, 1960 and recorded in Volume 111 of Official Records, Page 521, Tuolumne County Records, said point lying on the one-quarter (1/4) section line running north and south through said Section 26; thence (1) along said one-quarter (1/4) section line North 95.27 feet; thence (2) S. 80° 24' E., 50,70 feet; thence (3) South 93.41 feet to a point on the northerly line of the aforesaid 18.76 acre parcel of land; thence (4) along said northerly line N. 82° 08' 09" W. 60.41 feet to the point of beginning.

### PARCEL THREE:

All that portion of the Southeast Quarter of Section 26, Township 1 South, Range 18 East, lying Northerly and Easterly of the Southerly line of that parcel described in deed recorded March 10, 1960, in Book 111, Page 521 of the Official Records of Tuolumne County, and Southerly and Westerly of Line B of Parcel 5351 as described in deed recorded August 25, 2003, as Document Number 2003021597 of the Official Records of Tuolumne County.

EXCEPTING THEREFROM, any portion thereof lying within Parcel 6223A as described in said document.

### PARCEL FOUR:

All that portion of the Southeast Quarter of Section 26, Township 1 South, Range 18 East, described as Parcel No. 2 of deed recorded June 18, 1962, in Book 144, Page 70 of the Official Records of Tuolumne County.

## PARCEL FIVE:

The right of access over and across that certain 60.42 foot access opening in the northerly right of way of the State Highway 10-Tuo-120 Post Mile 50.1 in the Southeast one-quarter of Section 26, T. 1 S., R. 18 E., M.D.M., lying west of the southerly terminus of the following described Line A, and east of the southerly terminus of the following described Line B:

Line A: Commencing at a 2 ¼-inch diameter iron pipe with a standard U.S. Forest Service 3-inch brass disk, set to mark the center ¼ corner of said Section 26, according to that certain map filed for record in Book 25 of Records of Surveys, Page 81, Tuolumne County Records; thence south along the west line of the southeast one-quarter according to said map, S. 0° 25' 43" E., 443.32 feet; thence N. 64° 29' 16" E., 63.80 feet; thence S. 42° 26' 23" E., 160.89 feet to the True point of Beginning; thence S. 42° 26' 23" E., 79.52 feet; thence S. 3° 36' 10" E., 96.12 feet; thence S. 0° 03' 16" W., 170.42 feet to the northerly right of way of said State Route 120.

Line B: Commencing at the True Point of Beginning of the above described Line A; thence S. 0° 03' 16" W., 316.71' to the northerly right of way of said State Route 120.

Assessor's Parcel Numbers 068-120-57, 068-120-29

C 16

## **EXCEPTIONS**

Order No.: 95159T

Guarantee No.: 312-008440

1. GENERAL AND SPECIAL COUNTY AND CITY TAXES for the fiscal year 2003 - 2004

1<sup>st</sup> installment 2<sup>nd</sup> installment

: \$5.33 OPEN

Land

: \$5.33 OPEN : \$67.00

Improvements
Personal Property
Exemptions

: \$0.00 : \$0.00 : \$0.00

A.P. No. Code Area Bill No. : 068-120-29 : 54/009

: 24893

2. GENERAL AND SPECIAL COUNTY AND CITY TAXES for the fiscal year 2003 - 2004

1<sup>st</sup> installment

: \$481.23 OPEN

2<sup>nd</sup> installment

: \$481.23 OPEN

Land Improvements : \$94,651.00

Personal Property
Exemptions

: \$0.00 : \$0.00

: \$0.00

A.P. No.

: 068-120-57

Code Area

: 54/009

Bill No. : 24899

- 3. THE LIEN OF SUPPLEMENTAL TAXES, if any, assessed pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the Revenue and Taxation Code of the State of California, et seq.
- 4. THE PROPERTY IS WITHIN THE JURISDICTION OF THE FOLLOWING DISTRICT and is subject to all taxes, assessments and obligations thereof.

District

: AMBULANCE ASSESSMENT

5. RESERVATIONS, EASEMENTS AND CONDITIONS as contained in the United States Land Patent

Issued

: March 1, 1886

То

: JOHN HEARDIN

Recorded

: September 30, 1886, in Book 23 of Deeds,

Page 40, Tuolumne County Records.

6. An easement, as reserved in the United States Land Patent herein referred to, for the proprietor of any vein or lode to extract or remove the ore therefrom should the same be found to penetrate or intersect the herein described property.

7. EASEMENT for the purposes stated herein together with incidentals in connection therewith as created in that certain instrument.

Granted therein to

: PACIFIC GAS AND ELECTRIC COMPANY, a California corporation

Purpose

: The right to erect and maintain a line of poles and appurtenances

Affects

: A portion of premises

Recorded

: December 20, 1950, in Volume 49 of Official Records, Page 177,

Tuolumne County Records.

8. EASEMENT for the purposes stated herein together with incidentals in connection therewith as created in that certain instrument.

Granted therein to

: THE UNITED STATES OF AMERICA, U. S. DEPARTMENT OF

**AGRICULTURE** 

Purpose

: Road

Affects

: Northwesterly portion of premises

Recorded

: July 1, 1966, in Volume 216 of Official Records, Page 102,

Tuolumne County Records.

Instrument No.

: 4557

9. The terms and provisions of that certain Land Conservation Contract dated January 4, 1972, Between Mazie Woolstenhulme, as Owner or Lessee, and the County of Tuolumne, a Political Subdivision, recorded February 22, 1972, in Volume 350 of Official Records, Page 264, Instrument No. 1756, Tuolumne County Records.

Said Conservation Contract was amended by agreement dated February 26, 1974 and recorded February 28, 1974, in Volume 406 of Official Records, Page 120, Instrument No. 2051, Tuolumne County Records.

10. EASEMENT for the purposes stated herein together with incidentals in connection therewith as created in that certain instrument.

Granted therein to

: THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a

corporation

Purpose

: The right to construct and maintain communication facilities consisting

of underground conduits, pipes, manholes, wires, cables, fixtures and

appurtenances

Affects

: The Northwesterly portion of premises

Recorded

: August 28, 1972, in Volume 364 of Official Records, Page 448,

Tuolumne County Records.

Instrument No.

: 8741

# 11. CONDITIONS ON THE DEVELOPMENT OR USE contained in the following instrument:

: Amend the General Plan land use designation of two parcels totaling Type of entitlement

149+/- acres from TPZ to R/P and Rezone the site from TPZ to 112.0+/-

acres of C-K, 25.3+/- acres of O and 1.7+/- acres of O-1.

Date of issuance

: August 20, 1991

Recorded

: August 28, 1991, in Volume 1076 of Official Records,

Page 232. Tuolumne County Records.

Instrument No.

· 14447

Reference should be made to the actual document referred to herein which is on file at the Tuolumne County Planning Department.

12. AGREEMENT FOR

: Community Property

Executed by and between: Timothy R. Manly

and

: Carol L. Manly Upon the terms and conditions contained therein,

Recorded

: October 19, 1993, in Volume 1230 of Official Records

Page 120, Tuolumne County Records.

Instrument No.

13. EASEMENT for the purposes stated herein together with incidentals in connection therewith as created in that certain instrument.

Granted therein to

: THE STATE OF CALIFORNIA

Purpose

: Roadway and material storage

Affects

: Northwesterly portion of premises

Recorded

: October 26, 2000, in Volume 1706 of Official Records, Page 0469,

Tuolumne County Records.

Instrument No.

: 016108

14. EASEMENT for the purposes stated herein together with incidentals in connection therewith as created in that certain instrument.

Granted therein to

: THE STATE OF CALIFORNIA

Purpose

: Channel change purposes

Affects

: A portion of premises

Recorded

: August 25, 2003, Tuolumne County Records.

Instrument No.

: 2003021597

PRIVACY NOTICE (15 U.S.C. 6801 and 16 CFR Part 313): We collect non-public personal information about you from information you provide on forms and documents and from others who are involved in your transaction. We do not disclose any non-public personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to non-public personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your non-public personal information.

NOTE: CALIFORNIA "GOOD FUNDS" LAW. Effective January 1, 1990, California Insurance Code Section 12413.1, (Chapter 598, Statutes of 1989), prohibits a title insurance company, controlled escrow company or underwritten title company from disbursing funds from an escrow or sub-escrow account, (except for funds deposited by WIRE TRANSFER, ELECTRONIC PAYMENT or CASH) until the day these funds are made available to the depositor or pursuant to Part 229 of Title 12 of the Code of Federal Regulations, (Reg. CC). Items such as CASHIER'S, CERTIFIED or TELLER'S CHECKS may be available for disbursement on the business day following the business day of deposit; however, other forms or deposits may cause extended delays in closing the escrow or sub-escrow.

"YOSEMITE TITLE COMPANY will not be responsible for accruals of interest or other charges resulting from compliance with the disbursement restrictions imposed by State Law."

NOTE: The issuance of this report is conditioned upon payment of a cancellation fee, if for any reason, a Policy of Title Insurance is not issued in connection with this Title Order. Said fee shall be in an amount not less than the minimum charge set forth in the filed rate schedule, and is a required charge pursuant to Section 12404.1 of the Insurance Code of the State of California.

NOTICE: California Revenue and Taxation Code (R & TC) Section 18662, which requires that unless a waiver is obtained from the California Franchise Tax Board a buyer must withhold from any seller who is not a California resident, a sum equal to 3 1/3% of the sales price upon the disposition of non-exempt California real property interest. This withhold is in addition to the provisions of Section 1445 of the Internal Revenue Code pertaining to the tax due if the transferor is a "foreign person" as defined therein.

In accordance with Section 18662 of the Revenue and Taxation Code, a buyer may be required to withhold an amount equal to 3 1/3 percent of the sales price in the case of a disposition of California real property interest by either:

- 1. A seller who is an individual or when the disbursement instructions authorize the proceeds to be sent to a financial intermediary of the seller, OR
- 2. A corporate seller that has no permanent place of business in California.

The buyer may become subject to penalty for failure to withhold an amount equal to the greater of 10 percent of the amount required to be withheld or five hundred dollars (\$500).

However, notwithstanding any other provision included in the California statutes referenced above, no buyer will be required to withhold any amount or be subject to penalty for failure to withhold if:

- 1. The sales price of the California real property conveyed does not exceed one hundred thousand dollars (\$100,000), OR
- 2. The seller executes a written certificate, under the penalty of perjury, certifying that the seller is a corporation with a permanent place of business in California, OR
- 3. The seller, who is an individual, executes a written certificate, under the penalty of perjury, of any of the following:
  - A. That the California real property being conveyed is the seller's principal residence (within the meaning of Section 121 of the Internal Revenue Code).

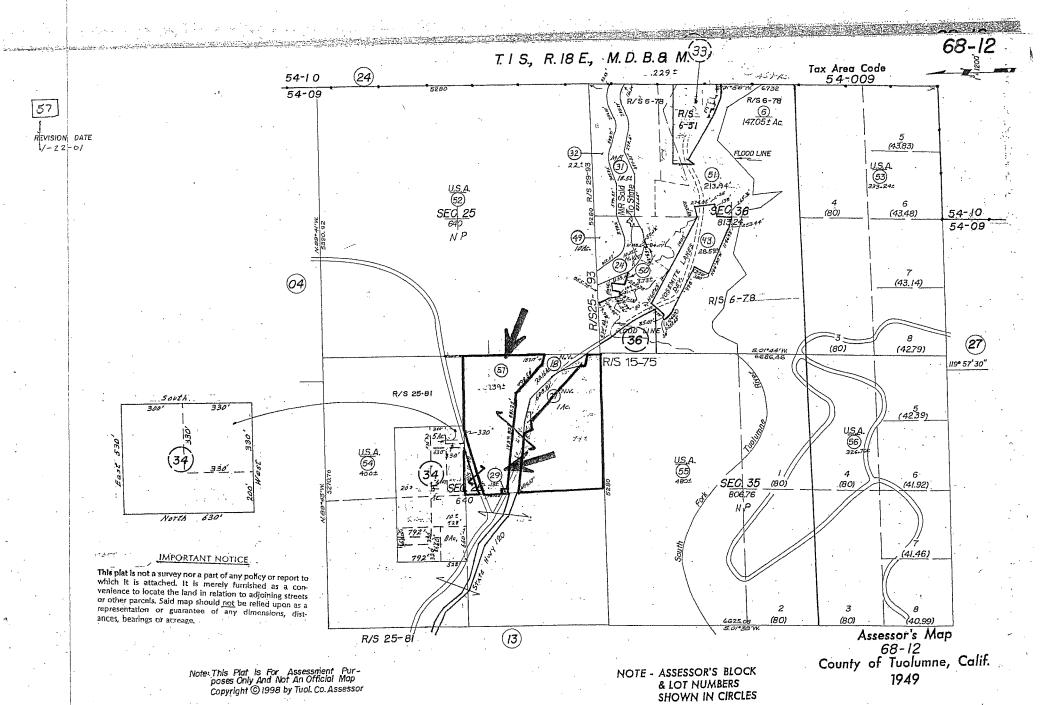
- B. That the California real property being conveyed is or will be exchanged for property of like kind (within the meaning of Section 1031 of the Internal Revenue Code), but only to the extent of the amount of gain not required to be recognized for California income tax purposes under Section 1031 of the Internal Revenue Code.
- C. That the California real property has been compulsorily or involuntarily converted (within the meaning of Section 1033 of the Internal Revenue Code) and that the seller intends to acquire property similar or related in service or use so as to be eligible for nonrecognition of gain for California income tax purposes under Section 1033 of the Internal Revenue Code.
- D. That the California real property transaction will result in a loss for California income tax purposes.

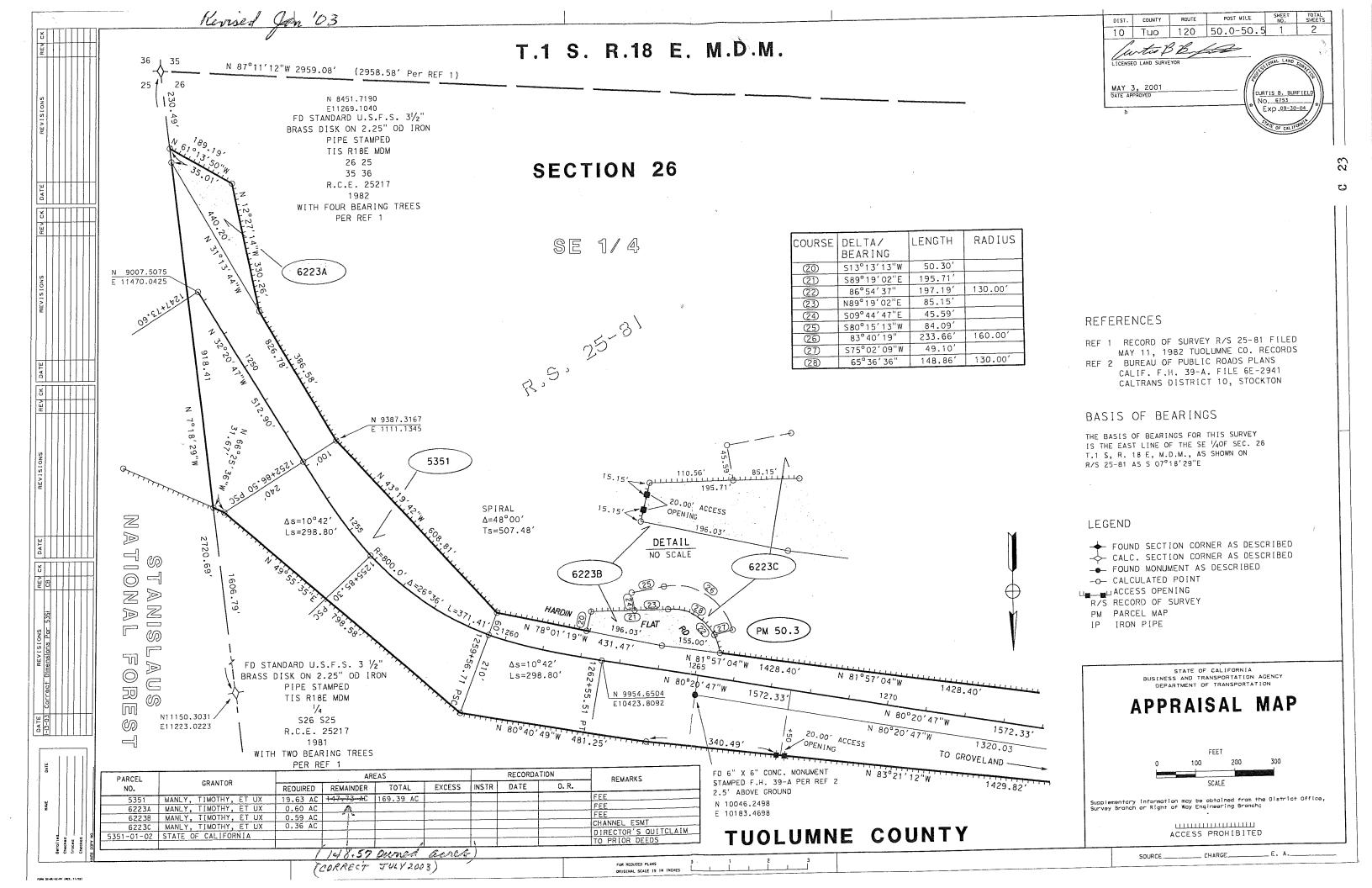
The seller is subject to penalty for knowingly filing a fraudulent certificate for the purpose of avoiding the withholding requirement.

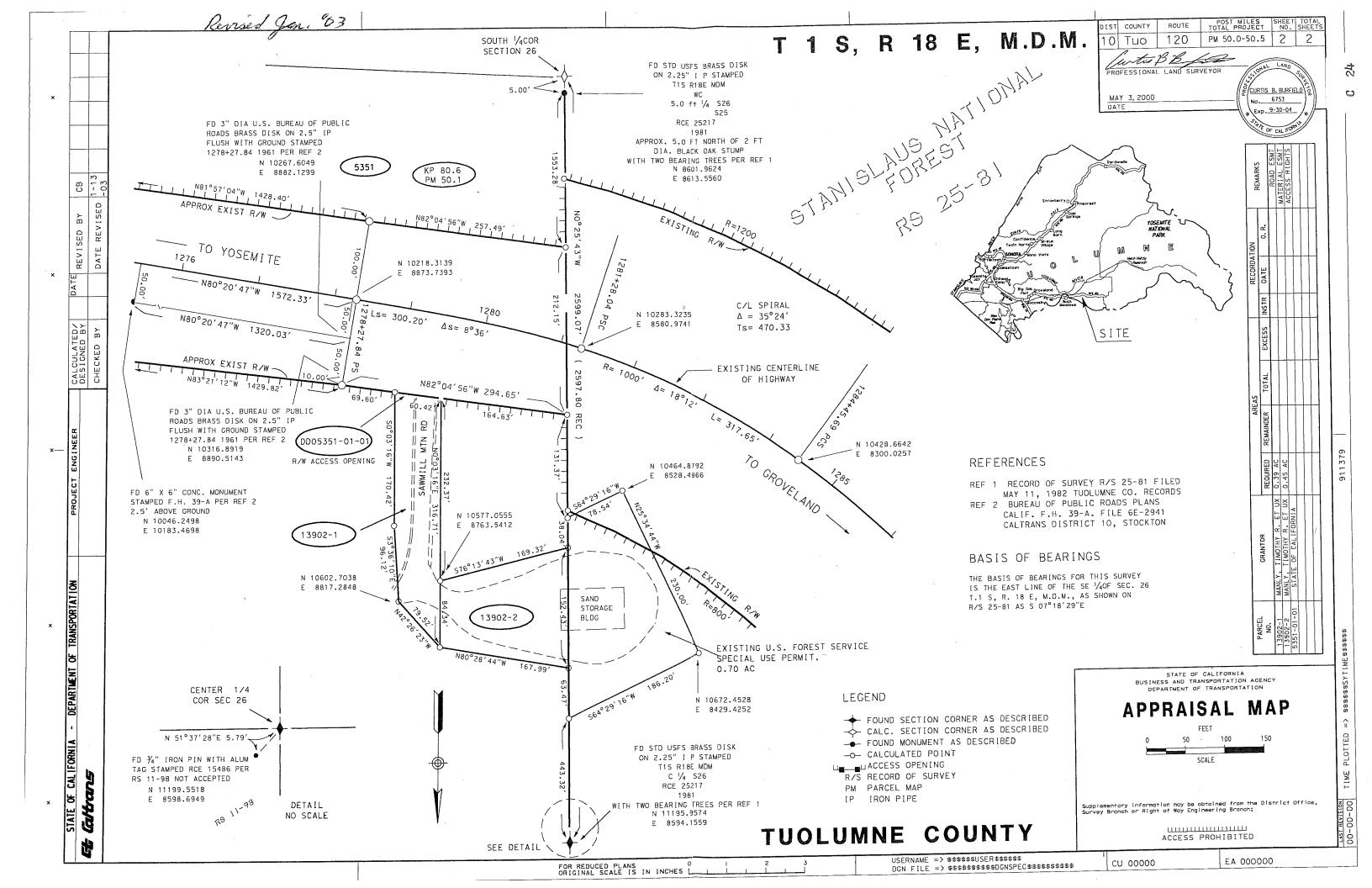
The California statutes referenced above include provisions which authorize the Franchise Tax Board to grant reduced withholding and waivers from withholding on a case-by-case basis for corporations or other entities.

Buyer understands that in no event will Escrow Holder undertake to advise Buyer and/or Buyer's representative on the possible application of the above code sections to this specific transaction. Unless expressly instructed by Seller and Buyer herein, Buyer understands that Escrow Holder will NOT assist in obtaining a waiver from withholding from the Franchise Tax Board.

Should Buyer and Seller herein direct Escrow Holder to undertake any activities pursuant to the withholding provisions under California law, Buyer and Seller agree to cooperate fully in providing necessary information to Escrow Holder. Buyer and Seller agree to indemnify and hold Escrow Holder harmless in the event of noncompliance resulting from information supplied by either Buyer and/or Seller. For additional information concerning the withholding provisions under the code sections referenced above, please contact the Franchise Tax Board-Withhold-at-Source Unit at (916) 845-4900, P.O. Box 651, Sacramento, CA 95812-0651.







## DEPARTMENT OF TRANSPORTATION

DIVISION OF RIGHT OF WAY CENTRAL REGION - STOCKTON OFFICE P.O. BOX 2048 (1976 E. CHARTER WAY) STOCKTON, CA 95201 (209) 948-7888 FAX (209) 948-7641



JAN I R DOOL

10-TUO-120, KP-50.1 Parcel 13902-1,-2

Tuolumne County Assessor's Office 2 South Green Street Sonora, CA 95370

By Deeds executed by Timothy and Carol Manly,	the State of California, acting by and through the
Department of Transportation, acquired by negoti	
described on attached copy of easement deed, rec-	
as Recorder's Instrument No. 016108	. Director's Deed, recorded 12/7/00
as Recorder's Instrument No. 018386	. Director's Deed (Quitclaim), recorded 12/7/00
as Recorder's Instrument No. 018385	

The purpose of such acquisition is for a State highway and, therefore, constitutes a public use and is exempt from taxation upon passing of title.

The improvements acquired are as follow: NONE

In consideration of the foregoing facts, it is respectfully requested that you take appropriate action under Section 5086 of the Revenue and Taxation Code.

Attached hereto for your convenience is a plat of the subject property.

