

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

DEPT: Planning and Community Development

BOARD AGENDA # 9:20 a.m.

Urgent Routine

AGENDA DATE March 25, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of Williamson Act Cancellation #2007-01, Variance Application #2007-02, and Lot Line Adjustment #2007-03, Friends of the Tuolumne, a Request to Concurrently Adjust the Sizes of Three Existing Parcels From 40.36, 68.74, and
(Continued on page 2)

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of February 21, 2008, the Planning Commission, on a 6-0 vote, recommend that the Board of Supervisors approve the project, subject to the following actions:

1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis.

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-222

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

SUBJECT: (Continued)

115.2 Acres to 3.95, 71.96, and 148.39 Acres; to Allow One of the Parcels to Be less than the 40 Acres as Required by the Zoning; and to Approve Cancellation of a Portion of Williamson Act Contract 2002-4481. The Parcels Are Located at and Adjacent to 23792 and 23806 Yosemite Boulevard in the Waterford Area; APNs: 008-020-017, 018, and 020.

PLANNING COMMISSION RECOMMENDATION: (Continued)

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorders Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. In relation to the request for a Variance, find:
 - A. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
 - B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.
 - C. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.
4. In relation to the Lot Line Adjustment, find:
 - A. 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.
 - B. 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.

Public Hearing to Consider Planning Commission's Recommendation for Approval of Williamson Act Cancellation # 2007-01, Variance Application # 2007-02, and Lot Line Adjustment # 2007-03, Friends of the Tuolumne
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- C. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 - D. 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.
 - E. 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.
 - F. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 - G. 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.
5. In relation to the request to cancel a portion of Williamson Act Contract 2002-4481, find:
- A. That the cancellation is consistent with the purposes of this chapter based on findings that: 1) The cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245; 2) That cancellation is not likely to result in the removal of adjacent lands from agricultural uses; 3) That cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan; 4) That cancellation will not result in discontinuous patterns of urban development; and 5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.
 - B. That cancellation is in the public interest based on findings that: 1) Other public concerns substantially outweigh the objectives of Government Code, specifically as they relate to the expansion and preservation of the Bobcat Flat Wildlife Area and related upland refugia; and 2) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.
6. Accept the Cancellation Value of the Subject Property as determined by the County Assessor (\$300,000);

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7. Certify to the County Auditor the Cancellation Fee which must be paid as deferred taxes to be 12½% of the accepted cancellation value (\$37,500);
8. Approve Tentative Cancellation of a portion of Williamson Act Contract No. 2002-4481 subject to payment of the Cancellation Fee. Unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State Law;
9. Direct the Clerk of the Board to Record a Certificate of Tentative Cancellation within 30 Days of this Action; and
10. Direct the Clerk of the Board, within 30 Days of the Board action, to publish Notice of the Decision, Pursuant to Government Code, and to deliver a copy of the published Notice of the Decision to the Director of Conservation.
11. Approve Lot Line Adjustment Application No. 2007-03 and Approve Rescission of all or a portion of Williamson Act Contract Nos. 2002-4481, 2002-4480, and 2002-4455 and Approve two new "Open Space" Contracts Pursuant to Lot Line Adjustment Application No. 2007-03 and Authorize the Planning Director to Execute the new Contracts.
12. Approve Variance Application No. 2007-02 - Friends of the Tuolumne, subject to completion of Williamson Act Contract Cancellation Application No. 2007-01, subject to the attached Conditions of Approval.

DISCUSSION:

The purpose of this action is to expand the Bobcat Flat Wildlife Refuge, owned by the Friends of the Tuolumne, and to consolidate existing land uses on the remaining two parcels. As this is an adjustment of existing parcel boundaries, no new parcels will be created and no new opportunity for additional development is present. There will be no change to existing land uses and no new structures or homes are proposed. There is no opportunity for any new land-disturbing activities other than those currently allowed. Access to the Bobcat Flat Wildlife Refuge parcel will be provided through a recorded access easement along existing on-site roads and paved driveways. No new roads or driveway approaches are required or proposed.

This is a request to adjust three existing lots from 40.36, 68.74, and 115.2 acres to 3.95, 71.96, and 148.39 acres in the A-2-40 (General Agriculture) zoning district. A Variance is also required because if the lot line adjustment is approved, one of the parcels will be reduced to 3.95 acres - which is less than the 40-acre minimum requirement of the zoning district.

Concurrently with the proposed lot line adjustment and variance, a Williamson Act Cancellation is proposed (and required) for the proposed 3.95 acre parcel which is a portion of Williamson Act Contract No. 2002-4481.

Parcel	Acreage Before Lot Line Adjustment	Acreage After Lot Line Adjustment	Williamson Act - (Before)	Williamson Act - (After)
"1"	40.36 acres	3.95 acres	YES	NO
"2"	68.74 acres	71.96 acres	YES	YES
"3"	115.2 acres	148.39 acres	YES	YES

The parcels are located at and adjacent to 23792 and 23806 Yosemite Boulevard, north of the Tuolumne River and south of Yosemite Boulevard (SR 132) at the intersection of Rushing Road, approximately nine (9) miles east of Waterford. All three parcels are designated "Agricultural" in the County General Plan and are zoned A-2-40 (40-acre minimum).

Parcel "1" is currently 40.36 acres, is restricted by Williamson Act Contract 2002-4481, and will be reduced in size to 3.95 acres. The parcel is already developed with a single-family home and shop. Approximately 7.83 acres of irrigated pasture will be conveyed to Parcel "2" and 28.58 acres will be conveyed to Parcel "3." Parcel "1" is proposed to be removed from the Williamson Act because it will no longer be of a size to support agricultural activities. (A Notice of Non-Renewal was recorded in June 2007.) The zoning variance is also required in order to allow Parcel "1" to adjust to smaller than 40 acres.

Parcel "2" is currently 68.74 acres and includes a single-family home, a barn, and a shed. This parcel is currently restricted by Williamson Act Contract 2002-4480 and will be expanded to 71.96 acres. Parcel "2" will convey 4.61 acres to "Parcel 3" and will "receive" 7.83 acres from Parcel "1." No additional structures will be constructed. The lot line adjustment increases the acreage of irrigated pasture on this property, and the existing use for grazing will continue to operate. The site is currently authorized through Use Permit No. 96-06 to operate a horse boarding and training facility, and under this County's rules is considered to be compatible with the existing Williamson Act Contract. No changes in use are proposed and after the lot line adjustment, the existing use will continue to be considered compatible with the new Williamson Act contract as "open space".

Parcel "3" is the Bobcat Flat Wildlife Area, owned and operated by the Friends of the Tuolumne. A multi-jurisdictional river restoration project, "The Bobcat Flat Coarse Sediment Introduction and Revegetation Project" has been initiated to restore and enhance the quantity and quality of salmonid spawning and rearing habitat by reestablishing natural floodplain processes through implementation of several instream activities including re-introduction of spawning gravels, recontouring of the flood channels, and revegetation.

Parcel "3" will increase in size from 115.2 acres to 148.39 acres and will extend from the river's edge to Highway 132. No new uses or structures are proposed and the site will continue to be managed as a wildlife preserve. Following the lot line adjustment, the site will continue to be restricted by a new Williamson Act contract and managed as "open space" and a "wildlife habitat area."

This proposal is consistent with the Stanislaus County General Plan Conservation Element, in that the primary purpose of the adjustment is to expand the Bobcat Flat Wildlife Refuge. Goal One of the Conservation Element encourages protection and preservation of natural and scenic areas throughout the County and includes an implementation measure to continue to use Williamson Act contracts as a means for open space conservation. Policy Three requires protection of sensitive wildlife habitat including riparian habitats, and Goal Ten requires protection of fish and wildlife species, with specific mention of enhancements for salmon migration.

Expansion of the Bobcat Flat Wildlife Refuge meets the goals and policies, and as no new uses are anticipated for the other two properties, staff considers that implementation of the lot line adjustment as proposed would not result in any significant environmental impacts.

The three existing Williamson Act contracts will be modified. Following cancellation, Parcel 1 will no longer be restricted by a Williamson Act contract. Parcels 2 and 3 will re-enter into new contracts specifically for "Open Space" purposes. Government Code Section 51205 specifically states:

"...land devoted to recreational use or land within a scenic highway corridor, a wildlife habitat area, a saltpond, a managed wetland area, or a submerged area may be included within an agricultural preserve..."

Staff believes that both the Bobcat Flat Wildlife Refuge (Parcel "3") and the irrigated pasture (Parcel "2") meet the definition of a "wildlife habitat" as defined in Government Code 51201(j):

A "wildlife habitat area" is a land or water area designated by a board or council, after consulting with and considering the recommendation of the Department of Fish and Game, as an area of great importance for the protection or enhancement of the wildlife resources of the state.

Staff has consulted with the Department of Fish and Game and agrees with their conclusions as stated in their letter dated December 20, 2007 (see Exhibit "D" of the Planning Commission Staff Report - [Attachment 1]), which states that "...both Bobcat Flat and the land in the proposed purchase are areas of great importance for the protection and enhance of riparian habitat and wildlife."

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In order to approve the proposed actions, the Board must make a series of Findings related to the variance, the lot line adjustment, and the Williamson Act cancellation. Detailed discussions of each of these can be found in the attached Planning Commission Staff Report on pages 5 through 12 (Attachment 1).

In regards to the Williamson Act cancellation and in accordance with Government Code Section 51283, the Planning Department requested the County Assessor determine the current fair market value of the land as though it were free of the contractual restriction. The Assessor must certify to the Board of Supervisors the cancellation valuation of the land for the purpose of determining the cancellation fee. At the same time, the Assessor must send notice, to the landowner and the DOC, indicating the current fair market value of the land as though it were free of the contract and advise the parties, that upon their request, the assessor shall provide all information relevant to the valuation, excluding third-party information. The notice shall also advise the landowner and the DOC of the opportunity to request formal review from the assessor.

Prior to giving tentative approval to the cancellation of the contract, the Board of Supervisors must also determine and certify to the County Auditor the amount of the cancellation fee the landowner shall pay the County Treasurer upon cancellation. The cancellation fee shall be an amount equal to 12 ½ percent of the cancellation valuation of the property.

The Assessor has determined the cancellation valuation of 3.95 acres to be \$300,000. The cancellation fee (12½%) would be \$37,500 (see Exhibit "I" of the Planning Commission Staff Report).

The Planning Commission held a public hearing on this project at its regular meeting of February 21, 2008. Following staff's recommendation for approval, the Chairman opened the public hearing. Dave Boucher, representing Friends of the Tuolumne, spoke in favor of the project. No one spoke in opposition.

Following the closing of the hearing, the Commission discussed the project indicating positions in favor of the project. There were a few questions as to ownership of each parcel and clarification regarding the differences between an "Agricultural" Williamson Act Contract and an "Open Space" Contract. The Commission unanimously voted 6-0 (Gammon/Navarro) to recommend the Board of Supervisor's approve this request.

POLICY ISSUES:

The Board should determine whether expansion of the Bobcat Flat Wildlife Area and other actions as proposed are consistent with the Board's Priorities of developing effective partnerships and maintaining a strong agricultural economy and heritage.

