



COMMUNITY DEVELOPMENT DEPARTMENT

BEV SHANE, AICP
Director

BUILDING AND SAFETY • PLANNING • GEOGRAPHIC INFORMATION SYSTEM (GIS)

DATE: January 6, 2009

TO: Vicki Helmar, Secretary
Agricultural Advisory Committee

FROM: Renee Hendry, Planner II
Tuolumne County Community Development Department

RE: Williamson Act Contract 05WA-041
Zone Change 05RZ-040
Oddfellows Sierra Recreation Association
Assessor's Parcel Number 31-010-02

48 W. Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (fax)
www.tuolumnecounty.ca.gov

We are in receipt of an application for the following proposed project:

- Application for Williamson Act Contract 05WA-041 to rescind an existing land conservation contract and enter into a new contract on a 51.2 ± acre parcel pursuant to Tuolumne County Resolution 106-04.
- Ordinance for Zone Change 05RZ-040 to rezone the 51.2± acre parcel from AE-37 (Exclusive Agricultural, thirty-seven acre minimum) to O:AP (Open Space:Agricultural Preserve Combining) under Title 17 of the Tuolumne County Ordinance Code.

The Oddfellows Sierra Recreation Association is proposing to rescind their existing Williamson Act Contract under Tuolumne County Resolution 122-70 and enter into a new Williamson Act Contract pursuant to Tuolumne County Resolution 106-04. The applicants wish to have an open space contract for habitat protection. The project site, Assessor's Parcel Number 31-010-02, is 51.2 ± acres in size and currently zoned AE-37 (Exclusive Agricultural, thirty-seven acre minimum) with a General Plan land use designation of Agricultural (AG). The project site is located in Agricultural Preserve 73-10 which was established pursuant to Resolution 231-72 adopted on January 30, 1973.

The applicants have submitted an Agricultural Management Plan, which is included with this memo. They have indicated that they wish to have a contract for open space for habitat preservation on the site. The project site currently contains no residence but does contain a well pump house and a dock. There is also a pond, large wet meadow area and a segment of Sugarpine Creek on the site. This property has been determined to be agricultural land of local importance with a score of 164 pursuant to the Agricultural Rating System matrix contained in the Agricultural Resources Element of the Tuolumne County General Plan.

Rule 1.A of Resolution 106-04 states that owners of land under conservation contracts existing on the effective date of Resolution 106-04 shall be offered new land conservation contracts notwithstanding the fact that the parcels may not meet the minimum acreage requirements of Resolution 106-04. All other provisions of Resolution 106-04 shall be met to qualify for a new contract.

Rule 4.A.1 of Resolution 106-04 states that to qualify for a Land Conservation Contract, land shall be in an agricultural preserve, and be comprised of a single parcel of land, or two or more

contiguous or discontinuous parcels in the same preserve when such parcels are under the same ownership or are owned by immediate family members and are managed as a single unit.

Rule 4.A.2 states that the minimum parcel size for land conservation contracts that have an open space contract is 40 acres of which 90% must be subject to the management plan. The project site is 51.2± acres in size and at least 90% of the site of the site would be reserved for habitat preservation.

