

(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. 94-6, Mike and Nancy Hubert, applicants, requesting that a 75.98 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. 94-6 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 being a portion of the South One-Half of the Southeast One-Quarter (S 1/2 SE 1/4) of Section 29, a portion of the North One-Half of the Northeast One-Quarter (N 1/2 NE 1/4) of Section 32, and a portion of the West One-Half of the Southwest One-Quarter (W 1/2 SW 1/4) of Section 28, Township 5 South, Range 20 East, Mount Diablo

1 Base and Meridian, is hereby zoned as being in the Timber Exclusive Overlay Zone (TEZ) as
2 provided by Chapter 17.04.030 of Mariposa County Code.

3 **SECTION II**

4 The County shall cause to be filed with the County Recorder a notice of Timber
5 Exclusive Overlay Zone (Timber Preserve) status with the appropriate map. The official
6 Zoning Map of Mariposa County shall be modified to reflect the property described in Section
7 I as being included in the Timber Exclusive Overlay Zone (TEZ). This action of the Board is
8 based upon the findings contained in Mariposa County Resolution No. 94-15 which is hereby
9 incorporated by reference.
10

11 **SECTION III**

12 The property described in Section I may not currently meet the timber stocking
13 standards established by Section 4561 of the Public Resources Code. The property owner shall
14 sign an agreement stating that the property shall meet the timber stocking standards as set forth
15 in Section 4561 of the Public Resources Code by the fifth (5th) anniversary of the signing of
16 the agreement. In addition, the property owner shall provide a report prepared by a registered
17 professional forester verifying that the property meets the minimum timber stocking standards
18 by the fifth (5th) anniversary of the signing of the agreement. A copy of the agreement
19 (Owners Declaration) is attached as "EXHIBIT A".
20

21 **SECTION IV**

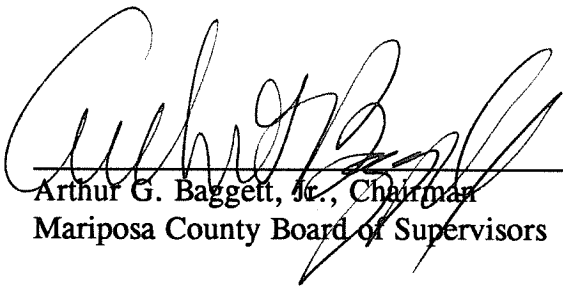
22 This ordinance shall become effective thirty (30) days after final passage pursuant to
23 Government Code Section 25123.
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25 PASSED AND ADOPTED by the Mariposa County Board of Supervisors on this 20th
26 day of December , 1994 by the following vote:
27


28 AYES: BAGGETT, BALMAIN, PARKER

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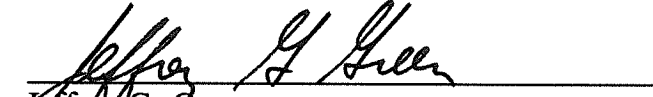
NOES: NONE
ABSTAINED: ERICKSON
EXCUSED: TABER
NOT VOTING: NONE


Arthur G. Baggett, Jr., Chairman
Mariposa County Board of Supervisors

ATTEST:


Margie Williams
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Jeffrey G. Green
County Counsel

"EXHIBIT A"

OWNERS DECLARATION

We, Mike and Nancy Hubert, being the owners of APN: 015-190-020, described as being a portion of the South One-Half of the Southeast One-Quarter (S 1/2 SE 1/4) of Section 29, a portion of the North One-Half of the Northeast One-Quarter (N 1/2 NE 1/4) of Section 32, and a portion of the West One-Half of the Southwest One-Quarter (W 1/2 SW 1/4) of Section 28, Township 5 South, Range 20 East, Mount Diablo Base and 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.



Property Owner Signature

12-15-94
Date



Property Owner Signature

12-15-94
Date

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Mariposa County Board of Supervisors

District 1 ARTHUR G. BAGGETT, JR.
District 2 DOUG BALMAIN
District 3 ERIC J. ERICKSON
District 4 GARRY R. PARKER
District 5 GERTRUDE R. TABER



MIKE COFFIELD
County Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222
1-800-736-1252

FAX (209) 966-5147

ACKNOWLEDGMENT

RE NEWSPAPER PUBLICATION

[Instructions: Please have a representative with the MARIPOSA GAZETTE complete the following acknowledgment of receipt regarding legal publications. Please forward the billing request to the Mariposa County Board of Supervisors, Post Office Box 784, Mariposa, California 95338. Should you have any questions, please contact our office (attention: Janet) at (209) 966-3222. Thank you.]

I, *Kevin W. [Signature]* hereby acknowledge receipt of the
(Print Name)

following document (s) for legal publication in the January 5, 1995, issue of the "Mariposa Gazette", on this 30th day of December, 1994:

MARIPOSA COUNTY ORDINANCE NUMBER 882
"AN ORDINANCE REZONING PROPERTY FOR
INCLUSION INTO THE TIMBER EXCLUSIVE
OVERLAY ZONE (TEZ) AND AMENDING THE
MARIPOSA COUNTY ZONING MAP"

By: _____ (Representative)