STAFFING IMPACT:

None.

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ATTACHMENTS:

1. Planning Commission Staff Report, February 21, 2008
2. Planning Commission Minutes, February 21, 2008

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STANISLAUS COUNTY PLANNING COMMISSION

February 21, 2008

(Continued from the November 15, 2007, Planning Commission Meeting)

STAFF REPORT

VARIANCE APPLICATION NO. 2007-02 LOT LINE ADJUSTMENT APPLICATION NO. 2007-03 AND WILLIAMSON ACT CANCELLATION APPLICATION NO. 2007-01 FRIENDS OF THE TUOLUMNE

REQUEST: TO ADJUST LOT LINES FROM 40.36, 68.74 AND 115.2 ACRES TO 3.95, 71.96, AND 148.39 ACRES IN THE A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT. A VARIANCE APPLICATION WAS SUBMITTED SINCE ONE PARCEL IS GOING FROM 40.36 ACRES TO 3.95 ACRES WHICH IS LESS THAN THE 40-ACRE MINIMUM REQUIREMENT. THERE IS A PROPOSED WILLIAMSON ACT CANCELLATION FOR THE 3.95 ACRE PARCEL. THE PROPERTY IS LOCATED ON YOSEMITE BOULEVARD, SOUTH OF RUSHING ROAD, IN THE WATERFORD AREA.

APPLICATION INFORMATION

Applicant:	Allison Boucher, Friends of the Tuolumne
Property Owners:	Friends of the Tuolumne, Richard Landucci and Constance Arthur
Engineer/Representative:	R.B. Welty & Associates
Location:	23792 and 23806 Yosemite Boulevard, north of the Tuolumne River and south of Rushing Road, in the Waterford area
Section, Township, Range:	32-3-13
Supervisory District:	One (Supervisor O'Brien)
Assessor's Parcel:	008-020-017, 018 and 020
Referrals:	See Exhibit "J" Environmental Review Referrals
Area of Parcels:	Parcel "1": 40.36 before/3.95 acres after lot line adjustment Parcel "2": 68.74 acres before/71.96 acres after lot line adjustment Parcel "3": 115.2 acres before/148.39 acres after lot line adjustment
Water Supply:	Private Water Well
Sewage Disposal:	Private Septic/Leach Field System
Existing Zoning:	A-2-40 (General Agricultural)
General Plan Designation:	Agricultural
Community Plan Designation:	Not Applicable
Williamson Act Contract Nos:	Parcel "1": 2002-4481 Parcel "2": 2002-4480 Parcel "3": 2002-4455

Environmental Review:
 Present Land Use:

Mitigated Negative Declaration
 Irrigated pasture, wildlife habitat area, horse riding facility (UP No. 96-06) for Parcel "2", single-family dwellings, and outbuildings Ranchettes and single-family dwellings, agricultural uses, Turlock Lake, Tuolumne River, a paintball operation and mobile home park to the west, and State Highway 132 (Yosemite Boulevard)

Surrounding Land Use:

PROJECT DESCRIPTION

This project was continued from the November 15, 2007, Planning Commission meeting to resolve issue with the Department of Conservation related to the Williamson Act. Staff met with the Department of Conservation and resolved any issues and concerns regarding this project which is the reason this application can move forth at this time.

This is a request to adjust lot lines from 40.36, 68.74, and 115.2 acres to 3.95, 71.96, and 148.39 acres in the A-2-40 (General Agriculture) zoning district. A Variance Application was submitted due to the fact that if the lot line adjustment is approved, one of the parcels will be reduced from 40.36 acres to 3.95 acres which is less than the 40-acre minimum requirement. The proposed lot line adjustment will enable Friends of the Tuolumne to acquire additional lands for use as a wildlife preserve and allow the other large property to gain some additional land for continued use for irrigated pasture, horse riding facility and open space. Concurrently with the proposed lot line adjustment and variance, a Williamson Act Cancellation Application is proposed and required for the proposed 3.95 acre parcel which is a portion of Williamson Act Contract No. 2002-4481.

Parcel	Acreage Before Lot Line Adjustment	Acreage After Lot Line Adjustment
"1"	40.36 acres	3.95 acres
"2"	68.74 acres	71.96 acres
"3"	115.2 acres	148.39 acres

SITE DESCRIPTION

The property is located at 23792 and 23806 Yosemite Boulevard, north of the Tuolumne River and south of Yosemite Boulevard (SR 132) at the intersection of Rushing Road, approximately nine (9) miles east of Waterford. Currently, Parcel "1" has a single-family dwelling and outbuilding; Parcel "2" contains a single-family dwelling, barn, shed, a horse board and training facility and irrigated pasture; and Parcel "3" is a wildlife habitat area. The site is designated "Agricultural" in the County General Plan and the project area is zoned A-2-40 (40-acre minimum).

DISCUSSION

The purpose of this lot line adjustment is to expand the Bobcat Flat Wildlife Refuge, owned by the Friends of the Tuolumne, and to consolidate existing land uses on the remaining two parcels. As this is an adjustment of existing parcel boundaries, no new parcels will be created and no new

opportunity for additional development is present. There will be no change to existing land uses and no new structures or homes are proposed. There is no opportunity for any new land-disturbing activities other than those currently allowed. Access to the Bobcat Flat Wildlife Refuge parcel will be provided through a recorded access easement along existing on-site roads and paved driveways. No new roads or driveway approaches are required or proposed.

Parcel "1" is currently 40.36 acres, is restricted by Williamson Act Contract 2002-4481, and will be reduced in size to 3.95 acres. The parcel is already developed with a single-family home and shop. Approximately 7.83 acres of irrigated pasture will be conveyed to Parcel "2" and 28.58 acres will be conveyed to Parcel "3." Parcel "1" is proposed to be removed from the Williamson Act because it will no longer be of a size to support agricultural activities.

Parcel "2" is currently 68.74 acres and includes a single-family home, a barn, and a shed. This parcel is currently restricted by Williamson Act Contract 2002-4480 and will be expanded to 71.96 acres. Parcel "2" will convey 4.61 acres to "Parcel 3" and will "receive" 7.83 acres from Parcel "1." No additional structures will be constructed. The lot line adjustment increases the acreage of irrigated pasture on this property, and the existing use for grazing will continue to operate. The site is currently authorized through Use Permit No. 96-06 to operate a horse boarding and training facility, and under this County's rules is considered to be compatible with the Williamson Act Contract. No changes in use are proposed and after the lot line adjustment, the existing use will continue to be considered compatible with the Williamson Act.

Parcel "3" is the Bobcat Flat Wildlife Area, owned and operated by the Friends of the Tuolumne. A multi-jurisdictional river restoration project, "The Bobcat Flat Coarse Sediment Introduction and Revegetation Project" has been initiated to restore and enhance the quantity and quality of salmonid spawning and rearing habitat by reestablishing natural floodplain processes through implementation of several instream activities including re-introduction of spawning gravels, recontouring of the flood channels, and revegetation.

The Bobcat Flat project was jointly funded by the Department of Water Resources (DWR) and the CALFED Bay-Delta Authority (CBDA). The United States Fish and Wildlife Service (USFWS) contributed funds from the CALFED Bay-Delta Program and the Central Valley Project Improvement Act's (CVPIA) Anadromous Fish Restoration Program (AFRP) to Friends of the Tuolumne, Inc., a non-profit organization, to implement the project. Turlock Irrigation District (TID) is administering funding secured from the California Department of Water Resources (DWR) through a Delta Fish Protection Agreement (formerly Four Pumps Agreement). As such, the Bobcat Flat area can be considered a "Wildlife Habitat Area" as an "area of great importance for the protection or enhancement of the wildlife resources of the State." The existing use is consistent with Government Code Section 51203(j) and 51203(o) and is appropriately restricted by a Williamson Act Contract.

Parcel "3" will increase in size from 115.2 acres to 148.39 acres and will extend from the river's edge to Highway 132. No new uses or structures are proposed and the site will continue to be managed as a wildlife preserve. Following the lot line adjustment, the site will continue to be restricted by a Williamson Act contract and managed as "open space" and a "wildlife habitat area."

The Variance request is required because, following the lot line adjustment, Parcel "1", currently 40.36 acres, will be reduced in size to less than 40 acres (3.95 acres). Current zoning of A-2-40 requires a minimum lot size of 40 acres and in order to modify the size of the parcel to less than

40 acres, a variance is required. Because Parcel "1" will also be less than the minimum size required for a Williamson Act contract (10 acres for prime farmland and 40 acres for non-prime farmland), the existing Williamson Act contract must be cancelled. A Notice of Non-Renewal was recorded in June 2007.

This proposal is consistent with the Stanislaus County General Plan Conservation Element, in that the primary purpose of the adjustment is to expand the Bobcat Flat Wildlife Refuge. Goal One of the Conservation Element encourages protection and preservation of natural and scenic areas throughout the County and includes an implementation measure to continue to use Williamson Act contracts as a means for open space conservation. Policy Three requires protection of sensitive wildlife habitat including riparian habitats, and Goal Ten requires protection of fish and wildlife species, with specific mention of enhancements for salmon migration.

Expansion of the Bobcat Flat Wildlife Refuge meets the goals and policies, and as no new uses are anticipated for the other two properties, staff considers that implementation of the lot line adjustment as proposed would not result in any significant environmental impacts.

The Williamson Act contracts will be modified. Following cancellation, Parcel 1 will no longer be restricted by a Williamson Act contract. Parcels 2 and 3 will re-enter into new contracts specifically for "Open Space" purposes. Government Code Section 51205 specifically states:

"...land devoted to recreational use or land within a scenic highway corridor, a wildlife habitat area, a saltpond, a managed wetland area, or a submerged area may be included within an agricultural preserve..."

Staff believes that both the Bobcat Flat Wildlife Refuge (Parcel "3") and the irrigated pasture (Parcel "2") meet the definition of a "wildlife habitat" as defined in Government Code 51201(j):

A "wildlife habitat area" is a land or water area designated by a board or council, after consulting with and considering the recommendation of the Department of Fish and Game, as an area of great importance for the protection or enhancement of the wildlife resources of the state.

Staff has consulted with the Department of Fish and Game and agrees with their conclusions as stated in their letter dated December 20, 2007 (see Exhibit "D"), which states that "...both Bobcat Flat and the land in the proposed purchase are areas of great importance for the protection and enhance of riparian habitat and wildlife."

DISCUSSION & FINDINGS

The applicant is requesting a variance to the zoning ordinance Section 21.20.060, minimum lot size in the Agricultural zone. Variances are authorized where practical difficulties, unnecessary hardships, and results inconsistent with the general purpose of the County Zoning Ordinance may result from the strict application of certain provisions of the Zoning Ordinance. Stanislaus County requires the Planning Commission to make findings in order to approve the variance application.

These findings and the justification for each are provided below:

VARIANCE FINDINGS

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

There are special circumstances associated with these three properties that result in the need and desire to modify the ownerships as proposed (both from a landowner and public interest standpoint). Parcel "1" includes a 3.95 acre relatively flat homesite immediately adjacent to State Highway 132. It also includes approximately 36.41 additional acres of very steep bluff, a portion of some irrigated pasture on the benchland immediately above the flood plain of the Tuolumne River, and isolated patches of riparian habitat. The benchland is currently leased to the owner of Parcel "2". Portions of the bluff and riparian areas on Parcel "1" are degraded in habitat value and have experienced invasion from noxious weeds.