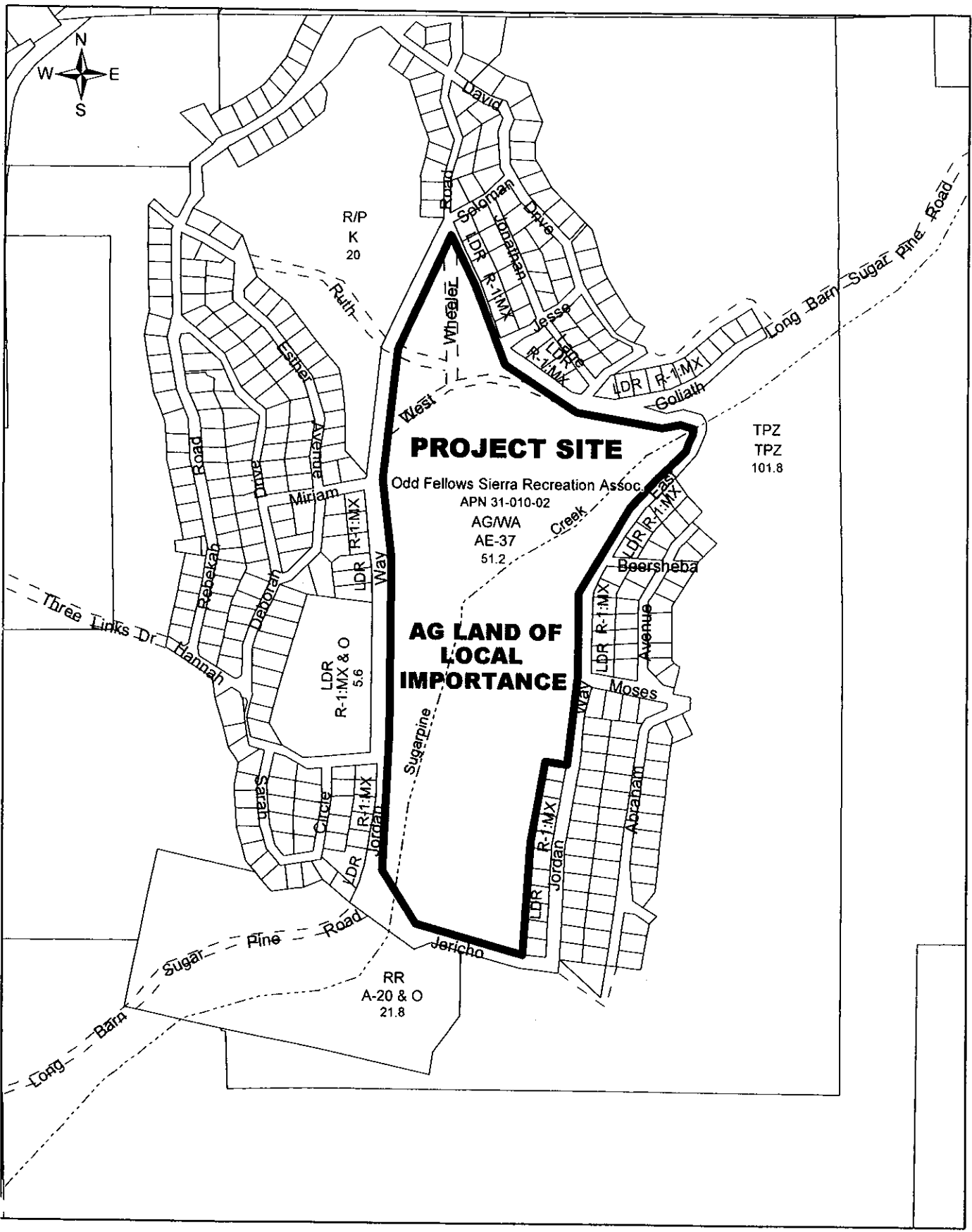
Rule 4.B.2 states that an application to enter into or modify a land conservation contract shall also be deemed to be an application to rezone the subject property to an Agricultural Preserve (AP) combining district.

