



- Need better legal description -

COMMUNITY DEVELOPMENT DEPARTMENT

BEV SHANE, AICP
Director

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

*- Any building requires -
conditional use permit -
≈ \$2,000 each -*

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www.tuolumnecounty.ca.gov

DATE: December 3, 2008
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

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

** Ag Committee Meeting in Jan*

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.

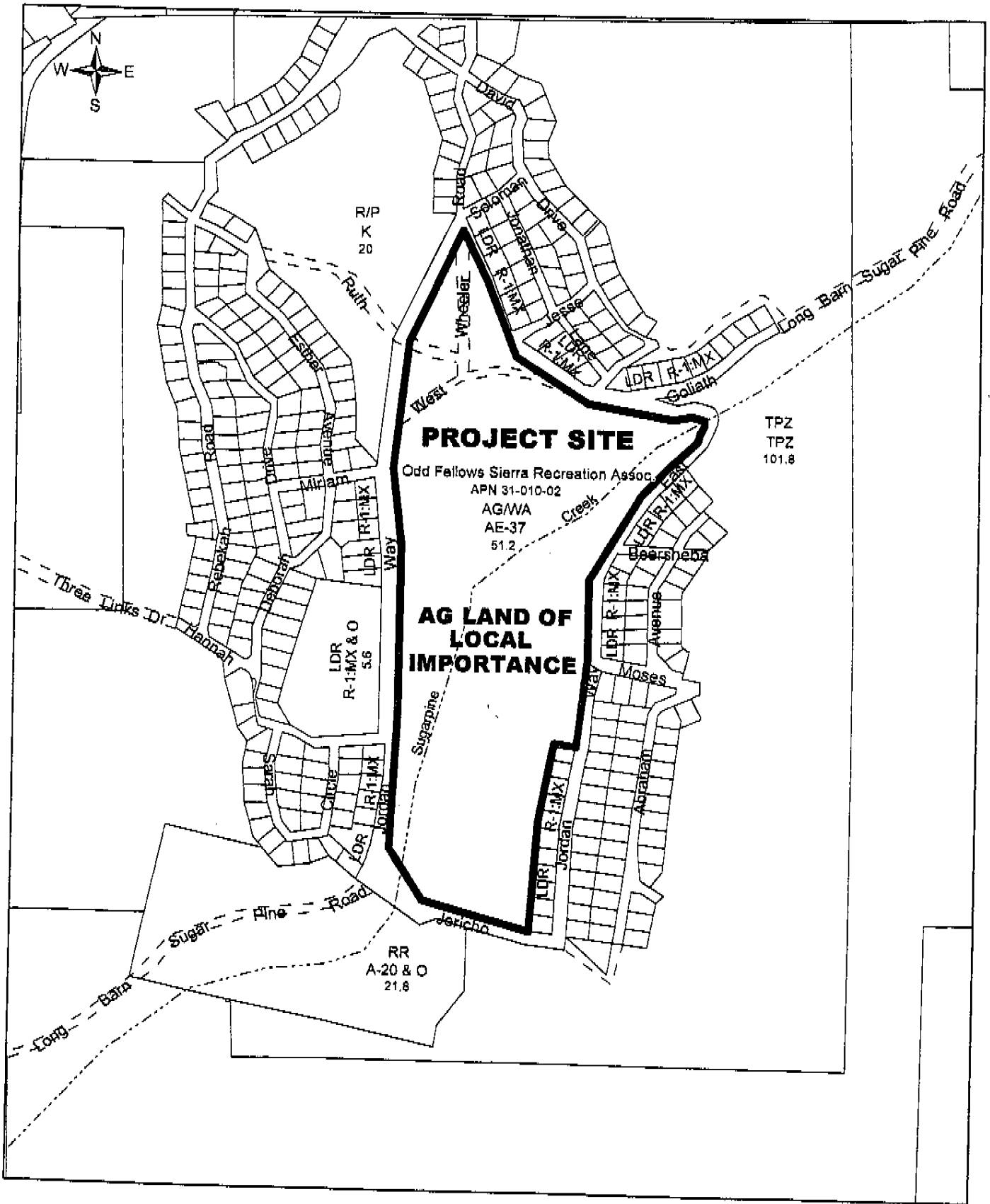
Rule 4.B.2 states that an application to enter into or modify a land conservation contract shall also be deemed to be an application to rezone the subject property to an Agricultural Preserve (AP) combining district.

