

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

DEPT: Planning & Community Development *AF*
Urgent _____ Routine X

BOARD AGENDA # *D-3

AGENDA DATE: October 30, 2001

CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL TO RESCIND PORTIONS OF 18 WILLIAMSON ACT CONTRACTS AND APPROVE NEW CONTRACTS PURSUANT TO MINOR LOT LINE ADJUSTMENT APPLICATIONS 96-46, 2001-10, 17, 19, 20, 23, 24, 32, 34, 35, 38, 42, 44, 49, 58, 59, AND 63, AND AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE THE NEW CONTRACTS

STAFF RECOMMENDATION:

STAFF RECOMMENDS APPROVAL. SHOULD THE BOARD OPT FOR APPROVAL, THE FOLLOWING FINDINGS MUST BE MADE:

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RESTRICT THE ADJUSTED BOUNDARIES OF THE PARCEL FOR AN INITIAL TERM FOR AT LEAST AS LONG AS THE UNEXPIRED TERM OF THE RESCINDED CONTRACT OR CONTRACTS, BUT FOR NOT LESS THAN 10 YEARS.

(Continued on Page 2)

FISCAL IMPACT:

Additional property tax will accrue from the portions removed from Williamson Act contracts and property tax revenue will decrease from the portions added into Williamson Act contracts (Net 25.1 acre gain of lands covered under contracts).

BOARD ACTION AS FOLLOWS:

No. 2001-837

On motion of Supervisor Blom, Seconded by Supervisor Mayfield
and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: Caruso

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

MOTION:

SUBJECT: APPROVAL TO RESCIND PORTIONS OF 18 WILLIAMSON ACT CONTRACTS AND APPROVE NEW CONTRACTS PURSUANT TO MINOR LOT LINE ADJUSTMENT APPLICATIONS 96-46, 2001-10, 17, 19, 20, 23, 24, 32, 34, 35, 38, 42, 44, 49, 58, 59, AND 63, AND AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE THE NEW CONTRACTS

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 IN CASES WHERE TWO PARCELS INVOLVED IN A LOT LINE ADJUSTMENT ARE BOTH SUBJECT TO CONTRACTS RESCINDED PURSUANT TO THIS SECTION, THIS FINDING WILL BE SATISFIED IF THE AGGREGATE ACREAGE OF THE LAND RESTRICTED BY THE NEW CONTRACTS IS AT LEAST AS GREAT AS THE AGGREGATE ACREAGE RESTRICTED BY THE RESCINDED CONTRACTS.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 Contracts on 32 Assessor's Parcels and to re-establish new contracts pursuant to Section 51257 of the Government Code regulating Williamson Act contracts and Lot Line Adjustments. The resulting amount of acreage covered under Williamson Act contracts will increase by approximately 25.1 acres.

The various Lot Line Adjustments were conditionally approved by staff pending the Board's action required by the Williamson Act.

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

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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.

All of the proposed new contracts would enforceably restrict the adjusted parcels for a period of 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.

As a whole, the existing contracts cover approximately 1438.07 acres. The new contracts would cover approximately 1463.17 acres - a net increase of 25.1 acres.

(3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

In each instance, each of the proposed lot line adjustments result in at least 90 percent of the land under the former contract or contracts remaining 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.

After the lot line adjustments as proposed, each of the parcels remaining under contract will be large enough to sustain their agricultural uses. Each parcel remaining under a new contract 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. Pursuant to Govt. Code §51222, parcels of these sizes and characteristics are presumed to be large enough to sustain their agricultural uses.

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PAGE 4

**DISCUSSION
CONTINUED:**

(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.

The proposed lot line adjustments are designed to enhance the long-term productivity of the lands remaining under contract in that they remove or adjust encroachments to adjacent parcels, consolidate existing agricultural productivity, facilitate better crop or orchard management, or enhance agricultural financing. As such, the adjustments as proposed will not compromise the long-term agricultural productivity of the parcels 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.

The proposed adjustments will result in no change to existing or adjacent land uses.

(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.

The proposed adjustments cover 36 existing developable parcels. The resulting number of parcels remains at 36. There will be no increase in the number of parcels. All resulting parcels following the adjustments are consistent with the Stanislaus County General Plan.

The applicants and staff have developed evidence to support the seven findings listed above for each of the proposed lot line adjustments, and for the combined actions as a whole, as summarized above.

New Williamson Act contracts would typically come before the Board once a year, in November. Because these actions are related to Lot Line Adjustments, 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 new contracts immediately replace those portions of each of the rescinded contracts. Attached Table 1 provides a summary of each of the proposed adjustments. Each is described by application number, owner, Assessor's Parcel Number, Williamson Act Contract number, acreage of each parcel before and after adjustment, and net change in acreage covered by contract. Taken as a whole, the adjustments as proposed will result in a net increase of 25.1 acres covered under Williamson Act contracts.

SUBJECT: APPROVAL TO RESCIND PORTIONS OF 18 WILLIAMSON ACT CONTRACTS AND APPROVE NEW CONTRACTS PURSUANT TO MINOR LOT LINE ADJUSTMENT APPLICATIONS 96-46, 2001-10, 17, 19, 20, 23, 24, 32, 34, 35, 38, 42, 44, 49, 58, 59, AND 63, AND AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE THE NEW CONTRACTS

PAGE 5

**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: Table 1: Summary of Proposed Lot Line Adjustments
Maps

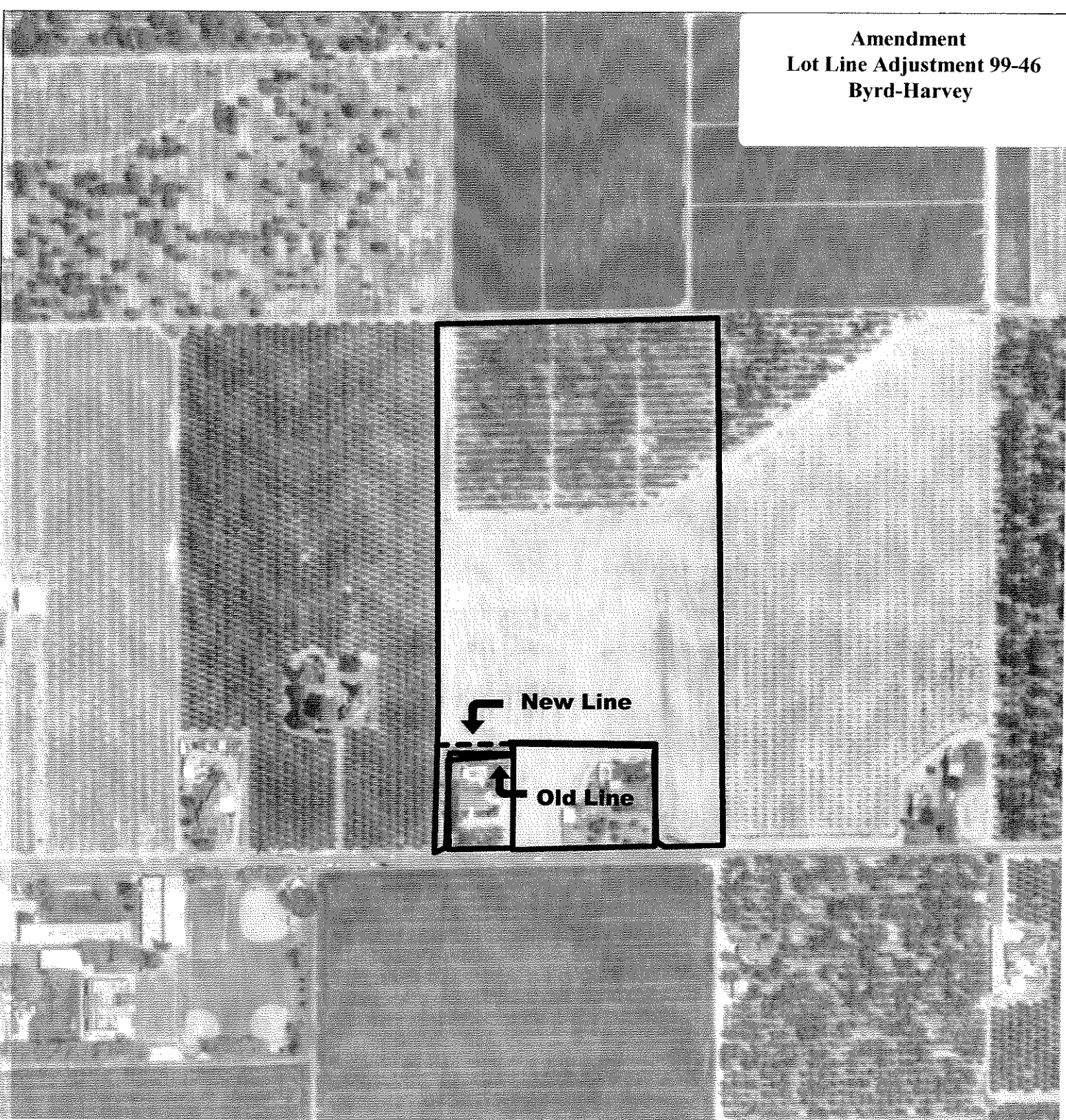
**ATTACHMENT TABLE 1
SUMMARY OF LOT LINE ADJUSTMENTS AND WILLIAMSON ACT CONTRACTS**

LLA#	Name	Parcel Numbers	Contract #s	Parcel Acres Before LLA	Parcel Acres After LLA	Net Williamson Act Acreage Before	Net Williamson Act Acreage After	Net Change Williamson Act Acreage
Amend 96-46	Byrd Harvey	05-36-51 05-36-17	76-2054 NONE	18.12 0.75	17.83 1.06	18.12	17.83	-0.29
2001-10	Conde Boatright	002-63-01 002-63-02	00-4426 NONE	602.7 508.42	592.7 518.42	602.70	592.70	-10.00
2001-17	Burke Mendoza	006-04-86 006-04-32	NONE 77-2532	13.36 14.32	2.6 27.1	14.32	27.10	12.78
2001-19	Fahrina	48-16-02 (Lot 408) 48-16-02 (Lot 453)	72-1116 72-1116	19.81 20.47	38.78 1.5	40.28	38.78	-1.50
2001-20	Semone	74-02-15 74-02-16	75-1940 75-1940	22.6 1.0	21.0 2.6	23.60	21.00	-2.60
2001-23	Schuler	49-13-09 (Parcel 1) 49-13-10	74-0940 74-0940	2.75 20.39	10.5 12.64	23.14	23.14	0.00
2001-24	Garro	47-25-04 (Lot 6) 47-25-04 (Lot 7)	75-1975 75-1975	10 7.7	1.69 16.01	17.70	16.01	-1.69
2001-32	Lionudakis Heinrich	12-27-05 12-27-06 12-27-13	NONE NONE 76-2880	54.34 3.36 18.55	51.0 0(merge) 25.0	18.55	25.00	6.45
2001-34	DeGroot	48-17-26 48-17-27	72-0653 NONE	33.1 2.1	34.1 1.1	33.10	34.10	1.00
2001-35	Verhagen	48-23-06 (25) 48-23-06 (26)	72-0849 72-0849	10.0 10.0	10.0 10.0	20.00	20.00	0.00
2001-38	Lund Rocha's	02-09-53 02-09-55	72-0888 72-0888	38.8 35.6	35.6 38.8	74.40	74.40	0.00
2001-42	Parker Hubers	12-02-11 12-02-06	NONE 76-2230	10.0 10.0	10.0 10.0	20.00	20.00	0.00
2001-44	Heckman Fraser	18-56-09 18-55-11	74-1633 74-1688	18.57 38.78	2.35 55.0	57.35	55.00	-2.35
2001-49	Boer	12-40-02 (Parcel 2) 12-40-02	72-0858 72-0858	39.2 38.5	20.2 57.56	77.70	77.70	0.00
2001-58	Gemperle	45-51-22 45-51-25 54-51-26	83-3859 NONE NONE	19.09 22.3 1.0	18.09 23.3 1.0	19.09	42.39	23.30
2001-59	MAC	17-47-04 17-49-01	72-1042 72-1042	98.44 196	178 120	298 Gross	298.00	0.00
2001-63	Lyons Investments	12-25-59 12-25-61	76-2250 76-2250	40.01 40.01	40.02 40.00	80.02	80.02	0.00
NET INCREASE IN WILLIAMSON ACT ACREAGE						1438.07	1463.17	25.1
						ACRES	ACRES	ACRES

**ATTACHMENT TABLE 1
SUMMARY OF LOT LINE ADJUSTMENTS AND WILLIAMSON ACT CONTRACTS**

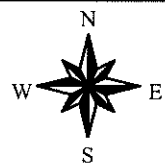
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2001-20	Semone	74-02-15 74-02-16	75-1940 75-1940	22.6 1.0	21.0 2.6	23.60	21.00	-2.60
2001-23	Schuler	49-13-09 (Parcel 1) 49-13-10	74-0940 74-0940	2.75 20.39	10.5 12.64	23.14	23.14	0.00
2001-24	Garro	47-25-04 (Lot 6) 47-25-04 (Lot 7)	75-1975 75-1975	10 7.7	1.69 16.01	17.70	16.01	-1.69
2001-32	Lionudakis Heinrich	12-27-05 12-27-06 12-27-13	NONE NONE 76-2880	54.34 3.36 18.55	51.0 0(merge) 25.0	18.55	25.00	6.45
2001-34	DeGroot	48-17-26 48-17-27	72-0653 NONE	33.1 2.1	34.1 1.1	33.10	34.10	1.00
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NET INCREASE IN WILLIAMSON ACT ACREAGE						1438.07	1463.17	25.1
						ACRES	ACRES	ACRES

**Amendment
Lot Line Adjustment 99-46
Byrd-Harvey**



Lot Line Adjustment 99-46

Byrd - Harvey
Amendment



This map is for display purposes only.

Map printed: 10/23/2001

**TENTATIVE PARCEL MAP
 AND
 LOT LINE ADJUSTMENT**

PORTION OF SECTION 13, TOWNSHIP 1 SOUTH,
 RANGE 11 EAST, 4. D. B. & M.
 STANISLAUS COUNTY, CALIFORNIA

AUGUST, 2000 SCALE: 1" = 500'

OWNER
 NANCY ABDALLAH
 131 SOUTH SECOND AVENUE
 OAKDALE, CA 95361

MANUEL CONDE
 18800 S. DAHLAN ROAD
 ESCALON, CA 95320

NOTES

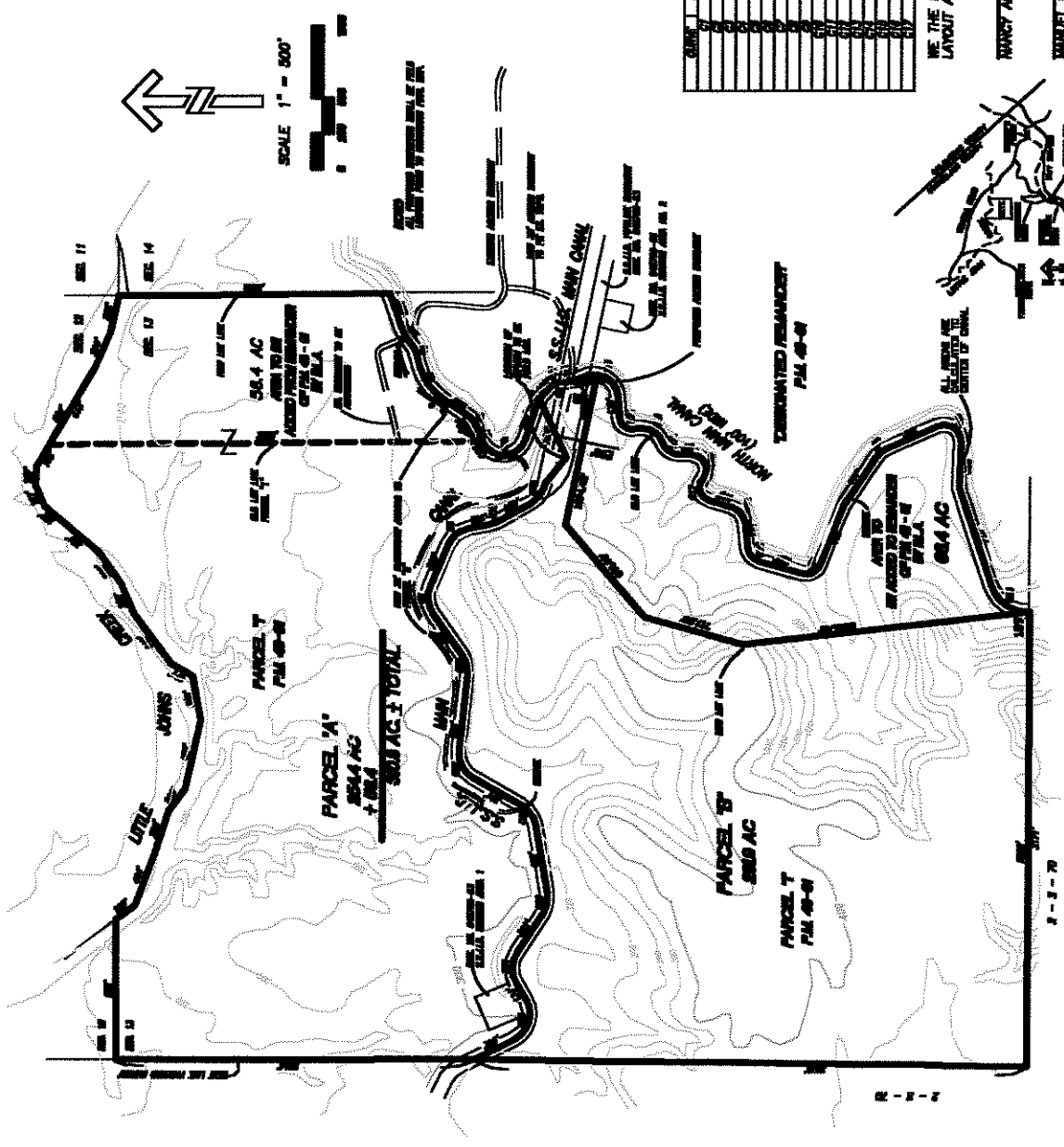
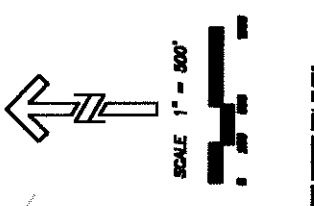
PROJECT DESCRIPTION: PARCEL "A" & PART OF REMAINDER
 OF P.M. 48 - 01.

UTILITIES AND FACILITIES:
 WATER, PRIVATE WELL
 SEWER, DISPOSAL, SEPTIC TANK
 STORM DRAINAGE, AS EXISTING
 ELECTRICITY, P.G. & E.
 TELEPHONE, PACIFIC BELL

FLOOD INFORMATION: NOT SUBJECT TO FLOODING

ASSESSORS PARCEL NUMBER: 2-03-01 & PORTION OF 2-03-02

PROPERTY ADDRESS: NOT AVAILABLE



OWNER	AREA	ACRES	PERCENT
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
12	12	12	12
13	13	13	13
14	14	14	14
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16	16	16	16
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18	18	18	18
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39	39	39	39
40	40	40	40
41	41	41	41
42	42	42	42
43	43	43	43
44	44	44	44
45	45	45	45
46	46	46	46
47	47	47	47
48	48	48	48
49	49	49	49
50	50	50	50

WE THE UNDERSIGNED AGREE TO THE LAYOUT AS SHOWN HEREON.

PREPARED BY:
 ALAN R. DIVERT, P.L.S.
 3363 PAROY WAY
 PLACERVILLE, CA 95667
 (530) 643 - 1725

REVISION 1/28/01
 REVISION 1/24/01

DATE: _____
 NAME: _____

DATE: _____
 NAME: _____

DATE: _____
 NAME: _____

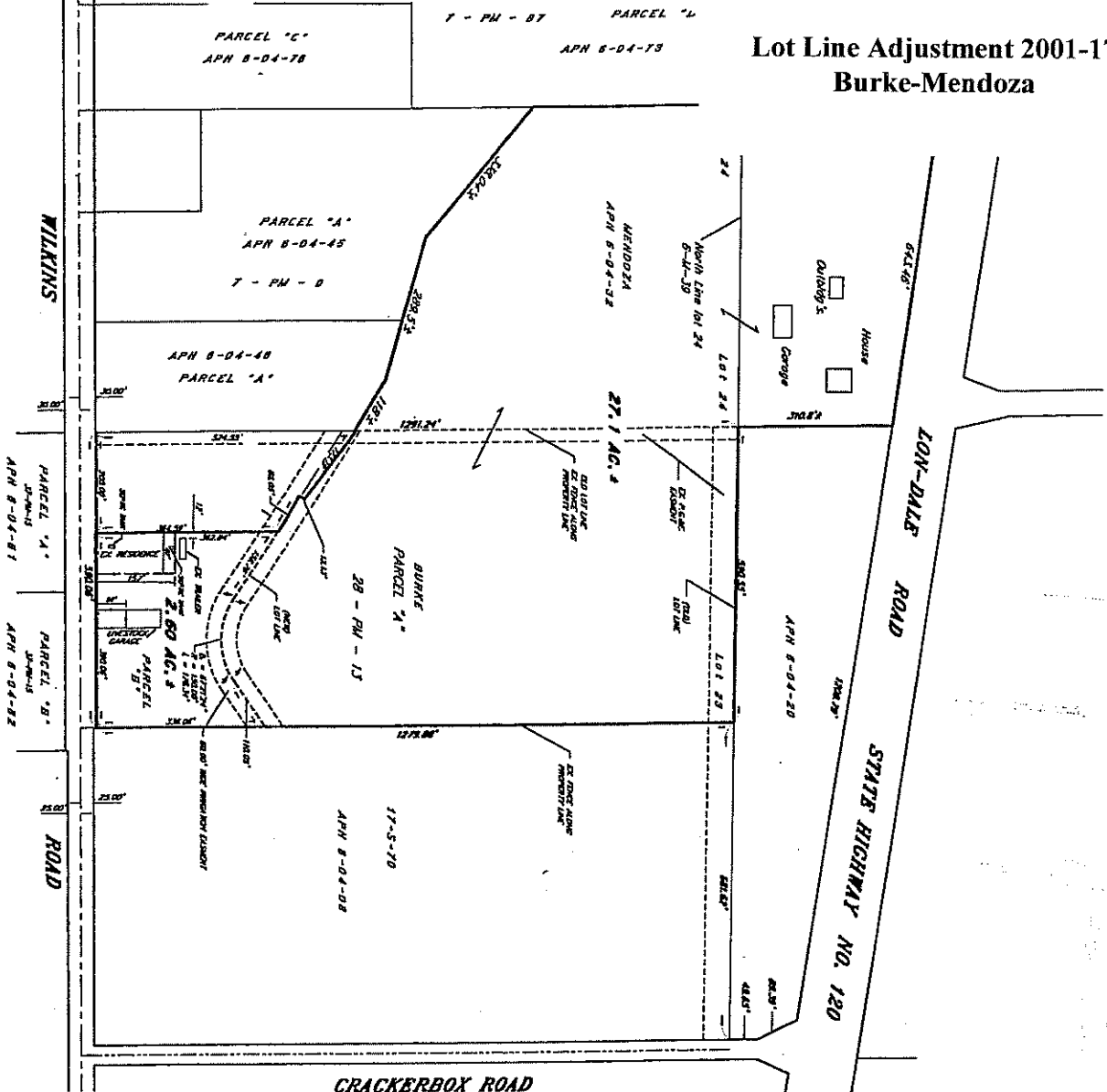
THIS MAP DEPICTS RECORD AND PROPOSED INFORMATION ONLY, AND DOES NOT REPRESENT A FIELD SURVEY. CONTOURS HAVE BEEN TAKEN FROM THE USGS QUAD SHEET.

