THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS **ACTION AGENDA SUMMARY**

M	
DEPT: Planning & Community Development	BOARD AGENDA # *D-2
Urgent Routine X	AGENDA DATE: October 30, 2001
CEO Concurs with Recommendation YES NO(Information Attack	4/5 Vote Required YES NOX_
SUBJECT:	
	ACT NO. 70-0399AND APPROVE A NEW CONTRACT - 01-60 AND AUTHORIZE THE PLANNING DIRECTOR TO
STAFF RECOMMENDATION:	
STAFF RECOMMENDS APPROVAL. SHOULD THE FINDINGS MUST BE MADE:	HE BOARD OPT FOR APPROVAL, THE FOLLOWING
BOUNDARIES OF THE PARCEL FOR AN INITIA	WOULD ENFORCEABLY RESTRICT THE ADJUSTED ALTERM FOR AT LEAST AS LONG AS THE UNEXPIRED CONTRACTS, BUT FOR NOT LESS THAN 10 YEARS.
	(Continued on Page 2)
FISCAL IMPACT:	
Additional property tax will accrue from the portions	removed from Williamson Act contracts.
BOARD ACTION AS FOLLOWS:	No . 2001-836
and approved by the following vote,	, Seconded by Supervisor Mayfield
Noes: Supervisors: None Excused or Absent: Supervisors: Caruso	
1) X Approved as recommended	
2) Denied	
3) Approved as amended MOTION:	

nistrie Lerraro By: Deputy

SUBJECT:

APPROVAL TO RESCIND WILLIAMSON ACT CONTRACT NO.70-0399 AND APPROVE A NEW CONTRACT PURSUANT TO MINOR LOT LINE ADJUSTMENT 2001-60 AND AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE A NEW CONTRACT.

PAGE 2

STAFF RECOM-MENDATION CONTINUED:

- 2. THERE IS NO NET DECREASE IN THE AMOUNT OF THE ACREAGE RESTRICTED. IN CASES WHERE TWO PARCELS INVOLVED IN A LOT LINE ADJUSTMENT ARE BOTH SUBJECT TO CONTRACTS RESCINDED PURSUANT TO THIS SECTION, THIS FINDING WILL BE SATISFIED IF THE AGGREGATE ACREAGE OF THE LAND RESTRICTED BY THE NEW CONTRACTS IS AT LEAST AS GREAT AS THE AGGREGATE ACREAGE RESTRICTED BY THE RESCINDED CONTRACTS.
- 3. AT LEAST 90 PERCENT OF THE LAND UNDER THE FORMER CONTRACT OR CONTRACTS REMAINS UNDER THE NEW CONTRACT OR CONTRACTS.
- 4. AFTER THE LOT LINE ADJUSTMENT, THE PARCELS OF LAND SUBJECT TO CONTRACT WILL BE LARGE ENOUGH TO SUSTAIN THEIR AGRICULTURAL USE, AS DEFINED IN SECTION 51222.
- 5. THE LOT LINE ADJUSTMENT WOULD NOT COMPROMISE THE LONG-TERM AGRICULTURAL PRODUCTIVITY OF THE PARCEL OR OTHER AGRICULTURAL LANDS SUBJECT TO A CONTRACT OR CONTRACTS.
- 6. THE LOT LINE ADJUSTMENT IS NOT LIKELY TO RESULT IN THE REMOVAL OF ADJACENT LAND FROM AGRICULTURAL USE.
- 7. THE LOT LINE ADJUSTMENT DOES NOT RESULT IN A GREATER NUMBER OF DEVELOPABLE PARCELS THAN EXISTED PRIOR TO THE ADJUSTMENT, OR AN ADJUSTED LOT THAT IS INCONSISTENT WITH THE GENERAL PLAN.

DISCUSSION:

The proposal is to cancel portions of the Williamson Act Contract on Assessor's Parcel Numbers 010-41-15,16,19,20 and to re-establish a new contracts pursuant to Section 51257 of the Government Code regulating Williamson Act contracts and Lot Line Adjustments. Said new contracts would restrict adjusted parcels as required in Government Code Section 51257 and not effect the total acreage within the contracted area. The properties consist of a total of 281acres that are located on Warnerville Rd. east of the City of Oakdale in the unincorporated area of Stanislaus County (Section 20 Township 2 Range 11). The existing parcels are covered under Williamson Act contract (70-0399).

A Lot Line Adjustment (2001-60) was conditionally approved by staff on Sept. 7, 2001 pending the Board's action required by the Williamson Act.

Because all parcels are currently covered by a Williamson Act Contract, all or portions of that contract must be rescinded and replaced with new contracts.

SUBJECT:

APPROVAL TO RESCIND WILLIAMSON ACT CONTRACT NO.70-0399 AND APPROVE A NEW CONTRACT PURSUANT TO MINOR LOT LINE ADJUSTMENT 2001-60 AND AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE A NEW CONTRACT.

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DISCUSSION CONTINUED:

Government Code section 51257 was revised in January 2000 to facilitate lot line adjustments on Williamson Act parcels. Seven (7) specific findings must be made pursuant to that section in order to facilitate the adjustment. According to the Government Code "... pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

(Note: the definition in Govt. Code §51222 is as follows: "... retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land")

- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

SUBJECT:

APPROVAL TO RESCIND WILLIAMSON ACT CONTRACT NO.70-0399 AND APPROVE A NEW CONTRACT PURSUANT TO MINOR LOT LINE ADJUSTMENT 2001-60 AND

AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE A NEW CONTRACT.

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DISCUSSION CONTINUED:

The applicant has provided written evidence to support the seven findings listed

above, and staff agrees with that evidence.

New Williamson Act contracts would typically come before the Board once a year, in November. Because this action is related to a Lot Line Adjustment, and real estate transactions are in process, it is prudent to act on this action independently of other Williamson Act contracts. Therefore, it is the intention of this action that

a new contract immediately replace a portion of contract 70-0399.

POLICY ISSUES:

This proposal is consistent with policies of the County. The General Plan Land Use and Agricultural Elements both encourage the use of the Williamson Act to help preserve agriculture as the primary industry of the County. The Agricultural Element (adopted 1992) specifically states that the County shall continue to participate in the Williamson Act program while supporting reasonable measures to strengthen the act and make it more effective. By providing a means to keep property taxes based on an agricultural income level rather than a market value which may be at a level based on speculation of future use, the Williamson Act helps agriculturists remain in production without premature conversion to urban uses. Other relevant policies are discussed above as provided in State law.

STAFFING

IMPACT:

None.

ATTACHMENTS:

Lot Line Adjustment2001-60 Application and Approval Letter

Applicant's Statement of Findings, Map of Proposed Changes

1911

08/28/2001 09:20 FAX 209

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOR MENT

1010 10Th Street, Suite 3800, Modeste, C4 95354 Phone: 209.625.6330 Fax: 209.52 1.6911

8 20 T 2 R // 20NE 21 - 2 - 40 RECEIVED 8 / 3 / 0 / APPLICATION NO. 200/ - 60 RECEIPT NO. 2366

LOT LINE ADJUSTMENT APPLICATION

	For bilt Was	COLUMN MILE		•		
I	PROPERTY OWNER(S):	<u>fischić</u>	AL Gi	lbest C	٥	
	18620 Gibbs, Oakdale	,ca.95361	60 130	38,00	kdalo, C	a. 95
	Addrass, City, Zip Quin, 1701	Addrass	City, Zip C	とはマ・ノフィ	し	
	Phone	40 Bhane	56	B	10 - 41	1-15
2.	Assessor's Parcel No. of parcels adjusted;	800k 50	Puge 5	_ No		
3.	Name and address of persons preparing ma	or 427.0	lano a	+ 4, Car 95	361	
4.	Size of all adjusted parcels: USC	HO ACTES				
5.	Why are the lot lines being changed? SES		oll sound	WO W		
•	separate parsels-	Melngt	ogeathe	יפעמ אן		
6.	How are these parcels currently utilized? P	lease check appropr	ințe ușelți:			•
	Residential:		inductrial;	forace		
	Single Family		Row Crop - Type	. Joingr		
	Duplax Multipte		Troos - type	T		
	mulipie Commercial		Vines - type Range (uninigue			
	Industrial		Pastura (irrigate			
	Other (Specify)		Poultry			
	· · · · · · · · · · · · · · · · · · ·		Dairy			
	0.11		Other (Specify)	\		
7.	List all abructures on properties:	+mes - 3 1	1 in (1 tho	sings.		
8,	How have these parcely been utilized in the	DACE LOT	an current use7			
9 _	When did current owner(s) acquire the parc	els?	10 pp f /C	188		
10.	is the property under Williamson Act Contri	sct?	YE	S 0399/	1970	
11.	Do the parcels irrigate? Yes 🛰 No	If yex, how?	Pidelin	<u> </u>		
12.	Will these percels continue to irrigate? Yas	Na If vos.	describe any phy	raicel changes in th	os irrigation	
	system. Not Knewn-					
13.	Signature of broberth amustlej: 50	DUT CU	ibert Co.		_	
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1010 10th Street, Suite 3400, Modesto, CA 95354 Phone: 209.525.6330 Fax: 209.525.5911

September 7, 2001

Robert & Janean Gilbert 10620 Gibbs Oakdale, CA 95361

SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO.2001-60 ROBERT & JANEAN GILBERT

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **Sept. 7, 2001**, and has tentatively approved your application, subject to the attached conditions.

Staff's decision and/or all conditions attached hereto may be appealed to the Planning Commission, in writing, within **ten (10) days** from the date of this notification. The appeal letter addressed to the Planning Commission, must state reasons why the appeal should be granted. If you wish to appeal this decision, a filing fee of \$315.00, payable to the Planning Department, along with a copy of the letter must be delivered to this office by **5:00 p.m.** within **ten days** of the postmark of this letter.

Before a Certificate of Lot Line Adjustment can be recorded, Exhibit "A", describing the property before the adjustment, and an Exhibit "B", describing the property after the change must be attached. These Exhibits must be stamped and signed by a licensed engineer/surveyor. This adjustment shall not result in the creation of a greater number of parcels than originally existed. Also, a Statement Supporting the Findings Outlined in Section 51257 of the Government Code is required as follows on page two of this letter, if the proposed Lot Line Adjustment effects properties restricted by a Williamson Act Contract and an Ag findings statement as outlined in Stanislaus County Code section 21.20.060"E".

A "Certificate of Lot Line Adjustment" form is enclosed for property owner/security holders signatures. After the signatures are secured this form shall be turned into the Planning Department for checking and my signature. When this has been done staff must prepare a report and the proposed adjustment will be ready to be sent to the Board of Supervisors for their approval or denial. You will be notified of the date and time that the proposed adjustment will be heard by the Board of Supervisors.



A. L. Gilbert Company

P.O. Box 38 - 304 N. Yosemite
Oakdale, California 95361-0038
(209) 847-1721 • 524-9261 • Fax (209) 847-3542

Bulk Dairy Feeds

Sacked Feeds

Liquid Feeds

Field Seeds

A L Gilbert Co.

September 24, 2001

To: Stanislaus County Planning Dept.

Re: Lot line adjustment.

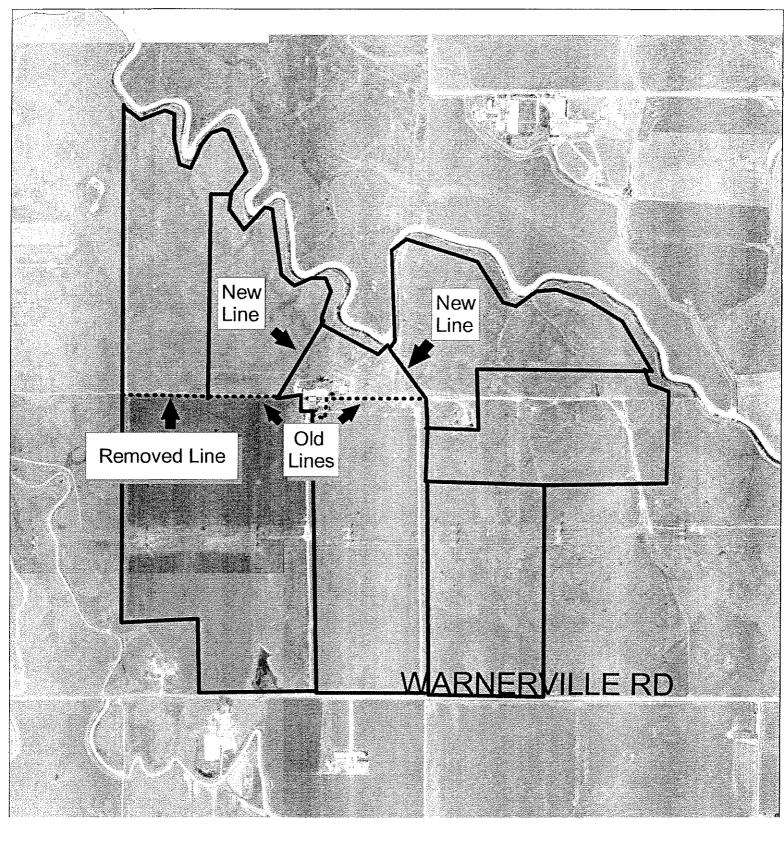
Williamson Act Statement.

- 1) The boundaries affected by the new lot lines would still be subject to the existing Williamson Act contracts.
- 2) The net acreage under contract will remain the same.
- 3) Both parcels will remain large enough to sustain agricultural operations.
- 4) The lot line adjustments will not likely result in any acres being removed from Agricultural use nor any additional developable parcels being created.
- 5) There should be no change in the use of the parcels involved.

Thank you,

Robert T Gilbert, pres.

Robat T Gubut



CALIFORNIA LAND CONSERVATION CONTRACT NO. 4466 - 2002

RECORDED AT REQUEST OF STANISLAUS COUNTY BOARD OF **SUPERVISORS**

WHEN RECORDED RETURN TO STANISLAUS COUNTY PLANNING **DEPARTMENT**

THIS SPACE	 - ,	

Stanislaus, County Recorder JOYCE GOUDIE Co Recorder Office

DOC- 2001-0146196-00

Thursday, DEC 06, 2001 13:30:50 Ttl Pd \$0.00

Nbr-0000845587

OWP/R1/1-36

CONSERVATION (and entered into _ subdivision of the sor the successors to The recitals Conservation Control	October 36 State of California, thereof, hereinafte and paragraphs fact, recorded on Fecorder of the Col	ade , 2001 , by a hereinafter referre referred to as "Ov 1 through 14, in through 14, in the control of the c	and between the County of Stanislaus, a political d to as "County" and the undersigned landowners wher as follows: Inclusive, of a certain Fictitious California Land Instrument Number 48604, Book 3151, Page 132, State of California, are incorporated herein as if
Owner and holders of security interests designate the following persons as the Agent for Notice to receive any and all notices and communications from County during the life of the Contract. Owner will notify County in writing of any change of designated persons or change of address for him. DESIGNATED AGENT: DOCOGINGS SC. OSSOL			
(16) Owner desir	res to place the fo	llowing parcels of r	eal property under Contract:
ASSESSMENT NUMBER	CODE AREA	ACREAGE	SITUS ADDRESS
10-41-16	084-008 084-008 084-008	<u> 158.32</u> <u> 45.57</u>	12000 Warneroille Pd.

IN WITNESS WHEREOF, the parties hereto have executed the within Contract the day and year first above written.

