

DEPARTMENT: PLANNING

BY: DUANE HALL

PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION:

Adoption of a resolution approving Agricultural Preserve Application No. 90-5 (Jack Kirk and Myra Kirk-Goode, applicants) with findings and as shown in Exhibit A set forth in Planning Commission Resolution No. 90-25. This recommendation is based upon the Planning Commission's recommendation for approval of the application with the finding that the application is consistent with the General Plan and Agricultural Preserve Policy.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives--1) Deny applications; 2) Continue matter.

Negative action would result in denial of applications and prohibit the recordation of Land Conservation (Williamson) Act contracts on properties.

COSTS: (X) Not Applicable  
A. Budgeted current FY \$ \_\_\_\_\_  
B. Total anticipated costs \$ \_\_\_\_\_  
C. Required Add'l funding \$ \_\_\_\_\_  
D. Source: \_\_\_\_\_

SPECIAL INSTRUCTIONS:  
List the attachments and number the pages consecutively:  
1) Memo  
2) Planning Commission Resolution No. 90-25  
3) Planning Commission Staff Report

SOURCE: ( ) 4/5ths Vote Required  
A. Internal transfers \$ \_\_\_\_\_  
B. Unanticipated revenues \$ \_\_\_\_\_  
C. Reserve for contingency \$ \_\_\_\_\_  
D. Description: \_\_\_\_\_

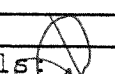
Balance in Reserve for Contingencies, if approved: \$ \_\_\_\_\_

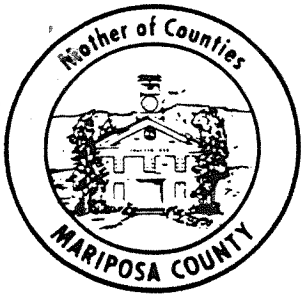
CLERK'S USE ONLY:  
Res. No.: 90-611  
Ord. No.: \_\_\_\_\_  
Vote - Ayes: 5 Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_  
Approved ( ) Denied  
( ) Minute Order Attached

ADMINISTRATIVE OFFICER'S RECOMMENDATION:  
This item on agenda as:  
 Recommended  
 Not Recommended  
 For Policy Determination  
 Submitted with Comment  
 Returned for Further Action

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

Date: \_\_\_\_\_  
ATTEST: MARGIE WILLIAMS  
Clerk of the Board of Supervisors  
County of Mariposa, State of CA  
By: \_\_\_\_\_  
Deputy

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
A.O. Initials: 



# Mariposa County Planning Department

TONY LASHBROOK  
Planning Director

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December 12, 1990

## MEMORANDUM

TO: MARIPOSA COUNTY BOARD OF SUPERVISORS

FROM: DUANE HALL, ASSOCIATE PLANNER *DH*

SUBJECT: AGRICULTURAL PRESERVE APPLICATION NO. 90-5; JACK KIRK AND MYRA KIRK-GOODE, APPLICANTS

The applicants have submitted an application to establish an agricultural preserve of approximately 408 acres consisting of four parcels. Approximately 295 acres is in the Agricultural Exclusive land use and the remaining 113 acres in the Mountain Home land use. The application has been processed in accordance with County policy and State law and reviewed by the Agricultural Advisory Committee and the Planning Commission. The Board of Supervisors is now required to act on the approval or denial of the application. If the application is approved, staff will prepare Land Conservation (Williamson) Act contracts on the property, and the property owners may execute the contracts which provide for a property tax reduction in exchange for a long term commitment to agricultural and compatible uses.

The attached staff reports, maps, and Commission resolution provide a discussion of staff review and actions taken by the Agricultural Advisory Committee and the Planning Commission. Both of these bodies recommended approval of the application based on the findings contained in Planning Commission Resolution No. 90-25. Since the application involves property located outside the Agricultural Exclusive land use, the application was reviewed for consistency with the General Plan. The General Plan states "lands located outside of an Agricultural Exclusive land use classification may be considered for inclusion in an agricultural preserve and Williamson Act contract where it can be demonstrated that the lands constitute a viable agricultural production unit of not less than 160 acres and it is in the public interest to include such lands in an agricultural preserve." The General Plan and Agricultural Preserve Policy do not define or set standards for determining a viable agricultural production unit. The

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Agricultural Advisory Committee and the Commission reviewed the characteristics of the property and determined the property was a viable agricultural production unit used in conjunction with the 295 acre parcel located in the Agricultural Exclusive land use. They also determined it was in the public interest to place the property in an agricultural preserve to preserve open space in the area and protect unique plant species identified on the property and the surrounding area. As such, they recommended approval based on the finding the application is consistent with the Agricultural Preserve Policy and the General Plan.