2 - 3 - 7

VICINITY MAP

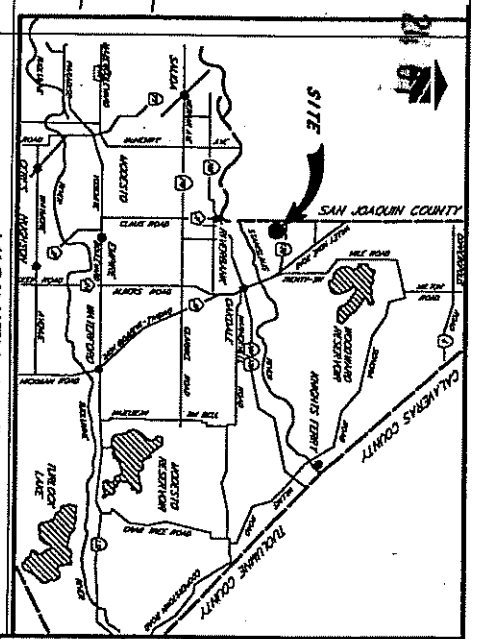
SHEET 1 OF 1

Lot Line Adjustment 2001-17 Burke-Mendoza



083693 JUL 24 01

CRACKERBOX ROAD



OWNERS:
A.P.N. 6-04-08
MR. BRUCE BURKE
5531 WILKINS AVE.
OAKDALE, CA. 95361
(209)848-0920

A.P.N. 6-04-32
MR. RICHARD L. MENDOZA
10537 CRACKERBOX ROAD
OAKDALE, CA. 95361

GENERAL NOTES:

1. PRESENT ZONING: A-2-10
2. ASSESSOR'S PARCEL NUMBERS: 6-04-32886
3. SOIL TYPE: MADERA SANDY LOAM 2-1E SLT CL
4. WATER DEPTH: 20 FEET AS PER THE OAKDALE IRRIGATION DISTRICT
5. WATER: PRIVATE WELL
6. SEWERAGE SYSTEM: SEPTIC TANK

NOTE:

THE PROPERTY LINE DISTANCES, BEARINGS AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS OR COUNTY ASSESSOR'S MAPS OR BOTH AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY.

mid-valley engineering
900 H ST. STE. G, MODESTO, CALIFORNIA, 95354
(209) 326-4214 FAX 326-0603

LAND PLANNING ENGINEERING & SURVEYING

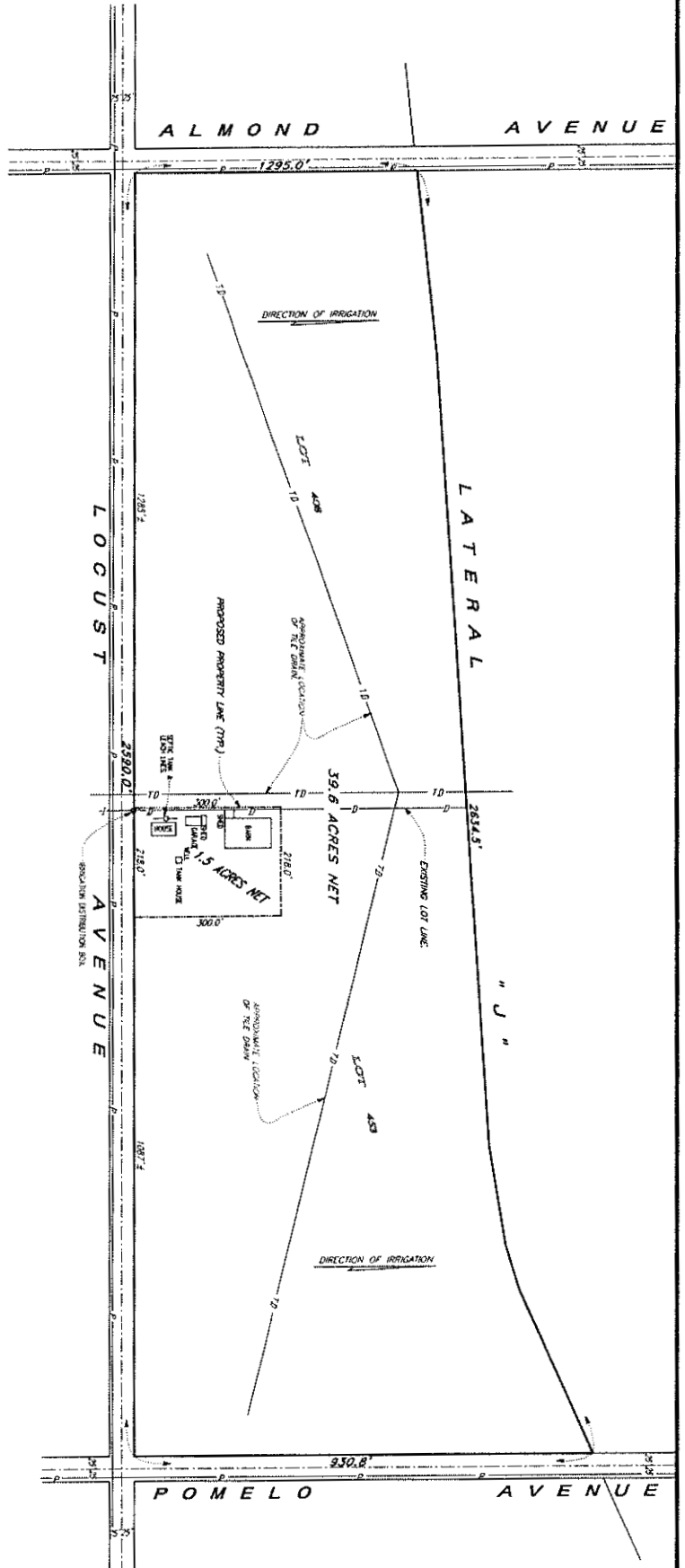
LOT LINE ADJUSTMENT
BEING A PORTION OF SECTION 5, T.25, R.10E., MOUNT Diablo BASE AND MERIDIAN, COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

Drawn DLS
Date 260C100
Scale 1"=150'
Job No. 77-089
Checked
Dwg. 46816.dwg

DON MIRALLES
DAVE SKIDMORE
R.C.E. 20828
L.S. 7128

REVISIONS	Date	Description	Appd.

Sheet 1 of 1



ALMOND AVENUE

LOCUST AVENUE

LOCUST AVENUE

POMELO AVENUE

LATERAL

DIRECTION OF IRRIGATION

DIRECTION OF IRRIGATION

LOT 408

LOT 453

39.6 ACRES NET

11.5 ACRES NET

PROPOSED PROPERTY LINE (77%)

PROPOSED PROPERTY LINE (77%)

APPROXIMATE LOCATION OF THE DRAIN

APPROXIMATE LOCATION OF THE DRAIN

EXISTING LOT LINE

EXISTING DISTRIBUTION BOX

EXISTING LOT LINE

EXISTING LOT LINE

EXISTING LOT LINE

EXISTING LOT LINE

EXISTING LOT LINE

EXISTING LOT LINE

EXISTING LOT LINE

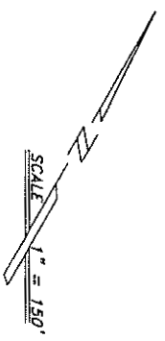
EXISTING LOT LINE

NOTES:
 OWNERS: STEPHEN FARRINA, ET AL
 1316 N. POMERO AVENUE
 STANISLAUS COUNTY, CALIFORNIA
 TELEPHONE: 503-7071

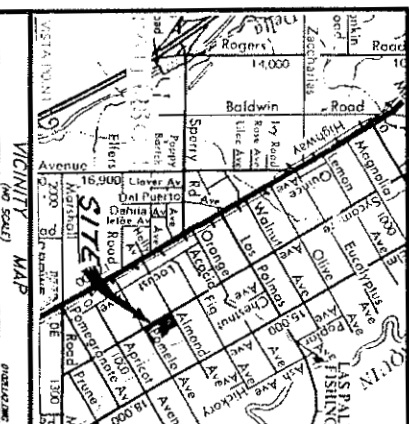
A.P.N.: 48-16-02
 WATER SUPPLY: PRIVATE WELL
 SHADE DISPOSAL: SEWING TANK
 WATER TABLE: 204 FEET
 SOIL CLASSIFICATION: TLO CLAY LOAMS

LEGEND:

- P — OPENED POWER LINE
- S — SANITARY SEWER LINE
- J — IRRIGATION LINE
- D — IRRIGATION DRIVE LINE
- T — TIE MAIN LINE



DELAMARE-FULTZ
 ENGINEERING AND SURVEYING
 15 4th Street
 (Corner P-38-04)

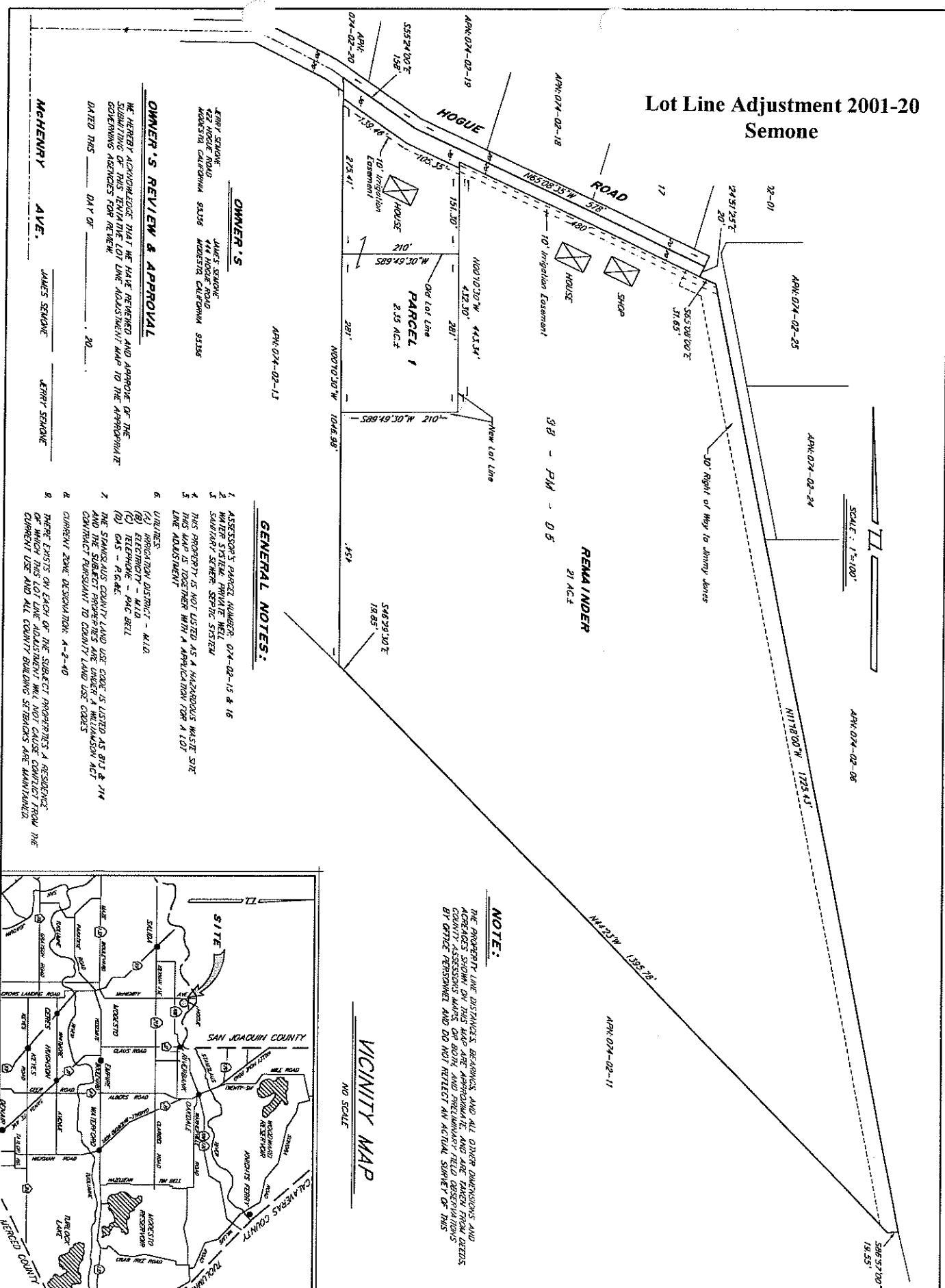


LOT LINE ADJUSTMENT
 OF LOTS 408 & 453 OF THE "PATTERSON COLONY,"
 SUB-TRACT NO. 2, IN SECTION 32 & 33, T. 1 S., R. 8 E.,
 M., D., B. & M.,
 STANISLAUS COUNTY CALIFORNIA

JOB NO.	01024
DATE	MARCH, 2001
SHEET	7

**Lot Line Adjustment 2001-19
 Fahrina**

Lot Line Adjustment 2001-20 Semone



SCALE: 1"=100'

OWNER'S REVIEW & APPROVAL

WE HEREBY ACKNOWLEDGE THAT WE HAVE REVIEWED AND APPROVE OF THE SUBMITTING OF THIS TENTATIVE LOT LINE ADJUSTMENT MAP TO THE APPROPRIATE GOVERNING AGENCIES FOR REVIEW.

DATED THIS _____ DAY OF _____, 20__.

OWNER'S
 JAMES SEMONE
 424 HOGUE ROAD
 MODESTO, CALIFORNIA 95308

OWNER'S
 JAMES SEMONE
 424 HOGUE ROAD
 MODESTO, CALIFORNIA 95308

REMAINDER
 21 AC ±

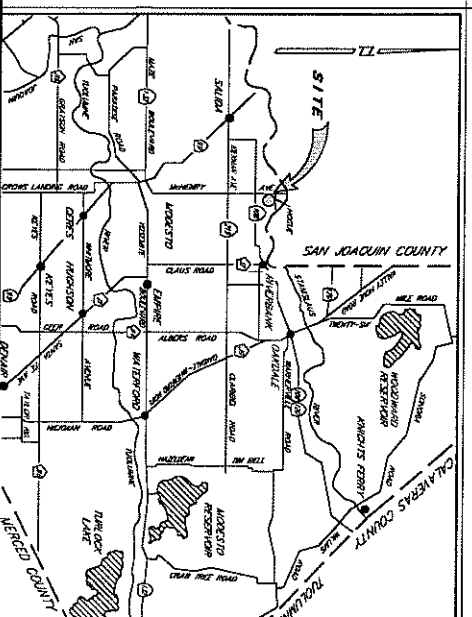
GENERAL NOTES:

1. ASSESSOR'S PARCEL NUMBER: 014-02-15 & 16
2. ALL UTILITIES SHOWN ARE BASED ON THE SANITARY SEWER SERVICE SYSTEM
3. THIS PROPERTY IS NOT LISTED AS A HAZARDOUS WASTE SITE
4. THIS MAP IS TOGETHER WITH A APPLICATION FOR A LOT LINE ADJUSTMENT
5. UTILITIES:
 - (A) ABBOTSDOWN DISTRICT - KILD
 - (B) ELECTRICITY - WILD
 - (C) TELEPHONE - PAC BELL
 - (D) GAS - P.G.A.E.
6. THE STANISLAUS COUNTY LAND USE CODE IS LISTED AS B12 & T14 AND THE SUBJECT PROPERTY ARE UNDER A WILLIAMSON ACT CONTRACT PURSUANT TO COUNTY LAND USE CODES
7. CURRENT ZONE DESIGNATION: A-2-10
8. THERE EXISTS ON EACH OF THE SUBJECT PROPERTIES A RESERVANCE OF THE EASEMENT WILL NOT CAUSE CONFLICT FROM THE CURRENT USE AND ALL COUNTY BUILDING STANDARDS ARE MAINTAINED.

NOTE:

THE PROPERTY LINE DIMENSIONS, BEARINGS, AND ALL OTHER DIMENSIONS AND ANGLES SHOWN ON THIS MAP ARE BASED ON THE STANISLAUS COUNTY ASSESSOR'S MAPS OF 2001, AND PRELIMINARY FIELD MEASUREMENTS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY OF THIS

VICINITY MAP



mid-valley engineering

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&
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FAX 526-0803

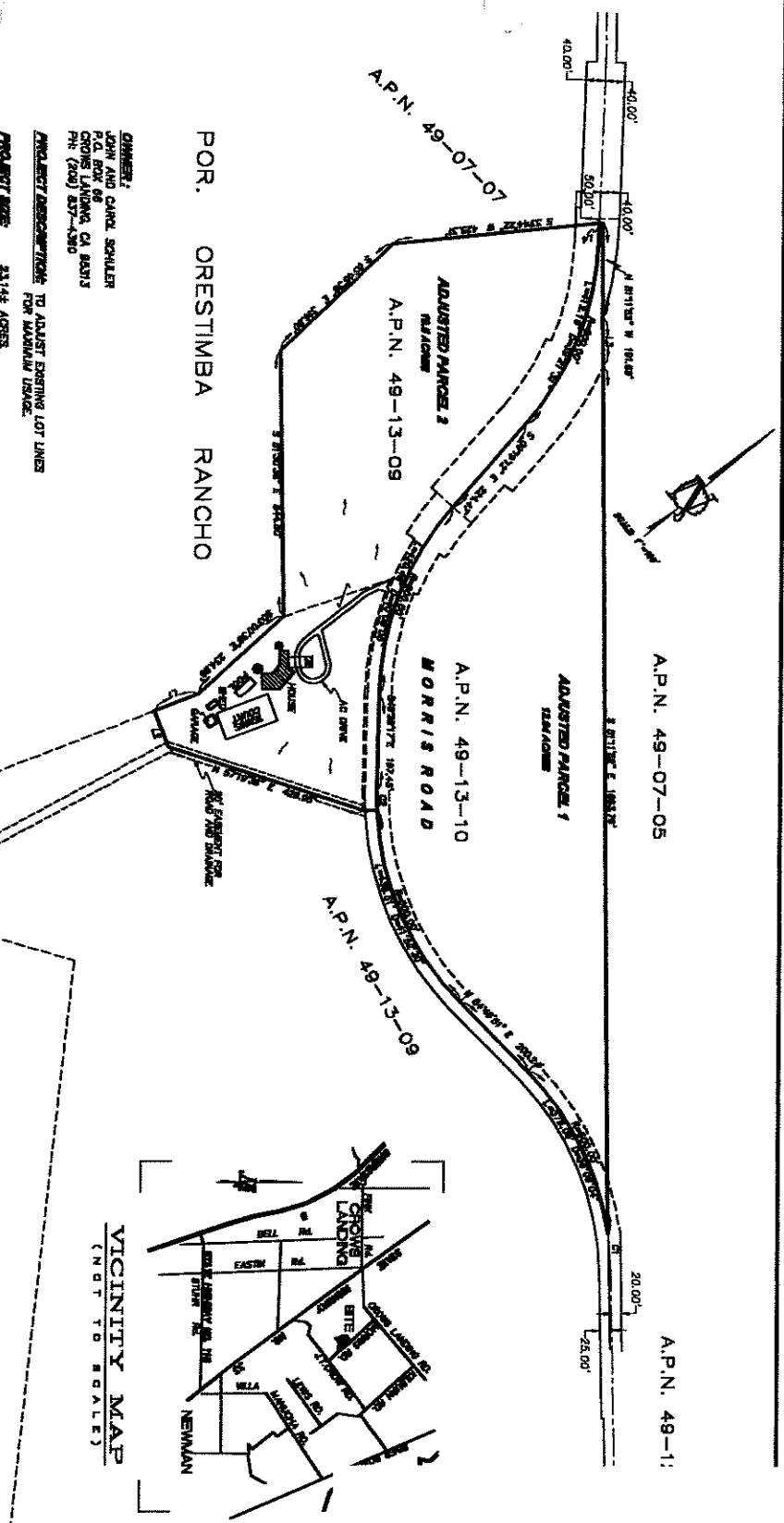
900 H ST. STE G, MODESTO, CALIFORNIA, 95354

TENTATIVE LOT LINE ADJUSTMENT

BEING A PORTION OF THE WEST HALF OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 9 EAST, MOUNT DIABLO MERIDIAN

STANISLAUS COUNTY CALIFORNIA

Drawn: <i>DL</i>	DON MIRALLE DAVE SKIDMORE	R.C.E. 20828 L.S. 7126	File No.
Date: 10/20/01			SHEET
Scale: 1"=100'			1
Job No. 71-901			OF 1
Checked:			
Dwg. 901.mld.dwg			



POR. ORESTIMBA RANCHO

OWNER:
 JOHN AND CAROL SCHULER
 10150 10TH ST
 SAN DIEGO, CA 92121
 PH: (619) 527-1380

PROJECT DESCRIPTION: TO ADJUST EXISTING LOT LINES FOR MAXIMUM USE.

