Dear Quincy Yaley, (please confirm receipt)

I am writing to you to express my extreme displeasure with how the county has handled this development and the latest EIR. It is totally unreasonable for the County to schedule the Commission hearing when the EIR was just released a few days before the Holiday period. I believe (as most people in the area do) that this was totally intentional so that most people would not have enough time to go through the whole report. I also believe you have no intention of listening to anyone regarding this project (otherwise you would have given more time to read through it) and that you will approve it no matter what we say, that is why it is being rushed through before the new board of supervisors takes over next year. But in case I am wrong and you will actually listen to the local community I have some comments:

The EIR report says that no new significant changes or information was added, the whole report is flawed for numerous reasons including the following:

The report says on page 16 “The draft EIR and the county acknowledge that the new development and increased activity on the project site could increase wildfire risks” so you and the county concede that this project brings with it a high risk of fire danger to this area. So I hope the county is ready to take responsibility for any future fires that this development (as well as under canvass) brings. Approving this development is totally irresponsible, I know counties are lacking funds these days but this is not the way to bring more money to the area. This project will not bring jobs either since most other hotels in the area need to hire from outside the area. What happens if this hotel puts another hotel out of business? Then the county will lose tax revenue from that lost hotel, and what happens if this hotel goes out of business? You think some other business is going to come in and think they can make this huge hotel work? If no one does then it will sit abandoned and will look worse than “the scar” and will pose even more trouble for the county. Speaking of the scar, It makes far more sense to put projects like this closer to existing communities where there is public water and sewer, the perfect site would be what is known as “the scar”. There are also not enough emergency services in the area, this will put the whole area population at risk. The EIR claims that since “the county cannot or will not determine an appropriate response time therefore there is no impact to the response time”, are you kidding me? That is unacceptable! These are people’s lives you are directly putting at risk. The report also says that the area is rural, but once the county approves this and both developments get built this area will be developed not rural anymore. The EIR claims that since this is a new building it will be fire safe. It gives the example of the town of Paradise and how new homes did not burn as much as the old ones. When most people express their concern over fire danger they are not concerned about the hotel burning down, they are concerned with the 100 year old cabins in the area burning down and they are concerned with people being able to get out of the area fast enough. As you know the fires of late can move extremely fast. In the town of Paradise the new houses did not save the town or the people that lost their lives trying to flee. As my family learned from the rim fire if the fire is hot enough and the wind is in the right direction no new fire codes can save a building (we lost a newly built bunnhouse, which was up to all fire codes in 2013, it was finished that year). I also object to the fact that this EIR does not take into consideration Under Canvas when figuring out the fire danger, having 100 stoves just across the hwy puts this area at a huge risk for a fire starting close by. The EIR states that if there is a fire then the hotel would evacuate way before the fire arrives so no worries! But what happens if the fire starts at sawmill mountain from the increase of people and traffic (the county said this is possible, see quote stated above and on pg 16 of the report) then 1000+ people need to evacuate from sawmill and Hardin flat. So that means there will be a line of cars trying to turn right or left out of sawmill mountain road, and if the HWY is filled with cars evacuating from Hardin Flat, Rush Creek and Evergreen Lodge then no one will be able get onto the hwy, therefore creating a deadly backup that the county will be responsible for. This also brings me to
a comment I have made before about the entrance to the hotel. I still do not understand why the entrance is off sawmill mountain road? Why is it not off HWY120 like Rush Creek is? This fact will make traffic getting into and out of sawmill deadly during a fire and on normal days it will create a huge traffic jam getting out onto HWY120. I know there is a little fire road off 120 but that is not the same as a dedicated every day in and out for the development.

And beyond all those reasons I also object to this development for aesthetic reasons, it’s totally ugly and does not fit at all with the surroundings, for an example of a hotel that blends in please see Rush Creek and Evergreen Lodge. The Terra Vi developers have no taste and will ruin the rustic look of this area. This is the reason people come here, it’s rural and NOT DEVELOPED like Mariposa or Tahoe. If the hotel was smaller and designed better you would not be getting so much pushback.

Thank you for your attention,
Jenny Pfeiffer
Sawmill Mountain Area

Jenny Elia Pfeiffer

415.999.9196 - http://www.pfeifferfoto.com
Quincy Yaley

From: John Buckley <johnb@csrec.org>
Sent: Monday, November 23, 2020 11:18 AM
To: Quincy Yaley; Taryn Vanderpan
Cc: John Gray; Analiah Kirk; Sherri Brennan; Karl Rodefer; Ryan Campbell
Subject: Question about upcoming Planning Commission meeting

From John Buckley
CSERC
P.O. Box 396
Twain Harte, CA 95383
(209) 586-7440

Monday, November 23, 2020

To Quincy Yaley
Community Development Department

To Quincy:

The Planning Commission always meets on Wednesdays, but the email that Taryn sent out listed the upcoming Planning Commission consideration of the Terra Vi Lodge EIR and permits as being held on Tuesday, December 1st.

Is that date accurate?

Second, the rushed scheduling of this matter by the Planning Commission appears to be yet another example of the County intentionally rushing through the Under Canvas and Terra Vi Lodge projects unfairly and inappropriately given that the Terra Vi Lodge EIR and Responses to Comments were not even released until AFTER business hours on Friday evening.

So for public agencies that do not work after 5 p.m. on Friday until returning on Monday, there is no way that those agencies received a legal 10-day notice of the Terra Vi Lodge matter before the Commission and the posting of the EIR on the website.

Further, it is obvious that requests for a basic, reasonable amount of time to review the EIR and responses falls on deaf ears when it comes to the County Board of Supervisors, which I respectfully point out is shameful and a disgrace for those who supposedly believe in democratic process and fairness in receiving input from an informed public.

But beyond CSERC’s frustration, for legal purposes I ask that you please accept this email as yet another formal request by CSERC for members of the public to be given additional time to review and consider responses prior to a scheduled public hearing by the Planning Commission of the Terra Vi Lodge matter.

In this instance, the rushed planning process is tied to the FEIR and Responses to Comments for the Terra Vi Lodge EIR and project. Given that there are four weekend days and two holiday days between the time of the late evening posting of the link to the EIR on the County website, members of the public honestly only have 4 or 5 weekdays prior to the hearing to review and prepare comments for the extremely lengthy EIR and consultant’s perspectives about this highly contentious and unpopular proposed project.
CSERC asks for a minimum of 10 (non-holiday) weekdays for time for a reasonable public review prior to a hearing by the Planning Commission.

Back to the original question at the start of this email, if the email from Taryn is correct that the Planning Commissions review of the Terra Vi Lodge project is indeed scheduled for Tuesday, December 1, 2020, *for what reason has the Board of Supervisors determined it is appropriate to deviate from the normal scheduled planning commission calendar?* CSERC asks to be informed as to the County’s reason for the change in date.

John Buckley
CSERC
johnb@cserc.org
Hello Jenny,

This is a confirmation that I have received your email and it has been shared with our Community Development Dept Team and County Counsel.

Sincerely,

Tracie N. Riggs
County Administrative Officer
2 South Green Street
Sonora, CA 95370
(209) 533-5511
triggs@co.tuolumne.ca.us

From: jenny pfeiffer <jenny@pfeifferfoto.com>
Sent: Monday, November 30, 2020 1:13 PM
To: Tracie Riggs <TRiggs@co.tuolumne.ca.us>
Subject: Terra Vi EIR and dec 1 Meeting

Dear Tracy Riggs, (please confirm receipt)

I am writing to you to express my extreme displeasure with how the county has handled this development and the latest EIR. It is totally unreasonable for the County to schedule the Commission hearing when the EIR was just released a few days before the Holiday period. I believe (as most people in the area do) that this was totally intentional so that most people would not have enough time to go through the whole report. I also believe you have no intention of listening to anyone regarding this project (otherwise you would have given more time to read through it) and that you will approve it no matter what we say, that is why it is being rushed through before the new board of supervisors takes over next year. But in case I am wrong and you will actually listen to the local community I have some comments:

The EIR report says that no new significate changes or information was added, the whole report is flawed for numerous reasons including the following:
The report says on page 16 “The draft EIR and the county acknowledge that the new development and increased activity on the project site could increase wildfire risks” so the county concedes that this project brings with it a high risk of fire danger to this area. So I hope the county is ready to take responsibility for any future fires that this development (as well as under canvas) brings. Approving this development is totally irresponsible, I know counties are lacking funds these days but this is not the way to bring more money to the area. This project will not bring jobs either since most other hotels in the area need to hire from outside the
area. What happens if this hotel puts another hotel out of business? Then the county will lose tax revenue from that lost hotel, and what happens if this hotel goes out of business? You think some other business is going to come in and think they can make this huge hotel work? If no one does then it will sit abandoned and will look worse than “the scar” and will pose even more trouble for the county. Speaking of the scar, it makes far more sense to put projects like this closer to existing communities where there is public water and sewer, the perfect site would be what is known as “the scar”. There are also not enough emergency services in the area, this will put the whole area population at risk. The EIR claims that since “the county cannot or will not determine an appropriate response time therefore there is no impact to the response time”, are you kidding me? That is unacceptable! These are people’s lives you are directly putting at risk. The report also says that the area is rural, but once the county approves this and both developments get built this area will be developed not rural anymore. The EIR claims that since this is a new building it will be fire safe. It gives the example of the town of Paradise and how new homes did not save the town or the people that lost their lives trying to flee. As my family learned from the rim fire if the fire is hot enough and the wind is in the right direction no new fire codes can save a building (we lost a newly built bunkhouse, which was up to all fire codes in 2013, it was finished that year). I also object to the fact that this EIR does not take into consideration Under Canvas when figuring out the fire danger, having 1000+ stoves just across the hwy puts this area at a huge risk for a fire starting close by. The EIR states that if there is a fire then the hotel would evacuate way before the fire arrives so no worries! But what happens if the fire starts at sawmill mountain from the increase of people and traffic (the county said this is possible, see quote stated above and on pg 16 of the report) then 1000+ people need to evacuate from sawmill and Hardin flat. So that means there will be a line of cars trying to turn right or left out of sawmill mountain road, and if the HWY is filled with cars evacuating from Hardin Flat, Rush Creek and Evergreen Lodge then no one will be able get onto the hwy, therefore creating a deadly backup that the county will be responsible for. This also brings me to a comment I have made before about the entrance to the hotel. I still do not understand why the entrance is off sawmill mountain road? Why is it not off HWY120 like Rush Creek is? This fact will make traffic getting into and out of sawmill deadly during a fire and on normal days it will create a huge traffic jam getting out onto HWY120. I know there is a little fire road off 120 but that is not the same as a dedicated every day in and out for the development.

And beyond all those reasons I also object to this development for aesthetic reasons, it’s totally ugly and does not fit at all with the surroundings, for an example of a hotel that blends in please see Rush Creek and Evergreen Lodge. The Terra Vi developers have no taste and will ruin the rustic look of this area. This is the reason people come here, it’s rural and NOT DEVELOPED like Mariposa or Tahoe. If the hotel was smaller and designed better you would not be getting so much pushback.

Thank you for your attention,
Jenny Pfeiffer
Sawmill Mountain Area

Jenny Elia Pfeiffer
415.999.9196 - http://www.pfeifferfoto.com
Ms. Quincy Yale
Community Development Director
Tuolumne County

July 30, 2020

Dear Ms. Yale, please review the following comment letter I’m submitting on the Draft Environmental Impact Report for the proposed Terra Vi project.

I will start by stating that we have to question whether the County is really looking out for it’s constituents when it refuses to accommodate valid requests for a short extension to allow for a more thorough and valuable review and response to the Draft Environmental Impact Report.

As the owner of the property directly adjacent to this proposed resort, sharing a long property line, and directly under the proposed giant leach field I am writing to share several concerns regarding various impacts which were not adequately addressed in the Draft Environmental Impact Report as well as to question the legality of the previous entitlements, which the County is required to investigate.

The Sawmill Mountain / Hardin Flat area is comprised of R-2, R-5 and A-10 residential properties. This proposed hotel / resort site is directly in the center of our long term Homesteader residential area.

It shows on the map as a small patch of private property surrounded by thousands of miles of Stanislaus National Forest and Yosemite National Park, just six miles to the east.

My great-great uncle was one of the very original homesteades while serving as the foreman of the sawmill almost one century ago.

The Sawmill Mountain / Hardin Flat area is a beautiful, rustic community.

Our properties are typically one or two bedroom cabins or houses on five to ten acres parcels of incredibly beautiful, scenic, quiet nature “preserves” consisting of old-growth forest, lush green meadows, seasonal springs and streams feeding the Wild and Scenic Tuolumne River.
The area is populated by far more animals than people including hawks, herds of Mule Deer, frogs, mountain lion, bear, endangered owls and bats and much more.

Most of the homes have been in the same families for generations. Many of my neighbors are up to their third or fourth generation and the Erickson’s are on their fifth generation. One of my earliest memories here was catching poison oak and falling in love with Calamine Lotion at around five years old.

We are the caretakers for this land as generation after generation are raised here and taught how to protect and care for this beautiful yet fragile nature.

Most of our homes (but unfortunately not all) survived the Rim Fire, due in part to our regular thinning and maintenance of this forest, which is both hard and expensive work.

In fact, the firefighters and other responders nicknamed our area “The Oasis” because it was the last remaining stand of green in miles of black, burnt forest.

We all love this mountain and river and do our best to protect it and preserve it for future generations.

Personally, I’m a second generation owner, a relative “new kid” on the block. My late Mother, Jacqueline, loved this property immensely and was so at peace and happy surrounded by “her” trees and “her” meadows until she passed last year.

It’s for her sake, as well as mine and future generations that I write this letter to let you all know what a shame and tragedy it would be if Tuolumne County decides to forget about what it represents for the sake of dollars.

I’m going to briefly review the history of this land and then point out some of the numerous substantially negative impacts which have been largely ignored, dismissed or altogether ignored.

When this site was purportedly re-zoned from Timber Preserve to Commercial Recreation thirty years ago (Exhibit One – Letter from Gene Pfeiffer) the County provided minimal notice to the surrounding property owners, did not conduct an Environmental Impact Review and essentially made no mention of the existence of this large residential community. In fact, they referenced the underlying zoning of Hwy 120 as a justification of conformance with the commercial use, completely
ignoring the fact the subject site is in the midst of our residential community, which was established over Seventy Five (75) years ago.

From my research I’ve gathered that in 1991 the Tuolumne County Board of Supervisors voted to support a General Plan Amendment to re-zone the subject property from Timber Preserve (TPZ) to Commercial Recreation (CK) based on an Initial Study.

The property at that time was a single approximately 139 acre parcel (APN 68-120-57).

The approval document attached as Exhibit One brings up some interesting points including the fact that CEQA requires the lead agency to obtain an EIR unless there is “no substantial evidence in light of the whole record before the lead agency, that the Project may have a significant impact on the environment (Public Resource Code 21080 (c) (i)) .

However, the Initial Study did mention the possibility for multiple significant impacts including, but not limited to:

Adversely impacting timber production.

Being located in an Extreme Fire Hazard zone.

A request by Fish & Game for a wildlife survey.

Distance from emergency service.

Impacts to wildlife.

Aesthetic impacts to the Hwy 120 corridor through the National Forest leading to the National Park.

Tuolumne County Fire Department’s statement that the project “may create a significant adverse impact as far as TCFD’s and CDF’s ability to provide fire protection within this area.”

The Initial Study reported that the Tuolumne County Fire Department indicated that the site receives year round structural fire protection from Cal Fire Smith
Station, and seasonal (June 1 - November 1) from Cal Fire / Groveland. The response time from "First Due Engine Company" is 20 + minutes.

In fact, the Smith Station fire station is no longer a year-round CalFire facility but is now operated by the U.S. Forest Service who are neither trained for nor permitted to respond to structure fires on private property.

So it appears this site no longer satisfies the conditions of the 1991 zone change.

It also appears the County did not obtain input from many of the key agencies including Cal Trans.

The study also states:

Page 5: It is the policy of the State to discourage expansion of urban services into Timberland.

Page 6: Conclusion the zone change does not constitute Urban Development and no urban services are required for the project or future development.

Question: How do you develop large scale motel / hotel / resort complexes without urban services?

General Plan Fire Hazard Rating of the project site is Extreme.

No major deer migration corridor. (There is no question there are large herds of Mule Deer migrating through this property at this time).

Pg. 8 Year round spring and ephemeral drainages.
Importantly, the Initial Study, page 11, states that “Pursuant to Chapter 1 of the General Plan, the project site would ordinarily be run through the General Plan Decision Matrix (Appendix A) following cancellation of the Williamson Act contract, in order to determine the appropriate General Plan land use designation. Chart 1C of the Decision Matrix indicates that the appropriate General Plan designation for ... Assessors Parcel No, 68-120-57 would be LR (Large Lot).”

The Initial Study then makes the case that because Hwy 120’s underlying zoning is designated Parks and Recreation as are two small adjacent parcels south of Hwy 120 and contiguous to subject property (I believe this refers to the pull-over lane and the drainage channel for Hwy 120) the findings can be made the property can be rezoned to Commercial Recreation.

To me that sounds like a little bit of a stretch.

There is no mention of the fact this property sits right in the center of a Seventy Five (75) year old well established Homesteader community consisting of well over Thirty multi-generational RE-2, RE-5 and A10/RR properties.

The net effect of Re-Zoning this property from Timber Preserve to Commercial Recreation without the benefit of an Environmental Impact Review was to deprive the neighboring property owners, the community as a whole, the County and the surrounding environment of the ability to consider all of the potentially significant negative impacts listed in the Initial Study, and possibly more.

The next significant entitlement action on this property was the division of this single approximately 139 acre parcel (APN 68-120-57) into four relatively similar size lots between 2003 and 2004 through a lot line adjustment.

Information pertaining to this County action, an allegation into a possible violation of the Subdivision Maps Act and an ongoing request for investigation was submitted to the County during the Scoping study but apparently was not included in this over 2,000 page DEIR.
The allegation is, in part, that the lot line adjustment was performed illegally with parcels that did not in fact exist. More information is included in the Comment Letters submitted by one of our neighbors, Matt Chapman.

It appears the County may be failing it’s duty to investigate this allegation.

Attached to this letter are several County documents including a Consent to Record four large separate legal parcels when only two legal parcels are in the referenced Certificate of Compliance (Exhibits Two, Three, Four & Five).

