ORDINANCE 2012-1094

MEETING: December 18, 2012

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Second Reading Pickren TEZ Map Amendment

RECOMMENDED ACTION AND JUSTIFICATION:

Waive the Second Reading and Adopt an Ordinance approving the zoning map amendment adding the Timber Exclusive Zone to a 190.36 acre portion of a 230.36 acre parcel. Glen and Anita Pickren, Project Applicants. The property site is located at 4667 Carstens Road in Midpines also known as APNs 009-140-008 & 009-140-009 (one legal parcel with two APNs split by a taxation boundary).

Recommended action is based on the Board of Supervisors action December 4, 2012. The Board adopted a Resolution approving General Plan/Zoning Amendments No. 2012-108 adding Timber Exclusive Zone to the list of consistent land uses in the Agriculture/Working Landscape section of the General Plan and waived the first reading and introduced an ordinance for the zoning map amendment on that same date.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors conducted a noticed public hearing on the project on December 4, 2012.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Modify text or findings in the Ordinance. A negative action would result in the parcels not being limited to uses allowed by the Timber Exclusive Zone designation and be subject to the existing Mountain Home Zone use standards. Failure to complete action would not complete the process necessary to add the Timber Exclusive Zone to the site.

ATTACHMENTS:
121218 Board Ordinance - Attachment (DOC)

CAO RECOMMENDATION
Requested Action Recommended
RESULT: ADOPTED [UNANIMOUS]
MOVER: Lyle Turpin, District II Supervisor
SECONDER: Jim Allen, District V Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen
MARIPOSA COUNTY ORDINANCE NO. 1094
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, a proposal to amend the zoning designation on Assessor’s Parcel Numbers 009-140-008 & 009-140-009 (4667 Carstens Road) was submitted by Glen and Anita Pickren on July 2, 2012, and

WHEREAS, the application is known as General Plan/Zoning Amendment No. 2012-108. The zoning amendment portion of the application is to add Timber Exclusive Zone (TEZ) overlay to the 190.36 acre portion of a 230.36 acre parcel currently zoned Mountain Home; and

WHEREAS, the Planning Commission held a duly noticed public hearing on Zoning Amendment No. 2012-108 on the 2nd day of November 2012, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Zoning Amendment No. 2012-108 on the 4th day of December 2012, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on Zoning Amendment No. 2012-108, in accordance with the California Environmental Quality Act, and a Notice of Exemption has been filed for the project.

NOW THEREFORE BE IT ORDAINED, the Board of Supervisors does hereby amend the zoning map of Mariposa County pursuant to Zoning Amendment No. 2012-108. The property to be rezoned is described below and is shown on the map in Exhibit A.

"Township 4 South, Range 19 East, Portion NE¼ Section 31, Portion NW¼ Section 32, Mount Diablo Meridian"

BE IT FINALLY ORDAINED, this action is based on the findings mandated by Section 17.128.050 of the Mariposa County Zoning Ordinance as shown in Exhibit B.

SECTION II: This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

PASSED AND ADOPTED on this 18th day of December, 2012 by the following vote.

AYES: Stetson, Turpin, Bibby, Cann, Allen
NOES: None
ABSTAINED: None
EXCUSED: None
NOT VOTING: None
JANET BIBBY, Chair
Mariposa County Board of Supervisors

Attest:

RENE' LAROCHE, Clerk of the Board
Mariposa County Board of Supervisors

APPROVED AS TO FORM:

STEVEN W. DAHLEM, County Counsel
Exhibit A

General Plan/Zoning Amendment
No. 2012-108

+/- 40.00 acres
Unchanged Mountain Home Zoning

+/- 190.36 acres
Rezoned to add the
Timber Exclusive Zone (overlay)

Map created on: November 21, 2012
Data Source: Mariposa County Assessor Parcel Map
Update October 2012

Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data.
Exhibit B

In accordance with Sections 4.3 of the Mariposa County General Plan and Section 17.128.050 of the Mariposa County Zoning Code, the following findings are made for General Plan Amendment No. 2012-108:

1. **FINDING:** The amendment is in the general public interest and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

   **EVIDENCE:** The zoning change provides an area that will be restricted for a minimum of 10 years for the growing and harvesting of timber. The zoning will encourage long-term commitment to prudent forest management. The peace and welfare of the general public will not be detrimentally affected by the change in zoning from the Mountain General Zone to the Timber Exclusive Zone (TEZ).

2. **FINDING:** The amendment is desirable for the purpose of improving the General Plan with respect to providing a long-term guide for County development and a short term basis for day-to-day decision-making.

   **EVIDENCE:** The amendment will provide preservation and protection of forest production land to the extent that agricultural development of such land is economically viable and is to the long-range economic benefit of the community as a whole. The “Timber Exclusive Zone” is defined in County Code as a timber preserve zone for the growing and harvesting of timber for those uses which are an integral part of a timber management operation.

3. **FINDING:** The amendment conforms to the requirements of State law and County policy.

   **EVIDENCE:** The Zoning Amendment application has been processed in accordance with the requirements of State law and County regulations and established policy. The project is exempt from environmental review by statute (Section 15264. Timberland Preserves, CEQA Guidelines).