PARCEL NUMBER: 23142 ACRES

UTILITIES AND FACILITIES:
 WATER - PRIVATE WELL
 SEWER - PRIVATE - PRIVATE SEPTIC SYSTEM
 ELECTRICITY - P.U.E. SITE
 GAS - PROPANE
 TELEPHONE - PACIFIC BELL

FLOOD INFORMATION: PROJECT IS IN A FLOOD ZONE "C"
 PANEL # 080504-0720, SEPTEMBER 4, 1988

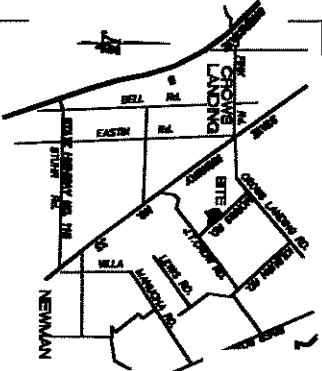
ASSESSOR'S PARCEL: 49-13-09

ASSESSOR'S ADDRESS: 22000 MORRIS ROAD

ACREAGE: VERNALIS GRAVELLY LOAM, 0 TO 1 PERCENT SLOPES
 SALADO FINE SANDY LOAM, 0 TO 2 PERCENT SLOPES

WATER RIGHTS: GREATER THAN 20 FEET

RECORD INFORMATION IS FROM STANISLAUS COUNTY RECORDS



**Lot Line Adjustment 2001-23
 Schuler**

- LEGEND:**
- NEW PROPERTY LINE
 - - - EXISTING LOT LINE
 - EXISTING CENTERLINE
 - EXISTING STRUCTURES
 - EXISTING SEPTIC TANK
 - EXISTING WELL
 - DIRECTION OF SLOPE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

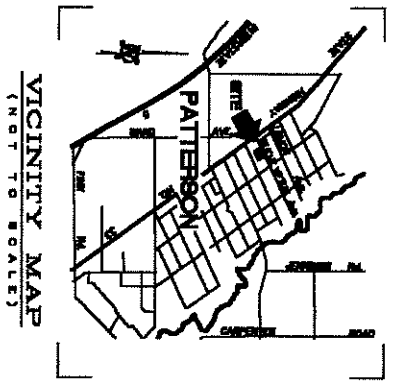
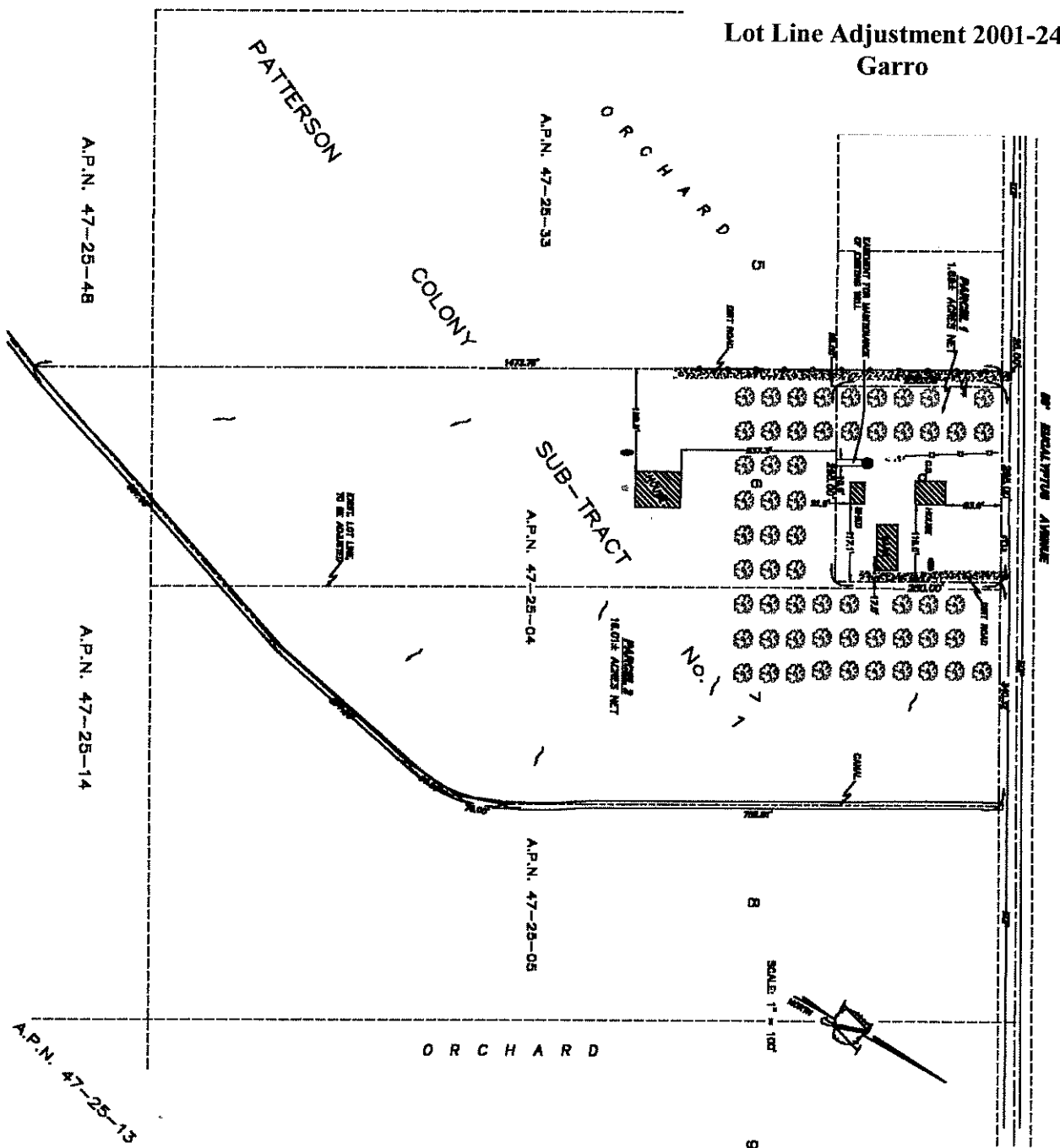
DATE	SCALE	BY	CHECKED
01-25	1"=100'	AS	AS
01-25	1"=100'	AS	AS

ASPEN SURVEY COMPANY
 1121 GARDALE RD. SUITE 4, MODESTO, CA. 95355
 PH: (209) 526-9724

DATE: APRIL, 2001
 SCALE: 1"=100'
 DRAWN: AS
 CHECKED: AS
 SHEET: 01-25
 OF 1 SHEETS

TENTATIVE LOT LINE ADJUSTMENT MAP
 FOR
JOHN AND CAROL SCHULER
 BEING A DIVISION OF A PORTION OF THE ORESTIMBA RANCHO,
 AND LYING WITHIN PROJECTED GOVERNMENT SECTION 26,
 TOWNSHIP 6 SOUTH, RANGE 8 EAST, M.D.M., STANISLAUS COUNTY, CALIFORNIA

Lot Line Adjustment 2001-24 Garro



COMMENTS:
 GREGORY & KIM GARRO
 220 EDGEMOUNT AVE
 PATTERSON, CA 95762
 PH: (209) 528-9724

PREPARED/ENDORSED/REVIEWED FOR ADJUSTING LOT LINES
 PREPARED BY: 1726 ACRES
 ENDORSED BY: 1726 ACRES

LIMITATIONS AND REVISIONS:
 THIS IS A PRELIMINARY SETTING SYSTEM
 SURVEY. THE FINAL SETTING SYSTEM
 WILL BE PROVIDED BY THE FIELD ENGINEER.
 ALL DIMENSIONS ARE IN FEET.
 TELEPHONE - EWING TELEPHONE

FLOOD INFORMATION: PROJECT IS NOT IN FLOOD ZONE.

ASSESSMENT PARCEL: 47-25-04

PROPERTY ADDRESS: 220 EDGEMOUNT AVE PATTERSON, CA 95762

ACRE TYPE: DUNBAR FINE SANDY LOAM.

WATER TABLE DEPTH: GREATER THAN 20 FEET.

SLOPES: 0-1%

RECORD INFORMATION IS FROM STANISLAUS COUNTY RECORDS.

LEGEND:

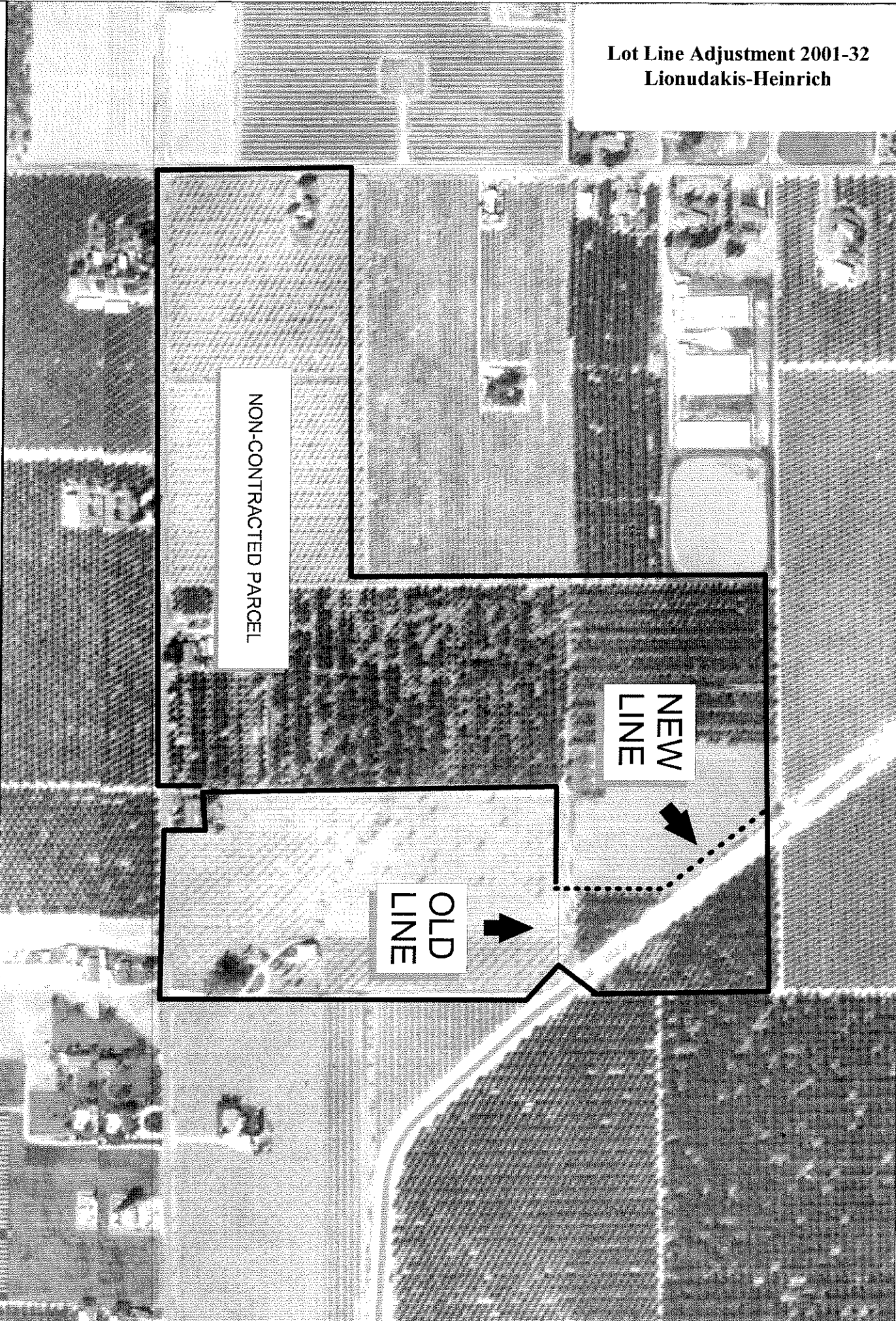
- PROPERTY LINE
- EXISTING LOT LINE
- EXISTING CENTERLINE
- EXISTING PROPERTY TANK
- EXISTING WELL
- EXISTING SERVICE POLE
- EXISTING CHAIN LINK FENCE
- EXISTING WOOD FENCE
- EXISTING STRUCTURES
- EXISTING POWER POLE
- EXISTING TREES
- EXISTING CLEAN OUT
- EXISTING SEPTIC TANK
- DIRECTION OF SLOPE
- PROVOCATES EXIST. PAVED. NUMBER PER 4-1-40

TENTATIVE LOT LINE ADJUSTMENT MAP
 FOR
GREGORY & KIM GARRO
 BEING A LOT LINE ADJUSTMENT OF LOTS 6 AND 7
 OF "PATTERSON COLONY SUBTRACT No. 1" PER 4-M-40 AND LYING
 SECTIONS 18 & 19, T. 5 S., R. 8 E., M.D.M., STANISLAUS COUNTY, CALIFORNIA

ASPEN SURVEY COMPANY
 1121 OAKDALE RD. SUITE 8, MODESTO, CA 95365
 PH: (209) 528-9724

DATE: MARCH 2001
 SCALE: 1"=100'
 DRAWN: SJA/AV
 JOB: 01-18
 SHEET: 1
 OF 1 SHEETS

Lot Line Adjustment 2001-32
Lionudakis-Heinrich

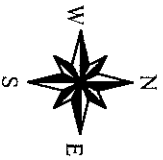


NON-CONTRACTED PARCEL

NEW
LINE

OLD
LINE

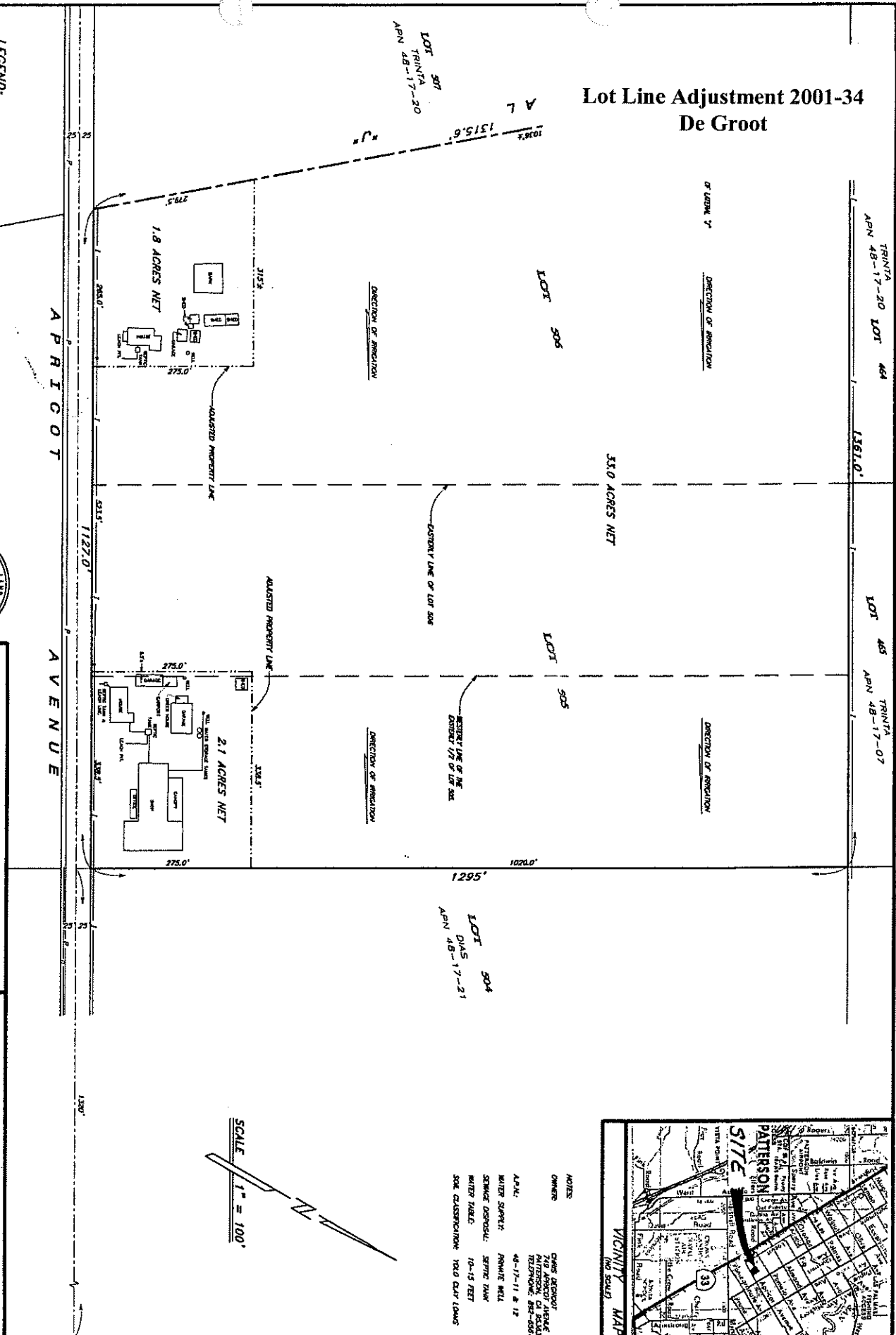
LOT LINE ADJUSTMENT #2001-32



This map is for display purposes only.

Map printed 9/28/2001

Lot Line Adjustment 2001-34 De Groot



LEGEND:

- - - OPENED POWER LINE
- - - OPENED TELEPHONE LINE
- - - PROPOSED POWER LINE
- - - PROPOSED TELEPHONE LINE
- - - PROPOSED WATER LINE
- - - PROPOSED SEWER LINE
- - - PROPOSED GAS LINE
- - - PROPOSED OIL LINE

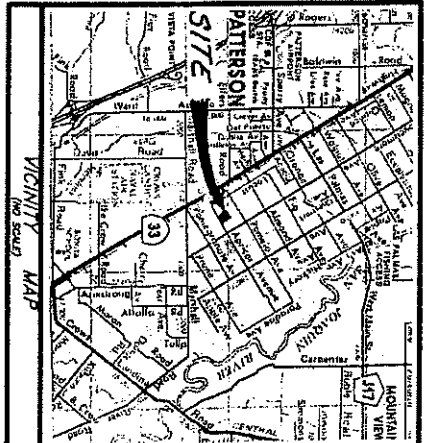


DELAMARE-FULTZ
ENGINEERING AND SURVEYING
1471 RILEY ROAD SUITE J, SACRAMENTO, CA 95811
TELEPHONE (916) 552-2200
FAX (916) 552-2201
L.S. No. 4285
Expires 5-31-01

LOT LINE ADJUSTMENT

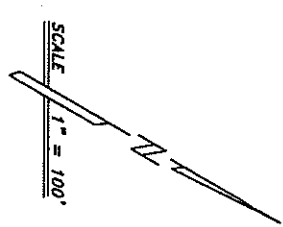
OF PORTIONS OF LOTS 305 AND 308 OF THE "PATERSON COLONY, SUB-TRACT NO. 2" LOCATED IN SECTION 4, T.6 S., R.8 E., M.D.B. & M., CALIFORNIA

JOB NO.	9935
DATE	NOV. 1995
SCALE	1" = 100'
SHEET	1
DATE	NOV. 1995
BY	JLF
CHECKED BY	CSK
DATE	
SCALE	1" = 100'
SHEET	1
DATE	NOV. 1995
BY	JLF
CHECKED BY	CSK
DATE	

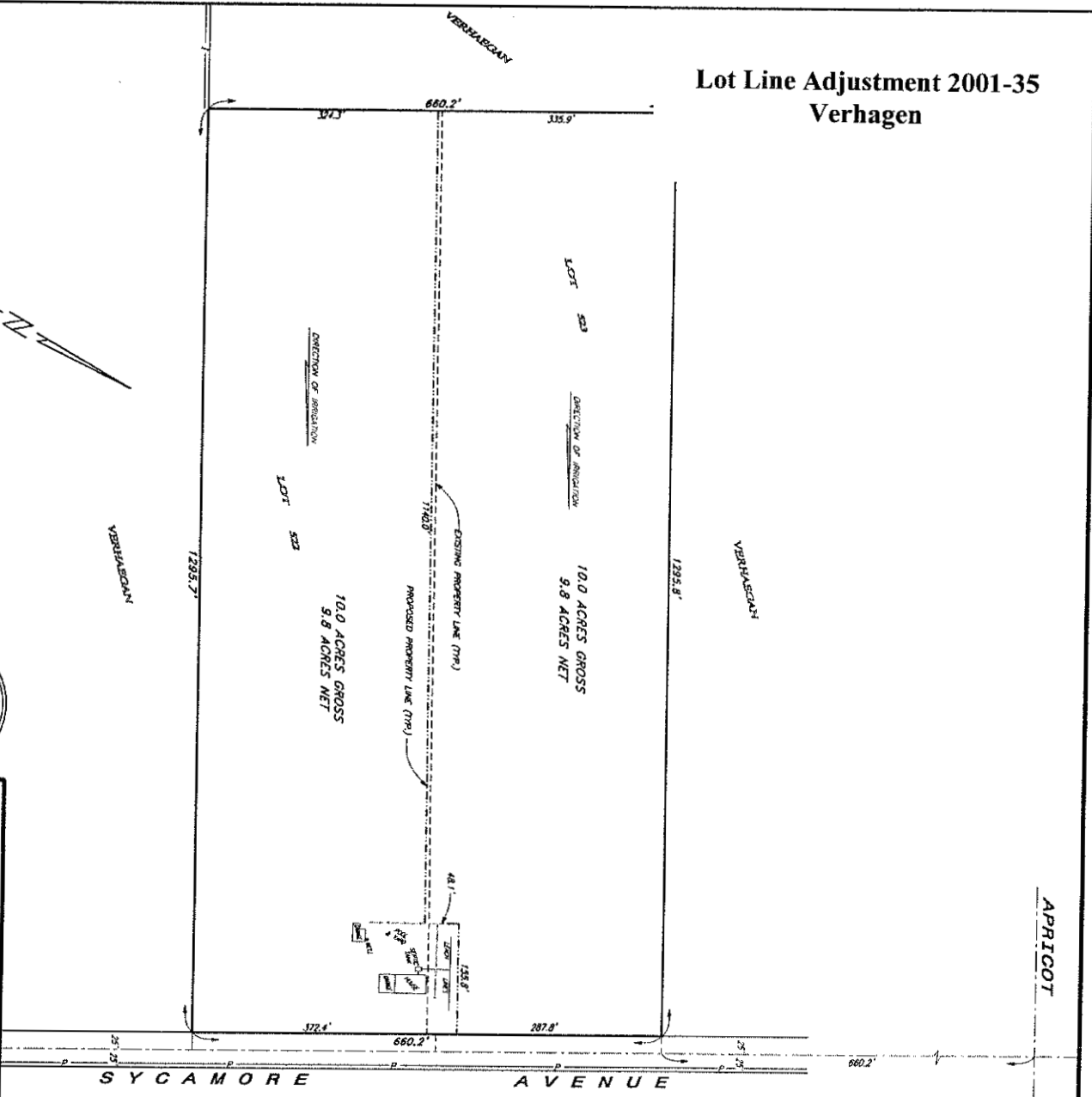
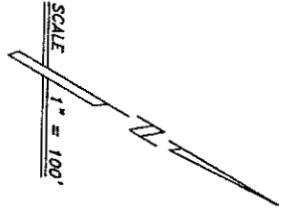