Parcel "2" includes most of the benchland and irrigated pasture as well as isolated patches of riparian habitat. Portions of the property are within the 100-year floodplain of the Tuolumne River. Parcel "3" includes only riparian habitat managed as the Bobcat Flat Wildlife Area and is located entirely within the 100-year flood plain of the Tuolumne River.

The location of the properties is unique in that they are located between the Tuolumne River and State Highway 132. Approximately 175 acres of the total 224 acres is located within the 100-year flood plain of the Tuolumne River. Only 50 acres is useable and of that 50 acres, approximately 33 acres are in irrigated pasture. The remainder includes two homesites, some rangeland, and about 10 acres of steep dryland bluff that is unuseable.

The Bobcat Flat Wildlife Area is located adjacent to the river, and extends upstream of the property boundaries for approximately 7000 feet of river frontage on additional parcels. This area has been the focus of significant restoration work including riparian habitat enhancements and salmonid spawning gravel improvements. Federal and State grant funding has contributed to these enhancements as a part of a region-wide and watershed wide programs to enhance both habitat values and water quality in the Bay-Delta and its tributaries.

The lot line adjustment as proposed would result in one parcel that would be less than the zoning allows. Parcel "1" would decrease from 40.36 acres to 3.95 acres. This action would isolate one homesite and allow for coordinated management of the remaining acres and increase the conservation areas associated with the Wildlife Area.

Depriving the Wildlife Area the opportunity to expand as proposed and to take over management of degraded areas could be considered detrimental to the public benefits derived from the expansion. Strict application of the minimum parcel size requirement would result in the inability for the Wildlife Area to expand and provide additional public benefit.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

The granting of the application is necessary for the preservation and enjoyment of property rights related to all three parcels. Granting the application will allow the smaller center of irrigated land on Parcel "1" to be added to other useful agricultural land being used as irrigated pasture and an approved horse training facility on Parcel "2." In addition, the wetlands and steep dry pasture would be added to the Friends of the Tuolumne Wildlife Preserve to become additional protection and breeding area for animals using the preserve.

3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

There will not be any changes in use. The irrigated and non-irrigated portion from Parcel "1" to Parcel "2" will continue to be used as such. In addition, the wetlands on Parcel "1" that will be added to Parcel "3" will continue to be protected by the Friends of the Tuolumne and the non-irrigated pasture will be restored to additional wildlife habitat.

LOT LINE ADJUSTMENT FINDINGS

The Lot Line Adjustment will be finalized concurrently with cancellation of the Williamson Act Contract on 3.95 acres.

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.

Two new contracts will replace the existing three contracts, and will enforceably restrict the adjusted boundaries of Parcel "2" and Parcel "3". 100% of the land adjusted with Parcel "2" and Parcel "3" will remain under a Williamson Act Contract for at least 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.

Currently, 224.3 acres is restricted by a Williamson Act Contract. After cancellation, approximately 3.95 acres will no longer be restricted bringing the total restricted acreage to 220.35 acres. Parcel "2" and Parcel "3" are currently under a Williamson Act Contract and the additional property added to each of these will be added to the Williamson Act coverage of those properties (36.41 acres). After cancellation, the aggregate acreage prior

to lot line adjustment restricted by Williamson Act contract will be 220.35 acres. The land to be restricted by new contract after lot line adjustment and rescission and re-entry will be 220.35 acres. Administratively, the County intends to approve a cancellation of 3.95 acres first, then record the lot line adjustment to match the cancellation area. After the cancellation, there will be no net decrease in the amount of acreage restricted. The aggregate acreage of the land restricted by the new contracts (220.35 acres) will be at least as great as the aggregate acreage restricted by the rescinded contracts (220.35 acres).

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

Currently, 224.3 acres is restricted by a Williamson Act Contract. After cancellation approximately 3.95 acres will no longer be restricted bringing the total restricted acreage to 220.35 acres. 98% of all lands currently under contract will remain under contract. All useable agricultural land will remain under contract with Parcel "2" and Parcel "3." After cancellation, 100% of the 220.35 acres will remain under contract.

Parcel	Current Acres Restricted by Contract	Acreage of Remaining Under Contract	Percentage of Land Remaining Under Contracts	Total Acres of Parcels Under Contract after Lot Line Adjustment
1	40.36	36.41	90%	0
2	68.74	68.74	100%	71.96
3	115.2	115.2	100%	148.39
Total	224.3	220.35	98.2%	220.35

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

After cancellation and adjustment, two parcels of land will be subject to new Williamson Act contracts. The newly adjusted parcels will be 71.96 acres and 148.39 acres. Government Code 51222 states that:

"...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."

After adjustment, both parcels will be are greater in size than 40 acres and as such are presumed by law to be large enough to sustain their agricultural use.

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

The acreage being adjusted will not compromise the long-term agricultural productivity of any of the existing parcels or other contracted land in close proximity to the site. Parcel "1" currently includes a steep bluff, a home site, and a portion of the irrigated pasture located on the bench land between the State Highway and the riparian flood zone and wildlife area. This site's potential for long-term agricultural productivity is currently limited at best because of its location, topography and soils. Parcel "1" is composed primarily of non-prime soils, and much of it has been degraded through the invasion of noxious weeds. The only portion of Parcel "1" that currently has any agricultural production on it is that portion consisting of irrigated pasture on the benchlands below the bluff that will be conveyed to Parcel "2". Parcel "1" will be reduced in size to 3.95 acres and will be removed from the Williamson Act through cancellation of the contract. Parcel "2" will be increased in size to include most of the irrigated pasture on the benchland, and agricultural productivity for this parcel will be expanded and enhanced. Parcel "3" comprises the Bobcat Flat Wildlife Area and will similarly be expanded and enhanced. Management of the Wildlife Area will include habitat enhancements and control of noxious weeds. The area will include restored native upland refugia for wildlife populating the riparian and flood areas.

The adjacent property to the west is the Tuolumne River Resort and does not include any agricultural production. The adjacent property to the east includes other portions of the Bobcat Flat Wildlife Area, and other range and irrigated pasture. Modification of the ownership patterns as proposed will have no effect on any agricultural production in the immediate area or in the region as a whole, except that the irrigated pasture, currently leased by the owner of Parcel "2", will be under Parcel "2" ownership. The unproductive bluff area will transfer to ownership of Friends of the Tuolumne to be used as refugia for the Wildlife Area. The 3.95 acre home site will remain unproductive and will be appropriately free of a Williamson Act Contract.

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

This lot line adjustment will not result in any removal of adjacent land, in fact, this will increase the agricultural viability of the two parcels which will be increased in size. The adjacent property to the west is the Tuolumne River Resort and does not include any agricultural production. The adjacent property to the north, across State Highway 132, include range and a productive almond orchard. There is no possibility that these properties would be removed from agricultural use as a result of this action. The adjacent property to the east includes other portions of the Bobcat Flat Wildlife Area, and other range and irrigated pasture. Modification of the ownership patterns as proposed will have no effect on any agricultural production of the adjacent properties except that the Bobcat Flat Wildlife Area will be expanded.

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.

This lot line adjustment does not create any more parcels than existed prior to this proposed adjustment and, in fact, reduces development potential of two of the properties. This lot line adjustment is consistent with the "Agriculture" general plan designation for all

three parcels. The "Agriculture" designation in the General Plan is specifically identified as being consistent with areas identified as suitable for "open space" (see page 1-25).

The Stanislaus County General Plan includes provisions for parcelization less than that allowed by a particular zoning district. In this case, the zoning requires 40-acre minimum lot size, unless a Variance can be approved.

The County's Conservation and Open Space Element specifically requires the use of Williamson Act Contracts as a means for open space conservation (Goal One, Policy One, Implementation Measure 2). Policy Three of the Conservation Element further requires that areas of sensitive habitat be protected from development.

The Land Use Element of the General Plan further requires that the County maintain a 10-acre minimum parcel size for parcels requesting inclusion in the Williamson Act (Goal Three, Policy Sixteen, Implementation Measure 1). Implementation Measure 5 states that Lot Line Adjustments that result in parcels less than 10-acres are also specifically required to file notice of non-renewal. By reference to Implementation Measure 1, because no parcel can be less than 10-acres in a new Williamson Act contract, any Lot Line Adjustment or Parcel Map that results in a parcel less than 10 acres in size, would require cancellation of the Contract.

This is exactly the case with the proposal described herein. Parcel "1" will be less than 10 acres (which can be consistent with the General Plan). The Conservation Open Space and Land Use element goals will be accomplished through expansion of the Wildlife Area, and consolidation of uses.

Because the General Plan encourages the use of Williamson Act contracts to support and protect open space, and because the zoning ordinance provides for occasional variances when specific findings can be made, the proposed lot line adjustment can be found to be consistent with both the General Plan and Zoning Ordinance.

WILLIAMSON ACT FINDINGS

When initially approved, Williamson Acts are good for a period of ten years. After the first year of that ten year period, one more year is automatically added to the term of the contract so that it is always valid for ten years. If nothing is done to stop this automatic renewal, the contract will go on indefinitely. The only guaranteed way of stopping the automatic renewal provision is for either the property owner or the County to file a "Notice of Non-Renewal." Once the notice is signed and properly filed with the County, the County will cease to renew the contract and it will expire in approximately ten years. The only other way of getting out of the contract is to apply to cancel the contract, effective immediately. In order for the contract to be canceled, the Board of Supervisors must hold a public hearing on the request and make several findings as required by state law. In general, the findings are very difficult to make and such requests are seldom approved. Listed below are the findings required by Government Code Section 51282 for tentative approval for cancellation of contract:

1. *That the cancellation is consistent with the purposes of this chapter; or*
2. *That cancellation is in the public interest.*

The current contract as adopted by the County requires BOTH findings be made rather than only one. Staff believes that **both** findings can be made as described below.

Government Code Section 51282 specifies that cancellation is "consistent with the purposes of this chapter" only if the Board of Supervisors makes all of the following findings:

1. *That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.*

A Notice of Nonrenewal for the subject contract (2002-4481) was recorded on June 14, 2007.

2. *That cancellation is not likely to result in the removal of adjacent lands from agricultural uses.*

The cancellation is only for 3.95 acres of what is currently a 40.36-acre site. The adjacent properties will be re-entering into Williamson Act contracts for the remaining 36.41 acres. The cancellation results in maintaining a large portion of the original contract and in no way is likely to result in adjacent properties being removed from existing agricultural uses.

3. *That cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan.*

The cancellation is primarily to reduce the size of the existing parcel in order to increase the sizes of the adjacent parcels. (Both of the larger adjusted properties will remain restricted by a Williamson Act contract.) The existing uses on the cancelled property will remain on site, and there are no "alternative" uses proposed. The property will remain restricted by the uses allowable within the General Agriculture zoning district, exactly as it is now. The uses allowable on the property today are compatible with the General Plan, and any subsequent uses will also be compatible with the General Plan. Overall, the request for cancellation is compatible with various goals and policies defined in the General Plan as discussed under Item Number 7 in the Lot Line Adjustment Findings section above.