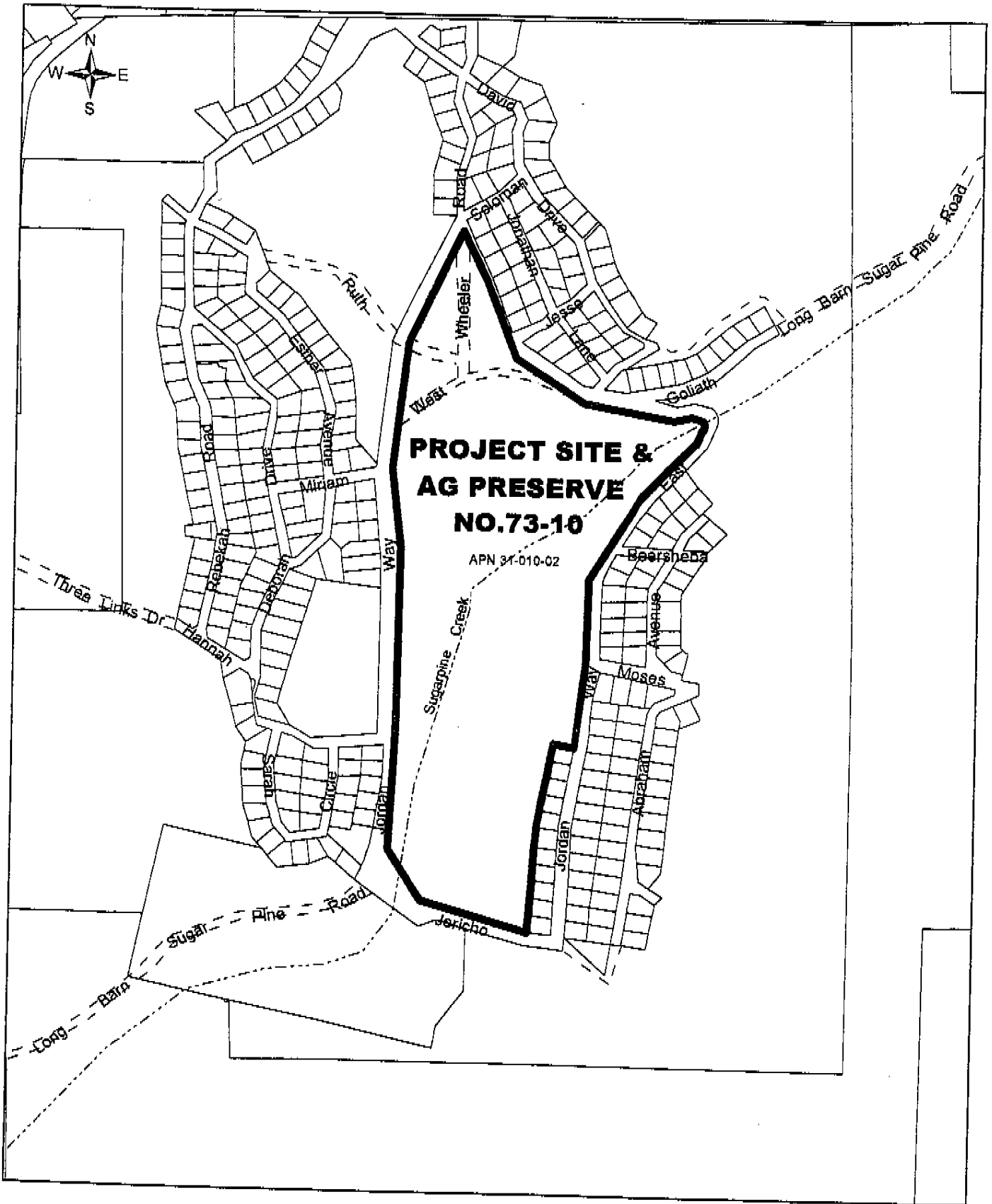
Rule 9.A states that land devoted to open space uses pursuant to the provisions of Section 51205 of the State Government Code and which has statewide significance as defined in Title 14 CCR Section 14112(C) may be acceptable and qualify land for inclusion into land conservation contracts established 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.