The apparent net impact of this likely ministerial process was for the County to once again deprive the neighboring property owners, the community as a whole, the County and the surrounding environment any kind of Notice, possible circumvention of the Subdivision Map Act and loss of the opportunity to examine the potential impact of this division of land, which now lends itself to the creation of two separate large-scale commercial developments.

Fast forward to 2015 – 2016. A recorded CFIP agreement is brought to my attention.

I’ve attached a California Forest Improvement Act (CFID) Greenhouse Gas Reduction Fund (GGRF) agreement for a Federal Grant (Exhibit Six).

This document was signed and submitted by the property owner less than five years ago, a couple of years after The Rim Fire, and includes the following information:

**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.

Pg. 13.

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.
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 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.

Pg. 14: 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.

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.

Pg. 15: The landowner is committed to managing the parcel for long term forest and agricultural use. Current zoning is rural allowing for these land uses.
The promotion of a mature forest will provide a diversity of habitat for wildlife.

The area is located within the VeryHighFHSZ in Tuolumne County.

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.

Pg. 4: 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.

Pg. 10: (d) Number of acres under the Management Plan: 149
How is the project area zoned? Check one of the following and answer pertinent questions: TPZ Agriculture Preserve Other: AE

Is there a Conservation Easement, CC&R’s, or a petition for rezoning from TPZ to other uses, existing, underway, or contemplated, which would restrict resource management activities for the period of time during which the grant is administered (10 years)? Yes No X

Will the landowner agree not to put CFIP land to any use incompatible with forest resource management for 10 years? Yes X

So after reading and analyzing these documents I’m now sitting here asking myself “is this hotel/recreation land or is this timberland?

As long as we’ve owned our property, again, directly adjacent to the subject property, all we’ve observed is its use as Timber Preserve. We saw a large logging operation in 2013, we see the recorded CFIP document stating the property owner will receive grant money for reforestation and that the land will remain in use as Timberland through at least 2025, we see the property use described as Agricultural on the County’s tax roll, and we think this is Timberland, not Commercial.

In fact, so does the State of California.

It appears the property was intended to be converted from Timberland ten years after the 1991 zone change. According to the State of California, up through the date of the writing of this letter a Conversion permit has not been submitted and applied for.

As the 1991 Initial Plan stated, “the project site would ordinarily be run through the General Plan Decision Matrix (Appendix A) following cancellation of the Williamson Act contract, in order to determine the appropriate General Plan land use designation.”
We feel that’s where things stand today. The property owner should first complete the Conversion permit with the State of California and, if approved, should then proceed to apply for a zone change with the County, based on the conditions in effect today, not thirty years ago.

It is not “automatic” that the State will approve a Conversion permit. In fact the Conversion permit applied for by Yosemite Under Canvas, on the other side of the site, was rejected by The California Department of Forestry and Fire Protection just last week due, in part, to concerns stated by the California Department of Fish and Wildlife’s concern “concerned with potential impacts to special-status bat species, State Species of Special Concern northern goshawk (Accipiter gentilis), avian species, and stream and riparian resources.” (See Exhibit Seven – Cal Dept of Fish & Game Letter).

Additionally, the impact of Conversion of Timber Preserve is in itself a serious impact. Due to extreme reductions in the availability of Federal Timberland and the loss of substantial amounts of private Timberland the remaining inventory is treasured, as are the benefits of carbon sequestering and the reduction of greenhouse gasses.

We feel the County is putting the cart before the horse and should table this Application until when, and if, the property is successfully converted from Timber Preserve through the State of California, THEN perform the due diligence to evaluate the appropriate zoning in this current era.

It is quite possible the outcome would be different, and the determination following an Environmental Impact Report could well be that the current appropriate land use is either Residential, to conform with the surrounding community (and not the underlying zoning of Highway 120), or some other appropriate use.

It is actually highly questionable that this is an appropriate site for Commercial zoning, given the severe fire risk and what we’ve learned (hopefully) from The Rim Fire and The Camp Fire, the absence of public water and sewage, the traffic...
concerns, the impact on the migration patterns of the wildlife present in the area currently (not what was or was not here thirty years ago).

Let’s look at the reasons why this might be the case:

**Water:**

Please see the attached letter (Exhibit Eight) from top hydrogeology expert Kenneth Schmidt (Bio attached as Exhibit Nine).

Mr. Schmidt’s concluded that the DEIR statement that the proposed development doesn’t appear to place a burden on the available groundwater supply in the project vicinity was **not** supported by the report.

In fact the pump testing had several major failures including, but not limited to:

- Drawdowns were significant, especially since the residential properties were mostly uninhabited and not utilizing water during the time of the test.
- The discharged water may have re-entered the water table during the pump test.
- Testing was not performed in a cumulative manner, with the proposed Yosemite Under Canvas Project across the road.
- Incomplete and missing information.

**Fire:**

This impact is so obvious it’s barely worth discussing. Just the concept of inserting several hundred hotel guests into the middle of an Extreme Fire Hazard Zone / dry forest.

Not to mention this area is prone to frequent fires and has been burned in:

- The Rim Fire of 2012
- The Rogge Fire of 1995
The Complex Fire of 1987

Again, in the 1991 Initial Study the Tuolumne County Fire Department’s stated that the project “may create a significant adverse impact as far as TCFD’s and CDF’s ability to provide fire protection within this area.”

And that was with the Smith Station Fire Station year-round and a 20 minute response time, plus they required a 1,250 gpm 20 psi fire system which could operate for two hours and a 150,000 gallon dedicated water tank.

Is there less risk of fire now than in 1991? All reports I’ve read say there is now a greatly heightened risk of fire.

I keep hearing about Cal-Fire’s plans to freeze developments in the high fire risk areas. Is this rush to approve the project for the purpose of beating those restrictions?

Traffic:

The cumulative impact of this project combined with the re-opening of Berkeley Camp, expansion of Yosemite Lakes and proposed adjacent Yosemite Under Canvas MUST be evaluated with a Traffic Study as well as the design of Hwy 120 to allow pull-outs for YARTS, turn lanes on both sides of Hwy 120 and a center lane.

CalTrans was apparently not consulted in the 1991 zone change to commercial but they must be now.

Rather than utilizing a dead-end Forest Route with a sharp turn as the drivers are exiting a sharp curve along Hwy 120 the main entrance and exit for the project should be located at the site’s sixty foot opening onto Hwy. 120, further to the east, where the line of sight is much better (Exhibit Ten).

Sewage:
Even the top of the line sewage treatment centers fail and the concept of a giant leechfield for a development of this scale is disgusting. What happens when the waste cannot percolate, and where does it go when it does percolate?

The project map depicts the flow going south, towards Hwy 120, which is uphill. Since underground flow typically follows the terrain it is much more likely the sewage would flow downhill through the meadows, springs, streams and wells of the neighboring properties then into the stream 300’ away which flows into the middle fork of the Wild and Scenic Tuolumne River.

It’s preposterous to think there is no substantial impact created.

When it fails, then what? How does that get removed from the river?

There are confirmed reports of COVID19 in the water exiting Yosemite Valley from the Merced River. Do we want COVID19 in The Wild and Scenic Tuolumne River as well?

As stated in Dr. Schmidt’s letter (Exhibit 7) a careful hydrogeologic evaluation needs to be performed on the impact of wastewater on the project’s and neighboring property owner’s water supply.

Evacuation:

The residents of Sawmill Mountain have one, and only one, evacuation route, along Forest Route I-503 past the proposed resort and onto Hwy 120. How are the residents, as well as visitors to Stanislaus National Forest, supposed to reach the highway when hundreds of fleeing and likely panicked hotel guests are between them and the highway?

Eight homes have only the use of the easement across the NW corner of this site just feet from the proposed Heli-pad, which means they would likely be stopped until the helicopters have completed their landings and take-offs.

Eco-Friendly:
How Eco-Friendly is it to destroy a forest of mature trees which were among the relative few in the area to survive the Rim Fire, adjacent to the boundary of a National Forest?

The bottom line here is that, yes, Tuolumne County needs additional revenue. But at what point do you sacrifice what you’re all about?

This project will have a severe detrimental impact on the scenic corridor into Yosemite National Park.

It creates serious safety and environmental impacts which cannot be mitigated.

This is the wrong place for a large commercial development of this scale.

There are alternative locations which are served by the Groveland Community Service District with running water, sewage, in closer proximity to the scarce emergency services. These locations, including “The Scar” and the Deardorfer property along Hwy 120 near Smith Station, will generate the same tax revenues for the County without destroying this beautiful but fragile environment and putting so many lives at risk.

The zone change to Commercial Recreation was performed almost thirty years ago without an EIR. Conditions have changed. Indeed, it seems impossible for this site to now satisfy the conditions of the 1991 approval.

The property has continued to be utilized as Timberland the entire time through current. There is currently a Timber Harvest Plan proposed.

I urge the County to put aside the temptation of substantial TOT income for a minute and look at this proposed project solely with regards to it’s merits vs it’s potentially extremely serious negative impacts.

Find a more appropriate location for the lodging establishments.