4. *That cancellation will not result in discontinuous patterns of urban development.*

The cancellation will not result in discontinuous patterns of urban development as no additional development is proposed. The majority of the area associated with this adjustment is suited for open space and/or agricultural uses and will continue to be so after the cancellation. No new uses are proposed, nor would they be allowed unless they were compatible with the existing agricultural zoning. There is no possibility that additional or discontinuous patterns of urban development will occur on this site or on adjacent properties as a result of this cancellation.

5. *That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.*

Because the underlying purpose of the cancellation is to facilitate expansion and protection of the Bobcat Flat Wildlife Refuge and the adjacent upland refugia, there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed. There is no proposed urban development associated with this cancellation. The purpose of the cancellation is to remove a small portion of the overall site from the Williamson Act in order to facilitate conservation goals on the remaining acreage, tied directly to an existing wildlife area adjacent to the Tuolumne River.

Government Code Section 51282 further specifies that cancellation of a contract shall be in the "public interest" only if the council or board makes the following findings:

1. *That other public concerns substantially outweigh the objectives of this chapter.*

The overriding public concern related to the proposed cancellation, as stated above is that the cancellation facilitates expansion and protection of the Bobcat Flat Wildlife Refuge and the related upland refugia. The California Department of Fish and Game has indicated that the properties provide valuable and significant habitat for the wildlife of the State. As such, the majority of the lands associated with the lot line adjustment are suitable for an "Open Space" Williamson Act contract. The small portion of the lands on which a cancellation will occur, have no significant agricultural or open space value, as they are currently used for rural residential purposes. A small parcel, with only rural residential use, is not compatible with the Williamson Act and as such would not be consistent with the objectives of the law.

2. *That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.*

See discussion to Item Number 5 above.

Staff believes that BOTH findings can be made, based on the evidence and discussion above. When the Williamson Act Cancellation Application goes before the Board of Supervisors for a public hearing, the Board will have to take the following actions to approve the cancellation of the Williamson Act (in addition to various actions related to the Lot Line Adjustment):

1. Make the seven (7) findings discussed above;
2. Accept the Cancellation Value of the Subject Property as determined by the County Assessor;
3. Certify to the County Auditor the Cancellation Fee which must be paid as deferred taxes to be 12½% of the accepted cancellation value;
4. Approve Tentative Cancellation of a portion of Williamson Act Contract No. 2002-4481 subject to payment of the Cancellation Fee. Unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State Law;

5. Direct the Clerk of the Board to Record a Certificate of Tentative Cancellation within 30 Days of this Action; and
6. Direct the Clerk of the Board, within 30 Days of the Board action, to publish Notice of the Decision, Pursuant to Government Code, and to deliver a copy of the published Notice of the Decision to the Director of Conservation.

In accordance with Government Code Section 51283, the Planning Department requested the County Assessor determine the current fair market value of the land as though it were free of the contractual restriction. The Assessor must certify to the Board of Supervisors the cancellation valuation of the land for the purpose of determining the cancellation fee. At the same time, the Assessor must send notice, to the landowner and the DOC, indicating the current fair market value of the land as though it were free of the contract and advise the parties, that upon their request, the assessor shall provide all information relevant to the valuation, excluding third-party information. The notice shall also advise the landowner and the DOC of the opportunity to request formal review from the assessor.

Prior to giving tentative approval to the cancellation of the contract, the Board of Supervisors must also determine and certify to the County Auditor the amount of the cancellation fee the landowner shall pay the County Treasurer upon cancellation. The cancellation fee shall be an amount equal to 12 ½ percent of the cancellation valuation of the property.

The Assessor has determined the cancellation valuation of 3.95 acres to be \$300,000. The cancellation fee (12½%) would be \$37,500 (see Exhibit "I").

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment (see Exhibit "J" for the Environmental Review Referral list). An Initial Study and Mitigated Negative Declaration were adopted by the Turlock Irrigation District in April 2005 regarding the Bobcat Flat Restoration project. (This initial study is available for review in the Planning Department.) However, the mitigation measures defined in that document are specific to the restoration project alone, and are not applicable to the proposed lot line adjustment and variance analyzed here.

Staff prepared a separate Initial Study for the proposed project and a Mitigated Negative Declaration is proposed for adoption with this project (see Exhibit "G"). In addition, Conditions of Approval have been added to this project (see Exhibit "E").

RECOMMENDATION

Staff recommends that the Commission forward the following recommendation to the Board of Supervisors for action:

1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis.

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorders Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. In relation to the request for a Variance, find:
 - A. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
 - B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.
 - C. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.
4. In relation to the Lot Line Adjustment, find:
 - A. 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.
 - B. 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.
 - C. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 - D. 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.
 - E. 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.
 - F. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 - G. 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.

5. In relation to the request to cancel a portion of Williamson Act Contract 2002-4481, find:
 - A. That the cancellation is consistent with the purposes of this chapter based on findings that: 1. The cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245; 2. That cancellation is not likely to result in the removal of adjacent lands from agricultural uses; 3. That cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan; 4. That cancellation will not result in discontinuous patterns of urban development; and 5. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.
 - B. That cancellation is in the public interest based on findings that: 1. Other public concerns substantially outweigh the objectives of Government Code, specifically as they relate to the expansion and preservation of the Bobcat Flat Wildlife Area and related upland refugia; and 2. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.
6. Accept the Cancellation Value of the Subject Property as determined by the County Assessor;
7. Certify to the County Auditor the Cancellation Fee which must be paid as deferred taxes to be 12½% of the accepted cancellation value;
8. Approve Tentative Cancellation of a portion of Williamson Act Contract No. 2002-4481 subject to payment of the Cancellation Fee. Unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State Law;
9. Direct the Clerk of the Board to Record a Certificate of Tentative Cancellation within 30 Days of this Action; and
10. Direct the Clerk of the Board, within 30 Days of the Board action, to publish Notice of the Decision, Pursuant to Government Code, and to deliver a copy of the published Notice of the Decision to the Director of Conservation.
11. Approve Lot Line Adjustment Application No. 2007-03 and Approve to Rescission of All or a Portion of Williamson Act Contract Nos. 2002-4481, 2002-4480, and 2002-4455 and Approve a New Contract Pursuant to Lot Line Adjustment Application No. 2007-03 and Authorize the Planning Director to Execute a New Contract.
12. Approve Variance Application No. 2007-02 - Friends of the Tuolumne, subject to completion of Williamson Act Contract Cancellation Application No. 2007-01, subject to the attached Conditions of Approval.

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project. Therefore, the applicant will further be required to pay \$1,933.75 for the Department of Fish and Game and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Report written by:



Kirk Ford, Assistant Director
Carole Maben, Associate Planner
February 1, 2008

Attachments:

- Exhibit A - Applicant's Findings
- Exhibit B - Maps
- Exhibit C - Letter dated February 27, 2007, from the Department of Conservation
- Exhibit D - Letter dated December 20, 2007, from the Department of Fish and Game
- Exhibit E - Conditions of Approval
- Exhibit F - Initial Study
- Exhibit G - Mitigated Negative Declaration
- Exhibit H - Mitigation Monitoring Plan
- Exhibit I - Cancellation Value Letter dated February 6, 2008 from the Stanislaus County Assessor's Office
- Exhibit J - Environmental Review Referrals
- Exhibit K - Draft of Open Space Williamson Act Contract

(I:\Staffrpt\VAR\2007\VAR 2007-02 LLA 2007-03 WAC 2007-01 - Friends of the Tuolumne\staff report.wpd)

VARIANCE FINDINGS

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

Answer: This property is mostly either dry pasture on a steep slope along Highway 132 or wetlands. Only the center portion is usable as irrigated pasture. The steep slope is unsafe for most animals and is becoming a star thistle patch. The wetlands must be protected. Because most of the property is of negligible agricultural value, the strict application of this Chapter would deprive the property of the privileges enjoyed by other properties by preventing the economical agricultural use of the relatively small center portion.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

Answer: Granting the application will allow the small center irrigated pasture the ability to be added to other useful agricultural land being used by the horse and rider training operation. By adding the small irrigated pasture to the irrigated pasture currently being used by Constance Arthur, it becomes agriculturally economically viable.

Granting the application will allow the wetlands and steep dry pasture along the highway to be added to the Friends of the Tuolumne wildlife preserve. The small acreage being purchased is not large enough to be a self-sustaining wildlife habitat; however, by adding it to the 300 acres currently protected it will become an additional protection and breeding area for large mammals.

3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

Answer: There will be no change in use; portions of the property will continue to be used as part of the horse and rider training operation. Constance Arthur will continue to use the irrigated pasture as irrigated pasture. The non-irrigated pasture purchased by Constance Arthur will continue to be non-irrigated pasture.

The wetlands will continue to be protected as wildlife habitat by Friends of the Tuolumne. The non-irrigated pasture that will be purchased by the Friends of the Tuolumne will be restored to additional wildlife habitat.

Therefore, this variance will not change any of the current activities. The activities will not affect the health or safety of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. In fact, granting the variance will upgrade the public welfare by allowing Friends of the Tuolumne to enlarge their wildlife preserve.

FRIENDS OF THE TUOLUMNE, INC.

7523 Meadow Avenue
Stockton, CA 95207

July 2, 2007

Responses to Carole's request on Findings 1 – 7
Department of Conservation

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

Answer: The parcel portions to be sold to Constance Arthur and Friends of the Tuolumne, Inc. will be enrolled under the Williamson Act as additions to their existing Williamson Act lands, therefore restricting the adjusted boundaries for at least 10 years.

2. There is no net decrease in the amount of acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contract rescinded pursuant to this section, this finding is 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.

Answer: Approximately 7.56 acres will no longer be restricted. The seller's home is above a steep slope along Highway 132. The seller is not selling the acreage immediately surrounding his home including the steep slope behind his home. The remaining acres will be added to adjacent property owned by the buyers. The buyers' properties are currently under the Williamson Act and the purchases will be added to their existing ownerships and added to the Williamson Act coverage of those properties.

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

Answer: All useable agricultural lands will remain under contract. The 7.56 acres (18.7%) is the home and surrounding steep slope. The land being sold 32.79 acres (81.3%) is agricultural land that will remain under the new 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.

Answer: The acreage being purchased will be added to existing agricultural land under contract and will enhance the agricultural viability of the buyers' lands.

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.

Answer: The acreage being purchased will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to contract. In fact, the acreage will increase the agricultural viability of the buyers' agricultural lands.

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

Answer: The lot line adjustment will not result in the removal of adjacent land from agricultural use because this adjustment is being requested to improve the useability of the buyers' agricultural lands. There is no impact on use of other neighboring parcels which are adjacent.

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.

Answer: The lot line adjustment does not create new parcels. None of the land is developable. The land purchased will be added to the buyers' existing parcels. There will be no increase in the number of parcels.

