

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

DEPT: Planning & Community Development *R*

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RESTRICT THE ADJUSTED BOUNDARIES OF THE PARCEL FOR AN INITIAL TERM FOR AT LEAST AS LONG AS THE UNEXPIRED TERM OF THE RESCINDED CONTRACT OR CONTRACTS, BUT FOR NOT LESS THAN 10 YEARS.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

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Christine Ferraro Deputy

File No.

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

PAGE 2

**STAFF
RECOM-
MENDATION**

CONTINUED:

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 IN CASES WHERE TWO PARCELS INVOLVED IN A LOT LINE ADJUSTMENT ARE BOTH SUBJECT TO CONTRACTS RESCINDED PURSUANT TO THIS SECTION, THIS FINDING WILL BE SATISFIED IF THE AGGREGATE ACREAGE OF THE LAND RESTRICTED BY THE NEW CONTRACTS IS AT LEAST AS GREAT AS THE AGGREGATE ACREAGE RESTRICTED BY THE RESCINDED CONTRACTS.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

DISCUSSION:

The proposal is to rescind the Williamson Act Contract on Assessor's Parcel Numbers 05-36-51 and 05-36-39 and to re-establish a new contracts pursuant to Section 51257 of the Government Code regulating Williamson Act contracts and Lot Line Adjustments. Said new contracts would restrict adjusted parcels as required in Government Code Section 51257 and not effect the total acreage within the contracted area. The properties consist of a total of 16.29 and 20.06 located on Shoemake Avenue in the Modesto area in the unincorporated area of Stanislaus County (Section 14 Township 3 Range 8). The existing parcels are covered under Williamson Act contracts 76-2054 and 78-3141.

A Lot Line Adjustment (96-46) was approved in 1996 and amended prior to recording the final deeds. The amended adjustment was conditionally approved by staff on June 8, 2001 pending the Board's action required by the Williamson Act. Because all parcels are currently covered by a Williamson Act Contract, all or portions of that contract must be rescinded and replaced with new contracts.

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

PAGE 3

**DISCUSSION
CONTINUED:**

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

(1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

(2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

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

(4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

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

(5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

(6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

(7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

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

PAGE 4

DISCUSSION

CONTINUED: The applicant has provided written evidence to support the seven findings listed above, and staff agrees with that evidence.

New Williamson Act contracts would typically come before the Board once a year, in November. Because this action is related to a Lot Line Adjustment, and real estate transactions are in process, it is prudent to act on this action independently of other Williamson Act contracts. Therefore, it is the intention of this action that a new contracts immediately replace contracts 76-2054 and 78-3141.

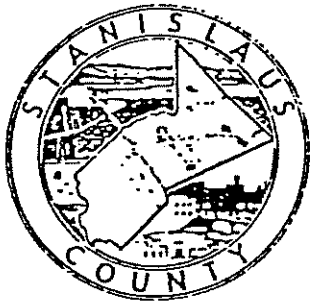
POLICY

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

STAFFING

IMPACT: None.

ATTACHMENTS: Lot Line Adjustment 96-46 Application and Approval Letter
Applicant's Statement of Findings, Map of Proposed Changes



Stanislaus County

Department of Planning and
Community Development

S	<u>14</u>	T	<u>3</u>	R	<u>8</u>
ZONE <u>A-2-40</u>					
RECEIVED: <u>3-27-96</u>					
L.L.# <u>96-46</u>					
REC.# <u>-</u>					
FOR OFFICIAL USE					

LOT LINE ADJUSTMENT APPLICATION

1. PROPERTY OWNER(S):

SEE ATTACHMENT TO LOT LINE ADJUSTMENT APPLICATION

(Name)

(Name)

(Address, City, Zip)

(Address, City, Zip)

(Phone)

(Phone)

2. Assessor's Parcel No. of parcels adjusted: Book 5 Page 36 No. 17,39,41, AND PARCELS I OF 46 PM 77

3. Name and address of persons preparing map:

MID VALLEY ENGINEERING P.O. BOX 816 MODESTO, CA 95353

4. Size of all adjusted parcels: 17.47 AC: 17.83 AC, 1.04 AC & 1.95 AC

5. Why are the lot lines being changed? BE SPECIFIC

TO STRAIGHTEN OUT THE CONFIGURATION OF THE HARVEY PARCEL (MAKE A
RECTANGULAR PARCEL)

6. How are these parcels currently utilized? Please check appropriate use(s):

- X Residential:
- X Single Family
 - Duplex
 - Multiple
 - Commercial
 - Industrial
 - Other (Specify)

- Agriculture:
- Row Crop - type
 - X Trees - type ALMONDS
 - Vines - type
 - Range (Unirrigated)
 - Pasture (Irrigated)
 - Poultry
 - Dairy
 - Other (Specify)

7. List all structures on properties: SEE ATTACHED LOT LINE ADJUSTMENT MAP

8. How have these parcels been utilized in the past, if different than current use? IN THE SAME WAY

9. When did current owner(s) acquire the parcels? SEE ATTACHED

10. Is the property under Williamson Act Contract? 5-36-39 & 5-36-41 ARE IN

11. Do the parcels irrigate? (yes - no). If yes, how? MID PIPELINE

12. Will these parcels continue to irrigate? (Yes/No). If yes, describe any physical changes in the irrigation system. NO CHANGES -
HARVEY PARCEL DOES NOT IRRIGATE