## Grantors' Address:

P.O. Box 130 Moccasin, CA 95347

Sincerely,

VICCI MESSER
Stockton Office Chief

Central Region Right of Way

Attachments

68-120-47-0 68-120-48-0

ORIG. PAR.	08-120-48-0			· · · · · · · · · · · · · · · · · · ·			54-009	
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Order No. Escrow No. 23287-N Loan No.

WHEN RECORDED MAIL TO:

Mr. and Mrs. Timothy R. Manly P. D. Box 1102 Coulterville, CA 95311

C/O .

MICROGRAPHICS FEE. \$3400 PAID

RECORDED AT REQUEST OF

VOL 840 PAGE 346 1986 OCT 17 PM 3:14

OFFICIAL RECORDS TUOLUMNE COUNTY, CALIF DAVID W. WYNNE, RECORDER

13750

MAIL TAX STATEMENTS TO:

TO: SURVEY MON. FUND
FEE \$10.00 PAID
GOCUMENTARY TRANSFER
WITHHELD FROM PUBLIC

TAX PAID S

Computed on the consideration or value of property conveyed; OR

FIRST AMERICAN TITLE COMPANY/SONORA

APN 68-120-47, 48, 49

Same as Above

## GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, MAZIE WOOLSTENHULME, aka MAZIE C. WOOLSTENHULME, a Married woman hereby GRANT(S) to TIMOTHY R. MANLY and CAROL L. MANLY, husband and wife, as joint tenants

the real property in the City of unincorporated area County of Tuolumne

SEE EXHIBIT "A" ATTACHED HERETO

State of California, described as

Osted October 2, 1986 STATE OF CALIFORNIA COUNTY OF Tuolumne	Mazie & Woolstenhulme
On October 14, 1986	· · · · · · · · · · · · · · · · · · ·
before me, the undereigned, a Notary Public in and for said State, per- sonelly appeared <u>Mazie C. Woolstenhulme</u>	VOL 840 MES 346
	MT 040 WE940

MAIL TAX STATEMENTS AS DIRECTED ABOVE

1002 (6/92)

#### EXHIBIT "A"

### PARCEL 1:

The Southeast 1/4 of Section 26, T. 1 S., R. 18 E., M.D.B.&M.

EXCEPTING THEREFROM all those portions conveyed to the State of California by the following documents:

- A. Deed recorded March 10, 1960 in Book 111, Page 521, Official Records.
- B. Deed recorded June 19, 1962 in Book 144, Page 66, Official Records.
- C. Deed recorded June 18, 1962 in Book 144, Page 70, Official Records.
- D. Final Order of Condemnation recorded September 15, 1964 in Book 178, Page 373, Official Records.

#### PARCEL 2:

All that portion of the Northeast 1/4 of the Northwest 1/4 of Section 36, T. 1 S., R. 18 E., M.D.B.&M., lying Northerly of the Northerly line of that certain parcel conveyed to the State of California by Deed recorded June 18, 1962 in Book 144, Page 68, Official Records of Tuolumne County.

TOGETHER WITH all of grantors interest in and to all mineral rights in said Sections 26 and 36, as conveyed to grantor by Deed from Bruce M. Hauck recorded July 10, 1970 in Book 306, page 136, Official Records.

At any time during which Mazie C. Woolstenhulme and/or Tim Erickson and/or their heirs lease, or are otherwise entitled to graze cattle on surrounding Forest Service Land; should Manly or any subsequent owner of these parcels, or any portion thereof, desire to halt or limit cattle from entering or grazing on said lands, any required fencing shall be at the sole expense of Manly and/or successors, heirs and assigns.

13750

VOL 840 PAGE 347

END OF DOCUMENT

VOL 111 PAGE 521

693

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DISTRACT	COUNTY	ROUTE	SECTION	
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MAZIE WOOLSTENHULME

# GRANT DEED (INDIVIDUAL)

 	 MAZIE WOOLSTENHULME, a married woman	
 - ·	 as her sole and separate property	
 	 	-

GRANT to the STATE OF CALIFORNIA, all that real property in the

County

of Tuolumne

, State of California, described as:

A portion of the SE 1/4 of Section 20, T. 1 S., R. 18 E., M.D. B. & M., described as follows:

Beginning at a point that lies North, 180.71 feet from the southeast corner of said Section 20 and lies on the East line of said Section 20; (1) thence, N. 31° 10' 57" W., 803.35 feet; (2) thence, N. 43° 22' 55" W., 608.81 feet; (3) thence, N. 70° 04' 32" W., 431.47 feet; (4) thence, N. 82° 00' 17" W., 1425.40 feet; (5) thence, N. 82° 08' 09" W., 94.07 feet to a point in the west line of said SE 1/4; (6) thence, along last said line North 211.90 feet; (7) thence, S. 82° 08' 09" E., 130.02 feet; (5) thence, S. 83° 24' 25" E., 1429.82 feet; (9) thence, S. 80° 44' 02" E., 481.25 feet; (10) thence, S. 49° 58' 48" E., 798.58 feet; (11) thence, S. 90° 28' 49" E., 167.17 feet to a point in the East line of said Section 20; (12) thence, along last said line, South 862.42 feet to the point of beginning.

Containing 10.70 acres, more or less, in addition to that portion in the included public way.

This conveyance is made for the purposes of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to grantor's remaining property, in and to said freeway. Excepting and Reserving, however, to the grantor, his successors or assigns, the right of access to the freeway over and across:

The westerly 10.00 feet of course numbered (3); the east-erly 10.00 feet of course numbered (4); and the 20.00 feet of course numbered (8), the center of which lies 350.49 feet from the East end of course numbered (8).

The grantor further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for himself, his successors and assigns, hereby waives any claims for any

D

	VOR 111 PAGE 523
and all damages to grantor's remaining property contiguous to the construction, landscaping or maintenance of said highway.	property hereby conveyed by reason of the location.
(As used above, the term "grantor" shall include the piness as well at the inguita-	Namoer and the words. Ameerican
Dated this day of Annually Signed and delivered in the presence of	1960
Signed and delivered in the presence of	Margare to a contract of a ment
Sposcribing Witness	6°
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•	
ACKNOWLEDGMENT O	F GRANTOR
STATE OF CALIFORNIA,	:
day of in the	ne year one thousand nine hunared and
Lafore me	ublic in and for said County and State, residing speciety,
duly commissioned and sworn, personally appeared	The state of the s
	and the second s
	and the second s
known to me to be the person described in and whose name	I be the mediate by amounted the same
subscribed to the within instrument, and	my official seal the day and year in this certificate first
My commission expires	of, State of California.
ACKNOWLEDGMENT OF SUB	SCRIBING WITNESS
STATE OF CALIFORNIA, Country of January, in the before me, Beatrice Rae Huckaby	be year one thousand nine hundred and SIXLY
and State, residing therein, duly commissioned and sworn, personally	appeared
Charles N. Duke	and the same of th
known to me to be the person whose name is subscribed to the within	n instrument as a subscribing witness thereto, who, being
by me duly sworn, deposed and said: that he resides in the	County of San Joaquin
State of California; that he was present and saw Mazie Wo	OTACEMIATINE
	and the said within instrument as hast V
personally known to him to be the person described in, and who e thereto, sign and execute the same; that he, the affiant, then and th	ere, at the request of said person, subscribed his name
as a witness thereto.	· · · · · · · · · · · · · · · · · · ·
In Witness Whereop, I have bereunto set my hand and affixed	my official seal the day and year in this certificate first
Line	entire d'ai Muchalling
. My commission expires April 1, 1960	Notary Public in and for the County of San Joaquin, State of California.

Both  X Tuo 40 E 5351  C O. Scholule No.  C O. Scholule No.  To STATE OF CALIFORNIA DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS  GRANT DEED  (INDIVIDUAL)  TO STATE OF CALIFORNIA  Recorded at request of TUOLUMNE CO. TITLE CO.  October A. M., in Vol.  111  October A. M., in Vol.  TUOLUMNE Commisperconds  TUOLUMNE Commisperconds  October A. M., in Vol.  TUOLUMNE Commisperconds  Proceeding  October A. M., in Vol.  Ill  October A. M., in Vol.  October A. M., in Vol.  October A. M., in Vol.  Ill  October A. M., in Vol.  October A. M., in
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(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SEC. 27281)

Thus Is To Century, That the State of Celifornia, grantee berein, acting by and through the Department of Public Works, Division of Highways, bereby accepts for public purposes the real property, or interest therein, conveyed by the within deed and consents to the recordation thereof.

In Witness Whereof, I have become to set my hand thin 22nd day of

ROBERT B. BRADFORD

WAYNE HUBBARD

District Right of Way Agentaroney in Fact

D

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į  $\circ$ 69 VOL 144 PAGE 66

SOMORA MESTRICT & TITLE CO.

at 10 min. past 8 4 M 114 Official Records p 66

JUN 18 1962

Techurane County, California

Marin & Oreto

4-745-3 +4

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Right 1279+ to 1279+70+

## GRANT DEED: (INDIVIDUAL)

MATRICT	(0)(40)	<b>COSTE</b>	斑頂	PROFEE
х	Tuo	40	E.	5855

MAZIE WOOLSTENHULME, a married woman, as her sole and separate property

GRANT to the STATE OF CALIFORNIA, all that real property in the \_\_\_\_

Tuolumne

... State of California, described as:

A portion of that certain parcel of land situate in the southeast quarter of Section 26, T. 1 S., R. 18 E., M.D.B.& M., County of Tuolumne, State of California, described as follows:

Beginning at the northwesterly corner of that certain 18.76 acre parcel of land described in deed to the State of California, dated January 11, 1960 and recorded in Volume III of Official Records, page 521, Tuolumne County Records, said point lying on the one-quarter (1/4) section line running north and south through said Section 26; thence (1) along said one-quarter (1/4) section line North 95.27 feet; thence (2) S. 80° 24° E., 60.70 feet; thence (3) South 93.41 feet to a point on the northerly line of the aforesaid 18.76 acre parcel of land; thence (4) along said northerly line N. 82° 08' 09" W., 60.41 feet to the point of beginning.

Containing 0.130 of an acre, more or less.

This conveyance is made for the purposes of a freeway and the grantor hereby releases and relinquishes to the granton and all abutions rights of access, appurtenant to granton's benefiting property, in and to said freeway, over and across courses numbered two [2] and three [1] of the above description.

Excepting and Reserving, however, unto grantor, this successors or assigns, the right of access to the freeway over and across the following described thirty (30) foot segment of above described course immoss two בּלָין) כאַנ טפאנו פּ חַדַּיִים וְאַי (2): :

Commencing at the westerly extremity of said course two (2); thence S. 80° 24' E., 8.13 feet to the TRUE POINT OF BEGINNING; thence continuing S. 80° 24' E., 30.00 feet to a point which lies N. 80° 24' W., 22.57 feet from a point marking the easterly extremity of said course number two (2).

Save and excepting all mining rights, minerals and other rights, as conveyed by T. H. Carl on to Roy 0, Heisel, dated December 8, 1934 and recorded March 8, 1935 in Volume 105 of Deeds, page 114, Tuolumpe County Records.

The grantor further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for bimself, his successors and assigns, hereby waives any claims for any and all damages to grantoe's remaining property contiguous to the property hereby conveyed by reason of the locations, construction, landscaping or maintenance of said highway. well as the singular number and the words "himself" and "him shall include the fundation (As used above, the term "grantor" shall include the plants as edge as the case may be.) MARCH Dated thus.... Magie Woolstenhulow Subscribing Witness SUBSCRIBING WITNESS GRANTOR(5) STATE OF CALIFORNIA STATE OF CALIFORNIA COUNTY OF San Joaquin \_\_\_\_COUNTY OF , 19.62 before me, May 4, ., 19. \_ before mc, the undersigned, a Notary Public in and for said Contagnated the undersigned, a Notary Public in and for mid County State, personally appeared R. M. Apriold hanve to me to be the person whose name is subscribed to the and State, personally appeared...... within instrument as a winners therein, who, being by me duly tworn, deposed and mid: that he resides in the County of San Joaquin , State of Californie; that he was known to me to be the person... whose name.... present and my Masia Woolstenhulme subscribed to the within instrument and acknowledged executed the same. personally known to him to be the person—described in and whose name——1.8—subscribed to the within instrument, execute the name; and that affinet subscribed his name thereto WITNESS my hand and official real. to a witness to said execution. WITNESS my bend and official scal. Beatrice Rae Huckaby Nets (Typed or Princed) Name (Typed or Printed) Natury Public is and for said Compleyed State Notary Public is and for said County and State (CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SEC. 27281) THE IS TO CHATTEN, That the State of California, grantee herein, acting by and through the Department of Public Works, Division of Highways, hereby accepts for public purposes the real property, or interest therein, conveyed by the within deed and consents to the recordation thereof. IN WITHESS WHEREOF, I have become to my head this hith day of May HOBERT B. BRADFORD me Gullar eter of Public Works District Right of Way Agent Attempt on Fact 2343

VOL 144 PAGÉ 70

RECORDED AT REQUEST OF SOMOLA ABOTRACT & TITLE CO.

<u>10 min. past 8</u> 144\_Official Records p 70

JUN 18 1962

Tuolumne County, California

Marie M. Oneto Fee & No Fee Record

2345

745-3 44

SPACE ABOVE THIS LINE FOR RECORDER'S UST

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GRANT DEED (INDIVIDUAL)

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DISTRICT	COUNTY	AQUTE	SECTION	MARI
X	Tuo	40	E*	6223-A,B,C

MAZIE WOOLSTENHUIME, a married woman, as her sole and

separate propert

GRANT to the STATE OF CALIFORNIA, all that real property in the

County

Tuolumne \_\_\_, State of California, described es:

Portions of that certain parcel of land situate in the S.E. 1/4 of Section 26, T. 1 S., R. 18 E., M.D.B.& M., described to Mazie Weolstenhulme a married woman, as her sole and separate property, by deed recorded outlober 8, 1954, in Volume 68 of Official Records, at page 110, Tuolumne County Records, described as follows:

## PARCEL NO. 1

Beginning at a point marking the intersection of a southerly bound of any of that certain 18.76 acre parcel of land described in deed to the state of California recorded March 10, 1960 in Volume 111 of official Records, at page 521, Tuolumne County Records, with the east line of said southeast 1/4 of Section 26, said point being North 180.71 feet from the S.E. corner of said Section 26; thence N. 61 17 03 W., 212.58 feet; thence N. 12° 30' 27" W., 330.26 feet to said southerly boundary of said parcel of land described by deed recorded March 10, 1960; thence along last said boundary, S. 31° 16' 57" E., 496.78 feet to the point of beginning.

Containing 0.59 of an acre, more or less, in addition to that portion lying within the included public sway.

This conveyance, as to Parcel No. 1 is made for (the purposes of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutters rights of access, appurtenant to grantor's remaining property, in and to said freeway.

Beginning at a point in the southerly boundary of that certain 18.76 acre parcel of land described to the State of California by deed recorded March 10, 1960 in Volume 111 of Official Records at page 521, Tuolumne County Records, and lying North 1,488.83 feet and West 1,452.56 feet from the S.E. corner of said Section 26; thence (1) along last said southerly boundary 8.82° 00' 17" E., 155.05 feet; and (2) S. 78° 04' 32" E., 196.03 feet; thence (3) S. 13° 10' 00" W., 50.30 feet; thence (4) S. 89° 15' 49" W., 195.71 feet; thence (5) from a tangent that bears S. 85° 50' 39" W, along a curve concave to the northeast, having a radius of 130 feet, through an angle of 86° 56' 06", a distance of 197.25 feet to the point of beginning.

Containing 0.41 of an acre, more or less, in addition to that portion lying within the included public way.

This conveyance, as to Parcel No. 2 is made for the purposes of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to grantor's remaining property, in and to said freeway;

Excepting and reserving, however, to the grantor, his successors or assigns, the right of access to the freeway over and across a 20.00 foot opening the center of said opening being S. 13° 10' W., 25.15 feet from the northerly terminous of course No. (3) hereinabove described.

Together with an Easement for Permanent Channel Change purposes, described as follows:

Beginning at the westerly terminous of hereinabove described course No. (4) of Parcel No. 2; thence N. 89° 15' 49" E., 85.15 feet; thence S. 9° 48' 00" E., 46.59 feet; thence S. 80° 12' 00" W., 84.09 feet; thence along a curve concave to the northeast, having a radius of 160 feet, through an angle of 83° 40' 19", a distance of 233.66 feet; thence N. 73° 52' 19" E., 49.16 feet; thence from a tangent that bears S. 28° 26' 45" E., along a curve concave to the northeast, having a radius of 130 feet, through an angle of 65° 36' 36", a distance of 148.86 feet to the point of beginning.

Containing 0.36 of an acre, more or less.

As to Parcels No. 1 and 2, Save and Excepting all mining rights, minerals and other rights, as conveyed by T. H. Carlon to Roy O. Heisel, dated December 8, 1934 and recorded March 8, 1935 in Volume 105.of Deeds, at page 114, Tuolumme County Records.

KIND MUDAK BER JOHN KU, BUS DISTRA FUNK 11

# VOL 144 PAGE 72

The grantor further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for himself, his successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

(At used above, the term "grantor" shall include the plural as well as the singular number and the words "himself" and "his" shall include the feminise grader as the case may be.)

Dated this day of MARCH 1962.

Signed and delivered in the presence of

Subscribing Witness

GRANTOR(S)

WITNESS my hand and official seal.

Name (Typed or Printed) Notery Public in and for told County and State SUBSCRIBING WITNESS

STATE OF CALIFORNIA

County of San Joaquin

On May 3, 19 62 before me, the undersigned, a Notary Public in and for said Recommend State, personally appeared R. W. Arrold how to me to be the person whose name is subscribed to the within instrument as a witness thereto, who, being by me duly sworn, deposed and said: that he resides in the County of San Joaquin , State of California; that he was present and saw Mazie Woolstenhulme

personally known to him to be the person... described in and whose name......1.8... subscribed to the within instrument, execute the same; and that affiant subscribed his name thereto as a witness to said execution.

WITNESS my hand and official seal

Beatrice Rae Huckaby

Notary Public in and for said Marie Said State

## (CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SEC. 27281)

This Is To Certify, That the State of California, granter berein, acting by and through the Department of Public Works, Division of Highways, bereby accepts for public purposes the real property, or interest therein, conveyed by the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have bereanto let my hand this 3rd lay of May , 1962

Bohart B. Bradford

Director of Public Works

Wayne Hubbard

District Right of Way Agent

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ENDORSED SEP 1 5 1964 19\_\_\_ JAMES G. WHITE, Clerk

ORDERS IN CHAMBERS V. L. Z.... NO. 3 97

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF TUOLUMNE

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THE PEOPLE OF THE STATE OF CALIFORNIA, acting by and through the Department of Public Works,

Plaintiff,

H. L. GUINN, also known as Harold Guinn, also known as Harold L. Guinn, et al., (as to Parcels Nos. 4, 5-A, and 5-B - Woolstenhulme),

Defendants.

No. 9423

FINAL ORDER IN

CONDEMNATION

The plaintiff in the above-entitled proceeding having paid into Court for the benefit of defendants Phyllis O. Ayers, Executrix of the Estate of George F. Ayers, Sr., Deceased; County of Tuolumne, a political subdivision; and Fresno Credit Bureau, a corporation, the total amount of compensation awarded by the court for the interests of said defendants in and to the parcels of land described in plaintiff's complaint, as amended, as Parcels Nos. 4, 5-A, and 5-B, together with any and all improvements thereon pertaining to the realty;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the following described parcels of land be, and they are hereby, condemned in fee simple to plaintiff for the uses and purposes set forth in the complaint, as amended, to

I CERTIFY THIS TO BE A TRUE COPY OF THE

Kaenan Whitman, Assessor - Recorder COUNTY OF TUOLUMNE, CALIFORNIA By Sayl Martin Deputy

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## PARCEL NO. 4

Por freeway purposes, that portion of that certain parcel of land described in Deed recorded October 8, 1954 in Volume 68 of Official Records, page 110, Tuolumne County Records, situate in the N. W. 1/4 of Section 36, T. 1 8., R. 18 E., M.D.B.& M., lying within the following described parcel of land:

Beginning at a point on the section line common to Sections 36 and 25, T. 1 S., R. 18 E., N.D.B.& M., said point being couth 12.39 feet and 1,406.36 feet east of section corner common to Sections 25, 26, 35 and 36, T. 1 S., R. 18 E., M.D.B.& M.; thence (1) along said section line, S. 89° 29' 43" E., 271.49 feet; ... thence (2) S. 27° 37' 07" E., 462.07 feet; thence (3) from a tangent that bears S. 35° 12' 00" E., along a curve concave to the north, having a radius of 400 feet, through an angle of 68° 00' 00", a distance of 474.73 feet; thence (4) N. 70° 47' 23" E., 298.20 feet; thence (5) from a tangent that bears N. 75° 24' 00" E., along a curve concave to the southeast, having a radius of 700 feet, through an angle of 4° 51' 42", a distance of 59.40 feet to the east line of said N. W. 1/4 of Section 36; thence (6) along said east line, S. 1° 50' 00" W., 295.42 feet; thence (7) S. 61° 47' 53" W., 289.16 feet; thence (8) from a tangent that bears S. 76° 48' 00" W., along a curve concave to the north, having a radius of 730 feet, through an angle of 68° 00' 00", a distance of 866.38 feet; thence (9) H. N9° 44! 21" W., 639.61 feet to the Point of Beginning.

Containing 10.02 acres, more or less.

Lands abutting said freeway shall have no right or easement of access thereto except over and across a 20.00 foot course said course being the northwesterly 20 feet of the southeasterly 109.06 feet of course (2) hereinabove described.