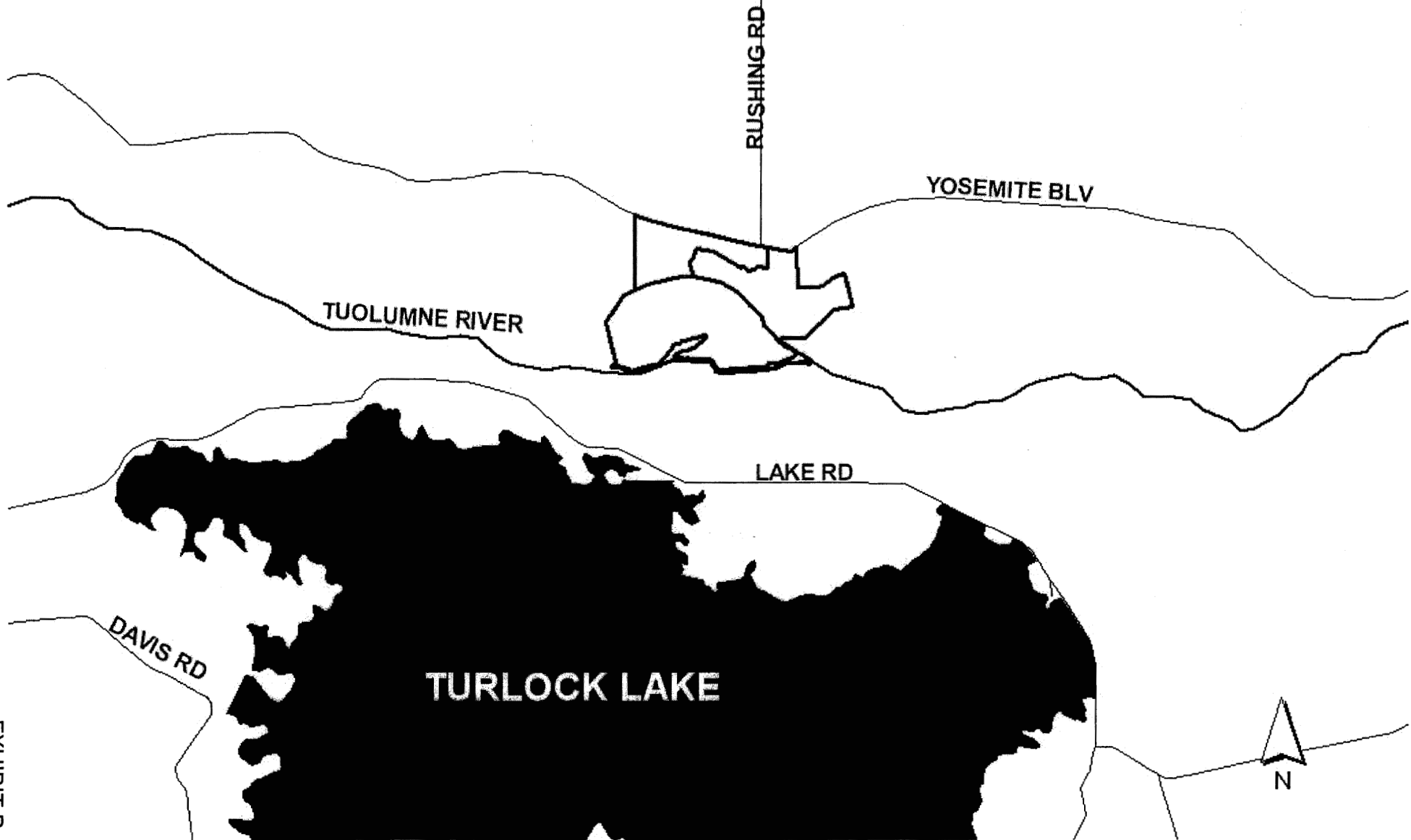
WILLIAMSON ACT CONTRACT CANCELLATION FINDINGS

**(LOT LINE ADJUSTMENT APPLICATION NO. 2007-03
VARIANCE APPLICATION NO. 2007-02
AND WILLIAMSON ACT CANCELLATION APPLICATION NO. 2007-01
FRIENDS OF THE TUOLUMNE)**

1. Cancellation is for land on which a notice of non-renewal has been served. Only approximately 8 acres will be non-renewed. All other acres will be added to Williamson contracts held by the purchasing entities.
2. The cancellation is not likely to result in the removal of adjacent lands from agricultural uses. The only cancellation is for the home site retained by Landucci. The lands purchased by Friends of the Tuolumne and Constance Arthur will be used for wildlife habitat and horse riding/breeding/training agricultural activities respectively, as is consistent with the Williamson Act.
3. The cancellation is for an alternative use which is consistent with the applicable provision of the county general plan. Other than the small home site, which will have a Williamson Act cancellation, the lands purchased will continue as wildlife refuge and horse related agricultural activities as they have in the past.
4. The cancellation will not result in discontinuous patterns of urban development. The cancellation is requested to improve the agricultural activities of the parties making the purchases. The current land layout does not allow for optimum agricultural use. The cancellation and purchases will provide enhanced wildlife habitat and equestrian business management.
5. There is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put. No adjacent land is available. The development of the contracted land will provide more contiguous patterns for the intended agricultural uses of wildlife habitat and equestrian business.

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**LLA 2007-03, VAR 2007-02 & WAC 2007-01
FRIENDS OF THE TUOLUMNE
AREA MAP**



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EXHIBIT B

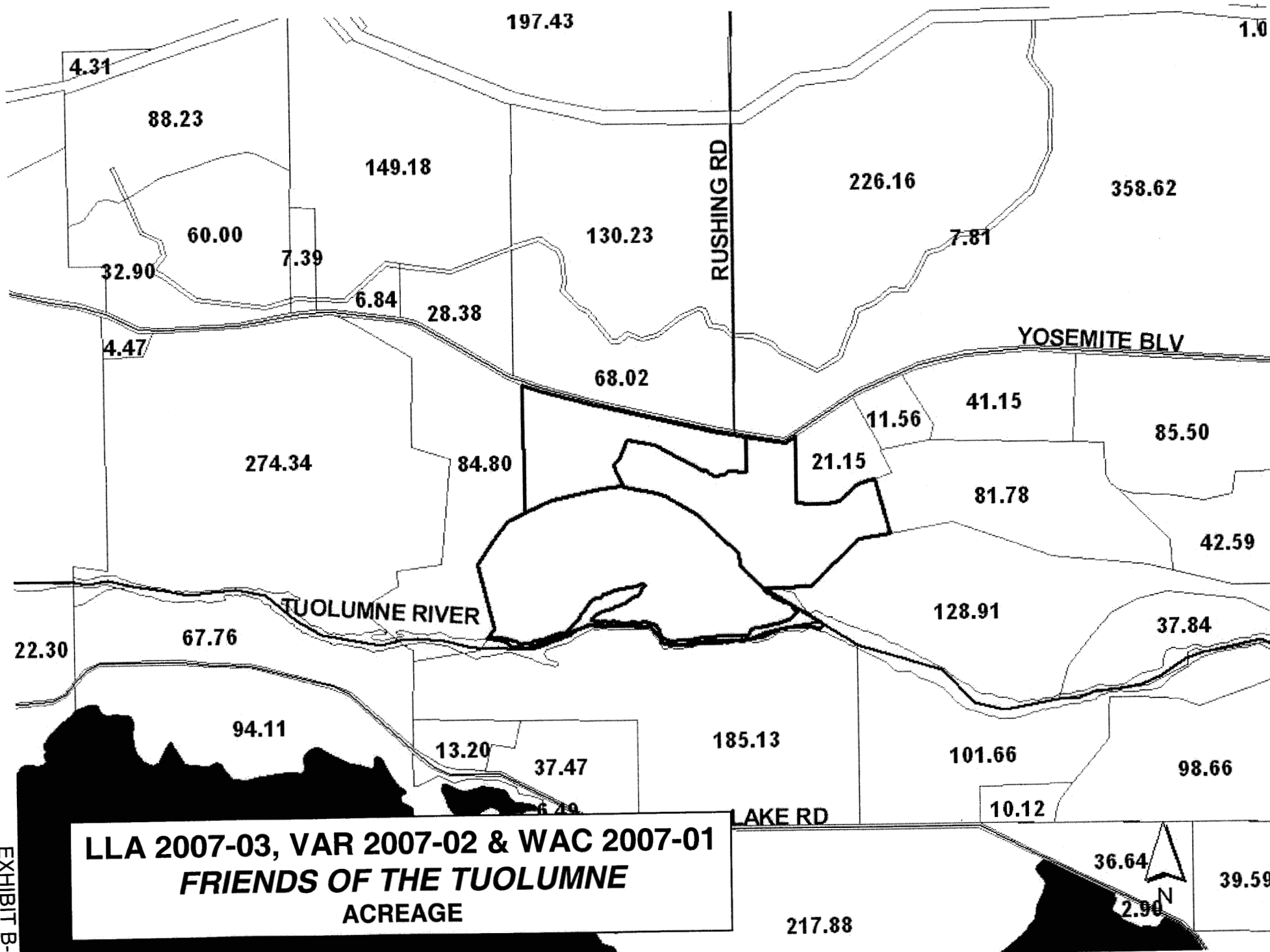
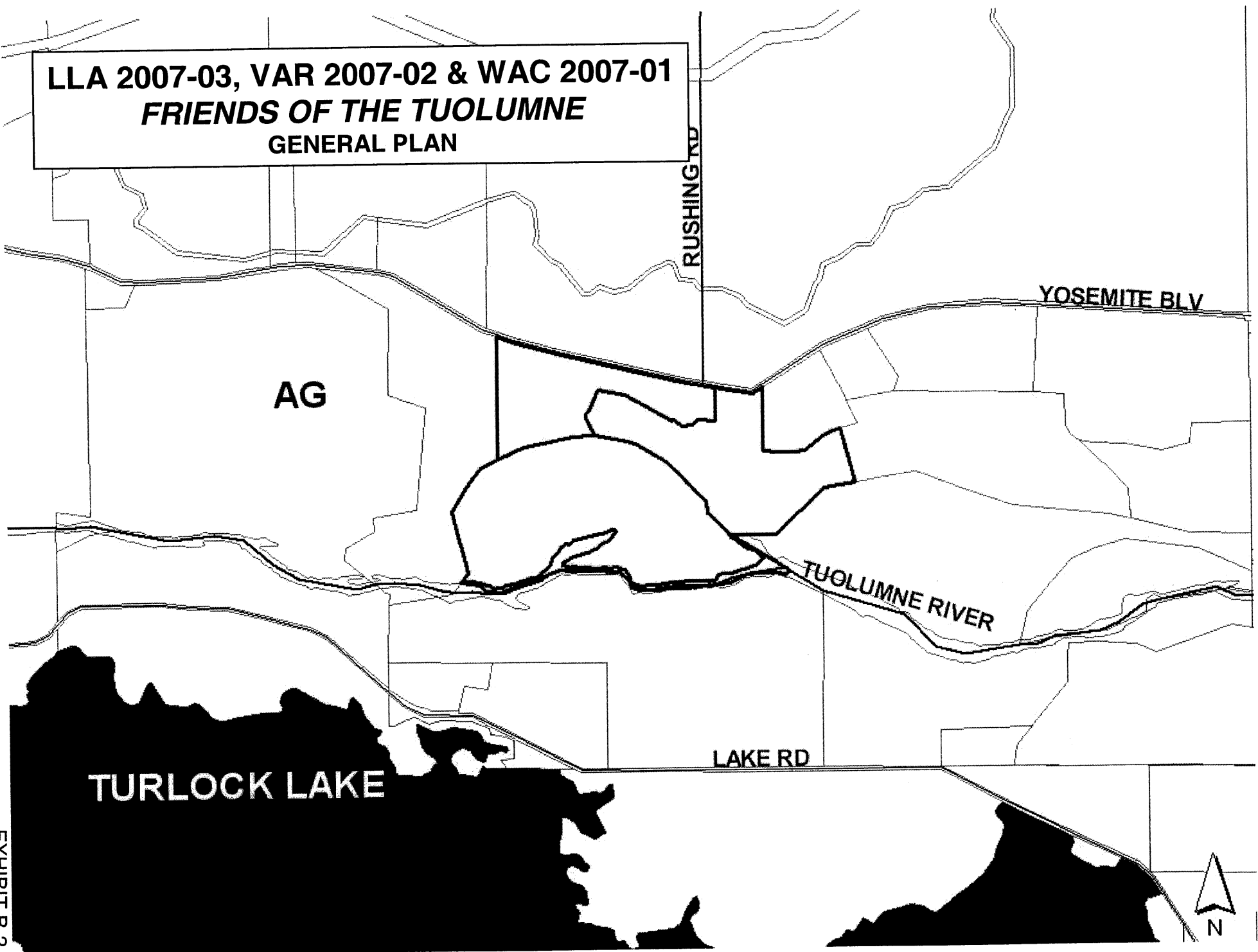


