RECOMMENDED ACTION AND JUSTIFICATION:

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:

A. Budgeted current FY
   $_____________
B. Total anticipated Costs
   $_____________
C. Required additional funding
   $_____________
D. Internal transfers
   $_____________

COSTS: ( ) 4/5th Vote Required

A. Unanticipated revenues
   $_____________
B. Reserve for contingencies
   $_____________
C. Source description:

Balance in Reserve Contingencies, If Approved:
$_____________

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
4. Draft Ordinance

CLERK’S USE ONLY

Res. No.: 957
Ord. No.: 957

Vote - Ayes: ______
Absent: ______
Approved: ______
No Action Necessary
Noes: ______
Abstained: ______

Minute Order Attached

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

Date: ______

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

By: ______

Deputy

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: ______
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\textsuperscript{th}) 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\textsuperscript{th}) 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 21\textsuperscript{st} 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 G. 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 (5th) 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 (5th) anniversary of the signing of this declaration.

[Signatures]

Bernard E. Snider
Property Owner Signature

11-22-00
Date

[Signatures]

Anna Snider
Property Owner Signature

11-29-00
Date

(Staple notary certificates of owners)
STATE OF CALIFORNIA
COUNTY OF Stanislaus

On December 23, 2006 before me, ____________________________,
NAME/TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared, ____________________________

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.

_____________________________ (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 December 23, 2000 before me, (Signature), Notary Public, personally appeared, (Name), 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.

(Seal)

JILL GREEN
COMM. # 1228572
NOTARY PUBLIC-CALIFORNIA
STANISLAUS COUNTY
COMM. EXP. AUG. 17, 2003

OPTIONAL INFORMATION

TITLE OR TYPE OF DOCUMENT ________________________________

DATE OF DOCUMENT __________________________ NUMBER OF PAGES __________________

SIGNER(S) OTHER THAN NAMED ABOVE ____________________________