Allow the property owner to obtain the financial reward they deserve through profitably developing the site in character with the long-term existing residential community it sits in the center of.
Conduct a feasibility study to examine other potential uses, such as creating single family homes to blend in with the neighborhood and to assist with the County’s serious affordable housing crisis.

After all, there is no guarantee this project will be successful or survive for more than a few years. Then what?

PLEASE consider all the input, observations and suggestions you are receiving from your constituents and tax payers.

Sincerely,

Dan Courtney
Trustee, The Jacqueline Courtney Trust
Owner of 11250 Sawmill Mountain Road
Groveland, CA 95321
November 30, 2020

Mr. Dan Courtney  
7869 Calle Juela  
La Jolla, CA 92037  

Re: Terra VI Lodge Project

Dear Dan:

Pursuant to your request, I reviewed the Hydrology and Water Quality section of the DEIR and Appendix G (Hydrogeology Study) for the Terra VI Lodge project. I didn’t have time to review the FEIR, as I understand it was just provided. I would need about a week to review that. First, I discuss major issues and this is followed by other comments.

Major Issues

1. The disposition of the water pumped during the pump tests wasn’t discussed in the report, which is a serious omission. Was it handled so it didn’t percolate back to the groundwater during the tests? The flattening in the drawdown plots (Figures 10 and 12) could have been caused by recirculation of the discharged water.

2. The additional drawdowns in the 26G(B) and 26G(C) wells of 54 feet and 24 feet after only 10 days of pumping for the pump tests are significant. The total drawdowns in these wells after pumping for the project for the whole summer and during drought periods weren’t provided.

3. The testing procedure called for in the 22 CA ADC § 64554 are far from ideal for hardrock wells in the foothills and mountains of the Sierra Nevada. Constant rate pump tests have been known for decades to not indicate long-term well yields in this situation. Rather, constant head tests of 20 to 30 days in duration are needed to determine long-term yields. This is what a number of counties required when evaluating proposed subdivisions in such areas for use in CEQA evaluations.

4. A table should have been prepared clearly indicating the drawdowns in all of the wells due to pumping of these two wells. Figures 14-16 are problematic in this regard.

5. The impact of wastewater on groundwater quality wasn’t discussed in Appendix G. There was also no meaningful discussion on this impact in Section 4.10.
6. A cumulative impact evaluation needs to be done for the pumpage for the Under Canvas and Terra VI projects and the existing water supply wells in the vicinity. Conditions at the end of the dry season should be evaluated.

Other Comments
1. The water samples from the wells should have been collected near the end of the pump tests, not before and after as indicated on Page 5. Purging of multi borehole volumes (Page 10) isn’t suitable practice for obtaining representative samples from hard-rock water supply wells.

2. There wasn’t much discussion of the fractured zones that provided most of the water from the various wells. Also, MW-1 only produced 1 qpm by airlifting, and was almost a dry hole. It is thus of limited value. Depth and water production for the three private wells weren’t discussed. What happened to the yields of these wells during the pump tests?

3. There was no discussion of a water budget and groundwater recharge, such as was provided for the Yosemite Under Canvas project. The explanation of the DDW approach mentioned on Page 15 is flawed, primarily because DDW staff aren’t hydrogeologists or experienced in hardrock evaluations. When the counties such as Fresno handled the evaluations, a much more thorough approach was required, particularly in terms of impacts on other wells.

4. Figures 14-16 are difficult to follow. For example, on Figure 14, the symbols under the explanation for each well can’t be determined on the water-level plots.

5. I reviewed the transducer measurements for the 0. Pfeiffer well at 11360 Dawson Road. First, the well identification for the transducer measurements does not follow that used in the text (26GB). Second, the pages of transducer measurements don’t indicate when the pump tested wells started and stopped pumping, or when the private domestic well itself started and stopped pumping. Also, the water-level changes shown under the Depth (ft) column don’t agree with those under the Groundwater Elevations column.

Recommendations
1. Separate water-level plots for each well should be provided (i.e. for Well 26GB). On each plot, the times should be shown for when Wells 1 and 2 started and stopped pumping, and when private domestic wells such as 26GB started and stopped pumping.
2. Transmissivity and storage coefficient can be readily determined from the pump test results. They should be used to calculate long-term drawdowns in the private domestic wells, for a whole period of seasonal pumping in the absence of recharge.

3. A careful hydrogeologic evaluation of the impact of wastewater disposal on groundwater quality (including on private domestic wells) needs to be done, rather than relying on bureaucratic procedures to handle the issue.

4. A cumulative impact evaluation should be done for the pumpage for the Under Canvas and Terra VI projects and the existing water supply wells.

Sincerely yours,

Kenneth D. Schmidt
Geologist No. 1578
Certified Hydrogeologist
No. 176
Supervisor Norm Tergeson
Sonora Board of Supervisors
FAX TO 209 533 6510
Sonora, CA 95370

ref: Timothy & Carol Manly Assessor's parcel # 68-120-57
requested C-K zoning change

Dear Mr. Tergeson:

We own a vacation home off Sawmill Rd., Road near the proposed site. We are opposed to the zoning change to allow commercial development for the following reasons:

1. A negative declaration was issued by the planning department. This is in error as any commercial development in a residential and forest area will cause a significant adverse impact on the environment. State law requires the governing body (i.e. Bd. of Supervisors) to conduct environmental review of all projects pending before it. The purpose of this review is to examine the nature and extent of any potentially significant adverse effects on the environment that may occur if the project is approved. If the review revealed that a proposed project would have a significant adverse impact on the environment, the Director of Planning would require that an Environmental Impact Report be prepared. The Initial Study review that was prepared for this zone change was a superficial environmental review. None of the nearby neighbors were contacted when the environmental review was prepared. A complete Environmental Impact Report needs to be prepared.

2. We believe the present character of the area should be maintained. If all of the private parcels northwest of the site are developed with residences or vacation cabins, the density would be greater than one unit per 5 acres. A zoning change to RE-6 would be more appropriate to the site. At the very least the open space should be placed between the development and the present residential area. At the present time it is located at the opposite end of the property. The present commercial development, Yosemite Lakes Campground, is farther away than the existing residential area.

3. It is a winter grazing area for the deer herd. In the winter time I have seen a number of deer on the site.
5. I have heard several different types of owls on the property. One of our neighbors has had a spotted owl land on their deck.

6. The General Plan Fire Hazard Rating of the project site is extreme. The county cannot afford another major fire. Luckily this area has not had a major fire since 1952.

7. The erosion hazard for most of the project site is rated high.

8. The Section 51120 of the California Code discourage expansion of urban services into timberland and premature or unnecessary conversion of timberland to urban and other uses.

9. The project site is rated medium to high for commercial timber production.

10. The view-shed from HY120 needs to be studied.

11. The present exit off Sawmill Mt. Road is unsafe if the proposed project would significantly increase the traffic flow onto HY120.

12. The neighbors to the site should have been contacted regarding the wildlife study and given more notice of the proposed General Plan change. The owner of the property made no contact with his neighbors to work out a mutual agreement on his proposed zoning change.

We believe the planning staff is in error on allowing a major land use change without an environmental impact report. The C-K district allows hotels, motels, motorcycle racetracks, mobile home parks, service stations, bars, and other recreational developments. The above uses would result in a significant adverse impact. I believe that the Board of supervisor would be irresponsible and be put in a libelous position by not requiring an Environmental impact report to address the above twelve items.

Sincerely,

[Signature]
Gene L. Pfeiffer
DATE: June 25, 1991

ASSESSOR'S PARCEL NOS.: 66-120-49 and 68-120-57

SURFACE/MINERAL RIGHTS OWNERS: Timothy and Carol Hanly

PROJECT:
1. Amend the General Plan land use designation of two parcels, 139± acres and 10± acres in area from TP2 (Timberland Preserve) to R/P (Parks and Recreation).

2. Rezone the 139± acre parcel from TP2 (Timberland Preserve) as follows:

   C-K (Commercial Recreation) 112.0± acres
   O (Open Space) 25.3± acres
   O-1 (Open Space-1) 1.7± acres

Rezone the 10± acre parcel from TP2 (Timberland Preserve) as follows:

   C-K (Commercial Recreation) 7.2± acres
   O (Open Space) 2.8± acres

Pursuant to Section 17.42.080 of the Ordinance Code, the term of the TP2 contract is 10 years. Therefore, any Zone Change would not take effect for 10 years following adoption by the Board of Supervisors.

LOCATION:
Assessor's Parcel No. 66-120-57 is 139± acres in area and is bisected by Highway 120. The intersection of Hardin Flat Road is located near the center of the parcel. The intersection of Sawmill Mountain Road is located near the western property boundary. The southeast 1/4 of Section 26, Township 1 South, Range 18 East.

Assessor's Parcel No. 66-120-49 is located on the north side of Highway 120 approximately 1/2 mile east of the Hardin Flat Road intersection adjacent to the northern boundary of Section 36, Township 1 South, Range 18 East.

GENERAL PLAN:
The project site is designated TP2 (Timberland Preserve).
Preserve) by the General Plan. The requested General Plan Amendment and Zone Change would not take effect until ten years following adoption by the Board of Supervisors. Chart A-6a of the General Plan indicates that the requested C-K zoning may be found to be consistent with the requested R/P General Plan designation.