EXHIBIT B-1

LLA 2007-03, VAR 2007-02 & WAC 2007-01
FRIENDS OF THE TUOLUMNE
GENERAL PLAN



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EXHIBIT B-2

LLA 2007-03, VAR 2007-02 & WAC 2007-01
FRIENDS OF THE TUOLUMNE
ZONING DESIGNATION

A-2-40

RUSHING RD

YOSEMITE BLV

TUOLUMNE RIVER

LAKE RD

TURLOCK LAKE



24

LLA 2007-03, VAR 2007-02 & WAC 2007-01
FRIENDS OF THE TUOLUMNE
AERIAL

RUSHING RD

YOSEMITE B

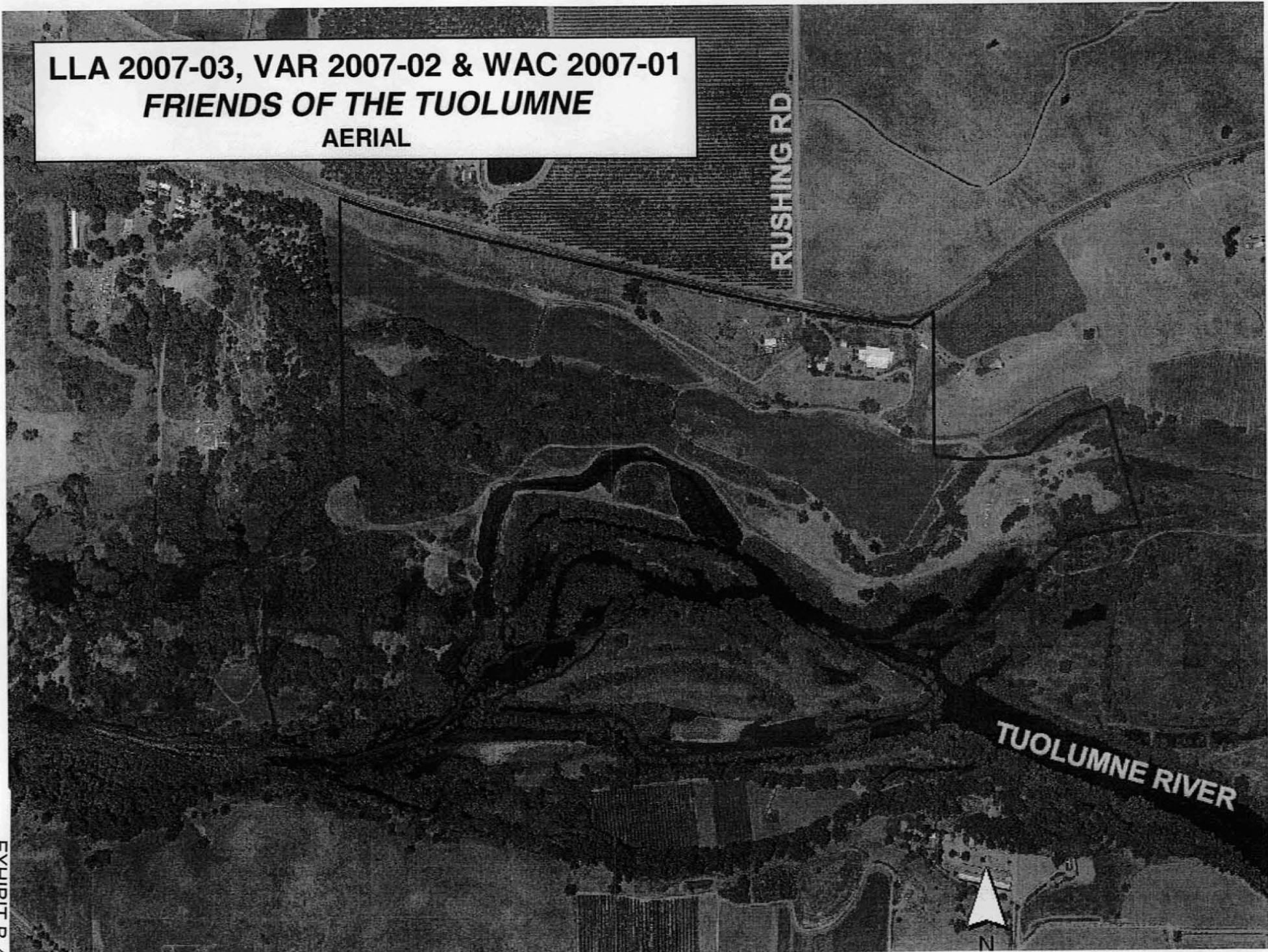
TUOLUMNE RIVER

LAKE RD

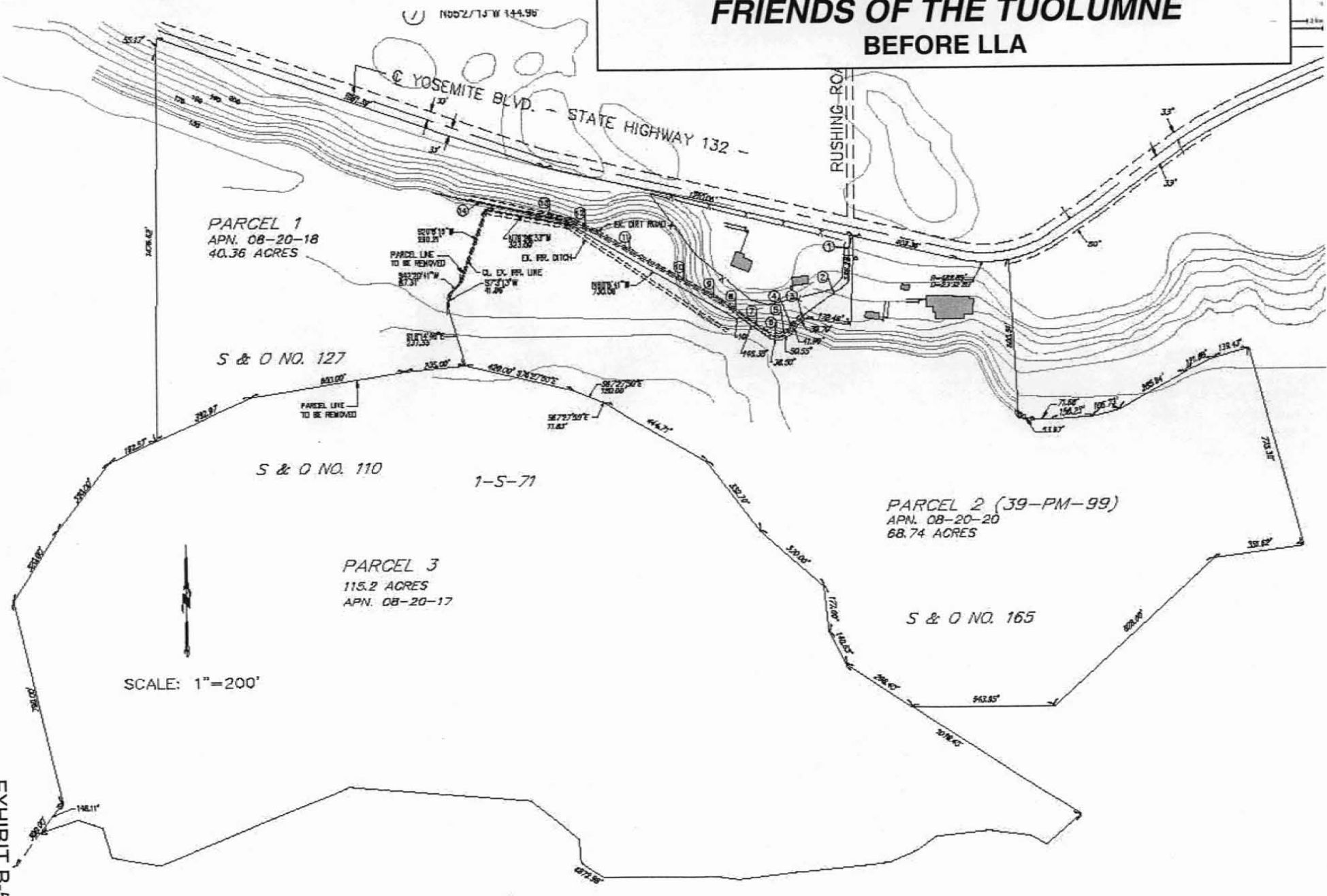
TURLOCK LAKE



LLA 2007-03, VAR 2007-02 & WAC 2007-01
FRIENDS OF THE TUOLUMNE
AERIAL



LLA 2007-03, VAR 2007-02 & WAC 2007-01
FRIENDS OF THE TUOLUMNE
BEFORE LLA



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EXHIBIT B-5

AFTER LOT LINE ADJUSTMENT

Parcel 1
3.95 Acres
NO Williamson Act

Parcel 2
71.96 Acres
Williamson Act
(Open Space)

Parcel 3
148.39 Acres
Williamson Act
(Open Space)

BEFORE LOT LINE ADJUSTMENT

40.36 Ac
Williamson Act

68.74 Ac
Williamson Act

115.2 Ac
Wildlife Refuge
Williamson Act



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

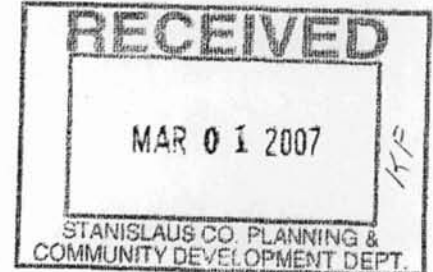
801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

February 27, 2007

VIA FACSIMILE (209) 525-5911

Mr. Kirk Ford, Assistant Director
Stanislaus County Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354



Subject: Early Consultation: Variance Application No. 2007-02, Lot Line Adjustment Application No. 2007-03, Williamson Act Cancellation No. 2007-01; Friends of the Tuolumne

Dear Mr. Ford:

The Department of Conservation's Division of Land Resource Protection has reviewed the early consultation for the above-referenced proposal. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs.

