RESOLUTION - ACTION REQUESTED 12-593A

MEETING: December 4, 2012
TO: The Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: Pickren Timber Exclusive Zone Request

RECOMMENDED ACTION AND JUSTIFICATION:

The Board will consider General Plan/Zoning Amendment No. 2012-108 and direct staff to prepare a Notice of Exemption for the project, approve General Plan/Zoning Amendment No. 2012-108 by adoption of a resolution and waive the first reading of the ordinance approving the zoning map amendment adding the Timber Exclusive Zone to a 190.36 acre portion of a 230.36 acre parcel. APNs 009-140-008 & 009-140-009 (one legal parcel with two APNs split by a taxation boundary).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

No previous Board review or action has occurred in conjunction with this specific request.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Modify text or findings in the Resolution. Modify text or findings in the Ordinance. A negative action would result in the parcel not being limited to uses allowed by the Timber Exclusive Zone designation and be subject to the existing Rural Residential Zone use standards.

ATTACHMENTS:
BOS Staff Report (DOC)
Timber Management Plan (Attachment 1) (PDF)
Agency Comments (Attachment 2) (PDF)
Draft GP Text Change (Attachment 3) (PDF)
Draft NOE (Attachment 4) (PDF)
PC Resolution (Attachment 5) (PDF)
Public Comments (Attachment 6) (PDF)
BOS Resolution (Attachment 7) (DOC)
Draft BOS Ordinance (Attachment 8 - Revised) (DOC)
Nov. 2, 2012 PC Minutes (Attachment 9) (PDF)
Applicant Plans & Maps (Attachment 10) (PDF)
CAO RECOMMENDATION
Requested Action Recommended

Rick Benson, County Administrator/OE

RESULT: ADOPTED AS AMENDED [UNANIMOUS]
MOVER: Lee Stetson, District I Supervisor
SECONDER: Lyle Turpin, District II Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen
STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS

Resolution 
No. 2012-593A  
A resolution approving of General Plan / Zoning 
Amendment No. 2012-108; Glen and Anita Pickren, 
applicants. Assessor Parcel Numbers 009-140-008 
& 009-140-009.

WHEREAS the Mariposa County Planning Department received an application for 
a General Plan/Zoning Amendment from Glen and Anita Pickren to add 
Timber Exclusive Zone (TEZ) overlay to the 190.36 acre portion of a 230.36 
acre parcel currently zoned Mountain Home and to amend the general plan to 
add the TEZ zone to the list of consistent zoning districts in the 
Agriculture/Working Landscape (A/WL) land use. In accordance with Mariposa 
County Code Section 17.44.010.A.2, the applicant submitted a timber 
management plan prepared by a registered professional forester for review of 
the map amendment by the Mariposa County Planning Commission to verify 
that the proposed TEZ acreage has a minimum of ten thousand board feet per 
acre or will meet the minimum timber stocking standards of the state within 
five (5) years. The property site is located at 4667 Carstens Road in Midpines 
and is known as APNs 009-140-008 & 009-140-009 (one legal parcel with two 
APNs, split by a taxation boundary).

WHEREAS the Planning Department circulated the application among trustee and 
responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for 
the 2nd day of November, 2012; and

WHEREAS the Planning Department prepared environmental documents in 
accordance with the California Environmental Quality Act and local 
administrative procedures; and

WHEREAS a Staff Report was prepared pursuant to the California Government 
Code, Mariposa County Code, California Environmental Quality Act, and local 
administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date 
and considered all of the information in the public record including the Staff 
Report, testimony presented by the public concerning the application, and 
comments of the applicants; and

WHEREAS the Planning Commission adopted Resolution No. 2012-019, 
recommending that the Board of Supervisors direct staff to prepare a Notice of 
Exemption for the project, approve General Plan / Zoning Amendment No.
2012-108 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. The project site has two APNs split by a taxation boundary which together form one legal parcel (APN: 009-140-008 & 009-140-009); and

WHEREAS, a duly noticed Board of Supervisors’ public hearing was scheduled for the 4th day of December 2012; and

WHEREAS, the Planning Department prepared a staff report packet for the Board of Supervisors’ hearing, which included an environmental document (Notice of Exemption) in accordance with the California Environmental Quality Act and a staff report in accordance with local administrative procedures; and

WHEREAS, on the 4th day of December 2012, the Board of Supervisors conducted a public hearing and considered the recommendation of the Planning Commission and all of the information in the public record, including the Staff Report, environmental documents, and testimony presented by the public concerning the application; and

