



**TIMBER EXCLUSIVE ZONE
GENERAL INFORMATION AND APPLICATION**

Mariposa County Planning Department
5100 Bullion Street, P.O. Box 2039
Mariposa, CA 95338

Telephone (209) 966-5151 FAX (209) 742-5024

www.mariposacounty.org planningdept@mariposacounty.org

This packet contains information and application forms for the establishment of a Timber Exclusive Zone (TEZ). The TEZ is a product of the Timber Yield Tax Law (AB 1258). These laws provide for a method to encourage continued use of timberlands for timber production. The method developed was the Timber Exclusive Zone, which restricts the use of timberland based on such restrictions.

Properties zoned under the TEZ derive certain tax benefits and are restricted in the following ways.

1. **TAXATION** – The TEZ restricts the uses of timberland to the growing and harvesting of timber and compatible uses. Timberland would be taxed only for its value for growing timber and allowed compatible uses.
2. **DEVELOPMENT** – Property within the TEZ is restricted to growing and harvesting of trees for timber and compatible uses approved by the County (see the County Zoning Ordinance, Chapter 17.44). A Timber Management Plan prepared by a registered forester and submitted to the Planning Commission would establish a procedure for the growing and harvesting of trees for timber on each parcel placed in the TEZ.
3. **ZONING TIME PERIOD** – Property zoned as TEZ shall be zoned as such for an initial term of ten (10) years. On the first and for each subsequent anniversary date of the initial zoning, a year shall be added to the initial term of ten years, unless a notice of rezoning has been filed.
4. **REZONING** – TEZ property may be rezoned from TEZ to an alternate zone by a majority vote of the Board of Supervisors. The new zone becomes effective ten years after the approval for rezoning. An owner may immediately rezone his/her property from TEZ to an alternate zone. This requires a four-fifths majority vote of the Board of Supervisors, and approval from the State Board of Forestry. A tax recoupment fee would be imposed on an immediate rezoning.
5. **TRANSFER OF OWNERSHIP** – The TEZ is a restriction imposed on land and applies to the land regardless of who owns it.

All applications for the TEZ must be submitted to the Planning Department on or before July 1 to insure consideration for the following tax assessment. In order to be considered complete, the application must include a General Plan / Zoning Amendment Application, ten (10) copies of a site plan, the Timber Exclusive Questionnaire, and a Timber Management Plan prepared by a registered Professional Forester. The Board of Supervisors will act on the application following a public hearing and recommendation from the Planning Commission.

For questions, please contact the Planning Department (209) 966-5151. However, Planning staff is not qualified to address questions regarding assessment or tax benefits derived from the inclusion of your property in the TEZ. Questions of this nature can be referred to the Assessor's Office at (209) 966-2332.

Enclosures: Applicant Data Sheet, Application Questionnaire and Application

**APPLICANT DATA SHEET FOR
TIMBER EXCLUSIVE ZONE
GENERAL PLAN / ZONING AMENDMENTS**

The applicant must submit the following materials:

1. Application form.
2. Environmental Assessment form (not required for a timber exclusive amendment).
3. Payment of application fees as determined by Mariposa Planning and other agencies. Deposit fees are for applications that are to be charged time and materials and are estimated using the assigned lower staff hour charge of \$58 per hour. Should the Director or Deputy Director work on the project, the time charge will be rated at \$114 per hour. All additional staff time and expenses needed to complete the application processing that exceed the deposit amount will be charged at the disclosed rate at the time that services are rendered. On average, invoices will be calculated on a quarterly basis and forwarded to the applicant for payment. If the deposit falls below a balance of 20% of the initial deposit, the applicant will be asked to make a subsequent deposit in an amount estimated to be necessary to complete the processing. Applicants will be expected to pay the subsequent deposit within 30 days of the invoice date or prior to the public hearing, whichever comes first. In the event that the billing is not paid timely, processing will be suspended until payment is made. Any remaining balance will be used to reconcile the final bill. If there is a balance remaining after reconciling the final bill, a refund check will be mailed to the applicant. If the application requires a public hearing, the public hearing will not be scheduled until payment in full is received. It should be noted that the fees do not include consultants fee, specialized studies, CEQA charges, publication fees and any additional fees that maybe charged by other agencies or county offices.