Project Description

The project is located south along Highway 132, west of Rushing Road and east of the community of Waterford. The applicant is requesting a variance, a lot line adjustment and partial cancellation of the Williamson Act contract to create an 8.7-acre homesite parcel. The remaining contracted acreage will be sold to a neighboring landowner.

The project involves three parcels, each subject to a separate Williamson Act contract.

Parcel 1 – 40.36-acres, Contract No. 2002-4481, the homesite parcel, consisting of 16 acres of irrigated pasture, 11-acres of wetlands and 4-acres of non-irrigated pasture.
Parcel 2 – 68.74-acres, Contract No. 2002-4480, a horse business
Parcel 3 – 115.2-acres, Contract No. 2002-4455, a wildlife preserve

The remaining 31.24 acres of Contract 2002-4481 will be sold to the landowner of Parcel 2. An approximate 3-acre portion of the contract will be adjusted to enlarge Parcel 2 to 71.96 acres. The current landowner of Parcel 2 indicates the desire to purchase the irrigated pasture acreage she currently leases to continue her horse and rider training operation.

Parcel 2 landowner proposes to sell the remaining non-irrigated and wetland portions of Contract 2002-4481 to the Friends of the Tuolumne to add to their current Wildlife Preserve, Bobcat Flat, which abuts the site. An approximate 29-acre portion of Contract 2002-4481 will be adjusted to enlarge Parcel 3 to 144.7-acres.

Lot Line Adjustment

Government Code section 51257 contains the provisions for a lot line adjustment for lands subject to a Williamson Act contract. Under section 51257, the board or council is required to make the following specific findings to approve a lot line adjustment:

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 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 is 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.

Based upon the information provided, it is questionable that the required findings of the lot line adjustment can be met without the County first approving the partial Williamson Act contract cancellation.

Cancellation of the Williamson Act Contract

If cancellation is proposed, notification must be submitted to the Department when the County accepts the application as complete (Government Code §51284.1). The board must consider the Department's comments prior to approving a tentative cancellation. Required findings must be made by the board in order to approve tentative cancellation. Cancellation involving FSZ contracts include additional requirements. We recommend that the environmental document include discussion of how cancellations involved in

Mr. Kirk Ford, Assistant Director
February 27, 2007
Page 3 of 3

this project would meet required findings. However, notification must be submitted separately from the CEQA process and CEQA documentation. (The notice should be mailed to Bridget Luther, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 18-01, Sacramento, CA 95814-3528.)

Lastly, uses approved on contracted lands must be consistent with the Williamson Act principles of compatibility found in Government Code section 51238.1. The Department has generally found that horse riding facilities and wildlife preserves not defined as section 51203(j); fail to meet these principles. The County should consider nonrenewing the contracts for these lands, as this will benefit the applicant and County by providing the latitude of unrestricted future use of the properties and avoidance of a breach of contract due to a potential incompatible use.

Thank you for the opportunity to comment on the Early Consultation for this project. We look forward to reviewing the cancellation findings when provided. If you have any questions regarding our comments, please contact Adele Lagomarsino, Program Analyst at (916) 445-9411.

Sincerely,



Brian Leahy
Assistant Director



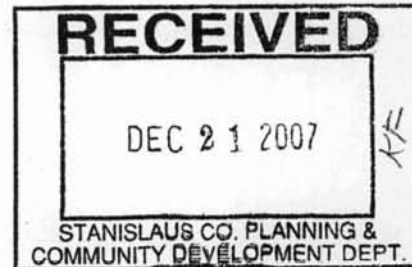
DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov
Central Region
1234 E. Shaw Avenue
Fresno, California 93710
(559) 243-4005



December 20, 2007

Mr. Kirk Ford
Stanislaus County Department of Planning
and Community Development
1010 10th Street, Suite 3400
Modesto, California 95354



Dear Mr. Ford:

The California Department of Fish and Game has been asked to comment on the value of the property known as Bobcat Flat and the proposed acreage for addition to Bobcat Flat.

Since Bobcat Flat is floodplain in its natural state, it is of great importance for the protection and enhancement of wildlife resources of the State. It currently supports a healthy population of deer, bobcats, coyotes, other small mammals, migratory birds, and nesting birds. It also provides valuable habitat for both Chinook salmon and rainbow trout. Bobcat Flat protects riparian habitat, the most valuable habitat for many species.

The proposed purchase will provide additional protected habitats and further enhance the effectiveness of the protection. Part of the proposed purchase will add wetlands and provide assurance of its protection.

It is our opinion that both Bobcat Flat and the land in the proposed purchase are areas of great importance for the protection and enhancement of Riparian habitat and wildlife.

Sincerely,

W. E. Loudermilk
W. E. Loudermilk
Regional Manager

CONDITIONS OF APPROVAL

**VARIANCE APPLICATION NO. 2007-02
LOT LINE ADJUSTMENT APPLICATION NO. 2007-03
AND WILLIAMSON ACT CANCELLATION NO. 2007-01
FRIENDS OF THE TUOLUMNE**

Planning and Community Development

1. Meet all the Conditions for Lot Line Adjustment Application No. 2007-03 - Friends of the Tuolumne.
2. The applicants are required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the map as set forth in Government Code Section 66474.9. The County shall promptly notify the applicants of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
3. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2007), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for \$1,993.75, made payable to Stanislaus County, for the payment of Fish and Game, and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

4. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

Department of Environmental Resources

5. The existing septic system(s) is/are to be contained within the proposed boundaries as per required DER setback standards.

Mitigation Measures

1. All activities on the Bobcat Flat parcel shall comply with the Mitigation Monitoring Plan adopted by the Turlock Irrigation District (T.I.D.) for the Bobcat Flat Coarse Sediment Introduction and Revegetation Project.

2. Prior to any ground disturbing activities on the Bobcat Flat Wildlife Area, other than those already identified as part of The Bobcat Flat Coarse Sediment Introduction and Revegetation Project, the landowner shall contact the Department of Fish and Game and US Fish and Wildlife Service to ensure that activities will not result in impacts to fish or wildlife or their habitats. Removal or disturbance of any riparian vegetation is prohibited on all three parcels. All activities as are currently allowed on agriculturally zoned parcels remain permissible on the other two parcels, and no additional contact with Fish and Game is required.

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards, new wording is in **bold**, and deleted wording will have a ~~line through it~~.*



Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

Phone: (209) 525-6330
Fax: (209) 525-5911

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APP ENDIX G Environmental Checklist Form, Final Text, October 26, 1998

1. **Project title:** Variance Application No. 2007-02, Lot Line Adjustment Application No. 2007-03 and Williamson Act Cancellation No. 2007-01 - Friends of the Tuolumne
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Carole Maben
(209) 525-6330
4. **Project location:** 23792 and 23806 Yosemite Boulevard, north of the Tuolumne River and south of Rushing Road, in the Waterford area. (APNs: 008-020-017, 018 and 020)
5. **Project sponsor's name and address:** Allison Boucher
c/o Friends of the Tuolumne
7523 Meadow Avenue
Stockton, CA 95207
6. **General plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

This is a request to adjust lot lines from 40.36, 68.74 and 115.2 acres to 8.76, 71.96, and 144.7 acres in the A-2-40 (General Agriculture) zoning district. A Variance Application was submitted due to the fact that if the lot line adjustment is approved one of the parcels will go from 40.36 acres to 8.76 acres which is less than the 40-acre minimum requirement. The proposed lot line adjustment will enable Friends of the Tuolumne to acquire additional lands for use as a wildlife preserve and allow the other large property to gain some additional land for continued use for irrigated pasture and a horse riding facility. If the proposed lot line adjustment is approved, there is a proposed Williamson Act Cancellation for the 8.76 acre parcel which is a portion of Williamson Act Contract No. 2002-4481. **(See Pages 4 and 5 for additional project information.)**
9. **Surrounding land uses and setting:** Highway 132, agricultural uses, mobile home park, paintball operation, Tuolumne River, and single-family dwellings and ranchettes.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Department of Fish and Game
Department of Conservation

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)
 On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Carole Maben
 Signature

July 13, 2007
 Date

Carole Maben, Associate Planner
 Printed name

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., The project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) the significant criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

PROJECT DESCRIPTION - CONTINUED

The purpose of this lot line adjustment is to expand the Bobcat Flat Wildlife Refuge owned by the Friends of the Tuolumne and to consolidate existing land uses on the remaining two parcels. Because this is an adjustment of existing parcel boundaries, no new parcels will be created and no new opportunity for additional development is present. There will be no change to existing land uses and no new structures or homes are proposed. There is no opportunity for any new land-disturbing activities other than those currently allowed. Access to the Bobcat Flat Wildlife Refuge parcel will be provided through an access easement along existing on-site roads and paved driveways. No new roads or driveway approaches are required.

Parcel "1" is currently 40.36 acres, is restricted by Williamson Act Contract 2002-4481 and will be reduced in size to 8.76 acres. The parcel is already developed with a single-family home and shop. Approximately 7.53 acres of irrigated pasture will be conveyed to Parcel "2" and 24.96 acres will be conveyed to Parcel "3." This parcel is proposed to be removed from the Williamson Act because it will no longer be of a size to support agricultural activities.

Parcel "2" is currently 68.74 acres, and includes a single-family home, a barn, and a shed. The parcel is currently restricted by Williamson Act Contract 2002-4480 and will be expanded to 71.96 acres. Parcel "2" will convey 4.61 acres to "Parcel 3." No additional structures will be constructed. The lot line adjustment increases the acreage of irrigated pasture on this property, and the existing use for grazing will continue to operate. The site is currently authorized through Use Permit No.96-06 to operate a horse boarding and training facility, and is currently considered to be compatible with the Williamson Act Contract. No changes in use are proposed and after the lot line adjustment, the existing use will continue to be considered compatible with the Williamson Act.

Parcel "3" is the Bobcat Flat Wildlife Area owned and operated by the Friends of the Tuolumne. A multi-jurisdictional river restoration project, "The Bobcat Flat Coarse Sediment Introduction and Revegetation Project" has been initiated to restore and enhance the quantity and quality of salmonid spawning and rearing habitat by reestablishing natural floodplain processes through implementation of several instream activities including re-introduction of spawning gravels, recontouring of the flood channels, and revegetation.

The Bobcat Flat project was jointly funded by the Department of Water Resources (DWR) and the CALFED Bay-Delta Authority (CBDA). The United States Fish and Wildlife Service (USFWS) contributed funds from the CALFED Bay-Delta Program and the Central Valley Project Improvement Act's (CVPIA) Anadromous Fish Restoration Program (AFRP) to Friends of the Tuolumne, Inc., a non-profit organization, to implement the project. Turlock Irrigation District (TID) is administering funding secured from the California Department of Water Resources (DWR) through a Delta Fish Protection Agreement (formerly Four Pumps Agreement). As such, the Bobcat Flat area can be considered a "Wildlife Habitat Area" as an "area of great importance for the protection or enhancement of the wildlife resources of the State." The existing use is consistent with Government Code Section 51203(j) and 51203(o) and is appropriately restricted by a Williamson Act Contract.

