

12-20-94
12/20
CR-6

DEPARTMENT: Planning BY: Tim Evans PHONE: (209) 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes No XX)

12/20 Waive 2nd Reading and Adopt Ord.

1) Adoption of a Notice of Exemption (notice that the project is exempt from environmental review as required by CEQA) with findings as set forth in Planning Commission Resolution No. 94-15; and (2) Waiver of the first reading and introduction of an ordinance approving Zoning Amendment No. 94-6 requesting inclusion of a 75.98 acre parcel (APN: 15-190-020) into the Timber Exclusive Overlay Zone (TEZ) with a condition, and findings as set forth in Planning Commission Resolution No. 94-15.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On March 8, 1988, the Board of Supervisors approved Mariposa County Ordinance No. 704 rescinding and replacing it with Title 17 which included provisions for the Timber Exclusive Overlay Zone (TEZ - Chapter 17.44). The Timber Exclusive Overlay Zone is a timber preserve zone for the growing and harvesting of timber resources.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: 1) Deny the Zoning Amendment. (2) Approve the amendment and include additional conditions. 3) Continue the Public Hearing.

NEGATIVE ACTION would result in the denial of Zoning Amendment Application No. 94-6.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

(1) Memo to Board (6) Draft Ordinance

(2) Location map

(3) P.C. Resolution

(4) P.C. Minutes

(5) Staff Report

CLERK'S USE ONLY:

Res. No.: 94-531 Ord. No. 882

Vote - Ayes: _____ Noes: _____

Absent: _____ Abstained: _____

() Approved () Denied

12/20-XX 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
County of Mariposa, State of California

By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: _____

A.O. Initials: MP

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning and Building Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: PUBLIC HEARING to Consider Adoption of a Notice of Exemption and the Approval or Denial of Zoning Amendment Application Number 94-6; Mike and Nancy Hubert, Applicants (Continued from 11/15/94); Resolution Number 94-539