13. Signature of property owner(s): see attached

ATTACHMENT TO LOT LINE ADJUSTMENT APPLICATION

1) MCMANIS/HARVEY/BYRD

Property Owners

A. Joann McManis
3801 Shoemake Ave.
Modesto, CA 95351
Phone: (209)522-6347

APN 5-36-39

B. Barbara Harvey
3725 Shoemake Ave.
Modesto, CA 95351
Phone: (209)523-3300

APN 5-36-17

C. Tim Byrd
3619 Shoemake Ave.
Modesto, CA 95351
Phone: (209)579-3716

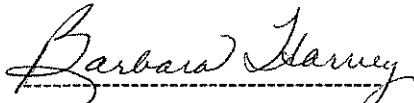
APN 5-36-41

D. Tim Byrd
3619 Shoemake Ave.
Modesto, CA 95358
Phone: (209)579-3716

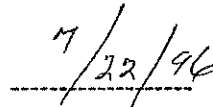
Parcel 1 (46 PM 77)

9) Joann McManis - 1967
Barbara Harvey - 1988
Tim Byrd - 1994

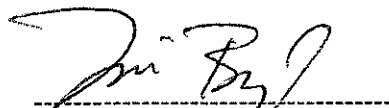
13) Signature of Property Owners



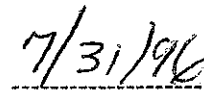
Barbara Harvey



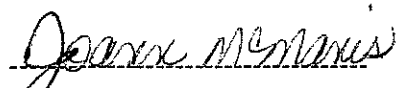
Date



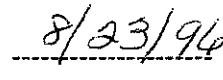
Tim Byrd



Date



Joann McManis



Date



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
 Phone: 209.525.6330 Fax: 209.525.5911

S <u>14</u>	T <u>3</u>	R <u>8</u>
ZONE <u>A-2-40</u>		
RECEIVED <u>5/30/01</u>		
APPLICATION NO. <u>96-46</u>		
RECEIPT NO. _____		

LOT LINE ADJUSTMENT APPLICATION - Amendment to

No. 96-46 (which was approved 9/27/96)

- PROPERTY OWNER(S):

<u>Barbara Harvey</u> Name <u>380 Shoemaker Ave., Modesto</u> Address, City, Zip <u>523-3300</u> Phone	<u>Tim Byrd</u> Name <u>3619 Shoemaker Ave., Modesto</u> Address, City, Zip <u>524-1321</u> Phone
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- Assessor's Parcel No. of parcels adjusted: Book 5 Page 36 No. 17441
- Name and address of persons preparing map: Tim Byrd (see above)
- Size of all adjusted parcels: .82 (Harvey parcel) 20.06 (Byrd parcel)
- Why are the lot lines being changed? BE SPECIFIC Minor adjustment to conform the lot line to the fence line. (The application is being amended to delete the McMannis parcel)
- How are these parcels currently utilized? Please check appropriate use(s):

<input checked="" type="checkbox"/> Residential: <input checked="" type="checkbox"/> Single Family Duplex Multiple Commercial Industrial Other (Specify) _____	Industrial: Row Crop - type _____ <input checked="" type="checkbox"/> Trees - type <u>almonds</u> Vines - type _____ Range (unirrigated) _____ Pasture (irrigated) _____ Poultry Dairy Other (Specify) _____
--	--
- List all structures on properties: see attached lot line adjustment map.
- How have these parcels been utilized in the past, if different than current use? In the same
- When did current owner(s) acquire the parcels? Harvey-1988; Byrd-1994.
- Is the property under Williamson Act Contract? 5-36-41
- Do the parcels irrigate? Yes No _____ If yes, how? MID pipeline (5-36-41 only)
- Will these parcels continue to irrigate? Yes No _____ If yes, describe any physical changes in the irrigation system. 5-36-41 (only) Harvey parcel does NOT irrigate.
- Signature of property owner(s): Tim Byrd
 Owner's Name

Stani



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354

Phone: 209.525.6330 Fax: 209.525.5911

Barbara Harvey
3801 Shoemake Ave.
Modesto, Ca 95358

**SUBJECT: APPROVAL OF LOT LINE ADJUSTMENT NO.96-46 (AMENDMENT)
McMANIS, HARVEY AND BYRD**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your amended application on **June 8, 2001**, and has approved your request, subject to the attached conditions.

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

Before a Certificate of Lot Line Adjustment can be recorded, Exhibit "A", describing the property before the adjustment, and an Exhibit "B", describing the property after the change must be attached. These Exhibits must be stamped and signed by a licensed engineer/surveyor. This adjustment shall not result in the creation of a greater number of parcels than originally existed.

A "Certificate of Lot Line Adjustment" form is enclosed for property owner/security holders signatures. After the signatures are secured this form shall be turned into the Planning Department for checking and my signature. When this has been done, you will be notified that the subject form is ready to be recorded.

If you have any questions, please contact this department at (209) 525-6330.

Sincerely

Kirk Ford
Senior Planner

Enclosure

cc: Engineer
Tim Byrd

AMENDED CONDITIONS FOR LOT LINE ADJUSTMENT NO 96-46

HARVEY AND BYRD

PLANNING DEPARTMENT

1. Following Staff approval, all parties of interest in the subject parcels, including security holders, shall sign a Certificate of Lot Line Adjustment.
2. A deed shall be prepared and recorded for all parcels which reflect the lot line adjustment.
3. A Record of Survey shall be filed if required by Section 8762 of the Business and Professions Code.
4. Because the BYRD parcel is currently covered by a Williamson Act Contract, such contract must be rescinded and replaced with a new contract for the new parcel. The Board of Supervisors **MUST** approve the new contract as Per Section 51257 of the Government Code:

To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

(1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

(2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

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

(4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222. (Govt. Code §51222. ... retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land)

CONDITIONS FOR LOT LINE ADJUSTMENT NO. 96-46

(CONTINUED - Page 2)

(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.