SITE DESCRIPTION:

Assessor's Parcel No. 68-120-57 is located on variable terrain at elevations between 3,700 and 4,000 feet. The parcel is bisected by State Highway 120 in an east-west direction. Slopes on the site range from level up to 40 percent in the drainages north of Highway 120. Vegetation on the site consists of a managed second growth mixed conifer forest with a medium to dense canopy. Sawmill Mountain Road and Harkin Flat Road intersect Highway 120 on the site. Existing dirt roads and skid trails provide access to the remainder of the site.

Assessor's Parcel No. 68-120-42 is situated on south facing slopes at elevations between 3,840 and 4,000 feet. Slopes on the site range from 15 percent near the top of the parcel to 40 percent. Native vegetation consists of a sparse overstory of ponderosa pine and an understory of manzanita and bearclaw. A 62 acre plantation of ponderosa pine is located on the site.

ENVIRONMENTAL EVALUATION:

NATURAL FEATURES

Climate - Due to the size, nature and location of the project, impacts to the local climate would not be significant.

Air Quality - The project has been reviewed by the Tuolumne County Air Pollution Control District (APCD). APCD advises that approval of the project would not result in a significant adverse air quality impact.

Future development of the project site in compliance with any zone change approved under this action, would require approval of a future discretionary permit by the County. As such, impacts to air quality resulting from future devel-
opment could be assessed, and mitigated if necessary, at the time of that application.

Hydrology/Water Quality - Run-off from Assessor's Parcel No. 68-120-49 drains south, across Highway 120, into the South Fork of the Tuolumne River near Hardin Flat.

Run-off from Assessor's Parcel No. 68-120-57 is collected by on-site ephemeral drainages which converge in the southeast portion of the parcel. The stream leaves the site near the southeast corner and flows into the South Fork of the Tuolumne River.

Enforcement of Title 13 of the Ordinance Code-Water and Sewers, during future development of the project site will protect the quality of water from degradation by sewage disposal. Enforcement of Chapter 12.20-Grading will serve to retain disturbed soils on the project site and minimize siltation of downstream water courses.

Geology/Soils - The Geologic Map of California-Marijposa sheet indicates soils on that portion of the project site north of Highway 120 are derived from Mesozoic granitic rocks and soils south of Highway 120 are derived from Paleozoic marine rock.

The Stanislaus National Forest Soil Resource Inventory indicates that soils found on Assessor's Parcel No. 68-120-49 are as follows:

Soil Type: Lithic Xerumbrepts
Approximate Acreage: Fiddletown Family (170)
Parent Material: 9.2
Depth: granitic rock
Slope: 4-40 inches
Permeability: 35-70 percent
Erosion Hazard: moderately rapid
Timber Production: very high

Soil Type: Fiddletown Family (110)
Approximate Acreage: 0.8
Parent Material: granitic rock
Depth: 4-40 inches
Initial Study
Timothy and Carol Manly
June 25, 1991/Page 4

Slope: 15-35 percent
Permeability: moderately rapid
Erosion Hazard: high
Timber Production: low to medium

Soils on Assessor's Parcel No. 68-120-57 are as follows:

Soil Type: Holland Family (130)
Approximate Acreage: 74.6
Parent Material: granitic rock
Depth: 20-40 inches
Slope: 5-35 percent
Permeability: moderate to moderately slow
Erosion Hazard: high
Timber Production: medium to high

Soil Type: Holland Family (132)
Approximate Acreage: 37.9
Parent Material: granitic rock/andesitic tuff
Depth: 20-40 inches
Slope: 10-35 percent
Permeability: moderately rapid to moderately slow
Erosion Hazard: medium to high
Timber Production: medium to high

Soil Type: Josephine Family (159)
Approximate Acreage: 17.7
Parent Material: metasedimentary rock
Depth: 20-60 inches
Slope: 5-35 percent
Permeability: moderately rapid to moderate
Erosion Hazard: medium to high
Timber Production: medium to high

Soil Type: Fiddletown Family (110)
Approximate Acreage: 8.8
Parent Material: granitic rock
Depth: 4-40 inches
Slope: 15-35 percent
Permeability: moderately rapid
Erosion Hazard: high
Timber Production: low to medium
The Soil Resource Inventory indicates that Assessor's Parcel No. 68-120-49 is rated low to medium for commercial timber production. The Soil Resource Inventory further indicates that the erosion hazard is very high on 9.2 acres of the site, which contains the steepest slopes on the site. The erosion hazard on the remainder of the site is rated high.

Vegetation and Fire Hazard - The Stanislaus National Forest Soil Resource Inventory indicates that approximately 130.2 acres of Assessor's Parcel No. 68-120-57 is rated medium to high for commercial timber production.

Chapter III, Policy 5 of the General Plan indicates that the economically important forest resources in Tuolumne County, such as TPZ and Williamson Act contract lands, will be protected against unnecessary development. Economically important forest resources are defined as lands with an Arvenitis timber site index of 4, 5, 6 or 7. The Arvenitis timber site index of the 130.2 acre portion of Assessor's Parcel No. 68-120-57 is 3 to 5.

The project has been reviewed by the California Department of Forestry and Fire Protection (CDF). CDF advises that both parcels are capable of timber production. CDF further advises as follows:

The process for the 10 year withdrawal is outlined in Section 51120 of California Code of Regulations which reads in part, "... it is the policy of this State to do all of the following:

1) Maintain the optimum amount of the limited supply of timberland so as to ensure its current and continued availability for growing and harvesting of timber and compatible uses.

2) Discourage premature or unnecessary conversion of timberland to urban and other uses.

3) Discourage expansion of urban services into timberland.
4) Encourage investment in timberlands based on reasonable expectation of harvest."

It appears clear that the Legislature's intent is to conserve what timberland remains, and although the Department of Forestry and Fire Protection and the Board of Forestry don't actively participate in the decision to remove this land from TPZ designation, we (CDF) support the policy established by the Legislature and encourage that it be considered by the Board of Supervisors in their decision making process.

The proposed General Plan Amendment and Zone Change, and likely future development of the project site, does not constitute urban development. Similarly, no urban services are required for the project or future development. However, approval of the Zone Change would adversely impact the use of the site for commercial timber production.

Approval of the project would likely lead to development of the site following cancellation of the TPZ contract. Based on the size of Assessor's Parcel No. 68-120-57, 139 acres, development could occur in such a manner so as not to preclude commercial timber production on the entire site. However, continued timber management on the project site is not guaranteed beyond cancellation of the TPZ contract.

The Tuolumne County Agricultural Commissioner has reviewed the project and advises that approval would not result in a significant adverse impact on County agriculture.

The General Plan Fire Hazard Rating of the project site is extreme. This rating is determined using the California Fire Hazard Severity Classification System and is based on factors of slope, vegetation and summer weather patterns.

No species of rare or endangered plant is known to exist on or near the project site.

Wildlife and Habitat - The Tuolumne County wildlife aerial photography indicates that Mixed
chaparral (mch) habitat is found exclusively on Assessor's Parcel No. 68-120-49. Habitat types found on Assessor's Parcel No. 68-120-57 are as follows:

<table>
<thead>
<tr>
<th>Habitat Type</th>
<th>Approximate Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montane hardwood-conifer (mhc)</td>
<td>114</td>
</tr>
<tr>
<td>Ponderosa pine (ppn)</td>
<td>20</td>
</tr>
<tr>
<td>Residential-park (rsp)</td>
<td>5</td>
</tr>
</tbody>
</table>

The Tuolumne County Wildlife Manual indicates that a Sierra Spotted Owl has been noticed in the vicinity of Assessor's Parcel No. 68-120-57. This record consists of a response to a hooting sequence by a single bird. The hooting sequence originated from the intersection of Hardin Flat Road and Highway 120. No nest or bird was sighted. Based upon this information, the California Department of Fish and Game advises that a wildlife survey should be conducted of Assessor's Parcel No. 68-120-57 prior to approval of the project. Should the survey show that Spotted Owls utilize the site, the protection measures outlined in Chapter II of the Wildlife Manual will be implemented to preserve the habitat.

Appendix C of the Wildlife Manual indicates that the mch, mhc, ppn and rsp habitats are common habitats found throughout the County. Appendix B indicates that the rsp habitat is a fourth priority wildlife area. The mch habitat found on Assessor's Parcel No. 68-120-49 is a third priority wildlife area due to the presence of a relatively mature shrub layer. The mhc and ppn habitats found on Assessor's Parcel No. 68-120-57 are third priority wildlife areas due to the presence of a relatively mature tree layer.

Chapter III, Implementation Measure LI 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.

The Wildlife Survey conducted on the project site concluded that there exists no evidence of use of
Assessor's Parcel No. 68-120-57 by the Spotted Owl. The Survey also concluded that no suitable habitat exists on the site for the Willow Flycatcher (Empidonax traillii) and that no major deer migration corridors are located on the parcel.

As such, 20 percent of the site, approximately 29.8 acres must be zoned for Open Space to mitigate impacts to wildlife resulting from development of the site.

A 2.8-acre portion of Assessor's Parcel No. 68-120-49 will be zoned Open Space. This portion of the site is located adjacent to the eastern property boundary and contains an ephemeral drainage. A 1.7-acre portion of Assessor's Parcel No. 68-120-57 will be zoned O-1 to protect valuable riparian habitat associated with an intermittent stream in the southeast corner of the parcel. The remaining 25.3 acres of Open Space zoning will be located in the eastern portion of Assessor's Parcel No. 68-120-57 north of Highway 120. This area contains a year-round spring and several ephemeral drainages.