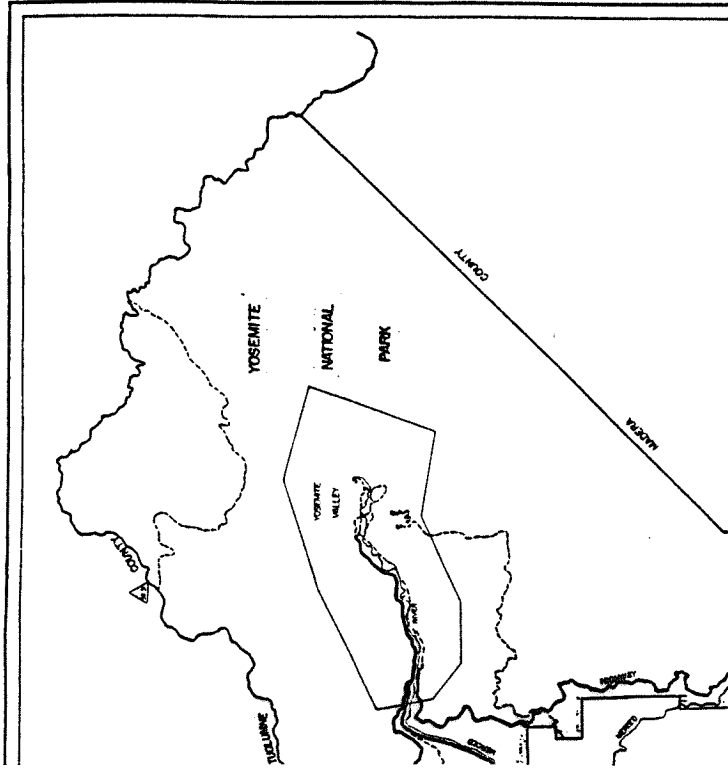
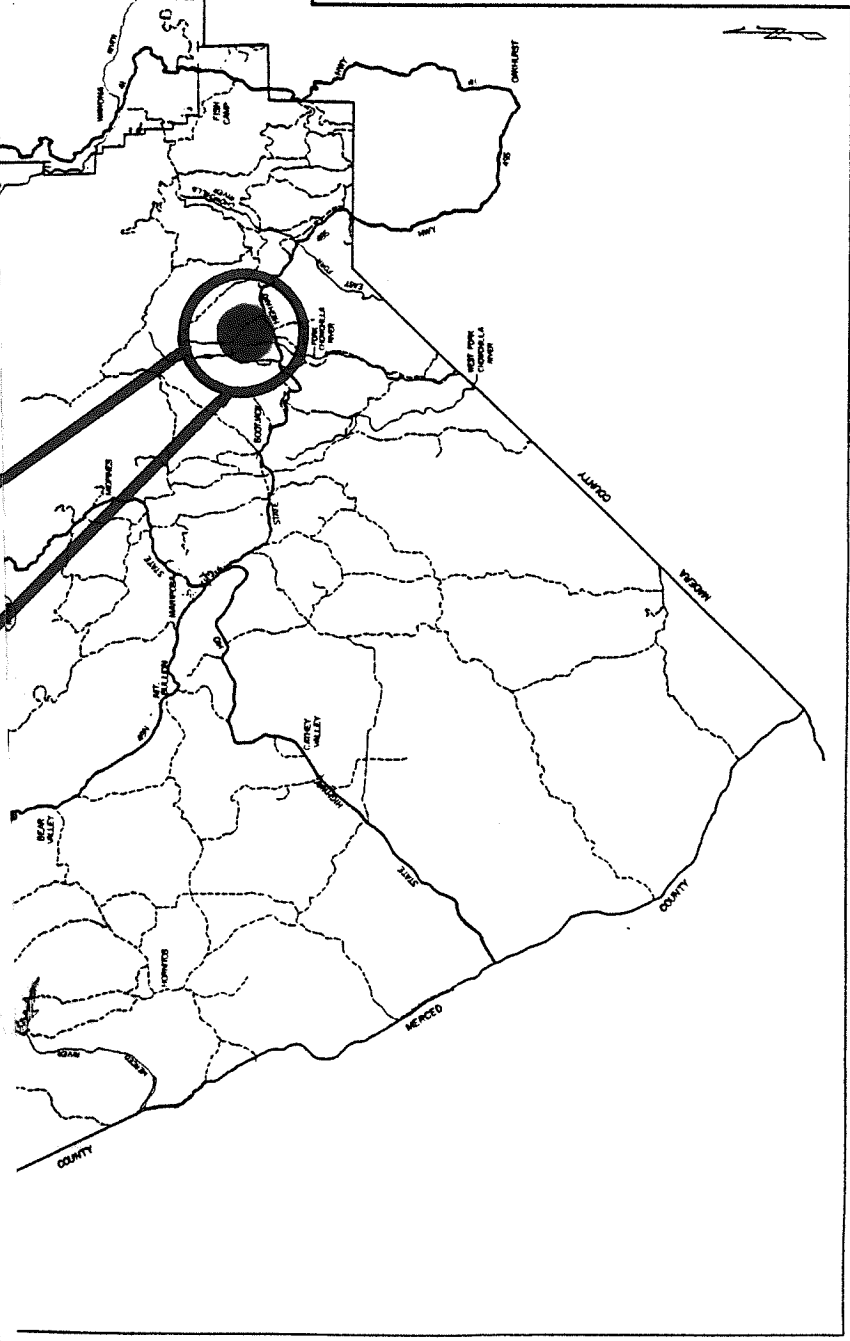
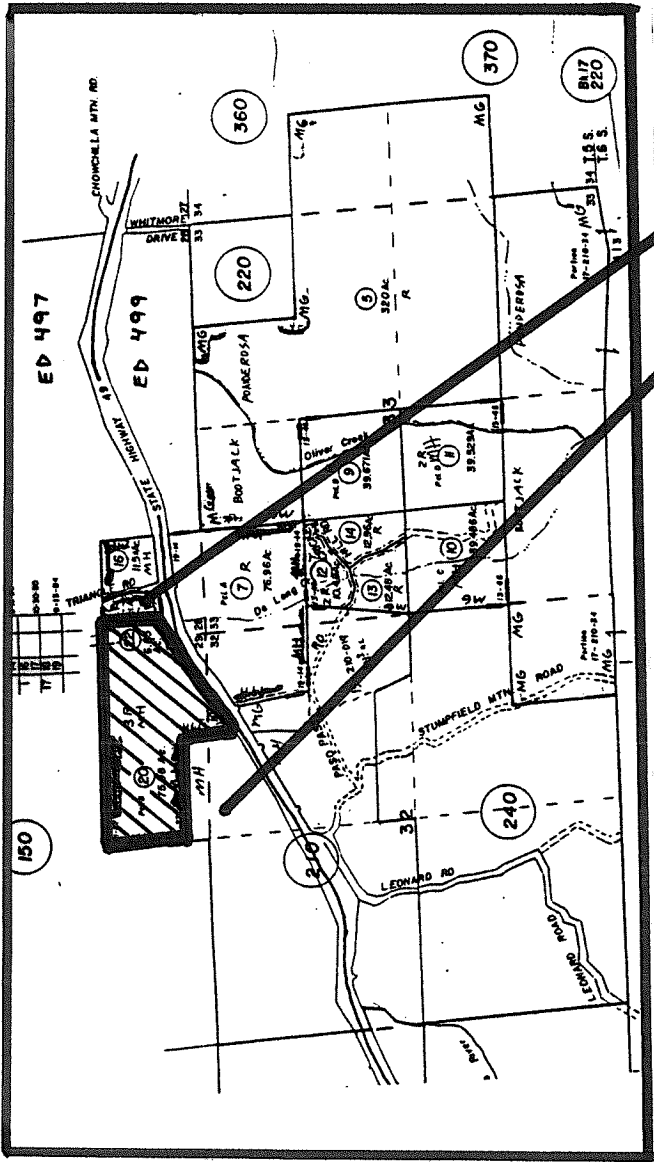
THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on December 13, 1994