You must provide written evidence to support the seven findings listed above.

NOTE: A record of survey would be very helpful in documenting this lot line adjustment, to accommodate any future transaction involving your property

.....

KFtm

D-3

Tim Byrd
P. O. Box 1130
Modesto, CA
209-341-3716

October 29, 2001

BOARD OF SUPERVISORS

01 OCT 26 PM 1:42

RECEIVED

Hand Delivered

Board of Supervisors
Stanislaus County
1010 10th Street
Modesto, CA 95354

Re: Board Agenda # D-3, Board meeting of October 30, 2001

Dear Members of the Board of Supervisors:

I submit these comments regarding the above referenced agenda item as it relates to LLA# 96-46, as amended, regarding Byrd parcel 05-36-51 and Harvey parcel 05-36-17.

The Byrd parcel has also been subject to LLA 2000-09 with Joann McManis's parcel 05-36-39. Both the Byrd parcel and the McManis parcel are subject to Williamson Act contracts: The Byrd Contract # 76-2054 referenced in your staff report (Recorded December 11, 1975, Book 2752 Page 810, as Document No. 26199, official Records) and the McManis Williamson Act contract Recorded December 2, 1977, Book 2992 Page 737, as Document No. 35650, Official Records ("McManis Contract").

We respectfully request that your actions reflect all previously approved lot line adjustments, in addition to the lot line adjustment set forth in the staff report.

Specifically, we ask that your action include the recession of the Byrd Contract and McManis Contract and the entering into of a new contract for the newly configured McManis parcel (Ex. B-2 to Certificate of Lot Line Adjustment 2000-09, 16.29 acres,) and a new contract for the newly configured Byrd parcel that conforms to the minimum parcel size for Williamson Act Contracts (Ex. B-1 to Certificate of Lot Line Adjustment 96-46 as amended, 20.06 acres), pursuant to section 51257 of the Government Code.

Because both these parcels will remain subject to Williamson Act Contracts, there will be no net change in the Williamson Act acreage on these parcels. The same acreage subtracted from the McManis parcel was added to

the Byrd parcel. Both affected parcels exceed the minimum parcel size for Williamson Act Contracts.

Attached are proposed findings (in addition to the findings set forth in the staff report) we ask you to adopt in support of your actions to rescind the Byrd Contract and the McManis Contract and to simultaneously enter into the New McManis Contract and New Byrd Contract.

Thank you for your consideration.

Very truly yours,



Tim Byrd

Cc: Kirk Ford

Additional Findings for
LLAs 96-46 (as amended)
and 2000-09

A. Term of Contracts

1. Findings

The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

2. Facts

The initial terms of the new contracts and the unexpired terms of the rescinded contracts are the same: 10 years.

B. No Net Decrease In Restricted Acreage

1. Findings

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.

2. Facts

The restricted acreage that comply with the Williamson Art minimum acreage requirements will increase from 35.48 acres (Exs. A-1 to LLA 96-46 as amended and LLA 2000-09) to 36.35 acres (Ex. B-1 to LLA 96-46 as amended and Ex. B-2 to LLA 2000-09).

C. At least 90% of the Land Remains Under Each Contract

1. Findings

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

2. Facts

The property subject to the McManis contract will be reduced from about 17.65 acres to 16.29 acres as a result of LLA 2000-09. Therefore, more than 92% of the land will remain under contract. The property subject to the Porcella Contract after the LLAs will increase due to an addition of the McManis acreage to the Byrd parcel.

D. Parcels will be Large Enough to Sustain Agricultural Use

1. Findings

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

2. Facts

The New Byrd Property will consist of 20.06 acres. The New McManis Property will consist of 16.29 acres. Both parcels consist of prime agricultural land (Hanford, Oakdale and Tujunga Sandy Loam soils), and therefore meet the 10 acre minimum parcel size for Williamson Act parcels with prime soils.

E. Long Term Agricultural Productivity

1. Findings

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.

2. Facts

The LLAs will enhance the long term agricultural productivity of the lands subject to contracts in that it removes a long time encroachment upon such lands, thereby facilitating the agricultural financing and use of the existing orchards under contracts.

F. No Removal of Adjacent Land

1. Findings

The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

2. Facts

The LLAs result in no change whatsoever in the agricultural uses of any adjacent lands in that all agricultural lands will remain in as almond orchards under Williamson Act contracts.