Excepting therefrom all oil, oil rights, minerals, mineral

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rights, natural gas, natural gas rights, and other hydrocarbons by whatsoever name known that may be within or under the parcel of land hereinabove described, together with the perpetual right of drilling, mining, exploring and eperating therefor and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from lands other than those hereinabove described, oil or gas wells, tunnels and shafts into, through or across the subsurface of the land hereinabove described, and to bottom such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells or mines, without, however, the right to drill, mine, explore and operate through the surface or the upper 100 feet of the subsurface of the land hereinabove described or otherwise in such manner as to endanger the safety of any highway that may be constructed on said lands. --

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## PARCEL NO. 5-A

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For freeway purposes, that portion of that certain parcel of land situate in the S. E. 1/4 of Section 26, T. 1 S., R. 18 E. M.D.B.& M., described in Deed recorded October 8, 1954 in Volume 68 of Official Records, page 110, Toolumne County Records, described as follows:

Beginning at the point of intersection of the north-south section line common to Sections 25 and 26, T. 1 S., R. 18 E., M.D.B.& M., with the southerly boundary of that certain 18.76 acre parcel of land described in Deed to the State of California, recorded March 10, 1960 in Volume 111 of Official Records, page 521, Tuolumne County Records, said point being north 180.71 feet from section corner common to Sections 25, 26, 35 and 36, T. 1 S., R. 18 E., M.D.B.& M.; thence (1) N. 61° 17' 03" W., 212.58 feet; thence (2) W. 12° 30' 27" W., 330.26 feet; thence along the southerly boundary of the above said 18.76 acre parcel of land, (3) N. 31° 16' 57" W., 386.58 feet; (4) N. 43° 22' 55" W., 608.81 feet; and (5) N. 78° 04' 32" W., 235.44 feet; thence (6) S. 13° 10' 00" W., 50.30 feet; thence (7) S. 89° 15' 49" W., 195.71 feet; thence (8) from a tangent that bears S. 80° 12' W., along a curve concave to the northeast, having a radius of 130 feet, through an angle of 86° 56' 06", a distance of 197.25 feet to said southerly boundary; thence (9) along said boundary, N. 82° 00' 17" W., 1,273.35 feet and (10) N. 82° 08' 09" W., 94.67 feet to the west line of said S. E. 1/4 of Section 26, T. 1 S., R. 18 E., M.D.B. & M.; thence (11) along last said line, north 307.17 feet; thence (12) S; 80° 24' g., 60.70 feet; thence (13) south 93.41 feet to the northerly boundary of the above said 18.76 acre parcel of land; thence along last said boundary, (14) S. 82° 08' 09" E., 69.61 feet; (15) S. 83° 24' 25" E., 1,429.82 feet; (16) S. 80° 44 02 E., 481.25 feet; (17) S. 49 58 48 E., 798.58 feet;

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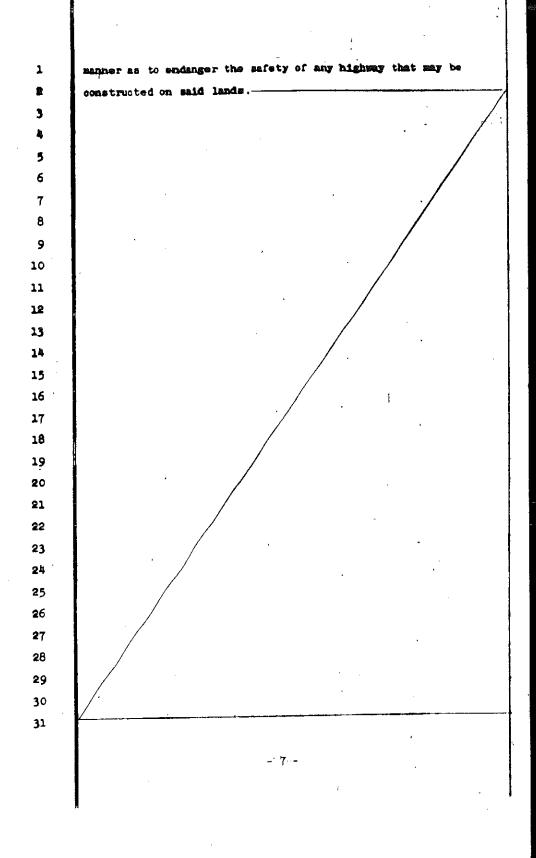
(18) S. 66° 28' 49" E., 187.17 feet to the above said section line common to Sections 25 and 26, T. 1 S., R. 18 E., M.D.B.& M.; thence (19) along last said line, south 862.42 feet to the Point of Beginning.

Containing 19.89 acres, more or less, in addition to that portion lying within the included public way.

Lands abutting said freeway shall have no right or easement of access thereto except over and across a 20.00 foot course, said course being the southerly 20.00 feet of the northerly 35.15 feet of hereinabove described course numbered (6); and over and across a 30.00 feet course, last said course being the westerly 30.00 feet of the easterly 52.57 feet of hereinabove described course numbered (12); and a 20.00 feet course, last said course being the westerly 20.00 feet of the easterly 360.49 feet of hereinabove described course that westerly 20.00 feet of the easterly 360.49 feet of

Excepting therefrom all oligeoid rights, minerals, mineral rights, natural gas, natural gas rights, and other hydrocarbons by whatsoever mame known that may be within or under the parcel of land hereinabove described, together with the perpetual right of drilling, mining, exploring and operating therefor and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from lands other than those hereinabove described, oil or gas wells, tunnels and shafts into, through or across the subsurface of the land hereinabove described, and to bottom such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, returnel, equip, maintain, repair, deepen and operate any such wells or mines, without, however, the right to drill, mine, explore and operate through the surface or the upper 100 feet of the subsurface of the land hereinabove described or otherwise in such

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PERSONAL PROPERTY OF STREET

PARCEL NO. 5-B

An easement for Channel Change purposes in and to that portion of that certain parcel of land situate in the S. E. 1/4 of Section 26, T. 1 S., R. 18 E., M.D.B.& M., described in Deed recorded October 8, 1954 in Volume 68 of Official Records, page 110, Tuolumne County Records, described as follows:

Beginning at the westerly termination of course numbered (7) of Parcel No. 5-A, hereinabove described; thence N. 89° 15' 49" E., 85.15 feet; thence S. 9° 48' E., 46.59 feet; thence S. 80° 12' W., 84.09 feet; thence along a curve concave to the northeast, having a radius of 160 feet, through an angle of 83° 40' 19", a distance of 233.66 feet; thence N. 73° 52' 19" E., 49.16 feet; thence from a tangent that bears S. 28° 26" 45" E., along a curve concave to the northeast, having a radius of 130 feet, through an angle of 65° 36' 36", a distance of 148.86 feet to the Point of Beginning.

Containing 0.36 of an acre, more or less.

Excepting therefrom all oil, oil rights, minerals, mineral rights, natural gas, natural gas rights, and other hydrocarbons by whatsoever name known that may be within or under the parcel of land hereinabove described, together with the perpetual right of drilling, mining, exploring and operating therefor and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from lands other than those hereinabove described, oil or gas wells, tunnels and shafts into, through or across the subsurface of the land hereinabove described, and to bottom such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, returnel, equip, maintain, repair, deepen and operate any such wells or mines, without, however, the right to drill, mine, explore and

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operate through the surface or the upper 100 feet of the subsurface of the land hereinabove described, or otherwise in such manner as to endanger the safety of any drainage facility that may be constructed on said lands. <u> 22</u> 

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that possession was taken pursuant to order of this Court dated the 16th day of May, 1962, and the date after which possession was taken in accordance therewith was June 10, 1962.

IT IS FURTHER ORDERED that a certified copy of this Final Order be recorded in the office of the Recorder of the County in which said property is located, and thereupon title to the property hereinbefore described as Parcels Nos. 4, 5-A, and 5-B shall vest in plaintiff in fee simple.

DATED: SEP 1 5 1964 , 1964.

ROSS A. CARICEET

JUDGE OF THE SUPERIOR COURT

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

ATTEST: SEP 1 g 1967 ×
IAMES G. WHITE, County Clerk and conflicto
Clerk of the Superior Court of the Shate of
California in and for the County of Tuolumne.
By Deputy

STATE OF CALIFORNIA at 55 min. post 10 Å. M 178 Official Records p 373

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erty, is, if not accepted, equivalent to the actual production and tender of the money, instrument, or property. Leg.H. 1872.

Ref.: Cal. Fms Pl. & Pr., "Contracts."

### §2075. Right to Receipt.

Whoever pays money, or delivers an instrument or property, is entitled to a receipt therefor from the person to whom the payment or delivery is made, and may demand a proper signature to such receipt as a condition of the payment or delivery. Leg.H. 1872.

# §2076. Person Rejecting Tender Must State Specific Grounds of Objection.

The person to whom a tender is made must, at the time, specify any objection he may have to the money, instrument, or property, or he must be deemed to have waived it; and if the objection be to the amount of money, the terms of the instrument, or the amount or kind of property, he must specify the amount, terms, or kind which he requires, or be precluded from objecting afterward. Leg.H. 1872.

Ref.: Cal. Fms Pl. & Pr., "Negotiable Instruments."

# §2077. Rules for Ascertaining Boundaries From Description in Deed.

The following are the rules for construing the descriptive part of a conveyance of real property, when the construction is doubtful and there are no other sufficient circumstances to determine it:

- 1. Where there are certain definite and ascertained particulars in the description, the addition of others which are indefinite, unknown, or false, does not frustrate the conveyance, but it is to be construed by the first-mentioned particulars.
- 2. When permanent and visible or ascertained boundaries or monuments are inconsistent with the measurement, either of lines, angles, or surfaces, the boundaries or monuments are paramount.
- 3. Between different measurements which are inconsistent with each other, that of angles is paramount to that of surfaces, and that of lines paramount to both.
- 4. When a road, or stream of water not navigable, is the boundary, the rights of the grantor to the middle of the road or the thread of the stream are included in the conveyance, except where the road or thread of the stream is held under another title.
- 5. When tide-water is the boundary, the rights of the grantor to ordinary highwater mark are included in the conveyance. When a navigable lake, where there is no tide, is the boundary, the rights of the grantor to low-water mark are included in the conveyance.
- 6. When the description refers to a map, and that reference is inconsistent with other particulars, it controls them if it appear that the parties acted with reference to the map; otherwise the map is subordinate to other definite and ascertained particulars, Leg.H. 1872, 1874 p. 390.

Ref.; Cal. Fms Pl. & Pr., "Boundaries"; W. Cal. Sum., "Real Property" §§104, 107, 108, 176.

**§§2078, 2079.** Enacted 1872. Repealed 1965 ch. 299, operative January 1, 1967.

# CHAPTER 2 PROCEEDINGS TO PERPETUAL TESTIMONY

§§2083, 2084. Enacted 1872. Repealed 1957

§§2084.1, 2084.2. Enacted 1953. Repealed

§§2086-2089. Enacted 1872. Repealed 1957

§2090. Enacted 1953. Repealed 1957 ch. 1944

# CHAPTER 3 OATHS AND AFFIRMATION:

Officers authorized to administer—Notaries, clerihand reporters, judges. §2093. Manner of administering—Form. §2094. Discretion of court to add to usual form. §2095. Deference to creed of witness. §2096. Solemn affirmation in lieu of oath—Form. §2097.

# §2093. Officers Authorized to Administrative Notaries, Clerks, Shorthand Reporters,

- (a) Every court, every judge, or clerk of a every justice, and every notary public, and every or person authorized to take testimony in any proceeding, or to decide upon evidence, has the administer oaths or affirmations.
- (b) Every shorthand reporter certified pure Article 3 (commencing with Section 8020) of Cooperation 3 of the Business and Professions Cooperation 2025. The certified shorthand reporter entitled to receive fees for services rendered dure position, including fees for deposition services, a fied in subdivision (c) of Section 8211 of the Good.
- (c) A former judge or justice of a court of feethis state who retired or resigned from office, other a judge or justice who was retired by the Supreme for disability, shall have the power to administer or affirmations, if the former judge or justice requereceives a certification from the Commission on Performance that there was no formal disciplinar ceeding pending at the time of retirement or resignation, the Commission of the time of retirement or resignation, the Commission of Performance shall issue the certification

No law, rule, or regulation regarding the confider of proceedings of the Commission on Judicial Perfershall be construed to prohibit the Commission on Performance from issuing a certificate as provided this section. Leg. H. 1872, 1986 chs. 1417, 1418 ch. 1032.

Ref.: Cal. Fms Pl. & Pr., "Affidavits, Certificates, and tions," "Oath and Affirmation."



### CERTIFIED FOR PUBLICATION

# IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

### FIRST APPELLATE DISTRICT

# **DIVISION ONE**

SAVE MOUNT DIABLO,

Petitioner and Respondent,

V.

CONTRA COSTA COUNTY et al.,

Defendants:

RONALD E. NUNN et al.,

Real Parties in Interest and Appellants.

A142357

(Contra Costa County Super. Ct. No. CIV-MSN-13-0774)

Real parties in interest Ronald and Shirley Nunn bought a large tract of agricultural property in Contra Costa County. The tract was recorded as a single parcel, but it actually consisted of four separated parts of unequal size. These parts were formed years before the Nunns bought the property when a local agency acquired through eminent domain two narrow strips of land crossing the property and intersecting each other. A road was built on one strip, and a pipeline was buried under the other.

After the Nunns abandoned an effort to subdivide the property under the parcel map provisions of the Subdivision Map Act,<sup>1</sup> they asked the county to issue certificates of compliance to confirm that each of the four parts nonetheless satisfied the requirements of the Act. The county did so, and Save Mount Diablo (SMD) petitioned for a writ of mandate challenging the county's decision. The trial court granted the petition, and we affirm. We hold that a "division" of property within the meaning of the

<sup>&</sup>lt;sup>1</sup> Government Code section 66410 et sequitur (the Act). All further statutory references are to the Government Code unless otherwise indicated.

Act does not occur simply because an eminent domain proceeding results in a physical separation of a property's non-condemned portions. The owner of such a property is therefore not entitled to a certificate of compliance for each of the resulting separate parts.

### BACKGROUND

In the mid-1990s, the Contra Costa Water District (District) oversaw the construction of a dam in the eastern part of Contra Costa County. The project required the District to acquire 20,000 acres of property from about 40 county landowners, and it included relocating 13 miles of road and installing 20 miles of water pipeline and 12 miles of gas line. One of the properties affected by the project was a 586-acre tract of land now owned by the Nunns. Roughly rectangular in outline, the property is crossed by two narrow, intersecting strips of land that were acquired by the District through condemnation proceedings in 1997. One, running generally north and south, was acquired to relocate Vasco Road. The other, running east and west, intersects Vasco Road at a right angle and was acquired to accommodate an underground pipeline. The previous owners of the Nunns' property were ultimately awarded \$964,000 in compensation for the taking. A drawing of the property and strips taken, adapted from an exhibit submitted below, is appended to this decision.

The Nunns purchased the property in 2006. The deed describes it as a single parcel, defined by metes and bounds, with District-owned land excluded.<sup>3</sup> As a result of the exclusions, the property consists of four parts, separated from each other by the

<sup>&</sup>lt;sup>2</sup> The pipeline strip actually consists of two recorded parcels: one running from the property's eastern boundary to the point at which it abuts the Vasco Road parcel and a second parcel running from the opposite side of the Vasco Road parcel to the property's western boundary.

<sup>&</sup>lt;sup>3</sup> In addition to the narrow strips, several other pieces of land apparently lying within the boundary of the property are also excluded from the parcel, including other parcels of land conveyed for the purpose of road creation. These other exclusions are described only by metes and bounds or other abstract identifiers in the deed, and it is not clear from the record where within the property they are located. The parties have made no claims relating to these other exclusions.

narrow strips of District-owned land. The Nunns nevertheless have ready access between them. The land above the buried pipeline is covered in gravel and is freely passable, and Vasco Road, which is two lanes wide as it passes through the property, can be crossed on the surface and by way of underpasses. Presently, the property is at least partially planted with wine grapes and is subject to a Williamson Act<sup>4</sup> contract restricting its use to agricultural purposes.

Two years after buying the property, the Nunns applied to the county for a parcel map subdividing the property under the Act into four lots and one remainder parcel. As we discuss below in more detail, a landowner who wants to subdivide property normally is required to obtain local approval of a parcel or final map demonstrating that the division complies with applicable state and local laws governing land use and development. SMD, a nonprofit corporation, raised a number of objections to the Nunns' application based on concerns with the environmental impact of potential new development.

Before completing the parcel map process, the Nunns abandoned their application. Instead, they asked the county to issue a certificate of compliance for each of the property's four parts under another provision of the Act, section 66499.35, subdivision (a). Under this provision, a property owner need not file an approved map if the responsible agency concludes that "the real property complies with the provisions of [the Act] and of local ordinances enacted pursuant to [the Act]." (*Ibid.*) The Nunns argued that they were entitled to a certificate for each part because the District's condemnation had the effect of subdividing the property for purposes of the Act.

County planning staff denied the Nunns' request for four certificates of compliance, concluding that the property's separation as a result of the condemnation did not constitute a "subdivision" for purposes of the Act. The Nunns appealed, and the County Planning Commission reversed the staff's decision. SMD then appealed to the County Board of Supervisors, which rejected the appeal and issued the four certificates.

<sup>&</sup>lt;sup>4</sup> Section 51200 et sequitur.

SMD filed a petition for writ of mandate against the county and Board of Supervisors, seeking an order requiring the county to set aside the certificates. The trial court granted the petition. It concluded that no legal authority supported the Nunns' theory that the condemnation effected a subdivision of the property within the meaning of the Act. In granting the petition, the court noted its concern that such an "automatic subdivision" would set a "wide-ranging precedent potentially applicable to many property owners in the area" whose properties had been separated in some manner by a public acquisition of property. The Nunns appealed.<sup>5</sup>

### **DISCUSSION**

The Nunns first argue, as they argued below, that the county properly issued the four certificates of compliance under section 66499.35, subdivision (a) because the condemnation effected a subdivision of the property as a matter of law. Alternatively, they argue that the county was required to issue four *conditional* certificates of compliance under subdivision (b), even if the condemnation did not effect a subdivision under the Act.

A local government's decision to grant or deny a certificate of compliance is ordinarily reviewed for substantial evidence. But issues of law, such as those presented here, are reviewed de novo. (*Abernathy Valley, Inc. v. County of Solano* (2009) 173 Cal.App.4th 42, 46 (*Abernathy Valley*).)

A. The Subdivision Map Act.

The Act "grants to local governments the power to regulate the manner in which their communities grow. Although the Act itself contains few, if any, substantive growth

<sup>&</sup>lt;sup>5</sup> The Nunns' notice of appeal was filed two days after the trial court's ruling, prior to the entry of a judgment. "[A]n order granting or denying a petition for an extraordinary writ constitutes a final judgment for purposes of an appeal, even if the order is not accompanied by a separate formal judgment" when "'"no issue is left for future consideration except the fact of compliance or noncompliance"'" with the order. (*Public Defenders' Organization v. County of Riverside* (2003) 106 Cal.App.4th 1403, 1409.) We treat the trial court's order as appealable because it appears to have resolved all issues presented by the petition.

regulations, it requires every landowner who wishes to divide a single parcel of land into smaller parcels for individual sale—thereby increasing the density of settlement on the land—to obtain the approval of the local government before doing so. [Citations.] At the same time, the Act vests '[r]egulation and control of the design and improvement of subdivisions' in city and county governing bodies, requiring them to adopt ordinances regulating the manner in which growth will occur. [Citation.] By requiring proposed new subdivisions to comply with these regulations as a condition of approval, local governments can ensure that new real estate development conforms with their communities' general and specific plans and other regulations adopted to guide growth. [Citation.] Local governmental control over community growth made possible by the Act 'encourage[s] and facilitate[s] orderly community development . . . and assure[s] proper improvements are made, so that the area does not become an undue burden on the taxpayer.' " (Witt Home Ranch, Inc. v. County of Sonoma (2008) 165 Cal. App. 4th 543, 551.) Transferring portions of land without complying with the Act is illegal and subjects the transferor to various penalties. (§§ 66499.30, subds. (a) & (b), 66499.31, 66499.34.)

The Act legitimizes property divisions under processes that are both forward and backward looking. In a process that is forward looking, the Act allows an owner who wants to subdivide property to apply for a final or parcel map effecting the subdivision. Under the Act, "'[s]ubdivision' means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future."<sup>6</sup> (§ 66424.) "Ordinarily, subdivision under the Act may be lawfully accomplished only by obtaining local approval and recordation of a tentative and final map pursuant to section 66426, when five or more parcels are involved, or a parcel map pursuant to section 66428 when four or fewer

<sup>&</sup>lt;sup>6</sup> Throughout this opinion, we frequently refer to "conveying" a portion of property for the sake of brevity and readability, but in doing so we understand that the statute's language includes selling, leasing, or financing property.

parcels are involved." (*Gardner v. County of Sonoma* (2003) 29 Cal.4th 990, 997 (*Gardner*); §§ 66426, 66428, 66457, 66463.) The final or parcel map must be approved by the responsible local agency, which can approve the map if it conforms with applicable state laws and local ordinances governing land use and development. (§§ 66473, 66473.5; see generally, *Witt Home Ranch, Inc. v. County of Sonoma* (2008) 165 Cal.App.4th 543, 551.) "A local agency will approve a tentative and final map or a parcel map only after extensive review of the proposed subdivision and consideration of such matters as the property's suitability for development, the adequacy of roads, sewer, drainage, and other services, the preservation of agricultural lands and sensitive natural resources, and dedication issues." (*Gardner*, at p. 997.) The recordation of a final or parcel map "constitute[s]" a certificate of compliance with the Act. (§ 66499.35, subd. (d).)

In a different process, one that is backward looking, the Act allows an owner to legitimize a division of property that has already occurred by obtaining a certificate of compliance with the Act. Under this process, an owner or prospective purchaser of property that has already been divided, but for which no final or parcel map has been recorded, may obtain a certificate of compliance if "the division of the real property [creating the piece of property] complies with applicable provisions of [the Act] and of local ordinances enacted pursuant to [the Act]." (§ 66499.35, subd. (a).) Once a certificate of compliance has been issued, the property "may be sold, leased, or financed without further compliance with the . . . Act or any local ordinance enacted pursuant thereto." (*Id.*, subd. (f)(1)(E); *Gardner, supra,* 29 Cal.4th at p. 998.) In other words, the certificate of compliance clarifies the legal status of property that is not reflected on a recorded final or parcel map, thereby facilitating transactions involving the property.

A certificate of compliance is properly issued under section 66499.35, subdivision (a) when a statutory exemption from the map requirements applies. These exemptions include those set forth in the Act's grandfather clauses. (§§ 66412.6, subd. (a), 66499.30, subd. (d); see generally, *Gardner*, *supra*, 29 Cal.4th at p. 1000.) Permitting certificates of compliance to be issued under these exemptions constitutes "an obvious effort to provide a fair and equitable scheme to settle the validity of divisions of land occurring in decades past under earlier provisions of law." (*Stell v. Jay Hales Development Co.* (1992) 11 Cal.App.4th 1214, 1227, disapproved on another ground in *Citizens for Covenant Compliance v. Anderson* (1995) 12 Cal.4th 345, 359, 366.) Another exemption, one we discuss in more detail below, applies to property transferred to or from a government agency as a result of a condemnation proceeding. (§ 66428, subd. (a) (2).)

In yet another process that is backward looking, the Act allows an owner to legitimize a division of property that has already occurred, but for which no map has been recorded and to which no statutory exemption applies, by obtaining a conditional certificate of compliance. "If a local agency determines that the real property does not comply with [the Act's mapping requirements] or of local ordinances enacted pursuant to this division, it shall issue a conditional certificate of compliance." (§ 66499.35, subd. (b), italics in original.) This provision applies, for example, where a part of a larger landholding was conveyed by deed without complying with the Act's map requirements,

<sup>&</sup>lt;sup>7</sup> This reading of section 66499.35 is consistent with section 66499.30, which states that a parcel for which a recorded map is required cannot be sold, leased, or financed in the absence of such a map. The issuance of a certificate of compliance authorizing the sale, lease, or financing of a parcel for which there is no recorded map would be consistent with the prohibition of section 66499.30 only if such a map were not required for the parcel—i.e., only if the division creating the parcel were exempt from the map requirement.

i.e., was conveyed illegally. (§ 66499.30, subds. (a) & (b).)<sup>8</sup> Although the Act requires the issuance of a certificate of compliance for such property, it allows the local agency to impose "any conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest therein . . . ." (§ 66499.35, subd. (b).) The conditional certificate of compliance therefore serves as notice "that the fulfillment and implementation of these conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property." (*Ibid.*)

B. The Application of the Act to the Nunns' Property.

The Nunns purchased their property as a single parcel, and it is described as such in the deed and in the assessor's rolls. Since the Nunns abandoned their effort to subdivide the property into four parts through the map process, the only issue before us is whether they are entitled to a regular or conditional certificate of compliance for each of the four parts of their property. We conclude that they are not because there has been no division of their property within the meaning of the Act.