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MARIPOSA COUNTY PLANNING COMMISSION

RESOLUTION NO. 90-25

A RESOLUTION RECOMMENDING APPROVAL OF AGRICULTURAL PRESERVE APPLICATION NO. 90-5; JACK KIRK AND MYRA KIRK-GOODE, APPLICANTS

WHEREAS, Agricultural Preserve Application No. 90-5 has been submitted in accordance with the requirements of the County Code and adopted County policy; and

WHEREAS, said application was reviewed by the Agricultural Advisory Committee for compliance with criteria established by the County for inclusion within the Agricultural Preserve; and

WHEREAS, the Agricultural Advisory Committee recommended approval of the application; and

WHEREAS, the Mariposa County Planning Commission has held a public hearing on the application in accordance with County Code and State Law.

NOW THEREFORE BE IT RESOLVED that the Mariposa County Planning Commission hereby recommends to the Board of Supervisors that Agricultural Preserve Application No. 90-5 be approved as submitted and identified in Exhibits A of this resolution.

BE IT FURTHER RESOLVED that this action by the Planning Commission is based upon the following findings:

1. The property has been used for grazing and other agricultural uses for the past several years, and the project is consistent with the Agricultural Preserve Policy.

2. The project is consistent with the agricultural lands

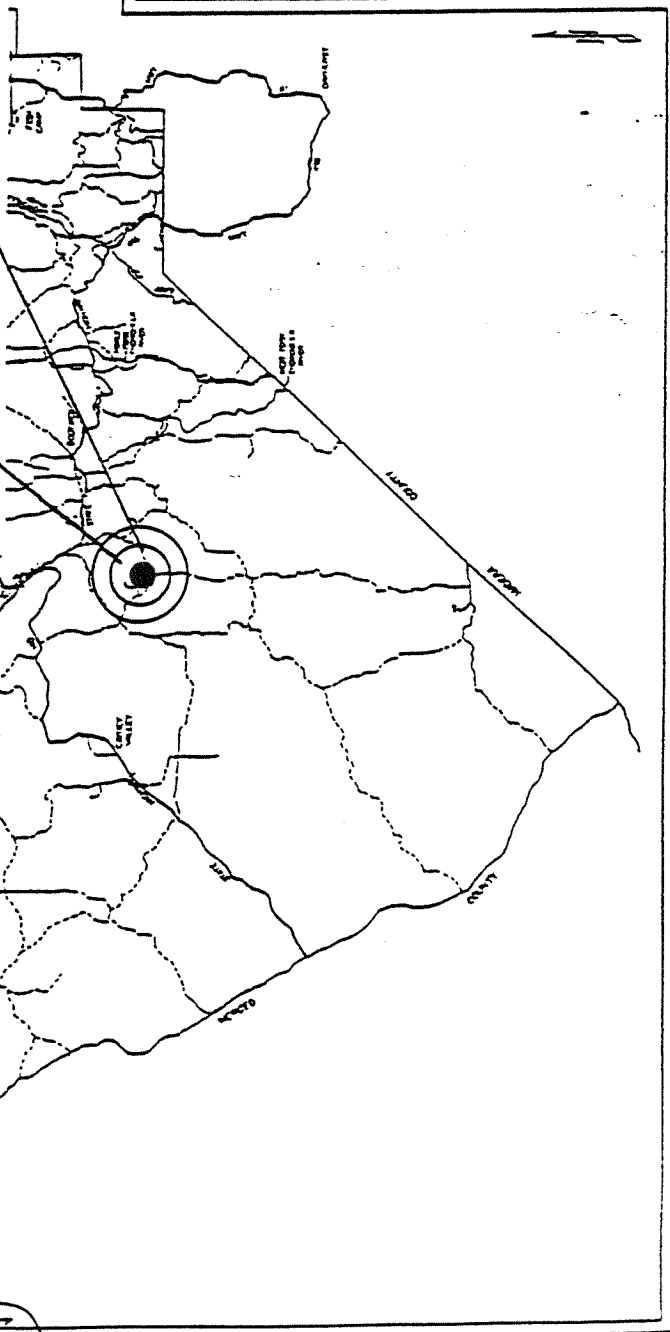
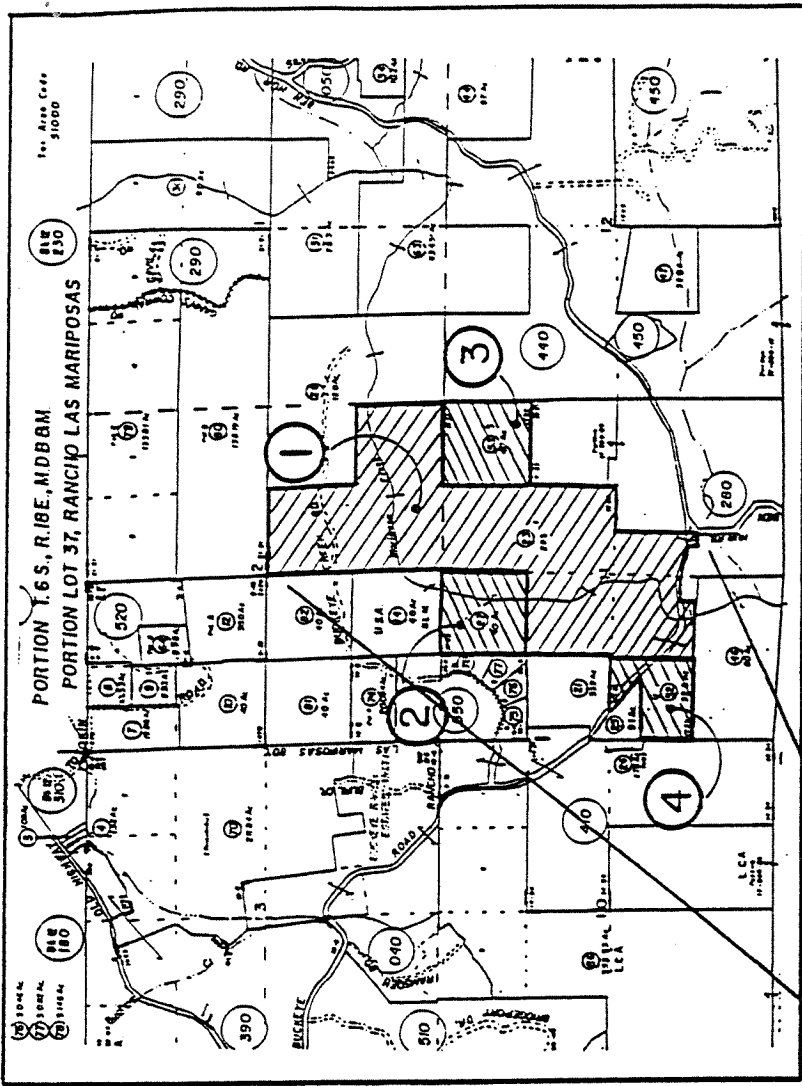
1 policy of the General Plan. The property in the Mountain Home  
2 land use is an agriculturally viable production unit in  
3 conjunction with the 295 acre parcel in the Agricultural  
4 Exclusive land use, and it is in the public interest to place  
5 the Mountain Home property in the Agricultural Preserve in order  
6 to preserve open space in this area and protect the unique plant  
7 species identified on the property and the immediate area.

8 PASSED AND ADOPTED by the Mariposa County Planning  
9 Commission on this 7th day of December, 1990 by the following  
10 vote:

- 11 AYES: Cromell, Eskra, Hotchkin
- 12 NOES: None
- 13 ABSTAIN: Fall
- 14 EXCUSED: Steagall

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16  
17 Charles R. Fall  
18 CHARLES R. FALL, Chairman  
Mariposa County Planning Commission

19 ATTEST:  
20  
21 Betty Crisp  
22 BETTY CRISP, Secretary  
Mariposa County Planning Commission



**MARIPOSA COUNTY  
ROAD SYSTEM**

LOCATION MAP  
AG PRESERVE 90-5  
APPLICANTS:  
JACK KIRK/MYRA KIRK-GOODER  
APNs: 17-030-023, 1  
027, 052, 053.

