

MARIPOSA COUNTY  
BOARD OF SUPERVISORS

AGENDA  
ACTION FORM

AGENDA ITEM NO.: 7B  
DATE: November 14, 2000

11-21-00 Adopt Intro

DEPARTMENT: Planning

By: Jean Clark, Associate Planner

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes \_\_\_ No X)

CA-4

1. Adopt a Resolution adopting a Notice of Exemption and approving ZA 2000-4; and
2. Waive the first reading and introduce an ordinance approving a change in the Official County Zoning Map in accordance with ZA 2000-4. This action is based upon the Planning Commission's recommendation.

The request to schedule the waiver of the second reading and approval of the ordinance one week later (November 21, 2000) instead of two weeks later is because the Board will not meet on November 28, 2000. The ordinance will take effect 30 days following its approval. The ordinance must take effect before the end of the year so that the applicant can receive the property tax advantages associated with the Timber Exclusive Zone beginning with the next tax year (starts 1/1/2001).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVE: 1) Deny the application. 2) Approve the amendment and include additional conditions.

NEGATIVE ACTION would result in the denial of Zoning Amendment Application No. 2000-4.

COSTS: ( X ) Not Applicable

A. Budgeted current FY \$ \_\_\_\_\_

B. Total anticipated Costs \$ \_\_\_\_\_

C. Required additional funding \$ \_\_\_\_\_

D. Internal transfers \$ \_\_\_\_\_

SPECIAL INSTRUCTIONS:  
List the attachments and number the pages consecutively:

Memorandum to Board with Attachments:

1. Staff Report to the Planning Commission (Oct. 6, 2000)
2. Planning Commission Resolution
3. Planning Commission Minutes dated Oct. 6, 2000
4. Draft Ordinance

COSTS: ( ) 4/5th Vote Required

A. Unanticipated revenues \$ \_\_\_\_\_

B. Reserve for contingencies \$ \_\_\_\_\_

C. Source description: \_\_\_\_\_

Balance in Reserve Contingencies, If Approved:  
\$ \_\_\_\_\_

CLERK'S USE ONLY

Res. No.: \_\_\_\_\_

Vote - Ayes: 4

Absent: Retty

Approved  Denied

Minute Order Attached  No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_

MARGIE WILLIAMS, Clerk of the Board

Ord. No.: 957

Noes: \_\_\_\_\_

Abstained: \_\_\_\_\_

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

\_\_\_\_\_ Recommended

\_\_\_\_\_ Not Recommended

\_\_\_\_\_ For Policy Determination

\_\_\_\_\_ Submitted for Comment

\_\_\_\_\_ Returned for Further Action

Comment: \_\_\_\_\_

A.O. Initials: mc

By: \_\_\_\_\_  
Deputy

**MARIPOSA COUNTY ORDINANCE NO. 957**

(Not to be Codified)

**AN ORDINANCE REZONING PROPERTY FOR INCLUSION INTO THE  
TIMBER EXCLUSIVE OVERLAY ZONE (TEZ)  
AND AMENDING THE MARIPOSA COUNTY ZONING MAP**

**WHEREAS**, Mariposa County has received Zoning Amendment Application No. 2000-4, B & F Snider Enterprises, L.P., applicant, requesting that a 160 acre parcel be rezoned for inclusion into the Timber Exclusive Zone (TEZ) and that the Mariposa County Zoning Map be amended accordingly; and

**WHEREAS**, Zoning Amendment Application No. 2000-4 has been determined to be exempt from environmental review in accordance with Section 15264 of the California Environmental Quality Act, and a Notice of Exemption has been adopted for the project; and

**WHEREAS**, the Mariposa County Planning Commission and Board of Supervisors have held duly noticed public hearings on the amendment in accordance with State Law and County Code; and

**WHEREAS**, the Mariposa County Planning Commission has recommended approval of the amendment.

**NOW THEREFORE**, the Mariposa County Board of Supervisors does hereby ordain as follows:

**SECTION I**

The property described as the Remainder of Parcel Map Book 18, Page 1, is hereby zoned as being in the Timber Exclusive Zone (TEZ) as provided by Chapter 17.04.030 of Mariposa County Code.

## **SECTION II**

The County shall cause to be filed with the County Recorder a notice of Timber Exclusive Zone status with the appropriate map. The official Zoning Map of Mariposa County shall be modified to reflect the property described in Section I as being included in the Timber Exclusive Zone (TEZ). This action of the Board is based upon the findings contained in Mariposa County Planning Commission Resolution No. 2000-6, which is hereby incorporated by reference.

## **SECTION III**

The property described in Section I may not currently meet the timber stocking standards established by Section 4561 of the Public Resources Code. The property owner shall sign an agreement stating that the property shall meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code by the fifth (5<sup>th</sup>) anniversary of the signing of the agreement. In addition, the property owner shall provide a report prepared by a registered professional forester verifying that the property meets the minimum timber stocking standards by the fifth (5<sup>th</sup>) anniversary of the signing of the agreement. A copy of the agreement (Owners Declaration) is attached as "Exhibit A."