1. The "De Facto Division" of the Nunns' Property Was Not a Division Under the Act.

The Nunns' main argument is that the District's condemnation effected a de facto division of the property into four "parcels." Although we fully appreciate that the eminent domain proceeding resulted in the physical separation of the four parts of the

<sup>&</sup>lt;sup>8</sup> As we discuss in more detail below, although it is illegal for an owner to convey parts of a landholding in the absence of a recorded map (§ 66499.30, subds. (a) & (b)), such a conveyance is nonetheless effective to transfer title to the illegally conveyed portion. The grantee is not subject to criminal penalties and has the right, within one year of discovery, to void such a transfer (§ 66499.32, subd. (a)), but the local agency does not have a similar power. (*Clemons v. City of Los Angeles* (1950) 36 Cal.2d 95, 105; *Kalway v. City of Berkeley* (2007) 151 Cal.App.4th 827, 836.) Accordingly, as both a practical and legal matter, a division of property through an illegal conveyance, if not voided by the transferee, is effective to subdivide property.

<sup>&</sup>lt;sup>9</sup> These conditions can be significant and could require, for example, construction of infrastructure that would be required for approval of a final or parcel map. (See Curtin et al., *California Subdivision Map Act and Development Process* (Cont.Ed.Bar 2d ed. 2001) §§11.20-11.21 (rev. 2015).)

Nunns' property, we disagree that this constituted a division within the meaning of the Act.

There is no question that the Nunns' property consists of four parts separated from each other by the strips of land owned by the District. The Nunns cannot pass from one part of their property to another without crossing someone else's property. And, as the Nunns correctly point out, the District's fee-simple ownership of its intersecting strips grants the District the ownership of all rights above and below the strips' surface.

But this practical reality does not mean that there was a division of the property within the meaning of the Act entitling the Nunns to a certificate of compliance for each of its four parts. The Nunns argue that the four parts qualify as separate parcels under the Act because they are separated. But neither the characterization nor the separation of the parts is determinative. Characterizing the parts of their property as parcels is of no legal consequence because no provision of the Act entitles real property to a certificate of compliance merely because it can be described as such. Section 66499.35 states that an owner of "real property" may request a determination by the local agency "whether the real property complies with the provisions of [the Act] and of local ordinances enacted pursuant to [the Act]." (*Id.*, subd. (a).) If the agency finds that the property complies, it must record a certificate stating "that the *division* of the real property complies with applicable provisions of [the Act] and of local ordinances enacted pursuant to [the Act]." (*Ibid*, italics added.) In other words, regardless of whether a piece of property can be characterized as a parcel, it is entitled to a certificate of compliance only if it was the result of a prior division recognized by the Act.

Further, a division within the meaning of the Act is not established just because parts of a property do not touch. Section 66424, for example, defines subdivision to mean "the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future." And it goes on to state "[p]roperty shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, or railroad

rights-of-way." (Ibid.) This language was applied by the Attorney General in 61 Opinions California Attorney General 299, in considering the impact of an irrigation canal owned in fee simple by the federal government that divided land under common ownership. 10 Observing that the term "contiguous" has "two ordinary meanings"— (a) physically in contact and (b) nearby—the Attorney General concluded that the latter better reflected the purposes of the Act. Accordingly, the opinion concluded that regardless of the federal government's strip of land, the number of proposed parcels on the land on both sides of the canal had to be counted together to determine which mapping requirement (a parcel or tentative/final map) applied. Although the map issue considered in the opinion differs from the issues before us, the opinion is instructive because it assumed that no subdivision had occurred simply by virtue of the canal property's transfer to the federal government, and it found that the physical separation of the property caused by the canal was not controlling. A leading commentator has observed that one of the "common mistakes" made under the Act is "[a]ssuming that roads, railroad tracks, and natural boundaries divide parcels." (Merritt, Jr., Practicing Under the Subdivision Map Act: Eight Common Pitfalls (Cont.Ed.Bar 1988) Real Property L.Rptr., 165.)

The Nunns insist that "[i]f the [four parts of their property] are indeed new, separate parcels of land . . . then they should also be treated as *lawfully created* parcels of land (i.e., created in compliance with the Subdivision Map Act)." (Italics in original.) But the argument conflates two separate concepts. There is no question that the four parts of their property were the lawful result of the eminent domain proceeding. But just because the property's separation occurred lawfully does not mean that the separation constituted a division within the meaning of the Act.

The Nunns also argue that it would be unfair to require them to proceed through the parcel map process because *they* did not separate the property into its four parts. But under the Act, what matters is not who caused property to be separated but whether a

<sup>&</sup>lt;sup>10</sup> Although not binding on this court, attorney general opinions are entitled to "'considerable weight.'" (*Ennabe v. Manosa* (2014) 58 Cal.4th 497, 716, fn. 14.)

division occurred within the meaning of the Act. We note that the Nunns knowingly purchased the property in its present configuration, the \$964,000 paid to the former owner compensated the owner for any loss of value caused by the property's separation, and the Nunns presumably paid a reduced price for the property because of the effects of the condemnation. (See *People v. Thompson* (1954) 43 Cal.2d 13, 18 [landowner whose property is divided by highway entitled to receive value of land condemned plus reduction in value of remainder due to severance of portion condemned].) We find nothing unfair in requiring the Nunns to comply with the same procedures for subdivision as other landowners.

# 2. The Condemnation Exemption Is Inapplicable.

The Nunns alternatively claim that they are entitled to certificates of compliance under the Act's exemption for property conveyed through condemnation proceedings. (§ 66428, subd. (a)(2).) This provision exempts from map requirements "[l]and conveyed to or from a governmental agency [or] public entity . . . for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map." The Nunns argue that the four parts of their property fall within this exemption because the condemnation proceeding from which they arose involved the conveyance of land to a governmental agency.

This argument is refuted, however, by the plain language of the statute. Subdivision (a)(2) states that "[a] parcel map shall not be required for [¶] . . . [¶] [l] and conveyed to or from a governmental agency [or] public entity . . . for rights-of-way." (Italics added.) The four parts of the Nunns' property were neither conveyed to nor from a public entity. Rather, they were not conveyed at all and remained in private ownership. True enough, no parcel map was required for the strips conveyed to the District under this exemption because they were conveyed to a government agency. But the exemption says nothing about real estate not transferred to or from the government, even though its boundaries may have been affected by the property that was transferred. Condemnation proceedings frequently reshape the boundaries of the remaining property, but nothing in

the Act suggests that the Legislature intended to exempt all such property from the map requirements.

Our conclusion that each of the four parts of the Nunns' tract is not entitled to a certificate of compliance under the Act's condemnation exemption is supported not only by the Act's plain language, but also by sound policy. The Act is designed to promote local control over real estate development, and the subdivision of property is a primary means for such development. There is no reason to believe that property reshaped by condemnation proceedings necessarily satisfies state and local land-use laws. Property is condemned for all kinds of reasons, many of which are entirely unrelated to the interests protected by the Act. The four parts of the Nunns' property were shaped by the routes chosen for relocating Vasco Road and for laying the pipelines. Although these routes likely made good sense for purposes of the road and pipeline, that does not mean the resulting four parts of the property automatically satisfy the objectives and purposes of the Act.

The Nunns also argue that the condemnation exemption should apply to property reshaped by a condemnation proceeding because the government's cost in those proceedings will be higher when those proceedings result in "illegal" parcels. We accept neither the premise nor conclusion of this argument. First, although property reshaped by condemnation proceedings may have a new boundary, the reshaped property is not illegal. Owners can sell their entire property with its new boundaries, or they can convey any part of it so long as they comply with the Act. (§ 66424.) Second, the government's condemnation costs are unaffected because the government is already required to compensate landowners when it acquires property and leaves a remainder with a diminished value. (See *People v. Thompson, supra,* 43 Cal.2d at p. 18.)

Finally, the Nunns argue that the condemnation exemption should apply to their parcels because a condemnation transfer is recognized as a "sale" of property, and a subdivision is defined under section 66424 as a division of land for the purposes of sale. (See, e.g., *People ex rel. Dept. Pub. Wks. v. County of Santa Clara* (1969) 275 Cal.App.2d 372, 376 [recognizing condemnation as sale].) But even if we were to

assume that a condemnation is a sale resulting in a qualified subdivision under section 66424, the only property entitled to the exemption would be the property "sold," which is the property conveyed to the government agency. Section 66424 provides no basis for expanding the scope of the exemption in subdivision (a)(2).

3. There Was No Division by Conveyance of the Four Parts of the Nunns' Property.

The Nunns argue that the four parts of their property should be recognized as having been created by conveyance under the Act. Although we recognize that a division of property within the meaning of the Act can occur by conveyance, we disagree that this principle bears on the four parts of the Nunns' property.

As we previously mentioned (fn. 8, ante), while a division of property can occur through a conveyance of a piece of property for which no map has been recorded and to which no statutory exemption applies, such a conveyance is illegal. (§ 66499.30, subds. (a) & (b).) The grantee of such a property has the right to void the conveyance within one year of its discovery (§ 66499.32, subd. (a)), but the local agency has no similar power. (Clemons v. City of Los Angeles. supra, 36 Cal.2d at p. 105; Kalway v. City of Berkeley, supra, 151 Cal.App.4th at p. 836 ["That a transfer is not authorized by the Act, or that it violates the Act, does not in and of itself allow an agency to seek and obtain cancellation of the deed through court action"]; City of Tiburon v. Northwestern Pac. R.R. Co. (1970) 4 Cal.App.3d 160, 180-181.) Rather, the local agency is limited to recording a notice of violation against the illegally conveyed property (§ 66499.36) and preventing further development if it "finds that development of such real property is contrary to the public health or the public safety." (§ 66499.34.) Even though such a conveyance is illegal, it effectively transfers title, and the transfer is binding on the grantee's successors in interest. (§ 66499.32, subd. (a).) Accordingly, as both a practical and legal matter, a conveyance of a part of a property in violation of the Act results in a division under the Act if not voided by the transferee.

None of this helps the Nunns, however, because the four parts of their property were not conveyed illegally. The only parcels conveyed at all as a result of the

condemnation proceeding were those taken by the District. The remainder of the property was untouched. It stayed under common ownership and was listed in a single deed before and after the condemnation proceedings and when it was legally conveyed to the Nunns.<sup>11</sup>

# 4. Attorney General Opinions.

The Nunns acknowledge that no California decision has ever held that parts of a property are entitled to certificates of compliance simply because the parts resulted from a condemnation proceeding, but they argue that opinions issued by attorneys general have recognized the principle. Our review of the opinions reveals that none is on point, and those that provide guidance support the conclusion that there has been no division within the meaning of the Act simply because an eminent domain proceeding has separated parts of the non-condemned property.

In 58 Opinions California Attorney General 593 (1975), the Attorney General considered whether contiguous parcels held by the same landowner could be sold individually without recording a new parcel map after a portion of each parcel had been lost to condemnation. The opinion concluded that they could not. It reasoned that under section 66499.30, it is unlawful to sell any parcel of real property until a parcel or final map has been recorded. According to the opinion, the parcels no longer satisfied section 66499.30 because the remaining parcels were no longer the same as those depicted in the map on file. (58 Ops.Cal.Atty.Gen., *supra*, at p. 594.) The opinion remarked that a new parcel map was required because "condemnation of a part of a parcel results in a 'division' of land." (*Id.* at pp. 594-595.)

But only so much can be read into that comment. First, as we have discussed, a condemnation *does* result in a division of the part of the property conveyed to the government entity. The Act exempts *that* division from the map requirement. Second,

<sup>&</sup>lt;sup>11</sup> The Nunns also point out that the Act does not preclude the sale of a portion of a tract of land to satisfy a tax deficiency, resulting in a new parcel. In that event, however, a statute, Revenue and Taxation Code section 3691, specifically authorizes such a sale. (See 64 Ops.Cal.Atty.Gen. 814, 816-817 (1981).) The Nunns have cited no similar statute exempting their property from the Act.

whether a division within the meaning of the Act occurred with the non-condemned portions of the property was never an issue because the two parcels affected by the condemnation were already recorded as separate, contiguous parcels. Presumably, they had already been subdivided in compliance with the Act's map requirements, and the comment was simply a recognition that an updated parcel map was needed because the condemnation changed the property's boundaries. This, of course, indicates that the Nunns likewise need to obtain a parcel map.

In 86 Opinions California Attorney General 70 (2003), the Attorney General considered a large parcel recorded sometime before 1965, when a portion of it was condemned for the development of a reservoir. The reservoir separated two parts of the property by 700 feet of water with no access road to connect them, and these parts of the property had been assigned different parcel numbers by the county assessor. At the time of the condemnation, the county's ordinances did not regulate divisions of land creating fewer than five parcels. (Id. at pp. 70-71.) The opinion considered whether "the remaining two parcels of land were legally created as separate parcels for purposes of the Subdivision Map Act." (Id. at p. 70.) The opinion found that the governing statute was section 66412.6, subdivision (a), one of the Act's grandfather clauses, which states that "any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if the parcel resulted from a division of land in which fewer than five parcels were created and if at the time of the creation of the parcel, there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels." As the statute was subsequently explained in *Fishback v. County of Ventura* (2005) 133 Cal. App. 4th 896, "March 4, 1972, is the effective date of legislation adding the requirement of a parcel map to the [Act] for divisions of land into four or fewer parcels. [Citations.] Section 66412.6, subdivision (a) simply clarifies that parcels legally created without a parcel map are legal even after the parcel map requirement was added to the [Act]." (Id. at p. 904.) The opinion reasoned that the separation effected by the condemnation proceedings was outside the Act's map requirement because it occurred in 1965, at a time when such a separation was unregulated by the Act or local ordinance.

(86 Ops.Cal.Atty.Gen., *supra*, at pp. 71-72, fn. 3.) Accordingly, the opinion reasoned that the owner was entitled to a certificate of compliance for each of the two remaining parcels. (*Id.* at p. 72, fn. 4.)

In reaching its conclusion, the opinion expressly rejected an application of section 66424, which defines subdivision, because "no 'subdivision' is being proposed by the owner. [Citation.] The 'division' in question took place in 1965 when the owner's two new parcels of land were physically created by court order and the recording of a deed." (86 Ops.Cal.Atty.Gen., *supra*, at p. 73.) In a relevant footnote, the opinion observed that, under the exemption of section 66428, subdivision (a)(2), current law does not require a parcel map for the conveyance of land for purposes of a right-of-way. (86 Ops.Cal.Atty.Gen. at p. 73, fn. 5.) "Of course," the opinion stated, "*new parcels that are created* [by *condemnation*] *but not conveyed to a governmental agency must comply with any applicable requirements of the Act*," citing the 1975 opinion discussed above. (*Ibid.*, italics added].)

The Nunns quote the portion of the opinion declining to apply section 66424 because "no [new] 'subdivision' is being proposed by the owner" (86 Ops.Cal.Atty.Gen., *supra*, at p. 73) to argue that certificates of compliance must be issued if no new subdivision is sought at the time of the request. But this argument misses the critical timing of when the property was separated. The separation occurred in 1965, before the enactment of the requirement of a parcel map for a subdivision of fewer than five units. Thus, the opinion has no bearing on the Nunns' situation because the separation of their property into four parts occurred in 1997, well after the enactment in 1972 of the parcelmap requirement.

5. The Four Parts of the Nunns' Property Are Not Entitled to Conditional Certificates of Compliance.

Finally, the Nunns argue that each of the four parts of their property is entitled, at a minimum, to a conditional certificate of compliance because section 66499.35, subdivision (b) states that the local agency "shall" issue such a certificate whenever a regular certificate of compliance is denied. In doing so, they misconstrue the applicability of this section.

Subdivision (b) of section 66499.35 states that, "[i]f a local agency determines that the real property does *not* comply with the provisions of this division or of local ordinances enacted pursuant to this division, it *shall* issue a conditional certificate of compliance." (Italics added.) In that event, the local agency "may, as a condition to granting a conditional certificate of compliance, impose any conditions that would have been applicable to the *division* of the property at the time the applicant acquired his or her interest therein." (*Ibid.*, italics added.) The conditional certificate of compliance thereby serves as notice "that the fulfillment and implementation of these conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property." (*Ibid.*)

This subdivision works in tandem with subdivision (a). As we have explained, subdivision (a) allows an owner to obtain a certificate of compliance for a piece of property that has already been divided, but for which no final or parcel map has been recorded, by establishing that the property complies with the Act by, for example, falling within an exemption to the map requirement. Subdivision (b), in turn, allows an owner to obtain a conditional certificate of compliance for a piece of property that has already been divided, but for which no map has been recorded *and* that does not comply with the Act. But these sections apply only where there has been a division of the property. As we have discussed, no such division occurred as a result of the eminent domain proceeding

affecting the Nunns' property, except for the parcels acquired by the District. Section 66499.35 therefore simply does not apply to the four parts of the Nunns' property. 12

Giving meaning to section 66499.35's use of the word division is consistent with the section's legislative history. The section's statutory predecessor was enacted in response to Keizer v. Adams (1970) 2 Cal.3d 976, in which the Supreme Court considered the consequences of a conveyance of property in violation of the Act's map requirement. (See Nishiyama v. Safeco Title Ins. Co. (1978) 85 Cal.App.Supp.3d 1, 6.) The Keizer court required the local agency to consider the plaintiffs' application for a building permit "'without regard' to the Subdivision Map Act" because, according to the court, the Act "does not require the innocent purchaser to suffer for a violation by his grantor, of which he has neither knowledge nor means of discovery." The court did, however, permit the enforcement of other local ordinances, as would apply to any lawfully created parcel. (Keizer, at pp. 980-981.) Two years later, the Legislature enacted former Business and Professions Code sections 11538.1, 11538.2, and 11538.3, the statutory predecessors to sections 66499.34, 66499.35, and 66499.36. (1972 Stats, ch. 706, §§ 2-4, pp. 1289-1290.) Former section 11583.3 allowed an owner of real property to request the issuance of a certificate of compliance certifying that the property complied with the Act. If the local agency concluded that the property did not comply, the agency was permitted to attach conditions to the certificate that would have been applicable at the time the owner acquired the property. (Former Bus. & Prof. Code, §§ 11538.1, 11538.3.) The present statute continues to embody Keizer's pragmatic concern about legitimizing parcels, including those conveyed illegally but held by good-faith purchasers. A piece of property created through a means consistent with the Act is issued an ordinary certificate of compliance, while one that was created illegally is issued a conditional certificate. (§ 66499.35, subd. (f)(1)(E).) A purchaser of property subject to a conditional certificate of compliance is alerted to any legal constraints on the use of the property.

Although section 66499.35 might allow the grant of a *single* certificate of compliance for the *whole* of the Nunns' property if there were a question whether it was created by a division, the Nunns have sought no such certificate.

Division Five of this court has already considered and rejected the argument that a conditional certificate of compliance must be issued for a piece of property simply because a regular certificate of compliance was requested and denied. (*Abernathy Valley, supra*, 173 Cal.App.4th 42.) In *Abernathy Valley*, a local agency denied the plaintiff's request for a certificate of compliance under a grandfather clause for a lot shown on a 1909 subdivision map. (*Id.* at pp. 45-46.) After the court found that the grandfather clause was inapplicable (*id.* at p. 53), it considered the plaintiff's alternative argument that the county was at least required to issue a conditional certificate of compliance for the lot. The plaintiff argued, as the Nunns argue here, that the county had only two alternatives in responding to a request for a certificate of compliance under section 66499.35: to grant it or to grant a conditional certificate. (*Abernathy Valley*, at p. 56.)

The court rejected the argument. It held that the Act does not require an agency to grant either a regular or conditional certificate of compliance when a property owner seeks "a determination of whether real property may be subdivided as proposed" but does not seek "a determination of whether a particular subdivision lot (which the applicant does not propose to subdivide further) complies with the Act." (*Abernathy Valley, supra,* 173 Cal.App.4th at p. 57.) We agree. Stated in our parlance, a certificate of compliance—whether regular or conditional—is only proper to legitimize a division of property that has already occurred within the meaning of the Act.<sup>13</sup>

The *Abernathy Valley* court reasoned that if a conditional certificate of compliance were required whenever property owners were denied their desire to subdivide property, the result would be to "effectively permit the subdivision of property without compliance" with the Act's map requirements. (173 Cal.App.4th at p. 58; see § 66499.35, subds. (b), (f)(1)(E).) The court accordingly concluded that "a local agency may deny an application for a certificate of compliance that seeks a determination that a

<sup>&</sup>lt;sup>13</sup> Although the Act expressly authorizes the issuance of a single certificate of compliance for multiple parcels (§ 66499.35, subd. (f)(2)), such as multiple parcels acquired over time and eventually constituting a single landholding, it contains no similar authorization for the issuance of multiple certificates of compliance for a single parcel.

particular subdivision lot on the applicant's property complies with the Act, where the effect of issuing a certificate would be to effectively subdivide the property without complying with the Act." (*Abernathy Valley*, at p. 58.) We agree with *Abernathy Valley*'s reasoning and conclusion.

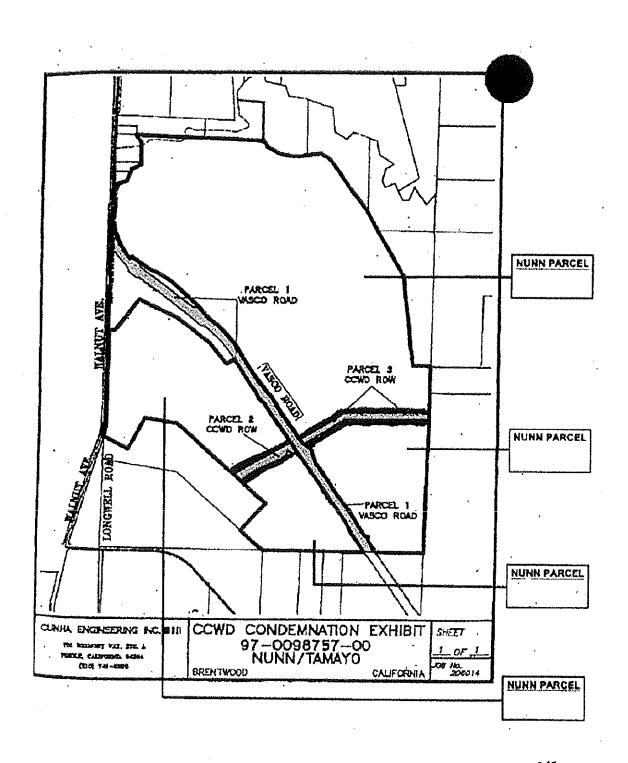
We thus conclude that regular and conditional certificates of compliance are limited to legitimizing divisions of property that have already occurred, such as divisions covered by the Act's grandfather clauses or divisions resulting from a property's illegal conveyance. Because there was not a division of the four parts of the Nunns' property within the meaning of the Act, the Nunns are entitled to neither a regular nor conditional certificate of compliance for each of those parts.

# DISPOSITION

The trial court's order granting the petition is affirmed. The trial court is directed, on remand, to enter an appropriate judgment, if no such judgment has yet been entered. SMD may recover its costs on appeal. (Cal. Rules of Court, rule 8.278, (a)(1), (2).)

	Humes, P.J.	
We concur:		
Dondero, J.		
Banke, J.		

<sup>&</sup>lt;sup>14</sup> These examples are not meant to be a definitive list of divisions within the meaning of the Act.



Trial Court:

Contra Costa County Superior Court

Trial Judge:

Honorable Laurel Brady

Counsel for Appellant and Real Party in Interest Ronald E.