Flood Hazard - The proposed project site has been located on the Federal Emergency Management Agency Flood Insurance Rate Maps. The site is not in an area prone to flooding, thus approval of the proposed project will not result in a significant adverse impact.

CULTURAL FEATURES
Public Plans and Policies - The project site is designated TPZ (Timberland Preserve) by the Tuolumne County General Plan. The site is presently zoned TPZ (Timberland Preserve) under Title 17 of the Tuolumne County Ordinance Code. Said zoning was adopted by passage of Ordinance 874 on June 21, 1977.

The TPZ General Plan designation is a non-priority land use designation. Therefore, prior to development of the site, an appropriate General Plan designation must be assigned to the site. Since the TPZ zoning has a ten year term, both the TPZ land use designation and zoning must
remain in effect for the duration of that 10 year period. If a zone change is approved, said zoning would take effect ten years following adoption by the Board of Supervisors.

Pursuant to Chapter I of the General Plan, the project site would ordinarily be run through the General Plan Decision Matrix (Appendix A) following cancellation of the Williamson Act contract, in order to determine the appropriate General Plan land use designation. Chart IC of the Decision Matrix indicates that the appropriate General Plan designation for Assessor's Parcel No. 68-120-49 would be RR (Rural Residential) and for Assessor's Parcel No. 68-120-57 would be LR (Large Lot).

The owner desires to rezone the project site C-K (Commercial Recreation) in order to utilize the locational aspects of the site. The Planning Director has determined that a General Plan Amendment is required for this project due to the size of the site. The Highway 120 right-of-way in the vicinity of the project site is designated R/P (Parks and Recreation) as are two small parcels located south of Highway 120 which are contiguous to Assessor's Parcel No. 68-120-57.

Chart A-6a of the General Plan indicates that the requested C-K, O and O-1 zoning districts may be found to be consistent with the R/P land use designation.

Assessor's Parcel No. 68-120-57 is bisected by Highway 120 approximately 10 miles west of the Big Oak Flat entrance station to Yosemite National Park. As such, the site is ideally located for vacation oriented recreational development. The topography of the majority of the parcel lends itself to a variety of recreational land uses. The large, relatively level area north of Highway 120 and east of Sawall Mountain Road could support a hotel development. Portions of the remainder of the site are suitable for recreational vehicle park or campground development. Open Space zoning will be located to encompass the steeper portions of the parcel.
Assessor's Parcel No. 68-120-49 is located adjacent to the north side of Highway 120 approximately 1/4 mile east of the remainder of the site. This parcel may be appropriate for accessory uses to a recreational development on Assessor's Parcel No. 68-120-57. Such uses include: a water tank and television reception equipment.

If the project site is designated R/P, General Plan policies relative to urban service requirements will not apply to the site. Therefore, recreational development could occur without public water or sewer service subject to approval by the Tuolomne County Health Officer and appropriate State agencies.

Chapter III, Policy 1 of the General Plan states as follows: "Land will be used for the purpose for which it is most suited by virtue of its inherent natural characteristics, as modified by its locational relationships, whether it be urban development or natural resource preservation and utilization."

The majority of the project site is rated medium to high for commercial timber production. However, the project site is located adjacent to Highway 120 near an existing recreational community approximately ten miles from Yosemite National Park. Future land use decisions by Yosemite National Park will likely greatly increase the need for lodging accommodations on major access routes into the Park. The project site contains large amounts of potentially suitable land for recreational development. Therefore, despite the value of the project site for timber production, the location and terrain of the site dictate that the most appropriate future use is for recreational development.

Section 17.30.010 of the Ordinance Code indicates that the purpose of the C-K zoning district is to encourage well-planned and integrated resort and vacation-oriented commercial complexes in which the developer may incorporate innovative design techniques. A Development Agreement or Use Permit must be approved prior to issuance of a
Grading Permit or Building Permit in the C-K district.

Section 17.10.020 indicates that permitted uses in the C-K district include: recreational structures and developments; commercial stables; riding clubs; guest ranches; hotels and motels; motorcycle, snowmobile and auto clubs and facilities including trails, test areas and racetracks; mobilehome parks; service stations; bars (not permitted within 200 feet of a residential zoning district); health care facilities; and tourist information facilities.

The property owner has been issued a Timber Harvest Plan Exemption from the California Department of Forestry and Fire Protection. The project site is periodically logged to remove insect infested timber. Therefore, the project is in compliance with Ordinance 1790 regarding eradication of bark beetles.

Section 51120 of the California Code of Regulations indicates that if the owner of property zoned TPZ wishes to rezone the property, the owner shall provide written notice requesting the zoning desired. Unless written notice is given at least 90 days prior to the anniversary date of the initial zoning, the zoning term shall be deemed extended.

The project site was zoned TPZ on June 21, 1977, through adoption of Ordinance 874. On April 5, 1991, the owners submitted an application requesting the project site be designated R/P and zoned C-K and O.

Section 51120 further indicates that a majority vote of the Full Board of Supervisors is required to remove the property from TPZ zoning. The Board must specify a new zoning district for the parcels. The new zoning district approved by the Board shall become effective 10 years following the date of approval.

Tuolumne County Resolution 143-77 requires the County Clerk to send a Notice of Non-renewal of the TPZ zoning to the Assessor's Office and to
record such Notice with the County Recorder.

If the Board of Supervisors denies the request for a Zone Change from TPZ, the property owner may petition for a rehearing of the same request. Resolution 142-77 requires a rehearing to be held within 30 days of the request for such.

Prior to development of the project site under the requested C-K zoning, the following entitlements may be required:

<table>
<thead>
<tr>
<th>Permit</th>
<th>Lead Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Agreement or Use Permit</td>
<td>Planning Department</td>
</tr>
<tr>
<td>Encroachment Permit</td>
<td>Department of Transportation and Engineering Services</td>
</tr>
<tr>
<td>Water System</td>
<td>Environmental Health Division</td>
</tr>
<tr>
<td>Sewage Treatment System</td>
<td>Environmental Health Division or California Regional Water Quality Control Board</td>
</tr>
<tr>
<td>Grading Permit</td>
<td>Department of Transportation and Engineering Services</td>
</tr>
<tr>
<td>Building Permit</td>
<td>Building Department</td>
</tr>
</tbody>
</table>

Growth Inducement - Parcels located in the vicinity of the project site are shown on the map on the following page.
Legend:
General Plan
ER Estate Residential
RR Rural Residential
SNF Stanislaus National Forest
R/P Parks and Recreation

Zoning
RE-2 Residential Estate, two acre minimum
RE-5 Residential Estate, five acre minimum
A-10 General Agricultural, ten acre minimum
A-20 General Agricultural, twenty acre minimum
P Public
K General Recreational
C-K Commercial Recreation

Assessor's Parcel No. 68-120-49 is surrounded by an unimproved 25-acre parcel to the east, Highway 120 to the south and west and the Stanislaus National Forest to the north.

Assessor's Parcel No. 68-120-57 is bounded to the east, south, west and the eastern half of the northern property line by the Stanislaus National Forest. The private parcels northwest of the site are developed with residences and vacation cabins. The recreational community of Hardin Flat is located to the southeast. Two small parcels located within the borders of the parcel are zoned K and remain undeveloped.

Development of the project site could induce owners of adjacent property to apply for similar recreation-oriented development. However, the area is one which contains a variety of existing recreational opportunities and is located in such a way as to provide excellent recreational opportunities for the traveling public.

Community Identity - The US Forest Service has been advised of the project. The Forest Service has identified a Spotted Owl Habitat Area adjacent to the southern boundary of Assessor's Parcel No. 68-120-57 and is interested in the wildlife habitat of the parcel.

The Tuolumne County Hiking, Cycling and Equestrian Trails Advisory Council has reviewed the
project. They advise that any trail leading from
the property into the National Forest should be
continuously left open to non-motorized traffic.
Access to the National Forest is provided by
Highway 120, Sawmill Mountain Road and Hardin
Flat Road in the vicinity of the project site.
Therefore, no access through the site is neces-
sary.

The Central Sierra Chapter of the Audubon Society
has reviewed the project. They indicate concerns
regarding loss of timber producing land, distance
from the site to emergency services, impacts to
wildlife and aesthetic impacts to the Highway 120
corridor through the National Forest and into
Yosemite National Park. These impacts are ad-
dressed in previous and subsequent sections of
this document.

The Highway 120 Association has been advised of
the project and has offered no comments thereon.

The project site is located adjacent to the
recreational community of Hardin Flat. The NACO
West resort, Yosemite Lakes Camper Park, is
located approximately 1/2 mile from the site. An
existing vacation cabin complex is located adja-
cent to Assessor's Parcel No. 68-120-57. The
project site is contiguous to the Stanislaus
National Forest. Highway 120 bisects Assessor's
Parcel No. 68-120-57 and is adjacent to the
southern border of Assessor's Parcel No. 68-120-
49.

These facts indicate that approval of the project
would result in expansion of an existing recre-
ational community to include an appropriate site
for further development.