## **SECTION IV**

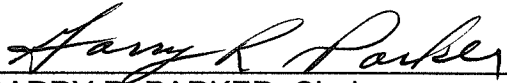
This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

**PASSED AND ADOPTED** by the Mariposa County Board of Supervisors on this 21st day of November, 2000, by the following vote:

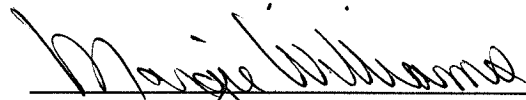
**AYES:** Balmain, Stewart, Pickard, Parker

**NOES:** NONE

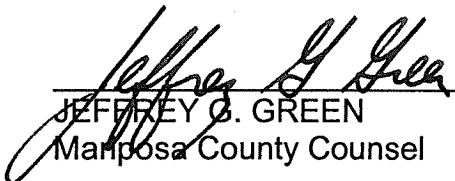
**ABSENT:** Reilly

  
\_\_\_\_\_  
GARRY R. PARKER, Chairman  
Mariposa County Board of Supervisors

**ATTEST:**

  
\_\_\_\_\_  
MARGIE WILLIAMS, Clerk of the Board  
Mariposa County Board of Supervisors

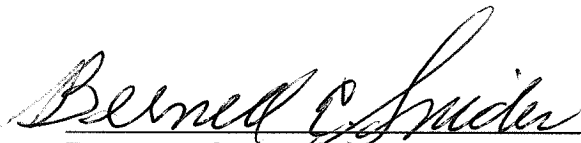
**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
JEFFREY C. GREEN  
Mariposa County Counsel


**EXHIBIT A**

**OWNERS DECLARATION**

B & F Snider Enterprises, L.P., or successors in interest, being the owner of APN 004-250-017, described as the Remainder of Parcel Map Book 18, Page 1, Mariposa County Records (portions of Section 30, T.2S. R.17E., MDBM) hereby agrees to meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code (as amended from time to time) by the fifth (5<sup>th</sup>) anniversary of the signing of this declaration. In addition, B & F Snider Enterprises, L.P., or successors in interest, agrees to provide a report to the Mariposa County Planning Department prepared by a registered professional forester verifying that the parcel meets the minimum State timber stocking standards at the fifth (5<sup>th</sup>) anniversary of the signing of this declaration.

  
\_\_\_\_\_  
Property Owner Signature

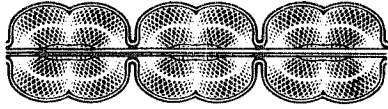
11-22-00  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Property Owner Signature

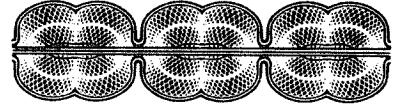
11-29-00  
\_\_\_\_\_  
Date

(Staple notary certificates of owners)

CALIFORNIA



ALL-PURPOSE



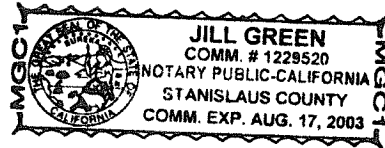
ACKNOWLEDGEMENT

STATE OF CALIFORNIA )  
COUNTY OF Stanislaus )

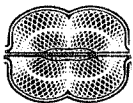
On December 22, 2000 before me, Jill Green, Notary Public,  
DATE NAME/TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared, Bernell E. Snider  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

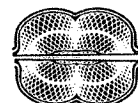
WITNESS my hand and official seal.



Jill Green (SEAL)  
NOTARY PUBLIC SIGNATURE



OPTIONAL INFORMATION

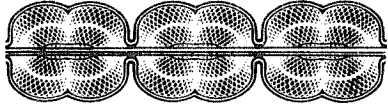


TITLE OR TYPE OF DOCUMENT \_\_\_\_\_

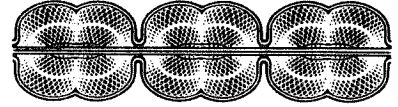
DATE OF DOCUMENT \_\_\_\_\_ NUMBER OF PAGES \_\_\_\_\_

SIGNER(S) OTHER THAN NAMED ABOVE \_\_\_\_\_

CALIFORNIA



ALL-PURPOSE



ACKNOWLEDGEMENT

STATE OF CALIFORNIA )

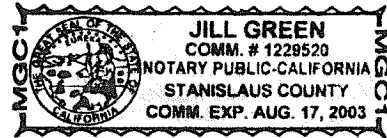
COUNTY OF Stanislaus )

On November 23, 2000 before me, Jill Green, notary public,  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

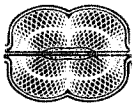
personally appeared, Flora Snider

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

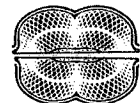
WITNESS my hand and official seal.



Jill Green (SEAL)  
NOTARY PUBLIC SIGNATURE



OPTIONAL INFORMATION



TITLE OR TYPE OF DOCUMENT \_\_\_\_\_

DATE OF DOCUMENT \_\_\_\_\_ NUMBER OF PAGES \_\_\_\_\_

SIGNER(S) OTHER THAN NAMED ABOVE \_\_\_\_\_