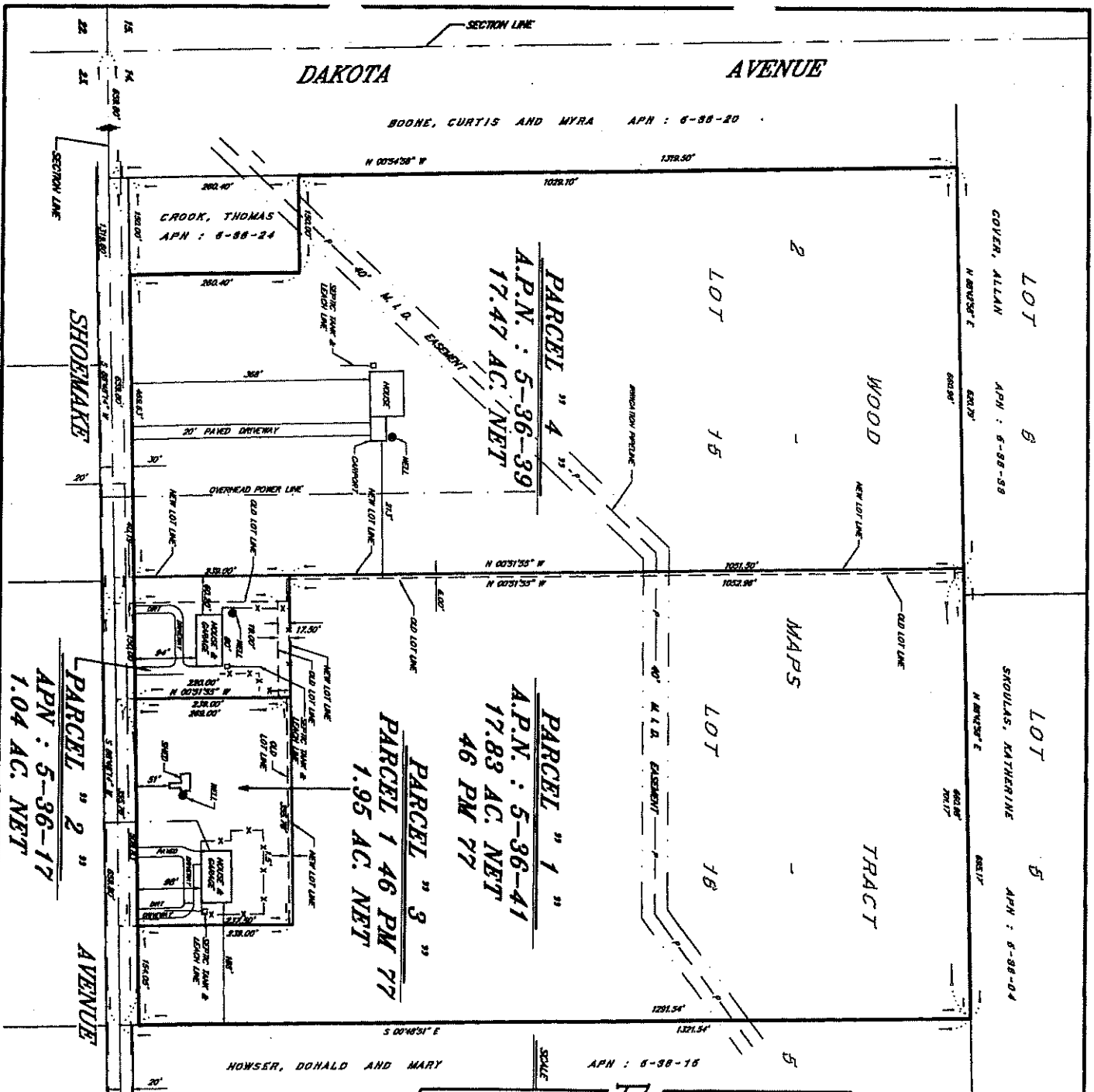
G. No Greater Developable Parcels

1. Finding

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.

2. Facts

Each parcel affected by the LLAs is located within the A-2-40 agricultural zone, comprises less than 40 acres both before and after the LLAs, and therefore cannot be further divided into more developable parcels than existed prior to the adjustment. The Harvey parcel is already fully developed as a single family dwelling, and therefore can be maintained as a single family dwelling both before and after the LLA even though comprising less than 1 acre.



GENERAL NOTES:

1. PRESENT ZONING: A-2-40
2. ASSESSOR'S PARCEL NOS.: 5-36-17, 39 & 41;
3. AND PARCEL 1 OF 46 PM 77
4. WATER SUPPLY: PRIVATE WELL
5. SANITARY SEWER: SEPTIC TANK
6. SOIL TYPES: HAWFORD SANDY LOAM 0-3% CLAY, TULARE LOAMY SAND 0-3% CLAY
7. STRUCTURES SHOWN ARE EXISTING AND ARE TO REMAIN
8. WATER TABLE DEPTH: 20' ± (AS PER M.I.D.)
9. THESE PROPERTIES ARE NOT LISTED AS HAZARDOUS WASTE SITES

OWNERS:

JOHN WARDMAN - APN: 5-36-39
 1801 SHOEMAKE AVENUE
 MADERIA, CA 95357
 (209) 522-6347

BARBARA HARVEY - APN: 5-36-17
 1725 SHOEMAKE AVENUE
 MADERIA, CA 95357
 (209) 522-1000

THE BYRD - APN: 5-36-41
 3618 SHOEMAKE AVENUE
 MADERIA, CA 95357
 (209) 573-3716

THE BYRD - PARCEL 1 (46 PM 77)
 3618 SHOEMAKE AVENUE
 MADERIA, CA 95357
 (209) 573-3716

LEGEND:

- OVERHEAD POWER LINES
- APPLICATION PRELINE
- FENCE LINE



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- 2001-0132937-00

Acct 501-Chicago Title
Tuesday, NOV 06, 2001 08:00:00
Ttl Pd \$31.00 Nbr-0000828058
BHK/R1/1-9

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CALIFORNIA LAND CONSERVATION CONTRACT