OWNER(S) NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)	
ALG'ilbut Co.	by Robult Gulos	- 11/6/01	Oakdah, Ca-	
SECURITY HOLDERS:				
NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)	
				1
COUNTY:		by: Kon	Elientes	
Dated		, , ,	POR: pard of Supervisors	

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA)SS COUNTY OF STANISCAUS)	
Mariana Cara	- the undercional -
personally appeared ROBERT T. GILBERT personally known to me (or proved to me on the basis of satisfactor	y evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument ner/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument
WITNESS my hand and official seal. Signature when the cheek	MICHAEL D. SCHONHOFF Commission # 1196868 Notary Public - California Stanislaus County My Comm. Expires Sep 26, 2002 This area for official notarial seal.
OPTION	AL SECTION
	AIMED BY SIGNER
Though statute does not require the Notary to fill in the document.	e data below, doing so may prove invaluable to persons relying on the
[] INDIVIDUAL	
[] CORPORATE OFFICER(S)	TITLE(S)
[] PARTNER(S) - [] LIMITED [] GENERAL	
[] ATTORNEY-IN-FACT	
[] TRUSTEE(S)	
[] GUARDIAN/CONSERVATOR	
[] OTHER	
SIGNER IS REPRESENTING:	
Name of Person or Entity	Name of Person or Entity
OPTION	AL SECTION
Though the date requested here is not required	d by law, it could prevent fraudulent reattachment of this form.
THIS CERTIFICATE MUST BE ATT	ACHED TO THE DOCUMENT DESCRIBED BELOW
TITLE OR TYPE OF DOCUMENT:	The state of the s
NUMBER OF PAGES	DATE OF DOCUMENT
SIGNER(S) OTHER THAN NAMED ABOVE	

APPLICATION

CALIFORNIA LAND CONSERVATION ACT OF 1965

STANISLAUS COUNTY

The undersigned hereby requests the County of Stanislaus, California, to enter into the California Land Conservation Contract attached hereto.

The persons who have signed the contract are the only persons with legal and security interests in the subject property.

Each person who has signed the contract is an adult who is not incapacitated to contract, or the signature is by an authorized guardian or conservator.

(Application must be sworn to

if executed outside California.)

and signed before a notary

FICTITIOUS CALIFORNIA LAND CONSERVATION CONTRACT

Recorded February 1, 1979 Instrument No. 48604 Book 3151, Page 132

THIS CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into ______October 30, 2001 _____, by and between the County of Stanislaus, a political subdivision of the State of California hereinafter referred to as "County" and the undersigned landowners or the successors thereof, hereinafter referred to as "Owner" as follows:

WHEREAS, Owner is the legal owner of certain real property, herein referred to as the subject property, situate in the County of Stanislaus, State of California; and

WHEREAS, the subject property is presently devoted to agricultural and compatible uses; and

WHEREAS, subject property is located in an agricultural preserve heretofore established by County by Resolution dated October 20, 1970; and

WHEREAS, both Owner and County desire to limit the use of subject property to agricultural and compatible uses in order to discourage premature and unnecessary conversion of such land from agricultural uses, recognizing that such land has definite public value as open space, that the preservation of such land in agricultural production constitutes an important physical, social, esthetic, and economic asset to the County to maintain the agricultural economy of County and the State of California and that the common interest is served by encouraging and making feasible the orderly expansion of development of the urban and commercial sectors of the County to avoid the disproportionate expense involved in providing municipal services to scattered development; and

WHEREAS, both Owner and County intend that the Contract is and shall continue to be through its initial term and any extension thereof an enforceable restriction within the meaning and for the purposes of Article XXVIII of the California Constitution and thereby qualify as an enforceable restriction as defined in Revenue and Taxation Code Section 422;

NOW THEREFORE, the parties, in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

(1) The Contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code, commencing with Section 51200), hereinafter referred to as the Act, as such Act has been amended or may hereafter be amended, and is subject to all the provisions thereof specifically made applicable to the Contract.

- (2) The Contract shall remain in effect for a period of ten (10) years from the effective date stated in paragraph 17 hereof. The anniversary date shall be January 1 of each year following the effective date. On each anniversary date the Contract shall be renewed, and one (1) year shall be added automatically to the term of the contract unless notice of nonrenewal is served by Owner at least ninety (90) days prior to the anniversary date or by County at least sixty (60) days prior to the anniversary date as provided in Government Code Section 51245. If either party gives notice of nonrenewal, it is understood and agreed that the Contract shall remain in effect for the unexpired term. A notice of nonrenewal, irrespective of which party gives the notice, shall be recorded by the County. Upon request of Owner, County may authorize the Owner to serve a notice of nonrenewal on a portion of the subject property. Notice of nonrenewal by the County shall be served on the designated agent.
- (3) During the term of the Contract or any renewal thereof, the subject property shall not be used for any purpose other than the production of agricultural commodities and the compatible uses permitted by A-2, General Agriculture District, zoning as set forth in the Ordinance Code of Stanislaus County and as included within this contract. Owner forever waives all claim or right to any pre-existing non-conforming property uses that may have been exempt from the A-2- zoning requirements applicable to the subject property.

CHAPTER 21.20

GENERAL AGRICULTURE DISTRICT (A-2)

SECTIONS:

21.20.010	PURPOSE
21.20.020	PERMITTED USES
21.20.030	USES REQUIRING USE PERMIT
21.20.040	USES REQUIRING BOARD OF SUPERVISORS APPROVAL
21.20.045	USES ON LANDS SUBJECT TO WILLIAMSON ACT CONTRACTS
21.20.050	DIVISION OF LAND
21.20.060	SITE AREA
21.20.070	YARDS
21.20.080	HEIGHT LIMITS

21.20.010 PURPOSE

It is the intent of these district regulations to support and enhance agriculture as the predominant land use in the unincorporated areas of the county. These district regulations are

also intended to protect open-space lands pursuant to Government Code Section 65910. The procedures contained in this chapter are specifically established to ensure that all land uses are compatible with agriculture and open space, including natural resources management, outdoor recreation and enjoyment of scenic beauty. (Ord. CS 106 Section 2 (part), 1984).

21.20.020 PERMITTED USES

Uses permitted in the A-2 districts:

- A. All agricultural uses not requiring a staff approval or a use permit pursuant to Sections 21.20.030 and 21.20.040; provided, however, that within areas designated on the land use element of the general plan as urban transition the maintenance of animals shall be limited to the provision of Chapter 21.24 (R-A rural residential zoning regulations) unless approval of additional animals is first obtained from the director of planning and community development;
- B. One single-family dwelling; is permitted on all parcels that meet or exceed the minimum area requirements of the zoning district; however, in the A-2-3, A-2-5, A-2-10 and A-2-20 acre zones, one single-family dwelling shall be allowed, if the parcel meets the building site criteria set forth in Section 21.08.050 and on parcels twenty acres or more, regardless of the zoning requirement, there may be constructed and maintained two single-family dwellings. The second dwelling's placement shall be approved by the Director of Planning and Community Development and be designed to minimize disruptions of agricultural land and to take maximum advantage of existing facilities including utilities and driveways; (CS Ord. 741 effective November 24, 2000).
- C. A mobile home (excluding travel trailers, motor homes or campers) in lieu of any permitted single-family dwelling in areas designated as agriculture in the land use element of the general plan; provided, that the mobile home is placed on the county assessment roll; and further provided, that any such mobile home is completely skirted;

In areas designated as urban transition in the land use element of the general plan, a mobile home in lieu of a permitted single-family dwelling subject to a determination by the director of planning and community development that it meets the following compatibility criteria.

- 1. <u>Eligibility</u>. A mobile home shall be eligible if it:
 - a. Is to be occupied only for residential purposes.
 - b. Conforms to all of the residential use development standards for single-family structures applicable to the particular zone for which the application is made.
 - c. Is certified under the National Manufactured Home Construction and Safety Act of 1974, and has been constructed after June 5, 1976.

- d. Is attached to a permanent foundation system approved by the building inspection department of the county.
- 2. <u>Compatibility</u>. A mobile home shall be compatible if:
 - a. It is covered with an exterior material commonly found in new conventionally built residential structures within three hundred feet of the proposed site.
 - b. The exterior covering material extends to the ground. If a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Alternative skirting materials commonly found on conventionally built residential structures will be considered compatible.
 - c. The roofing material is similar to materials commonly found on conventionally built residential structures within three hundred feet of the proposed site.
- D. Buildings, appurtenances, and uses such as custom contract harvesting or land preparation where the buildings, appurtenances, or uses are incidental and accessory to the use of the subject property for farming purposes.
- E. Home occupations as regulated by Chapter 21.94.
- F. Racing homer pigeons as regulated in Chapter 21.92.
- G. Garage sales.
- H. Temporary agricultural service airports.
- Detached accessory buildings, the uses of which are incidental to, and reasonably related to, a main building on the same lot or to the primary use of the property as determined by the director of planning and community development.
- J. One identification or informational sign not more than twelve square feet in area nor more than six feet in height may be permitted in the front yard or side yard adjacent to each street frontage of a property which contains a lawful agricultural use, or commercial, or industrial nonconforming use in lieu of any other freestanding sign which may be permitted, provided that:
 - 1. It does not bear any advertising message,
 - 2. It is nonflashing, nonmoving and nonanimated,
 - 3. It is located wholly on private property on the premises to which it pertains,

- A plot plan and elevation of the sign is approved by the planning and community development director prior to request for building and electrical permits and installation;
- K. Lagoons or ponds for the storage of animal wastes. Such lagoons or ponds shall be located a minimum of fifty feet from any property line and three hundred feet from any dwelling on an adjacent property. Other standards may be imposed by other county or state agencies.
- L. Christmas tree sales lots and Halloween pumpkin sales lots provided they meet the required setbacks and provide at least ten accessible and useable off-street parking spaces in addition to one space per employee on a maximum shift. Such lots shall be limited to two double-faced signs not to exceed twelve square feet on each face. No off-site signs shall be permitted. Such Halloween pumpkin sales lots may not be established prior to October 1 of any year and shall be removed and the property returned to its previous condition prior to November 15; Christmas tree sales lots may not be established prior to November 15 of any year and shall be removed and the property returned to its previous condition prior to January 1.
- M. Fireworks stands provided they meet all required setbacks and provide at least five accessible and usable off-street parking spaces in addition to one space per employee on a maximum shift. Such stands shall meet all the requirements of the department of fire safety and shall be erected and removed within the time period prescribed by that department.
- N. Produce stands as defined and regulated in Chapter 21.90.
- O. Small family day care homes for eight or fewer persons.
- P. Large family day care homes for seven through fourteen persons when the following criteria are met:
 - 1. One off-street parking space shall be provided for each employee plus two spaces;
 - 2. The two additional parking spaces shall be located so that vehicles will head-in and head-out and not use the public road for maneuvering, loading, or unloading;
 - 3. There shall be no other day care facilities for more than eight persons within three hundred feet of the exterior boundary of the property.

(Ord. CS 591 Section 1, 1995; Ord. CS 350 Sections 1 (part), 2, 1989; Ord. CS 349 Section 1, 1989; Ord. CS 142 Section 1, 1985; Ord. CS 141 Section 1, 1985; Ord. CS 106 Section 2 (part), 1984).

21.20.030 USES REQUIRING USE PERMIT

Uses permitted in the A-2 districts subject to first securing a use permit in each case:

- A. TIER ONE. The uses listed below are closely related to agriculture and are necessary for a healthy agricultural economy. Tier One uses may be allowed when the planning commission finds that, in addition to the findings required under Section 21.96.050, the use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
 - Stationary installations such as alfalfa and feed dehydrators; commercial viners; fuel alcohol stills designed to serve a localized area; nut hulling and drying; agricultural experiment stations; warehouses for storage of grain and other farm produce; weighing, loading and grading stations; wholesale nurseries and landscape contractors when conducted in conjunction with a wholesale nursery; agricultural backhoe services; sale of firewood; and similar agricultural facilities;
 - 2. Farm labor camps and agricultural service airports;
 - 3. Permanent housing for persons employed on a full-time basis in connection with the agricultural use of the property or other property owned or leased by the same owner. The parcel(s) shall be large enough in terms of acreage, crops, production, number of animals, to clearly support and justify the establishment of an additional dwelling(s) for a full-time employee. Applicants will be required to substantiate that the employee is, in fact, a full-time employee. Permits granted for employee housing shall require that new residences be placed in close proximity to existing dwelling to minimize the disruption of agricultural land and to take maximum advantage of existing facilities, including utilities and driveways;
 - 4. Produce markets as defined and regulated in Chapter 21.90. (Ord. CS 591 Section 2, 1995)
- B. TIER TWO. The uses listed below are agriculture-related commercial and industrial uses that may be allowed when the planning commission or board of supervisors finds that, in addition to the findings required under Section 21.96.050:
 - 1. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
 - 2. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
 - 3. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.

- a. Agricultural service establishments primarily engaging in the provision of agricultural services to farmers, including contract harvesting when not allowed under Section 21.20.020D. Such establishments shall be designed to serve the immediately surrounding area as opposed to having a widespread service area.
- Agricultural processing plants and facilities, such as wineries, dehydrators, canneries, and similar agriculture-related industrial uses, provided:
 - (1) The plant or facility is operated in conjunction with, or as a part of, a bona fide agricultural production operation;
 - (2) At least fifty percent of the produce to be processed is grown on the premises or on property located in Stanislaus County in the same ownership or lease; and
 - (3) The number of full-time, year-round employees involved in the processing shall not exceed ten, and the number of part-time, seasonal employees shall not exceed twenty.
- c. In conjunction with an agricultural processing plant or facility, incidental retail sales, tasting rooms and/or facilities for on-site consumption of agricultural produce processed on the premises, provided:
 - (1) The primary purpose is to promote sales of the agricultural product(s) produced and processed on the premises;
 - (2) The use is subordinate to the production of such product and the use of such agricultural processing facility; and
 - (3) The number of full-time, year-round employees involved in the operation shall not exceed ten, and the number of part-time, seasonal employees shall not exceed twenty.
 - (4) However, the total number of full-time, year-round employees allowed under Subsections b(3) and c(3) shall not exceed ten, and the total number of part-time, seasonal employees shall not exceed twenty.
- d. Soil reclamation, or the process of cleaning or decontaminating soil that has been contaminated by gasoline or other toxic materials.
- e. Commercial or municipal composting, processing and/or spreading of whey, treated sludge or biosolids (including Class A and Class B), or other organic matter when the matter to be composted, processed and/or spread is not generated on site and the composting, processing and/or spreading is not part of a routine farming practice. Composting operations with less than 1,000 cubic yards or 300 tons of active

composting material on site at any given time shall be considered an agricultural use and shall be exempt from this provision. (This provision is intended to apply to operations whose primary function is the composting, processing and/or spreading of organic matter; it is not intended to apply to composting and/or the use of fertilizers and other soil amendments or feed additives in conjunction with agricultural production.)

- C. TIER THREE. The uses listed below are not directly related to agriculture but may be necessary to serve the A-2 District or may be difficult to locate in an urban area. Some of these uses can be people-intensive and, as a result, have the potential to adversely impact agriculture; these people-intensive uses are generally required to be located within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities. Tier Three uses may be allowed when the planning commission finds that, in addition to the findings required under Section 21.96.050:
 - 1. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity, and
 - The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.

In determining "most productive agricultural areas," factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy. "Most productive agricultural areas" does not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.

