

DEPARTMENT: Planning

BY: Eric Jay Toll, Planning Director  
PHONE: 966-0302

RECOMMENDED ACTION & JUSTIFICATION:

Adopt a Resolution adopting a Notice of Exemption and approving General Plan / Zoning Amendment (GP/ZA) #2003-154 (Balmain, applicant); and

Waive the first reading and introduce an ordinance approving a change in the Official County Zoning Map in accordance with GP/ZA #2003-154.

This action is based upon the Planning Commission's recommendation.

The ordinance will take effect 30 days following its approval (second reading).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has not taken any action on this application.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives include approving the application with modified findings or denying it. A negative action would disallow the zone change and associated reduced property taxes. Reduced property taxes are offered by the county to encourage property owners to use the land for resource production and open space.

Financial Impact? ( ) Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes (X) No ( ) Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		Memo to Board with Attachments:
Source:		1. Planning Commission staff report, Oct 17 2003
Internal Transfer _____		2. Planning Commission Resolution
Unanticipated Revenue _____ 4/5's vote		3. Planning Commission Minutes, October 17, 2003
Transfer Between Funds _____ 4/5's vote		4. Draft Ordinance
Contingency _____ 4/5's vote		5. Draft Resolution
( ) General ( ) Other		

1/8  
**CLERK'S USE ONLY:**  
 Res. No.: 03-418  
 Ord. No. 1001 Area: 4  
 Vote - Ayes: 4  
 Absent: \_\_\_\_\_  
 ( ) Approved  
 ( ) Minute Order Attached ( ) No Action Necessary  
*Not voting / Balmain Excluded*

**COUNTY ADMINISTRATIVE OFFICER:**  
 \_\_\_\_\_ Requested Action Recommended  
 No Opinion  
 Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

CAO: *[Signature]*

**MARIPOSA COUNTY ORDINANCE NO. 1001**

(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 General Plan / Zoning Amendment Application No. 2003-154, Gary Balmain, applicant, requesting that a 170.78-acre area consisting of two parcels, as described in “Exhibit A,” be rezoned for inclusion into the Timber Exclusive Zone (TEZ) and that the Mariposa County Zoning Map be amended accordingly; and

**WHEREAS**, General Plan / Zoning Amendment Application No. 2003-154 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 as described in “Exhibit B,” 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 "Exhibit C."

**SECTION III**

Each parcel individually meets the minimum stocking standards established by Section 4561 of the Public Resources Code; There is no requirement for the applicant to enter into an agreement with the County to ensure that stocking standards are met by the fifth (5<sup>th</sup>) anniversary of such agreement.

**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 9th day of December, 2003, by the following vote:

**AYES:** STETSON, BIBBY, PARKER, PICKARD

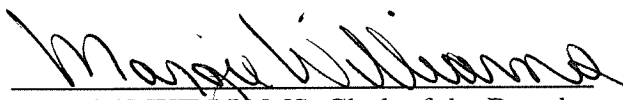
**NOES:** NONE

**ABSTAINED:** NONE

**EXCUSED:** BALMAIN

  
\_\_\_\_\_  
BOB PICKARD, 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:


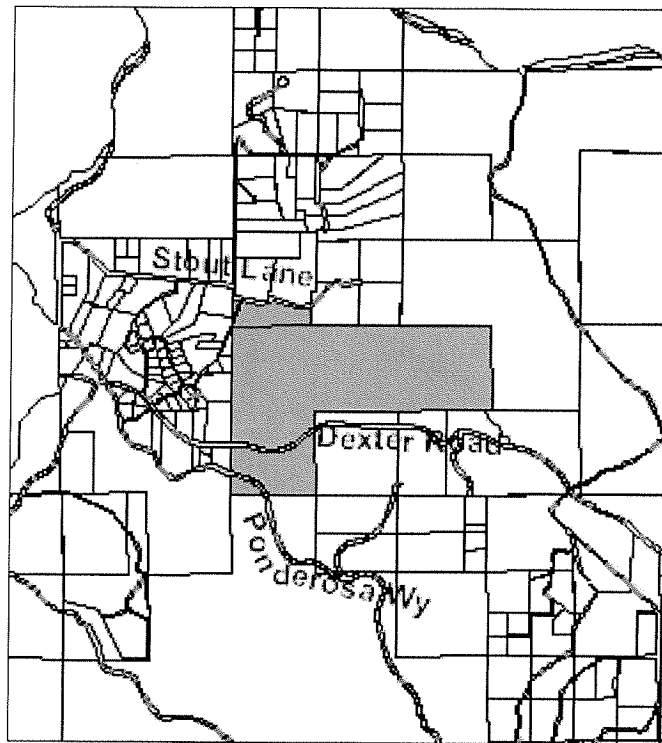
  
\_\_\_\_\_  
JEFFREY G. GREEN  
Mariposa County Counsel

EXHIBIT A



The shaded parcels identify the affected area.

EXHIBIT B

Parcel "A" as shown on the Parcel Map for Elmer W. Gilbert, filed March 15, 1982 in Book 20 of Parcel Maps at page 3, Mariposa County Records; and

The West half of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 11, Township 2 South, Range 16 East, M.D.B. & M. The Northwest quarter of the Southwest quarter of Section 12, Township 2 South, Range 16 East, M.D.B. & M.

EXHIBIT C

**Finding No. 1:** *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.*

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).

**Finding No. 2:** *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.*

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 General Plan states that "Mountain General" is applied to lands characterized by terrain that is less suitable for high or moderate residential densities or intense use or is remote from established service centers. "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.

**Finding No. 3:** *The amendment conforms with the requirements of State law and County policy.*

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).

**Finding No. 4:** *The amendment is consistent with other guiding policies, goals, policies, and standards of the General Plan.*

The amendment has been reviewed for consistency with the policies and standards of the Mariposa County General Plan.

Silviculture (the development and care of forests) is a permitted use on the parcel. The Conservation Element (Section 6.402.5) of the General Plan states that the County shall encourage timber production practices on lands

which exhibit forest resource potential and include such lands, with approved timber management plans, in the TEZ regardless of the land use designation. 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 policy and objectives of the Conservation Element (Section 6.502.B.3) of the General Plan.

The Open Space Element (Section 7.301.A) of the General Plan states that potential production of timber is a resource worthy of protecting and developing.

The amendment is consistent with, or will have no negative effect on the other goals, policies, and standards of the Mariposa County General Plan. This finding is made in accordance with Section 2.600 et seq.

**Finding No. 5:** *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.*

Access to the 171 acre site to be zoned TEZ is by Dexter Road, paved county maintained divided highway. There is no reason to expect that this operation will create or exacerbate maintenance or traffic problems on these roads 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), Mountain General (40-acre minimum) and Public Domain (BLM). The TEZ is compatible with the Public Domain (Bureau of Land Management) zone as the TEZ provides open space and natural resource management as do BLM lands. Because noise from timber harvesting is sporadic and short lived, the project site is compatible with the Mountain Home and Mountain General 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 gentle slopes do not provide physical constraints to timber harvesting.

**Finding No. 6:** *The proposed zoning is logical and desirable to provide expanded employment opportunities or basic services to the immediate residential population or touring public.*

The rezone to a zone encouraging timber production will provide potential employment opportunities to the residential population in Greeley Hill and Coulterville, making the proposed zoning logical and desirable.