TUOLUMNE COUNTY AGRICULTURAL COMMISSIONER'S OFFICE
 MANAGEMENT PLANS FOR
 WILLIAMSON ACT AND AGRICULTURAL PRESERVE
 INSTRUCTIONS FOR APPLICANTS

Please type or use black ink

A management plan for an Agricultural Preserve and/or a Williamson Act, Land Conservation Contract are to be submitted to the Agricultural Commissioner's Office. A Management Plan shall include a complete description of a viable agricultural operation, or open space use that is being conducted or planned on the property as defined in Resolution 106-04/ 3-04. The Agricultural Commissioner shall complete a review of the Management Plan, which shall include an onsite visit of the property. Upon completion of the review, a report and recommendation along with the original application shall be forwarded to The Agricultural Advisory Committee for their consideration.

To qualify for an agricultural preserve, land conservation contract or land division, land must meet the minimum land requirements specified in Resolution 106-04/ 3-04. To be accepted for an initial waiver of minimum acreage requirements only, the current landowner must have a valid land conservation contract under Resolution 122-70 or 134-85. The land shall also have proven water supply sufficient for the intended use.

Old Resolution: check one 122-70 134-85

New Application (not current contract holder) please check all that applies: A. Williamson Act Contract

B. Agricultural Preserve C. Both Agricultural Preserve and Williamson Act Contract

Name of Land Owner(s): Old Fellows Sierra Recreation Association

Preserve No: 73-10 Resolution number: _____

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

Property Description Schedule:

- Trees, Vines or Perennials Planted (Schedule A)
- Animals: Including all livestock, poultry, apiaries, rabbits, furbearers, etc. (Schedule B)
- Open Space (Schedule C)
- Recreational Use (Schedule D)
- Improvements (Schedule E)
- Land Surface Improvements (Schedule F)

Maps provided:

Total acres: 51.2 ±

Land leased: yes no: if yes, name and address of leasee: _____

Does the leasee live on the parcel: yes no, if yes please give address of residence: _____

Number of single-family dwellings on the parcel: NONE

Please provide the addresses for those dwellings: _____

A contract approved based upon an agricultural management plan and/or for generating an annual gross income of \$2,000 per contract, may require \$2,000 in annual gross income be generated for three of the immediately previous five years from the production of the agricultural commodity as provided in the approved management plan, as of each anniversary date. Estimated Annual gross income requirements: *Please complete with dollar amount*

Current operation: \$ NIA

Proposed 3-years: \$ _____

Proposed 5 years: \$ _____

Additional income information: _____

Page 1 of 7

Name: _____

Uses on the property: complete all that apply:

USE	CURRENT ACRES	PLANNED USE 3 YEARS	PLANNED USE 5 YEARS	PLANNED USE +5 YEARS
COMMERCIAL				
AGRICULTURAL PRODUCTION				
RECREATIONAL USE				
OPEN SPACE USE	51.2±			

Complete Description of Current or Planned Use:

Open Space, leave natural, foraging for wildlife. Limited low-impact recreational use by residents of Odd Fellows subdivision only. NO outside public access.

Owners of land under land conservation contracts existing prior to the effective date of this resolution shall be offered new land conservation contracts notwithstanding the fact that the parcels may not meet the minimum acreage requirements contained herein. All other provisions of these regulations shall be met to qualify land for a new contract.