NOTES:

- OWNER: CHAS. GERRON
- OWNER ADDRESS: PATERSON, CA 95864
- OWNER TELEPHONE: 916-5561
- APPLICANT: 48-17-11 & 12
- WATER SUPPLY: PRIVATE WELL
- SEWER DISPOSAL: SEWER TANK
- WATER TABLE: 10-15 FEET
- SOIL CLASSIFICATION: 70-0 CLAY LOAMS

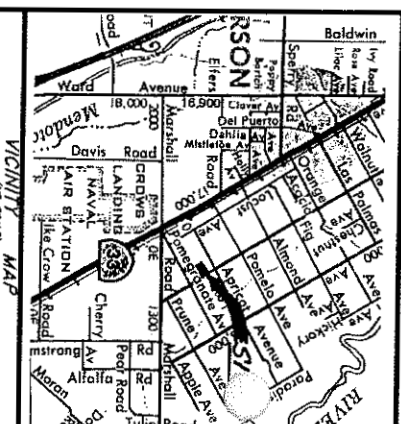


Lot Line Adjustment 2001-35 Verhagen

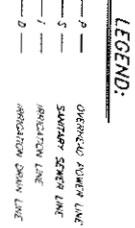


DELAMARE-FULTZ
ENGINEERING AND SURVEYING
L.S. No. 488
2001 (NEW) ROAD SURV. LICENSE
Telephone (909) 399-1200
L. Steven Fultz

LOT LINE ADJUSTMENT
OF LOTS 522 & 523 OF THE "PATTERSON COLONY,"
SUB-TRACT NO. 2, IN SECTION 4, T.6 S., R.8 E.,
M., D., B. & M.
STANISLAUS COUNTY
CALIFORNIA



NOTES:
OWNERS: BILL & MARY ANN VERHAGEN
1100 VERHAGEN AVENUE
PATTERSON, CA 95861
TELEPHONE: 927-2888
A PORTION OF 48-23-08
APRIL: MARY ANN VERHAGEN
MATER SUPPLY: PERMIT #11
STAVEL GROUND: SCENE PLAN
MATER TABLE: 200 FEET
SOIL CLASSIFICATION: TOLD CLAY LOAMS



JOB NO.	0110
DATE	APRIL 2001
SHEET	1
OF 1	

Lot Line Adjustment 2001-38
Lund - Rocha's Valley Ent.

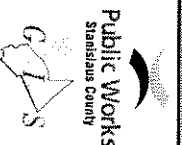
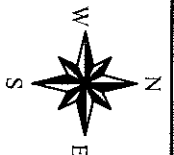
DORSEY RD

26 MILE RD

Adjusted
Line



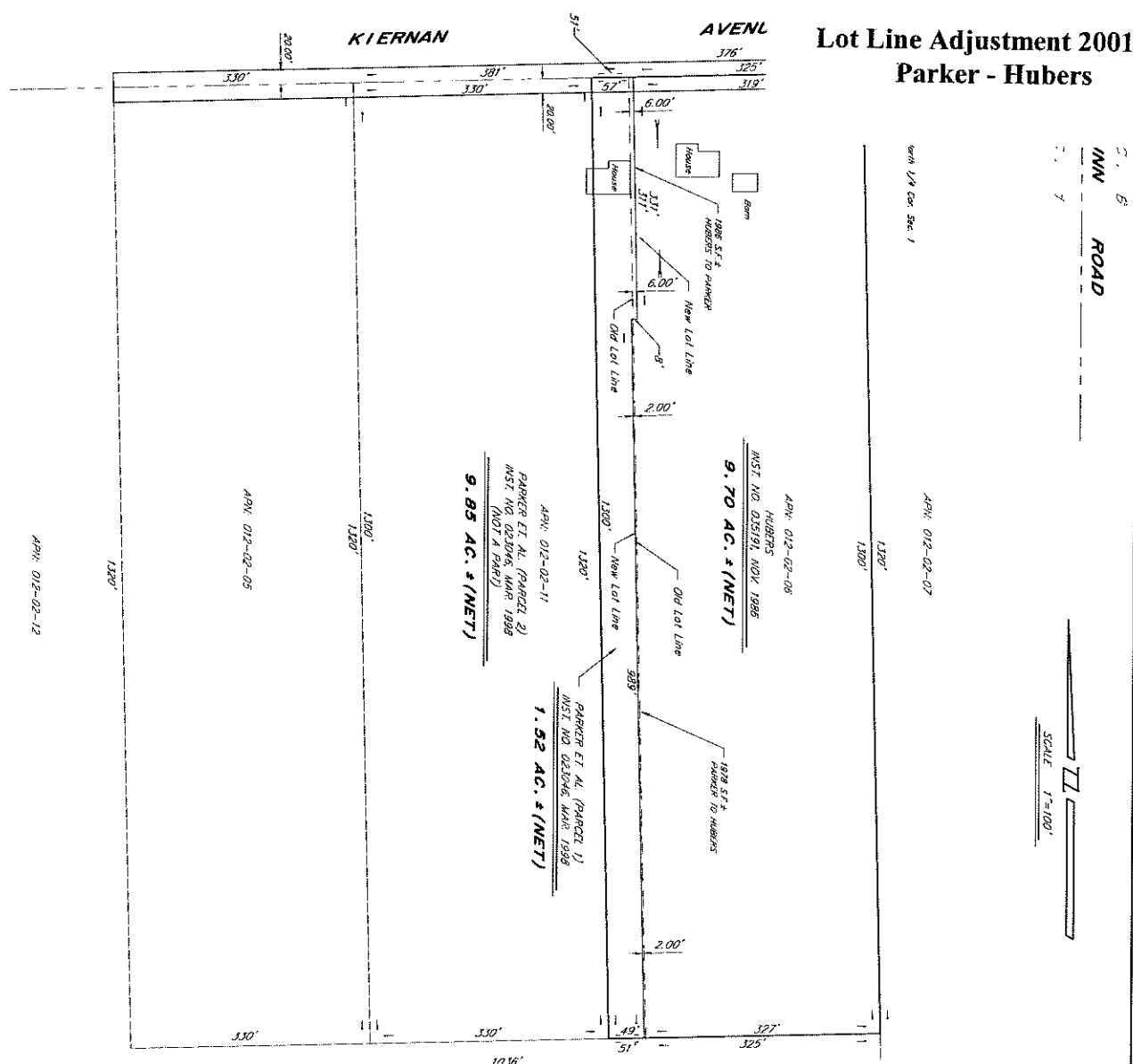
Lot Line Adjustment #2001-38



This map is for display purposes only.

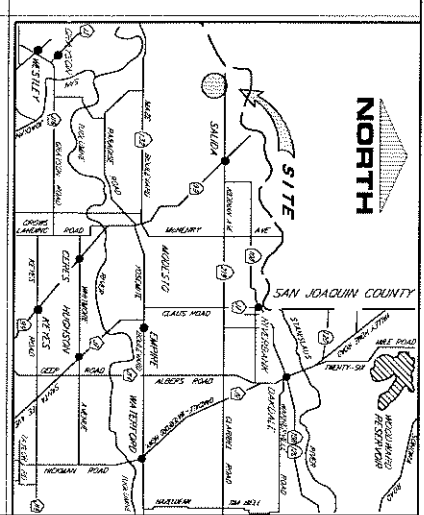
Map printed: 9/25/2001

Lot Line Adjustment 2001-42 Parker - Hubers



SCALE 1"=100'

APN: 012-02-07
APN: 012-02-08
APN: 012-02-12



OWNER'S
JAMES R. PARKER
1012 KIERNAN AVE.
MODESTO, CALIFORNIA 95358
GARY HUBERS
8012 KIERNAN AVE.
MODESTO, CALIFORNIA 95358

GENERAL NOTES:

1. ASSESSOR'S PARCEL NUMBER: 012-02-06 & 11
2. PRIVATE WELL
3. SEPTIC SYSTEM
4. THIS PROPERTY IS NOT LISTED AS A HAZARDOUS WASTE SITE
5. THIS MAP IS TOGETHER WITH A APPLICATION FOR A LOT LINE ADJUSTMENT TO ADJUST CROSSING LOT LINE & TOP HOUSE CLEARANCE WITH EQUAL AREA BEING EXCHANGED.
6. UTILITIES:
(A) JURISDICTION DISTRICT - M12
(B) ELECTRICITY - M12
(C) TELEPHONE - PAC BELL
(D) GAS - P.G. & E.
7. THE STANISLAUS COUNTY LAND USE CODE FOR 012-02-06 DEPENDS THAT THE SUBJECT PROPERTY IS UNDER A WILLIAMSON ACT CONTRACT.

NOTE:

THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS AND ACRES ARE SHOWN ON THIS MAP ARE APPROXIMATE AND ARE TAKEN FROM DEEDS COUNTY ASSESSORS MAPS, OR BORN AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY OF THIS SITE.

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FAX 526-0803

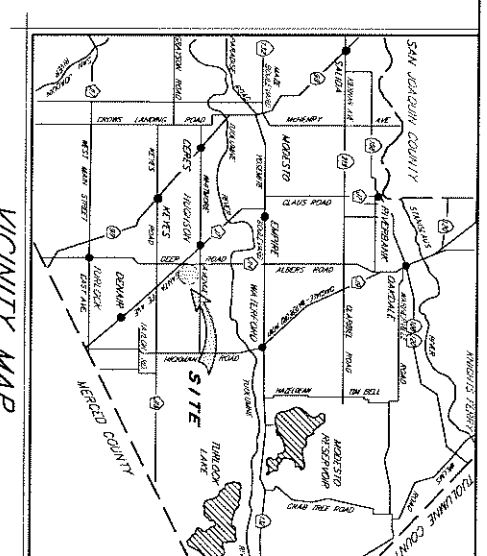
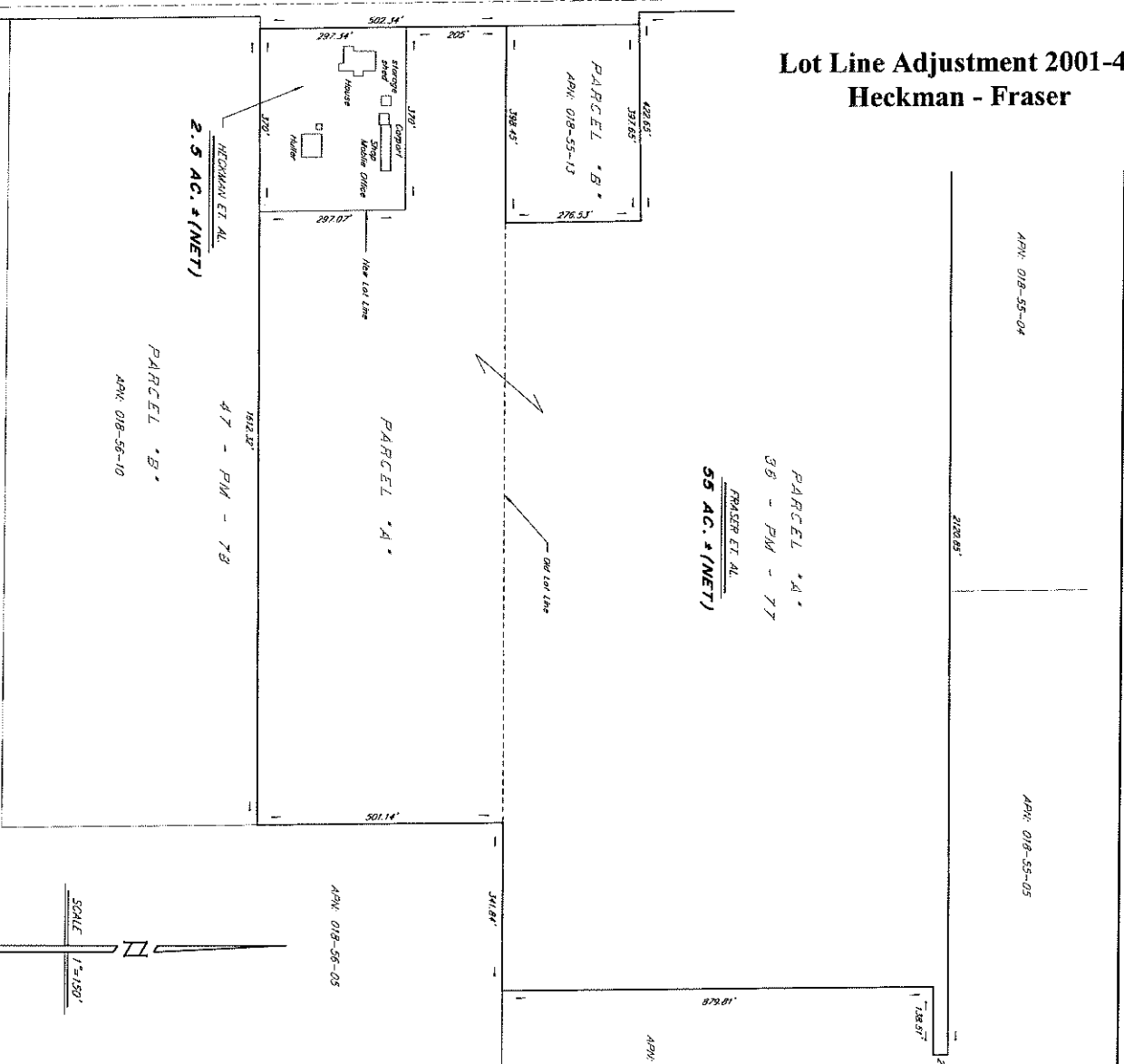
**TENTATIVE LOT LINE
ADJUSTMENT MAP**

BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 1,
TOWNSHIP 3 SOUTH, RANGE 7 EAST, MOUNT DIABLO MERIDIAN,
STANISLAUS COUNTY, CALIFORNIA

Drawn	DLS	RYAN D. CARREL DAVE SHIDMORE	R.C.E. 61519 L.S. 7128	File No.
Date	2/1/01			
Scale	1"=100'			
Job No.	12-027			
Checked				
Dwg	027ml			

SHEET
1
OF
1

Lot Line Adjustment 2001-44 Heckman - Fraser



OWNER'S

ANDY AND TARA FRASER
3424 1/2 GEER ROAD
HUGHESON, CALIFORNIA 95326

RANDAL AND PATRICIA HECKMAN
1529 GEER ROAD
HUGHESON, CALIFORNIA 95326

GENERAL NOTES:

- ASSESSOR'S PARCEL NUMBER: 018-55-12 & 018-56-09
- PRIVATE WELL
- SEPTIC SYSTEM
- THIS PROPERTY IS NOT LISTED AS A HAZARDOUS WASTE SITE. THIS MAP IS TO BE USED WITH A SURVEYOR TO ADJUST EXISTING COMMON LOT LINE AND CREATE A 55 ACRES PARCEL UNIT. THIS APPLICATION SHALL NOT REDUCE THE EXISTING CONTRACT BY MORE THAN 10%.
- UTILITIES:
 - (A) TELEPHONE DISTRICT - TID
 - (B) ELECTRICITY - TID
 - (C) TELEPHONE - PAC BELL
 - (D) GAS - P.G. & E.
- THE STANISLAUS COUNTY LAND USE CODE FOR 018-55-12 & 018-56-09 DEMANDS THAT THE SUBJECT PROPERTY IS UNDER A MILWAUKEE AGT CONTRACT.

NOTE:

THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS AND ANGLES SHOWN ON THIS MAP ARE APPROXIMATE, AND ARE TAKEN FROM DEEDS AND COUNTY ASSESSOR'S MAPS. ON BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACtual SURVEY OF THIS SITE.

117 L STREET MODESTO, CALIFORNIA, 95354

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&
SURVEYING

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FAX 526-0803

TENTATIVE LOT LINE ADJUSTMENT MAP

BEING A PORTION OF THE WEST HALF OF SECTION 14,
TOWNSHIP 4 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN,
STANISLAUS COUNTY, CALIFORNIA

Drawn: DLS
Date: 22JAN01
Scale: 1"=150'
Job No: 72-028
Checked:
Dwg: 0261n1

RYAN D. CARREL
DAVE SKIDMORE

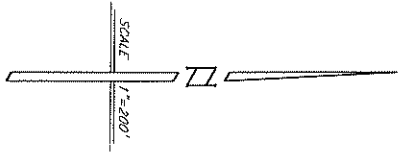
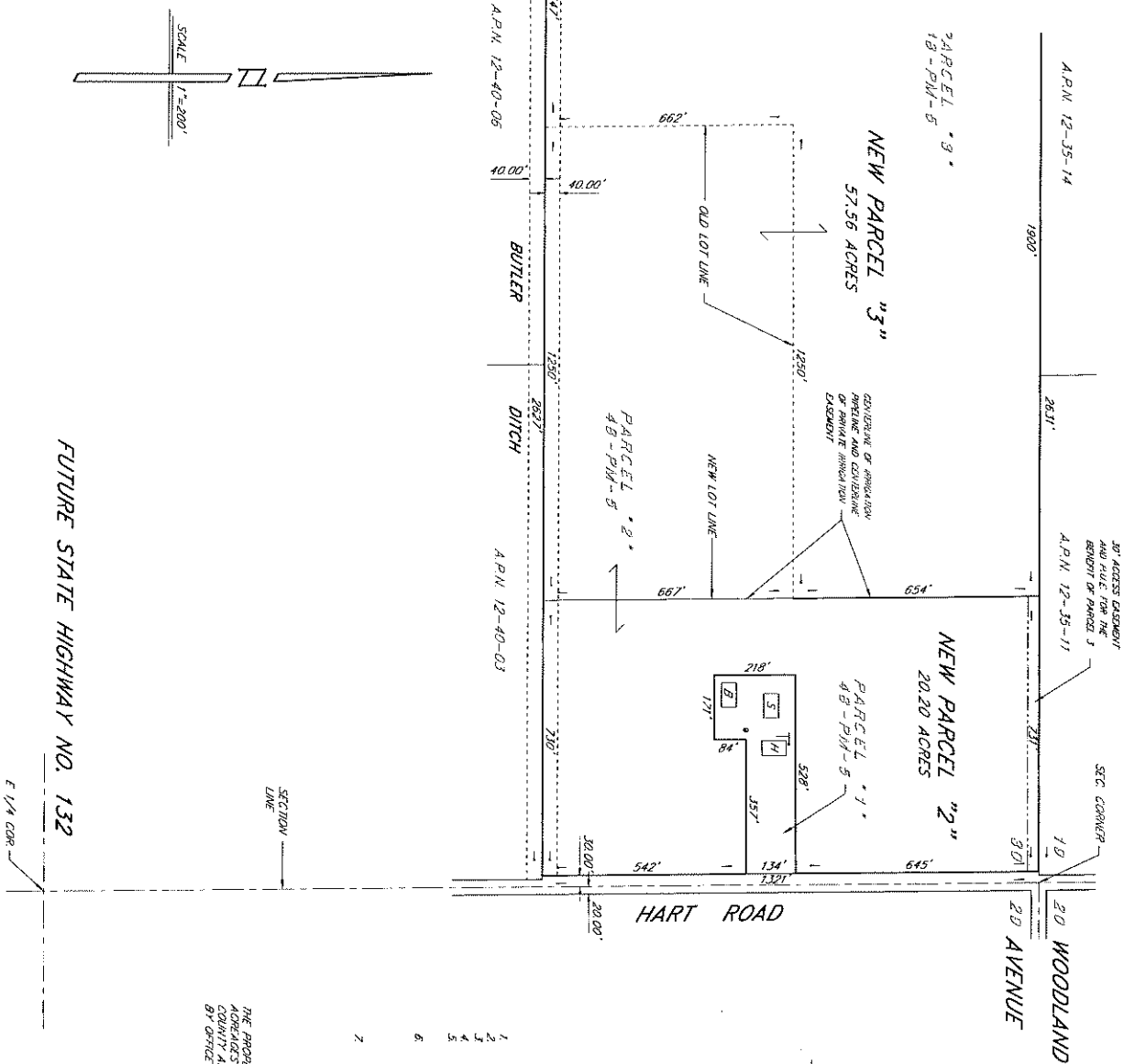
R.C.E.: 61618
L.S.: 7126

REVISIONS		
SYMB.	DATE	DESCRIPTION

File No.
SHEET
1
OF 1

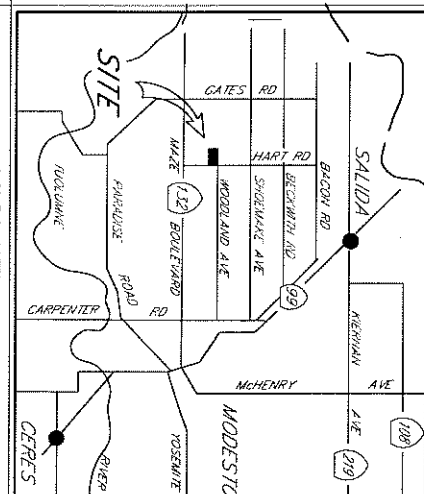
Lot Line Adjustment 2001-49

Boer



FUTURE STATE HIGHWAY NO. 132

SECTION LINE
E 1/4 COR.