Water and Sewer - The Tuolumne County Environmen-
tal Health Division advises that future develop-
ment will be required to address health issues
including: provision of potable water, sewage
disposal and solid waste disposal.

Recreational development may be allowed to devel-
lop a self-contained domestic water supply meeting
State standards subject to approval of the
Tuolumne County Health Officer. On-site sewage disposal systems may be allowed subject to approval of the Tuolumne County Health Officer and the California Regional Water Quality Control Board.

Fire Protection - The proposed project has been reviewed by the Tuolumne County Fire Department (TCFD). TCFD has indicated that the site receives year round structural fire protection from Smith Station, and seasonal (June 1 - November 1) wildland protection from the California Department of Forestry and Fire Protection through the Groveland Station. The response time from "First Due Engine Company" is 20+ minutes.

TCFD advises as follows:

1. 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. However, at this time it is not known because an actual project has not been proposed.

2. Fire flows of 1,250 gpm at 20 psi for two (2) hours are required on all parcels zoned C-X. Additionally a water storage facility must be provided that can hold a minimum of 150,000 gallons of water over and above peak domestic use. The water storage facility would need to be refilled from a total fire flow drain down within 96 hours.

Schools - The project site lies within the Big Oak Flat-Groveland Unified School District. Pursuant to State Law, this district can charge a fee for impacts to the school system.

Police Protection - This project has been reviewed by the Tuolumne County Sheriff's Department. The Sheriff's Department advises that approval of the project would not result in a significant adverse impact on law enforcement.

County Services - The Tuolumne County Board of Supervisors has determined that impacts to County provided services, except roads, resulting from
commercial development are mitigated through payment of increased property taxes resulting from that development.

Traffic and Access - Access is provided to the site by State Highway 120; Hardin Flat Road - a paved, County-maintained road in good condition and; Sawmill Mountain Road, which is maintained by the Stanislaus National Forest.

Caltrans has been advised of the project and has offered no comments thereon.

The proposed project has been reviewed by the Tuolumne County Department of Transportation and Engineering Services (TES). TES has offered no comments on the project. TES will respond when development of the site is proposed.

All development within the County contributes to a significant adverse cumulative impact on the County-maintained transportation system. To mitigate this impact, the appropriate Traffic Impact Mitigation Fee must be paid to Tuolumne County at the time of development.

Noise - The project site receives noise from vehicular traffic on Highway 120, Hardin Flat Road and Sawmill Mountain Road. Noise impacts of proposed development on the project site will be analyzed at the time application is made.

Visual Quality - The project site is a private inholding within the Stanislaus National Forest. Assessor's Parcel No. 68-120-49 has approximately 1,000 feet of frontage on Highway 120. Assessor's Parcel No. 68-120-57 is bisected by Highway 120. As such, both parcels are highly visible from the highway.

Highway 120 travels through the Stanislaus Forest on the way to Yosemite National Park. As such, the route receives much tourist traffic. To maintain the character of the Highway 120 viewshed, development of the project site must consider aesthetic impacts to the traveling public. Assessor's Parcel No. 68-120-49 must be protected from unnecessary erosion. The visual corridor on
Initial Study
Timothy and Carol Manly
June 25, 1991/Page 19

Pacific Gas and Electric
US Forest Service
Big Oak Flat-Groveland Unified School District
Highway 120 Association
Southern Tuolumne County Historical Society
Audubon Society-Central Sierra Chapter
Sierra Club-Tuolumne Group

SOURCES REVIEWED:

Tuolumne County
General Plan
Zoning Ordinance (Title 17)
Land Division Ordinance (Title 16)
Road Standards (Title 11)
Connecting Roadways (Chapter 12.04)
Grading Ordinance (Chapter 12.20)
Water and Sewers (Title 13)
Traffic Impact Mitigation Fees (Resolution 88-91)
County Services Impact Mitigation Fees (Resolution 86-90)
Geotechnical Interpretive Maps
Wildlife Aerial Photography
Wildlife Manual

Other
California Environmental Quality Act
California Government Code, Section 51100 et seq.
Geologic Map of California
Stanislaus National Forest Soil Resource Inventory
US Federal Emergency Management Agency Flood Insurance Rate Maps

PREPARED BY:
Mike Laird
Planner II

END

44
This Survey Done with in 1990 - 1991
For T. Manly
Zone Change
Dear Friend of the Stanislaus National Forest:

I am pleased to announce the release of our final Land and Resources Management Plan, accompanying final Environmental Impact Statement, and Record of Decision. The release of these documents represents the culmination of a 10 year planning effort on the Stanislaus National Forest, which has included extensive public input. I believe the final Plan is an excellent one, that achieves a good balance between maintaining the ecological health and biological diversity of the Forest with the need to provide a sustained flow of forest products to the American public. I look forward to working closely with you as we implement the Plan's provisions over the coming decade.

If you have previously requested that the final documents be mailed to you, they are enclosed herewith. If you would like to receive copies of these documents, but did not previously request them, please let us know and we will be happy to send them to you. Copies will also be available at all District offices (Rathaw Way Pines, Pinecrest, Mokelumne Hill, and Sonora) and the Stanislaus Supervisor's office in San Juan for distribution and/or on-site review. Public libraries in the local area, Stockton, Modesto, and the Bay Area will also have copies available for on-site review.

The 1990 Draft Forest Plan was revised in response to the more than 5,000 public comment letters received and has been reprinted in its entirety as the final Forest Plan. The Draft Environmental Impact Statement has not been reprinted. Rather, changes between the Draft Environmental Impact Statement and the Final Environmental Impact Statement are displayed in addenda and errata, thereby eliminating the need to reprint the entire document. The Draft Environmental Impact Statement released in October 1990 is now the final, with changes and additions as outlined in the Errata and Addendum packet being issued with the final Forest Plan. We still have some copies of the original Draft Environmental Impact Statement available; if you did not previously receive one, but would like one now, please let us know.

The legal notice of this decision appears in the Sacramento Bee on October 28, 1991. The decision will not be implemented for 30 days from this date, or November 27, 1991. Any appeal of the decision must be filed in writing with the Chief, Washington Office, within 30 days, or by January 27, 1992. The Record of Decision includes a section on appeal rights and procedures.

Thank you for your interest in the Stanislaus National Forest. If you have any questions about these documents, please contact me or a member of my Land Management Planning staff at (209) 532-3671.

Sincerely,

[Signature]

JANET L. WOLD
Forest Supervisor

Encl
RECORD AT REQUEST OF
TUOLUMNE COUNTY
VOL. 1076 PAGE 232
1991 AUG 28 PM 2:33
OFFICIAL RECORDS
TUOLUMNE COUNTY}
14437

NOTICE OF ACTION

Type of Entitlement: Amend the General Plan land use designation of two parcels totaling 149.8 acres from TPZ to R/P and Rezone the site from TPZ to 112.0 acres of C-E, 25.3 acres of O and 1.7 acres of O-I. The zone change will not take place from 10 years 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.

Asessor's Parcel Nos. 68-120-49 and 68-120-57. (T1S, R18E, S. 36)

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
ORDINANCE NO. 18-65

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

- ooo -

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 21st day of August, 1991, by the following vote, to wit:

AYES: 1

NOES: 0

ABSTAIN: 0

ABSENT: 0

NORMAN TERCERO, Chairman,
Board of Supervisors,
County of Tuolumne,
State of California

ATTEST: RUBY HAMORTH,
Clerk of the Board of Supervisors

By (Seal)

APPROVED AS TO FORM:

STEPHEN DIETRICH, JR.
County Counsel

By (Seal)

Deputy County Counsel
environment; that the Board finds a Negative Declaration has been prepared in accordance with CEQA Guidelines and approves said Negative Declaration; that the rezoning and General Plan amendment are consistent with the County General Plan and provisions of Title 17; and rezoning APNs 68-120-49 and 57 as requested and approving General Plan amendment from TPZ to R/P, effective in 10 years.

Charles "Chucker" and Debra Twining, et al/William Schuler/Frank Walter and Associates, to 1) Rezone 5.2 acres of a 23.2-acre site from RE-5 to O; and 2) Rezone .2 acres of the project site from R-1 to RE-5, APNs 48-690-01, 05, located on the west side of Wildcat Ridge Road approximately 250' west of its southern intersection with South Fork Road.

Mr. Twining spoke in support of the application. No one else wishing to speak, public hearing was declared closed.

It was moved by Supervisor Campana, seconded by Supervisor Marks, and carried by unanimous vote, that 0 and RE-5 rezoning are exempt from further CEQA review; are consistent with the County General Plan and provisions of Title 17; and rezoning APNs 48-690-01 and 05 as requested.

Janie Bozworth and Elizabeth Smith to rezone a 6.1-acre parcel from RE-5 to 5.7 acres of RE-2 and .4 acres of O, APN 96-030-02, located at 17791 Lime Kiln Road.

Speaking in support of the application was George Hill, on behalf of the applicants. No one else wishing to speak, public hearing was declared closed.

It was moved by Supervisor Tergeson, seconded by Supervisor Campana, and carried by unanimous vote, that RE-2 and O rezoning will have no significant effect on the environment; that the Board finds a Negative Declaration has been prepared in accordance with CEQA Guidelines and approves said Negative Declaration; that the rezoning is consistent with the County General Plan and provisions of Title 17; and rezoning APN 96-030-02 as requested.