- a. Public stables, including boarding and training, and kennels,
- b. Bridle paths, riding academies, roping arenas and similar facilities for the training, exercising or exhibiting of horses, dogs or other animals,
- c. Recreational camps without housing for permanent residents and dude or guest ranches,
- d. Cemeteries.
- e. Schools offering general academic instruction equivalent to the standards prescribed by the State Board of Education,
- f. Churches,
- g. The raising or keeping for commercial or noncommercial purposes of furbearing animals, zoo-type animals, exotic birds, fish or wildlife regulated by the California Department of Fish and Game or dangerous animals as described in Chapter 7.28 of this code,

- h. Off-road vehicle parks, motorcycles, bicycle, go-cart and automobile race tracks; rifle ranges; trap and skeet ranges,
- i. Public buildings, parks or other facilities operated by political subdivisions,
- j. Facilities for public utilities and communication towers,
- k. Sanitary landfills,
- Circuses, carnivals, outdoor festivals, rallies, revivals, concerts, open-air churches, and similar uses provided that they do not last for more than seven days,
- Day care centers when accessory to a school offering general academic instruction equivalent to the standards prescribed by the State Board of Education,
- n. Gun clubs and hunting clubs.
- o. Golf courses (excluding miniature golf), golf driving ranges and practice putting greens, athletic fields and facilities (when operated by a non-profit organization or club), and related facilities (including, but not limited to, clubhouses, pro-shop, and food and drink facilities).
- p. Commercial excavation of earth, minerals, building materials or removal of oil or gas, together with the necessary apparatus and appurtenances incidental thereto.
- D. Notwithstanding any other provision of this title relating to the use of property zoned A-2, a factory for processing rabbits shall be allowed after issuance of a use permit subject to the following limitations:
 - 1. The property proposed for use shall contain a minimum of ten acres;
 - 2. There shall be no more than five employees involved in the processing operation;
 - The proposed facility shall satisfy all of the applicable regulations enacted by the California State Department of Food and Agriculture relating to processing of rabbits;
 - 4. There shall not be retail sales at the property;
 - 5. The processor shall submit a plan for disposing of the animal waste;
 - 6. Such other limitations or conditions as may be imposed by the planning commission or board of supervisors. (Ord. CS 501 Section 1, 1992; Ord. CS 424 Section 1, 1991; Ord. CS 305 Section 1, 1988; Ord CS 294 Section 1, 1988; Ord. CS 260 Section 1, 1987; Ord. CS 141 Section 3 (part), 1985; Ord. CS 106 Section 2 (part), 1984).
- E. One single-family dwelling on parcels legally created prior to March 4, 1972, that are less than twenty acres, that are not in compliance with the minimum area requirements of the zoning district where the parcel is located and the parcels do not qualify for the exception in Section 21.20.060.B2.

In addition to the findings required under Section 21.96.050, the following findings must be made:

- 1. The dwelling would be consistent with the County's General Plan;
- The dwelling would not likely create a concentration of residential uses in the vicinity or induce other similarly situated parcels to become developed with single-family dwellings; and
- 3. The dwelling will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity. (CS Ord. 741, effective November 24, 2000)

21.20.040 USES REQUIRING BOARD OF SUPERVISORS APPROVAL

Public and private airports are permitted subject to board of supervisors approval when the following procedure is followed:

- A. Application shall be made in writing on a form prescribed by the planning commission and shall be accompanied by a filing fee in such amount as may be fixed from time to time by order of the board of supervisors as well as a plot plan and other pertinent data as may be deemed necessary by the planning director.
 - In order to obtain an airport permit, the applicant must introduce evidence in support of this application sufficient to enable the planning commission and the board of supervisors to find that the establishment of the airport is consistent with the general plan, consistent with any adopted county policies and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
- C. The application shall be referred to the Airport Land Use Commission for review prior to approval by the planning commission and board of supervisors.
- D. A public hearing shall be held by the planning commission. Notice of hearing shall be given as required by Section 21.96.040. The planning commission shall make a report of its findings and recommendation to the board of supervisors.
- E. Upon receipt of the report from the planning commission a public hearing shall be held by the board of supervisors. Notice of the hearing shall be given as required by Section 21.96.040. At the conclusion of any hearing held by the board of supervisors, the board may approve the airport permit if the findings listed in Section 21.20.040B can be established. (Ord. CS 106 Section 2 (part), 1984).

21.20.045 USES ON LANDS SUBJECT TO WILLIAMSON ACT CONTRACTS

A. As required by Government Code Section 51238.1, the Planning Commission and/or Board of Supervisors shall find that uses requiring use permits that are approved on

lands under California Land Conservation Contracts (Williamson Act Contracts) shall be consistent with all of the following principles of compatibility:

- The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
- 2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
- 3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
- B. Unless the Planning Commission and/or the Board of Supervisors makes a finding to the contrary, the following uses are hereby determined to be consistent with the principles of compatibility and may be approved on contracted land:
 - 1. The erection, construction, alteration, or maintenance of gas, electric, water, communication facilities,
 - 2. Farm labor camps and farm employee housing, and
 - 3. All Tier One uses requiring use permits listed in Section 21.20.030 A.
- C. The following uses are hereby determined to be inconsistent with the principles of compatibility and shall not be approved on contracted land:
 - 1. Churches,
 - 2. Schools, and
 - Day care centers when accessory to a school offering general academic instruction equivalent to the standards prescribed by the State Board of Education.
- D. Mineral extraction on contracted land may be approved consistent with Government Code Section 51238.2.
- E. Uses on nonprime contracted land may be approved consistent with subdivision (c) of Government Code Section 51238.1.

F. All other uses requiring use permits on contracted lands, except those specified in Subsections B, C, D and E of this Section, shall be evaluated on a case-by-case basis by the Planning Commission and/or Board of Supervisors to determine whether they are consistent with the principles of compatibility set forth in Government Code Section 51238.1.

21.20.050 DIVISION OF LAND

All divisions of land on property zoned A-2 (General Agriculture) shall conform to the minimum parcel designation exhibited on the county's sectional district maps. When five or more agricultural parcels are being proposed, the division shall be consistent with the policies established by Resolution 83-74, adopted by the Board of Supervisors on January 11, 1983 and made a part of the county general plan January 11, 1983. (Ord. CS 344 Section 4, 1989; Ord. CS 106 Section 2 (part), 1984).

21.20.060 SITE AREA

The minimum allowable area for creation of a parcel shall be either three, five, ten, twenty, forty, or one hundred sixty acres as designated on the sectional district map following the zone symbol. Minimum parcel size may be determined by including internal area occupied by irrigation canals, laterals and other facilities and area up to the centerline of public roads, railroads, transmission lines, aqueducts or irrigation laterals which are located at a parcel's boundary. The following shall be exempt as to the minimum parcel size requirements provided the parcels are consistent with the subdivision ordinance and all other applicable county regulations:

- A. Parcels created or used for public utility or communication purposes.
- B. 1. One division of land into two parcels when requested by the owner of the property which has been in his ownership since January 1, 1974; provided, that one of the parcels created is at least one acre in area and not in excess of three acres and one of the parcels contains a single-family dwelling which existed on the property on January 1, 1974; and has been the principal residence of the owner for the last two years immediately preceding the filing date of the parcel map application; and the parcel before the division is twenty acres or more. A landowner is limited to one division of land under this section. This provision will expire as of December 31, 1999, at which time this exception to minimum parcel size requirements shall no longer be allowed.
 - 2. Parcels created pursuant to Section 21.20.060 B.1., even though they are less than 20 acres, shall be allowed one single-family dwelling. (CS 741, effective November 24, 2000)
- C. Urban transition splits Deleted, effective October 20, 1983.

- D. Parcels created and used pursuant to Sections 21.20.030 and 21.20.040, or where there exists a nonresidential legal nonconforming use, approved by the planning commission based upon findings that such parcel exhibits size, location and orientation characteristics which are supportive of the use without detriment to other agricultural usage in the vicinity.
- E. Parcels created by a lot line adjustment between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, where the integrity and purpose of Section 21.20.010 is maintained, where one of the parcels is already below the minimum lot area of the zone in which it is located, where a greater number of nonconforming parcels is not thereby created and when one of the following findings can be made:
 - 1. The lot line being adjusted will correct for a physical improvement which is found to encroach upon a property line or required setback.
 - 2. All resultant parcels in connection with the lot line adjustment are primarily created and properly designed for agricultural purposes and will not materially decrease the ability to use said property or other property within the vicinity for agricultural purposes. (Ord. CS 501 Section 2, 1992; Ord. CS 344 Section 5, 1989; Ord. CS 333 Section 1, 1989; Ord. CS 142 Section 2, 1985; Ord. CS 106 Section 2 (part), 1984).

21.20.070 YARDS

Yards required in A-2 districts:

A. Front yards:

- Not less than seventy feet from the existing centerline of the street, nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.
- Not less than forty-five feet from the existing centerline of the street on a
 collector street sixty feet wide, nor less than fifteen feet from the planned street
 line where a specific plan has been adopted. The vehicle opening of any
 building shall be no closer than twenty feet to the property line toward which
 the opening faces.
- 3. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide), nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.

- B. Side yards, interior lot line and rear yards: Five feet.
- C Side yards, corner lot: The main building and accessory building or garages not having direct access to the street may be five feet closer to the planned street line than at the front yard. (Ord. CS 106 Section 2 (part), 1984).

21.20.080 HEIGHT LIMITS

No fence, hedge or screen planting, in excess of three feet in height, shall be constructed or permitted to grow within any required front yard or side yard of a corner lot unless the director determines that visibility will not be obstructed. (Ord. CS 106 Section 2 (part), 1984).

(4) Upon the filing of an action in eminent domain by an agency or persons specified in Government Code Section 51295 for the condemnation of the fee title to all the subject property or upon the acquisition of the fee in lieu of condemnation, the Contract shall be null and void on the date of filing of suit or upon the date of acquisition as to the land condemned or acquired, and the condemning or acquiring agency or persons shall proceed as if the Contract never existed.

Upon filing of an action in eminent domain by an agency or persons specified in Government Code Section 51295 for the condemnation of the fee title to a portion of the subject property, or upon the acquisition of the fee in lieu of condemnation, the Contract shall be null and void on the date of filing suit or upon the date of acquisition as to the portion of the subject property condemned or acquired and shall be disregarded in the valuation process only as to the land actually taken, unless the remaining portion of the land subject to the Contract will be adversely affected by the take or acquisition in which case the value of that damage shall be computed without regard to the Contract. Under no circumstances shall any of the subject property be removed from the provisions of the Contract that is not actually taken or acquired, except as otherwise provided in the Contract.

In the event a condemnation suit is abandoned in whole or in part or if funds are not provided to acquire the property in lieu of condemnation, Owner agrees to execute such a Contract for a term of as long as the Contract would have remained in effect had the condemnation suit or acquisition never taken place.

- (5) It is agreed that the consideration for the execution of the Contract is the substantial public benefit to be derived by County from the preservation of land in agricultural or compatible uses and the advantage which will accrue to Owner as a result of the effect on the method of determining the assessed value of the subject property and any reduction thereto due to the imposition of limitations on its use set forth in the Contract. County and Owner shall not receive any payment in consideration of the obligations imposed herein.
- (6) The Contract shall run with the land described herein and, upon division, to all parcels created therefrom, and shall be binding upon the heirs, successors and assigns of Owner. The Contract shall be transferred from County to a succeeding city or a county acquiring jurisdiction over all or any portion of subject property. If a city acquires

jurisdiction over all or a portion of the subject property by annexation proceedings, the city shall succeed to all rights, duties and powers of County under the Contract; provided, however, that if the subject property or a portion thereof was within one mile of the city at the time the Contract was initially executed and the city protested the execution of the Contract and the Local Agency Formation Commission upheld the protest pursuant to Section 51243.5 of the Government Code, the city may state its intent not to succeed to the rights, duties and powers in the resolution of intention to annex. If the city states its intent not to succeed to the rights, duties and powers of County under the Contract, the Contract becomes null and void as to the subject property actually annexed on the date of annexation. If only part of the land under Contract was within one mile of the city, the Contract shall become null and void only to the extent of that part.

- (7) The Contract may be canceled, as herein provided, as to all or a part of the subject property only upon the petition of Owner to County, and after public hearing has been held and notice thereof given as required by Section 51284 of the Government Code. The Board of Supervisors of County may approve the cancellation only if they find cancellation is not inconsistent with the purposes of the California Land Conservation Act of 1965 and that cancellation is in the public interest. It is understood by the parties hereto that there is no right to cancellation and that the existence of an opportunity for another use of subject property shall not be sufficient reason for cancellation of the Contract. The uneconomic character of the existing agricultural or compatible use will be considered only if the subject property cannot reasonably be put to a permitted agricultural or compatible use specified in Paragraph 3 of the Contract. Parties hereto agree that (1) computation of the cancellation valuation, (2) determination, assessment, and payment of the cancellation fee, (3) waiver of payment of all or a portion of the cancellation fee, (4) distribution of the cancellation fee as deferred taxes, (5) recordation of Certificate of Cancellation, and (6) the creation, attachment, and release of any lien created by the imposition of a cancellation fee shall be as provided in Article 5 of the California Land Conservation Act of 1965.
- (8) The Contract may be canceled by mutual agreement of County and Owner without payment of a cancellation fee or public hearings whenever there is no operative legislation implementing Article XXVIII of the California Constitution at the time the cancellation is requested by Owner.
- (9) The Contract shall be enforced and administered in such a manner as to accomplish the purposes of the Act. Use of the property in any manner inconsistent with the provisions herein is a breach of the Contract. Any conveyance, contract, authorization, or other act, inter vivos or testamentary, by Owner or a successor in interest which permits or purports to permit use of the subject property contrary to the terms of the Contract may, at County option, be deemed to be a breach of the Contract. In the event of breach, the County may bring any action in court necessary to enforce the Contract including, but not limited to, an action to enforce the Contract by specific performance or injunction. Owner agrees to pay to County reasonable attorney's fees and costs or suit together with any other costs necessary for enforcement of the provisions of the Contract. The parties agree that in an action by the County for damages for breach of Contract, it will be impractical or extremely difficult to fix the

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Fictitious California Land Conservation Contract Page 16

actual damages such breach will cause to County's California Land Conservation Act program; therefore, an amount equal to seventy-five percent (75%) of the increase in appraised value or fifteen percent (15%) of the appraised value, whichever is greater at the date of filing suit, is hereby fixed as liquidated damages for said breach.

- (10) County may declare the Contract terminated if it, or another substantially similar contract, is declared invalid or ineffective in any court adjudication accepted by County as final, but no cancellation fee or other penalty shall be assessed against Owner upon such termination.
- (11)In the event the subject property is transferred so that title to the whole is no longer held by a single owner or group of owners, the new owner or group of owners of each parcel, as successors in interest of Owner, shall execute a new Contract in identical terms and conditions so that at all times each parcel separately owned will be under individual Contract executed by all owners of, and holders of security interests in, the particular parcel. Owner agrees to make such requests and to perform such other acts as may be necessary to have County, any other political entity, or any court having jurisdiction require the execution of the separate contracts required by this paragraph before making an order dividing ownership or recognizing divided ownership. The owner of any parcel created by the division of the subject property may exercise, independent of any other owner of a portion of the divided property, any of the rights of Owner executing the Contract to give notice of nonrenewal or to petition for cancellation as provided herein. The effect of any such action by an owner of a parcel created by a division shall not be imputed to the owners of the remaining parcels and shall have no effect on the contracts which apply to the remaining parcels of the divided land.

The parties to the contract agree that the benefits to be derived herefrom will be lost by excessive division of the land subject hereto; accordingly, it is further agreed that owner shall not, without the written approval of county, take any action by sale or other transfer which will create a parcel after transfer of ownership which cannot qualify to be subject to a separate contract under the provisions of the uniform rules of the Stanislaus County Agricultural Preserve. It is further understood that county approval shall be preceded by notice and hearing in the manner provided in Government Code Section 51284 and upon finding that approval is not inconsistent with the Act and that approval is in the public interest. Owner further agrees to take all reasonable and necessary steps to enforce this provision in the event any political entity or any court having jurisdiction proposes to take an action which will divide the property in violation hereof.

(12) Owner agrees to provide information requested by County to determine the value of the property for assessment purposes, to establish compliance with the terms and conditions of the Contract or for any other purpose necessary for the proper administration of the Act.