ACTION AND VOTE:

11:00 a.m. Ed Johnson, Planning and Building Director; PUBLIC HEARING to Consider Adoption of a Notice of Exemption and the Approval or Denial of Zoning Amendment Application Number 94-6; Mike and Nancy Hubert, Applicants (Continued from 11/15/94)

BOARD ACTION: Tim Evans/Senior Planner, presented staff report, and he circulated the Timber Management Plan for review. Staff responded to questions from the Board relative to the applicant's ability to meet the timber stocking standards if a natural disaster such as a fire were to occur; and property tax and zoning changes for the parcel and improvements. Public portion of the hearing was opened. Mike and Nancy Hubert/applicants, stated they were willing to answer any questions and have agreed with staff recommendations. Mike Hubert responded to question from the Board concerning the condition of the timber stand. There being no further public input, the public portion of the hearing was closed. Board commenced with deliberations. (M)Erickson, (S)Parker, Res. 94-539 adopted, and first reading was waived and an ordinance introduced approving the Zoning Amendment Application, with change to reflect that if there is a catastrophic incident and the timber stand is destroyed, and a new Plan is presented, it will not lead to a re-review by the Board of Supervisors/Ayes: Baggett, Balmain, Erickson, Parker; Excused: Taber.

cc: File



**MARIPOSA COUNTY
ROAD SYSTEM**

VICINITY MAP
GPZA #94-6

TIMBER EXCLUSIVE OVERLAY
MIKE & NANCY HUBERT
APN: 15-190-020

DATE: 9-30-94
DRAWN BY: J.L. DAVIS

LEGEND
COUNTY BOUNDARIES
STATE HIGHWAYS

Scale: 1" = 1 mile

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MARIPOSA COUNTY PLANNING COMMISSION

RESOLUTION NO. 94-15

A RESOLUTION RECOMMENDING APPROVAL OF ZONING AMENDMENT
APPLICATION NO. 94-6 (TIMBER EXCLUSIVE OVERLAY ZONE).