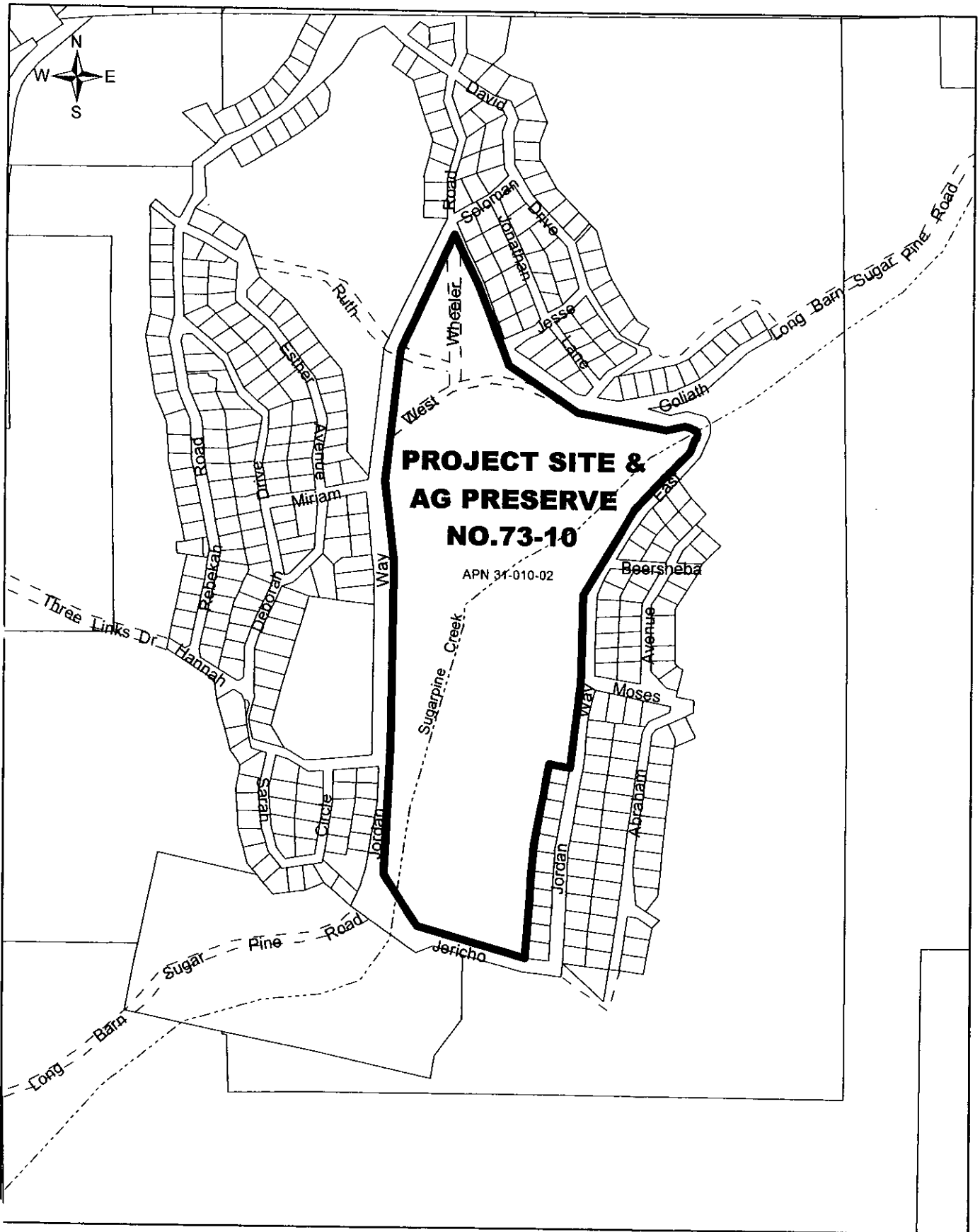
Rule 9.A states that land devoted to open space uses pursuant to the provisions of Section 51205 of the State Government Code and which has statewide significance as defined in Title 14 CCR Section 14112(C) may be acceptable and qualify land for inclusion into land conservation contracts established for open space purposes. Pursuant to Section 14112(C) of the Open Space Subvention Act land shall be deemed to be devoted to open space use of statewide significance if it meets at least one of the following criteria:

- 1) The land contains areas of outstanding scientific, scenic or recreational value to the public.
- 2) The area is required habitat for significant fish or wildlife resources.
- 3) The area contains forest or agricultural lands that are judged to be of major importance in meeting future needs for food, fiber and timber.
- 4) The land is valuable to the public as an access to lakeshores and/or riverbanks.
- 5) The land contains major historic or cultural resources

The Agricultural Management Plan submitted with this application, indicates that the applicants are applying for an open space land conservation contract for wildlife habitat conservation. All open space contracts must be reviewed by the California Department of Fish and Game. A site inspection was conducted by the Department of Fish and Game on March 28, 2008. The property was found to be in compliance with Rule 4.A.2 regarding the required minimum parcel size of 40 or more gross acres. The Department of Fish and Game representative found that the project site did contain habitat of statewide significance due to the potential presence of the Great Gray Owl, Spotted Owl and Pallid Bat, which are special status animals. The property also contains ponderosa pines, sugar pines and a large meadow. The meadow area provides foraging area for the owls. A pond and a segment of Sugarpine Creek are on the site. The Department of Fish and Game is recommending approval of granting an open space land conservation contract.

