

Mariposa County  
Planning Department  
P.O. Box 2039  
Mariposa, CA 95338-2039

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution

No. 2012-019

**A resolution recommending approval 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 criteria to the 190.36 acre portion of a 230.36 acre parcel currently zoned Mountain Home and the 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 public hearing was scheduled for the 2<sup>nd</sup> 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, 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,

BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend the Board of Supervisors approve a Notice of Exemption; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend approval of General Plan / Zoning Amendment 2012-108 to add Timber Exclusive Zone (TEZ) overlay criteria 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 THEREFORE FURTHER RESOLVED THAT the Planning Commission recommends project approval based on the following findings supported by substantial evidence in the public record:

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve General Plan / Zoning Amendment No. 2012-108 based upon the findings set forth in Exhibit 1; and

ON MOTION BY Commissioner Francisco, seconded by Commissioner Tucker this resolution duly passed and adopted this 2<sup>nd</sup> day of November 2012 by the following vote:

AYES: Tucker, Francisco, Rudzik and Marsden

NOES:


EXCUSED: Ross

ABSTAIN:



Les Marsden, Chair  
Mariposa County Planning Commission

Attest:

  
\_\_\_\_\_  
Judy Mueller, Secretary to the  
Mariposa County Planning Commission

## *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 gentle 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.