MARIPOSA COUNTY ORDINANCE NO. 464

The Board of Supervisors of the County of Mariposa do hereby ordain as follows:

SECTION I: TIMBERLAND PRESERVE ZONE

Mariposa county Ordinance No. 180 is hereby amended by adding the following Subsection 'D' to Section IV to establish a "TPZ", Timberland Preserve Zone, for certain land under the jurisdiction of Mariposa County.

SECTION II: PURPOSE

The "TPZ", Timberland Preserve Zone, is intended to be an exclusive zone for the growing and harvesting of timber and for those uses which are an integral part of a timber management operation.

A TPZ will replace the use of Williamson Act Contracts on timberland to provide a tax structure conducive to timber management operations. Land use under a TPZ will be restricted for a minimum of ten (10) years to growing and harvesting timber, and to compatible uses approved by the County.

All requirements and restrictions of the Z'Berg-Warren-Collier Forest Taxation Reform Act of 1976 shall apply.

SECTION III: USES PERMITTED

The following uses are permitted in the TPZ without special permit:

A. Growing and harvesting of timber and forest products.

B. Uses and facilities appurtenant to timber growing and harvesting, including but not limited to roads, log landings, and log storage areas, but not including processing facilities.

C. Grazing.

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D. Wildlife preserves.
E. Management for watershed, fish and wildlife habitat.
F. Hunting, fishing, hiking, and camping.
G. Forest fire lookout stations.
H. Single-family dwellings and normal accessory structures for owner or caretaker.
I. "Exploration" or "prospecting" for minerals.

1. "Exploration" or "prospecting" for the purposes of this ordinance shall be defined as "that effort in the search, seeking, and exploration for minerals by geological, geophysical, geochemical, and other techniques, including but not limited to sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present."

SECTION IV: USES PERMITTED SUBJECT TO PLANNING COMMISSION REVIEW AND APPROVAL

The following uses shall be permitted subject to a review and approval by the Planning Commission:

A. Temporary logging camps or labor camps appurtenant to timber harvesting or planting operations for less than one year duration. "Temporary" shall be defined as one year or less.

B. Temporary portable saw mills and temporary portable planing mills. "Temporary" shall be defined as one year or less.

C. Additional dwellings when necessary for the timber management operation.

D. Private parks and camps which require no permanent facilities.

E. Directional signs.

SECTION V: USES PERMITTED SUBJECT TO USE PERMIT

The following uses shall be permitted subject to a use permit:

A. Timber products processing plants, including but not limited to saw mills, lumber and plywood mills, and
planing mills, provided that such plants are secondary or incidental to a timber growing and harvesting operation on the same parcel.

B. Gas, electric, water, or communication transmission facilities.

C. Guest ranches, hunting clubs, public stables, and riding trails in conjunction with a bonafide timber management operation.

D. All other uses not specified are prohibited.

E. Mining and quarrying for the removal of minerals and such appurtenances as required.

1. "Mining" shall be defined for the purpose of this ordinance as "the act or business of making or working mines including all, or any part of, the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by auger method, dredging and quarrying, or surface rock work incumbent to an underground mine. Surface mining operations shall include, but are not limited to:

   a. In-place distillation, retorting, or leaching.

   b. The production and disposal of mining waste."

2. "Quarrying" for the purpose of this ordinance shall be defined as "the act, business, or occupation of extracting stone, marble, rock, slate, gravel, or other similar material formed of rock or rocks and minerals."

SECTION VI: PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and structures in the TPZ district:

A. Only such residential structures as exist on parcels of 40 acres or one quarter of one quarter of a section, or less, at the time the property is put into the TPZ will be allowed.

B. Each parcel prior to acceptance into the TPZ shall have a minimum of 10,000 board feet per acre or meet the minimum timber stocking standards of the State of California within five years.
C. A Timber Management Plan shall be presented to the Planning Commission. This Plan shall be prepared by a Registered Forester.

D. The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the Board to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. If the parcel is subsequently zoned as timberland preserve under Subdivision (a), then failure to meet such stocking standards and forest practice rules within this time period provides the Board with a ground for rezoning of the parcel pursuant to Section 51121 of the Government Code.

SECTION VII: EMERGENCY CLAUSE

This ordinance is declared to be an ordinance necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 25123 of the Government Code and shall take effect immediately. The facts constituting such necessity are as follows:

If this ordinance is not adopted immediately as an emergency measure, it will not be effective for a period of thirty (30) days, during which time hearings must be held to conform with state law. It is necessary that this be deemed an emergency measure in keeping with the enactment of Ordinance No. 443, which is to be repealed by this ordinance.

The Board of Supervisors of Mariposa County hereby further ordain as follows:

An ordinance to establish a "TPZ", Timber Preserve Zone, adopted as Ordinance No. 443 on February 1, 1977, be and the same is hereby repealed; such repeal shall not have any effect on existing litigation, procedures, any action, or proceedings presently pending under Ordinance No. 443, and shall not act as an abatement of any such litigation, procedure, action, or proceeding; nor shall