OWNER:

LOUIS DOOR, INC.
1117 L STREET, SUITE 101
MODESTO, CA 95350
PHONE: (209) 523-7066

GENERAL NOTES:

1. ASSESSOR'S PARCEL NUMBER: 012-40-02
2. THIS MAP IS NOT LISTED AS A HAZARDOUS WASTE SITE.
3. THIS MAP IS TOGETHER WITH AN APPLICATION FOR A LOT LINE ADJUSTMENT.
4. UTILITIES:
 - (A) IRRIGATED DISTRICT - M.I.D.
 - (B) ELECTRICITY - M.I.D.
 - (C) TELEPHONE - PAC BELL
5. THE STANISLAUS COUNTY LAND USE CODE FOR 012-40-02 PROVIDES THAT THE SUBJECT PROPERTY IS UNDER A WILLIAMSON ACT CONTRACT.

NOTE:

THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS AND ANGLES SHOWN ON THIS MAP ARE APPROXIMATE, AND ARE TAKEN FROM OFFICE COUNTY ASSESSOR'S MAPS, OR BOTH, AND PERTAININGLY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY OF THIS SITE.

LEGEND:

- H EXISTING HOUSE
- S EXISTING SHOP
- B EXISTING BARN
- EXISTING WELL
- T EXISTING SEPTIC



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TENTATIVE LOT LINE ADJUSTMENT MAP

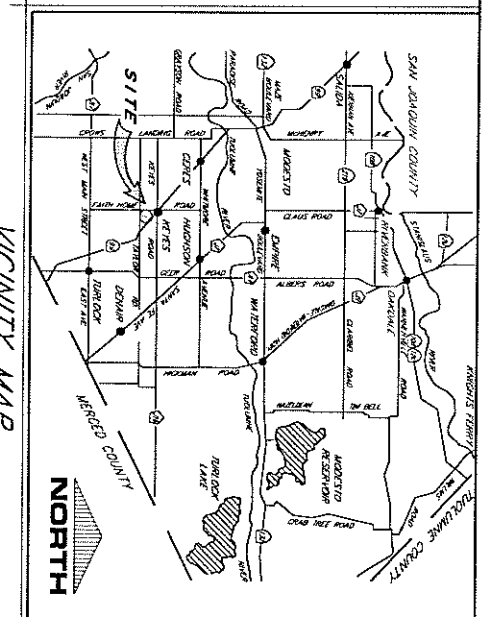
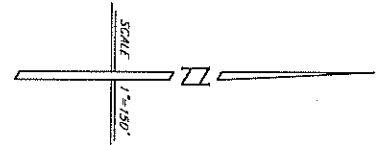
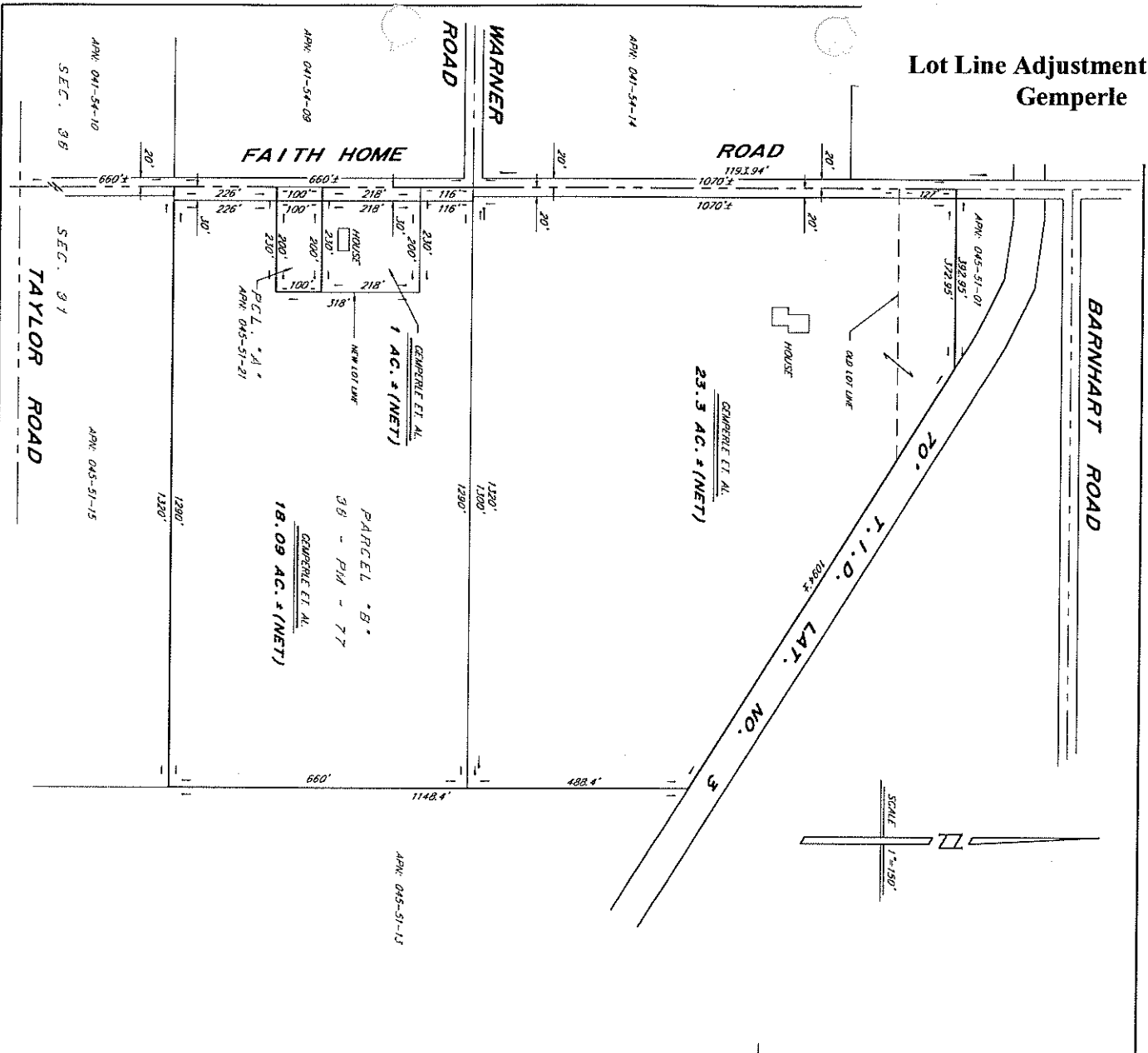
BEING A PORTION OF PARCELS 2 AND 3 AS SHOWN IN BOOK 48 OF PARCEL MAPS AT PAGE 5, S.C.R. AND LYING IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 30, T.3 S., R.8 E. M.D.B.&M. STANISLAUS COUNTY CALIFORNIA

Drawn	JMC
Date	7/10/01 10:43
Scale	1"=200'
Job No.	71-200K
Checked	
Dwg.	71700KLLA

RYAN D. CARREL DAVE SKIDMORE	R.C.E. 81619 L.S. 7126	File No.		
SYMB	DATE	REVISIONS	DESCRIPTION	APPRO.

SHEET
1.
OF
1.

Lot Line Adjustment 2001-58 Gemperle



OWNER'S
CHRISTINE K. GEMPERLE ET AL.
6818 FAITH HOME ROAD
CERES, CALIFORNIA 95307

GENERAL NOTES:

1. ASSESSOR'S PARCEL NUMBER: 045-51-22, 25 & 26
 2. PRIVATE WELL
 3. SEPTIC SYSTEM
 4. THIS PROPERTY IS NOT LISTED AS A HAZARDOUS WASTE SITE
 5. THIS MAP IS TO BE USED WITH AN APPLICATION FOR A LOT LINE ADJUSTMENT TO ADJUST EXISTING COMMON LOT LINE AROUND EXISTING HOUSE.
 6. UTILITIES:
 - (A) IRRIGATION SYSTEM - 110'
 - (B) ELECTRICITY - 110'
 - (C) TELEPHONE - PAC BELL
 - (D) GAS - P.G.A.C.
 7. THE STANISLAUS COUNTY LAND USE CODE FOR 045-51-22 DISTRICT THAT THE SUBJECT PROPERTY IS UNDER A WILDMANSON ACT CONTRACT. THE STANISLAUS COUNTY LAND USE CODE FOR 045-51-25 & 26 DISTRICT THAT THE SUBJECT PROPERTY IS NOT UNDER A WILDMANSON ACT CONTRACT. OWNER REQUESTS WILDMANSON ACT CONTRACT UPOON COMPLETION OF LOT LINE ADJUSTMENT.
- NOTE:**
THE PROPERTY LINE DISTANCES, BEARINGS AND ALL OTHER DIMENSIONS AND BEARINGS SHOWN ON THIS MAP ARE APPROXIMATE, AND ARE TAKEN FROM DEEDS, COUNTY ASSESSOR'S MAPS, OR BORN AND PARTIALLY FROM OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY OF THIS SITE.

mid-valley engineering
LAND PLANNING
ENGINEERING
&
SURVEYING
(209) 526-4214
FAX 526-0803
1117 L STREET MODESTO, CALIFORNIA, 95354

**TENTATIVE LOT LINE
ADJUSTMENT MAP**
BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 31,
TOWNSHIP 4 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN,
STANISLAUS COUNTY CALIFORNIA

Drawn <i>DLS</i>	RYAN D. GARREL	R.C.E. 61619	File No.
Date <i>12.11.01</i>	DAVE SKIDMORE	L.S. 7126	
Scale <i>1" = 150'</i>			SHEET
Job No. <i>72-015</i>			1
Checked			
Dwg. <i>015/1</i>			

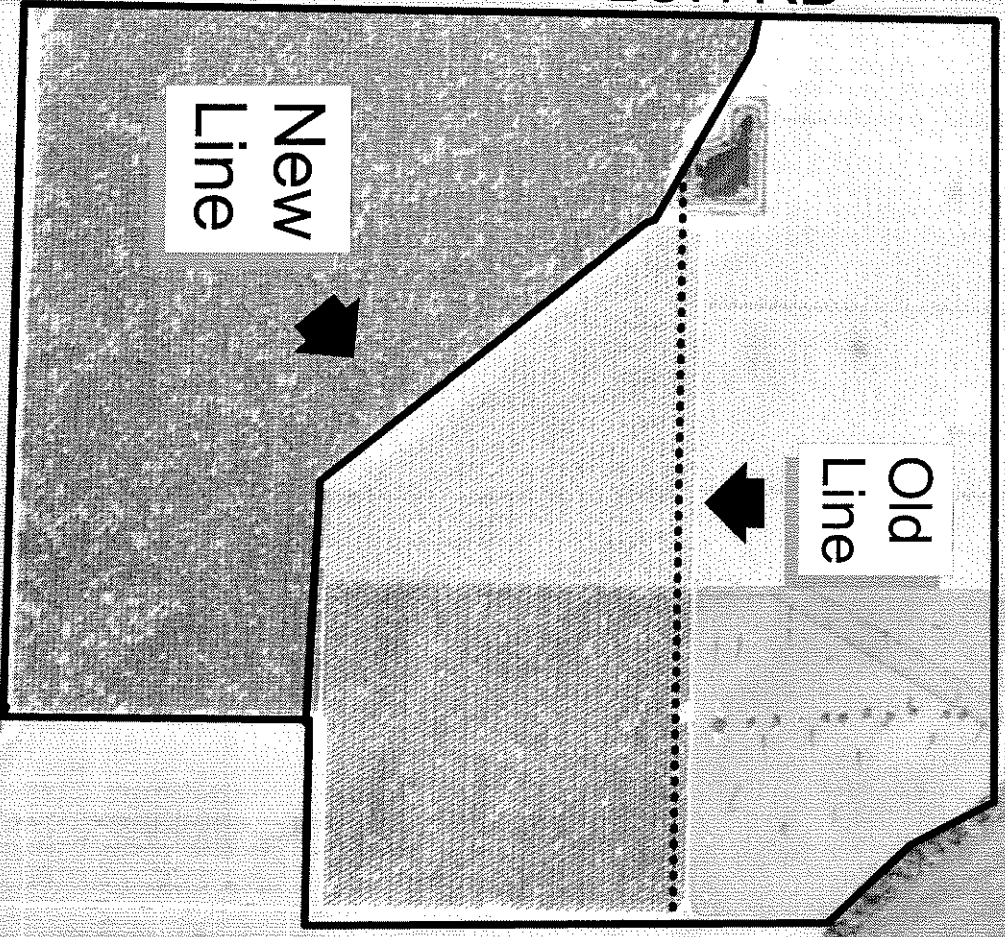
Lot Line Adjustment 2001-59
MAC Enterprises

OS RIOS LN

SHILOH RD

New
Line

Old
Line



Lot Line Adjustment #2001-59

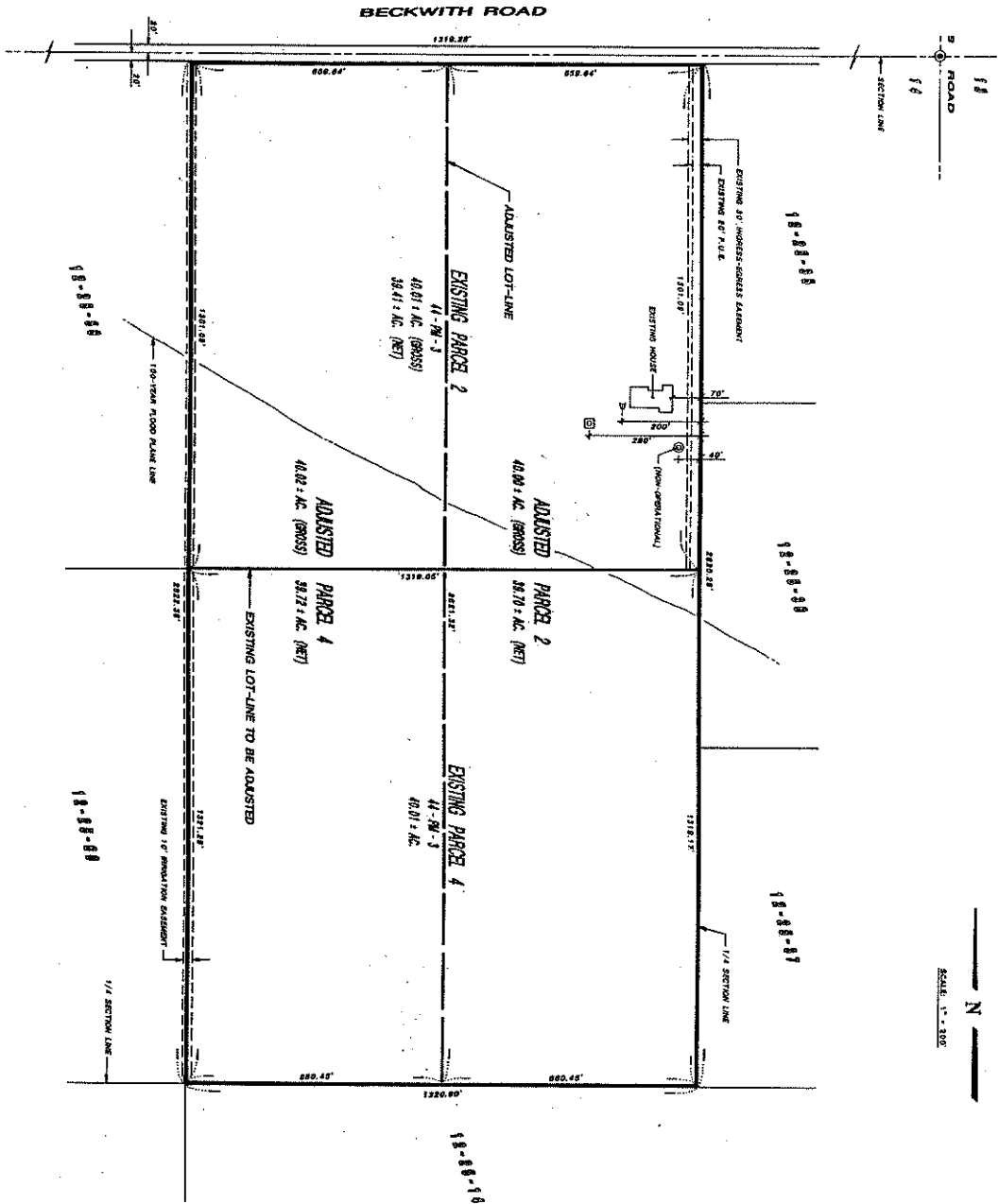


This map is for display purposes only.

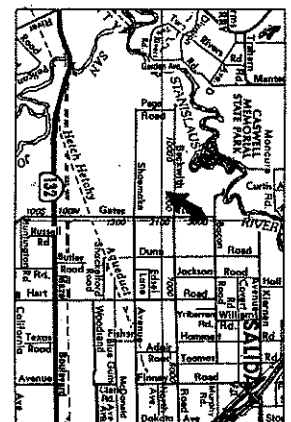
Map printed: 9/26/2001



Lot Line Adjustment 2001-63 Lyons Investments



N
SCALE: 1" = 200'



PROPERTY OWNER:
LYONS INVESTMENTS
10555 HAZE BLVD.
MODESTO, CA 95351
PHONE: (209) 522-1792

- GENERAL NOTES:**
- ASSESSOR'S PARCEL NO.: 12-25-59 & 12-25-81
 - SITE AREA: 80.02 ± GROSS ACRES (INCLUDES BECKWITH RD. FRONT/BACK); 78.42 ± NET ACRES
 - EXISTING GENERAL PLAN: AGRICULTURE
 - EXISTING ZONING: A-2-40
 - SEWAGE DISPOSAL: SEPTIC SYSTEM
 - WATER SUPPLY: PRIVATE WELL & M.L.D.
 - WATER TABLE DEPTH: 10' ± (VARIES)
 - SLOPE OF LAND: 0% - 2%
 - SOIL TYPES: DINUBA, FRESNO, GRANDDUELE, TRAVEN, AND WAKREHA
 - ALL EXISTING STRUCTURES SHOWN HEREON TO REMAIN IN PLACE

- LEGEND:**
- ⊙ SECTION CORNER
 - 6 3 SECTION NUMBER
 - EXISTING SEPTIC SYSTEM
 - ⊠ EXISTING DOMESTIC WELL
 - ⊙ EXISTING IRRIGATION PUMP
 - I EXISTING IRRIGATION LINE
 - DIRECTION OF IRRIGATION FLOW

BEING: AN ADJUSTMENT OF PARCEL 2 AND PARCEL 4, AS SHOWN IN BOOK 44 OF PARCEL MAPS AT PAGE 3, STAN. CO. RECORDS, LYING IN A PORTION OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN.

LOT-LINE ADJUSTMENT
STANISLAUS COUNTY, CA.

PLAN-TECH
920 THIRTEENTH STREET • SUITE # 4
MODESTO, CA 95354 • (209) 572-4206

SCALE: 1" = 200'
DATE: AUGUST, 2001
JOB NO.: L101.57
DRAWN BY: M.D.

SHEET NUMBER
1 OF 1

8 64
RECORDING REQUESTED BY
CHICAGO TITLE COMPANY
AND WHEN RECORDED MAIL TO

Stanislaus County Planning Dept

1010 Tenth Street - 3rd Floor
Modesto CA 95354



Stanislaus County Recorder
JOYCE GOUDIE Co Recorder Office
DOC- 2001-0132939-00

Acct 501-Chicago Title
Tuesday, NOV 06, 2001 08:00:00
Ttl Pd \$22.00 Nbr-0000828060
BHK/R1/1-6

Escrow No. 1733783 - BG
Order No. 1733783 - NF

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CALIFORNIA LAND CONSERVATION CONTRACT

CHICAGO TITLE
1733783-00

132939 NOV-6 01

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Additional recording fee applies)

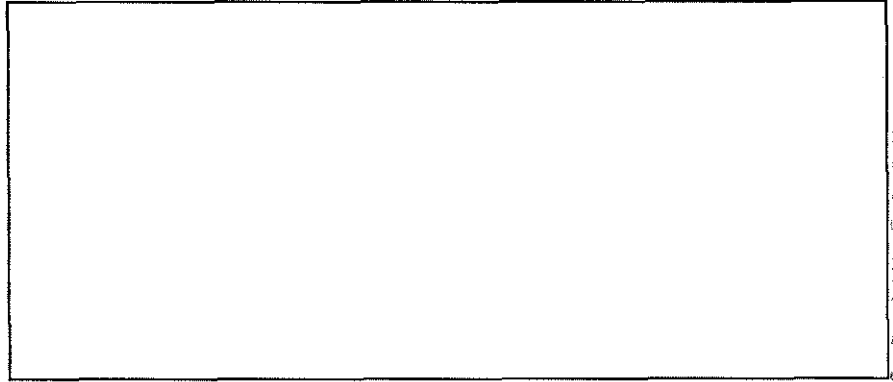
Handwritten marks

THIS SPACE FOR RECORDER ONLY

CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2002-4460

RECORDED AT REQUEST OF
STANISLAUS COUNTY BOARD OF
SUPERVISORS

WHEN RECORDED RETURN TO
STANISLAUS COUNTY PLANNING
DEPARTMENT



132939 NOV-6-01

THIS CALIFORNIA LAND
CONSERVATION CONTRACT is made

and entered into 11-1-01, 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:

The recitals and paragraphs 1 through 14, inclusive, of a certain Fictitious California Land
Conservation Contract, recorded on February 1, 1979, as Instrument Number 48604, Book 3151, Page 132,
in the Office of Recorder of the County of Stanislaus, State of California, are incorporated herein as if
specifically set forth.

- (15) 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: Tony M. Garcia
6455 Calif. ave Modesto
Ca. 95358

- (16) Owner desires to place the following parcels of real property under Contract:

ASSESSMENT NUMBER	CODE AREA	ACREAGE	SITUS ADDRESS
<u>017-49-01-817</u>	<u>054-009</u>	<u>119.22</u>	<u>NW 1/4, S19, T4S, R8E, MDB&M</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- (17) The effective date of this Contract shall be January 1, 2002.