- (13) Removal of any of subject property from the agricultural preserve in which the subject property is located shall be equivalent to notice of nonrenewal by County as to the land actually removed from the agricultural preserve. County shall, at least sixty (60) days prior to the next renewal date of the Contract following removal, serve notice of nonrenewal as provided in Paragraph 2 hereof. County shall record the notice of nonrenewal as required by Section 51284; provided, however, that Owner agrees that failure of County to record said notice of nonrenewal shall not invalidate or in any manner affect said notice.
- (14) Owner declares, under penalty of perjury, that the persons signing below are the only persons with legal and security interests in the subject property and agrees to indemnify, defend and save harmless the County from any and all claims, suits, or losses caused by prior claims of other owners or security holders. This declaration and hold harmless clause are binding only upon Owner. Signatures of holders of security interests shall only be evidence of notice of the Contract and acceptance by the holders of security interests of the binding restrictions herein.

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EXHIBIT "A"

A.L. Gilbert Property

Parcel "A"

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcels 1 through 4, according to that certain Parcel Map filed September 25, 2000 in Book 50 of Parcel Maps, at Page 51, Stanislaus County Records.

Stanislaus County Document No. 2000-0089528-00, 10/24/00

Parcel "B"

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel A, as shown on that certain Parcel Map filed February 25, 1988 in Book 40 of Parcel Maps, at Page 56, Stanislaus County Records.

Stanislaus County Document No. 073727, 10/26/88

Parcel "C"

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel B, as shown on that certain Parcel Map filed February 25, 1988 in Book 40 of Parcel Maps, at Page 56, Stanislaus County Records.

Stanislaus County Document No. 073728, 10/26/88



EXHIBIT "B"

A.L. Gilbert Property

Parcel LLA-1

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel A, as shown on that certain Parcel Map filed February 25, 1988 in Book 40 of Parcel Maps, at Page 56, Stanislaus County Records.

Together with:

Parcel 1 as shown on that certain Parcel Map filed September 25, 2000 in Book 50 of Parcel Maps, at Page 51, Stanislaus County Records.

Together with:

That certain parcel of land situate in the Northeast Quarter of Section 20, Township 2 South, Range 11 East, Mount Diablo Meridian, in the County of Stanislaus, State of California being more particularly described as follows:

Beginning at the southwest corner of Parcel 2 as shown on that certain Parcel Map filed September 25, 2000 in Book 50 of Parcel Maps, at Page 51, Stanislaus County Records; thence North 00°04'59" West along the west line of said Parcel 2 a distance of 1,745.00 feet; thence North 89°59'35" East along the boundary of said Parcel 2 a distance of 208.00 feet to the southwest right of way line of the Oakdale Irrigation District South Main Canal; thence along said southwest right of way line the following bearings and courses:

- 1. South 08°34'31" East a distance of 180 feet;
- 2. South 42°25'31" East a distance of 100 feet;
- 3. North 83°39'29"East a distance of 100 feet;
- 4. North 35°35'29" East a distance of 160 feet;
- 5. South 79°24'31" East a distance of 100 feet;
- 6. South 6°14'31" East a distance of 560 feet:
- 7. South 55°42'31" East a distance of 180 feet;
- 8. North 64°25'29" East a distance of 230 feet;
- 9. South 81°53'31" East a distance of 100 feet;
- 10. South 27°23'31" East a distance of 100 feet;
- 11. South 18°06'29" West a distance of 260 feet;
- 12. South 18°28'31" East a distance of 100 feet;

Thence leaving said southwest right of way line South 36° 20'47" West a distance of 761.58 feet to the south line of said Parcel 2; thence North 89°54'18" West along the south line of said Parcel 2 a distance of 652.17 feet to the true point of beginning.

Excepting therefrom

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Beginning at the west end of the north line of Parcel B as shown on that certain Parcel Map filed February 25, 1988 in Book 40 of Parcel Maps, at Page 56, Stanislaus County Records; thence South 1°00'05" East along the west line of said Parcel B a distance of 135.31 feet; thence continuing along the boundary of said Parcel B North 89°02'31" West a distance of 93.91 feet; thence continuing along said boundary South 1°05'20" East a distance of 46.08 feet; thence leaving said boundary North 89°53'38"West a distance of 200 feet; thence North 1°05'20" West a distance of 180 feet to the north line of Parcel A of said Parcel Map in Book 40 at Page 56; thence South 89°53'38" East along the north line of said Parcel A a distance of 294.08 feet to the true point of beginning.

Parcel LLA-1 contains 158.34 acres more or less, excluding the 110 foot strip known as the Hetch Hetchy right of way owned by the City of San Francisco.



EXHIBIT "B"

Parcel LLA-2

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel B, as shown on that certain Parcel Map filed February 25, 1988 in Book 40 of Parcel Maps, at Page 56, Stanislaus County Records.

Together with:

That certain parcel of land situate in the Northeast Quarter of Section 20, Township 2 South, Range 11 East, Mount Diablo Meridian, in the County of Stanislaus, State of California more particularly described as follows:

Beginning at the southwest corner of Parcel 2 as shown on that certain Parcel Map filed September 25, 2000 in Book 50 of Parcel Maps, at Page 51, Stanislaus County Records; thence along the south line of said Parcel 2 South 89°54'18" East a distance of 652.17 feet to the true point of beginning; thence North 36°20'47" East a distance of 761.58 feet to the southwest right of way line of the Oakdale Irrigation District South Main Canal; thence South 64°23'31" East along said southwest line a distance of 500 feet; thence continuing along said southwest line North 48°08'29" East a distance of 150 feet; thence leaving said southwest line South 21°47'01" East a distance of 537.81 feet to the south line of said Parcel 2; thence North 89°54'18" West along said south line a distance of 1,213.55 feet and the true point of beginning.

Together with:

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Beginning at the west end of the north line of Parcel B as shown on that certain Parcel Map filed February 25, 1988 in Book 40 of Parcel Maps, at Page 56, Stanislaus County Records; thence South 1°00'05" East along the west line of said Parcel B a distance of 135.31 feet; thence continuing along the boundary of said Parcel B North 89°02'31" West a distance of 93.91 feet; thence South 1°05'20" East a distance of 46.08 feet; thence leaving said boundary North 89°53'38"West a distance of 200 feet; thence North 1°05'20" West a distance of 180 feet to the north line of Parcel A of said Parcel Map in Book 40 at Page 56; thence South 89°53'38" East along the north line of said Parcel A a distance of 294.08 feet to the true point of beginning.

Excepting therefrom

The east thirty-three (33) feet of Parcel B, as shown on that certain Parcel Map filed February 25, 1988 in Book 40 of Parcel Maps, at Page 56, Stanislaus County Records.

Said Parcel LLA-2 contains 57.90 acres more or less, excluding the 110 foot strip known as the Hetch Hetchy right of way owned by the City of San Francisco.



Parcel LLA-3

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel 2 as shown on that certain Parcel Map filed September 25, 2000 in Book 50 of Parcel Maps, at Page 51, Stanislaus County Records.

Together with:

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Beginning at the East ¼ Corner of Section 20, Township 2 South, Range 11 East, Mount Diablo Meridian; thence South 0°01'06" West along the east line of said Section 20 a distance of 294.26 feet; thence North 89°58'16" West a distance of 33 feet; thence North 0°01'06" East a distance of 294.30 feet to the south line of said Parcel 2; thence South 89°54'18" East a distance of 33 feet to the true point of beginning.

Excepting therefrom

Commencing at the East ¼ Corner of Section 20, Township 2 South, Range 11 East, Mount Diablo Meridian; thence North 89°54 18"West along the south line of said Parcel 2 a distance of 33 feet to the true point of beginning; thence continuing along the south line of said Parcel 2 North 89°54 18"West a distance of 1,858.72 feet to the southwest corner of said Parcel 2; thence North 00°04'59" West along the west line of said Parcel 2 a distance of 1,745.00 feet; thence North 89°59'35" East along the boundary of said Parcel 2 a distance of 208.00 feet to the southwest right of way line of the Oakdale Irrigation District South Main Canal; thence along said southwest right of way line the following bearings and courses:

- 1. South 08°34'31" East a distance of 180. feet;
- 2. South 42°25'31" East a distance of 100. feet;
- 3. North 83°39'29"East a distance of 100. feet;
- 4. North 35°35'29" East a distance of 160. Feet
- 5. South 79°24'31" East a distance of 100. feet;
- 6. South 6°14'31" East a distance of 560. feet.
- 7. South 55°42'31" East a distance of 180. feet;
- 8. North 64°25'29" East a distance of 230. feet;
- 9. South 81°53'31" East a distance of 100. feet;
- 10. South 27°23'31" East a distance of 100. feet;
- 11. South 18°06'29" West a distance of 260. feet;
- 12. South 18°28'31" East a distance of 100. feet;
- 13. South 64°23'31" East a distance of 500 feet;
- 14. North 48°08'29" East a distance of 150 feet;

Thence leaving said southwest right of way line South 21°47'01" East a distance of 537.81 feet to the south line of said Parcel 2 and the true point of beginning.

Said Parcel LLA-3 contains 45.57 acres more or less.



Parcel LLA-4

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel 3 as shown on that certain Parcel Map filed September 25, 2000 in Book 50 of Parcel Maps, at Page 51, Stanislaus County Records.

Together with:

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Beginning at the southwest corner of said Parcel 3; thence North 89°52'38" West a distance of 33 feet; thence North 0°01'06" East a distance of 468.50 feet; thence South 89 58'16" East a distance of 33 feet; thence South 0°01'06" West along the west line of said Parcel 3 a distance of 468.56 feet and to the true point of beginning.

Said Parcel LLA-4 contains 42.98 acres more or less.



Parcel LLA-5

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel 4 as shown on that certain Parcel Map filed September 25, 2000 in Book 50 of Parcel Maps, at Page 51, Stanislaus County Records.

Together with:

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Beginning at the southwest corner of said Parcel 4; thence North 89°33'34" West a distance of 33 feet; thence North 0°01'06" East a distance of 1863.32 feet; thence South 89°52'38" East a distance of 33 feet; thence South 0°01'06" along the west line of said Parcel 4 a distance of 1863.50 feet and to the true point of beginning.

Said Parcel LLA-5 contains 44.43 acres more or less, excluding the 110 foot strip known as the Hetch Hetchy right of way owned by the City of San Francisco.



10,91.11 HALOG DEPLE AS 55328 MITTAL 10751474 WHE MARNERVILLE ROAD M,85,25.69N Momerville Rd. dow siy) uo umays sõuyoeg Section 20 and the West Line of Section 21, 1.25, R. I.E., M.C.M., County of Stanislaus, State of Collifornia, was useful os the Basis of all members shown on set of the Basis of all becomes shown on the control of the periods of the control of t)ившверд Mornerville Rd. AMUNY SSOODY OF-NOO.01,00.E 88 PARCEL S The bearing of NO'01'06'E for the East Line of PARCEL 4 BASIS OF BEARINGS: SOLDY EY YY 16 - Md - FF 2646.32" (R3) 5-V77 MADY 06:25 *1N3N35*¥7 38 9 d .EOI Z-V77 Stanislaus County Records 3316, dated August 21, 1985, Judgement of Distribution, Document No. HELCHX HOLIH doled August 15, 1972 5281.85° 5058' Lami. Helch Helchy Right of Way map doled February, 1972, Drawing No. C-3490 88 40 - PM bynger bynger of Page 47, Stanislaus County Records าฮมินิงส 9 NBB.25,38,M 32, NBB.25,38,M 5111 65. RS) Record per Book +0 of Porcel Mops of Page 56, Slanislaus County Records 7.90,10.00N SELTY 86"EF ,95"89> 3,90,10.00N-E N Record per Book 40 of Porcel Mops 49.08,50.10S .UUN 16.CE M, 12.20.68N .EE M.91,85.68N-.OS+ M.91,85.68N-P- 777 distances measured unless otherwise noted. 42.62 Acres 3,50,00.705 Measured on this survey, all bearings and E 730844 ADJÚSTMENT According to that certain reference -,0L'E91 3,15,60.5ZS (N) ,10 9992 M, 81, +9.68N B.O.B. Bosis of Bacting OE +62 -___,0£'88 3,1£,50.525 Official Record, Stanislous County .ZL'8581 M,81,≯5.68 3.24,181 M,81,₹5.68 .62.951 £2.201 3"12"7E:012 -1.27 759zinios inamizujba anii 101 -лаилоо Арлаdолд Биряка —o-37 +62. 200,01,00,0 M N83.681, M 1280'23, 0 Seensa Villity Σεπιτ. Γιπεα Υίπιτη TECENO: ZZ'#8 3,18,ZE.DIS .CE 3,81,+9.685-E-V77 MADY PERST र गैंडे डेर्स के स्ट्रिस के स्ट् OWNER: (43) 222.00,31, 1 525'00, 51) NE4.32,58,E \$30'00, (B) (45) 210.21,2E 500'00 180.00 3,15,74.555 (08 3, 15,52.055 (1) .00'099 3,12,21.905 (6. HINOS .00'08£ 3.1£, 55.255 (0F) ,00:001 3,15,78,645 732849 .00'018 3,18,75.615 (68) ,00'091 3.62,SE.SEN (LI .00'001 3,62,52.09N (8E ,00'001 3,62,68.58N (9) ,00°80Z M,22,63.88S 120.00 3,62,22.00N (E) 3,18,98.2+5 (E) ,00'001 .00.001 3,62,22.7LN (98 180'00, 3,15,05.805 (1) 3, 18,51.295 (50) ,00'001 ,00'002 M. 58.58.E+5 (E) 3,15,55.925 (2) 200,000 ,00.001 3.15,01.205 (2 118 70, £ 15,80.655 (FF ,00'0++ 3, 12,52,525 (1) .05'225 3,15,01,525 (25) ,00'001 3,82,91.99N 3.62,81.#BN (IE) 3.62.64.9#N 6 350'00, 00:01 3,62,02.15N (0) ,00'00Z 3,62,22.21N FOCARTY ROAD 283.22,44,E 5028'10, (N) 5028'45, (BI) 200 COLUGE (KS) ,00'009 M, 15, \$4.20N (62) 100.001 3,62,22.0LN (Z MYMBIE BOYD Fd. Disturbed 4x4 (R1) 58) NOO.11,31,M 540'00, 3, 12,52.755 .00'001 .00'051 3,62,80.8+N (22 100,00 3,15,50.215 (5 200:00 3,12,52,495 (92 250.00 M. 62.84.405 (+ 3,15,82.815 (52) ,00'001 3.15.01.125 (£

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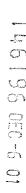
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A. L. Gilbert Company

P.O. Box 38 - 304 N. Yosemite
Oakdale, California 95361-0038
(209) 847-1721 • 524-9261 • Fax (209) 847-3542

Bulk Dairy Feeds

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Field Seeds

A L Gilbert Co.

September 24, 2001

To: Stanislaus County Planning Dept.

Re: Lot line adjustment.

Williamson Act Statement.

- The boundaries affected by the new lot lines would still be subject to the existing Williamson Act contracts.
- 2) The net acreage under contract will remain the same.
- 3) Both parcels will remain large enough to sustain agricultural operations.
- 4) The lot line adjustments will not likely result in any acres being removed from Agricultural use nor any additional developable parcels being created.
- 5) There should be no change in the use of the parcels involved.

Thank you,

Robert T Gilbert, pres.