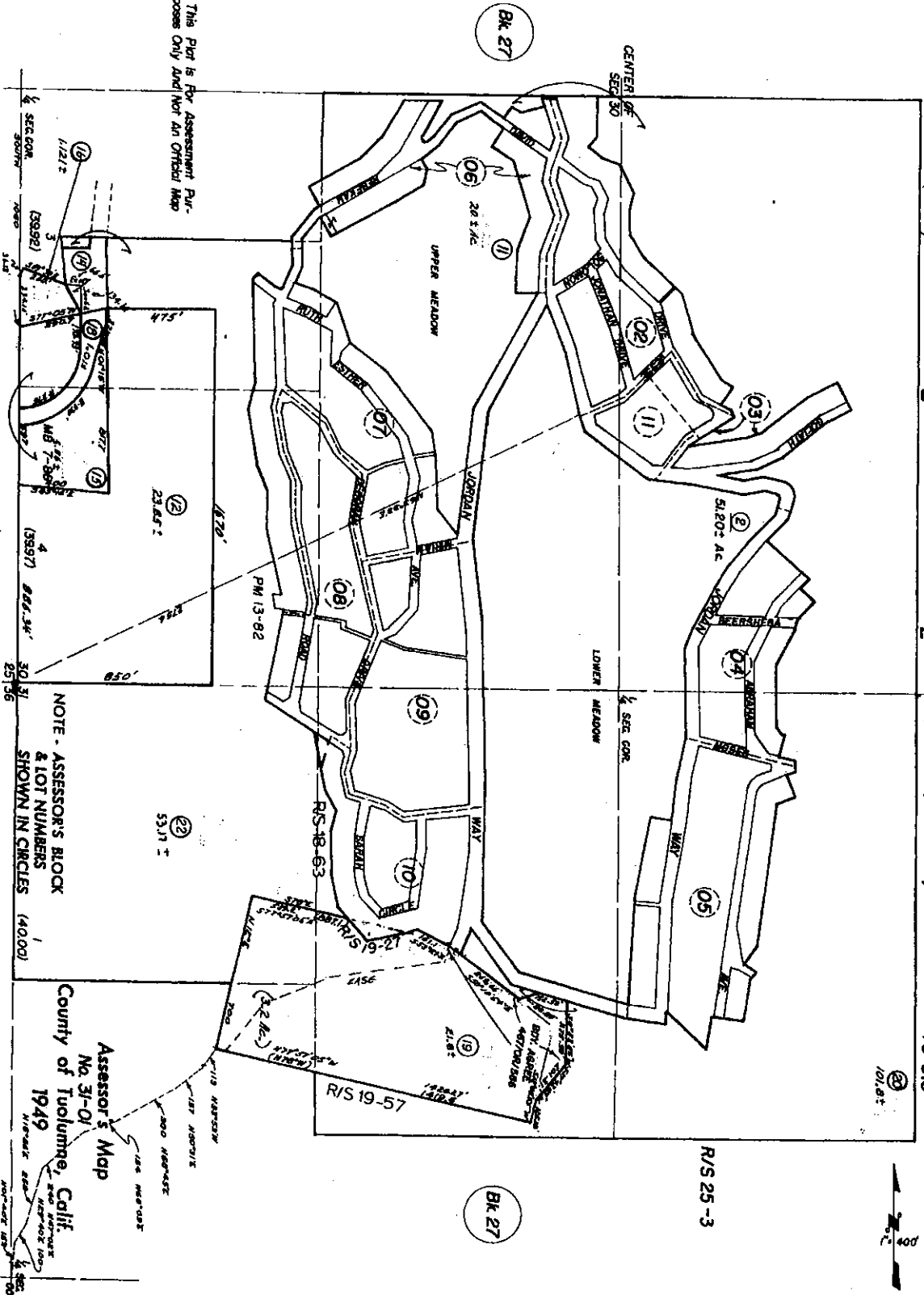
Please schedule consideration of this application for the next available meeting of the Agricultural Advisory Committee. The Committee will need to make a recommendation regarding this contract's consistency with Tuolumne County Resolution 106-04. Please find enclosed a copy of the agricultural rating system matrix for Assessor's Parcel Number 31-010-02, the Agricultural Management Plan for the proposed contract, the inspection form from the California Department of Fish and Game, and maps showing the project site and the boundaries of Agricultural Preserve 73-10. If you have any questions about the enclosed information please contact me at (209) 533-5633.





Bk 27 POR S 1/2 SEC 30, & POR N 1/2 SEC 31, T 3 N, R 17 E., M. D. B. & M. Tax Area Code 76-015

31-01



Note: This Plan is for Assessment Purposes Only and Not an Official Map

NOTE - ASSESSOR'S BLOCK & LOT NUMBERS SHOWN IN CIRCLES (4000)

Assessor's Map
 No. 31-01
 County of Tuolumne, Calif.
 1949

**STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
WILLIAMSON ACT SITE INSPECTION FORM
TUOLUMNE COUNTY RESOLUTION 106-04/ 3-04**