1733783-05

CHICAGO TITLE

132937 NOV-6 01

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

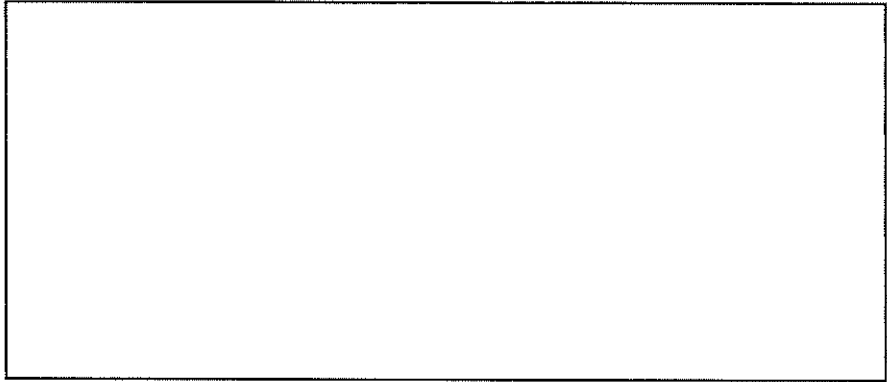
g
ll
4

THIS SPACE FOR RECORDER ONLY

CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2002-4461

RECORDED AT REQUEST OF
STANISLAUS COUNTY BOARD OF
SUPERVISORS

WHEN RECORDED RETURN TO
STANISLAUS COUNTY PLANNING
DEPARTMENT



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:

PAUL W. McMAHON'S JR

6303 Beckwith Rd.

Modesto Calif ZIP 95358

132937 NOV-6 01

(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>75.78</u>	<u>NW 1/4 S19, T4S, R8E, MDB&M</u>
<u>012-4704</u>	_____	<u>100.00</u>	<u>S 1/4, S18, T4S, R8E, MDB&M</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Signed in counterpart

(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)
Julie McManis	<i>Julie McManis</i>	10-31-01	Modesto Ca
PAUL W McMANIS	<i>Paul W McManis</i>	10-31-01	Modesto Ca
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

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

COUNTY: STANISLAUS

11-1-01
Dated

Phillip J. Frons PLANNER

 Chairman, Board of Supervisors
 X Phillip J. Frons

132937 NOV-6 01

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)
Julie McManis	<i>Julie McManis</i>	10-31-01	Modesto Ca
PAUL McMANIS	<i>Paul W McManis</i>	10-31-01	Modesto Ca
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

132937 NOV-6 01

SECURITY HOLDERS:

NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
JOSEPH M. WELLS	<i>Joseph M. Wells</i>	11/1/01	STOCKTON, CA
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

COUNTY: STANISLAUS

11-1-01
Dated

Phillip J. Irons

 Chairman, Board of Supervisors
 X Phillip J. Irons

STATE OF CALIFORNIA)
) SS.
COUNTY OF STANISLAUS)

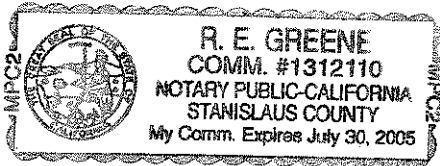
On OCT. 31, 2001 before me, R.E. GREENE

a Notary Public in and for said County and State, personally appeared _____
PAUL W. McMANIS, JR. AND JULIE McMANIS

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



132937 NOV-6 01

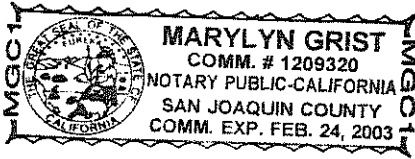
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
 County of San Joaquin } ss.

On 11/1/01, before me, MARYLYN GRIST,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared JOSEPH M. WELLS,
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.

Marylyn Grist
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: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

132937 NOV-6 01

Exhibit "A" - Legal Description

All that certain real property situate in the County of Stanislaus, State of California, lying within the South half of Section 18 and the North half of Section 19, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, being more particularly described as follows:

BEGINNING at the corner of Sections 13, 24, 18 and 19 in Township 4 South, Ranges 7 and 8 East; thence North 89 degrees 41' East 54.46 chains; thence North 0 degrees 16' East 8.94 chains; thence North 43 degrees 38' West 6.50 chains; thence North 34 degrees 50' West 6.12 chains; thence South 89 degrees 41' West 46.95 chains; thence South 0 degrees 10' East 19 chains to the POINT OF BEGINNING.

TOGETHER WITH:

The Northwest quarter of Section 19, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, also the West 45.52 acres of the Northeast Quarter of Section 19, Township 4 South, Range 8 East, Mount Diablo Base and Meridian.

EXCEPTING THEREFROM the following described 20 acres:

BEGINNING at the Southwest corner of the Northeast Quarter of Section 19; thence East 745.08 feet to the corner of the lands of Elizabeth Moyle; thence North along the line of said Moyle's land 1168 feet; thence Westerly 745.8 feet; thence South 1168 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM all that portion of said Northwest Quarter of Section 19 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 anglesto 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.

