MARIPOSA COUNTY ORDINANCE NO. 850

(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. 92-2, Walter and Wendy Wirths, applicants, requesting that a 40 acre parcel be rezoned for inclusion into the Timber Exclusive Overlay Zone (TEZ) and that the Mariposa County Zoning Map be amended accordingly; and

WHEREAS, Zoning Amendment Application No. 92-2 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 are in accordance with County Code and State Law; 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 Northeast One-quarter of the Northeast One-quarter (NE 1/4 NE1/4) of Section 10, Township 5 South, Range 19 East, Mount Diablo Base Meridian is hereby zoned
as being in the Timber Exclusive Overlay 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 Overlay Zone (Timber Preserve) 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 Overlay Zone (TEZ). This action of the Board is based upon the findings contained in Mariposa County Resolution No. 92-23 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 (5th) 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 (5th) 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 2nd day of February, 1993 by the following vote:

AYES:  BAGGETT, BALMAIN, ERICKSON, PARKER, TABER

NOES:  NONE

ABSTAINED:  NONE

EXCUSED:  NONE

NOT VOTING:  NONE

ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

Margie Williams
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Jeffrey K. Green
County Counsel
EXHIBIT A

OWNERS DECLARATION

I (We), Walter and Wendy Wirths, being the owner(s) of APN 014-310-001, described as the Northeast One-quarter of the Northeast One-quarter (NE 1/4 NE1/4) of Section 10, Township 5 South, Range 19 East, Mount Diablo Base Meridian, hereby agree to meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code by the fifth (5th) anniversary of the signing of this declaration. In addition, we agree to provide a report prepared by a registered professional forester verifying that the parcel meets the minimum State timber stocking standards at the fifth (5th) anniversary of the signing of this declaration.

[Signature]

Property Owner Signature

1-25-93

Date

[Signature]

Property Owner Signature

1-19-93

Date