Name of Land

Owner(s): Oddfellows Sierra Recreation Association Phone (209) 586-3098

Preserve No: 73-10 Proposed Contract Number: 05WA-041

Assessor's Parcel No(s): 31-010-02

Total Acres: 51.2±

CHECK THE BOXES APPLICABLE TO THE MANAGEMENT PLAN SUBMITTED

Property Compliance Schedule:

Open Space (Schedule C) and Government Code 51056
Habitat of Statewide Significance Yes No
Public Benefit Yes No
Property Compliance: Yes No Reinspection scheduled for _____

Recreational Use (Schedule D)
Public Benefit Yes No
Property Compliance: Yes No Reinspection scheduled for _____

Improvements (Schedule E)
Residence: (Existing) Yes No
(Proposed) Yes No
Accessory Structures: (Existing) Yes No
(Proposed) Yes No

Land Surface Alterations (Schedule F)
Existing Proposed

XX

Recommended to approve for compliance with Management Plan: Yes No

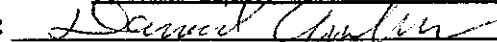
COMMENTS:

Property contains a large wet meadow, Sugarpine Creek and a large pond. There site is currently vacant, contains no structures except for a well pump house and small dock for the pond. The site is used for low-impact recreational activities by the adjoining Oddfellows subdivision residents. The site also contains habitat of statewide significance as defined in Title 14 of the California Code of regulations. The area provides habitat for the Pallid Bat, Spotted Owl, Great Gray Owl and deer herds. The California Department of Fish and Game recommends that the project site be approved for placement of the property into a new Williamson Act Land Conservation Contract.

Date received: 1/21/2005

Date inspected: 3/28/2008 Date reinspected: _____

Name and Title of Inspector: Daniel Applebee, Staff Environmental Scientist, DFG

Signature of Inspector: 

XX

Meeting date of Agricultural Advisory Committee: _____

Approved **Denied**

Agency Use Only

1 copy to CDD

1 copy for file

AGRICULTURAL RATING SYSTEM DETERMINATION

FACTOR	LOW 2	MEDIUM 4	HIGH 6	VERY HIGH 8	RATING WEIGHT	SCORE
Parcel Size (Select 1) Rangeland	<37 AC	37-79 AC	80-300 AC	>300 AC	8	32
Orchards & Hay Specialized	<20 AC	20-37 AC	37-79 AC	>79 AC	8	32
Specialized	<10 AC	10-19 AC	20-37 AC	>37 AC	8	32
Production (Select 1) Rangeland	Moderate density grass cover, mostly undesirable grass species, legumes generally not present.	Moderate density grass cover, some undesirable grass species, some legumes present.	Good density, mostly desirable grass species, some legumes present.	Heavy density, mostly desirable grass species, legumes generally abundant.	4	32
Orchard/Hay/Specialized	Poor	Fair	Good	Very Good	4	12
Water Availability Natural Water	None	Seasonal Creek	Pond or Spring	Live Creek	2	8
Developed Water	None	Groundwater or stock pond	Reservoir	Contracted Water*	2	8
Physical Characteristics	Generally shallow and rocky soil, steep terrain prevalent, significant northern aspects, vegetation exemplified by chamise and manzanita.	Generally medium depth soil, some steep terrain, some northern aspects, vegetation exemplified by Live Oaks.	Generally good soil depth, gentle rolling terrain, mostly southern or western aspect. Vegetation exemplified by Blue Oaks.	Generally deep alluvial soil, level to gentle terrain, good aspects. Vegetation exemplified by Blue Oaks/Valley Oaks.	4	32
Adjacent Use Number of non-agricultural or non-open space parcels adjacent (does not include RE-10 for purposes of this matrix).	>4	3-4	1-2	None	4	8
Number of agricultural or open space parcels adjacent (includes A-10, A-20, A-E, O, O-1, and TPZ)	None	1-2	3-4	>4	4	8
Adjacent Roads	Arterial Road	Collector Road	Local Road	None	2	8
Public Services	Public Services Available	Public Services easily accessible	Public Services difficult to access	Public Services generally not available	4	24
Total:						164

*e.g. Tuolumne Utilities District Ditch System, PG&E Ditch System, Hetch Hetchy, effluent.

Notes: 5.2 ± acres Pond, Sugar Pine Creek
wet meadows local Impatiens
AG Land of local Impatiens

Planner: Renee Hendry

Date: 3-27-08

APN(s): 31-010-07

Project Site: Yes No Adjacent Parcel: Yes No