| | |
|--------------------------------------------|----------|
| Timber Exclusive Zone (TEZ) Deposit: | 1,330.00 |
| Document Conversion..... | 50.00 |
| Environmental Review..... | 230.00 |
| Planning Commission Hearing..... | 200.00 |
| Board of Supervisors Hearing..... | 240.00 |
| Publication Fees..... | 500.00 |

Agency Review Fees

| | |
|------------------------|--------|
| Public Works | 75.00 |
| County Fire..... | 100.00 |
| Health Department..... | 114.00 |

(Health fees are based on 1 hour. Any additional time will be billed to the applicant)

| | |
|-----------------------------------------------------------------------------|-------|
| Public Noticing Fee (____ names at .50 per name + \$5.00 x 2 hearings)..... | _____ |
| Vehicle Mileage Fee (____ miles at \$0.575 per mile, round trip)..... | _____ |

TOTAL

4. Ten (10) copies of a site plan, with one copy reduced to size 11" x 17", for the amendment area that indicates the following:

- a. The boundary line of the land proposed for TEZ with approximate dimensions based on the latest deed(s) or other record data.
 - b. The location designated by township, range, section, quarter section, town site, or subdivision.
 - c. Name and address of the applicant.
 - d. Name and address of the legal owner of record.
 - e. If the map is prepared by a licensed land surveyor or registered civil engineer, please provide that person's name, address, telephone number, and license number.
 - f. Date prepared.
 - g. North arrow and scale.
 - h. The approximate area (in acres) of the proposed amendment area and each individual parcel within the area (also in acres).
 - i. Locations, names, widths, and approximate grades of existing roads whether public or private.
 - j. Approximate location of all drainage courses, major creeks with names, small gullies, and direction, including slope percentage, of each drainage course. Include any dams or ponds, and show any dams or ponds in relation to the proposed property lines.
 - k. Names of all adjoining property owners shall be indicated on the site plan, including the size of their respective parcels.
 - l. The location of all improvements such as buildings and structures on the property, together with their major exterior dimensions and distance from existing boundary lines.
 - m. Topography features shall be made in sufficient detail and to scale to properly reflect the true conditions of the terrain within the subject property.
 - n. Approximate location of all existing wells, septic tanks and leach fields.
 - o. Source of data from which the site plan was drawn shall be noted (i.e., USGS Topographical).
 - p. Vicinity sketch that shows information such as roadways, adjoining sections, creeks, and other data sufficient to locate the proposed division of land and that indicates its relation to the surrounding area.
5. Statement of intent in requesting such amendment.
6. A Timber Management Plan that includes a site plan and text that clearly indicates the extent and location of the timber site classes on the property. Include the existing and proposed stocking standards.

**APPLICATION QUESTIONNAIRE FOR
TIMBER EXCLUSIVE ZONE AMENDMENTS**

To be completed by the applicant.

Yes No

- 1. Is the land presently used for timber harvesting?

- 2. Do you anticipate using land for any of the following uses?
 - a. Portable saw mills and portable planing mills.
 - b. Additional dwellings necessary for the timber management operation.
 - c. Private parks and camps that require no permanent facilities.
 - d. Directional signs
 - e. Wholesale nurseries and similar horticultural enterprises.

- 3. Do you anticipate using the land for any of the following uses requiring a use permit?
 - a. Timber products processing plants, including but not limited to, saw mills, provided that such plants are secondary or incidental to a timber management operation on the same parcel.
 - b. Guest ranches, hunting clubs, public stables and riding trails in conjunction with a bonafide timber management operation.
 - c. Mining and quarrying for the removal of minerals and such appurtenances as required. Mining is defined as the removal of minerals, earth, or construction materials from the earth, by methods including pits, tunnels, quarries, shafts, etc., and all necessary appurtenance thereto, for the purpose of resource extraction in excess of one-thousand (1,000) cubic yards per acre of mined land.
 - d. Logging or labor camps appurtenant to timber harvest or planting operations for the duration of one year or less.
 - e. Surface mining operations, including but not limited to, in-place distillation, retorting or leaching, and production and disposal of mining waste.