Robat T Gubut

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS ACTION AGENDA SUMMARY

DEPT: PI	anning & Community De	velopment A	BOARD AGENDA # *D-2
		ne <u>X</u>	AGENDA DATE: October 30, 2001
CEO Con	curs with Recommendati	on YES NO_ (Information Attac	4/5 Vote Required YES NOX_
SUBJECT			
PURSUA			ACT NO. 70-0399AND APPROVE A NEW CONTRACT - 1-60 AND AUTHORIZE THE PLANNING DIRECTOR TO
STAFF R	ECOMMENDATION:		
	RECOMMENDS APPROV. S MUST BE MADE:	AL. SHOULD TH	E BOARD OPT FOR APPROVAL, THE FOLLOWING
В	DUNDARIES OF THE PAR	CEL FOR AN INITIA	VOULD ENFORCEABLY RESTRICT THE ADJUSTED ALTERM FOR AT LEAST AS LONG AS THE UNEXPIRED CONTRACTS, BUT FOR NOT LESS THAN 10 YEARS.
			(Continued on Page 2)
FISCAL II	MDACT		
BOARD A	ACTION AS FOLLOWS:		No. 2001-836
On motion	of Supervisor Blom		, Seconded by Supervisor Mayfield
and appro	ved by the following vote,		
Excused of	or Absent: Supervisors: Ca	ruso	
	g: Supervisor <u>: None</u> Approved as recommend		
2)^_	Denied	ieu	
3)	Approved as amended		Oct 3
MOTION:		true and correct copy in the Minutes of the CHRISTINE FER Clerk of the Board	the foregoing is a full, of the Original entered Board of Supervisors. RARO TALLMAN of Supervisors of the is, State of Cettlornia
		By King	Ciber Vision Course

File No.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

SUBJECT:

APPROVAL TO RESCIND WILLIAMSON ACT CONTRACT NO.70-0399 AND APPROVE A NEW CONTRACT PURSUANT TO MINOR LOT LINE ADJUSTMENT 2001-60 AND AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE A NEW CONTRACT.

PAGE 2

STAFF RECOM-MENDATION CONTINUED:

- 2. THERE IS NO NET DECREASE IN THE AMOUNT OF THE ACREAGE RESTRICTED. IN CASES WHERE TWO PARCELS INVOLVED IN A LOT LINE ADJUSTMENT ARE BOTH SUBJECT TO CONTRACTS RESCINDED PURSUANT TO THIS SECTION, THIS FINDING WILL BE SATISFIED IF THE AGGREGATE ACREAGE OF THE LAND RESTRICTED BY THE NEW CONTRACTS IS AT LEAST AS GREAT AS THE AGGREGATE ACREAGE RESTRICTED BY THE RESCINDED CONTRACTS.
- 3. AT LEAST 90 PERCENT OF THE LAND UNDER THE FORMER CONTRACT OR CONTRACTS REMAINS UNDER THE NEW CONTRACT OR CONTRACTS.
- 4. AFTER THE LOT LINE ADJUSTMENT, THE PARCELS OF LAND SUBJECT TO CONTRACT WILL BE LARGE ENOUGH TO SUSTAIN THEIR AGRICULTURAL USE, AS DEFINED IN SECTION 51222.
- 5. THE LOT LINE ADJUSTMENT WOULD NOT COMPROMISE THE LONG-TERM AGRICULTURAL PRODUCTIVITY OF THE PARCEL OR OTHER AGRICULTURAL LANDS SUBJECT TO A CONTRACT OR CONTRACTS.
- 6. THE LOT LINE ADJUSTMENT IS NOT LIKELY TO RESULT IN THE REMOVAL OF ADJACENT LAND FROM AGRICULTURAL USE.
- 7. THE LOT LINE ADJUSTMENT DOES NOT RESULT IN A GREATER NUMBER OF DEVELOPABLE PARCELS THAN EXISTED PRIOR TO THE ADJUSTMENT, OR AN ADJUSTED LOT THAT IS INCONSISTENT WITH THE GENERAL PLAN.

DISCUSSION:

The proposal is to cancel portions of the Williamson Act Contract on Assessor's Parcel Numbers 010-41-15,16,19,20 and to re-establish a new contracts pursuant to Section 51257 of the Government Code regulating Williamson Act contracts and Lot Line Adjustments. Said new contracts would restrict adjusted parcels as required in Government Code Section 51257 and not effect the total acreage within the contracted area. The properties consist of a total of 281acres that are located on Warnerville Rd. east of the City of Oakdale in the unincorporated area of Stanislaus County (Section 20 Township 2 Range 11). The existing parcels are covered under Williamson Act contract (70-0399).

A Lot Line Adjustment (2001-60) was conditionally approved by staff on Sept. 7, 2001 pending the Board's action required by the Williamson Act.

Because all parcels are currently covered by a Williamson Act Contract, all or portions of that contract must be rescinded and replaced with new contracts.

SUBJECT:

APPROVAL TO RESCIND WILLIAMSON ACT CONTRACT NO.70-0399 AND APPROVE A NEW CONTRACT PURSUANT TO MINOR LOT LINE ADJUSTMENT 2001-60 AND AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE A NEW CONTRACT.

PAGE 3

DISCUSSION CONTINUED:

Government Code section 51257 was revised in January 2000 to facilitate lot line adjustments on Williamson Act parcels. Seven (7) specific findings must be made pursuant to that section in order to facilitate the adjustment. According to the Government Code "... pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

(Note: the definition in Govt. Code §51222 is as follows: "... retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land")

- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

196 DEC-6 01

SUBJECT:

APPROVAL TO RESCIND WILLIAMSON ACT CONTRACT NO.70-0399 AND APPROVE A NEW CONTRACT PURSUANT TO MINOR LOT LINE ADJUSTMENT 2001-60 AND

AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE A NEW CONTRACT.

PAGE 4

DISCUSSION CONTINUED:

The applicant has provided written evidence to support the seven findings listed

above, and staff agrees with that evidence.

New Williamson Act contracts would typically come before the Board once a year, in November. Because this action is related to a Lot Line Adjustment, and real estate transactions are in process, it is prudent to act on this action independently of other Williamson Act contracts. Therefore, it is the intention of this action that a new contract immediately replace a portion of contract 70-0399.

POLICY ISSUES:

This proposal is consistent with policies of the County. The General Plan Land Use and Agricultural Elements both encourage the use of the Williamson Act to help preserve agriculture as the primary industry of the County. The Agricultural Element (adopted 1992) specifically states that the County shall continue to participate in the Williamson Act program while supporting reasonable measures to strengthen the act and make it more effective. By providing a means to keep property taxes based on an agricultural income level rather than a market value which may be at a level based on speculation of future use, the Williamson Act helps agriculturists remain in production without premature conversion to urban uses. Other relevant policies are discussed above as provided in State law.

STAFFING

IMPACT:

None.

ATTACHMENTS:

Lot Line Adjustment2001-60 Application and Approval Letter

Applicant's Statement of Findings, Map of Proposed Changes

THIS SPACE FOR RECORDER ONLY

CALIFORNIA LAND CONSERVATION CONTRACT NO. 4467-2002

RECORDED AT REQUEST OF STANISLAUS COUNTY BOARD OF SUPERVISORS

WHEN RECORDED RETURN TO STANISLAUS COUNTY PLANNING DEPARTMENT

Stanislaus, County Recorder
JOYCE GOUDIE Co Recorder Office
DOC- 2001-0146194-00

Thursday, DEC 06, 2001 13:30:23 Ttl Pd \$0.00 Nbr-0000845

Nbr-0000845585 OWP/R1/1-36

CONSERVATION and entered into subdivision of the		de <i>2001</i> , by hereinafter referr	and between the County of Stanislaus, a politiced to as "County" and the undersigned landowner as follows:	
Conservation Cor	ntract, recorded on Fe Recorder of the Cou	bruary 1, 1979, a	inclusive, of a certain Fictitious California La is Instrument Number 48604, Book 3151, Page 13 s, State of California, are incorporated herein as	32,
receive an	y and all notices and	communications	ite the following persons as the Agent for Notice from County during the life of the Contract. Owi esignated persons or change of address for him.	
DESIGNAT	ED AGENT:			
(16) Owner de	sires to place the fol	lowing parcels of	real property under Contract:	NOTIFICAL SPECIAL PROPERTY OF THE PROPERTY OF
ASSESSMENT NUMBER	CODE AREA	ACREAGE	SITUS ADDRESS	0
10-41-15	084-010 084-010	57.9 Mc	11955 WARNERUZLLE 20	<u>-</u> 5
			ORKOBLE, CA 95361	
		WALLAND MARKET CONTROL OF THE PARTY OF THE P		

OWNER(S) NAME **SIGNATURE** DATE SIGNED AT (all to be notarized) (city) (print or type) **SECURITY HOLDERS: SIGNATURE** DATE SIGNED AT **NAME** (city) (print or type) (all to be notarized) COUNTY:

Chairman, Board of Supervisors

IN WITNESS WHEREOF, the parties hereto have executed the within Contract the day and year first above

Dated

written.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

	me, J. Goodnes, , , , , , , , , , , , , , , , , , ,
	ONAL SECTION OF A HAMED BY SECNED
	CLAIMED BY SIGNER the data below, doing so may prove invaluable to persons relying on the
[] INDIVIDUAL	
[] CORPORATE OFFICER(S)	TITLE(S)
[] PARTNER(S) - [] LIMITED [] GENERAL	,
[] ATTORNEY-IN-FACT	
[] TRUSTEE(S)	
[] GUARDIAN/CONSERVATOR	
[] OTHER	
SIGNER IS REPRESENTING:	
Name of Person or Entity	Name of Person or Entity
OPPE	ONAL SECTION
Though the date requested here is not requ	TTACHED TO THE DOCUMENT DESCRIBED BELOW
TITLE OR TYPE OF DOCUMENT:	
NUMBER OF PAGES	DATE OF DOCUMENT
SIGNER(S) OTHER THAN NAMED ABOVE_	

APPLICATION

CALIFORNIA LAND CONSERVATION ACT OF 1965

STANISLAUS COUNTY

The undersigned hereby requests the County of Stanislaus, California, to enter into the California Land Conservation Contract attached hereto.

The persons who have signed the contract are the only persons with legal and security interests in the subject property.

Each person who has signed the contract is an adult who is not incapacitated to contract, or the signature is by an authorized guardian or conservator.

signature is by an authorized guardian or c	onservator.		
The following are the only buildings	and uses on the subject pr	operty. (List all structures	, such as
houses, barns, mobile homes, billboards, et	c. Also list all agricultural us	es such as trees, row crops	, pasture,
etc., and businesses or commercial uses s	uch as huller, repair shops, l	nome occupations, store, e	tc.)
I declare under penalty of perjury that the fo	oregoing is true and correct a	and this application was exe	cuted on
ilov. 2 , 20 <u>01</u> ,	at Modes TO	, California.	
	(*amil	Va AMELL	
	Signature of A	Applicant r designated agent)	
	THE OWNER O	acognated agenti	

(Application must be sworn to

and signed before a notary

if executed outside California.)

FICTITIOUS CALIFORNIA LAND CONSERVATION CONTRACT

Recorded February 1, 1979 Instrument No. 48604 Book 3151, Page 132

THIS CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into _______October 30, 2001 _____, by and between the County of Stanislaus, a political subdivision of the State of California hereinafter referred to as "County" and the undersigned landowners or the successors thereof, hereinafter referred to as "Owner" as follows:

WHEREAS, Owner is the legal owner of certain real property, herein referred to as the subject property, situate in the County of Stanislaus, State of California; and

WHEREAS, the subject property is presently devoted to agricultural and compatible uses; and

WHEREAS, subject property is located in an agricultural preserve heretofore established by County by Resolution dated October 20, 1970; and

WHEREAS, both Owner and County desire to limit the use of subject property to agricultural and compatible uses in order to discourage premature and unnecessary conversion of such land from agricultural uses, recognizing that such land has definite public value as open space, that the preservation of such land in agricultural production constitutes an important physical, social, esthetic, and economic asset to the County to maintain the agricultural economy of County and the State of California and that the common interest is served by encouraging and making feasible the orderly expansion of development of the urban and commercial sectors of the County to avoid the disproportionate expense involved in providing municipal services to scattered development; and

WHEREAS, both Owner and County intend that the Contract is and shall continue to be through its initial term and any extension thereof an enforceable restriction within the meaning and for the purposes of Article XXVIII of the California Constitution and thereby qualify as an enforceable restriction as defined in Revenue and Taxation Code Section 422;

NOW THEREFORE, the parties, in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

(1) The Contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code, commencing with Section 51200), hereinafter referred to as the Act, as such Act has been amended or may hereafter be amended, and is subject to all the provisions thereof specifically made applicable to the Contract.

- The Contract shall remain in effect for a period of ten (10) years from the effective date stated in paragraph 17 hereof. The anniversary date shall be January 1 of each year following the effective date. On each anniversary date the Contract shall be renewed, and one (1) year shall be added automatically to the term of the contract unless notice of nonrenewal is served by Owner at least ninety (90) days prior to the anniversary date or by County at least sixty (60) days prior to the anniversary date as provided in Government Code Section 51245. If either party gives notice of nonrenewal, it is understood and agreed that the Contract shall remain in effect for the unexpired term. A notice of nonrenewal, irrespective of which party gives the notice, shall be recorded by the County. Upon request of Owner, County may authorize the Owner to serve a notice of nonrenewal on a portion of the subject property. Notice of nonrenewal by the County shall be served on the designated agent.
- (3) During the term of the Contract or any renewal thereof, the subject property shall not be used for any purpose other than the production of agricultural commodities and the compatible uses permitted by A-2, General Agriculture District, zoning as set forth in the Ordinance Code of Stanislaus County and as included within this contract. Owner forever waives all claim or right to any pre-existing non-conforming property uses that may have been exempt from the A-2- zoning requirements applicable to the subject property.

CHAPTER 21.20

GENERAL AGRICULTURE DISTRICT (A-2)

SECTIONS:

21.20.010	PURPOSE
21.20.020	PERMITTED USES
21.20.030	USES REQUIRING USE PERMIT
21.20.040	USES REQUIRING BOARD OF SUPERVISORS APPROVAL
21.20.045	USES ON LANDS SUBJECT TO WILLIAMSON ACT CONTRACTS
21.20.050	DIVISION OF LAND
21.20.060	SITE AREA
21.20.070	YARDS
21.20.080	HEIGHT LIMITS

21.20.010 PURPOSE

It is the intent of these district regulations to support and enhance agriculture as the predominant land use in the unincorporated areas of the county. These district regulations are

also intended to protect open-space lands pursuant to Government Code Section 65910. The procedures contained in this chapter are specifically established to ensure that all land uses are compatible with agriculture and open space, including natural resources management, outdoor recreation and enjoyment of scenic beauty. (Ord. CS 106 Section 2 (part), 1984).

21.20.020 PERMITTED USES

Uses permitted in the A-2 districts:

- A. All agricultural uses not requiring a staff approval or a use permit pursuant to Sections 21.20.030 and 21.20.040; provided, however, that within areas designated on the land use element of the general plan as urban transition the maintenance of animals shall be limited to the provision of Chapter 21.24 (R-A rural residential zoning regulations) unless approval of additional animals is first obtained from the director of planning and community development;
- B. One single-family dwelling; is permitted on all parcels that meet or exceed the minimum area requirements of the zoning district; however, in the A-2-3, A-2-5, A-2-10 and A-2-20 acre zones, one single-family dwelling shall be allowed, if the parcel meets the building site criteria set forth in Section 21.08.050 and on parcels twenty acres or more, regardless of the zoning requirement, there may be constructed and maintained two single-family dwellings. The second dwelling's placement shall be approved by the Director of Planning and Community Development and be designed to minimize disruptions of agricultural land and to take maximum advantage of existing facilities including utilities and driveways; (CS Ord. 741 effective November 24, 2000).
- C. A mobile home (excluding travel trailers, motor homes or campers) in lieu of any permitted single-family dwelling in areas designated as agriculture in the land use element of the general plan; provided, that the mobile home is placed on the county assessment roll; and further provided, that any such mobile home is completely skirted;

In areas designated as urban transition in the land use element of the general plan, a mobile home in lieu of a permitted single-family dwelling subject to a determination by the director of planning and community development that it meets the following compatibility criteria.