Nunn:

McKenna Long & Aldridge LLP, Denis F. Shanagher, Andrew S. Azarmi; Allen Matkins Leck Gamble Mallory & Natsis LLP, David Blackwell; Nossaman

LLP, Michael Patrick Durkee

Counsel for Respondent and

Defendant Save Mount Diablo:

Shute, Mihaly & Weinberger LLP, Winter King,

Laura D. Beaton

Counsel for Defendant Contra

Costa County:

Office of Contra Costa County Counsel, Stephen

Michael Siptroth

# Title 16

# SUBDIVISIONS

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16.02	General Provisions
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### **GENERAL PROVISIONS**

#### Sections:

16.02.010 Short title, citation.

16.02.020 Authority and applicability.

16.02.030 Purpose.

16.02.040 Requirements generally.

16.02.010 Short title, citation. This title shall be known and may be cited as the "Tuolumne County Land Division Ordinance." (Ord. 1562 § 2 (part), 1987).

### 16.02.020 Authority and applicability,

A. This title is adopted to supplement and implement the Subdivision Map Act, being Title 7, Section 4, Division 2 commencing with Section 664 1 0 of the Government Code. This title shall regulate land divisions for which the Subdivision Map Act requires a tentative and final or parcel map, except as exempted by Government Code Sections 66412, 66412.1, 66412.5 and 66428, and shall also regulate resubdivisions, parcel mergers, reversions to tacreage, and boundary line adjustments.

B. This title shall not affect any agreement, bond or contract previously executed with the county with respect to any division of land, any rights accrued thereunder or any previous action to approve a tentative or final map. Conditions of approval and time limitations previously imposed thereon shall prevail, except that any map not previously expired or extended shall henceforth have a basic expiration time as set forth herein. (Ord. 1562 § 2 (part), 1987).

**16.02.030 Purpose.** This title is adopted to regulate the division of land to achieve the following purposes:

A. To implement the general plan of Tuolumne county which has been adopted by the board of supervisors as a long range, comprehensive guide to physical development of the county.

B. To implement the uniform zoning ordinance of Tuolumne county in providing lots of sufficient sizes and appropriate design for the purposes for which they are to be used.

C. To provide streets of adequate capacity and design so as to minimize safety hazards to drivers, pedestrians and vehicles.

D. To provide for water supply, sewage disposal, storm drainage and other utilities

needed for the public health, safety and convenience.

E. To preserve the natural assets of the county and to create new beauty through skilled subdivision design, and to provide a means for encouraging orderly development of hillsides and mountainous areas in the county by relating the number and distribution of dwelling units to the topographical, vegetative, geological and hydrological conditions, thus minimizing the dangers to life and property by fire, water pollution, soil erosion and land slippage.

F. To establish reasonable standards of design and procedures for subdivisions and resubdivisions.

G. To insure proper legal descriptions and monumenting of subdivided land. (Ord. 1562 § 2 (part), 1987).

16.02.040 Requirements generally. In addition to any and all requirements prescribed by law and contained within the provisions of the state subdivision Map Act, as amended, relating to the division of land and the filing of maps thereof, the general regulations set forth in this title for final and parcel maps in the county must be complied with. (Ord. 2864 § 1, 2007; Ord. 1562 § 2 (part), 1987).

### Chapter 16.04

#### **DEFINITIONS**

#### Sections:

- 16.04.010 Access, required.
- 16.04.020 Adjacent property owner.
- 16.04.030 Adjoining.
- 16.04.040 Advisory agency.
- 16.04.050 Aggrieved party.
- 16.04.060 Appeal board.
- 16.04.070 Applicant.
- 16.04.080 Arterial.
- 16.04.090 Board.
- 16.04.110 Certificate of compliance.
- 16.04.120 Commission.
- 16.04.130 Condominium.
- 16.04.140 Contractor.
- 16.04.150 County surveyor.
- 16.04.160 Cul-de-sac.
- 16.04.170 Designated remainder parcel.
- 16.04.180 Development.
- 16.04.190 Director.
- 16.04.200 Drainage protection area.
- 16.04.210 Driveway.
- 16.04.220 Easement.
- 16.04.230 Easement, public.
- 16.04.240 Engineer.
- 16.04.250 Final map.
- 16.04.260 Fire flow.
- 16.04.270 Fire hazard reduction plan.
- 16.04.280 Flag lot.
- 16.04.290 General plan.
- 16.04.300 Gift deed.
- 16.04.310 Gross acreage.
- 16.04.315 High-water mark.
- 16.04.320 improvement.
- 16.04.330 Improvement plans.
- 16.04.345 Lot line adjustment.
- 16.04.340 Local road.
- 16.04.342 Lot.
- 16.04.350 Major collector.
- 16.04.360 Merger.
- 16.04.370 Minor collector.
- 16.04.380 Net acreage.
- 16.04.390 Owner.
- 16.04.400 Parcel.
- 16.04.410 Parcel map.
- 16.04.420 Private sewage disposal system.
- 16.04.430 Public sewer system.
- 16.04.440 Public water system.
- 16.04.450 Resubdivision.
- 16.04.470 Road,

- 16.04.110 Certificate of compliance.
- "Certificate of compliance" means a written determination recorded in the office of the county recorder which states that one or more parcels of land complies with applicable provisions of the Subdivision Map Act and local ordinance. A certificate of compliance may be a separate written instrument referring to a previously recorded map, or a recorded final map, parcel map or official map. (Ord. 1562 § 2 (part), 1987).
- 16.04.120 Commission. "Commission" means the planning commission of the county of Tuolumne. Refers to the Jamestown planning commission when property is located in their jurisdiction. (Ord. 1562 § 2 (part), 1987).
- 16.04.130 Condominium. "Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property. A condominium may include, in addition, a separate interest in other portions of such real property. (Ord. 1562 § 2 (part), 1987).
- 16.04.140 Contractor. "Contractor" means any person or persons, firm, partnership, corporation or combination thereof who have entered into a contract with any person, corporation, company, developer, special district or the county of Tuolumne, or his/her or their legal representative, for the construction, or improvement of any road or other improvement required by this title. (Ord. 1562 § 2 (part), 1987).
- 16.04.150 County surveyor. "County Surveyor" means a person licensed to practice land surveying and appointed by the board of supervisors to the position of county surveyor. The consolidation of the office of county surveyor and any other county office shall not affect the authority of the county surveyor or any qualified deputy. (Ord. 2325 § 3, 2000; Ord. 1954 § 4, 1992; Ord. 1562 § 2 (part), 1987).
- **16.04.160** Cul-de-sac. "Cul-de-sac" means a street which connects with another street only at one end and has a turning bulb at the other end. (Ord. 1562 § 2 (part), 1987).

- 16.04.170 Designated remainder parcel.

  "Designated remainder parcel" means any portion of a unit of land to be divided which is not included within the boundaries of the parcel or
- included within the boundaries of the parcel or final map, and is not designated as a parcel for the purpose of sale, lease or financing. (Ord. 1562 § 2 (part), 1987).
- 16.04.180 Development. "Development" means the next permit or entitlement granted a developer by Tuolumne county after the property has received a zoning classification consistent with its general plan designation. In the case of a land division, "development" is approval of a final map or a parcel map. (Ord. 1562 § 2 (part), 1987).
- 16.04.190 Director. "Director" means the public works director for the county of Tuolumne. (Ord. 1954 § 5, 1992; Ord. 1562 §2 (part), 1987).
- 16.04.200 Drainage protection area. "Drainage protection area" means a designated area adjacent to a drainage course, ephemeral, intermittent or perennial stream or domestic water supply canal, lake, reservoir or spring, in which no effluent from a subsurface sewage disposal field may be discharged. (Ord. 1562 § 2 (part), 1987).
- 16.04.210 Driveway. A vehicular access that serves a single parcel, with not more than three dwelling units, and any number of accessory buildings. Two parcels may share a common driveway provided that the common portion of the driveway is a minimum of 18 feet in width, and easements have been established for used of the driveway by both parcels. (Ord. 2161 § 2, 1996; Ord. 1562 § 2 (part), 1987).
- I6.04.220 Easement. An interest in real property giving a person or public entity other than the owner of a parcel, a right, to use that parcel, or a portion, or to prevent the owner's use, for some specific purpose. Such specific purposes may include streets, alleys, bicycle paths, pedestrian facilities, equestrian trails, sanitary sewers, drainage, utilities or other public or private uses. (Ord. 2117 § 1, (1995); Ord. 1562 § 2 (part), 1987).
- **16.04.230 Easement, public.** "Easement, public" means an easement which has been dedicated or otherwise conveyed to a public

- 16.04.360 Merger. "Merger" means the elimination of boundary lines between lots or parcels, without reverting to acreage, to join any number of separate and contiguous lots parcels under one ownership into one lot or parcel. (Ord. 2132 § 3, 1996; Ord. 1562 § 2 (part), 1987).
- **16.04.370** Minor collector. "Minor collector" means a road that collects traffic from local roads and channels it to major collectors or arterials; serves to link locally important traffic generators. (Ord. 1562 § 2 (part), 1987).
- 16.04.380 Net acreage. "Net acreage" means the area of a parcel excluding areas within deeded or dedicated road easements or road easements that have been offered for dedication, and less the area of any reservoir, lake or pond on the parcel as measured at the high-water mark where that area exceeds twenty percent of the gross acreage of the parcel, except the dedication of the area of any reservoir, lake or pond on a parcel shall not apply where such parcel is being reconfigured or merged with one or more parcels. (Ord. 2394 §2, 2001; (Ord. 1562 § 2 (part), 1987).
- **16.04.390** Owner. "Owner" means the fee title holder of record of the surface rights for a particular property or premises. (Ord. 1562 § 2 (part), 1987).
- **16.04.400 Parcel.** "Parcel" means a lot, unit or tract of real property created by a division of land which is legally separate from any adjacent property. (Ord. 1562 § 2 (part), 1987).
- 16.04.410 Parcel map. "Parcel map" means a map showing a subdivision, for which a final map is not required, conforming to the conditions of an approved tentative parcel map, when required, and to the requirements of this Title, and prepared in accordance with the provisions of the Subdivision Map Act. (Ord. 2864 § 5, 2007; Ord. 1562 § 2 (part), 1987).
- **16.04.420** Private sewage disposal system. "Private sewage disposal system" means a septic tank with the effluent there from discharging into a subsurface disposal field or an approved engineered system. (Ord. 1562 § 2 (part), 1987).
- **16.04.430** Public sewer system. "Public sewer system" means a community or regional system

- for the collection, treatment and disposal of sewage which meets all applicable state and local laws. (Ord. 1562 § 2 (part), 1987).
- 16.04.440 Public water system. "Public water system" means a distribution system which provides potable water to residents or businesses of an area or community, and is operated by either an association, district, mutual or public utility company form of organization legally authorized to provide water. (Ord. 1562 § 2 (part), 1987).
- 16.04.450 Resubdivision. "Resubdivision" means the merger and resubdividing of parcels under common ownership, or the adjustment of boundary lines between two or more parcels under common ownership. A resubdivision may not increase the number of parcels, (Ord. 1562 § 2 (part), 1987).
- **16.04.460.** (Repealed by Ord. 2132 § 4, 1996; Ord. 1562 § 2 (part), 1987).
- **16.04.470 Road.** (See definitions for arterial, local road, minor collector and major collector.) (Ord. 1562 § 2 (part), 1987).
- 16.04.480 Sale or lease. "Sale or lease" means any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, gift, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, gift intestate succession, or other written instrument. (Ord. 1562 § 2 (part), 1987).
- 16.04.490 Subdivider. "Subdivider" means a person, firm corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others. An agent authorized in writing may act for a subdivider. (Ord. 2325 § 5, 2000; Ord. 1562 § 2 (part), 1987).
- 16.04.500 Subdivision. "Subdivision" means the division, by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. (Ord. 1562 § 2 (part), 1987).

easements established by judgment of a court of competent jurisdiction;

- H. The proposed division of land includes any land or parcel not zoned pursuant to the Tuolumne County Uniform Zoning Ordinance, Title 17 of this code:
- I. The proposed division of land includes any portion of any parcel under a Tuolumne County land conservation contract which is proposed to be divided into a parcel smaller than thirty-seven acres, subject to Government Code Section 66474.4. (Ord. 2325 § 7, 2000; Ord. 1562 § 2 (part), 1987).

16.06.080 Gift deeds. Parcels created for gift deed purposes will require a parcel map or final map according to the number of parcels proposed. (Ord. 2864 § 7, 2007; Ord. 1562 § 2 (part), 1987).

16.06.090 Conditions. Regulation of the division of land and the attachment of reasonable conditions to land division is an exercise of valid police power delegated by the state to this county. The subdivider, and all successors in interest, have the duty of compliance with conditions imposed on a tentative map, tentative parcel map, parcel map or final map for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the county and to ensure the safety and general welfare of the future parcel owners in the division and of the community at large.

The conditions attached to an approved tentative map, tentative parcel map, parcel map or final map may be amended or eliminated. An application to amend or eliminate a condition or conditions shall be submitted in accordance with the respective procedures established herein for a tentative parcel map or tentative map. An application to amend or eliminate a condition or conditions shall be processed in accordance with the procedures established herein for a tentative parcel map or tentative map, except if the Board approved the map for which one or more conditions are to be amended or eliminated, the Board shall have the exclusive authority to approve, conditionally approve or deny the amendment and or elimination, notwithstanding section 16.24.010. (Ord. 2864 § 8, 2007; Ord. 2296 § 27, 1999; Ord. 1562 § 2 (part), 1987).

16.06.100 Improvements. The subdivider shall improve land dedicated for roads, drainage and utility easements, as required by the approved improvement plans, as a condition precedent to the acceptance and approval of the final map. The required improvements shall be in accordance with the design and improvement standards for parcel and final maps as provided in this title, and with any improvement standards for land divisions as established by the board by resolution or in this code. (Ord. 2864 § 9, 2007; Ord. 1562 § 2 (part), 1987).

### 16.06.110 Security for improvements.

- A. If the required improvements are not satisfactorily completed prior to the filing of the map, the advisory agency and the owner may enter into an agreement whereby the owner agrees to complete the improvements within a specified time and, except as provided in the agreement, prior to the issuance of any building, site development or use permits for any parcel shown on the map. The agreement must be recorded and must be noted on the map. Security to guarantee the performance of the agreement shall be provided in the following amounts:
- 1. One hundred percent of the total estimated cost of the improvement or act to be performed as of the end of the period allowed for completion or performance, conditioned upon the faithful performance of the act or agreement; and
- 2. An additional amount of fifty percent of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvements or the performance of the required act; and
- 3. An amount determined to be necessary to guarantee and warranty the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished, which, in the case of roads which are to be accepted into the county maintained system shall be no less than twenty-five percent of the estimated cost of construction; and
- As a part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included

# 16.06.120 Reimbursement for supplemental improvements.

- A. When deemed necessary by the county, improvements installed by the subdivider for the benefit of the subdivision shall contain supplemental size, capacity, number or length for property not within the subdivision. These improvements shall be dedicated to the public on the final map or by separate instrument.
- B. The county shall enter into an agreement with the subdivider to reimburse him/her for that portion of the cost of said improvements, in excess of the construction required for the subdivision.
- C. Repayment of the costs, as required by the reimbursement agreement, shall be provided by one of the forms authorized by Government Code, Section 66487, at the option of, and subject to, the approval of the county. (Ord. 1562 § 2 (part), 1987).
- **16.06.130** Appeals. Appeals are available, and shall follow the procedures, as set forth in this section.
- A. The board shall have the authority to hear and decide appeals when it is alleged by a subdivider, or any interested person who is adversely affected, there has been an error in any decision made by the director or county surveyor in the administration or enforcement of this title.
- B. An appeal shall be filed in writing with the clerk of the board within ten days after the decision of the director or county surveyor which is being appealed, accompanied by the fee set forth in Chapter 3.40. The reasons for the appeal shall be stated. An appeal not submitted in a timely manner will not be considered and will be returned. The clerk of the board shall send a copy of the appeal to the director or county surveyor.
- C. The clerk shall schedule a public hearing on the appeal to be held within thirty days after the date of filing the appeal. Notice of the hearing shall be given by the clerk as required by Government Code section 66451.3.
- D. An appeal on any aspect of an application submits the entire application to comprehensive (de novo) review and the board shall consider the public record, receive testimony, and make all findings and determinations necessary to approve, conditionally approve, or deny the application. Upon conclusion of the hearing the board shall,

within ten days, issue its findings and decision based upon the testimony and documents produced before it. It may sustain, modify, reject, or overrule any decision of the director or county surveyor, and shall make such findings as are consistent with the provisions of the Subdivision Map Act and county ordinances. (Ord. 2864 § 11, 2007; Ord. 2325 § 9, 2000; Ord. 2296 § 28, 1999; Ord. 1562 § 2 (part), 1987).

- 16.06.140 Amendment of recorded maps. After a final map or parcel map is filed in the office of the county recorder, it may be amended by a certificate of correction or an amending map as set forth in Sections 66469 through 66472.1 of the Government Code. (Ord. 1562 § 2 (part), 1987).
- 16.06.150 Legal remedies. This chapter does not bar any legal, equitable or summary remedy to which the county or any aggrieved person, firm or corporation may otherwise be entitled, and the county or any such person, firm or corporation may file a suit in the superior court of California for the county to restrain or enjoin any attempted or proposed division or sale in violation of this chapter. (Ord. 1562 § 2 (part), 1987)

### Chapter 16.09

### LOT LINE ADJUSTMENT

### Sections:

16.09.010 Approval required. 16.09.020 Procedure.

16.09.010 Approval required. No lot line adjustment is effective, nor may any document seeking to evidence a lot line adjustment be submitted for recording, nor be recorded, until an application is approved by the County Surveyor, and consent to record is given pursuant to this Chapter. (Ord. 3290 § 1, 2015; Ord. 2132 § 6 (part), 1996)

### 16.09.020 Procedure.

- A. Processing. An applicant seeking a lot line adjustment shall submit an application for Lot Line Adjustment, signed by the owners of the properties being adjusted, to the County Surveyor with the following:
- 1. An exhibit map drawn to scale, prepared by or under the direction of a licensed surveyor. The exhibit map shall include the existing and proposed lot or parcel lines, lot or parcel size prior to the proposed adjustment, lot or parcel size after the adjustment, current assessor parcel numbers, location of existing improvements such as buildings, wells, roads, utilities, easements, and approximate location of each sewage treatment and disposal system that is within 100 feet of the lot or parcel lines proposed by the application, the existing zoning and General Plan designation(s), and, if applicable, the proposed zoning and General Plan designation(s).
- If applicable, a letter from each utility company with existing facilities, infrastructure or easements on the lots or parcels to be adjusted regarding the effect the lot line adjustment may have on its interests.
- 3. A current preliminary Title Report or a preliminary Parcel Map Guarantee covering all affected lots or parcels. The date of the Title Report or Parcel Map Guarantee shall be within 90 days of the date of submittal to the County and shall indorse the names on the Lot Line Adjustment application as the vested owners.
- B. Review. The review shall be limited to ensure the resulting lots or parcels conform to Chapters 13.04, 13.16, 15.04, Section 15.20.060 and Title 17 of this Code, to require prepayment of real property-taxes, and to facilitate relocation of utility facilities, infrastructure and easements. Review by the Building and Safety Division and the

Fire Prevention Division is limited to determine whether existing structure(s) will meet building setbacks after the lot line adjustment, on adjusted lines only. The Planning Division's review for compliance with Title 17 is limited to determine if the proposed lots or parcels comply with the minimum lot or parcel size requirement, whether existing structure(s) will meet building setbacks on adjusted lines only, and whether the lot line adjustment complies with Section 17.06.035 of this Code. The Environmental Health Division's review is limited to determine whether existing wells, septic tanks and leach fields will meet setbacks, and whether the required minimum expansion area for repair of a sewage disposal system will exist on each applicable lot or parcel after the lot line adjustment. The Engineering Division's review is limited to determine whether existing utilities. infrastructure, and easements will need to be relocated. No tentative map, parcel map, final map, or record of survey shall be required as a condition to the approval of a lot line adjustment.

Within 15 calendar days after submittal of a complete application, the advisory agencies shall complete their review. Within 21 calendar days after the completion of review by the advisory agencies, the County Surveyor shall take action to approve, approve with conditions, or deny the application. The advisory agencies are limited to the Tuolumne County Building and Safety Division, Planning Division, Environmental Health Division, Fire Prevention Division and Engineering Division.

- C. Recording.
- 1. The lot line adjustment shall be reflected in a deed(s) which shall be recorded. A parcel map for lot line adjustment may be recorded rather than a deed(s).
- 2. The legal description(s) or parcel map shall be prepared by a licensed surveyor and shall describe each resulting lot or parcel in conformance with the approved exhibit map for lot line adjustment and shall be submitted to the County Surveyor for approval together with:
- a. The fee for checking the parcel map or legal descriptions as set forth in Section 3.40.010(P)(13) or (33) of this Code, respectively.

#### **MERGER**

### Sections:

16.10.010 Merger.

16.10.020 Approval required.

16.10.030 Procedure.

### 16.10.010 Merger.

A. Any number of lots or parcels, under common ownership, may be merged, without reverting to acreage, only by parcel map with the approval of the County Surveyor.

B. The requirements of this Title which ordinarily apply to lots or parcels created by parcel map are inapplicable to maps approved under this Chapter, except that the parcel map shall comply with all laws and regulations governing the processing, form and content of parcel maps. (Ord. 3290 § 2, 2015; Ord. 2132 § 7 (part), 1996; Ord. 1562 § 2 (part), 1987).

**16.10.020** Approval required. No merger is effective, nor may any map seeking to evidence the merger be submitted for recording, nor be recorded, until an application and map are approved by the County Surveyor pursuant to this Chapter. (Ord. 3290 § 2, 2015; Ord. 2132 § 7 (part), 1996)

### 16.10.030 Procedure.

A. Processing. An applicant seeking a merger shall submit an application, signed by the owners of the properties being merged, to the County Surveyor with the following:

- 1. An exhibit map drawn to scale, prepared by or under the direction of a licensed surveyor The exhibit map shall include the existing lots or parcels, the proposed lot(s) or parcel(s), lot or parcel sizes prior to the proposed merger, lot or parcel size(s) after the merger, current assessor parcel numbers, the existing zoning and General Plan designation(s), and, if applicable, the proposed zoning and General Plan designation(s).
- If applicable, a letter from each utility company with existing facilities, infrastructure or easements on the lots or parcels to be merged regarding the effect the merger may have on its interests.
- 3. A current preliminary Title Report or a preliminary parcel map guarantee covering all affected lots or parcels. The date of the Title Report or Parcel Map Guarantee shall be within 90 days of the date of submittal to the County and shall endorse the names on the Merger application as the vested owners.

B. Review. The review shall be limited to ensure the resulting lot(s) or parcel(s) conform to Title 17 of this Code. The Planning Division's review is limited to determine if the merger complies with Section 17.06.035 of this Code. No tentative map shall be required as a condition to the approval of the merger. The instrument recorded to create the merger shall be a parcel map.

Within 15 calendar days after submittal of a complete application, the Planning Division shall complete its review. Within 21 calendar days after the completion of review by the Planning Division, the County Surveyor shall take action, to approve, approve with conditions, or deny the application.