- 4. Do you anticipate using the land for any other types of uses? If yes, please indicate what types of uses.



**GENERAL PLAN / ZONING AMENDMENT APPLICATION
FOR THE ESTABLISHMENT OF A TIMBER EXCLUSIVE ZONE**

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FOR OFFICE USE ONLY

Date Submitted _____ Received By _____

Fees Paid \$ _____ Receipt No. _____ Received By _____

Application No. _____ Application Complete _____

Final Action _____ Date _____

Applicant:

Name _____

Agent: (if applicable)

Mailing Address _____

Daytime Telephone (_____) _____

(_____) _____

E-Mail Address _____

Property Owner Name(s)* _____

*If different than applicant, attach letter of authorization or complete attached form or other document that authorizes the applicant to submit an application on the owner's behalf. Applicant must also be a lessee, purchaser in escrow, or optionee of the subject property. If there is more than one property owner, please list the name and mailing address of all other individuals holding an interest.

Property Information:

Assessor's Parcel Number (APN) _____ Parcel Size _____

Address _____

Present General Plan Land Use _____

Present Zoning District(s) _____

Project Information:

Proposed General Plan Land Use _____

Proposed Zoning District(s) _____

Total Area of Proposed Amendment (acres / square feet):

PLEASE INDICATE IF THE AMENDMENT WOULD AFFECT ONLY A PORTION OF THE EXISTING PARCEL, AND PROVIDE AN ESTIMATE OF THE TOTAL AREA INVOLVED IN THE AMENDMENT REQUEST)

Describe access to the parcel or proposed amendment area:

PLEASE PROVIDE INFORMATION ON WHETHER THE ACCESS ROAD IS A COUNTY ROAD, NON-COUNTY ROAD, PRIVATE EASEMENT OR DRIVEWAY, INFORMATION ON THE WIDTH AND TYPE OF SURFACE, AND NAME OF ROAD IF ANY. IF AN EXISTING OR PROPOSED EASEMENT IS LOCATED OFF SITE, PLEASE ATTACH ADEQUATE DOCUMENTATION THAT CLEARLY DEMONSTRATES THE SUBJECT PROPERTY HAS THE NECESSARY RIGHTS TO USE THE EASEMENT, OR THAT THE NECESSARY EASEMENT CAN BE OBTAINED FROM THE ADJOINING JPROPERTY OWNER.

Check the predominate existing use of the parcel or proposed amendment area:

- Residential Industrial Agricultural
- Commercial Undeveloped Mining
- Mixed Recreation Timber Production
- Other (please specify) _____

Provide justification for the proposed amendment:

PROVIDE SPECIFIC REASONS ON WHY THE PROPOSED AMENDMENT IS REQUIRED (i.e., PARCEL BISECTED BY LAND USE CLASSIFICATION BOUNDARY LINE; EXISTING/PROPOSED USES NOT ALLOWED IN PRESENT ZONE.)

Preliminary Environmental Information:

Provide information on the land uses and development on properties adjacent to the project site (proposed amendment area). Indicate the parcel size and information on the development (i.e., vacant, commercial, residential, grazing land, etc.).

| | <u>Parcel Size</u> | <u>Use of Property</u> |
|-----------|--------------------|------------------------|
| North | _____ | _____ |
| Northeast | _____ | _____ |
| East | _____ | _____ |
| Southeast | _____ | _____ |
| South | _____ | _____ |
| Southwest | _____ | _____ |
| West | _____ | _____ |
| Northwest | _____ | _____ |

Are the following items listed below applicable to the project with respect to having a possible effect on the environment?