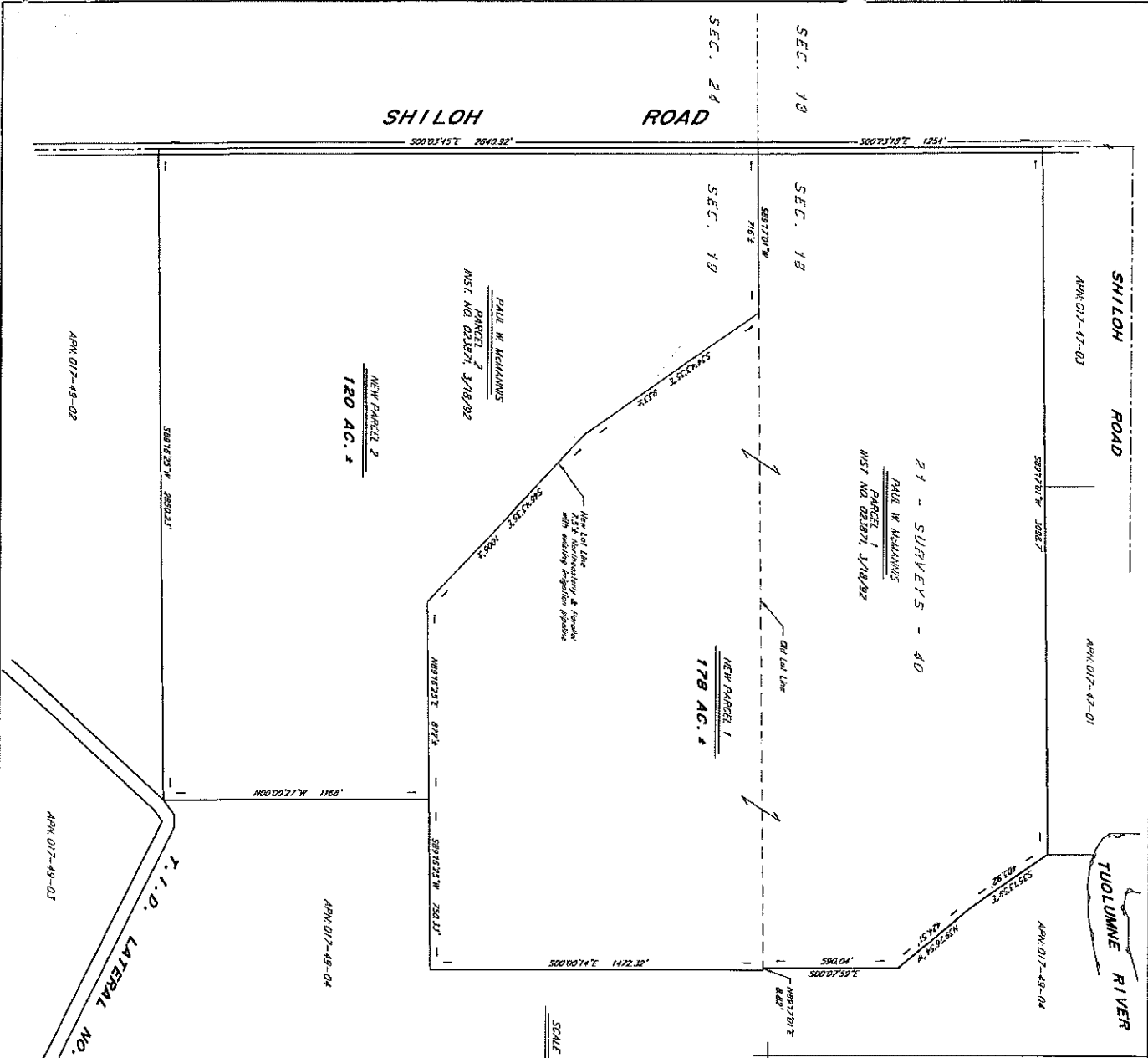
ALSO EXCEPTING THEREFROM the oil, gas and other hydrocarbons and minerals therein and thereunder, together with the right of entry which may be necessary for the development, production and removal of all such substances and minerals as excepted and reserved in the Deed from Bank of America, National Trust and

132937 NOV-6 01

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.

132937 NOV-6-01

32937 107-6 01



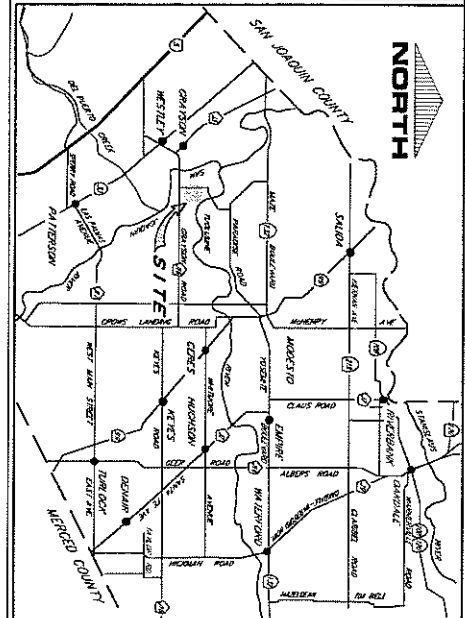
SCALE
1" = 300'

OWNER'S
M A C ENTERPRISES, INC.
6201 DEERHUNT ROAD
MADERSTO, CALIFORNIA 95358

GENERAL NOTES:

1. ASSessor'S PARCEL NUMBER: 017-47-04 & 017-49-01
2. PRIVATE WELL
3. SEWER SYSTEM
4. THIS PROPERTY IS NOT LISTED AS A HAZARDOUS WASTE SITE
5. THIS MAP IS TOGETHER WITH AN APPLICATION FOR A LOT LINE ADJUSTMENT TO ADJUST EXISTING COMMON LOT LINE TO APPROXIMATELY 250' NEAR THE CENTER OF AND PARALLEL WITH THE EXISTING MADERSTON PINE DIVING ORCHARDS
6. UTILITIES:
(A) MADERSTON DISTRICT - T.D.
(B) ELECTRICITY - T.D.
(C) TELEPHONE - PAC BELL
7. THE STANISLAUS COUNTY LAND USE CODE FOR 017-47-04 & 017-49-01 DENIES THAT THE SUBJECT PROPERTIES ARE UNDER A WILKINSON ACT CONTRACT.