George Cervenka to rezone an 8.3-acre parcel from RE-5:MX to 6.7 acres of RE-2 and 1.6 acres of O-1, APN 43-510-40, located at 20330 Peaceful Oak Road.
effect on the environment; that the Board finds a Negative Declaration has been prepared in accordance with CEQA Guidelines and approves said Negative Declaration; that the rezoning and General Plan amendment are consistent with the County General Plan and provisions of Title 17; and rezoning APNs 39-260-02, -11, -14, -15 as requested and amending the General Plan land use designation from RR to ER.

Donald and Katherine Davalle to 1) amend the General Plan land use designation on a 0.9-acre parcel from SR to VC; and 2) Rezone the 0.9-acre parcel from R-1 to C-1, APN 7-100-14, located at 18453 Main Street, Groveland.

No one wishing to speak, public hearing was declared closed.

It was moved by Supervisor Tergeson, seconded by Supervisor Camana, and carried by unanimous vote, that the General Plan Amendment and C-1 rezoning will have no significant effect on the environment; that the Board finds a Negative Declaration has been prepared in accordance with CEQA Guidelines and approves said Negative Declaration; that the rezoning and General Plan amendment are consistent with the County General Plan and provisions of Title 17; and rezoning APN 7-100-14 as requested and amending the General Plan land use designation from SR to VC.

The Board recessed from 11:58 a.m. to 1:30 p.m.

Timothy and Carol Manly to 1) Amend the General Plan land use designation of two parcels, 139 acres and 10 acres in area from TPZ to R/P and 2) Rezone the 139-acre parcel from TPZ to C-K, G, and O-1, and the 10-acre parcel from TPZ to C-K and O, located on Highway 120 near Hardin Flat Road intersection, APN 68-120-49 and -57.

Speaking in support of the application was Mr. Manly.

Matt Chapman and Bill Kuklish spoke in opposition.

Mr. Manley spoke in rebuttal and Mr. Kuklish and Mr. Chapman spoke in surrebuttal.

No one else wishing to speak, public hearing was declared closed.

It was moved by Supervisor Tergeson, seconded by Supervisor Marks, and carried by 4-1 vote, Supervisor Rotelli dissenting, that the General Plan Amendment and rezoning will have no significant effect on the
SURFACE/MINERAL RIGHTS OWNERS: Timothy and Carol Manly

PROJECT:
1. Amend the General Plan land use designation of two parcels, 139± acres and 10± acres in area from TPZ (Timberland Preserve) to R/P (Parks and Recreation).

2. Rezone the 139± acre parcel from TPZ (Timberland Preserve) as follows:
   - C-K (Commercial Recreation) 112.0± acres
   - G (Open Space) 25.3± acres
   - C-1 (Open Space-1) 1.7± acres

   Rezone the 10± acre parcel from TPZ (Timberland Preserve) as follows:
   - C-K (Commercial Recreation) 7.2± acres
   - G (Open Space) 2.8± acres

Pursuant to Section 17.42.050 of the Ordinance Code, the terms of the TPZ contract is 10 years. Therefore, any Zone Change would not take effect for 10 years following adoption by the Board of Supervisors.

LOCATION:
Assessor’s Parcel No. 66-120-57 is 139± acres in area and is bisected by Highway 120. The intersection of Hardin Flat Road is located near the center of the parcel. The intersection of Sawmill Mountain Road is located near the western property boundary. The southeast 1/4 of Section 26, Township 1 South, Range 18 East.

Assessor’s Parcel No. 66-120-49 is located on the north side of Highway 120 approximately 1/2 mile east of the Hardin Flat Road intersection adjacent to the northern boundary of Section 36, Township 1 South, Range 18 East.

GENERAL PLAN:
The project site is designated TPZ (Timberland Preserve) by the General Plan. The requested General Plan Amendment and Zone Change would not take effect until ten years following adoption by the Board of Supervisors. Chart A-5a of the General Plan indicates that the requested C-K zoning may be found to be consistent with the
Manley

RECOMMENDATION: 1. Planning Staff recommends approval of the Negative Declaration prepared for the project based upon the following findings:

a. The project will not result in a significant adverse impact on the environment.

b. The Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and the State and County Guidelines for the implementation of CEQA.

2. Planning Staff recommends approval of the requested General Plan Amendment based upon the following findings:

a. The requested General Plan Amendment is consistent with the Tuolumne County General Plan.

b. The project site is suited to the uses permitted under the requested General Plan designation.

3. Planning Staff recommends approval of the requested Zone Change based upon the following findings:

a. The requested Zone Change is consistent with the Tuolumne County General Plan.

b. The requested zoning is in accordance with Chapters 17.14, 17.15, 17.30 and 17.70 of the Tuolumne County Ordinance Code.

c. The project site is suited to the uses permitted under the requested zoning.
August 8, 2018

Matthew Chapman
30445 Sawmill Mt. Road
Groveland CA. 95321

RE: Unlawful land division Complaint

209-206-1706 cell
209-962-0605 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 parcel 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 0° 18' 29" W), which is absurd. A fraudulent integrating of two separate surveys. 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
RECORD OF SURVEY

U.S. DEPARTMENT OF AGRICULTURE

STANISLAUS NATIONAL FOREST

IN

SECTION 26, T. 15 S., R. 18 E., M.D.M. IN THE UNINCORPORATED TOWNSHIP OF TUOLUMNE COUNTY, STATE OF CALIFORNIA

1. FOUND STANDARD U.S.F.&S. MONUMENT MARKED

T 15 S., R 18 E, M.D.M.
22 23 24 25
LS 4792
1981

2. FOUND THE FOLLOWING BEARING TREES:

A. CEDAR 5' DIA. SEARS B 33' E 46.06 FT.
B. CEDAR 7' DIA. SEARS B 45-1/2' W 17.40 FT.
C. BLACK OAK 18' DIA. SEARS B 11-1/4' S 33.06 FT.
D. BLACK OAK 24' DIA. SEARS B 6' S 7.44 FT.
E. BLACK OAK 38' DIA. SEARS B 64-1/4' N 10.55 FT.
F. 3/4" IRON PIPE WITH ALUMINUM TAG MARKED R.C.E. 15463. FOUND 18" TALL, YELLOW PINE SEARS B 59.05' S 6.74 FT. FROM THE CORNER.

3. FOUND STANDARD U.S.F.&S. MONUMENT MARKED

T 15 S., R 18 E, M.D.M.
22 23 24 25
LS 4792
1981

4. FOUND THE FOLLOWING BEARING TREES:

A. 7 INCH DIA. CEDAR, SICED (1/4" X 26" BEARING 9.98' W 45.43 FT. FROM THE CORNER.
B. 7 INCH DIA. MONGOOSE PINE, SICED 1/4" X 25" BEARING 8.48-1/2" E., 34.96 FT. FROM THE CORNER.
C. 7 INCH DIA. BLACK OAK SEARS B 61-1/2' N 6.59 FT. FROM THE CORNER.


T 15 S., R 18 E. M.D.M.
22 23 24 25
R.C.E. 25217
1981

7. FOUND THE FOLLOWING BEARING TREES:

A. CEDAR 11-1/2" DIA., SICED (8 26 TIE R18 E) BEARING 9.18' W 45.81 FT. FROM THE CORNER.
B. CEDAR 11-1/2" DIA., SICED (8 26 TIE R18 E) BEARING 16.31' W 45.81 FT. FROM THE CORNER.
C. WYE B 1/2" SICED, SICED 1936 TIE R18 E BEARING 8-1/2" W 14.25' FT. FROM THE CORNER.
D. CEDAR 8-1/2" DIA., SICED (1936 TIE R18 E) BEARING 6-1/2" S 14.66' FT. FROM THE CORNER.

8. FOUND 72 INCH BLACK OAK, SICED 5-1/2" DIA., SICED 6-1/2" DIA. BEARING 6-1/2" DIA. BLACK OAK AT THE SOUTH 1/4 CORNER OF SECTION 26, AND SET A SECOND STANDARD U.S.F.&S. MONUMENT MARKED R.C.E. 15463 BEARING N 32-1/4' E 141.75 FT. FROM THE SOUR.


13. FOUND 7'2" DIA. IRON PIPE (1/4" X 26" BEARING 9.18' W 45.43 FT. FROM THE CORNER.

14. FOUND 5'2" IRON PIPE WITH NO TAG BEARING 9.18' W 45.43 FT. FROM THE CORNER.

15. FOUND 7'2" DIA. IRON PIPE WITH NO TAG BEARING 9.18' W 45.43 FT. FROM THE CORNER.

16. FOUND 5/8" IRON PIPE WITH ALUMINUM TAG MARKED R.C.E. 15463. FOUND 7'2" DIA. IRON PIPE 9.18' W 45.43 FT. FROM THE CORNER.

17. FOUND 5/8" IRON PIPE WITH NO TAG BEARING 9.18' W 45.43 FT. FROM THE CORNER.

18. FOUND 5/8" IRON PIPE WITH NO TAG BEARING 9.18' W 45.43 FT. FROM THE CORNER.

19. FOUND 5/8" IRON PIPE WITH NO TAG BEARING 9.18' W 45.43 FT. FROM THE CORNER.
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<th>Station to Station</th>
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Construct Connection to Existing