- 1. <u>Eligibility</u>. A mobile home shall be eligible if it:
 - a. Is to be occupied only for residential purposes.
 - b. Conforms to all of the residential use development standards for single-family structures applicable to the particular zone for which the application is made.
 - c. Is certified under the National Manufactured Home Construction and Safety Act of 1974, and has been constructed after June 5, 1976.

- d. Is attached to a permanent foundation system approved by the building inspection department of the county.
- 2. Compatibility. A mobile home shall be compatible if:
 - a. It is covered with an exterior material commonly found in new conventionally built residential structures within three hundred feet of the proposed site.
 - b. The exterior covering material extends to the ground. If a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Alternative skirting materials commonly found on conventionally built residential structures will be considered compatible.
 - c. The roofing material is similar to materials commonly found on conventionally built residential structures within three hundred feet of the proposed site.
- D. Buildings, appurtenances, and uses such as custom contract harvesting or land preparation where the buildings, appurtenances, or uses are incidental and accessory to the use of the subject property for farming purposes.
- E. Home occupations as regulated by Chapter 21.94.
- F. Racing homer pigeons as regulated in Chapter 21.92.
- G. Garage sales.
- H. Temporary agricultural service airports.
- I. Detached accessory buildings, the uses of which are incidental to, and reasonably related to, a main building on the same lot or to the primary use of the property as determined by the director of planning and community development.
- J. One identification or informational sign not more than twelve square feet in area nor more than six feet in height may be permitted in the front yard or side yard adjacent to each street frontage of a property which contains a lawful agricultural use, or commercial, or industrial nonconforming use in lieu of any other freestanding sign which may be permitted, provided that:
 - 1. It does not bear any advertising message,
 - 2. It is nonflashing, nonmoving and nonanimated,
 - 3. It is located wholly on private property on the premises to which it pertains,

- A plot plan and elevation of the sign is approved by the planning and community development director prior to request for building and electrical permits and installation;
- K. Lagoons or ponds for the storage of animal wastes. Such lagoons or ponds shall be located a minimum of fifty feet from any property line and three hundred feet from any dwelling on an adjacent property. Other standards may be imposed by other county or state agencies.
- L. Christmas tree sales lots and Halloween pumpkin sales lots provided they meet the required setbacks and provide at least ten accessible and useable off-street parking spaces in addition to one space per employee on a maximum shift. Such lots shall be limited to two double-faced signs not to exceed twelve square feet on each face. No off-site signs shall be permitted. Such Halloween pumpkin sales lots may not be established prior to October 1 of any year and shall be removed and the property returned to its previous condition prior to November 15; Christmas tree sales lots may not be established prior to November 15 of any year and shall be removed and the property returned to its previous condition prior to January 1.
- M. Fireworks stands provided they meet all required setbacks and provide at least five accessible and usable off-street parking spaces in addition to one space per employee on a maximum shift. Such stands shall meet all the requirements of the department of fire safety and shall be erected and removed within the time period prescribed by that department.
- N. Produce stands as defined and regulated in Chapter 21.90.
- O. Small family day care homes for eight or fewer persons.
- P. Large family day care homes for seven through fourteen persons when the following criteria are met:
 - 1. One off-street parking space shall be provided for each employee plus two spaces;
 - The two additional parking spaces shall be located so that vehicles will head-in and head-out and not use the public road for maneuvering, loading, or unloading;
 - 3. There shall be no other day care facilities for more than eight persons within three hundred feet of the exterior boundary of the property.

(Ord. CS 591 Section 1, 1995; Ord. CS 350 Sections 1 (part), 2, 1989; Ord. CS 349 Section 1, 1989; Ord. CS 142 Section 1, 1985; Ord. CS 141 Section 1, 1985; Ord. CS 106 Section 2 (part), 1984).

21.20.030 USES REQUIRING USE PERMIT

Uses permitted in the A-2 districts subject to first securing a use permit in each case:

- A. TIER ONE. The uses listed below are closely related to agriculture and are necessary for a healthy agricultural economy. Tier One uses may be allowed when the planning commission finds that, in addition to the findings required under Section 21.96.050, the use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
 - Stationary installations such as alfalfa and feed dehydrators; commercial viners; fuel alcohol stills designed to serve a localized area; nut hulling and drying; agricultural experiment stations; warehouses for storage of grain and other farm produce; weighing, loading and grading stations; wholesale nurseries and landscape contractors when conducted in conjunction with a wholesale nursery; agricultural backhoe services; sale of firewood; and similar agricultural facilities;
 - 2. Farm labor camps and agricultural service airports;
 - 3. Permanent housing for persons employed on a full-time basis in connection with the agricultural use of the property or other property owned or leased by the same owner. The parcel(s) shall be large enough in terms of acreage, crops, production, number of animals, to clearly support and justify the establishment of an additional dwelling(s) for a full-time employee. Applicants will be required to substantiate that the employee is, in fact, a full-time employee. Permits granted for employee housing shall require that new residences be placed in close proximity to existing dwelling to minimize the disruption of agricultural land and to take maximum advantage of existing facilities, including utilities and driveways;
 - 4. Produce markets as defined and regulated in Chapter 21.90. (Ord. CS 591 Section 2, 1995)
- B. TIER TWO. The uses listed below are agriculture-related commercial and industrial uses that may be allowed when the planning commission or board of supervisors finds that, in addition to the findings required under Section 21.96.050:
 - 1. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
 - 2. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
 - 3. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.

- a. Agricultural service establishments primarily engaging in the provision of agricultural services to farmers, including contract harvesting when not allowed under Section 21.20.020D. Such establishments shall be designed to serve the immediately surrounding area as opposed to having a widespread service area.
- Agricultural processing plants and facilities, such as wineries, dehydrators, canneries, and similar agriculture-related industrial uses, provided:
 - (1) The plant or facility is operated in conjunction with, or as a part of, a bona fide agricultural production operation;
 - (2) At least fifty percent of the produce to be processed is grown on the premises or on property located in Stanislaus County in the same ownership or lease; and
 - (3) The number of full-time, year-round employees involved in the processing shall not exceed ten, and the number of part-time, seasonal employees shall not exceed twenty.
- c. In conjunction with an agricultural processing plant or facility, incidental retail sales, tasting rooms and/or facilities for on-site consumption of agricultural produce processed on the premises, provided:
 - (1) The primary purpose is to promote sales of the agricultural product(s) produced and processed on the premises;
 - (2) The use is subordinate to the production of such product and the use of such agricultural processing facility; and
 - (3) The number of full-time, year-round employees involved in the operation shall not exceed ten, and the number of part-time, seasonal employees shall not exceed twenty.
 - (4) However, the total number of full-time, year-round employees allowed under Subsections b(3) and c(3) shall not exceed ten, and the total number of part-time, seasonal employees shall not exceed twenty.
- d. Soil reclamation, or the process of cleaning or decontaminating soil that has been contaminated by gasoline or other toxic materials.
- e. Commercial or municipal composting, processing and/or spreading of whey, treated sludge or biosolids (including Class A and Class B), or other organic matter when the matter to be composted, processed and/or spread is not generated on site and the composting, processing and/or spreading is not part of a routine farming practice. Composting operations with less than 1,000 cubic yards or 300 tons of active

composting material on site at any given time shall be considered an agricultural use and shall be exempt from this provision. (This provision is intended to apply to operations whose primary function is the composting, processing and/or spreading of organic matter; it is not intended to apply to composting and/or the use of fertilizers and other soil amendments or feed additives in conjunction with agricultural production.)

- C. TIER THREE. The uses listed below are not directly related to agriculture but may be necessary to serve the A-2 District or may be difficult to locate in an urban area. Some of these uses can be people-intensive and, as a result, have the potential to adversely impact agriculture; these people-intensive uses are generally required to be located within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities. Tier Three uses may be allowed when the planning commission finds that, in addition to the findings required under Section 21.96.050:
 - 1. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity, and
 - 2. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.

In determining "most productive agricultural areas," factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy. "Most productive agricultural areas" does not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.

- a. Public stables, including boarding and training, and kennels,
- b. Bridle paths, riding academies, roping arenas and similar facilities for the training, exercising or exhibiting of horses, dogs or other animals,
- c. Recreational camps without housing for permanent residents and dude or guest ranches,
- d. Cemeteries,
- e. Schools offering general academic instruction equivalent to the standards prescribed by the State Board of Education,
- f. Churches,
- g. The raising or keeping for commercial or noncommercial purposes of furbearing animals, zoo-type animals, exotic birds, fish or wildlife regulated by the California Department of Fish and Game or dangerous animals as described in Chapter 7.28 of this code,

- h. Off-road vehicle parks, motorcycles, bicycle, go-cart and automobile race tracks; rifle ranges; trap and skeet ranges,
- i. Public buildings, parks or other facilities operated by political subdivisions,
- j. Facilities for public utilities and communication towers,
- k. Sanitary landfills,
- I. Circuses, carnivals, outdoor festivals, rallies, revivals, concerts, open-air churches, and similar uses provided that they do not last for more than seven days,
- Day care centers when accessory to a school offering general academic instruction equivalent to the standards prescribed by the State Board of Education,
- n. Gun clubs and hunting clubs.
- o. Golf courses (excluding miniature golf), golf driving ranges and practice putting greens, athletic fields and facilities (when operated by a non-profit organization or club), and related facilities (including, but not limited to, clubhouses, pro-shop, and food and drink facilities).
- p. Commercial excavation of earth, minerals, building materials or removal of oil or gas, together with the necessary apparatus and appurtenances incidental thereto.
- D. Notwithstanding any other provision of this title relating to the use of property zoned A-2, a factory for processing rabbits shall be allowed after issuance of a use permit subject to the following limitations:
 - 1. The property proposed for use shall contain a minimum of ten acres;
 - 2. There shall be no more than five employees involved in the processing operation;
 - The proposed facility shall satisfy all of the applicable regulations enacted by the California State Department of Food and Agriculture relating to processing of rabbits;
 - 4. There shall not be retail sales at the property;
 - 5. The processor shall submit a plan for disposing of the animal waste;
 - 6. Such other limitations or conditions as may be imposed by the planning commission or board of supervisors. (Ord. CS 501 Section 1, 1992; Ord. CS 424 Section 1, 1991; Ord. CS 305 Section 1, 1988; Ord. CS 294 Section 1, 1988; Ord. CS 260 Section 1, 1987; Ord. CS 141 Section 3 (part), 1985; Ord. CS 106 Section 2 (part), 1984).
- E. One single-family dwelling on parcels legally created prior to March 4, 1972, that are less than twenty acres, that are not in compliance with the minimum area requirements of the zoning district where the parcel is located and the parcels do not qualify for the exception in Section 21.20.060.B2.

- 1. The dwelling would be consistent with the County's General Plan;
- 2. The dwelling would not likely create a concentration of residential uses in the vicinity or induce other similarly situated parcels to become developed with single-family dwellings; and
- 3. The dwelling will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity. (CS Ord. 741, effective November 24, 2000)

21.20.040 USES REQUIRING BOARD OF SUPERVISORS APPROVAL

Fictitious California Land Conservation Contract

Page 10

Public and private airports are permitted subject to board of supervisors approval when the following procedure is followed:

- Α. Application shall be made in writing on a form prescribed by the planning commission and shall be accompanied by a filing fee in such amount as may be fixed from time to time by order of the board of supervisors as well as a plot plan and other pertinent data as may be deemed necessary by the planning director.
 - In order to obtain an airport permit, the applicant must introduce evidence in support of this application sufficient to enable the planning commission and the board of supervisors to find that the establishment of the airport is consistent with the general plan, consistent with any adopted county policies and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
- C. The application shall be referred to the Airport Land Use Commission for review prior to approval by the planning commission and board of supervisors.
- D. A public hearing shall be held by the planning commission. Notice of hearing shall be given as required by Section 21.96.040. The planning commission shall make a report of its findings and recommendation to the board of supervisors.
- Ε. Upon receipt of the report from the planning commission a public hearing shall be held by the board of supervisors. Notice of the hearing shall be given as required by Section 21.96.040. At the conclusion of any hearing held by the board of supervisors, the board may approve the airport permit if the findings listed in Section 21.20.040B can be established. (Ord. CS 106 Section 2 (part), 1984).

21.20.045 **USES ON LANDS SUBJECT TO WILLIAMSON ACT CONTRACTS**

Α. As required by Government Code Section 51238.1, the Planning Commission and/or Board of Supervisors shall find that uses requiring use permits that are approved on lands under California Land Conservation Contracts (Williamson Act Contracts) shall be consistent with all of the following principles of compatibility:

- The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
- 2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
- 3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
- B. Unless the Planning Commission and/or the Board of Supervisors makes a finding to the contrary, the following uses are hereby determined to be consistent with the principles of compatibility and may be approved on contracted land:
 - 1. The erection, construction, alteration, or maintenance of gas, electric, water, communication facilities,
 - 2. Farm labor camps and farm employee housing, and
 - 3. All Tier One uses requiring use permits listed in Section 21.20.030 A.
- C. The following uses are hereby determined to be inconsistent with the principles of compatibility and shall not be approved on contracted land:
 - 1. Churches,
 - 2. Schools, and
 - 3. Day care centers when accessory to a school offering general academic instruction equivalent to the standards prescribed by the State Board of Education.
- D. Mineral extraction on contracted land may be approved consistent with Government Code Section 51238.2.
- E. Uses on nonprime contracted land may be approved consistent with subdivision (c) of Government Code Section 51238.1.

F. All other uses requiring use permits on contracted lands, except those specified in Subsections B, C, D and E of this Section, shall be evaluated on a case-by-case basis by the Planning Commission and/or Board of Supervisors to determine whether they are consistent with the principles of compatibility set forth in Government Code Section 51238.1.

21.20.050 DIVISION OF LAND

All divisions of land on property zoned A-2 (General Agriculture) shall conform to the minimum parcel designation exhibited on the county's sectional district maps. When five or more agricultural parcels are being proposed, the division shall be consistent with the policies established by Resolution 83-74, adopted by the Board of Supervisors on January 11, 1983 and made a part of the county general plan January 11, 1983. (Ord. CS 344 Section 4, 1989; Ord. CS 106 Section 2 (part), 1984).

21.20.060 SITE AREA

The minimum allowable area for creation of a parcel shall be either three, five, ten, twenty, forty, or one hundred sixty acres as designated on the sectional district map following the zone symbol. Minimum parcel size may be determined by including internal area occupied by irrigation canals, laterals and other facilities and area up to the centerline of public roads, railroads, transmission lines, aqueducts or irrigation laterals which are located at a parcel's boundary. The following shall be exempt as to the minimum parcel size requirements provided the parcels are consistent with the subdivision ordinance and all other applicable county regulations:

- A. Parcels created or used for public utility or communication purposes.
- B. 1. One division of land into two parcels when requested by the owner of the property which has been in his ownership since January 1, 1974; provided, that one of the parcels created is at least one acre in area and not in excess of three acres and one of the parcels contains a single-family dwelling which existed on the property on January 1, 1974; and has been the principal residence of the owner for the last two years immediately preceding the filing date of the parcel map application; and the parcel before the division is twenty acres or more. A landowner is limited to one division of land under this section. This provision will expire as of December 31, 1999, at which time this exception to minimum parcel size requirements shall no longer be allowed.
 - 2. Parcels created pursuant to Section 21.20.060 B.1., even though they are less than 20 acres, shall be allowed one single-family dwelling. (CS 741, effective November 24, 2000)
- C. Urban transition splits Deleted, effective October 20, 1983.