- C. Recording.
- 1. Any merger approved pursuant to this Chapter shall be evidenced by a County Surveyor's Decision approving the merger. The approval shall occur prior to the recordation of the parcel map. The parcel map shall be filed for recordation with the County Recorder within 36 months of the approval of the merger. Upon application of the applicant, the County Surveyor may grant extensions for a period or periods not exceeding a total of three (3) additional years. Failure to record the parcel map within the required time shall terminate all proceedings and no parcel map reflecting the merger of the real property shall be recorded without first obtaining approval of a new merger application.
- Two copies of the parcel map prepared by a licensed surveyor in conformance with the approved exhibit map shall be submitted to the County Surveyor for approval together with:
- a. The fee for checking the parcel map as set forth in Chapter 3.40.010(P)(12) of this Code.
- b. Closure calculations and supporting documents necessary to check the parcel map.
- c. An updated Title Report, the date of which shall be within 90 days of the date of submittal to the County.
- 3. Prior to recordation of the parcel map, the applicant shall submit to the County Surveyor, the following:
- a. Proof that taxes and assessments due and payable on the lots or parcels have been paid and, whenever any part of the lots or parcels is subject

### Chapter 16.11

### RESUBDIVISION

### Sections:

16.11.010 Resubdivision.

16.11.020 Approval required.

16.11.030 Procedure.

**16.11.010 Resubdivision.** Lots or parcels may be merged and resubdivided into four or fewer lots or parcels by parcel map, or into five or more lots or parcels by final map, or parcel map where authorized by Government Code section 66426(f), as long as the number of lots or parcels is not increased, except as otherwise provided herein.

A. Resubdivisions resulting in five or more parcels shall comply with the provisions of this subdivision.

- Except as provided in subsection 2, these resubdivisions shall comply with all the requirements of this Title, which apply to subdivisions created by final map or parcel map instead of the procedures set forth in Section 16.11.030.
- 2. Resubdivisions of parcels that are within the boundaries of a final map recorded on or after January 1, 1992 shall comply only with the procedures set forth in Section 16.11.030.
- B. Resubdivisions resulting in four or fewer parcels are subject to this Chapter, and the parcel map shall comply with all laws and regulations governing the processing, form and content of parcel maps, but shall otherwise be exempt from the requirements of this Title which ordinarily apply to lots or parcels created by parcel map. (Ord. 3290 § 3, 2015; Ord. 2864 § 14, 2007; Ord. 2473 § 1, 2002)
- **16.11.020 Approval required.** No resubdivision is effective, nor may any map seeking to evidence the resubdivision be submitted for recording, nor be recorded, until an application and map are approved as provided in this Chapter. (Ord. 3290 § 3, 2015; Ord. 2473 § 1, 2002; Ord. 2132 § 8 (part), 1996)

### 16.11.030 Procedure.

A. Processing. An applicant seeking a resubdivision subject to this Section shall submit an application, signed by the owners of the properties being resubdivided, to the County Surveyor with the following:

- 1. An exhibit map drawn to scale, prepared by or under the direction of a licensed surveyor. The exhibit map shall include the existing and proposed lots or parcels, lot or parcel sizes prior to the proposed resubdivision, lot or parcel sizes after the resubdivision, current assessor parcel numbers, location of existing improvements such as buildings, wells, roads, utilities, easements, approximate location of each sewage treatment and disposal system that is within 100 feet of the lot or parcel lines proposed by the application, the existing Zoning and General Plan designation(s), and, if applicable, the proposed Zoning and General Plan designation(s).
- If applicable, a letter from each utility company with existing facilities, infrastructure or easements on the lots or parcels to be resubdivided regarding the effect the resubdivision may have on its interests.
- A current preliminary Title Report or a preliminary Parcel Map or Final Map Guarantee covering all affected lots or parcels. The date of the Title Report or Map Guarantee shall be within 90 days of the date of submittal to the County and shall indorse the names on the Resubdivision application as the vested owners.
- B. Review. The review shall be limited to ensure the resulting lots or parcels conform to Chapters 13.04, 13.16, 15.04, Section 15.20.060 and Title 17 of this Code, to require prepayment of real property taxes and to facilitate relocation of utility facilities, infrastructure and easements. Review by the Building and Safety Division and Fire Prevention Division is limited to determine whether existing structure(s) will meet building setbacks after the resubdivision on adjusted lines only. The Planning Division's review for compliance with Title 17 is limited to determine if the proposed lots or parcels comply with the

### Chapter 16.12

### **DEDICATIONS**

#### Sections:

16.12.010 Provision for public ways.16.12.020 Waiver of access rights.16.12.030 Acceptance or rejection of offers of dedication.

16.12.010 Provision for public ways. The subdivider shall make proper and adequate provisions for road and drainage and utility easement. The advisory agency shall require the dedication of such roads and drainage and utility easements as may be deemed necessary for the public use. The advisory agency may also require the dedication of certain roads and drainage and utility easements which, in its opinion, are necessary for the future serving of property adjacent to the land being subdivided. Roads thus required to be dedicated by the advisory agency and which do not serve any lot or parcel of the subdivision which is not already served by other roads of the proposed subdivision may not be required to be improved, as determined by the director. (Ord, 1562 § 2 (part), 1987).

16.12.020 Waiver of access rights. Whenever a dedication or offer of dedication is required, the advisory agency may also require the owner to include a waiver of direct access to any such street from any property shown on the final or parcel map as abutting thereon and if the dedication is accepted, any such waiver shall become effective in accordance with its provisions and shall be noted on the map. (Ord. 1562 § 2 (part), 1987).

16.12.030 Acceptance or rejection of offers of dedication. Acceptance or rejection of offers of dedication, and termination of rejected offers, shall be in conformance with Government Code Sections 66477.1, 66477.2, and 66477.3. (Ord. 1562 § 2 (part), 1987).

- C. The method of fee apportionment in the case of major thoroughfares shall not provide for higher fees on land which abuts the proposed improvements, except where the abutting properties are allowed direct usable access to major thoroughfares.
- D. The apportioned fees adopted by the board shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of the first entitlement which constitutes development as defined by the general plan for such properties or portions thereof. (Ord. 1562 § 2 (part), 1987).

## 16.14.070 Protests of proposed fees.

- A. Owners of property within the area of benefit may file protests of the proposed benefit assessment up to the time of the close of the hearing.
- B. All protests shall be in writing and delivered to the clerk of the board and no other protests or objections shall be considered. Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of a public hearing held pursuant to this section.
- C. If within the time when protests may be filed, there is written protest, filed with the clerk of the board by the owners of more than one-half of the area of the property to be benefitted by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefitted, then the proposed proceedings shall be abandoned, and the board shall not, for a period of one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of Government Code 66484.
- D. If a majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvements so protested against shall be barred for a period of one year, but the board shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against.
- E. Nothing in this section shall prohibit the board, within the one-year period from commencing and carrying on new proceedings for the construction of a portion of the improvements so protested against if it finds by the affirmative vote of four-fifths of its members,

that the owners of more than one-half of the area of the property to be benefitted are in favor of going forward with such portion of the improvement or acquisition. (Ord. 1562 § 2 (part), 1987).

### 16.14.080 Bridge and major thoroughfare funds.

- A. When fees are paid pursuant to this section, such fees shall be deposited in a planned bridge facility and/or major thoroughfare fund. A separate fund shall be established for each planned bridge facility project or each planned major thoroughfare project.
- B. Moneys deposited in the planned bridge facility fund and the major thoroughfare fund shall be expended solely for construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected or to reimburse Tuolumne county for the cost of constructing the improvement.
- C. The county may accept considerations inlieu of the payment of fees as provided in thissection.
- D. The county may advance moneys from the general fund or road fund to pay the cost of constructing the improvements and reimburse the general fund or road fund for such advances from the planned bridge facility or major thoroughfare funds established by this section.
- E. The county may incur an interest bearing indebtedness for the construction and reconstruction of major thoroughfares and bridges provided that the sole security for such repayment of such indebtedness shall be moneys in major thoroughfares or bridge funds.
- F. The provisions of the division are intended to be an addition to and not a substitute for other requirements of this code or the Subdivision Map Act including those provisions concerning the dedications of lands for public roads and the improvement of public roads as a condition of approval of a final map or parcel map. (Ord. 1562 § 2 (part), 1987).

### Chapter 16.18

### **DEVELOPMENT AGREEMENTS**

### Sections:

16.18.010 Application. 16.18.020 Review.

16.18.030 Conditions.

16.18.040 Expiration.

16.18.010 Application. It is the intent of these regulations that land division review be carried out simultaneously with the review of a requested development agreement. If the subdivider wants a development agreement contract to apply to his/her land division, a development agreement application must be submitted to the community development department at the same time that a division of land is applied for. The plans required for a development agreement shall be submitted in a form to satisfy the requirements of the land division regulations in addition to the procedures and requirements for the consideration of development agreements, as adopted by the board by resolution. (Ord. 2314 § 66, 1999; Ord. 1562 § 2 (part), 1987).

16.18.020 Review. The technical advisory committee shall review the development agreement and land division for compliance with this title and the resolution. The board shall approve, conditionally approve or deny the tentative map or tentative parcel map in conjunction with its consideration of the development agreement. (Ord. 2901 §3, 2008; Ord. 1562 § 2 (part), 1987).

16.18.030 Conditions. Conditions of the development agreement are binding on all future development within the land division unless the agreement is modified in accordance with county regulations. All future grading, structures, signs, road and drainage improvements, encroachments, resubdivisions, uses, measures to protect cultural and natural resources, etc., must be in conformance with the development agreement. Conditions of the development agreement may allow for construction to take place before the final map or parcel map is approved. (Ord. 2901 § 4, 2008; Ord. 1562 § 2 (part), 1987).

16.18.040 Expiration. The development agreement is valid and in force once approved by the board. A tentative map on property subject to a development agreement may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. (Ord. 1562 § 2 (part), 1987).

### **ADMINISTRATION AND ENFORCEMENT**

### Sections:

16.22.010 Policy-Compliance required.

16.22.020 Issuance or denial of permit-imposition of conditions.

16.22.030 Certificate of compliance.

16.22.040 Notice of intention to record a notice of violation.

16.22.050 Noncompliance a misdemeanor.

16.22.060 Enforcement responsibility.

16.22.070 Administrative enforcement.

16.22.080 Expiration of application review.

16.22.010 Policy - Compliance required. It is the policy of the County to strictly enforce the provisions of state law and this County's ordinances relative to division of land. The primary focus of the County's enforcement efforts shall be in regard to ongoing divisions of land. The County will also investigate cases where a certificate of compliance has been requested or information is obtained indicating the possibility of a division of land without compliance with the applicable provisions of law. (Ord. 3290 § 4, 2015; Ord. 1562 § 2 (part), 1987)

# 16.22.020 Issuance or denial of permit - Imposition of conditions.

A. The County shall not issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of the Subdivision Map Act and this Title if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of record at the time of such violation or whether the applicant therefor is either the current owner of record or a vendee of the current owner of record pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his/her interest in such real property.

B. If the County issues a permit or grants approval for the development of any such real property, it may impose only those conditions that would have been applicable to the division of the property at the time the applicant acquired his/her interest in such real property, and which has been established at such time by the Subdivision Map Act or this Title, except that where the applicant was the owner of record at the time of the initial violation of the provisions of the Subdivision Map Act and this Title who, by a grant of the real

property created a parcel or parcels in violation of the Subdivision Map Act and this Title, and such person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of the Subdivision Map Act and this Title, then the County may impose such conditions as would be applicable to a current division of the property, and except that, if a conditional certificate of compliance has been filled for record under the provisions of Section 16.22.030, only such conditions stipulated in that certificate shall be applicable. (Ord. 3290 § 4, 2015; Ord. 1562 § 2 (part), 1987)

**16.22.025** Violation permit penalty – REPEALED (Ord. 3290 § 4, 2015; Ord. 2612 § 14, 2005; Ord 2295 § 4, 1999; Ord. 2018 § 1 (part), 1993)

### 16.22.030 Certificate of compliance.

A. Any person owning real property or a vendee of such person pursuant to a contract of sale of such real property may request a determination, by application to the County Surveyor, as to whether such real property complies with the provisions of the Subdivision Map Act and this Title. An application for Certificate of Compliance signed by the property owner or vendee shall be submitted along with a Chain of Title prepared by a Title Company and/or other supporting documents, as required by the County Surveyor, necessary to make the determination. Upon making such a determination, the County Surveyor shall cause a certificate of compliance to be filed for record with the County Recorder and shall notify the property owner in writing of such recording within ten days. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Subdivision Map Act and this Title.

B. If the County Surveyor determines that such real property does not comply with the

misdemeanor. (Ord. 3290 § 4, 2015; Ord. 1562 § 2 (part), 1987)

16.22.060 Enforcement responsibility. The provisions of this Title shall be enforced by the County Surveyor, except enforcement of any restrictive conditions continuing after recordation of a final or parcel map shall be enforced by the Code Compliance Officer. (Ord. 3290 § 4, 2015; Ord. 2296 § 29, 1999)

### 16.22.070 Administrative enforcement.

Enforcement of any restrictive conditions continuing after recordation of a final or parcel map shall be enforced as provided in Chapter 1.10 of this Code. (Ord. 3290 § 4, 2015; Ord. 2296 § 30, 1999)

### 16.22.080 Expiration of application review.

A. Applications provided for in Title 16 for which no entitlement is approved within one year following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant, destroyed by the County or retained within the applicable County department's files. The Director or County Surveyor, as applicable, may extend the time for application review if the applicant is making a good faith effort through information submitted by the applicant in a written statement describing the efforts being made. Application fees are not refundable if the application review expires as provided herein. Upon expiration of the application review, a new application and fees are required to reestablish review of the project.

B. Any application open as of the effective date of this Section shall be deemed to have been opened on the effective date of this Section for purposes of Subsection A, above. (Ord. 3290 § 4, 2015)

### PARCEL MAPS

### Sections:

16.24.010 Author	ity to	act on	parcel	maps.
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- 16.24.020 Action on tentative parcel maps for land under land conservation contracts or zoned AP Combining District or TPZ.
- 16.24.030 Action by county surveyor on dedications.
- 16.24.040 Preliminary soils report not required.
- 16.24.050 Submission of tentative parcel map.
- 16.24.060 Designated remainder parcels.
- 16.24.070 Public hearing.
- 16.24.080 Action on tentative parcel map.
- 16.24.090 Time limits for tentative parcel map approvals.
- 16.24.100 Requirements for completion.
- 16.24.110 Certificates, acknowledgments and references.
- 16.24.120 Survey requirements.
- 16.24.130 Approval and recordation of parcel map.
- 16.24.140 When improvements shall be provided.
- 16.24.150 Road design.
- 16.24.160 Road easements and rights-of-way.
- 16.24.170 Public utility easements.
- 16.24.180 Drainage easements.
- 16.24.190 Parcel design.
- 16.24.200 Water requirements.
- 16.24.210 Planned unit development permit when water system does not have the required fire flow.
- 16.24.220 Fire hydrants.
- 16.24.230 Parcel map waiver.
- 16.24.240 Parcel map waiver procedures.
- 16.24.010 Authority to act on parcel maps. The county surveyor is authorized to approve, conditionally approve, or deny parcel maps and tentative parcel maps, except when lands proposed to be divided are zoned AP (:agricultural preserve combining district), are under a land conservation contract, or are zoned TPZ (timberland production zone) and any parcel less than one hundred sixty (160) acres is proposed to be created. (Ord. 2325 §14, 2000; Ord. 1562 §2 (part), 1987).
- 16.24.020 Action on tentative parcel maps for lands under land conservation contracts or zoned AP Combining District or TPZ. The county surveyor shall not have authority to approve, conditionally approve, or deny a tentative parcel map for real property which is zoned AP (:agricultural preserve combining district) or is under a land conservation contract. Said approval, conditional approval, or denial is reserved to the board, with the exception of mergers, lot line adjustments, and resubdivisions, for which the county surveyor retains authority to act. Within fifteen (15) working days after the filing of a

completed tentative map and application form and completion of required environmental documents for such a map, the county surveyor shall schedule consideration of the tentative map before the board for a hearing not more than thirty (30) days later and give at least ten (10) days written notice of such hearing to the applicant and all adjacent property owners. The above procedures shall also apply to tentative parcel maps in which land zoned TPZ (timberland production zone) is proposed to be divided into any parcel less than one hundred sixty (160) acres. (Ord. 2325 §15, 2000; Ord. 1562 §2 (part), 1987).

# 16.24.030 Action by county surveyor on dedications.

- (a) The county surveyor may accept, reject, or accept for public use but reject for inclusion into the maintained system any dedications or offers of dedication which are made by statement on any parcel map which is subject to final approval by the county surveyor.
- (b) The county surveyor may accept for inclusion into the county maintained road system any

## 16.24.110 Certificates, acknowledgments and references.

- A. Certificates and acknowledgments on the maps shall be as set forth in Government Code Sections 66449 and 66450.
- B. All certificates and acknowledgments not required by Government Code Sections 66449, 66450 and 66477.1 including dedications or offers of dedication, may be made by separate instrument to be recorded concurrently with the parcel map being filed for record.
- C. Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the parcel map a reference to the separately recorded document. The county recorder shall complete the cross-reference to such concurrently recorded separate documents.
- D. If dedications or offers of dedications are required, they may be made by separate instrument, which shall be recorded concurrently with or prior to the parcel map filed for record.
- E. Requirements for construction of improvements shall be noticed by certificate on the parcel map. When a parcel map agreement or other type of agreement is recorded concurrently with the map, there shall appear onthe map a reference to the separately recorded document. This reference shall be completed by the county recorder. (Ord. 1562 §2 (part), 1987).

### 16.24.120 Survey requirements.

- A. At the time of making the survey, monuments shall be set at all lot corners and angle points. If the map is compiled from record data, or if the monuments are to be set on or before a specified later date, at least one exterior boundary of the land being divided shall be adequately monumented or referenced before the map is recorded.
- B. Durable monuments must be set on all boundary corners. Interior monuments will be required on all corners. The minimum monument requirements shall be a five-eighths inch minimum, round or square iron bar or other suitable permanent monument.
- C. For road easements and rights-of-way with curvilinear alignment, the beginning and end of each curve shall be monumented at the right-of-way or easement line, on both sides for all on-site roads, and for all off-site roads on one or both sides at the discretion of the director or county surveyor. Boundary lines with curvilinear alignment shall be monumented at the beginning and end of each curve.
- D. A designated remainder parcel with a gross area of five acres or more does not need to be

indicated as a matter of survey, but only by deed reference to the existing boundaries and acreage of the remainder. (Ord. 2325 §18, 2000; Ord. 1832 §19 1991; Ord. 1562 §2 (part), 1987).

# 16.24.130 Approval and recordation of parcel map.

- A. After the checkprints and accompanying materials have been approved by the county surveyor, the subdivider shall submit the complete set of parcel maps, the signed and notarized parcel map agreement, if required, security for all incomplete improvements and monuments which are not set, and recording fees as required.
- B. Upon receipt of the parcel map for checking and approval, accompanied by the required recording fees, the county surveyor shall comply with Section 66450 of the Government Code. C. Prior to final approval of a parcel map as herein provided, the applicant shall file with the county surveyor a certificate from the county tax collector showing that according to the records of his/her office, there are no liens against the property, or any part thereof, for unpaid state, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable. The final parcel map shall not be approved until all such taxes and special assessments which are due and payable have been paid, and until a request for separation on the current tax roll has been filed with the county tax collector. Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the applicant shall file with the county surveyor proof that the applicant has executed and filed with the tax collector security conditioned upon the payment of all state, county, municipal, and local taxes and the current installment of principal and interest of all special assessments collected as taxes, which at the time the parcel map is recorded are a lien against the property, but which are not yet payable. If the applicant deposits cash to secure the payment of the estimated taxes or special assessments required herein, the tax collector shall draw upon the cash deposit, at the request of the taxpayer, to pay the taxes or special assessments when they are payable.
- D. A parcel map conforming to the approved or conditionally approved tentative map may be filed with the county surveyor, or the board in the case of A-E:AP or certain TPZ maps, for approval after all required certificates on the map have been signed and, where necessary, acknowledged.
- E. The county surveyor, or the board, shall approve the map if it conforms to all the

### 16.24.160 Road easements and rights-of-way.

A. Easements Required. Each parcel or remainder created by map shall be served by an easement for ingress and egress. Such easement shall be deeded, dedicated or adjudicated.

Any road easement required on a parcel map shall be so located, aligned, and of sufficient width that the required road, including cuts, fills, turning bulbs and turnouts can be built within it which meets the requirements of Title 11. A dedicated maintenance easement shall be extended to five feet beyond the top of cuts and toe of fills. (Ord. 2864 § 20, 2007)

- B. Access From a Public Road. Frontage on any public road will not be counted as access for any parcel unless an encroachment permit is first obtained from the public agency controlling the road.
- C. Standard Easement Width. No road easement shall be less than fifty feet in width unless a reduction in such width is specifically allowed by guidelines in the following sections.
- D. On-site Road Easements. Where no more than four will be served by the easement, on-site road easements created for the purpose of serving lots within the division may be reduced to no less than twenty feet where a twelve-foot roadbed is required, twenty-five feet where a sixteen-foot roadbed is required, and thirty feet where a twenty-foot roadbed is required.

Whenever the easement continues through the property or there is potential for further division of the subject parcel, based on the minimum lot size of the general plan designation, an easement of sufficient width to allow construction of a twenty-foot wide roadbed with two-foot wide shoulders shall be required.

- E. Existing Rights-of-way.
- 1. Onsite Road Easements. When an existing right-of-way or road is shown on a record map within the proposed land division, such right-of-way shall be dedicated to the county unless a public hearing is held and a finding made by the director that no such dedication is necessary for orderly development. The width of such easement shall be fifty feet unless reduced by the director.
- 2. Offsite Road Easements. A division of land may be allowed where the owner of any property through which the road easement passes refuses to allow widening of the road easement, provided that such easement is of sufficient width for a road to be built within it which meets the requirements of Title 11
- F. Access to Adjoining Parcel. When an adjoining parcel does not have legal access or if the terrain abutting the legal access of an adjoining

parcel does not allow physical access and the owner of such parcel requests an easement or the director determines that such an easement is necessary for orderly development, the subdivider shall dedicate a road easement to the parcel. The width of the easement may be reduced to no less than twenty feet and shall be so designed that the road required for the type of development, as determined by the general plan designation and Title 11 can be built within it. If the topography would prevent the future building of-such a road, the requirement may be waived by the director.

Any road which is a continuation of an existing road shall have an easement of the same, or greater, width, with the exceptions of easements ending with turning bulbs, cul-de-sacs or other unusual configurations such as varying widths to encompass tops of cuts or toes of fills. The nominal consistent width shall be continued.

G. County Rights-of-way. Where an existing county maintained road that is designated as an arterial or future arterial road in the regional transportation plan crosses or abuts the subject parcel, the applicant shall dedicate fifty feet minimum along each side of the centerline unless a specific plan section has been adopted for that road section that may require more width.

Where an existing county maintained road that is designated as a major collector or future major collector road in the regional transportation plan crosses or abuts the subject parcel, the applicant shall dedicate forty feet minimum along each side of the centerline except where the county already owns a deeded or dedicated easement of that width.

Where an existing county maintained road that is designated as a minor collector or future minor collector road in the regional transportation plan crosses or abuts the subject parcel, the applicant shall dedicate thirty-two feet minimum along each side of the centerline except where the county already owns a deeded or dedicated easement of that width. Where a plan line of a future road which has been adopted by the board of supervisors crosses the subject parcel, the director shall require the centerline of the dedicated rights-of-way to follow the centerline of said plan line. Where no plan line has been adopted, dedication shall be based on the county's best estimate and may require additional right-of-way.