MINIMUM ACREAGE FOR LAND USES	
Use	Minimum Acreage
Dry land grazing 90% shall be for agricultural production	160 acres
Dry land grazing used in combination with 20% minimum shall be in irrigated pasture 90% shall be for agricultural production	80 acres
All other agricultural uses on nonprime agricultural land 90% shall be for agricultural production	40 acres
All other agricultural uses on prime agricultural land 90% shall be for agriculture production	10 acres
Recreational Use 90% shall be subject to management plan	40 acres
Open Space Use 90% shall be subject to a management plan	40 acres
Combined Uses listed above 90% shall be subject to a management plan 20% minimum shall be in irrigated or Prime Lands	80 acres

Additional Information	Please check all of the	Appropriate use(s)
<input type="checkbox"/> Home Occupation w/ ag operation	<input type="checkbox"/> Commercial ag marketing facility	<input type="checkbox"/> Farm Labor Housing
<input type="checkbox"/> Roadside stand		<input type="checkbox"/> Other: _____
<input type="checkbox"/> Surface Mining for use in ag operation		

(Schedule C)

Open Space: Must meet criteria of Section 14112 (C) of the Open Space Subvention Act, land shall be deemed to be devoted to open space use of statewide significance.

Parcel	Specific Use	Existing Acres	Proposed Acres 3 years	Proposed Acres 5 years
31-010-02	Open Space (land natural)	51.21	Same	Same

Additional

Information: Site contains large open meadow, pond and Sugar pine creek.

(Schedule D)

Recreational Use: Must be in natural state or compatible with existing agricultural use.

Parcel	Specific Use	Natural state or Compatible Agricultural	Proposed Acres 3-years	Proposed Acres 5-years

Additional

Information: Habitat for Great Gray Owl, Spotted owl, bats, fox, deer.

Name:	Schedule C
Schedule D	For Agency Use
For Agency Use:	For Agency Use

(Schedule E)

IMPROVEMENTS: both existing and proposed (Structures, pumps, pipe lines, wind machines, etc.)

Parcel	Description	Existing Yes or No	Proposed 3 year Yes or No	Proposed 5 year Yes or No
31-010-02	well pump house	Yes		
	Dock for pond	Yes		

(Schedule F)

Land Surface Improvements: (Leveling, ripping, drainage, wells, etc.)

Parcel	Acres	Description	Existing Yes or No	Proposed 3 year Yes or No	Proposed 5 year Yes or No

Additional
Information:

Name:	Schedule E
Schedule F	For Agency Use
For Agency Use:	For Agency Use

I certify (or declare) under penalty of perjury under the Laws of the State of California and the County of Tuolumne that the foregoing and all information hereon, including any accompanying statement or documents, is true, correct and complete to the best of my knowledge and belief.

Signature of Applicant(s): Roger Townsend Date: 12.29.04

Title(s): timber/treasurer

Mailing address: P.O. Box 116 LONG BARN CA.

Physical address: Odd fellows lodge Wheeler Rd.

Daytime phone: 586-3098 BUSINESS Evening phone: 209-529-8315
(MESSAGE) *LODGE PHONE.* *MODESTO* *PERSONAL CABIN 586-9522*

Agency Use: Application accepted Yes No: If no Explain:

Date received: _____ Date reviewed by Agr. Adv.: _____
Date inspected: _____ Signature of Inspector: _____
Date amended: _____ Date Contract Issued: _____ Contract No.: _____