- D. Parcels created and used pursuant to Sections 21.20.030 and 21.20.040, or where there exists a nonresidential legal nonconforming use, approved by the planning commission based upon findings that such parcel exhibits size, location and orientation characteristics which are supportive of the use without detriment to other agricultural usage in the vicinity.
- E. Parcels created by a lot line adjustment between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, where the integrity and purpose of Section 21.20.010 is maintained, where one of the parcels is already below the minimum lot area of the zone in which it is located, where a greater number of nonconforming parcels is not thereby created and when one of the following findings can be made:
 - 1. The lot line being adjusted will correct for a physical improvement which is found to encroach upon a property line or required setback.
 - 2. All resultant parcels in connection with the lot line adjustment are primarily created and properly designed for agricultural purposes and will not materially decrease the ability to use said property or other property within the vicinity for agricultural purposes. (Ord. CS 501 Section 2, 1992; Ord. CS 344 Section 5, 1989; Ord. CS 333 Section 1, 1989; Ord. CS 142 Section 2, 1985; Ord. CS 106 Section 2 (part), 1984).

21.20.070 YARDS

Yards required in A-2 districts:

A. Front yards:

- Not less than seventy feet from the existing centerline of the street, nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.
- Not less than forty-five feet from the existing centerline of the street on a collector street sixty feet wide, nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.
- 3. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide), nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.

- B. Side yards, interior lot line and rear yards: Five feet.
- C Side yards, corner lot: The main building and accessory building or garages not having direct access to the street may be five feet closer to the planned street line than at the front yard. (Ord. CS 106 Section 2 (part), 1984).

21.20.080 HEIGHT LIMITS

No fence, hedge or screen planting, in excess of three feet in height, shall be constructed or permitted to grow within any required front yard or side yard of a corner lot unless the director determines that visibility will not be obstructed. (Ord. CS 106 Section 2 (part), 1984).

(4) Upon the filing of an action in eminent domain by an agency or persons specified in Government Code Section 51295 for the condemnation of the fee title to all the subject property or upon the acquisition of the fee in lieu of condemnation, the Contract shall be null and void on the date of filing of suit or upon the date of acquisition as to the land condemned or acquired, and the condemning or acquiring agency or persons shall proceed as if the Contract never existed.

Upon filing of an action in eminent domain by an agency or persons specified in Government Code Section 51295 for the condemnation of the fee title to a portion of the subject property, or upon the acquisition of the fee in lieu of condemnation, the Contract shall be null and void on the date of filing suit or upon the date of acquisition as to the portion of the subject property condemned or acquired and shall be disregarded in the valuation process only as to the land actually taken, unless the remaining portion of the land subject to the Contract will be adversely affected by the take or acquisition in which case the value of that damage shall be computed without regard to the Contract. Under no circumstances shall any of the subject property be removed from the provisions of the Contract that is not actually taken or acquired, except as otherwise provided in the Contract.

In the event a condemnation suit is abandoned in whole or in part or if funds are not provided to acquire the property in lieu of condemnation, Owner agrees to execute such a Contract for a term of as long as the Contract would have remained in effect had the condemnation suit or acquisition never taken place.

- (5) It is agreed that the consideration for the execution of the Contract is the substantial public benefit to be derived by County from the preservation of land in agricultural or compatible uses and the advantage which will accrue to Owner as a result of the effect on the method of determining the assessed value of the subject property and any reduction thereto due to the imposition of limitations on its use set forth in the Contract. County and Owner shall not receive any payment in consideration of the obligations imposed herein.
- (6) The Contract shall run with the land described herein and, upon division, to all parcels created therefrom, and shall be binding upon the heirs, successors and assigns of Owner. The Contract shall be transferred from County to a succeeding city or a county acquiring jurisdiction over all or any portion of subject property. If a city acquires

jurisdiction over all or a portion of the subject property by annexation proceedings, the city shall succeed to all rights, duties and powers of County under the Contract; provided, however, that if the subject property or a portion thereof was within one mile of the city at the time the Contract was initially executed and the city protested the execution of the Contract and the Local Agency Formation Commission upheld the protest pursuant to Section 51243.5 of the Government Code, the city may state its intent not to succeed to the rights, duties and powers in the resolution of intention to annex. If the city states its intent not to succeed to the rights, duties and powers of County under the Contract, the Contract becomes null and void as to the subject property actually annexed on the date of annexation. If only part of the land under Contract was within one mile of the city, the Contract shall become null and void only to the extent of that part.

- (7)The Contract may be canceled, as herein provided, as to all or a part of the subject property only upon the petition of Owner to County, and after public hearing has been held and notice thereof given as required by Section 51284 of the Government Code. The Board of Supervisors of County may approve the cancellation only if they find cancellation is not inconsistent with the purposes of the California Land Conservation Act of 1965 and that cancellation is in the public interest. It is understood by the parties hereto that there is no right to cancellation and that the existence of an opportunity for another use of subject property shall not be sufficient reason for cancellation of the Contract. The uneconomic character of the existing agricultural or compatible use will be considered only if the subject property cannot reasonably be put to a permitted agricultural or compatible use specified in Paragraph 3 of the Contract. Parties hereto agree that (1) computation of the cancellation valuation, (2) determination, assessment, and payment of the cancellation fee, (3) waiver of payment of all or a portion of the cancellation fee, (4) distribution of the cancellation fee as deferred taxes, (5) recordation of Certificate of Cancellation, and (6) the creation, attachment, and release of any lien created by the imposition of a cancellation fee shall be as provided in Article 5 of the California Land Conservation Act of 1965.
- (8) The Contract may be canceled by mutual agreement of County and Owner without payment of a cancellation fee or public hearings whenever there is no operative legislation implementing Article XXVIII of the California Constitution at the time the cancellation is requested by Owner.
- (9) The Contract shall be enforced and administered in such a manner as to accomplish the purposes of the Act. Use of the property in any manner inconsistent with the provisions herein is a breach of the Contract. Any conveyance, contract, authorization, or other act, inter vivos or testamentary, by Owner or a successor in interest which permits or purports to permit use of the subject property contrary to the terms of the Contract may, at County option, be deemed to be a breach of the Contract. In the event of breach, the County may bring any action in court necessary to enforce the Contract including, but not limited to, an action to enforce the Contract by specific performance or injunction. Owner agrees to pay to County reasonable attorney's fees and costs or suit together with any other costs necessary for enforcement of the provisions of the Contract. The parties agree that in an action by the County for damages for breach of Contract, it will be impractical or extremely difficult to fix the

actual damages such breach will cause to County's California Land Conservation Act program; therefore, an amount equal to seventy-five percent (75%) of the increase in appraised value or fifteen percent (15%) of the appraised value, whichever is greater at the date of filing suit, is hereby fixed as liquidated damages for said breach.

- (10) County may declare the Contract terminated if it, or another substantially similar contract, is declared invalid or ineffective in any court adjudication accepted by County as final, but no cancellation fee or other penalty shall be assessed against Owner upon such termination.
- (11)In the event the subject property is transferred so that title to the whole is no longer held by a single owner or group of owners, the new owner or group of owners of each parcel, as successors in interest of Owner, shall execute a new Contract in identical terms and conditions so that at all times each parcel separately owned will be under individual Contract executed by all owners of, and holders of security interests in, the particular parcel. Owner agrees to make such requests and to perform such other acts as may be necessary to have County, any other political entity, or any court having jurisdiction require the execution of the separate contracts required by this paragraph before making an order dividing ownership or recognizing divided ownership. The owner of any parcel created by the division of the subject property may exercise, independent of any other owner of a portion of the divided property, any of the rights of Owner executing the Contract to give notice of nonrenewal or to petition for cancellation as provided herein. The effect of any such action by an owner of a parcel created by a division shall not be imputed to the owners of the remaining parcels and shall have no effect on the contracts which apply to the remaining parcels of the divided land.

The parties to the contract agree that the benefits to be derived herefrom will be lost by excessive division of the land subject hereto; accordingly, it is further agreed that owner shall not, without the written approval of county, take any action by sale or other transfer which will create a parcel after transfer of ownership which cannot qualify to be subject to a separate contract under the provisions of the uniform rules of the Stanislaus County Agricultural Preserve. It is further understood that county approval shall be preceded by notice and hearing in the manner provided in Government Code Section 51284 and upon finding that approval is not inconsistent with the Act and that approval is in the public interest. Owner further agrees to take all reasonable and necessary steps to enforce this provision in the event any political entity or any court having jurisdiction proposes to take an action which will divide the property in violation hereof.

(12) Owner agrees to provide information requested by County to determine the value of the property for assessment purposes, to establish compliance with the terms and conditions of the Contract or for any other purpose necessary for the proper administration of the Act.

- (13) Removal of any of subject property from the agricultural preserve in which the subject property is located shall be equivalent to notice of nonrenewal by County as to the land actually removed from the agricultural preserve. County shall, at least sixty (60) days prior to the next renewal date of the Contract following removal, serve notice of nonrenewal as provided in Paragraph 2 hereof. County shall record the notice of nonrenewal as required by Section 51284; provided, however, that Owner agrees that failure of County to record said notice of nonrenewal shall not invalidate or in any manner affect said notice.
- (14) Owner declares, under penalty of perjury, that the persons signing below are the only persons with legal and security interests in the subject property and agrees to indemnify, defend and save harmless the County from any and all claims, suits, or losses caused by prior claims of other owners or security holders. This declaration and hold harmless clause are binding only upon Owner. Signatures of holders of security interests shall only be evidence of notice of the Contract and acceptance by the holders of security interests of the binding restrictions herein.

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EXHIBIT "A"

A.L. Gilbert Property

Parcel "A"

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcels 1 through 4, according to that certain Parcel Map filed September 25, 2000 in Book 50 of Parcel Maps, at Page 51, Stanislaus County Records.

Stanislaus County Document No. 2000-0089528-00, 10/24/00

Parcel "B"

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel A, as shown on that certain Parcel Map filed February 25, 1988 in Book 40 of Parcel Maps, at Page 56, Stanislaus County Records.

Stanislaus County Document No. 073727, 10/26/88

Parcel "C"

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel B, as shown on that certain Parcel Map filed February 25, 1988 in Book 40 of Parcel Maps, at Page 56, Stanislaus County Records.

Stanislaus County Document No. 073728, 10/26/88

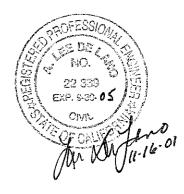


EXHIBIT "B"

A.L. Gilbert Property

Parcel LLA-1

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel A, as shown on that certain Parcel Map filed February 25, 1988 in Book 40 of Parcel Maps, at Page 56, Stanislaus County Records.

Together with:

Parcel 1 as shown on that certain Parcel Map filed September 25, 2000 in Book 50 of Parcel Maps, at Page 51, Stanislaus County Records.

Together with:

That certain parcel of land situate in the Northeast Quarter of Section 20, Township 2 South, Range 11 East, Mount Diablo Meridian, in the County of Stanislaus, State of California being more particularly described as follows:

Beginning at the southwest corner of Parcel 2 as shown on that certain Parcel Map filed September 25, 2000 in Book 50 of Parcel Maps, at Page 51, Stanislaus County Records; thence North 00°04'59" West along the west line of said Parcel 2 a distance of 1,745.00 feet; thence North 89°59'35" East along the boundary of said Parcel 2 a distance of 208.00 feet to the southwest right of way line of the Oakdale Irrigation District South Main Canal; thence along said southwest right of way line the following bearings and courses:

- 1. South 08°34'31" East a distance of 180 feet;
- 2. South 42°25'31" East a distance of 100 feet:
- 3. North 83°39'29"East a distance of 100 feet;
- 4. North 35°35'29" East a distance of 160 feet;
- 5. South 79°24'31" East a distance of 100 feet;
- 6. South 6°14'31" East a distance of 560 feet;
- 7. South 55°42'31" East a distance of 180 feet;
- 8. North 64°25'29" East a distance of 230 feet;
- 9. South 81°53'31" East a distance of 100 feet;
- 10. South 27°23'31" East a distance of 100 feet;
- 11. South 18°06'29" West a distance of 260 feet;
- 12. South 18°28'31" East a distance of 100 feet;

Thence leaving said southwest right of way line South 36° 20'47" West a distance of 761.58 feet to the south line of said Parcel 2; thence North 89°54'18" West along the south line of said Parcel 2 a distance of 652.17 feet to the true point of beginning.

Excepting therefrom

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Beginning at the west end of the north line of Parcel B as shown on that certain Parcel Map filed February 25, 1988 in Book 40 of Parcel Maps, at Page 56, Stanislaus County Records; thence South 1°00'05" East along the west line of said Parcel B a distance of 135.31 feet; thence continuing along the boundary of said Parcel B North 89°02'31" West a distance of 93.91 feet; thence continuing along said boundary South 1°05'20" East a distance of 46.08 feet; thence leaving said boundary North 89°53'38"West a distance of 200 feet; thence North 1°05'20" West a distance of 180 feet to the north line of Parcel A of said Parcel Map in Book 40 at Page 56; thence South 89°53'38" East along the north line of said Parcel A a distance of 294.08 feet to the true point of beginning.

Parcel LLA-1 contains 158.34 acres more or less, excluding the 110 foot strip known as the Hetch Hetchy right of way owned by the City of San Francisco.



EXHIBIT "B"

Parcel LLA-2

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel B, as shown on that certain Parcel Map filed February 25, 1988 in Book 40 of Parcel Maps, at Page 56, Stanislaus County Records.

Together with:

That certain parcel of land situate in the Northeast Quarter of Section 20, Township 2 South, Range 11 East, Mount Diablo Meridian, in the County of Stanislaus, State of California more particularly described as follows:

Beginning at the southwest corner of Parcel 2 as shown on that certain Parcel Map filed September 25, 2000 in Book 50 of Parcel Maps, at Page 51, Stanislaus County Records; thence along the south line of said Parcel 2 South 89°54'18" East a distance of 652.17 feet to the true point of beginning; thence North 36°20'47" East a distance of 761.58 feet to the southwest right of way line of the Oakdale Irrigation District South Main Canal; thence South 64°23'31" East along said southwest line a distance of 500 feet; thence continuing along said southwest line North 48°08'29" East a distance of 150 feet; thence leaving said southwest line South 21°47'01" East a distance of 537.81 feet to the south line of said Parcel 2; thence North 89°54'18" West along said south line a distance of 1,213.55 feet and the true point of beginning.

Together with:

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Beginning at the west end of the north line of Parcel B as shown on that certain Parcel Map filed February 25, 1988 in Book 40 of Parcel Maps, at Page 56, Stanislaus County Records; thence South 1°00′05" East along the west line of said Parcel B a distance of 135.31 feet; thence continuing along the boundary of said Parcel B North 89°02'31" West a distance of 93.91 feet; thence South 1°05'20" East a distance of 46.08 feet; thence leaving said boundary North 89°53'38"West a distance of 200 feet; thence North 1°05'20" West a distance of 180 feet to the north line of Parcel A of said Parcel Map in Book 40 at Page 56; thence South 89°53'38" East along the north line of said Parcel A a distance of 294.08 feet to the true point of beginning.

Excepting therefrom

The east thirty-three (33) feet of Parcel B, as shown on that certain Parcel Map filed February 25, 1988 in Book 40 of Parcel Maps, at Page 56, Stanislaus County Records.

Said Parcel LLA-2 contains 57.90 acres more or less, excluding the 110 foot strip known as the Hetch Hetchy right of way owned by the City of San Francisco.



Parcel LLA-3

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel 2 as shown on that certain Parcel Map filed September 25, 2000 in Book 50 of Parcel Maps, at Page 51, Stanislaus County Records.