A BRIEF DISCUSSION OF THOSE ITEMS CHECK YES OR MAYBE MUST BE ATTACHED TO THE APPLICATION.

| <u>Yes</u> | <u>Maybe</u> | <u>No</u> | |
|--------------------------|--------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Would the construction of roads, driveways, and building pads associated with the project result in grading on slopes of greater than 20% result in a change in the existing topography of any hills on the site, or result in the alteration of any lakes, ponds, rivers, or drainage courses? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Would the project result in any change in the pattern, scale, or character of development in the general area of the project? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. Would the project result in a change in the quantity or quality of ground and surface water supplies? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. Would the project result in an increase in noise or light levels in noise or light levels in the vicinity of the project site? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Would the project result in the use of hazardous materials such as toxic substances, chemicals, flammables, or explosives? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6. Are there any historical or archaeological structures or sites located on the project site or in the surrounding area? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7. Would the project result in an increase of traffic or existing easement roads? |

Mandatory Findings:

The following mandatory findings must be made by the Planning Commission prior to recommending approval of the general plan / specific plan / zoning amendment, and must be made by the Board of Supervisors prior to approval of the amendment. Please provide supportive information related to each of the mandatory findings as listed below:

1. That such an amendment is in the general public's interest and would not have a significant or adverse effect on the general public's health, safety, peace, and welfare.

2. That such an amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long-term guide for County development and a short-term basis for day-to-day decision making.

3. That such an amendment conforms to the requirements of state law and County policy.

4. That such an amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan.

Upon receipt of the recommendation of the planning commission, the board of supervisors shall hold a public hearing after giving notice in the manner specified by Section 17.128.030. The board of supervisors may approve, modify or disapprove the recommendation of the planning commission, provided that any modification of a proposed amendment by the board of supervisors not previously considered by the planning commission shall first be referred to the planning commission for report and recommendation. The planning commission is required to hold a public hearing on such referral. Failure by the planning commission to report within ninety (90) days after the referral shall be deemed approval of the proposed modification to the amendment.

REQUIRED SIGNATURE(S)

Affidavit

I/we, the undersigned (Property Owner and Applicant), agree to defend, indemnify, and hold harmless the County and its agents, officers and employees from any claim, action or proceeding against the County arising from the Property Owner and Applicant project.

I/we declare under the penalty of perjury that the statements and information submitted in this application are in all respects true and correct to the best of my/our knowledge.

I/we acknowledge that I/we have read and understand the information contained in the application package relating to the submittal and processing of this application.

I/we understand that the processing of the application will be delayed if any required information is incorrect, omitted, or illegible.

I/we declare that if an entity listed below is a Partnership, Limited Liability Corporation, Corporation or Trust the signer(s) below certifies that he/she is authorized by that entity to apply and sign the application attached herewithin.

| | | |
|----------------------------------------------|-------------------------------------------------------------|-----------------------------------------|
| Property Owner <i>(printed name):</i> | 2nd Property Owner <i>(printed name):</i> | Applicant <i>(printed name):</i> |
| Property Owner <i>(signature):</i> | 2nd Property Owner <i>(signature):</i> | Applicant <i>(signature):</i> |
| Date: | Date: | Date: |

If there are more than two property owners, additional copies of this page shall be provided.

IMPORTANT: This page must be signed by all property owners and any authorized applicant.

IMPORTANT: Please note that if the property owner/s is/are authorizing someone other than themselves to act as the applicant or agent, the next page must also be signed.

IMPORTANT: Failure to have all necessary signatures will DELAY the commencement of processing the application. The application will be returned to the applicant to provide all necessary signatures.

This page to be signed **IF** the property owner(s) is (are) authorizing someone to act as an agent or applicant for this application.

Affidavit

Applicant/Agent Authorization:

I/we, _____, Property Owner(s) hereby authorize _____ to act as a representative/Applicant and/or _____ to act as a representative/Agent in all matters pertaining to the processing and approval of this application, including modifying the project, and agree to be bound by all representations and agreements made by the designated Applicant and/or Agent.