NOTE:
THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS AND ACERAGES SHOWN ON THIS MAP ARE APPROXIMATE, AND ARE TAKEN FROM DEEDS GOVERNMENT MAPS OR BOTH AND PRELIMINARY FIELD OBSERVATIONS BY DRIVE PERSPECTIVE 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 MADERSTO, CALIFORNIA, 95354

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: <i>DLS</i>	RYAN D. CARREL DAVE SKIDMORE	R.C.E. 61619 L.S. 7128	File No.																
Date: 4/20/01																			
Scale: 1" = 300'																			
Job No. 72-064																			
Checked:																			
Dwg. 064ml.dwg																			
<table border="1"> <thead> <tr> <th>SYMB.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>APP'D</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			SYMB.	DATE	DESCRIPTION	APP'D													SHEET 1 OF 1
SYMB.	DATE	DESCRIPTION	APP'D																



Stanislaus, County Recorder
JOYCE GOUDIE Co Recorder Office
DOC- 2002-0029215-00

Tuesday, MAR 05, 2002 15:42:28
Ttl Pd \$0.00 Nbr-0000900253
OWP/R2/1-26

RECORDING REQUESTED OF:
STANISLAUS COUNTY
BOARD OF SUPERVISORS

WHEN RECORDED, MAIL TO:

NAME: Planning & Community Development
ADDRESS: 1010 10th Street, Suite 3400
TOWN & STATE: Modesto, CA
ZIP CODE: 95354

**CALIFORNIA LAND CONSERVATION CONTRACT
TIMOTHY A. BYRD**

This document is being re-recorded to change California Land Conservation Contract No. from 2003-4468 to 2002-4468.

2002-0029215-00

11-6-01

26

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.

10 8-330 110 111
2001 11 10 11



Handwritten initials/signature

OWNER(S) NAME
(print or type)

SIGNATURE
(all to be notarized)

DATE

SIGNED AT
(city)

Suzanne Byrd		11/27/01	Modesto
Timothy A. Byrd		11/27/01	Modesto

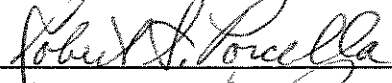
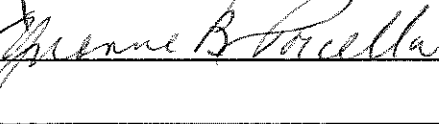
SECURITY HOLDERS:

NAME
(print or type)

SIGNATURE
(all to be notarized)

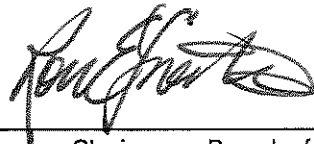
DATE

SIGNED AT
(city)

Robert S. Porcella		11/27/01	Modesto
Yvonne B. Porcella		11/27/01	Modesto

COUNTY:

11/29/01
Dated



Chairman, Board of Supervisors

PURSUANT TO BOARD
RESOLUTIONS 2001-837 AND
2001-862

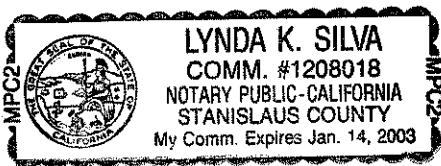
11/4/01 10:04:14 DEC-3 01 29 215 PM '01

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
 County of Stanislaus } ss.

On Mar 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 Porcetta 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: _____

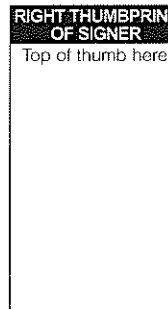
Document Date: _____ Number of Pages: _____

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: _____



144044 DEC-3 01

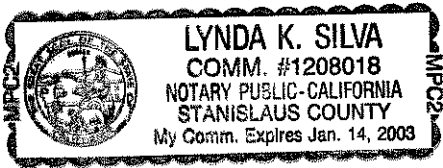
29215 MAR-5 02

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

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

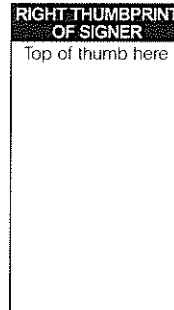
Signer(s) Other Than Named Above: _____

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: _____



144044 DEC-3 01

29215 MAR-5 02

**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

1140471
10 3 03 1140471
27 2 10 1140471
20 2 10 1140471

**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

10 9-000 110 111

20 2-000 101 2 67

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

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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).

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- 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

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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,

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

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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).

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

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

BOARD AGENDA # _____ *D-1
AGENDA DATE: November 6, 2001
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

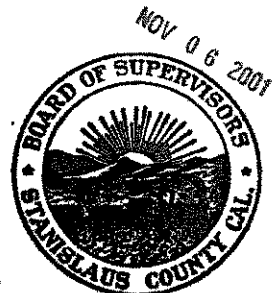
MOTION:

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

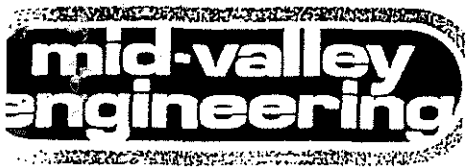


ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Deputy

File No.