Together with:

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Beginning at the East ¼ Corner of Section 20, Township 2 South, Range 11 East, Mount Diablo Meridian; thence South 0°01'06" West along the east line of said Section 20 a distance of 294.26 feet; thence North 89°58'16" West a distance of 33 feet; thence North 0°01'06" East a distance of 294.30 feet to the south line of said Parcel 2; thence South 89°54'18" East a distance of 33 feet to the true point of beginning.

PROFESSION STATE OF THE PROPERTY OF THE PROPER

Excepting therefrom

Commencing at the East ¼ Corner of Section 20, Township 2 South, Range 11 East, Mount Diablo Meridian; thence North 89°54 18"West along the south line of said Parcel 2 a distance of 33 feet to the true point of beginning; thence continuing along the south line of said Parcel 2 North 89°54 18"West a distance of 1,858.72 feet to the southwest corner of said Parcel 2; thence North 00°04'59" West along the west line of said Parcel 2 a distance of 1,745.00 feet; thence North 89°59'35" East along the boundary of said Parcel 2 a distance of 208.00 feet to the southwest right of way line of the Oakdale Irrigation District South Main Canal; thence along said southwest right of way line the following bearings and courses:

- 1. South 08°34'31" East a distance of 180. feet;
- 2. South 42°25'31" East a distance of 100. feet;
- 3. North 83°39'29"East a distance of 100. feet;
- 4. North 35°35'29" East a distance of 160. Feet
- 5. South 79°24'31" East a distance of 100. feet;
- 6. South 6°14'31" East a distance of 560. feet.
- 7. South 55°42'31" East a distance of 180. feet;
- 8. North 64°25'29" East a distance of 230. feet;
- 9. South 81°53'31" East a distance of 100. feet;
- 10. South 27°23'31" East a distance of 100. feet;
- 11. South 18°06'29" West a distance of 260. feet;
- 12. South 18°28'31" East a distance of 100. feet:
- 13. South 64°23'31" East a distance of 500 feet;
- 14. North 48°08'29" East a distance of 150 feet;

Thence leaving said southwest right of way line South 21°47'01" East a distance of 537.81 feet to the south line of said Parcel 2 and the true point of beginning.

Said Parcel LLA-3 contains 45.57 acres more or less.



Parcel LLA-4

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel 3 as shown on that certain Parcel Map filed September 25, 2000 in Book 50 of Parcel Maps, at Page 51, Stanislaus County Records.

Together with:

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Beginning at the southwest corner of said Parcel 3; thence North 89°52'38" West a distance of 33 feet; thence North 0°01'06" East a distance of 468.50 feet; thence South 89 58'16" East a distance of 33 feet; thence South 0°01'06" West along the west line of said Parcel 3 a distance of 468.56 feet and to the true point of beginning.

Said Parcel LLA-4 contains 42.98 acres more or less.



Parcel LLA-5

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel 4 as shown on that certain Parcel Map filed September 25, 2000 in Book 50 of Parcel Maps, at Page 51, Stanislaus County Records.

Together with:

All that certain parcel of land situate in the County of Stanislaus, State of California, being more particularly described as follows:

Beginning at the southwest corner of said Parcel 4; thence North 89°33'34" West a distance of 33 feet; thence North 0°01'06" East a distance of 1863.32 feet; thence South 89°52'38" East a distance of 33 feet; thence South 0°01'06" along the west line of said Parcel 4 a distance of 1863.50 feet and to the true point of beginning.

Said Parcel LLA-5 contains 44.43 acres more or less, excluding the 110 foot strip known as the Hetch Hetchy right of way owned by the City of San Francisco.

55 9 E DEC -6 0

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ALL, SILBERT

OMNEB:

OVERDALE, CA TOT LINE ADJUSTMENT 9021 - 901100 +505 9021- 904 +505 18021 - 904 18021- 90

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SOUTH MAIN CANAL (3,12,23,185	52773331°E	M. 62, 90.815	3,18,82.815	564723317	N48.08,58,E	M, 15, 11,00N	NO2.44,21"W	3,62,02,12N	3,68,91,7811	3,16,01.525	Z 12 80.825	3, 12, 32, 978	3,12,21,28	3,62,22.54/1	3,62,77.00	3,62,52,09/	S79'54'31"E	S57'59'31"E	3,18,52,023	3,12,25,015	3, 16,80.515
HES	8	3	(٨	٧	(D)	(3)	(3)	(3)	(3)	(3)	\odot	· (E)	(9)	٨	(3)	(8)	·(6)	(G)	Ð.	· (E)	(F)
R/W 0.1.0. 50		1.35.50° (R5)	250.00	100.001	320.00'	100.001	100.00"	100.00'	200.00	220.00'	100.00	440.00.	100.001	200.00	180.00	100.00	100.00'	160.00'	100.00	560.00'	180.00	230.00'
SOUTH R/W	25.04	29.89' (W) 1.3.	N68'15'29'E	3, 15,01.125	M. 62, 64. +05	3, 15,54.21	3,12,32,31,5	3,62,22,520	3,02,42.21N	3.62.57.9PN	N6616'29'E	52535'31'E	3, 15,01.205	M. 62, 62.5+5	3, 12, 25,805	S42'25'31'E	NOT 29 29 E	7.82,32.3EN	3.18.74.31.E	S06.14'31'E	S.55.42'31'E	3, 82, 52, ×9N (18)
1	Ŋ	56	>	S	S	(2)	6,	2	8	< 1	(O)	S	12) 5	S	6	(3)	(g)	(Z)	<i>t</i> ⊕ s	<u>(3)</u>	(S) S	<

CEGEND:

Official Record, Stanislaus County Lot Line Adjustment Points -o- Existing Property Corne 8

Basis of Bearing 8.0.8

According to that certain reference. Measured on this survey, all bearings and distances measured unless otherwise nated. ्रे

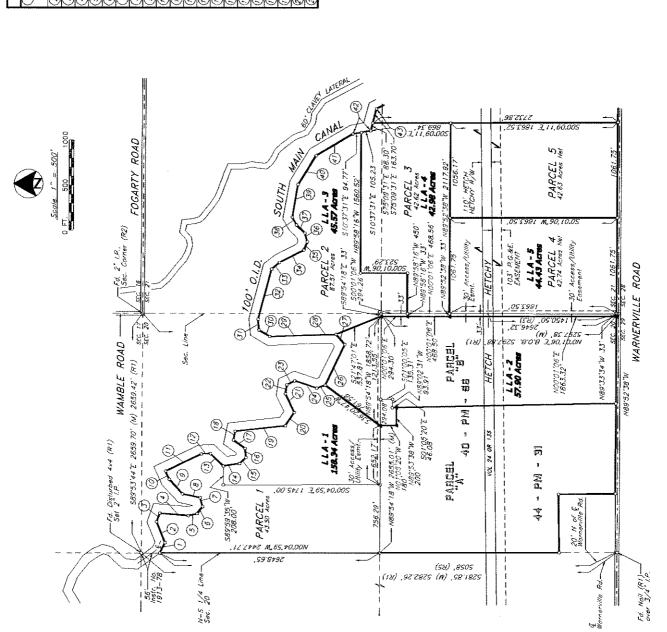
Record per Book 40 of Parcel Maps of Page 56, Stanislaus County Records é

82 3 4

Record part Book 40 of Parcel Maps
at Page 47. Storikus County Records
at Page 47. Storikus County Records
at Page 47. Storikus County Records
february, 1972, Dreming No. C.—3490
County Storikupur, Sama Tie, Page 36,
dated August 15, 1972
Underment of Osterburian, Document No.
9716, acted August 27, 1965
Storikus County Records 85

BASIS OF BEARINGS:

The bearing of NOOT 106E for the East Line of Section 25 section 25 section 25 section 27 Section 2





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A. L. Gilbert Company

P.O. Box 38 - 304 N. Yosemite
Oakdale, California 95361-0038
(209) 847-1721 • 524-9261 • Fax (209) 847-3542

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Field Seeds

A L Gilbert Co.

September 24, 2001

To: Stanislaus County Planning Dept.

Re: Lot line adjustment.
Williamson Act Statement.

1) The boundaries affected by the new lot lines would still be subject to the existing

- Williamson Act contracts.
- The net acreage under contract will remain the same.
- Both parcels will remain large enough to sustain agricultural operations.
- 4) The lot line adjustments will not likely result in any acres being removed from Agricultural use nor any additional developable parcels being created.
- 5) There should be no change in the use of the parcels involved.

Thank you,

Robert T Gilbert, pres.

Robat T Gubut

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS ACTION AGENDA SUMMARY

DEPT: Planning & Community Dev	volenment A	BOARD AGENDA #*D-2	
	ne X_	AGENDA DATE: October 30, 2001	Caretrus
CEO Concurs with Recommendati		4/5 Vote Required YES NOX_	
SUBJECT:	(mornation / (tab/loa)		
). 70-0399AND APPROVE A NEW CONTRAC ND AUTHORIZE THE PLANNING DIRECTOR	
STAFF RECOMMENDATION:			
STAFF RECOMMENDS APPROVA	AL. SHOULD THE BOA	RD OPT FOR APPROVAL, THE FOLLOWI	ING
BOUNDARIES OF THE PAR	CEL FOR AN INITIAL TERM	ENFORCEABLY RESTRICT THE ADJUST M FOR AT LEAST AS LONG AS THE UNEXPIRACTS, BUT FOR NOT LESS THAN 10 YEAR	RED
		(Continued on Page	e 2)
FISCAL IMPACT:			
A deltale and a new poster toy will approx	a from the partiana remai	red from Williamson Act contracts.	
Additional property tax will accrue	a from the portions remov	ed from Williamson Act Contracts.	#27771-0-04 #47791-0-04
			 (7)
			Marata estado Marata estado
			.s-
BOARD ACTION AS FOLLOWS:			
BOARD ACTION AS FOLLOWS:		No. 2001-836	0
On motion of Supervisor Blom	. Sec	onded by Supervisor_Mayfield	* mark
and approved by the following vote,			
Excused or Absent: Supervisors: Qa	aruso		
Abstaining: Supervisor: None			·
1) X Approved as recommend	ded		
2) Denied			
3) Approved as amended MOTION:		OCT 2	
	I hereby certify that the forego	ing is a full, OF SUPERIOR 200.	
	true and correct copy of the Ori In the Minutes of the Board of	ginal entered	
	CHRISTINE FERRARO TA		
	Clerk of the Board of Supervise County of Stanislaus, State of		
	County of Stanislaus, State of	Jalitorma 3	
	By Just Just	Y AUS COURT	

By: Deputy

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

SUBJECT:

APPROVAL TO RESCIND WILLIAMSON ACT CONTRACT NO.70-0399 AND APPROVE A NEW CONTRACT PURSUANT TO MINOR LOT LINE ADJUSTMENT 2001-60 AND AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE A NEW CONTRACT.

PAGE 2

STAFF RECOM-MENDATION CONTINUED:

- 2. THERE IS NO NET DECREASE IN THE AMOUNT OF THE ACREAGE RESTRICTED. IN CASES WHERE TWO PARCELS INVOLVED IN A LOT LINE ADJUSTMENT ARE BOTH SUBJECT TO CONTRACTS RESCINDED PURSUANT TO THIS SECTION, THIS FINDING WILL BE SATISFIED IF THE AGGREGATE ACREAGE OF THE LAND RESTRICTED BY THE NEW CONTRACTS IS AT LEAST AS GREAT AS THE AGGREGATE ACREAGE RESTRICTED BY THE RESCINDED CONTRACTS.
- 3. AT LEAST 90 PERCENT OF THE LAND UNDER THE FORMER CONTRACT OR CONTRACTS REMAINS UNDER THE NEW CONTRACT OR CONTRACTS.
- 4. AFTER THE LOT LINE ADJUSTMENT, THE PARCELS OF LAND SUBJECT TO CONTRACT WILL BE LARGE ENOUGH TO SUSTAIN THEIR AGRICULTURAL USE, AS DEFINED IN SECTION 51222.
- 5. THE LOT LINE ADJUSTMENT WOULD NOT COMPROMISE THE LONG-TERM AGRICULTURAL PRODUCTIVITY OF THE PARCEL OR OTHER AGRICULTURAL LANDS SUBJECT TO A CONTRACT OR CONTRACTS.
- 6. THE LOT LINE ADJUSTMENT IS NOT LIKELY TO RESULT IN THE REMOVAL OF ADJACENT LAND FROM AGRICULTURAL USE.
- 7. THE LOT LINE ADJUSTMENT DOES NOT RESULT IN A GREATER NUMBER OF DEVELOPABLE PARCELS THAN EXISTED PRIOR TO THE ADJUSTMENT, OR AN ADJUSTED LOT THAT IS INCONSISTENT WITH THE GENERAL PLAN.

DISCUSSION:

The proposal is to cancel portions of the Williamson Act Contract on Assessor's Parcel Numbers 010-41-15,16,19,20 and to re-establish a new contracts pursuant to Section 51257 of the Government Code regulating Williamson Act contracts and Lot Line Adjustments. Said new contracts would restrict adjusted parcels as required in Government Code Section 51257 and not effect the total acreage within the contracted area. The properties consist of a total of 281acres that are located on Warnerville Rd. east of the City of Oakdale in the unincorporated area of Stanislaus County (Section 20 Township 2 Range 11). The existing parcels are covered under Williamson Act contract (70-0399).

A Lot Line Adjustment (2001-60) was conditionally approved by staff on Sept. 7, 2001 pending the Board's action required by the Williamson Act.

Because all parcels are currently covered by a Williamson Act Contract, all or portions of that contract must be rescinded and replaced with new contracts.

SUBJECT:

APPROVAL TO RESCIND WILLIAMSON ACT CONTRACT NO.70-0399 AND APPROVE A NEW CONTRACT PURSUANT TO MINOR LOT LINE ADJUSTMENT 2001-60 AND AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE A NEW CONTRACT.

PAGE 3

DISCUSSION CONTINUED:

Government Code section 51257 was revised in January 2000 to facilitate lot line adjustments on Williamson Act parcels. Seven (7) specific findings must be made pursuant to that section in order to facilitate the adjustment. According to the Government Code "... pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

(Note: the definition in Govt. Code §51222 is as follows: "... retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land")

- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

SUBJECT:

APPROVAL TO RESCIND WILLIAMSON ACT CONTRACT NO.70-0399 AND APPROVE A NEW CONTRACT PURSUANT TO MINOR LOT LINE ADJUSTMENT 2001-60 AND

AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE A NEW CONTRACT.

PAGE 4

DISCUSSION CONTINUED:

The applicant has provided written evidence to support the seven findings listed

above, and staff agrees with that evidence.

New Williamson Act contracts would typically come before the Board once a year, in November. Because this action is related to a Lot Line Adjustment, and real estate transactions are in process, it is prudent to act on this action independently of other Williamson Act contracts. Therefore, it is the intention of this action that

a new contract immediately replace a portion of contract 70-0399.

POLICY ISSUES:

This proposal is consistent with policies of the County. The General Plan Land Use and Agricultural Elements both encourage the use of the Williamson Act to help preserve agriculture as the primary industry of the County. The Agricultural Element (adopted 1992) specifically states that the County shall continue to participate in the Williamson Act program while supporting reasonable measures to strengthen the act and make it more effective. By providing a means to keep property taxes based on an agricultural income level rather than a market value which may be at a level based on speculation of future use, the Williamson Act helps agriculturists remain in production without premature conversion to urban uses. Other relevant policies are

discussed above as provided in State law.

STAFFING

IMPACT:

None.

ATTACHMENTS:

Lot Line Adjustment2001-60 Application and Approval Letter

Applicant's Statement of Findings, Map of Proposed Changes