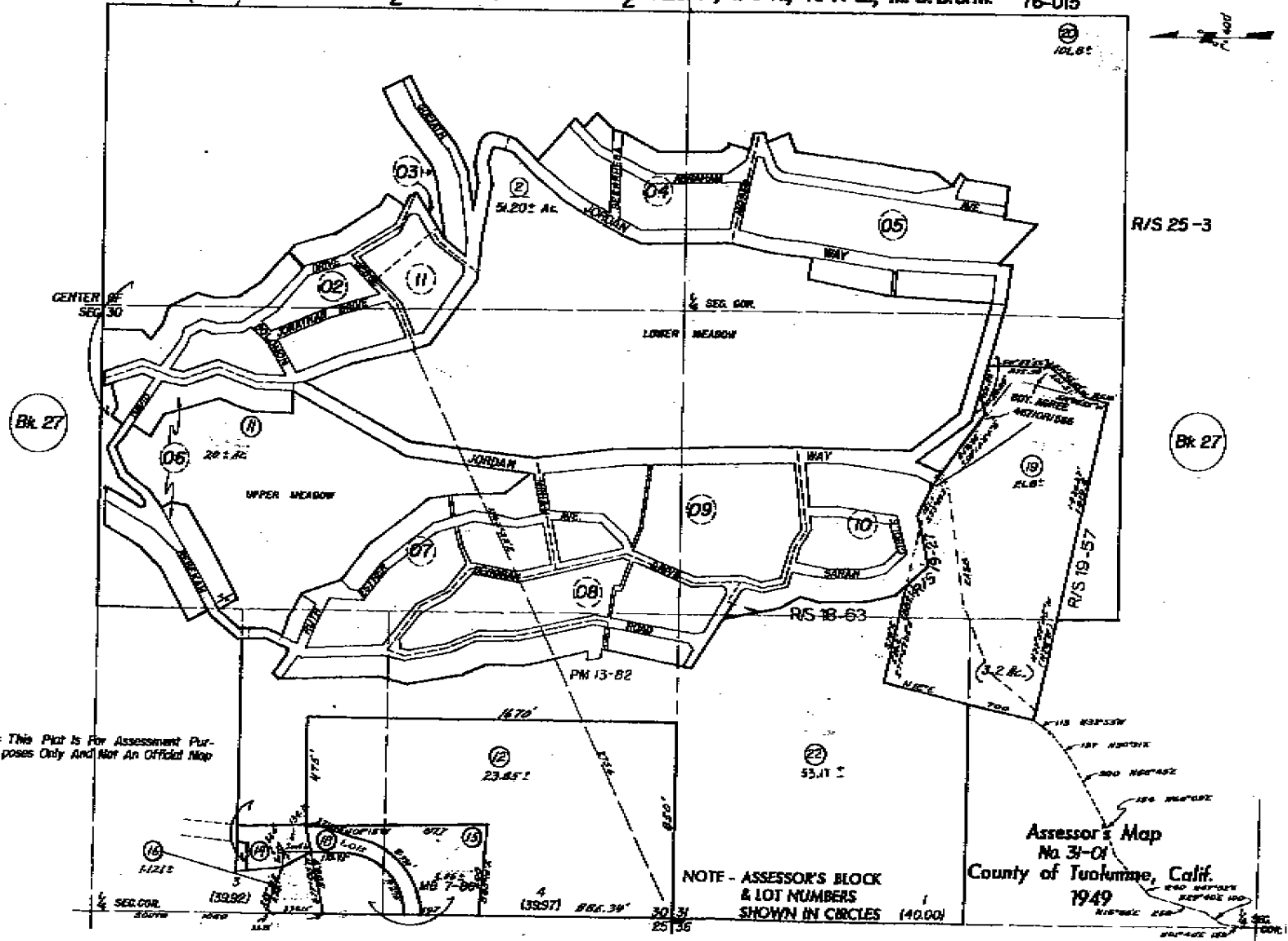
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REVISION DATE
8-25-79

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 Plat is For Assessment Purposes Only And Not An Official Map

NOTE - ASSESSOR'S BLOCK & LOT NUMBERS SHOWN IN CIRCLES (140.00)

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

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 × 4	32
Orchards & Hay	<20 Ac	20-37 Ac	37-79 Ac	>79 Ac		
Specialized	<10 Ac	10-19 Ac	20-37 Ac	>37 Ac		
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 × 8	32
Orchard/Hay/Specialized	Poor	Fair	Good	Very Good	4 × 0	0
Water Availability Natural Water	None	Seasonal Creek	Pond or Spring	Live Creek	2 × 6	12
Developed Water	None	Groundwater or stock pond	Reservoir	Contracted Water*	2 × 4	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 × 8	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 × 2	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 × 2	8
Adjacent Roads	Arterial Road	Collector Road	Local Road	None	2 × 4	8
Public Services	Public Services Available	Public Services easily accessible	Public Services difficult to access.	Public Services generally not available	4 × 6	24
					Total:	164

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

Notes: 51.2 ± acres Pond, Sugar Pine Creek
wet meadows
AG Land of local importance
 APN(s): 31-010-02

Planner: Renee Hendry
 Date: 3-27-08

Project Site: Yes No Adjacent Parcel: Yes No

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