17-030-023-052-053

DATE: 7-8-90

BY: [Signature]

SCALE: 1" = 1 MILE

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# Staff Report

DH 11/9/90; AP 90-5

## Mariposa County Planning Department

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APPLICATION: Agricultural Preserve Application No. 90-5

APPLICANTS: Myra Kirk-Goode and Jack Kirk

AGRICULTURAL ADVISORY COMMITTEE RECOMMENDATION: The Committee recommends approval of the project based upon the following findings:

1. The property has been used for grazing and other agricultural uses for the past several years, and the project is consistent with the Agricultural Preserve Policy.
2. The project is consistent with the agricultural lands policy of the General Plan. The property in the Mountain Home land use is an agriculturally viable production unit in conjunction with the 295 acre parcel in the Agricultural Exclusive land use, and it is in the public interest to place the Mountain Home property in the Agricultural Preserve in order to preserve open space in this area and protect the unique plant species identified on the property and the immediate area.

PROJECT DESCRIPTION: The applicants propose to establish an agricultural preserve of 408 acres consisting of four parcels.

PROPERTY LOCATION: The subject property is located adjacent to Buckeye Road immediately west of Buckeye Creek Road.

ENVIRONMENTAL REVIEW: The establishment of an agricultural preserve is categorically exempt from CEQA review (Categorical Exemption, Class 17; Section 15317 CEQA Guidelines).

GENERAL PLAN CONSISTENCY AND ZONING: The subject property consists of four parcels. The largest parcel (Parcel 1--295 acres) is located in the Agricultural Exclusive (AE) land use classification, but the three smaller parcels (Parcels 2, 3, and 4--113 acres) are located in the Mountain Home (MH) land use classification. The establishment of agricultural preserves on lands located outside the Agricultural Exclusive (AE) land use classification may be considered where it can be demonstrated that the lands constitute a viable agricultural production unit of more than 160 acres and it is in the public interest to include such lands in an agriculture preserve. The discussions on Agricultural Productivity and Open Space address these issues. If an agricultural preserve is approved for Parcels 2, 3, and 4, those parcels will be reclassified and rezoned to AE.

(6)

DH 11/9/90; AP 90-5

AGRICULTURAL PRODUCTIVITY:

Parcel 1--This 295 acre parcel has been used in the past for livestock grazing by the applicant. Mariposa Creek traverses through the site. There is a residence located on the parcel. Soils on this parcel include Rock Land (RcG--Class VIII soil used for watershed and wildlife habitat); Auberry very rock sandy loam (AgE--Class VI soil suitable for rangeland); Auberry rocky sandy loam (AfD--Class IV soil used for range and pasture with small areas used for grain, irrigated pasture, and orchard crops); and Ahwahnee-Auberry rocky sandy loam (AcE--Class VI soil suitable for rangeland).

Parcel 2--The 40 acre parcel is located adjacent to Parcel 1 and has been used for livestock grazing in the past. The numerous rock outcroppings on the parcel limit livestock grazing. There is a residence located on the parcel. Approximately 80% of the site is Rock Land (RcG) soils with some Auberry very rocky sand loam (AgE) soils along the western boundary and Ahwahnee-Auberry rocky sandy loam (AcE) soils in the southeastern corner.

Parcel 3--The 40 acre parcel is located adjacent to Parcel 1 and has been used for livestock grazing in conjunction with Parcel 1. The soil type on the parcel is Ahwahnee-Auberry rocky sandy loam (AcE).

Parcel 4--The 32.5 acre parcel is located adjacent to Parcel 1 and has been used for livestock grazing in conjunction with Parcel 1. Soils on the parcel include Ahwahnee-Auberry rocky sandy loam (AcE) and Ahwahnee sandy loam (AaC--Class III soil used for irrigated pasture, dryland hay, and range).