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)
Tony M. Garcia	<i>Tony M. Garcia</i>	10-31-01	Modesto, ca
FATIMA M. GARCIA	<i>Fatima M. Garcia</i>	10-31-01	Modesto ca
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

132939 NOV-6 01

SECURITY HOLDERS:

NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
NONE	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

COUNTY: STANISLAUS

11-1-01
Dated

Phillip J. Iron PLANNER

Chairman, Board of Supervisors

X Phillip J. Iron

STATE OF CALIFORNIA)
) SS.
COUNTY OF STANISLAUS)

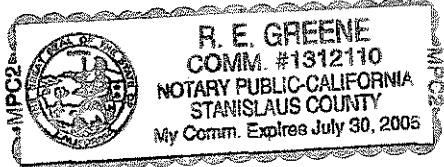
On OCT. 31, 2001 before me, R. E. GREENE

a Notary Public in and for said County and State, personally appeared _____
TONY M. GARCIA & FATIMA M. GARCIA

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

R. E. Greene
Signature of Notary



132939 NOV-6 01

Exhibit "A" - Legal Description

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

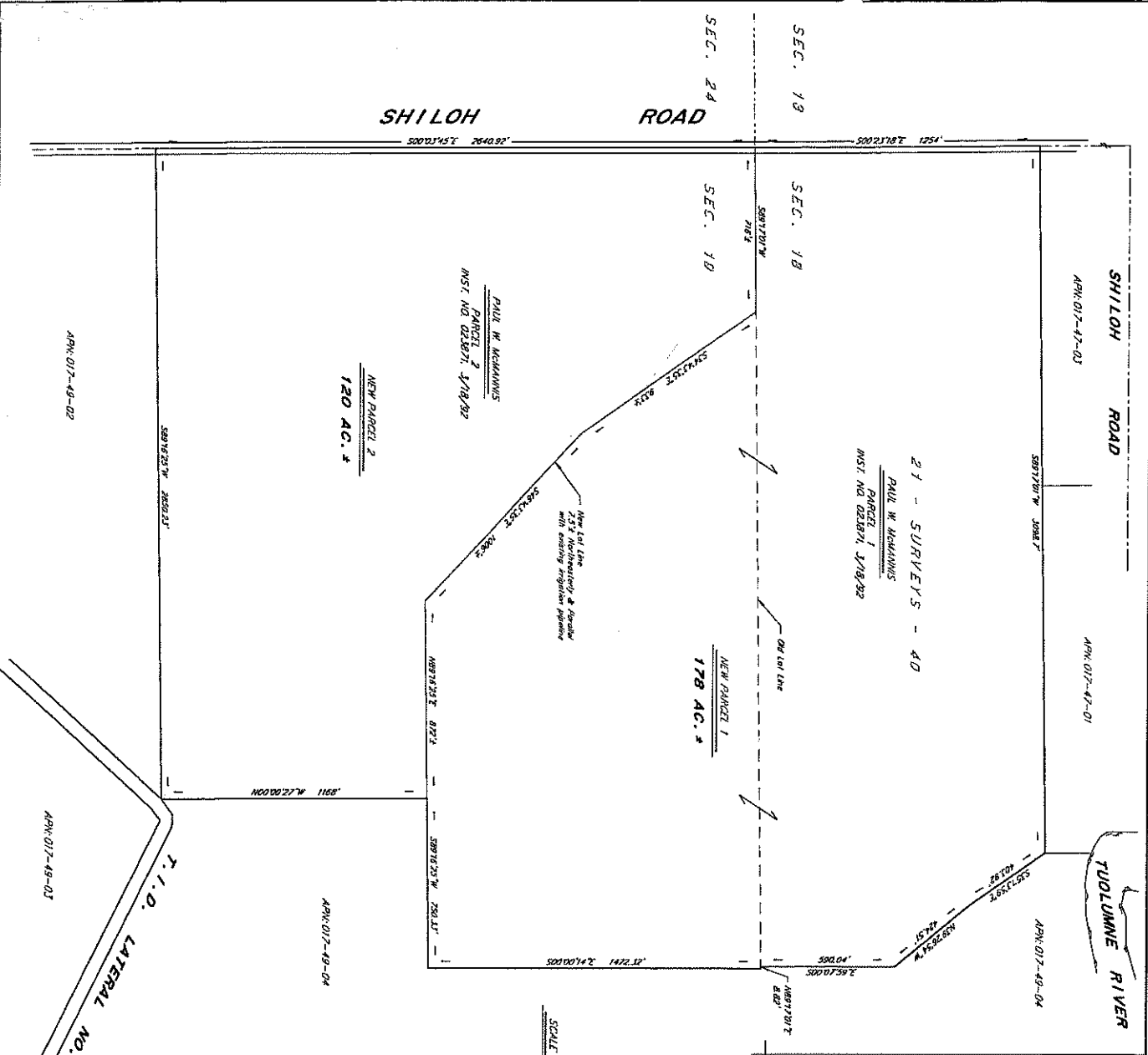
All that portion of the Northwest Quarter of Section 19, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, lying southerly of the following described line:

COMMENCING at the Northwest corner of said Section 19; thence North 89 degrees 16' 12" East along the North line of said Northwest Quarter of Section 19, a distance of 418.96 feet to the TRUE POINT OF BEGINNING of this description; thence leaving last said line and proceeding Southeasterly along a line which lies 10.00 feet Northeasterly of measured at right angles to and parallel with an irrigation pipeline, the following (5) courses: 1) South 57 degrees 57' 43" East, a distance of 46.04 feet; thence 2) South 72 degrees 20' 00" East, a distance of 361.98 feet; thence 3) South 38 degrees 55' 14" East, a distance of 430.31 feet; thence 4) South 39 degrees 06' 09" East, a distance of 670.70 feet; thence 5) South 38 degrees 59' 32" East, a distance of 598.85 feet; to a point which lies 7.50 feet Northerly of, measured at right angles to and parallel with said irrigation pipeline; thence North 89 degrees 06' 48" East, 7.50 feet Northerly of and parallel with said irrigation pipeline, a distance of 408.81 feet; thence continuing 7.50 feet Northerly of and parallel with said irrigation pipeline, South 89 degrees 59' 01" East, a distance of 570.91 feet to a point on the East line of said Northwest Quarter of Section 19 and terminus point of this line description.

EXCEPTING THEREFROM the oil, gas and other hydrocarbons and minerals therein and thereunder, together with the right of entry which may be necessary for the development, production and removal of all such substances and minerals as excepted and reserved in the Deed from Bank of America, National Trust and Savings Association, to G. Wend and Betty Wend, his wife, dated March 1, 1943 and recorded March 20, 1943 in Volume 765 of Official Records, at Page 579, as Instrument No. 4007.

132939 NOV-6 01

32939 NOV-6 01



SCALE
1"=300'

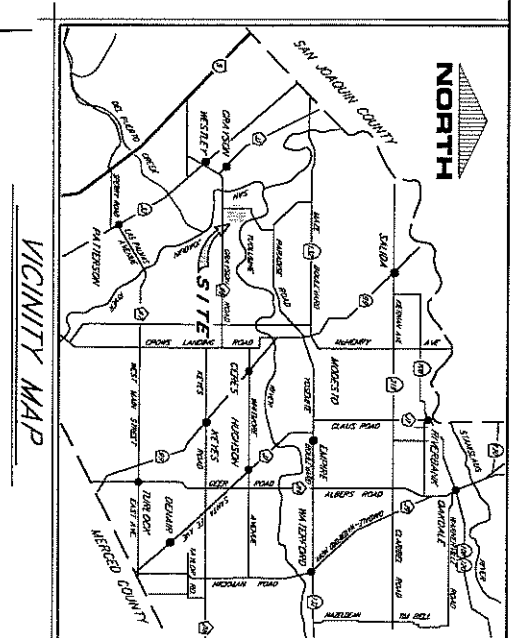
GENERAL NOTES:

1. ASSESSOR'S PARCEL NUMBER: 017-47-04 & 017-49-01
2. PRIVATE WELL
3. SEPTIC SYSTEM
4. THIS PROPERTY IS NOT LISTED AS A HAZARDOUS WASTE SITE. ADVICES SHOWN ON THIS MAP ARE APPROXIMATE, AND ARE TAKEN FROM DEEDS COUNTY ASSESSORS MAPS, OR FROM AIR AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY OF THIS SITE.
5. TO ADJUST EXISTING COMMON LOT LINE TO APPROXIMATELY 2.50" NORTHWESTERLY OF AND PARALLEL WITH THE EXISTING AIRCRAFT FUELLINE DIVISION ORCHARDS
6. UTILITIES:
 (A) CALIFORNIA DISTRICT - 11.0
 (B) ELECTRICITY - FLD
 (C) TELEPHONE - PUC BILL
7. THE STANISLAUS COUNTY LAND USE CODE FOR 017-47-04 & 017-49-01 DEPENDS THAT THE SUBJECT PROPERTIES ARE UNDER A WILKINSON ACT CONTRACT.

NOTE:

THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS AND ADVICES SHOWN ON THIS MAP ARE APPROXIMATE, AND ARE TAKEN FROM DEEDS COUNTY ASSESSORS MAPS, OR FROM AIR AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY OF THIS SITE.

OWNER'S
 M. A. C. ENTERPRISES, INC.
 6303 BROWN ROAD
 MODESTO, CALIFORNIA 95358



mid-valley engineering

1117 L STREET MODESTO, CALIFORNIA, 95354

LAND PLANNING ENGINEERING & SURVEYING

(209) 526-4214
FAX 526-0803

TENTATIVE LOT LINE ADJUSTMENT MAP

BEING A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 4 SOUTH, RANGE 8 EAST, MOUNT Diablo MERIDIAN, STANISLAUS COUNTY, CALIFORNIA


Drawn	DLB	RYAN D. CARREL DAVE SHIDMORE	R.C.E. 81619 L.S. 7128	File No.										
Date	8/20/01													
Scale	1"=300'													
Job No.	72-064													
Checked														
Dwg.	064tbl.dwg													
		<table border="1"> <thead> <tr> <th>Symb</th> <th>Date</th> <th>REVISIONS</th> <th>Descrption</th> <th>Appd.</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Symb	Date	REVISIONS	Descrption	Appd.						
Symb	Date	REVISIONS	Descrption	Appd.										

THIS SPACE FOR RECORDER ONLY

CALIFORNIA LAND CONSERVATION
CONTRACT NO. 4465-2002

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- 2001-0146195-00
Thursday, DEC 06, 2001 13:30:33
Ttl Pd \$0.00 Nbr-0000845586
OWP/R1/1-25

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:

The recitals and paragraphs 1 through 14, inclusive, of a certain Fictitious California Land Conservation Contract, recorded on February 1, 1979, as Instrument Number 48604, Book 3151, Page 132, in the Office of Recorder of the County of Stanislaus, State of California, are incorporated herein as if specifically set forth.

(15) 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: _____

(16) Owner desires to place the following parcels of real property under Contract:

ASSESSMENT NUMBER	CODE AREA	ACREAGE	SITUS ADDRESS
<u>018-55-13</u>	<u>67-02</u>	<u>54.84±</u>	<u>3424 GEAR RD HUBBARD 95326</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

146195 DEC-6 01

(17) The effective date of this Contract shall be January 1, 20 02.

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)
<u>Tamara L. Fraser</u>	<u>Tamara L. Fraser</u>	<u>11-16-01</u>	<u>Hughson CA</u>
<u>Keith A. Fraser</u>	<u>Keith A. Fraser</u>	<u>11-16-01</u>	<u>Hughson, Ca.</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

COUNTY:

Dated

by: *Ron E. ...*
FOR: _____
Chairman, Board of Supervisors

11-16-01 9:50 AM

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

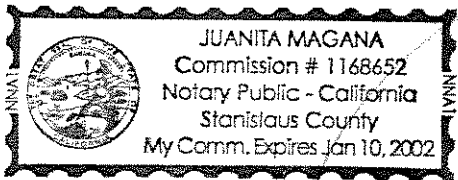
State of Ca

County of Stanislaus

On November 16, 2001 before me, "Juanita Magana, Notary Public"
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Keith A. and Tamara L. Fraser,
Name(s) of Signer(s)

personally known to me - **OR** - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Handwritten Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

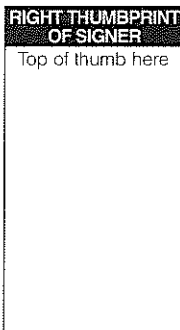
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

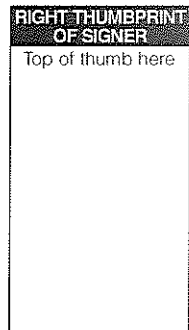
- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

146195 DEC-6 01

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.

The following are the only buildings and uses on the subject property. (List all structures, such as houses, barns, mobile homes, billboards, etc. Also list all agricultural uses such as trees, row crops, pasture, etc., and businesses or commercial uses such as huller, repair shops, home occupations, store, etc.)

I declare under penalty of perjury that the foregoing is true and correct and this application was executed on 11-19, 2001, at Modesto, California.

Keith A. Fraser
Signature of Applicant
(Any owner or designated agent)

(Application must be sworn to and signed before a notary if executed outside California.)

146195 DEC-6 01

**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.

116195 DEC-6 01

- (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

146195 DEC-6 01

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. Eligibility. 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,

146195 DEC-6-01

4. 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).

116195 DEC-6 01

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.

1. 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.

146195 DEC-6 01

- 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.
- b. 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 fur-bearing 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,
 - l. Circuses, carnivals, outdoor festivals, rallies, revivals, concerts, open-air churches, and similar uses provided that they do not last for more than seven days,
 - m. 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;
 - 3. 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.

116195 DEC-6 01

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;
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

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

11-16-19 9:55 DEC-6 01

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

1. 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:
 - 1. 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.
 - 2. 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.

146195 DEC-6 01

- 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

146195 DEC-6 01

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

146195 DEC-5 01

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.

146195 DEC-6 01

- (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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November 12, 2001
Job No. 72028

EXHIBIT "A"
LEGAL DESCRIPTION
(FRASER - WILLIAMSON ACT PARCEL)

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

PARCEL "A" as shown on that Map filed in the Office of the Recorder of the County of Stanislaus on May 30, 1985 in Book 36 of Parcel Maps at Page 77.


TOGETHER WITH PARCEL "A" as shown on that Map filed in the Office of the Recorder of the County of Stanislaus on June 20, 1996 in Book 47 of Parcel Maps at Page 78.

EXCEPTING THEREFROM the South 297.00 feet of the West 370.00 feet of Parcel "A" of said Book 47 of Parcel Maps at Page 78 (said West 370.00 feet being measured at right angles to and parallel with the Easterly right-of-way line of Geer Road as depicted on last said Map.)

Containing 54.8 acres more or less.

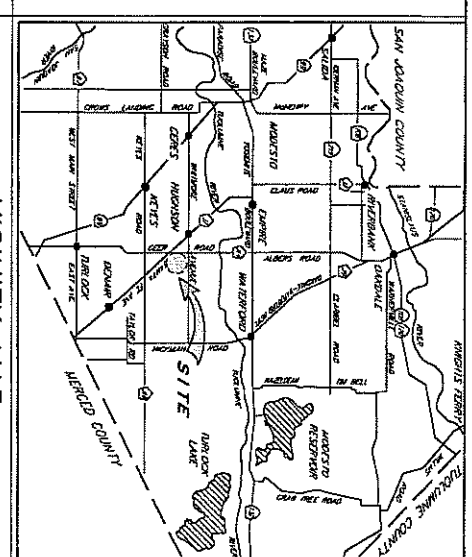
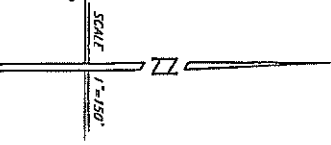
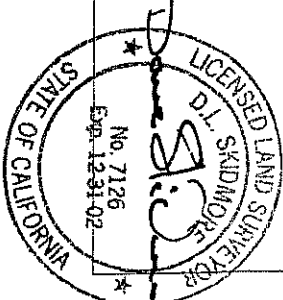
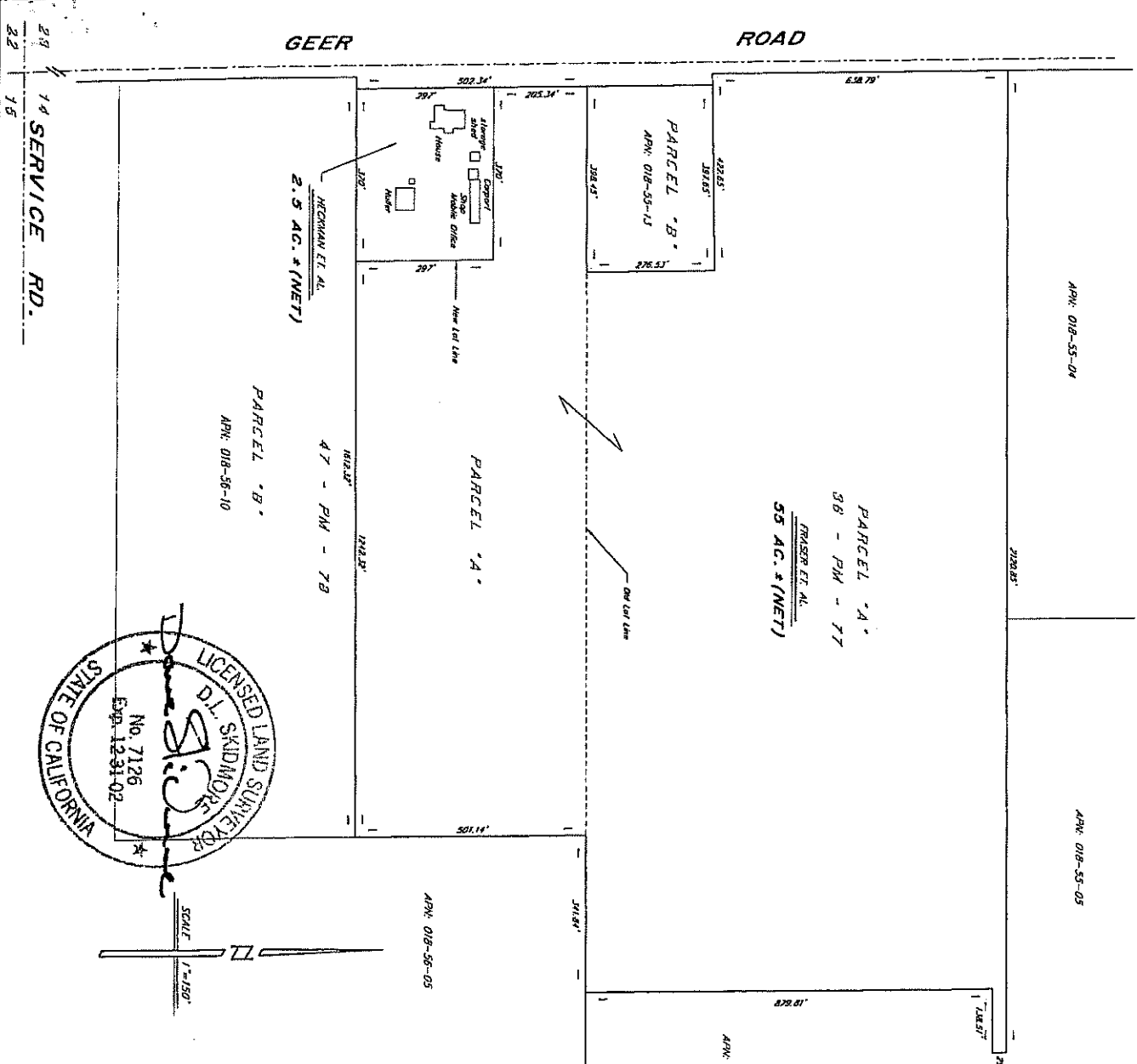
SUBJECT TO all easements and/or rights-of-way of record.




Dave L. Skidmore, L.S. 7126
License Expires 12/31/02
11/12/01

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OWNER'S
 KEITH AND TALLIA FRASER RANDALL AND PATRICIA HECKMAN
 1225 GEER ROAD 1225 GEER ROAD
 HUDSON, CALIFORNIA 95128 HUDSON, CALIFORNIA 95128

GENERAL NOTES:

1. ASSessor's PARCEL NUMBER: 018-55-12 & 018-56-09
2. PRIVATE WELL
3. SPRING SYSTEM
4. THIS PROPERTY IS NOT LISTED AS A HAZARDOUS WASTE SITE. THIS MAP IS TOGETHER WITH AN APPLICATION FOR A LOT LINE ADJUSTMENT TO ADJUST EXISTING COMMON LOT LINE AND CREATE A 55 ACRE TRACT AND THIS APPLICATION SHALL NOT REDUCE THE EXISTING CONTRACT BY MORE THAN 10% DIMINISH.
5. (a) PROPOSITION DISTRICT - 1110
 (b) COUNTY - CALIFORNIA
 (c) TELEPHONE - PAC BEL
 (d) GAS - P.G.A.E.
6. THE STANISLAUS COUNTY LAND USE CODE (018-55-12 & 018-56-09) PRECISELY THAT THE SUBJECT PROPERTY IS UNDER A WILKINSON ACT CONTRACT.

NOTE:

THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS AND ANGLES SHOWN ON THIS MAP ARE APPROXIMATE AND ARE TAKEN FROM DEEDS COUNTY ASSESSORS MAPS OR BOTH AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY OF THIS SITE.

	LAND PLANNING ENGINEERING & SURVEYING	TENTATIVE LOT LINE ADJUSTMENT MAP	Drawn <i>DLS</i> Date <i>22 JUN 01</i> Scale <i>1"=150'</i> Job No. <i>77-028</i> Checked Dwg. <i>028(n)</i>	RYAN O. CARREL DAVE SKIDMORE R.C.E. 61819 L.S. 7128	SHEET 1 OF 1
	(209) 526-4214 FAX 526-0803	BEING A PORTION OF THE WEST HALF OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 10 EAST, MOUNT Diablo MERIDIAN, STANISLAUS COUNTY CALIFORNIA			

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

DEPT: Planning & Community Development
Urgent _____ Routine X
CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

BOARD AGENDA # *D-3
AGENDA DATE: October 30, 2001
4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL TO RESCIND PORTIONS OF 18 WILLIAMSON ACT CONTRACTS AND APPROVE NEW CONTRACTS PURSUANT TO MINOR LOT LINE ADJUSTMENT APPLICATIONS 96-46, 2001-10, 17, 19, 20, 23, 24, 32, 34, 35, 38, 42, 44, 49, 58, 59, AND 63, AND AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE THE NEW CONTRACTS

STAFF RECOMMENDATION:

STAFF RECOMMENDS APPROVAL. SHOULD THE BOARD OPT FOR APPROVAL, THE FOLLOWING FINDINGS MUST BE MADE:

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.