Where an existing county maintained road that is designated as a rural local road in the regional transportation plan crosses or abuts the subject parcel, the applicant shall dedicate twenty-five feet minimum along each side of the centerline except where the county already owns a deeded or

When land is zoned for division into lots 1.99 acres or smaller in size, the required minimum area shall be the same as the net acreage.

No parcel of less than five acres shall be created with an average ratio of length to width exceeding 4 to 1, except when the length is adjacent to a road easement.

- B. Flag lots. Flag lots are permitted in any land division subject to the following conditions:
- 1. No portion of any flag lot two acres or smaller in size which is less than forty feet in width shall be applied to the minimum area requirements specified in the uniform zoning ordinance.
- 2. The length to width ratio requirement of 4 to 1 shall only apply to that portion of the flag lot which is at least forty feet wide.
- 3. Except as otherwise provided, no portion of any flag lot less than fifty feet in width may be used as a building site.
- 4. That portion of the flag lot which is less than forty feet in width and which provides access from a street shall not exceed five hundred feet in length.
- 5. Two lots may share a driveway which shall meet the standards specified herein for private driveways and access roads serving two parcels or less if an casement is dedicated for such driveway as required herein.
- C. Common Driveways. Where driveway access from an arterial or collector road may be necessary for several adjoining parcels, the director may require that such parcels be served by a common driveway and easement in order to limit possible traffic hazard on such road. Driveways shall not be designed so that vehicles must back onto arterial or collector roads.

Provision shall be made for a common driveway where cuts and fills along the front property line are in excess of five feet above or below road grade. Such driveways should begin and end at the "daylight" section at each end of the cut or fill, if possible. Easements for common driveways shall be no less than twenty feet in width. Such driveways shall be constructed to the minimum road standards in Title 11.

- D. Parcel Drainage. Individual parcel drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each parcel to adjacent parcels.
- E. Additional Parking in Snow Removal Areas. Where any portion of a land division exceeds three thousand foot elevation and contains parcels less than two acres in gross area, two parking spaces shall be provided on each parcel as a condition to

be fulfilled by the subdivider. Additional parking spaces may be required based upon parcel zoning of a higher density or use other than single-family residential. These spaces should be at or near the elevation of the road. Off-site parking areas may be at combined locations to provide for up to three parcels if approved by the director. Locations for joint parking facilities shall be within common areas or additional dedicated easements. The subdivider must submit improvement plans which demonstrate where and how required parking spaces will be constructed. Parking spaces shall be constructed or bonded prior to recordation of the map.

F. Buffering Commercial Lots. Adjacent residential areas shall be protected from potential nuisance from a proposed commercial or industrial land division by the provision of a setback on commercial or industrial property equal to that required for contiguous property. (Ord. 2864 §25, 26, 2007; Ord. 1895 §1 1992; Ord. 1562 §2 (part), 1987).

### 16.24.200 Water requirements.

A. Residential. For residential development of less than two acres per parcel, the public water system must be capable of supplying the following fire flows from the county standard hydrants at twenty psi residual pressure for a two-hour duration:

1. Two hundred fifty gallons per minute where there are densities greater than one parcel per two acres and up to and including one parcel per acre.

- 2. Five hundred gallons per minute where there are densities of more than one and up to and including six units per acre.
- 3. Seven hundred fifty gallons per minute where there are densities of more than six and up to and including nine units per acre.
- One thousand two hundred fifty gallons per minute where densities are more than nine units per acre.
- B. Commercial, industrial, mixed use, and business park. The minimum required fire flow for land divisions within the M-U, C-K, C-O, C-1, C-2, C-S, BP, M-1, and M-2 zoning districts shall be 1,500 gallons per minute. Water to meet the required fire flow must be available on each parcel prior to approval of a final parcel map except a new parcel is not required to have fire flow on it if:
- 1. The entire area of the proposed parcel is within three hundred feet (distance from hydrant to the parcel measured along a primary or paved access road) of a hydrant with the fire flow set forth above; and
- 2. A deeded or dedicated easement is available between the water line serving the hydrant and the proposed parcel.

### SUBDIVISION MAPS

### Sections:

16.26.010	Authority to act on subdivision maps.
16.26.020	Preliminary soils report.
16.26.030	Unbonded improvements.
16.26.040	Submission of tentative map.
16.26.050	Review and recommendation.
16.26.060	Public hearing.
16.26.070	Time limits for tentative map approvals.
16.26.080	Requirements for completion.
16.26.090	Certificates, acknowledgments and references.
16.26.100	Survey requirements.
16.26.110	Approval and recordation of map.
16.26.120	Park dedications or in-lieu fees.
16.26.130	When improvements shall be provided.
16.26.140	Road design.
16.26.150	Road easements and rights-of-way.
16.26.160	Public utility easements.
16 26 170	Access accoments to public waterways

16.26.170 Access easements to public waterways.

16.26.180 Drainage.

16.26.190 Lot design.

16.26.200 Water requirements.

16.26.210 Planned unit development permit when water system does not have the required fire

16.26.220 Fire hydrants.

16.26.230 Reasonable proof of Groundwater.

### 16.26.010 Authority to act on final maps.

The board shall approve, conditionally approve, or deny tentative maps. The board shall have the authority to approve a final map if it conforms to all the requirements of this title applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder, or, if it does not so conform, disapprove the map. At the time the legislative body approves a final map, it shall also accept, accept subject to improvements, or reject any offer of dedication. (Ord. 2864 § 27. 2007; Ord. 1562 § 2 (part), 1987).

### 16.26.020 Preliminary soils report.

A. Except as provided in subdivision D. a final map shall not be approved, until the subdivider submits a preliminary soils report to and obtains approval of the building and safety division, and, if required, submits and obtains approval of a soils investigation report. The soils report shall be prepared by a registered geotechnical or civil engineer and shall be based upon adequate observations and tests of the materials disclosed by appropriate test borings or excavations made within the boundary of the subdivision. There shall be a

sufficient number of test borings to show the locations of significant classifications of soils within the subdivision.

B. If the building and safety division determines the preliminary soils report indicates the presence of potentially expansive soil or any soil condition which, if not corrected, may lead to structural defects, or the soil is such that any buildings, not requiring special design, would exceed the values set forth in the current edition of the Building Code, as adopted by the board, a soil investigation of each lot in the area of the questionable soil shall be required, and a registered geotechnical or civil engineer shall, in accordance with the current edition of the Building Code, as adopted by the board, recommend foundation design and construction criteria to safeguard against structural damage to each building to be constructed on that soil. Expansive soil as used in this section is defined as soils with an expansive index greater than 20, as determined by the current edition of the Building Code as adopted by the board. The soil investigation report shall be approved by the

building and safety division and a copy thereof shall

requirements as hereinafter provided. A final map shall be considered complete for checking when the subdivider submits two prints of a final map which substantially conforms to the approved tentative map, which meets the requirements contained within the Subdivision Map Act, this title, and any other applicable state and county laws.

B. In addition, the application for a final map must comply with the final map checklist, as established by the county surveyor.

C. The subdivider shall submit to the county surveyor complete sets of checkprints, traverse sheets, engineered improvement plans, letters of verification for driveways and other such materials as specified in the final map checklist.

D. The subdivider shall submit final map check fees, as specified on said checklist, and inspection fees for improvements, as required.

E. The final map shall be prepared by a surveyor. (Ord. 2864 § 32, 2007; Ord. 1562 § 2 (part), 1987).

# 16.26.090 Certificates, acknowledgments and references.

- A. Certificates and acknowledgments on the map shall be as set forth in Government Code Sections 66441 and 66442.
- B. All certificates and acknowledgments not required by Government Code Sections 66441, 66441 and 66477.1 including dedications or offers of dedication, may be made by separate instrument to be recorded concurrently with the final map being filed for record.
- C. Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the final map a reference to the separately recorded document. The county recorder shall complete the cross-reference to such concurrently recorded separate documents.
- D. Requirements for construction of improvements shall be noticed by certificate on the final map. When a subdivision agreement or other type of agreement is recorded concurrently with the map, there shall appear on the map a reference to the separately recorded document.
- E. This reference shall be completed by the county recorder. (Ord. 1562 § 2 (part), 1987).

### 16.26.100 Survey requirements.

A. At the time of making the survey, monuments shall be set at all lot corners and angle points. If the map is compiled from record data, or if the monuments are to be set on or before a specified later date, at least one exterior boundary of the land being divided shall be adequately

monumented or referenced before the map is recorded.

- B. Durable monuments must be set on all boundary corners. Interior monuments will be required on all corners. The minimum monument requirements shall be a five-eighths inch round or square iron bar or other suitable permanent monuments.
- C. For road easements and rights-of-way with curvilinear alignment, the beginning and end of each curve shall be monumented at the right-of-way or easement line, on both sides for all on-site roads, and for all off-site roads on one or both sides at the discretion of the director or county surveyor. Boundary lines with curvilinear alignment shall be monumented at the beginning and end of each curve.
- D. A designated remainder parcel with a gross area of five acres or more does not need to be indicated as a matter of survey, but only be deed reference to the existing boundaries of such remainder and by acreage of such remainder. (Ord. 2325 § 31, 2000; Ord. 1832 § 2, 1991; Ord. 1562 § 2 (part), 1987).

### 16.26.110 Approval and recordation of map.

- A. After the checkprints and accompanying materials have been approved by the county surveyor, the subdivider shall submit the complete set of final maps, the signed and notarized subdivision agreement, engineer's estimates, security for all incomplete improvements and monuments which are not set, and inspection fees for all improvements.
- B. Upon receipt of the final map for checking and approval, accompanied by the required recording fees, the county surveyor shall comply with Section 66442 of the Government Code.
- C. Prior to final approval of a final map as herein provided, the applicant shall file with the county surveyor a certificate from the county tax collector showing that according to the records of his/her office, there are no liens against the property, or any part thereof, for unpaid state, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable. The final map shall not be approved until all such taxes and special assessments which are due and payable have been paid, and until a request for separation on the current tax roll has been filed with the county tax collector. Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the applicant shall file with the county surveyor proof

proposal for dedicating of land for park and recreation purposes, paying of fees in lieu thereof, receiving credit for private park and recreation facilities, or a combination thereof.

- C. Criteria for Approval. After the tentative map has been filed, the community development department shall determine the suitability of the developer's proposal for park land or fees, or both, to serve the subdivision. In making this determination, the community development department shall consider the following factors:
- 1. Lands offered for dedication will substantially comply with the recreation element of the general plan;
- 2. The topography, soils, soil stability, drainage, access, location and general utility of land in the development available for dedication;
- 3. The size and shape of the development and land available for dedication,
- 4. How much land consisting of school playgrounds or public park lands is available for combination with dedicated lands in the formation of local park and recreation facilities; and
- 5. The space or local recreation facilities to be privately owned and maintained by future residents of the development.

The land, fees, or combination thereof, are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreation facilities which will serve the subdivision; but if the county general plan or a specific plan contemplates a larger or more significant recreation development (such as an area or community park) which will serve an area including the subdivision, the dedicated land or fees may be devoted to such use, if it bears a reasonable relationship to the future inhabitants of the subdivision.

D. Credit for Privately Developed Facilities. If the subdivider provides park and recreational improvements to land dedicated for public park purposes, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by this title as determined by the community development department.

In order to encourage the provision of private park and recreation facilities, one hundred twenty-five percent credit may be obtained for private park and recreation dedication requirements if the board makes findings that the following standards and criteria have been met prior to approval of the final map:

- 1. The park and/or recreation facility is to be owned and maintained by the future owner(s) of the development;
- 2. That the advisory agency has determined that it is in the public interest to grant such credit and has approved the necessary easements, covenants and/or instruments;
- 3. That evidence has been provided that the private ownership and maintenance of the area will be adequately provided for by recorded written agreement, covenants or restrictions; and
- 4. That the use of the private area is restricted for park and recreational purposes by an open space easement or other instrument which cannot be defeated or eliminated without the permission of the board and county counsel's office; and
- 5. That yards, court areas, setbacks and other open areas required to be maintained by the zoning and building ordinances and other regulations shall not be, and have not been, included in the computation of the amount of space in such private areas; and
- 6. That the proposed private area is reasonably adaptable for use for park or recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location; and
- That facilities proposed for the area are in substantial accordance with the provisions of the general plan or adopted community or specific plans; and
- 8. That the area for which credit is given prevides a minimum of three of the local park basic elements listed below or other recreational improvements that will meet the specific recreation park needs of the future residents of the subdivision:

### Minimum Acreage Criteria Recommended

Chiena Necommended				
a. Children's play apparatus area	0.50 to 0.75			
b. Landscape park-like and quiet				
area	0.50 to 1.00			
c. Family picnic area	0.25 to 0.75			
d. Game court area	0.25 to 0.50			
e. Turf playfield 1.00 to 3.00				
f. Swim pool (42 ft. x 75 ft. with adjacent				
deck and lawn area)	0.25 to 0.50			
g. Recreation center building	0.15 to 0.25			
h. Recreation community gardening (	0.10 to 0.25			

E. Procedures for Conveyance. Where dedication is required, it shall be accomplished in accordance with the provisions of the Subdivision Map Act. If land is accepted for dedication by the board of supervisors, it shall be conveyed to

same to the county for disposition according to item 1 of this subsection. (Ord. 2864 § 34, 2007; Ord. 2493 § 1, 2003; Ord. 2314 §§ 71, 72, & 73, 1999; Ord. 1562 § 2 (part), 1987).

16.26.130 When improvements shall be provided. Except as otherwise provided in this title, the subdivider shall provide the applicable improvements as set forth in this title and Titles 11 and 15 as a condition precedent to the acceptance and approval of the final map. (Ord. 1562 § 2 (part), 1987).

### 16.26.140 Road design.

A. General Road Design. All roads shall be properly integrated with the existing and proposed system of roads and dedicated rights-of-way as established on the regional transportation plan.

All roads shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

A road which meets the county standards for the zoning, density and location of the subdivision shall serve each parcel.

Local roads shall be laid out to conform as must as possible to the topography, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

Off-site road alignment may be modified by the director to allow construction of a road within an existing easement.

- B. Determining Number of Parcels Served by a Road. For purposes of this title the number of parcels served by a road shall include all parcels for which the road must be used to reach a state or county maintained road. Parcels with more than one access shall be counted unless the parcel is developed and served by another road.
- C. Determining Which Roads Shall be Improved. The subdivision road and driveway improvement standards shall apply to any roads, including existing county roads, which serve any lot within the proposed subdivision, and which do not meet the required development standards for the size, type, and density of the development or which require additional improvements to accommodate traffic created by the development.
- D. Specific Road Standards. Roads to serve lots within subdivisions shall be constructed in accordance with the standards as set forth in Title 11.

Additional improvements to the county=s circulation system may be required when warranted, such as by the projected daily trips (ADT) or on arterial or major collector roads as identified by the regional transportation plan, on a fair share contribution basis to maintain safety and acceptable levels of service. Such improvements may include, but not be limited to, above standard requirements such as wider lanes, left turn lanes or pockets, acceleration-deceleration tapers, bus turnouts and traffic signals.

For subdivisions of less than two acres per parcel, the following may also be required:

- a. Periodic widening of the road shoulder for group location of mailboxes or for school bus loading stops;
- b. Four feet extra pavement width on road shoulder on one side of the road for anticipated pedestrian traffic.
- E. Private Driveways. Private driveways need not be constructed or bonded for construction prior to the filing of the map, unless there is an existing building on the subject parcel. However, as a condition precedent to the filing of the final map, the applicant must demonstrate that a private driveway can be constructed on each parcel which would meet the standards for driveways as specified in Title 11 of this code. Demonstrated proof shall be submitted in the form of a letter signed by a licensed land surveyor or registered civil engineer that a road which meets the standards for a private driveway can be built from the access road to a building site on the parcel.
- F. Road Names. The continuation of existing contiguous roads within a new subdivision shall bear the names of such existing roads. The names of new roads shall be subject to the approval of the director or county surveyor and shall not approximate phonetically existing road names.
- G. Continuation of Roadways. The alignment, dedication and improvement of roads shall provide for the continuation of existing and or proposed roads on adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and where such continuation is in accordance with the regional transportation plan. Any road which is a continuation of an existing road shall be constructed to the same or greater width as the existing road and in accordance with Title 11 of this code. Right of way dedication for the continuation of centerline of roads to adjacent properties shall be provided if the adjacent property is undeveloped. The right-of-way shall be extended

parcel, the applicant shall dedicate twenty-five feet minimum along each side of the centerline except where the county already owns a deeded or dedicated easement of that width. If the director determines that a fifty-foot right-of-way will not be needed now or in the future, the director may reduce the required right-of-way but in no case to less than twenty feet from centerline.

If the director makes the finding that additional right-of-way is necessary to allow future widening of an arterial, collector or rural local road such requirement shall be increased to no more than fifty feet each side of the centerline. Upon request, the results of the finding shall be forwarded to the subdivider and his/her surveyor or engineer along with the request for the additional right-of-way. If the director makes the finding that realignment of the roadway is necessary for public safety, a new centerline may be established for the purpose of such dedication.

- G. Commercial and Industrial Easements. Easements may be reduced to no less than thirty-six feet in width to serve commercial or industrial parcels.
- H. Access through public lands. Access through public lands must be provided to the subject parcel by permit or easement from the public agency with jurisdiction. No specified width is necessary when approved by the director.
- I. Exceptions for Irrevocable, Reciprocal Easements. If irrevocable, reciprocal easements are provided for access, utilities or parking, and such easements are approved by the director, requirements for all other easements may be waived for townhouse or condominium land divisions. The documents providing such easements must be approved by county counsel. (Ord. 2864 §§ 35, 36, 37 2007; Ord. 1679 § 1, 1989; Ord. 1562 § 1 (part), 1987).

### 16.26.160 Public utility easements.

- A. All nonexclusive road and access dedications as specified in this title shall be further reserved and dedicated as public utility easements. Public utility easements, eight feet in width shall be dedicated along each interior lot line. Public utility easements, sixteen feet in width shall be dedicated along the exterior boundary of the subdivision.
- B. For subdivisions where underground utilities are specified, or mandated by California public utilities rules, the public utility easements dedicated shall be six feet in width along such interior lot line and twelve feet in width along the exterior boundary of the subdivision. Provision of a utility easement, along the exterior boundary may

be waived if an equivalent easement exists along the adjacent boundary.

- C. A public utility easement, sixteen feet in width, shall be dedicated where existing utility facilities exist. Such easement shall extend to the farthest parcel served by such existing facilities unless provision has been made with the public utility or owner of the improvements to move them into an easement.
- D. A public utility easement, a minimum of thirty five feet in width shall be dedicated along any portion of any public utility owner's ditch system which lies within the subject parcel. The required width may be increased or decreased at the request of the public utility owner.
- E. With prior written approval of the public utility owner, a property owner may pipe or realign the public utility owner's ditch system on his/her property. (Ord. 2864 § 38, 2007; Ord. 1562 § 2 (part), 1987).

# 16.26.170 Access easements to public waterways.

- A. A subdivision proposed with frontage on a public waterway river or stream shall provide for a dedication of a public easement along a portion of the bank of the river or stream bordering or lying within the proposed subdivision.
- B. The extent, width and character of the easement shall be approved pursuant to Government Code Section 66478.5.
- C. Such a public easement shall not be required for an industrial subdivision.
- D. Any subdivision proposed with frontage on a public waterway river or stream shall provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision. Determination of the reasonableness of such public access shall be made pursuant to Government Code Section 66478.4. (Ord. 1562 § 2 (part), 1987).

### 16.26.180 Drainage.

- A. Drainage study. A drainage study shall be prepared.
- B. Drainage Improvements. Drainage structures shall be installed or improved as necessary to convey storm waters from the project to the point where the waters enter a natural drainage which can adequately contain and convey the storm waters.
- C. Drainage Easements and Preservation of Watercourses. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream,

- G. Additional Parking in Snow Removal Areas. Where any portion of a land division exceeds three thousand foot elevation and contains parcels less than two acres in gross area, two parking spaces shall be provided on each parcel as a condition to be fulfilled by the subdivider. Additional parking spaces may be required based upon parcel zoning of a higher density or use than single-family residential. These spaces should be at or near the elevation of the road. Off-site parking areas may be at combined locations to provide for up to three parcels if approved by the director. Locations for joint parking facilities shall be within common areas or additional dedicated easements. The subdivider must submit improvement plans which demonstrate where and how required parking spaces will be constructed. Parking spaces shall be constructed or bonded prior to recordation of the map.
- H. Buffering Commercial Lots. Adjacent residential areas shall be protected from potential nuisance from a proposed commercial or industrial land division by the provision of a setback on commercial or industrial property equal to that required for contiguous property. (Ord. 2864 § 40, 2007; Ord. 1895 § 2, 1992; Ord. 1562 § 2 (part), 1987).

### 16.26.200 Water requirements.

- A. Residential. For residential development of less than two acres per parcel, the public water system must be capable of supplying the following fire flows from the county standard hydrants at twenty psi residual pressure for a two-hour duration:
- 1. Two hundred fifty gallons per minute where there are densities greater than one parcel per two acres and up to and including one parcel per acre.
- 2. Five hundred gallons per minute where there are densities of more than one and up to and including six parcels per acre.
- 3. Seven hundred fifty gallons per minute where there are densities of more than six and up to and including nine units per acre.
- 4. One thousand two hundred fifty gallons per minute where densities are more than nine units per acre.
- B. Commercial, Industrial, mixed use, and business park. The minimum required fire flow for land divisions within the M-U, C-K, C-0, C-1, C-2, C-S, BP, M-1 and M-2 zoning districts shall be 1,500 gallons per minute. Water to meet the required fire flow must be available on each parcel prior to approval of a final parcel map except a new parcel is not required to have fire flow on it if:
- The entire area of the proposed parcel is within three hundred feet (distance from hydrant to

the parcel measured along a primary or paved access road) of a hydrant with the fire flow set forth above; and

2. A deeded or dedicated easement is available between the water line serving the hydrant and the proposed parcel.

Standards for water mains, water storage for fire protection, and water supply shall be in accordance with title 15 of this code. (Ord. 2579 § 15, 2004; Ord. 1562 § 2 (part), 1987).