4. **FINDING:** The amendment is consistent with other guiding policies, goals, policies, and standards of the General Plan.

   **EVIDENCE:** The amendment has been reviewed for consistency with the policies and standards of the Mariposa County General Plan. The Agriculture/Working Landscape land use classification defines lands for the production, extraction, or harvesting of food, fiber, timber, and minerals on large parcels of 160 acres or greater in size. These lands and their historically and economically important activities are a major contributing factor to the County’s character. The Agriculture/Working Landscape classification incorporates both the County’s traditional ranch lands and timberlands at
the mid-elevations of the County west of Yosemite National Park. This land use classification identifies lands where the primary use is the production of agriculture, timber, or mining for economic benefit, which incidentally have scenic value and appear as open space areas. Agriculture/Working Landscape lands are different from lands in public ownership and lands primarily used for resource protection, which are identified in the Natural Resources land use classification.

Silviculture (the development and care of forests) is a permitted use on the parcel. This parcel is specifically identified as having good forest resource potential for the growth, management, and production of timber.

Timber production has been identified as an appropriate use for the parcel based upon the timber management plan developed for the parcel by a registered professional forester. Inclusion of the land into the TEZ will protect the land from being converted to other uses that is consistent with the Purpose of the Agriculture/Working Landscape Land Use Classification of the General Plan.

5. **FINDING:** The amendment is for a parcel that is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

**EVIDENCE:** Access to the site to be zoned TEZ is by Carstens Road.

The site, proposed for Timber Exclusive zoning, abuts parcels zoned Mountain Home (5-acre minimum) and Public Domain (Sierra National Forest). The TEZ is compatible with the Public Domain zone as the TEZ provides open space and natural resource management as do National Forest lands. Because noise from timber harvesting is sporadic and short lived, the project site is compatible with the Mountain Home parcels in the area. Additionally, timber harvesting is listed as a permitted use within these zones per Mariposa County Zoning Ordinance, Chapter 17.108.

The slopes do not provide physical constraints to timber harvesting.

6. **FINDING:** The proposed zoning is logical and desirable to provide expanded employment opportunities or basic services to the immediate residential population or touring public.

**EVIDENCE:** The rezone to a zone encouraging timber production will provide potential employment opportunities to the residential population in Midpines and Mariposa, making the proposed zoning logical and desirable.
Got it Tracy, and the map. Will run on Dec. 27. Have a Merry Christmas.
Dan Tucker
mariposagazette@mariposagazette.com
Certificate of Publication
C.C.P. 2015.5

Mariposa Gazette

STATE OF CALIFORNIA )
COUNTY OF MARIPosa ) ss.

I, the undersigned, state:

I am the publisher and principal clerk of the MARIPOSA GAZETTE AND MINER, an established weekly newspaper of general circulation, within the Town and County of Mariposa, State of California, within the provision of Chapter 1, Division 1 of the California Government Code, and which newspaper has been printed and published weekly in the Town of Mariposa, County of Mariposa, State of California, continuously since the year 1854; that I am a citizen of the United States over the age of 18 years, and a resident of the County aforesaid that the notice, of which the annexed is a printed copy, has been published in each regular issue of said newspaper and no supplement thereof on the following dates, to wit:

12/27/12

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature (R.D. Tucker, Publisher) 12/27/12

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, a proposal to amend the zoning designation on Assessor’s Parcel Numbers 009-140-008 & 009-140-009 (4667 Carlstens Road) was submitted by Glen and Anita Pickren on July 2, 2012, and

WHEREAS, the application is known as General Plan/Zoning Amendment No. 2012-108. The zoning amendment portion of the application is to add Timber Exclusive Zone (TEZ) overlay to the 150.36 acre portion of a 220.36 acre parcel currently zoned Mountain Home; and

WHEREAS, the Planning Commission held a duly noticed public hearing on Zoning Amendment No. 2012-108 on the 2nd day of November 2012, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Zoning Amendment No. 2012-108 on the 4th day of December 2012, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on Zoning Amendment No. 2012-108, in accordance with the California Environmental Quality Act, and a Notice of Exemption has been filed for the project.

NOW THEREFORE BE IT ORDEIGNED, the Board of Supervisors does hereby amend the zoning map of Mariposa County pursuant to Zoning Amendment No. 2012-108. The property to be rezoned is described below and is shown on the map in Exhibit A.

"Township 4 South, Range 19 East, Portion SE1/4 Section 31, Portion NW1/4 Section 32, Mount Diablo Meridian"

BE IT FURTHER ORDEIGNED, that a copy of this Ordinance shall be recorded in the office of the Recorder of Mariposa County, California and in the office of the County Recorder of the County of Mariposa, California.

BE IT FURTHER ORDEIGNED, this Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

PASSED AND ADOPTED on this 18th day of December, 2012 by the following vote:

AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

/S/ JANET BIBBY
JANET BIBBY, Chair
Mariposa County Board of Supervisors

ATTEST:
/S/RENEE LAROCHE
RENEE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:
/S/STEVEN W. DAHLEM
STEVEN W. DAHLEM
County Counsel

General Plan/Zoning Amendment No. 2012-108

Unchanged Mountain Home Zoning