(Continued on Page 2)

FISCAL IMPACT:

Additional property tax will accrue from the portions removed from Williamson Act contracts and property tax revenue will decrease from the portions added into Williamson Act contracts (Net 25.1 acre gain of lands covered under contracts).

BOARD ACTION AS FOLLOWS:

No. 2001-837

On motion of Supervisor Blom, Seconded by Supervisor Mayfield
and approved by the following vote,
Ayes: Supervisors: Mayfield, Blom, Simon, and Chair Paul
Noes: Supervisors: None
Excused or Absent: Supervisors: Caruso
Abstaining: Supervisor: None

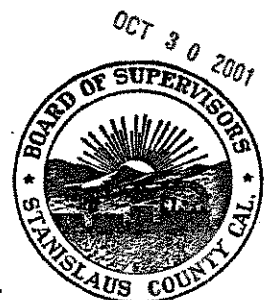
- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended

MOTION:

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

CHRISTINE FERRARO TALLMAN
Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By: [Signature]



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Deputy

File No.

146795 DEC-5 01

**FINDINGS STATEMENT
HECKMAN / FRASER LOT LINE ADJUSTMENT
APPLICATION NO. 2001-44**

Pursuant to California Government Code Section 51257 (a) to facilitate a lot line adjustment in accordance with Subdivision 66412 of the California Subdivision Map Act, and notwithstanding any other provision of this chapter, the parties which are currently under contract pursuant to the California Land Conservation Act (Williamson Act) 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 contracts will enforceably restrict the adjusted boundaries of the new parcels for an initial term of at least as long as the unexpired term of the rescinded contract, but not less than 10 years.
2. There is no net decrease in the amount of acreage restricted by the contract as long as all property encumbered and involved in lot line adjustment remain in the contract as general agricultural use - orchard (large parcel) huller facility (small parcel).
3. There will be no change in the acreage of land within the existing contracts.
4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.
5. The lot line adjustment will not compromise the long term agricultural productivity of the parcel or other agricultural lands subject to a contract.
6. This lot line adjustment is not likely to result in the removal of adjacent lands from agricultural use.
7. This lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment. Stanislaus County General Plan Designation is general agriculture.

146195 DEC-5 01

CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2002-4447

RECORDED AT REQUEST OF
STANISLAUS COUNTY BOARD OF
SUPERVISORS

WHEN RECORDED RETURN TO
STANISLAUS COUNTY PLANNING
DEPARTMENT

THIS SPACE FOR RECORDER ONLY



Stanislaus, County Recorder
JOYCE GOUDIE Co Recorder Office
DOC- 2001-0146219-00

Thursday, DEC 06, 2001 13:35:23
Ttl Pd \$0.00 Nbr-0000845612
OWP/R1/1-22

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:

The recitals and paragraphs 1 through 14, inclusive, of a certain Fictitious California Land
Conservation Contract, recorded on February 1, 1979, as Instrument Number 48604, Book 3151, Page 132,
in the Office of Recorder of the County of Stanislaus, State of California, are incorporated herein as if
specifically set forth.

(15) 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: Richard L. Mendoza
10537 Crackerbox Rd.
Oakdale CA 95361

(16) Owner desires to place the following parcels of real property under Contract:

ASSESSMENT NUMBER	CODE AREA	ACREAGE	SITUS ADDRESS
<u>006-04-94</u>	<u> </u>	<u>27</u>	<u>10537 CRACKERBOX RD.</u> <u>OAKDALE CA. 95361</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>	<u> </u>

146219 DEC-5 01

(17) The effective date of this Contract shall be January 1, 2002.

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)

x Richard L. Mendoza

x *Richard L. Mendoza*

6-5-01

Oakdale

SECURITY HOLDERS:

NAME
(print or type)

SIGNATURE
(all to be notarized)

DATE

SIGNED AT
(city)

COUNTY:

10/30/01

Dated

Ron Fite FOR THE
BY RESOLUTION

Chairman, Board of Supervisors

146219 DEC-5 01

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

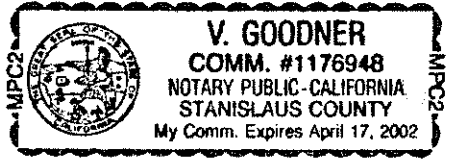
STATE OF CALIFORNIA
COUNTY OF STANISLAUS

)SS
)

On JUNE 5, 2001 before me, V. GOODNER personally appeared RICHARD L. MENDOZA , personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature *V. Goodner*



146219 DEC-5 01

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

DEPT: Planning & Community Development
Urgent _____ Routine X
CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

BOARD AGENDA # _____ *D-3
AGENDA DATE: October 30, 2001
4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL TO RESCIND PORTIONS OF 18 WILLIAMSON ACT CONTRACTS AND APPROVE NEW CONTRACTS PURSUANT TO MINOR LOT LINE ADJUSTMENT APPLICATIONS 96-46, 2001-10, 17, 19, 20, 23, 24, 32, 34, 35, 38, 42, 44, 49, 58, 59, AND 63, AND AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE THE NEW CONTRACTS

STAFF RECOMMENDATION:

STAFF RECOMMENDS APPROVAL. SHOULD THE BOARD OPT FOR APPROVAL, THE FOLLOWING FINDINGS MUST BE MADE:

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.

(Continued on Page 2)

FISCAL IMPACT:

Additional property tax will accrue from the portions removed from Williamson Act contracts and property tax revenue will decrease from the portions added into Williamson Act contracts (Net 25.1 acre gain of lands covered under contracts).

BOARD ACTION AS FOLLOWS:

No. 2001-837

On motion of Supervisor Blom, Seconded by Supervisor Mayfield
and approved by the following vote,
Ayes: Supervisors: Mayfield, Blom, Simon, and Chair Paul
Noes: Supervisors: None
Excused or Absent: Supervisors: Caruso
Abstaining: Supervisor: None

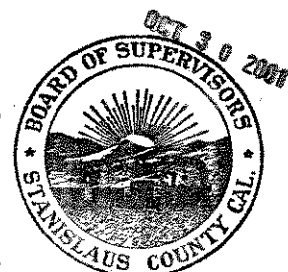
- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended

MOTION:

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

CHRISTINE FERRARO TALLMAN
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By: Suzi Suber



146219 DEC-5 01

**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.

146219 DEC-8 01

- (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

146219 DEC-6 01

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. Eligibility. 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.

146219 DEC-5 01

- 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,

4. 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.
1. 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.

146219 DEC-6 01

- 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.
- b. 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

116219020-6 01

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 fur-bearing 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,

116219 DEC-6 01

- 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,
- l. Circuses, carnivals, outdoor festivals, rallies, revivals, concerts, open-air churches, and similar uses provided that they do not last for more than seven days,
- m. 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;
3. 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;
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

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

146219 DEC-6 01

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

1. 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.

116219 DEC-6 01

- 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.

146219 DEC-01

- 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:
 - 1. 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.
 - 2. 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.

146219 DEC-6 01

- 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

146219 DEC-5 01

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

146219 DEC-6 01

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.

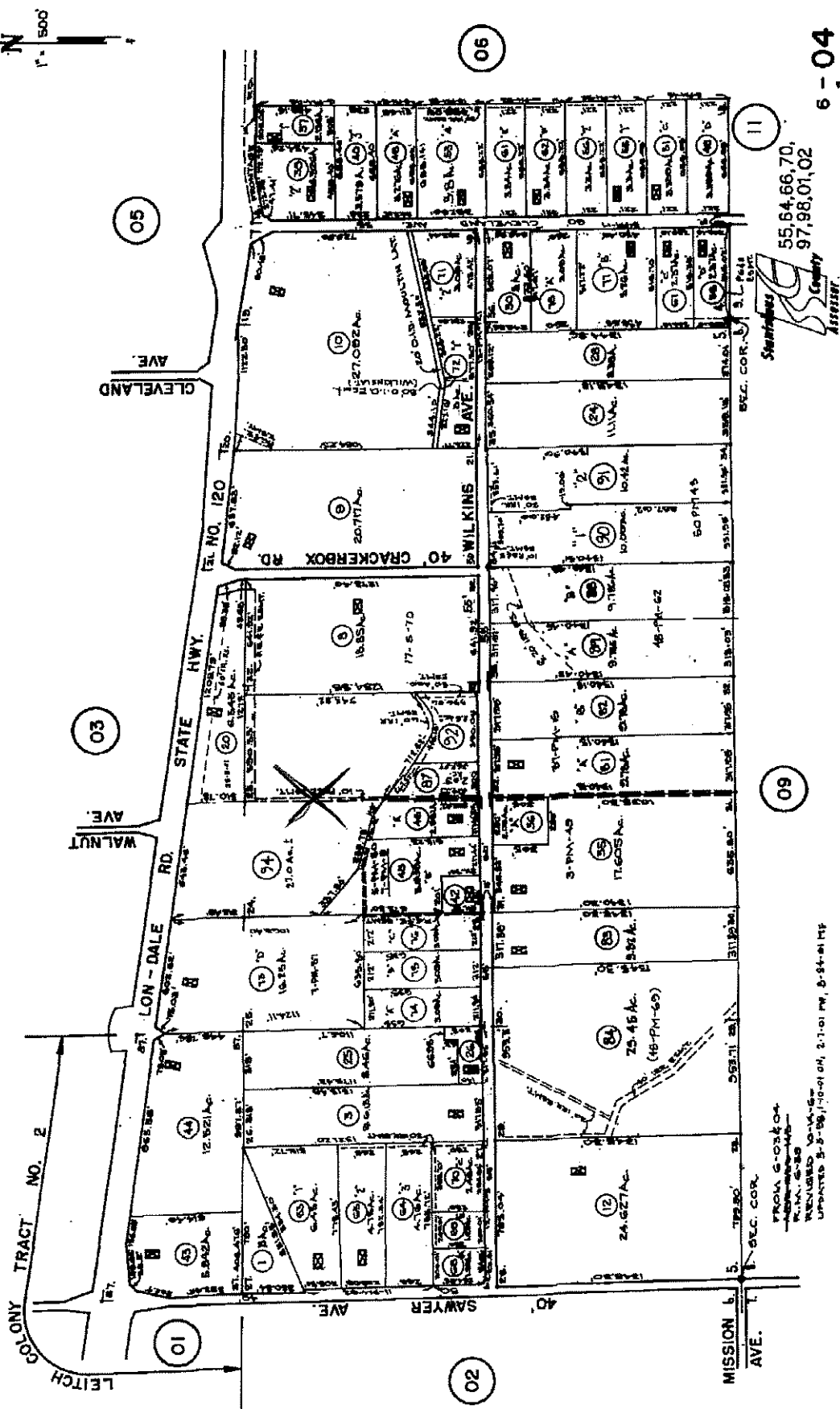
The parties to the contract agree that the benefits to be derived herefrom will be lost by excessive division of the land subject hereto; accordingly, it is further agreed that owner shall not, without the written approval of county, take any action by sale or other transfer which will create a parcel 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.

PORTION SECTIONS 4 & 5 T.2.S.R.10.E. M.D.B. & M.
ALL WESTERN PORTION OF RODDEN BROS. COL. TR.
PORTION LEITCH COL. TR. NO. 2 - LOT 87

THIS MAP FOR
ASSESSMENT PURPOSES ONLY



FROM 5-03-04
RECORDED
RECORDED
UPDATED 5-5-06/10-01 ON 2-7-01 PW 5-54-01115

Stark County
Assessor
55,64,66,70,
97,98,01,02

146219 DEC-6 01

26

CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2003-4468

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- 2001-0144044-00

Acct 501-Chicago Title
Monday, DEC 03, 2001 08:00:00
Ttl Pd \$79.00 Nbr-0000842912
BHK/R3/1-25

THIS CALIFORNIA LAND
CONSERVATION CONTRACT is made *and notice of rescission*
and entered into NOV 29, 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:

The recitals and paragraphs 1 through 14, inclusive, of a certain Fictitious California Land
Conservation Contract, recorded on February 1, 1979, as Instrument Number 48604, Book 3151, Page 132,
in the Office of Recorder of the County of Stanislaus, State of California, are incorporated herein as if
specifically set forth. *Exhibits A-1 and B-1 are also incorporated herein as
if specifically set forth.*

(15) 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: Timothy A. Byrd
3619 Shoemaker Ave.
Modesto, CA 95358

(16) Owner desires to place the following parcels of real property under Contract:

ASSESSMENT NUMBER	CODE AREA	ACREAGE	SITUS ADDRESS
<u>05-36-51</u>	<u>64002</u>	<u>20.06</u>	<u>3619 Shoemaker Ave, Modesto, CA 95358</u>

(17) Pursuant to Stanislaus County Board of Supervisors Resolutions
2001-837 and 2001-862, as authorized by Govt. Code § 51257, California Land
Conservation Contract 76-2054 which encumbered the parcel described in Ex. A-1
is rescinded and this contract which encumbers the newly configured
parcel described in Exhibit B-1 is entered into.

(18) The effective date of this Contract shall be January 1, 20
DATE OF RECORDATION.

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

144044 DEC-3 01

Handwritten initials/signature

OWNER(S) NAME
(print or type)

SIGNATURE
(all to be notarized)

DATE

SIGNED AT
(city)

Suzanne Byrd	<i>[Signature]</i>	11/27/01	Modesto
Timothy A. Byrd	<i>[Signature]</i>	11/27/01	Modesto

SECURITY HOLDERS:

NAME
(print or type)

SIGNATURE
(all to be notarized)

DATE

SIGNED AT
(city)

Robert S. Porcella	<i>[Signature]</i>	11/27/01	Modesto
Yvonne B. Porcella	<i>[Signature]</i>	11/27/01	Modesto

COUNTY:

11/29/01

Dated

[Signature]

Chairman, Board of Supervisors

PURSUANT TO BOARD
RESOLUTIONS 2001-837 AND
2001-862

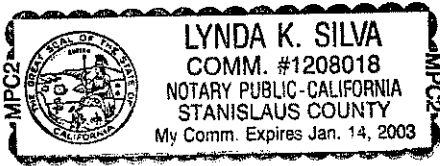
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Stanislaus } ss.

On Mon 27, 2001, before me, Lynda K Silva, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Timothy A. Byrd & Suzanne Porcelle Byrd,
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Lynda K Silva
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

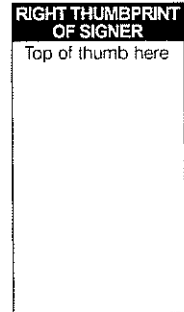
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



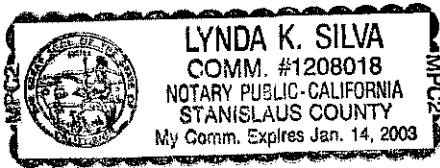
1440411 DEC-3 01

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
 County of Stanislaus } ss.

On Nov. 27, 2001, before me, Lynda K. Silva, Notary Public,
Date/ Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared Robert S. Porcella + Yvonne B. Porcella,
Name(s) of Signer(s)

- personally known to me
 proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Lynda K. Silva
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

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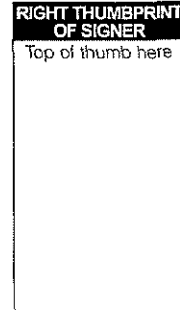
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



144044 DEC-3 01

**UNIFORM RULES
STANISLAUS COUNTY
AGRICULTURE PRESERVE
7-13-73**

The County of Stanislaus and landowners within the Agricultural Preserve may enter into contracts under the provisions of the California Land Conservation Act of 1965, subject to the following procedures:

1. Landowners shall file all applications for contracts with the Stanislaus County Planning Department, upon approved forms provided by the County, obtainable from the Planning Department.
2. Only one application will be required for all eligible land in the County, which is under identical ownership. However, the landowners may submit separate applications for separate whole parcels or combinations thereof.
3. Each application shall be accompanied by an **EIGHTY-FIVE DOLLAR (\$85.00) NON-REFUNDABLE** filing fee.
4. Each application shall be signed by all owners of any interest in the property and all holders of security interest in the property.
5. Only whole parcels, as shown on the official Stanislaus County records, will be eligible for inclusion under contracts.
6. Only parcels containing **ten (10) acres (gross)** or more shall be eligible for contracts.
7. The initial date and renewal date for all contracts shall be January 1.
8. All applications for contracts shall be submitted prior to November 1 of the year preceding the year in which the landowner desires to effectuate the contract. If the application is not in proper form and is, therefore, not approved until after the lien date in any year, the contract shall be effective as of January 1st of the succeeding year.
9. All contracts, cancellations of contracts, notices of nonrenewal of contracts, and County resolutions of termination shall be recorded by the County.

Amended May 31, 1977
Amended October 7, 1974
Amended October 24, 1979
Amended September 22, 1987
Amended February 19, 1990

**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 _____, 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

144044 DEC-3 01

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 (See Exhibit A). 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.
- (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

114044 DEC-3 01

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

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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.

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(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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Attachment: Exhibit A: Chapter 21.20, Stanislaus County Code, General (Agriculture District (A-2))

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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).

144044 DEC-3 01

- 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. Eligibility. 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.

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- 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,
 4. 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;

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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.
 1. 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

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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.
 - b. 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

144044 DEC-3 01

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 fur-bearing 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,

14044 DEC-9 01

- l. Circuses, carnivals, outdoor festivals, rallies, revivals, concerts, open-air churches, and similar uses provided that they do not last for more than seven days,
- m. 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;
- 3. 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;
- 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

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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:
 1. 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

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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).

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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).

144044 DEC-3 01

21.20.070 YARDS

Yards required in A-2 districts:

A. Front yards:

1. 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.
2. 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).

144044 DEC-3 01

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

DEPT: Planning & Community Development

BOARD AGENDA # *D-1

Urgent _____ Routine X

AGENDA DATE: November 6, 2001

CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL TO RESCIND WILLIAMSON ACT CONTRACTS 76-2054 AND 78-3141 AND APPROVE NEW CONTRACTS - PURSUANT TO MINOR LOT LINE ADJUSTMENT 96-46 AND AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE A NEW CONTRACT

STAFF RECOMMENDATION:

STAFF RECOMMENDS APPROVAL. SHOULD THE BOARD OPT FOR APPROVAL, THE FOLLOWING FINDINGS MUST BE MADE:

- 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.

(Continued on Page 2)

FISCAL IMPACT:

None.

BOARD ACTION AS FOLLOWS:

No. 2001-862

On motion of Supervisor Blom, Seconded by Supervisor Caruso

and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

MOTION:

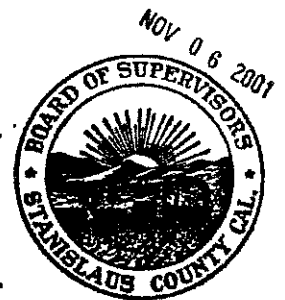
I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

CHRISTINE FERRARO TALLMAN

Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By [Signature]

Christine Ferraro



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Deputy

File No.

144044 DEC-3 01



A Professional Corporation

900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

November 16, 1993

Job No. 70-573

LEGAL DESCRIPTION

EXHIBIT "A-1"

ALL that certain real property situate in the southwest quarter of Section 14, T.3S., R.8E., M.D.B. & M, County of Stanislaus, State of California. described as follows:

The West half of Lot 16 of the WOOD TRACT, as per Map filed October 11, 1904 in Volume 2 of Maps, Page 5, Stanislaus County Records.

EXCEPTING THEREFROM the West 150 feet of the South 250 feet.

Mid-Valley Engineering, Inc.
Jimmy G. Bateman
License Expires: 9/30/95
Date: _____



144044 DEC-3 01

June 6, 2001
72-016

EXHIBIT "B-1"
(Byrd Parcel After Lot Line Adjustment)

ALL that certain real property being a portion of the Southwest quarter of Section 14, Township 3 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

The West half of Lot 16 of the WOOD TRACT, as per Map thereof recorded October 11, 1904 in Book 2, of Maps, Page 5, Stanislaus County Records.

TOGETHER WITH ALL that portion of Lot 15 of the above Wood Tract, described as follows:

BEGINNING at the Southeast corner of Lot 15 of the WOOD TRACT as per Official Map filed October 11, 1904 in Volume 2 of Maps, Page 5, Stanislaus County Records; thence South 88° 48' 14" West along the Southerly line of said Lot 15 a distance of 80.00 feet; thence North 00° 51' 55" West, parallel to the Easterly line of said Lot 15 a distance of 1320.40 feet to the Northerly line of said Lot 15; thence North 88° 42' 58" East along said Northerly line, a distance of 80.00 feet to the Northeast Corner of said Lot 15; thence South 00° 51' 55" East along the Easterly line of Lot 15, a distance of 1320.52 feet to the POINT OF BEGINNING.

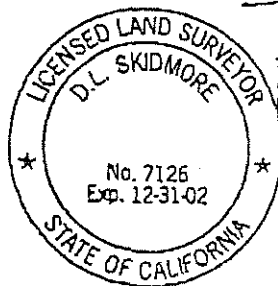
EXCEPTING THEREFROM the West 150 feet of the South 269 feet of Lot 16 of said Wood Tract.

ALSO EXCEPTING THEREFROM that portion of Parcel 1 of that certain Parcel Map filed for record in Book 46 of Parcel Maps at Page 77, Stanislaus County Records, described as follows:

COMMENCING at the Southwest Corner of Lot 16; thence North 88° 48' 14" East, along the South line of said Lot 16 and the centerline of Shoemake Avenue, a distance of 270.78 feet to the TRUE POINT OF BEGINNING; thence North 00° 51' 55" West, parallel to the Westerly line of said Parcel 1, a distance of 226.00 feet; thence North 88° 48' 14" East, parallel to the Northerly line of said Parcel 1, a distance of 235.00 feet to the Westerly line of said Parcel; thence South 00° 51' 55" East along said Easterly line, a distance 226.00 feet to the South line of the above said Lot 16 and centerline of said road; thence South 88° 48' 14" West along the Southerly line of said Lot 16, and said centerline, a distance of 235.00 feet, to the POINT OF BEGINNING.