I/we declare that if the Property Owner and/or Applicant is a Partnership, Limited Liability Corporation, Corporation or Trust, the individual(s) listed below certifies that he/she/they is/are authorized by that entity to execute the application form attached herewithin.

| | | |
|-------------------------------------------------------------|--------------------------------------------|---------------------------------------|
| <u>Property Owner (printed name):</u> | <u>Applicant (printed name):</u> | <u>Agent (printed name):</u> |
| <u>Property Owner (signature):</u> | <u>Applicant (signature):</u> | <u>Agent (capacity/title):</u> |
| <u>Property Owner (capacity/title):</u> | <u>Applicant (capacity/title):</u> | |
| Date: | Date: | |
| <u>2nd Property Owner (printed name):</u> | <u>Co-Applicant (printed name):</u> | |
| <u>2nd Property Owner (signature):</u> | <u>Co-Applicant (signature):</u> | |
| Date: | Date: | |

Chapter 17.44
TIMBER EXCLUSIVE ZONE (TEZ)

Sections:

17.44.010 Timber exclusive zone (TEZ).

17.44.010 Timber exclusive zone (TEZ).

The Timber Exclusive Zone (TEZ) is a timber preserve zone for the growing and harvesting of timber for those uses which are an integral part of a timber management operation. Land use under a TEZ shall be restricted for a minimum of ten (10) years to growing and harvesting timber, and to compatible uses approved by the county.

A. **Development standards for the TEZ.** Development standards for the TEZ shall be as follows:

1. **Uses.**

a. **Permitted uses:** Growing and harvesting of timber and forest products; uses and facilities appurtenant to timber growing and harvesting, including but not limited to roads, log landings, and log storage areas. Residential, grazing, wildlife preserves; management for watershed, fish and wildlife habitat; hunting, fishing, hiking and camping; forest fire lookout stations; fire stations provided they are located on timberland converted to non-timber use in accordance with Section 1104.1 of Title 14, California Code of Regulations; exploration or prospecting for minerals; portable saw mills and portable planing mills; gas, electric, water or communication transmission facilities; wholesale nurseries and similar horticultural enterprises; and those applicable uses listed under Chapter 17.108. (Ord. 1045 Sec.I, 2008).

b. **Conditional uses:** The following uses shall be permitted only with a conditional use permit: Timber products processing plants, including but not limited to such permanent facilities as saw mills, lumber and plywood mills, planing mills, provided that the plants are secondary or incidental to timber growing and harvesting operation on the same parcel; logging camps or labor camps appurtenant to timber harvesting or planting operation for the duration of one year; additional dwellings when necessary for the timber management operation; membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables and riding trails in conjunction with a bona fide timber management operation; mining and quarrying for the removal of minerals and such appurtenances as required; surface mining operations shall include, but are not limited to: in-place distillation, retorting or leaching; production and disposal of mining waste.

c. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title. (Ord. 912 Sec.II, 1997).

2. **Property development standards:** In addition to Title 5, Division 1, Chapter 6.7 of the California Government Code, the following property development standards shall apply to all land and structures in the TEZ:

Each parcel prior to acceptance into the TEZ, shall have a minimum of ten thousand (10,000) board feet per acre, or meet the minimum timber stocking standards of the state within five (5) years.

A timber management plan shall be presented to and approved by the Mariposa County planning commission. This plan shall be prepared by a registered professional forester.

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 California state board of forestry for the zone 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 (5th) anniversary of the signing of such agreement. If the parcel is subsequently zoned as Timberland Preserve under Subdivision (a) of Section 4561 listed above, 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.

Other provisions of this Title notwithstanding, all lands zoned in a TPZ in accordance with County Ordinances 464 and 557 are hereby zoned in accordance with the provisions of this Chapter as a TEZ. All rules, policies and provisions of previous TEZs are deemed consistent with the provisions of this Chapter and nothing contained herein shall be deemed to minimize, null, or otherwise set aside any permits, plans, or other benefits granted or otherwise obtained under the provisions of a previous TEZ.

3. **Minimum parcel or lot size:** No parcel or real property shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one (1) of the parcels so created will be less than forty (40) acres or a legal quarter-quarter section.

4. **Density:** Two (2) single family residences per forty (40) acres or a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).