NOW BE IT FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve General Plan / Zoning Amendment 2012-108 to add Timber Exclusive Zone (TEZ) overlay to the 190.36 acre portion of a 230.36 acre parcel currently zoned Mountain Home; and to amend the general plan to add the TEZ zone to the list of consistent zoning districts in the Agriculture/Working Landscape (A/WL); and in accordance with Mariposa County Code Section 17.44.010.A.2, approve a timber management plan prepared by a registered professional forester submitted to verify that the proposed TEZ acreage has a minimum of ten thousand board feet per acre or will meet the minimum timber stocking standards of the state within five (5) years. The property site is located at 4667 Carstens Road in Midpines and is known as APNs 009-140-008 & 009-140-009 (one legal parcel with two APNs, split by a taxation boundary); and

BE IT FURTHER RESOLVED THAT the 190.36 acre portion of a 230.36 acre parcel to be reclassified and rezoned (APNs 009-140-008 & 009-140-009) is as legally described below as shown on maps in Exhibit 2 and Exhibit 3:

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

BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa directs the Mariposa County Planning Department to prepare a Notice of Exemption for the project; and
BE IT FINALLY RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve General Plan / Zoning Amendment No. 2012-108 based upon the findings set forth in Exhibit 1; and

ON MOTION BY Supervisor Stetson, seconded by Supervisor Turpin; this resolution is duly passed and adopted this 4th day of December 2012, both by the following vote:

AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN

NOES: NONE

EXCUSED: NONE

ABSTAIN: NONE

Janet Bibby, Chair  
Mariposa County Board of Supervisors

ATTEST:

Rene' LaRoche  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Steven W. Dahlem  
County Counsel
Exhibit 1—Findings for Approval

In accordance with Sections 4.3 and 5.3.04 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. There is no reason to expect that this operation will create or exacerbate maintenance or traffic problems on this road above those that any other timber operation of similar size or log load trips/day frequency.

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.
General Plan / Zoning Amendment
From Mountain Home to Timber Exclusive Zone.

Exhibit 2
Allen requested clarification of an email received regarding a potential easement. Mr. Golubics responded. Supervisor Bibby requested clarification as to the benefits of a timber exclusive overlay; a comparison with the requirements of the Williamson Act; and potential timber harvesting. Mr. Golubics and Ms. Williams responded. Supervisor Turpin clarified that this is not AE land, stated that this plan makes good sense; and requested confirmation that timber operations are under the purview of CalFire. Ms. Williams confirmed. Supervisor Bibby questioned whether it was permissible for an individual to apply for a change to countywide policy. Steve Dahlem/County Counsel responded. Supervisor Bibby also requested clarification as to whether this plan had gone before the Ag Committee; and how land swapping policy would apply in this case. Damon Golubics responded to the former; Sarah Williams responded to the latter. No additional questions by the Board.

The public portion of the hearing was opened.

Glen Pickren/Applicant spoke in favor, explaining that his main motivations for this action are fire safety, and bark beetle control. No other speakers.

No additional questions from the Board.

The public portion of the hearing was closed.

Deliberation

One motion was taken for both the Resolution and to Waive the First Reading of the Ordinance (two actions.)

Action was taken to adopt the resolution (12-593A), modified to correct the following clerical errors: 1) First page of the Resolution (packet page 806,) fourth line: changing “...Mountain Home and the amend the...” to read: “...Mountain Home and to amend the...”; 2) Second page of the Resolution (packet page 807,) third line: changing “...split by a taxation boundary together...” to read: “...split by a taxation boundary which together...”; 3) Striking the word “slopes” from the last line of Finding 5, Resolution Exhibit 1 - Findings for Approval (page 811 of the packet,) and again in the last line of Finding 5, Resolution Exhibit B (page 818 of the packet,) to read: “The slopes do not provide...”

And Waive the First Reading of the 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.)

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor
SECONDER: Lyle Turpin, District II Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen

O. Adjournment

7:11 PM - The meeting was adjourned in memory of Gary Howell, Ron Silva and Gordon Crisp.

Respectfully submitted,
MEMORANDUM

Date: December 4, 2012

To: Board of Supervisors

From: Damon Golubics, Senior Planner

Re: General Plan/Zoning Amendment No. 2012-108 - Tax Loss to County
(Timber Exclusive Overlay Application)

Board Agenda Item N. 2. for December 4, 2012

Based on Board inquiries with regards to the loss of tax revenue by placing these APNs (009-140-008 & 009-140-009; one legal parcel with two APNs split by a taxation boundary) under the Timber Exclusive Zone (TEZ) status, staff has consulted with the Assessor's Office and prepared the following estimate:

Based on the county wide tax rate, the taxes for these parcels would be $8,360.31 this year if not encumbered by the TEZ status.

Using the same county wide tax rate calculation, the taxes for these parcels would be $3,727.43 this year if it were encumbered by the TEZ status.

Applying the new TEZ status, the resulting estimated tax “cost” (or loss in property taxes to the county) would be $4,632.88 the first year.