SUBJECT TO all easements and/or rights-of-way of record.

Containing 20.06 Acres, more or less.



Dave L. Skidmore
Dave L. Skidmore, L.S. 7126
License Expires 12/31/02
6/06/01

144044 DEC-3 01

THIS SPACE FOR RECORDER ONLY

CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2002-4473

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- 2002-0024369-00
Friday, FEB 22, 2002 15:32:13
Ttl Pd \$0.00 Nbr-0000893465
AAE/R3/1-11

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:

The recitals and paragraphs 1 through 14, inclusive, of a certain Fictitious California Land Conservation Contract, recorded on February 1, 1979, as Instrument Number 48604, Book 3151, Page 132, in the Office of Recorder of the County of Stanislaus, State of California, are incorporated herein as if specifically set forth.

(15) 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: CHRISTINE K. GEMPERLE, ET. AL.
6618 FAITH HOME ROAD
CERES, CA. 95307

(16) Owner desires to place the following parcels of real property under Contract:
SEE EXHIBIT "B" AND "B-1" LEGAL DESCRIPTIONS OF GEMPERLE AFTER LOT LINE ADJUSTMENT, ATTACHED HERETO AND MADE A PART OF.

ASSESSMENT NUMBER	CODE AREA	ACREAGE	SITUS ADDRESS
<i>Partial</i> <u>045-51-22</u>	<u>813</u>	<u>18.09</u>	<u>6830 FAITH HOME RD., CERES</u>
<u>045-51-25</u>	<u>815</u>	<u>1.38</u>	<u>6618 FAITH HOME RD., CERES</u>
<u>045-51-26</u>	<u>812</u>	<u>21.94</u>	<u>6618 FAITH HOME RD., CERES</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(17) The effective date of this Contract shall be date of recordation.

U 24369 FEB 22 02

14 CT
**D-3*

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)
Christine K. Gemperle <u>Christine K. Gemperle</u>	<u>Christine K. Gemperle</u>	<u>10/3/01</u>	<u>Turlock, CA</u>
ERICH D. GEMPERLE Erich D. Gemperle	<u>Erich D. Gemperle</u>	<u>10/3/01</u>	<u>Turlock, CA</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
* <u>DARYL LENSTROM</u> Daryl Lenstrom	<u>Daryl Lenstrom</u>	<u>9/25/01</u>	<u>EL CERRITO, CA</u>
<u>JOYCE J. LENSTRDM</u> Joyce J. Lenstrom	<u>Joyce J. Lenstrom</u>	<u>9/25/01</u>	<u>EL CERRITO, CA</u>
<u>ANITA M. HATLEN</u> Anita M. Hatlen	<u>Anita M. Hatlen</u>	<u>10-5-01</u>	<u>Modesto, Ca</u>

* AKA-Marilyn Daryl Lenstrom

COUNTY: Stanislaus County

2/20/02
Dated

Ron Freitas
Chairman, Board of Supervisors

BY: ~~For:~~ Ron E. Freitas

PURSUANT TO BOARD RESOLUTION 2002-837

024369 FEB 22 02

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

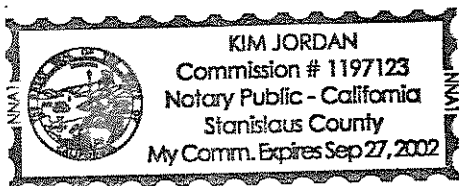
State of California }
County of Stanislaus } ss.

On 10/3/01, before me, Kim Jordan Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Christine K Gempert & Eric D Gempert
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.
Kim Jordan
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Williamson Act Contract

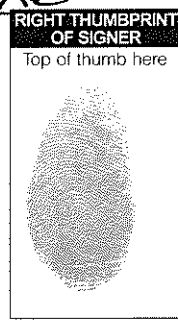
Document Date: 10/3/01 Number of Pages: 4 B+B

Signer(s) Other Than Named Above: Daryl Lenstrom & Joyce J Lenstrom

Capacity(ies) Claimed by Signer

- Signer's Name: Christine K Gempert & Eric P Gempert
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____

Signer Is Representing: Self



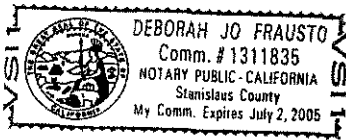
024369 FEB 22 02

ALL-PURPOSE ACKNOWLEDGEMENT

State of California }
County of Stanislaus } SS.

On October 5, 2001 before me, Deborah Jo Frausto, Notary Public,
(DATE) (NOTARY)
personally appeared Anita M. Hatlen
SIGNER(S)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Deborah Jo Frausto
NOTARY'S SIGNATURE

OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgement to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- INDIVIDUAL
- CORPORATE OFFICER
- _____ TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

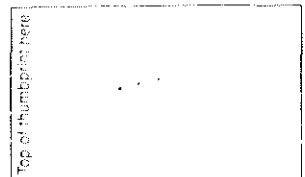
NUMBER OF PAGES

DATE OF DOCUMENT

OTHER

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

RIGHT THUMBPRINT
OF
SIGNER



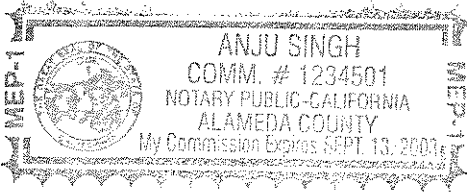
24369782202

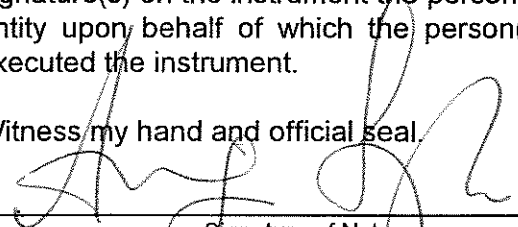
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA }
 COUNTY OF ALAMEDA } SS.

On SEPT 25, 2001 before me, the undersigned, a Notary Public in and for said State personally appeared MARLYN DARYL LENSTROM
 Name(s) of Signer(s)

Personally known to me OR proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Witness my hand and official seal

 Signature of Notary
ANJU SINGH
 Name (Typed or Printed)

(Area above for official notarial seal)

Capacity Claimed by Signer	Description of Attached Document
<p><input type="checkbox"/> Individual(s)</p> <p><input type="checkbox"/> Corporate Officer(s) - Title(s) _____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> Partner(s)</p> <p><input type="checkbox"/> Attorney-in-Fact</p> <p><input type="checkbox"/> Trustee(s)</p> <p><input type="checkbox"/> Guardian/Conservator</p> <p><input type="checkbox"/> Other: _____</p> <p>_____</p> <p>Signer is Representing: Name of person(s) or Entity(ies) _____</p> <p>_____</p> <p>_____</p>	<p>(Although this information is optional, it could prevent fraudulent attachment of this certificate to another document.)</p> <p>This certificate is for attachment to the document described below:</p> <p>Title or type of document _____</p> <p>_____</p> <p>Number of pages _____</p> <p>Date of document _____</p> <p>Signer(s) other than named above _____</p> <p>_____</p> <p>_____</p>

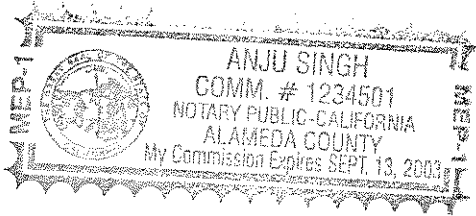
024309 FEB 22 02

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } SS.

On SEPT 25, 2001 before me, the undersigned, a Notary Public in and for said State personally appeared JOYCE TOAN LENSTROM Name(s) of Signer(s)

Personally known to me OR proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Witness my hand and official seal

[Handwritten signature of Anju Singh]

Signature of Notary

ANJU SINGH

Name (Typed or Printed)

(Area above for official notarial seal)

Capacity Claimed by Signer

- Individual(s)
- Corporate Officer(s) - Title(s) _____
- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Guardian/Conservator
- Other: _____

Signer is Representing: Name of person(s) or Entity(ies) _____

Description of Attached Document

(Although this information is optional, it could prevent fraudulent attachment of this certificate to another document.)

This certificate is for attachment to the document described below:

Title or type of document _____

Number of pages _____

Date of document _____

Signer(s) other than named above _____

024369 FEB 22 02

EXHIBIT "B"
LEGAL DESCRIPTION
(GEMPERLE AFTER LOT LINE ADJUSTMENT)

ALL that certain piece or parcel of land situate in the County of Stanislaus, State of California, lying within the West half of the Southwest Quarter of Section 31, Township 4 South, Range 10 East, Mount Diablo Meridian, being more particularly described as follows:

PARCEL "B" as shown on that Parcel Map filed in the Office of the Recorder of the County of Stanislaus on July 12, 1968 in Book 5 of Parcel Maps at Page 115.

EXCEPTING THEREFROM the following described parcel:

BEGINNING at the Northwest corner of Parcel "A" as shown on that Parcel Map filed in the Office of the Recorder of the County of Stanislaus on July 12, 1968 in Book 5 of Parcel Maps at Page 115 (said corner also lies on the Westerly right-of-way line of a County Road known as Faith Home Road); thence East, along the North line of said Parcel "A", a distance of 200.00 feet to the Northeast corner thereof; thence North along the Northerly extension of the East line of said Parcel "A", a distance of 218.00 feet; thence leaving last said line and proceeding West, parallel with said North line of Parcel "A", a distance of 230.00 feet to a point on the West line of said Section 31; thence South, along last said line, a distance of 218.00 feet; thence leaving last said line and proceeding East, along the Westerly extension of the North line of said Parcel "A", a distance of 30.00 feet to the Point of Beginning.

SUBJECT TO all easements and/or rights-of-way of record.



Dave L. Skidmore
Dave L. Skidmore, L.S. 7126
License Expires 12/31/02
6/28/01

024369 FEB 22 02

EXHIBIT "B-1"
LEGAL DESCRIPTION
(GEMPERLE AFTER LOT LINE ADJUSTMENT)

ALL that certain piece or parcel of land situate in the County of Stanislaus, State of California, lying within the West half of the Southwest Quarter of Section 31, Township 4 South, Range 10 East, Mount Diablo Meridian, being more particularly described as follows:

BEGINNING at a point on the West line of said Southwest Quarter which bears North, 20 Chains from the Southwest Corner of said Section 31; thence North along last said West line, 18.09 Chains to a point on the South right-of-way line of the 70 foot wide Turlock irrigation District Lateral No. 3; thence Southeasterly along last said South right-of-way, the following (4) four courses: 1) East, 1.00 Chain; 2) South 82° East, 2.00 Chains; 3) South 63°30' East, 2.00 Chains; 4) South 58° East, 17.97 Chains; thence leaving last said line and proceeding South, 7.40 Chains; thence West, 20.00 Chains to the Point of Beginning.

EXCEPTING THEREFROM that portion conveyed to William Klappoth, by Deed Recorded in Volume 138 of Deeds, at Page 476, described as follows:

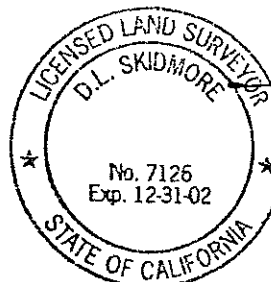
COMMENCING at a point on the South of Canal No. 3 of the Turlock Irrigation District where the canal intersects the West line of Section 31, Township 4 South, Range 10 East, Mount Diablo Base and Meridian; thence along the South right-of-way of canal, East 1 Chain; thence South 82 Degrees East, 2 Chains; thence South 63-1/2 degrees East, 2 Chains; thence South 58 Degrees East, 5.02 Chains; thence West, 9.03 Chains to the West line of Section 31; thence North along the Section line, 3.80 Chains to the Point of Beginning.

SUBJECT TO all easements and/or rights-of-way of record.

TOGETHER WITH the following described parcel of land:

COMMENCING at the Southwest corner of Section 31 in Township 4 South, Range 10 East, Mount Diablo Base and Meridian; thence North along West line of said Section 31, a distance of 2261.75 feet to a point; thence East 20 feet to old witness post 3" x 3" R. W. and Point of Beginning of this description; thence East, 575.98 feet to a point on South bank of Lateral No. 3 of the Turlock Irrigation District, thence North 58° West along South bank of said Canal, 239.36 feet to a point; thence West, 392.95 feet to a point that is 20 feet East of West section line of said Section 31; thence South along a line that is 20 feet East of West Section line of said Section 31, a distance of 127.0 feet to the Point of Beginning.

SUBJECT TO all easements and/or rights-of-way of record.



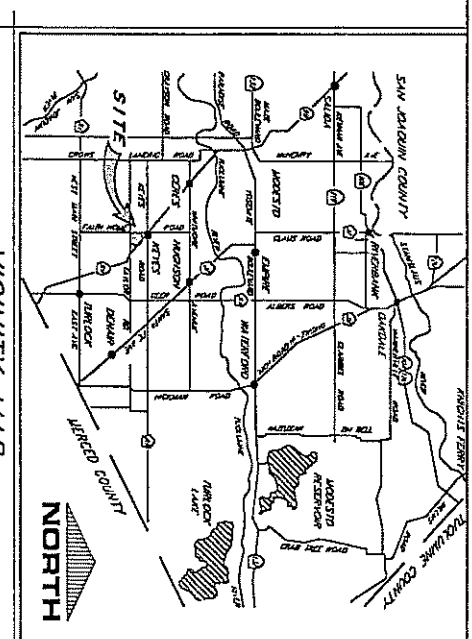
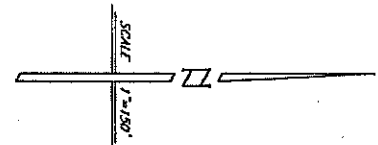
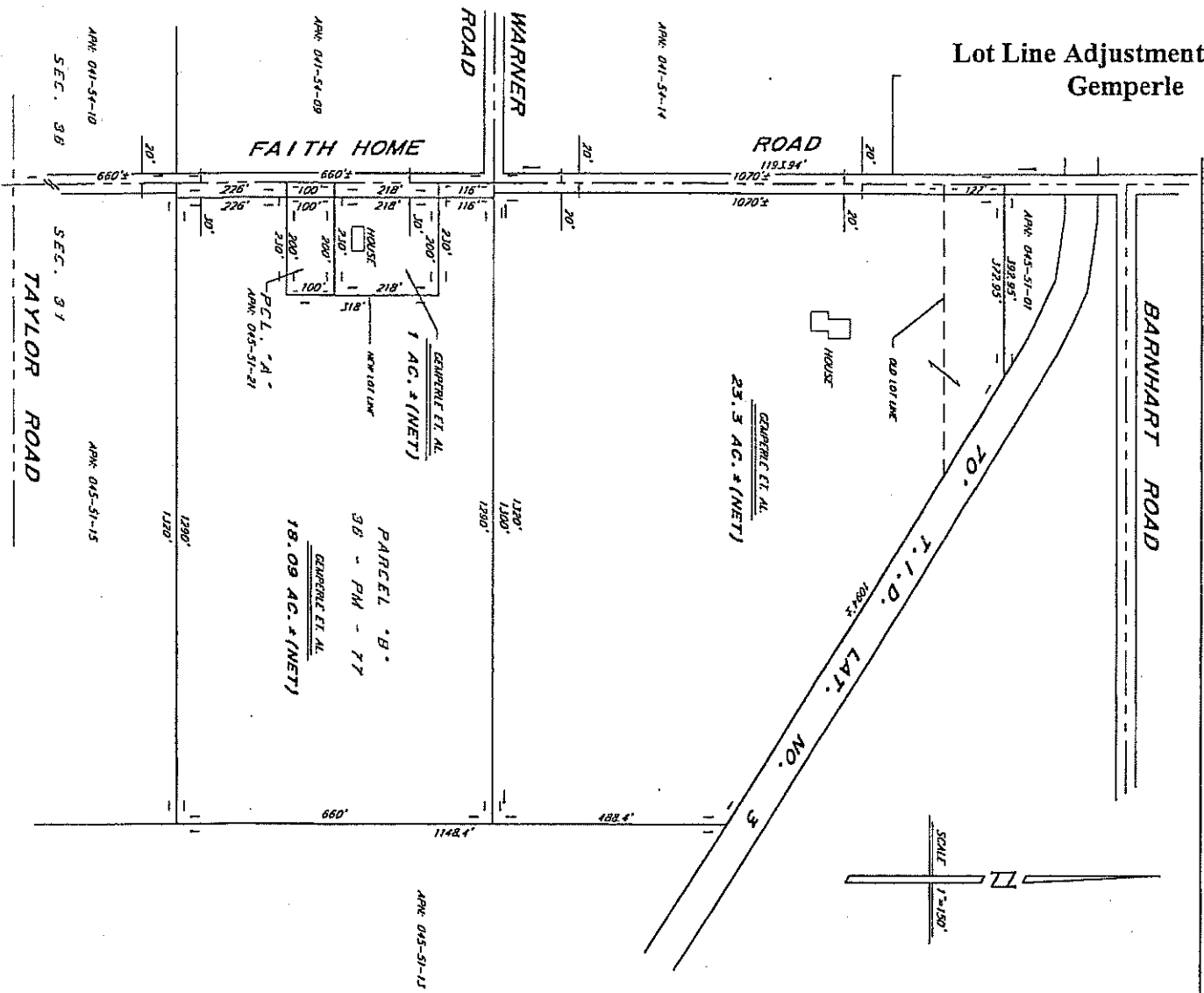
Dave L. Skidmore

Dave L. Skidmore, L.S. 7126
License Expires 12/31/02

6/28/01

024369 FEB 22 02

Lot Line Adjustment 2001-58
Gemperle



OWNER'S
CHRISTINE K. GEMPERLE ET AL.
6518 FAITH HOME ROAD
CERES, CALIFORNIA 95307

GENERAL NOTES:

1. ASSESSOR'S PARCEL NUMBER: 045-51-23, 25 & 28
 2. PRIVATE WELLS
 3. ZONING DISTRICT
 4. THIS PROPERTY IS NOT LISTED AS A HAZARDOUS WASTE SITE.
 5. THIS MAP IS TOGETHER WITH A APPLICATION FOR A LOT LINE ADJUSTMENT TO ADJUST EXISTING COMMON LOT LINE AROUND EXISTING HOUSE.
- UTILITIES:**
- (A) WASHINGTON DISTRICT - TIA
 - (B) ELECTRICITY - TIA
 - (C) TELEPHONE - PUC NET
 - (D) GAS - P.C.A.E.
- THE STANISLAUS COUNTY LAND USE CODE FOR 045-51-22 DEPICTS THAT THE SUBJECT PROPERTY IS UNDER A MILLISSION ACT CONTRACT. THE STANISLAUS COUNTY LAND USE CODE FOR 045-51-25 & 28 DEPICTS THAT THE SUBJECT PROPERTY IS NOT UNDER A MILLISSION ACT CONTRACT. OWNER REQUESTS ABERRATION OF MILLISSION ACT CONTRACT FROM COMPLETION OF LOT LINE ADJUSTMENT.
- NOTE:**
THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS AND ANGLES SHOWN ON THIS MAP ARE APPROXIMATE, AND THE BOUNDARIES THEREOF ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE PROPERTY LINE BY OTHER PERSONNEL, AND DO NOT REFLECT AN ACTUAL SURVEY OF THIS SITE.



TENTATIVE LOT LINE ADJUSTMENT MAP
BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 4 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN, STANISLAUS COUNTY, CALIFORNIA

Drawn: DLS	RYAN D. CARREL	R.C.E. 81818	11/16
Date: 12/10/01	DAVE SKODORE	L.S. 7126	
Scale: 1" = 150'			
Job No. 72-015	Symbol	Date	Description
Checked:			
D-g. 015inf			

024009 FEB 22 02

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

DEPT: Planning & Community Development *ff*
Urgent _____ Routine X
CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

BOARD AGENDA # *D-3
AGENDA DATE: October 30, 2001
4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL TO RESCIND PORTIONS OF 18 WILLIAMSON ACT CONTRACTS AND APPROVE NEW CONTRACTS PURSUANT TO MINOR LOT LINE ADJUSTMENT APPLICATIONS 96-46, 2001-10, 17, 19, 20, 23, 24, 32, 34, 35, 38, 42, 44, 49, 58, 59, AND 63, AND AUTHORIZE THE PLANNING DIRECTOR TO EXECUTE THE NEW CONTRACTS

STAFF RECOMMENDATION:

STAFF RECOMMENDS APPROVAL. SHOULD THE BOARD OPT FOR APPROVAL, THE FOLLOWING FINDINGS MUST BE MADE:

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.

(Continued on Page 2)

FISCAL IMPACT:

Additional property tax will accrue from the portions removed from Williamson Act contracts and property tax revenue will decrease from the portions added into Williamson Act contracts (Net 25.1 acre gain of lands covered under contracts).

BOARD ACTION AS FOLLOWS:

No. 2001-837

On motion of Supervisor Blom, Seconded by Supervisor Mayfield
and approved by the following vote,
Ayes: Supervisors: Mayfield, Blom, Simon, and Chair Paul
Noes: Supervisors: None
Excused or Absent: Supervisors: Caruso
Abstaining: Supervisor: None

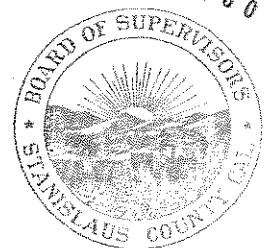
- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended

MOTION:

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

CHRISTINE FERRARO TALLMAN
Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By *Suzi Ferraro Tallman*



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Deputy

File No.

0243619 FEB 22 02

GOVERNMENT CODE 27361.7

I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

NAME OF NOTARY Anju Singh
DATE COMMISSION EXPIRES Sept. 13, 2003
PLACE OF EXECUTION Alameda County

Feb. 22, 2002
(date)

Sammy J. Maddern
(signature and firm name if any)

Next Page

024369 FEB 22 02