MIKE AND NANCY HUBERT, APPLICANTS

WHEREAS, Zoning Amendment Application No. 94-6, Mike and Nancy Hubert, applicants, requesting inclusion of a 75.98 acre parcel into the Timber Exclusive Overlay Zone has been submitted to the County; and

WHEREAS, County and State regulations require that the Planning Commission formulate a recommendation relative to approval or denial of the proposed re-zoning in accordance with Chapter 17.128 of the Mariposa County Code; and

WHEREAS, in accordance with Section 15264 of the California Environmental Quality Act (CEQA) Guidelines, the rezoning of the parcel into the Timber Exclusive Overlay Zone is exempt from environmental review, and

WHEREAS, the Planning Commission has held a duly noticed public hearing in accordance with County Code and State Law; and

NOW THEREFORE BE IT RESOLVED, that the Mariposa County Planning Commission hereby recommends approval of the re-zoning based upon the following condition:

1. 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.

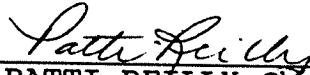
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In addition, the property owner shall provide a report prepared by a registered professional forester verifying that the property meets the minimum timber stocking standards by the fifth (5th) anniversary of the signing of the agreement.


BE IT FURTHER RESOLVED that the recommendation for approval is based upon the findings in the staff report, and incorporated herein by reference.

PASSED AND ADOPTED by the Mariposa County Planning Commission on the 18th day of November, 1994, by the following vote:

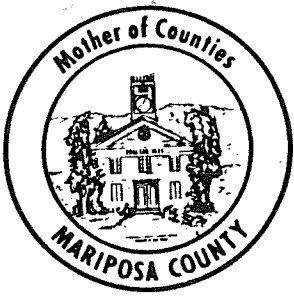
- AYES: SWIFT, MCFADEN, STEWART, REILLY
- NOES: NONE
- ABSTAINED: NONE
- EXCUSED: NONE
- NOT VOTING: NONE



PATTI REILLY Chairman
Mariposa County Planning Commission

ATTEST:


SUZAN E. BANCHERO, Secretary
Mariposa County Planning Commission



Mariposa County Planning and Building Department

EDWARD J. JOHNSON
Director

5101 Jones Street
P.O. Box 2039
Mariposa, CA 95338
(209) 966-5151
FAX No. (209) 742-5024

MEMORANDUM

DATE: December 13, 1994

TO: Mariposa County Board of Supervisors

FROM: *JE*
Tim Evans, Planning Department

SUBJ: Zoning Amendment Application No. 94-6, Mike and Nancy Hubert, applicants.

RECOMMENDATION:

The Planning Commission recommends that the Board of Supervisors (1) Adopt a Notice of Exemption, (notice that the project is exempt from environmental review as required by CEQA) based upon the findings as set forth in Planning Commission Resolution No 94-15; and (2) Waive the first reading and introduce an ordinance approving Zoning Amendment No. 94-6, which requests the inclusion of a 75.98 acre parcel (APN: 015-190-020) into the Timber Exclusive Overlay Zone (TEZ) based upon the findings as set forth in Planning Commission Resolution No. 94-15.

DISCUSSION:

The applicants are requesting the zoning amendment in order to allow inclusion of a 75.98 acre parcel (APN: 015-190-020) into the Timber Exclusive Overlay Zone (TEZ). The Timber Exclusive Zone is a timber preserve zone designed to promote a long term commitment from the property owner to manage, grow, and harvest timber resources in return for a property tax deferment. This zoning overlay has a ten year term that is automatically extended each year until such time as the property is rezoned by the County.

There are also specific State and County standards relating to parcels to be included in the Timber Exclusive Overlay Zone (TEZ). Section 17.44.010 A.2., of the Mariposa County Zoning Ordinance included the following standard:

“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 anniversary of the signing of such agreement. “

The Timber Management Plan prepared for the subject parcel states that the parcel will meet the State timber stocking standards by the fifth anniversary. The plan also states that the soil on the site is suitable for the development of further timber resources and the parcel is identified as having good potential for timber production.

The Timber Management Plan prepared for the subject parcel was reviewed by the California Department of Forestry District Forester, Dan Seamount, who stated the plan was adequate and established good management practices for the timber resources on the subject parcel.

The Planning Commission at their November 18, 1994, planning meeting reviewed the project and adopted a resolution recommending approval of the requested zoning amendment. No public input was received on the project.