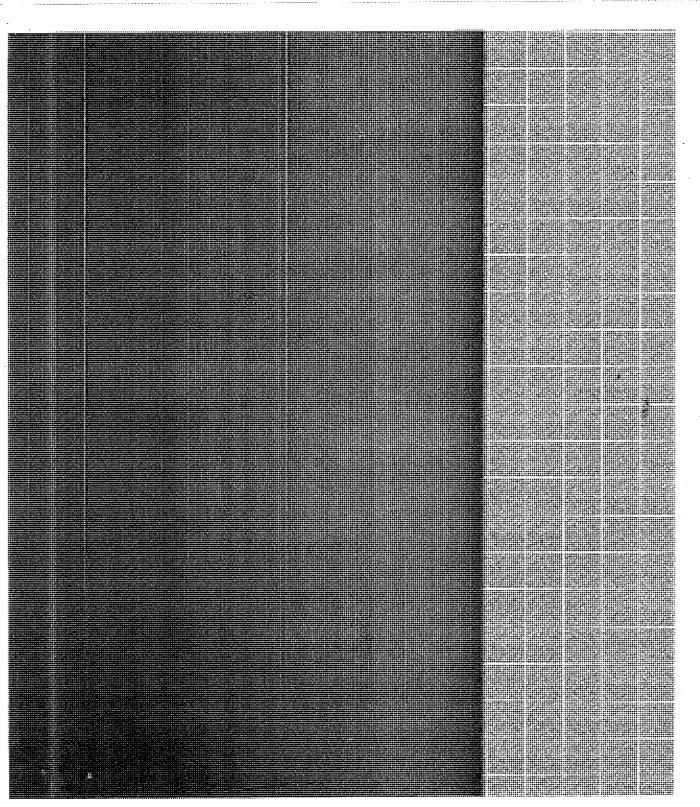
- 16.26.210 Planned unit development permit when water system does not have the required fire flow. A property owner proposing a land division within an existing water system and within five hundred feet of an existing main line not meeting the required fire flow may propose, and the county may approve, the land division through the issuance of a planned unit development permit subject to the following terms and conditions, and any other conditions of approval of the planned unit development permit:
- A. All feasible improvements to upgrade the fire flow in the existing system are made. Feasible improvements are both technically possible and economically reasonable.
- B. An engineering study may be required to aid in determining what improvements are feasible.
- C. The owner may be required to contribute to improvements not feasible for this project alone.
- D. Hookup to the system shall be designed and installed so as to accommodate the maximum flow available or projected.
- E. Further extension of the line shall be prohibited unless the fire flow required for a land division is available.
- F. Structures constructed on the property must be designed and constructed to meet the standards set forth in title 15 of this code. (Ord. 2901 § 7, 2008; Ord. 2579 § 16, 2004)
- **16.26.220** Fire hydrants. Fire hydrants shall be located and installed in accordance with Title 15. (Ord. 1562 § 2 (part), 1987).
- 16.26.230 Reasonable proof of groundwater. For subdivisions which rely on individual wells to supply water, reasonable proof of groundwater availability on-site shall be provided to the environmental health department in a form as specified by their guidelines. For subdivisions with lots of five gross acres or more, groundwater proof shall be provided prior to approval of the final map. For subdivisions with lots of less than five gross acres, groundwater proof shall be provided prior to

### **SEPARATE VALUATION OF PARCELS**

Sections:

16.28.010 Assessor Determination of Separate Valuation.

16.28.010 Assessor Determination of Separate Valuation. The following provisions contained in Revenue and Taxation Code section 2823 shall not apply in the County of Tuolumne: the prohibition in subsection (b) which prohibits the making of a separate valuation of any parcel covered by a subdivision map filed for record after the lien date immediately preceding the current fiscal year; and the prohibition in subsection (c) which prohibits the dividing of an original assessment into more than four parcels. (Ord. 3219 §1, 2013)



# 2001

Professional Engineers Act

Professional Land Surveyors Act

**State Board Rules** 



# Professional Land Surveyors Act

as amended January 1, 2001

§8700—880<del>5</del>

Business and Professions Code

State of California

practice, stating the approximate date when he or she intends to commence the specific project and the approximate duration of the specific project, which shall not exceed 180 consecutive days from the commencement date of the specific project.

Upon completion of the requirements, the executive officer, on the direction of the board, shall issue a temporary authorization to the

applicant.

[Amended, Chapter 1006, Statutes of 2000]

### Article 5. Surveying Practice

### 8759. Written contract requirements

- (a) A licensed land surveyor or registered civil engineer authorized to practice land surveying shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the licensed land surveyor or registered civil engineer and the client, or his or her representative, prior to the licensed land surveyor or registered civil engineer commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:
- (1) A description of the services to be provided to the client by the licensed land surveyor or registered civil engineer.
- (2) A description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties.
- (3) The name, address, and license or certificate number of the licensed land surveyor or registered civil engineer, and the name and address of the client.
- (4) A description of the procedure that the licensed land surveyor or registered civil engineer and the client will use to accommodate additional services.
- (5) A description of the procedure to be used by any party to terminate the contract.
  - (b) This section shall not apply to any of the following:
- (1) Professional land surveying services rendered by a licensed land surveyor or registered civil engineer for which the client will not pay compensation.
- (2) A licensed land surveyor or registered civil engineer who has a current or prior contractual relationship with the client to provide professional services pursuant to this chapter, and that client has paid the surveyor or engineer all of the fees that are due under the contract.
- (3) If the client knowingly states in writing after full disclosure of this section that a contract which complies with the requirements of this section is not required.

a registered civil engineer to any of the following:

- (A) A professional engineer licensed or registered under 7 (commencing with Section 6700).
  - (B) A land surveyor licensed under this chapter.
- (C) An architect licensed under Chapter 3 (commencin Section 5500).
- (D) A contractor licensed under Chapter 9 (commencin Section 7000).
- (E) A geologist or a geophysicist licensed under Chapt (commencing with Section 7800).
- (F) A manufacturing, mining, public utility, resear development, or other industrial corporation, if the serviprovided in connection with or incidental to the products, systservices of that corporation or its affiliates.
  - (G) A public agency.
- (c) "Written contract" as used in this section includes a that is in electronic form.

[Added, Chapter 976, Statutes of 2000]

### 8760. Oaths

Every licensed land surveyor or registered civil engineer may administer oaths:

- (a) When it becomes necessary to take testimony for the identitiestablishment of old, lost or obliterated corners.
- (b) When a corner or monument is found in a perishable conditi appears desirable that evidence concerning it be perpetuated.
- (c) When the importance of the survey makes it desirable, to admost to his assistants for the faithful performance of their duty.

A record of oaths shall be preserved as part of the field notes of the sum memorandum of them shall be made on the record of survey filed under this artic

### 8761. Use of signature and seal

Any licensed land surveyor or registered civil engineer may practice land and prepare maps, plats, reports, descriptions, or other documentary exconnection with that practice. All maps, plats, reports, descriptions, documents issued by the licensed land surveyor or registered civil engineer shall by the surveyor or engineer to indicate the surveyor's or engineer's respons them. In addition to the signature, the map, plat, report, description, or other shall bear the seal or stamp of the licensee or registrant and the expiration dicense or registration. If the map, plat, report, description, or other documultiple pages or sheets, the signature, seal or stamp, and expiration date of the registration need only appear on the originals of the map or plat and on the titl the report, description, or other document.

It is unlawful for any person to sign, stamp, seal, or approve any report, description, or other document unless the person is authorized to prasurveying.

It is unlawful for any person to stamp or seal any mareport, description, or other document with the seal after the ce of the licensee that is named on the seal has expired or h [Amended, Chapter 1054, Statutes of 2000]

### 8761.1. Consistency of authority to sign and seal

The authority of a licensed land surveyor or registered civil engineer to prepare, sign, issue, stamp, seal, or approve any map, plat, report, description, or other document shall be consistent with that person's authority to practice land surveying.

[Amended, Chapter 805, Statutes of 1987]

### 8761.2. Responsibility for subsequent changes

Notwithstanding the provisions of Section 8761, a registered civil engineer or licensed land surveyor who signs land surveying maps, plats, reports, descriptions, or other surveying documents shall not be responsible for damage caused by subsequent changes to or uses of those maps, plats, reports, descriptions, or other surveying documents, where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the registered civil engineer or licensed land surveyor who originally signed the maps, plats, reports, descriptions, or other surveying documents, provided that the engineering or surveying service rendered by the civil engineer or land surveyor who signed the maps, plats, reports, descriptions, or other surveying documents was not also a proximate cause of the damage.

[Added, Chapter 1507, Statutes of 1985]

### 8762. Record of survey when required

After making a field survey in conformity with the practice of land surveying, the surveyor or civil engineer may file with the county surveyor in the county in which the survey was made, a record of the survey.

After making a field survey in conformity with the practice of land surveying, the licensed land surveyor or registered civil engineer shall file with the county surveyor in the county in which the field survey was made a record of the survey relating to land boundaries or property lines, if the field survey discloses any of the following:

(a) Material evidence or physical change, which in whole or in part does not appear on any subdivision map, official map, or record of survey previously recorded or *properly* filed in the office of the county recorder or county surveying department, or map or survey record maintained by the Bureau of Land Management of the United States.

(b) A material discrepancy with the information contained in any subdivision map, official map, or record of survey previously recorded or filed in the office of the county recorder or the county surveying department, or any map or survey record maintained by the Bureau of Land Management of the United States. For purposes of this subdivision, a "material discrepancy" is limited to a material discrepancy in the position of points or lines, or in dimensions.

(c) Evidence that, by reasonable analysis, might result in materially alternate positions of lines or points, shown on any subdivision map, official map, or record of survey previously recorded or filed in the office of the county recorder or the county surveying department, or any map or survey record maintained by the Bureau of Land Management of the United States.

(d) The establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey, the positions of which are not ascertainable from an inspection of the subdivision map, official map, or record of survey.

parcel described in any deed or other instrument of title recorded in the county office are not shown on any subdivision map, official map, or record of survey.

The record of survey required to be filed pursuant to this section shall within 90 days after the setting of boundary monuments during the performance survey or within 90 days after completion of a field survey, whichever occurs firs

If the 90-day time limit contained in this section cannot be complied reasons beyond the control of the licensed land surveyor or registered civil engine 90-day time period shall be extended until the time at which the reasons for eliminated. If the licensed land surveyor or registered civil engineer cannot complete 90-day time limit, he or she shall, prior to the expiration of the 90-day time provide the county surveyor with a letter stating that he or she is unable to completter shall provide an estimate of the date for completion of the record of surreasons for the delay, and a general statement as to the location of the survey, the assessor's parcel number or numbers.

The licensed land surveyor or registered civil engineer shall not initially be to provide specific details of the survey. However, if other surveys at the same are performed by others which may affect or be affected by the survey, the lice surveyor or registered civil engineer shall then provide information requested county surveyor without unreasonable delay.

Any record of survey filed with the county surveyor shall, after being examined on her, be filed with the county recorder. The county recorder shall the preparer of the map with the filing data within 10 days of the of the map.

[Amended, Chapter 678, Statutes of 2000]

### 8762.5. Record of survey—agency certificate

No record of survey of land shown on the latest adopted county assessment unit or as contiguous units, which shows a division of such land into additional shall be filed with the county surveyor or with the county recorder, unless attached thereto a certificate by the county surveyor if the land lies, we unincorporated area, or a certificate by the city-engineer if the land lies—within a compliance with the provisions of the Subdivision Map Act, Division 2 (comwith Section 66410) of Title 7 of the Government Code, and any application ordinance enacted pursuant thereto.

### 8763. Record of survey—sheet requirements

The record of survey shall be a map, legibly drawn, printed, or reproduct process guaranteeing a permanent record in black on tracing cloth, or polyester by 18 by 26 inches or 460 by 660 millimeters. If ink is used on polyester base film surface shall be coated with a suitable substance to assure permanent legible marginal line shall be drawn completely around each sheet leaving an entire margin of one inch or 025 millimeters.

[Amended, Chapter 579, Statutes of 1995]

### 8764. Record of survey—technical requirements

The record of survey shall show the applicable provisions of the fe consistent with the purpose of the survey:

(a) All monuments found, set, reset, replaced, or removed, describing kind, size, and location, and giving other data relating thereto.

More and level designation of the property in which the gurrey is leceted							
(c) Name and legal designation of the property in which the survey is located, and the date or time period of the survey.							
(d) The relationship to those portions of adjacent tracts, streets, or senior							
conveyances which have common lines with the survey.							
(e) Memorandum of oaths.							
(f) Statements required by Section 8764.5.							
(g) Any other data necessary for the intelligent interpretation of the various							
items and locations of the points, lines, and areas shown, or convenient for the							
identification of the survey or surveyor, as may be determined by the civil engineer or land surveyor preparing the record of survey.							
							The record of survey shall also show, either graphically or by note, the reason or
reasons, if any, why the mandatory filing provisions of subdivisions (a) to (e), inclusive,							
of Section 8762 apply.							
The record of survey need not consist of a survey of an entire property.							
[Amended, Chapter 133, Statutes of 1988]							
8764.5. Required statements							
Statements shall appear on the map as follows:							
SURVEYOR'S STATEMENT							
This map correctly represents a survey made by me or under my direction in							
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							
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							
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							
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							
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  Name of Person Authorizing Survey  (Signed and sealed)							
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  Name of Person Authorizing Survey  (Signed and sealed)							
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  Name of Person Authorizing Survey  (Signed and sealed)  L.S. (or R.C.E.) No.							
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  Name of Person Authorizing Survey  (Signed and sealed)							
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Filed this		day of	, 19, at	
п Book _		of		
oage	, at the request of	`	-	
		(Signed)		
			County Recorder	

No other statements may appear on the face of the map except those required or by this article.

[Amended, Chapter 133, Statutes of 1988]

### 8765. Record of survey—exemptions

À record of survey is not required of any survey:

- (a) When it has been made by a public officer in his or her official cap a reproducible copy thereof, showing all data required by Section 8764, e recorder's statement, has been filed with the county surveyor of the county in land is located. Any map so filed shall be indexed and kept available f inspection.
  - (b) Made by the United States Bureau of Land Management.

(c) When a map is in preparation for recording or shall have been under the provisions of the Subdivision Map Act.

- (d) When the survey is a retracement of lines shown on a subdivis official map, or a record of survey, where no material discrepancies with those refound and sufficient monumentation is found to establish the precise location of corners thereon, provided that a corner record is filed for any property corners whi or reset or found to be of a different character than indicated by prior record purposes of this subdivision, a "material discrepancy" is limited to a material distribution of points or lines, or in dimensions.
- (e) When the survey is a survey of a mobilehome park interior lot as a Section 18210 of the Health and Safety Code, provided that no subdivision map map, or record of survey has been previously filed for the interior lot or no conversidential ownership has occurred pursuant to Section 66428.1 of the Government [Amended, Chapter 608, Statutes of 1999]

### 8766. Record of survey—examination

Within 20 working days after receiving the record of survey, or wit additional time as may be mutually agreed upon by the land surveyor or civil eng the county surveyor, the county surveyor shall examine it with respect to a following:

- (a) Its accuracy of mathematical data and substantial compliance information required by Section 8764.
- (b) Its compliance with Sections 8762.5, 8763, 8764.5, 8771.5, and 8. The examination pursuant to this section shall not require the licen surveyor or registered civil engineer submitting the record of survey to ch methods or procedures utilized or employed in the performance of the survey, nor examination require a field survey to verify the data shown on the record of survey

License expiration date

or employed in the performance of the survey.

The examination pursuant to this section shall be performed by, or under the direct supervision of, adicensed land surveyor or registered civil engineer.

### 8766.5. Record of survey—examination fee

The county surveyor may charge a reasonable fee for examining a record of survey pursuant to Section 8766 which shall not exceed the cost of the service or one hundred dollars (\$100), whichever is the lesser. However, this one hundred dollars (\$100) maximum fee may be increased by the board of supervisors if such an increase is authorized by a duly adopted ordinance and the ordinance was adopted pursuant to a staff report demonstrating that the cost of providing the examination service actually exceeds one hundred dollars (\$100) per record of survey.

### 8767. County surveyor endorsement; noting disagreements

If the county surveyor finds that the record of survey complies with the examination in Section 8766, the county surveyor shall endorse a statement on it of his or her examination, and shall present it to the county recorder for filing. Otherwise the county surveyor shall return it to the person who presented it, together with a written statement of the changes necessary to make it conform to the requirements of Section 8766. The licensed land surveyor or registered civil engineer submitting the record of survey may then make the agreed changes and note those matters which cannot be agreed upon in accordance with the provisions of Section 8768 and shall resubmit the record of survey within 60 days, or within the time as may be mutually agreed upon by the licensed surveyor or registered engineer and the county surveyor, to the county surveyor for filling pursuant to Section 8768.

[Amended, Chapter 580, Statutes of 1997]

### Record of survey explanations of differences

If the matters appearing on the record of survey cannot be agreed upou by the licensed land surveyor or the registered civil engineer and the county surveyor within 10 working days after the licensed land surveyor or registered civil engineer resubmits and requests the record of survey be filed without further change, an explanation of the differences shall be noted on the map and it shall be presented by the county surveyor to the county recorder for filing, and the county recorder shall file the record of survey. The licensed land surveyor or registered civil engineer filing the record of survey shall attempt to reach agreement with the county surveyor regarding the language for the explanation of the differences. If they cannot agree on the language explaining the differences, then both shall add a notation on the record of survey explaining the differences. The explanation of the differences shall be sufficiently specific to identify the factual basis for the difference.

[Amended, Chapter 580, Statutes of 1997]

### 8768.5. Record of survey—timely filing

If the county surveyor fails to timely file the record of survey with the county recorder in accordance with Section 8768, the licensed land surveyor or registered civil engineer submitting the map may bring an action pursuant to Section 1085 of the Code of Civil Procedure to compel the filing of the record of survey. After the licensed-land-surveyor or registered civil engineer resubmits and requests the record of survey be filed without further change, the filing of the record of survey shall be deemed to be a ministerial act.

between a licensed land surveyor or a registered civil engineer and the county surveyor or a registered civil engineer and the county surveyor, the court may award to the prevailing party costs and other expelitigation, including the payment of experts and other witnesses, and reasonable at fees.

### 8769. Record of survey—filing costs

The charge for filing any record of survey, and for indexing the same, shall same as provided for subdivided land under Section 27372 of the Government Code

### 8770. Record of survey—filing and storage

The record of survey filed with the county recorder of any county shall be fastened by him into a suitable book provided for that purpose.

He shall keep proper indexes of such record of survey by the name of grar subdivision or United States subdivision.

The original map shall be stored for safekeeping in a reproducible conditional shall be proper procedure for the recorder to maintain for public reference a set of maps that are prints of the original maps, and the original maps to be produced to maps are prints of the original maps.

### 8770.5. Record of survey—correction

Any record of survey filed under the provisions of this chapter may be among show any course or distance that was omitted therefrom, or to correct any error in or distance shown thereon, the description of the land which the record of comprised, lot numbers, street names, acreages, identification of adjacent record the character of monuments being set, or to correct any other minor errors appropriately correction by the county surveyor in the same manner that subdivision maps amended under the provisions of the Subdivision Map Act. Division 2 (commence Section 66410) of Title 7 of the Government Code.

### 8770.6. Defines certify/certification

The use of the word "certify" or "certification" by a licensed land survegistered civil engineer in the practice of professional engineering or land survethe preparation of maps, plats, reports, descriptions, or other surveying docume constitutes an expression of professional opinion regarding those facts or finding are the subject of the certification, and does not constitute a warranty or guarante expressed or implied.

[Added, Chapter 229, Statutes of 1986]

# 8771. Record of survey—monumentation; decision to file record

(a) Monuments set shall be sufficient in number and durability and e placed so as not to be readily disturbed, to assure, together with monument existing, the perpetuation or facile reestablishment of any point or line of the sur

(b) When monuments exist that control the location of subdivision boundaries, roads, streets, or highways, or provide survey control, the monume be located and referenced by or under the direction of a licensed land surveyor or civil engineer prior to the time when any streets, highways, other rights of easements are improved, constructed, reconstructed, maintained, resurfarelocated, and a corner record or record of survey of the references shall be filed county surveyor. They shall be reset in the surface of the new construction, a

otherwise obliterated, and a comer record or record of survey filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area. It shall be the responsibility of the governmental agency or others performing construction work to provide for the monumentation required by this section. It shall be the duty of every land surveyor or civil engineer to cooperate with the governmental agency in matters of maps, field notes, and other pertinent records. Monuments set to mark the limiting lines of highways, roads, streets or right-of-way or easement lines shall not be deemed adequate for this purpose unless specifically noted on the corner record or record of survey of the improvement works with direct ties in bearing or azimuth and distance between these and other monuments of record.

(c) The decision to file either the required corner record or a record of survey pursuant to subdivision (b) shall be at the election of the licensed land surveyor or registered civil engineer submitting the document.

[Amended, Chapter 1054, Statutes of 2000]

### 8771.5. Record of survey—California coordinates

When coordinates in the California Coordinate System are shown for points on a record of survey map the map may not be recorded unless it also shows, or is accompanied by a map showing, the control scheme through which the coordinates were determined from points of known coordinates.

### 8772. Monumentation identification

Any monument set by a licensed land surveyor or registered civil engineer to mark or reference a point ou a property or land line shall be permanently and visibly marked or tagged with the certificate number of the surveyor or civil engineer setting it, each number to be preceded by the letters "L.S." or "R.C.E.," respectively, as the case may be or, if the monument is set by a public agency, it shall be marked with the name of the agency and the political subdivision it serves.

Nothing in this section shall prevent the inclusion of other information on the tag which will assist in the tracing or location of the survey records which relate to the tagged monument.

### 8773. Corner records—record of survey for "lost" corners

(a) Except as provided in subdivision (b) of Section 8773.4, a person authorized to practice land surveying in this state shall complete, sign, stamp with his or her seal, and file with the county surveyor or engineer of the county where the corners are situated, a written record of corner establishment or restoration to be known as a "corner record" for every corner established by the Survey of the Public Lands of the United States, except "lost corners," as defined by the Manual of Instructions for the Survey of the Public Lands of the United States, and every accessory to such corner which is found, set, reset, or used as control in any survey by such authorized person.

(b) After the establishment of a lost corner, as defined by the Manual of Instructions for the Survey of the Public Lands of the United States, a record of survey shall be filed as set forth in Section 8764.

or accessories to a property corner.

[Amended, Chapter 805, Statutes of 1987]

### 8773.1. Corner record form

The board shall by regulation provide and prescribe the information which necessary to be included in the corner record and the board shall prescribe the which the corner record shall be submitted and filed, and the time limits within whom shall be filed. A corner record shall be a single 8.5 by 11 inch sheet which consist of a front and back page.

[Amended, Chapter 608, Statutes of 1999]

### 8773.2. Corner record submission; explanations of disagrees

(a) A "corner record" submitted to the county surveyor or engineer examined by him or her for compliance with subdivision (d) of Section 8765 and 8773, 8773.1, and 8773.4, endorsed with a statement of his or her examination, a with the county surveyor or returned to the submitting party within 20 working direceipt.

(b) In the event the submitted "corner record" fails to comply we examination criteria of subdivision (a), the county surveyor or engineer shall return the person who submitted it together with a written statement of the changes necessarily make it conform to the requirements of subdivision (a). The licensed land survegistered civil engineer submitting the corner record may then make the changes necessarily engineer with subdivision (a) and resubmit the corner record for filing. The surveyor or engineer shall file the corner record within 10 working days after receive resubmission.

(c) If the matters appearing on the corner record cannot be agreed upon licensed land surveyor or the registered civil engineer and the county surveyor we working days after the licensed land surveyor or registered civil engineer resubstrequests the corner record be filed without further change, an explanation of the dishall be noted on the corner record and it shall be submitted to and filed by the surveyor. When the county surveyor places an explanatory note on a corner recounty surveyor shall transmit a copy of the filed corner record within 10 working the filing to the licensed land surveyor or registered civil engineer who submictoner record.

(d) The corner record filed with the county surveyor of any county securely fastened by him or her into a suitable book provided for that purpose.

(e) A charge for examining, indexing, and filing the corner record collected by the county surveyor, not to exceed the amount required for the record deed.

(f) If the preparer of the corner record provides a postage self-addressed envelope or postcard with the filing of the corner the county surveyor shall provide the preparer of the corner record the filing data within 20 days of final filing. For the purposes subdivision, "filing data" includes the date, book or volume, a page at which the corner record is filed by the county surveyor. subdivision shall not apply to a county surveyor's office that may an electronic data base of filed corner records that is accessible public by reference to the preparer's license number.

[Amended, Chapter 678, Statutes of 2000]