29215 MAR-5 02
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

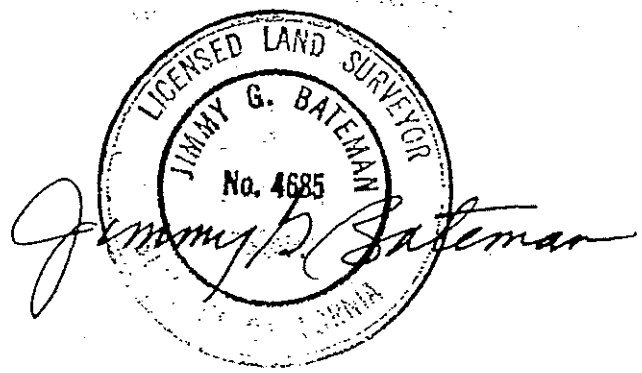
EXHIBIT "A" **1**

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

29215 MAR-5 02

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.

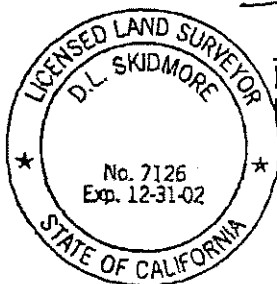
EXCEPTING THEREFROM the West 150 feet of the South 269 feet of Lot 16 of said Wood Tract.

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

6/26/01

144044 DEC-3 01

2001 12 13 11:58:42

DAKOTA AVENUE

WOOD MAPS TRACT

BONE, CURTIS AND MYRA APN : 6-98-20

N 00°54'58" W

1319.50'

1028.10'

CROOK, THOMAS
APN : 6-98-24

PARCEL " 4 "
A.P.N. : 5-36-39
17.47 AC. NET

LOT 15

LOT 6
COVER, ALLAN
APN : 6-98-98

LOT 5
SQUILAS, KATHERINE
APN : 6-98-04

PARCEL " 1 "
A.P.N. : 5-36-41
17.83 AC. NET
46 PM 77

LOT 16

PARCEL " 3 "
PARCEL 1 46 PM 77
1.95 AC. NET

PARCEL " 2 "
APN : 5-36-17
1.04 AC. NET

SHOEMAKE AVENUE

HOWSER, DONALD AND MARY

APN : 6-98-16

- OWNERS :**
- JOANN MCNAMIS - APN: 5-36-39
3801 SHOEMAKE AVENUE
MADERA, CA 95351
(209) 522-6347
 - BARBARA MARLEY - APN: 5-36-17
3725 SHOEMAKE AVENUE
MADERA, CA 95351
(209) 523-3300
 - TM BIRD - APN: 5-36-41
3619 SHOEMAKE AVENUE
MADERA, CA 95351
(209) 578-5716
 - TM BIRD - PARCEL 1 (46 PM 77)
3619 SHOEMAKE AVENUE
MADERA, CA 95351
(209) 578-5716

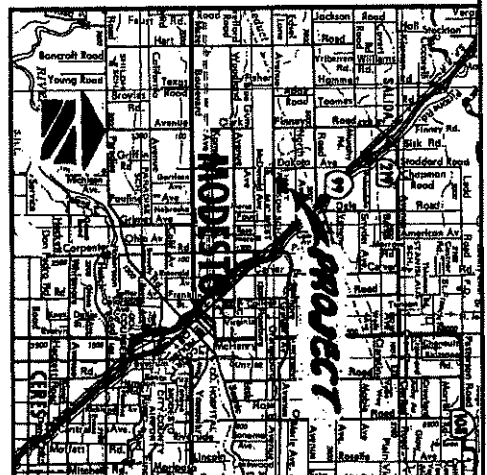
GENERAL NOTES :

1. PRESENT ZONING : 4-2-40
2. ASSESSOR'S PARCEL NOS. : 5-36-17, 38 & 41;
3. AND PARCEL 1 OF 46 PM 77
4. WATER SUPPLY : PRIVATE WELL
5. SANITARY SEWER : SEPTIC TANK
6. SOIL TYPES : HANFORD SANDY LOAM 0-18"
DANDALE SANDY LOAM 0-18"
TULUOKA LOAMY SAND 0-18"
7. STRUCTURES SHOWN ARE EXISTING AND ARE TO REMAIN
8. WATER TABLE DEPTH : 20' (AS PER M.I.D.)
9. THESE PROPERTIES ARE NOT LISTED AS HAZARDOUS WASTE SITES

LEGEND :

- OVERHEAD POWER LINES
- IRRIGATION PIPELINE
- FENCE LINE

SCALE 1"=100'



ENGINEERING & SURVEYING PLANNING & ZONING

LOT LINE ADJUSTMENT

OF A PORTION OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 8 EAST, MOUNT DIABLO BASE AND MERIDIAN.

Drawn	ROY A. GALLI	R.O.S. 10024	FAX: (209) 526-0803
Date	JULY 98	R.O.S. 01188	
Scale	NOTED	L.S. 4885	
Job No.	70-573		
Checked			
REVISIONS		SHEET 1	
Symbol	Date	Description	App'd.

144044 DEC-3 01