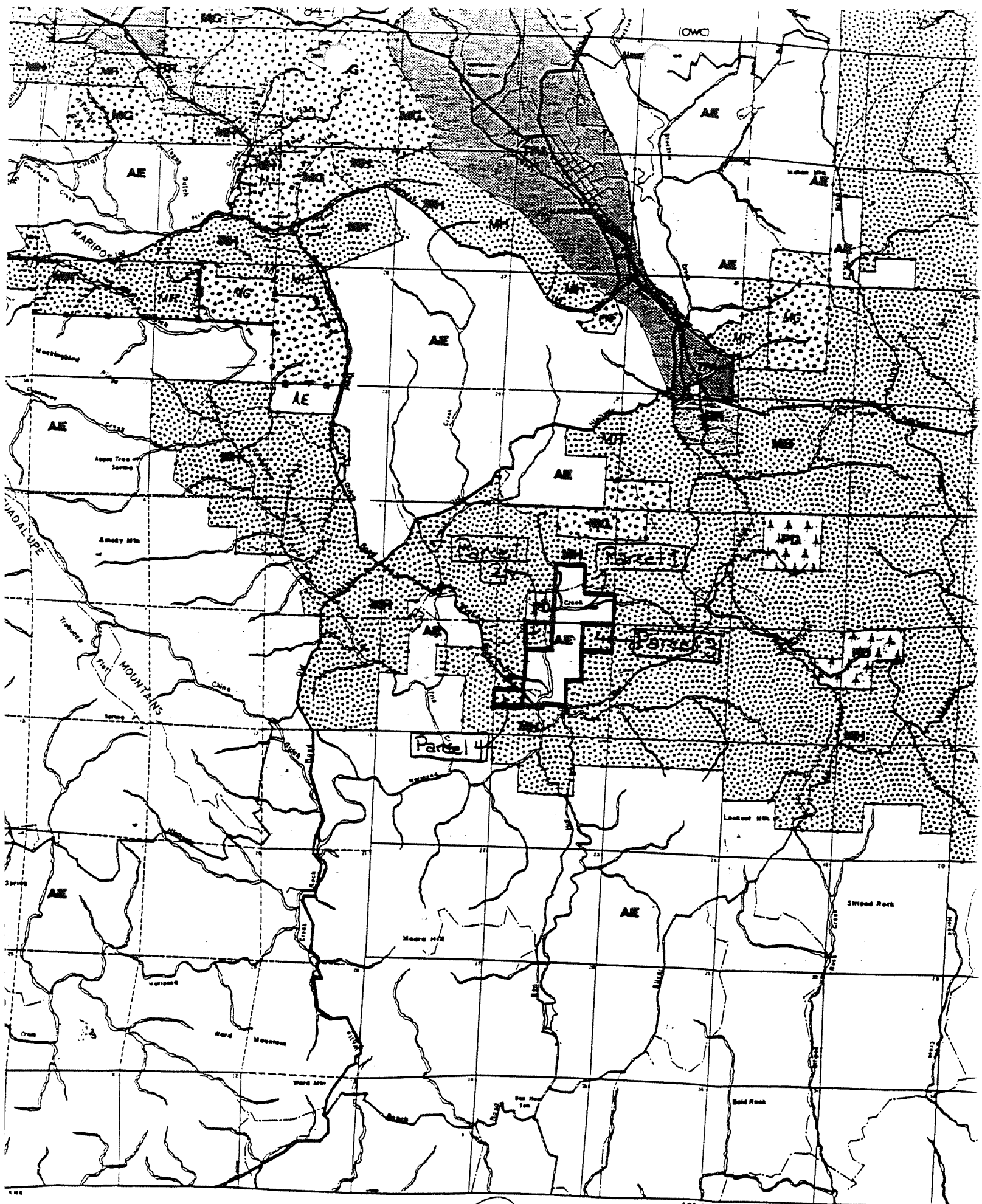
OPEN SPACE: Although not stated in the Mariposa County Agricultural Preserve Policy, one of the purposes of the Land Conservation (Williamson) Act and an agricultural preserve is to preserve open space. Also, past actions of the Board of Supervisors and the Open Space Element of the General Plan support the use of the Land Conservation Act to preserve open space in Mariposa County. The placing of the property in an agricultural preserve would benefit the public interest by preserving open space in this developing area and along Mariposa Creek.

AGRICULTURAL PRESERVE POLICY: The Agricultural Preserve Policy does not have provisions for including non-AE land in an agricultural preserve. The policy does require that the land wishing to contract must have been used for agricultural purposes for the previous three years and the agricultural use is profitable. Parcels 3 and 4 are owned by Mr. Kirk and are adjacent to his 295 acre parcel. They have been used in

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conjunction with the 295 acre parcel for livestock grazing. Parcel 2 is owned by Ms. Kirk-Good who is a niece of Mr. Kirk. This parcel has been used for grazing in conjunction with Mr. Kirk's property and other small agricultural uses such as the harvesting of berries. Although under separate ownership from the other parcels, Parcel 2 is proposed to be placed under the same Agricultural Preserve for agricultural uses. There is a residence located on this 40 acre parcel.



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