Parcel "3" will increase in size from 115.2 acres to 144.7 acres and will extend from the rivers' edge to Highway 132. No new uses or structures are proposed and the site will continue to be managed as a wildlife preserve. Following the lot line adjustment, the site will continue to be restricted by a Williamson Act contract and managed as "open space" and a "wildlife habitat area."

The Variance request is required because, following the lot line adjustment, Parcel 1, currently 40.36 acres, will be reduced in size to less than 40 acres. Current zoning of A-2-40 requires a minimum lot size of 40 acres and in order to modify the size of the parcel to less than 40 acres, a variance is required. Because Parcel 1 will also be less than the minimum size required for a Williamson Act contract (10 acres for prime farmland and 40 acres for non-prime farmland), the existing Williamson Act contract must be cancelled. A Notice of Non-renewal was recorded in 2007.

This proposal is consistent with the Stanislaus County General Plan Conservation Element, in that the primary purpose of the adjustment is to expand the Bobcat Flat Wildlife Refuge. Goal One of the Conservation Element encourages protection and preservation of natural and scenic areas throughout the County and includes an implementation measure to continue to use Williamson Act contracts as a means for open space conservation. Policy Three requires protection of sensitive wildlife habitat including riparian habitats, and Goal Ten requires protection of fish and wildlife species, with specific mention of enhancements for salmon migration.

Expansion of the Bobcat Flat Wildlife Refuge meets the goals and policies, and because no new uses are anticipated for the other two properties, staff considers that implementation of the lot line adjustment as proposed would not result in any significant environmental impacts.

PROJECT DESCRIPTION - CONTINUED

An Initial Study and Mitigated Negative Declaration were adopted by the Turlock Irrigation District in April 2005 regarding the Bobcat Flat Restoration project and are included as an attachment to this document. The analyses and conclusions of that document are incorporated by reference herein. However, the mitigation measures defined in that document are specific to the restoration project alone, and are not applicable to the proposed lot line adjustment and variance analyzed here.

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
<p>Discussion: The project site could be considered a scenic vista since the project site is located by the Tuolumne River, however, Highway 132 is not an officially designated Scenic Highway. No new structures are proposed at this time, however, if in the future building permits come forth they will be consistent with the zoning district and Williamson Act. No impact is expected from glaring lights, so there should be no impact during the day or night time.</p>				
<p>Mitigation: None.</p>				
<p>References: County policies and staff experience.</p>				
II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
<p>Discussion: These project sites are currently enrolled in Williamson Act Contracts. 2002-4481, 2002-4480, and 2002-4455. Early consultation with the Department of Conservation identified potential concerns with Williamson Act compatibility and the cancellation request. The project sites are currently in use as irrigated pasture with a horse riding facility and wildlife preserve. The majority of soil is designated primarily as Grazing land with small sections of Farmland of Local Importance and Prime by the California State Department of Conservation Farmland Mapping and Monitoring Program. The soils on site are DI (Dredge and mine tailings), Index Rating of 5, Grade 6; small sections of Terrace escarpments, Index Rating of 5, Grade 6; Handford sandy loam, 0 to 3 percent slopes, Index Rating of 95, Grade 1; and Grangeville high sandy loam, 0 to 1 percent slopes, Index Rating of 70, Grade 2.</p>				

Under the Williamson Act, lands are presumed to be too small to sustain their agricultural use if the lands are less than 40 acres in size, in the case of non-prime agricultural land, 10 acres in size, in the case of prime agricultural land, or the subdivision will result in residential development not incidental to the commercial agricultural use of the land. In this case, two of the proposed parcels will be 40 acres or greater in size.

Parcel "1" is currently 40.36 acres, is restricted by Williamson Act contract 2002-4481 and will be reduced in size to 8.76 acres. The parcel is already developed with a single-family home and shop, and includes approximately .53 acres of irrigated pasture that will be conveyed to Parcel "2." This parcel is proposed to be removed from the Williamson Act because it will no longer be of a size to support agricultural activities.

Parcel "2" is currently 68.74 acres, and includes a single-family home, a barn, and a shed. The parcel is currently restricted by Williamson Act contract 2002-4480 and will be expanded to 71.96 acres. No additional structures will be constructed. The lot line adjustment increases the acreage of irrigated pasture on this property, and the existing use for grazing will continue to operate. The site is currently authorized through Use Permit 96-06 to operate a horse boarding and training facility, and is currently considered to be compatible with the Williamson Act contract. No changes in use are proposed and after the lot line adjustment, the existing use will continue to be considered compatible with the Williamson Act. Parcel "3" is the Bobcat Flat Wildlife Area owned and operated by the Friends of the Tuolumne. The Bobcat Flat project was jointly funded by the Department of Water Resources (DWR) and the CALFED Bay-Delta Authority (CBDA). As such, the Bobcat Flat area can be considered a "Wildlife Habitat Area" as an "area of great importance for the protection or enhancement of the wildlife resources of the State." The existing use is consistent with Government Code Section 51203(j) and 51203(o) and is appropriately restricted by a Williamson Act Contract.

Parcel "3" will increase in size from 115.2 acres to 144.7 acres and will extend from the rivers' edge to Highway 132. No new uses or structures are proposed and the site will continue to be managed as a wildlife preserve. Following the lot line adjustment, the site will continue to be restricted by a Williamson Act contract and managed as "open space" and a "wildlife habitat area."

The Variance request is required because, following the lot line adjustment, Parcel "1", currently 40.36 acres, will be reduced in size to less than 40 acres. Current zoning of A-2-40 requires a minimum lot size of 40 acres and in order to modify the size of the parcel to less than 40 acres, a variance is required. Because Parcel "1" will also be less than the minimum size required for a Williamson Act contract (10 acres for prime farmland and 40 acres for non-prime farmland), the existing Williamson Act contract must be cancelled. A Notice of Non-renewal was recorded in 2007.

This project will not conflict with any bonafide agricultural activities in the area and/or lands enrolled under the Williamson Act. The proposed adjusted parcels, except for the proposed 8.76 acre site, will be restricted by the General Agriculture (A-2) zoning district and the Williamson Act. Expansion of the Bobcat Flat Wildlife Refuge meets the goals and policies, and because no new uses are anticipated for the other two properties, staff considers that implementation of the lot line adjustment as proposed would not result in any significant environmental impacts.

Both the Bobcat Flat Area and Parcel "2" will be of a size and use that staff believes is compatible with the Williamson Act. Parcel "1" has filed a Notice of Non-Renewal and will, if approved, have the contract cancelled. Staff believes the cancellation findings can be made in this case because the ultimate goal of the project is to expand an open space and wildlife habitat area with only a small portion (8.7 acres or 3.8% of the total 224.3 acres) being cancelled.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹, Stanislaus County Agricultural Element¹, Stanislaus County Zoning Ordinance, Eastern Stanislaus Area Soil Survey, and the California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2004.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "non-attainment" for ozone and respirable particulate matter (PM-10) and (PM-2.5) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. No response from the air district has been received on this proposed project.

Mitigation: None.

References: San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, and the Stanislaus County General Plan¹, Initial Study and Mitigated Negative Declaration, TID, 2005.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

Discussion: The project includes expansion of a wildlife habitat area managed by the Friends of the Tuolumne. The habitat area includes substantial stands of riparian vegetation, is directly adjacent to the Tuolumne River, and is mostly located within the 100-year floodplain of the Tuolumne River. Common animals, such as beaver, racoon, deer, coyote, bobcat, skunk, jackrabbits, cottontail rabbits, woodpeckers, quail, mallard ducks, frogs and freshwater clams occupy the project site. A completed list of plant species identified on site is included in Appendix E of the TID Initial Study. A complete list of wildlife species identified on site is included in Appendix G of the TID Initial Study.

Early consultation with the California Department of Fish and Game suggested that potential impacts to biological resources could occur if additional ground disturbing activities were to occur on site. Several mitigation measures have been defined by TID specifically for the river restoration project and those mitigation measures will remain in effect for any future activities associated with that project on the Bobcat Flat Wildlife Area. CDFG should be contacted prior to initiation of any ground disturbing activities on the Bobcat Flat site other than those related to the river restoration project. Mitigation Measure Number 1 ensures that this will occur.

Land uses on the remaining two parcels will not change from the existing uses, only the parcel boundaries will change. No new parcels are being created and no new structures, roads or ground disturbing activities (other than those currently in practice) are expected to occur. Habitats on those sites include irrigated pasture, dry grassland on the Highway 132 shoulder slopes, and existing homes, barns, corrals, and other improvements. No impact to biological resources is expected on the two other parcels.

Mitigation:

1. All activities on the Bobcat Flat parcel shall comply with the Mitigation Monitoring Plan adopted by the Turlock Irrigation District (TID) for the Bobcat Flat Coarse Sediment Introduction and Revegetation Project.
2. Prior to any ground disturbing activities on the Bobcat Flat Wildlife Area, other than those already identified as part of The Bobcat Flat Coarse Sediment Introduction and Revegetation Project, the landowner shall contact the Department of Fish and Game and US Fish and Wildlife Service to ensure that activities will not result in impacts to fish or wildlife or their habitats. Removal or disturbance of any riparian vegetation is prohibited on all three parcels. All activities as are currently allowed on agriculturally zoned parcels remain permissible on the other two parcels, and no additional contact with Fish and Game is required.

References: Referral response from the California Department of Fish and Game dated March 9, 2007, California National Diversity Data Base (CNDDDB), Stanislaus County General Plan and Support Documentation¹, and the Initial Study and Mitigated Negative Declaration for the Bobcat Flat Coarse Sediment Introduction and Revegetation Project, Turlock Irrigation District, 2005.

V. CULTURAL RESOURCES -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
<p>Discussion: This project is a proposal to adjust property lines, but will not create new parcels. It does not appear this project will result in significant impacts to any archaeological or cultural resources. Even though no construction is requested, a Condition of Approval will be placed on the project that if any resources are found, construction activities will be halted at that time.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
VI. GEOLOGY AND SOILS -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
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Discussion: As contained in Chapter 5 of the General Plan Support Documentation¹, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. Any structures resulting from this project will be designed and built according to all applicable building codes and ordinances.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Discussion: No known hazardous materials are on-site. Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The County Department of Environmental Resources is responsible for overseeing hazardous materials in this area and there has been no response with any concerns regarding this project site.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.



VIII. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion: Two thirds of the project site is located within the 100-year flood zone due to being in close proximity to the Tuolumne River. Currently, there are three single-family dwellings on the two northerly parcels with no additional structures requested at this time. Any additional buildings will be reviewed during building permit review regarding the flood zone and placement of any structures.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

IX. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion: This project is inconsistent with the Agriculture designation and A-2-40 (General Agriculture) zoning of the site since one of the proposed parcels will be reduced from 40 acres to approximately 8± acres. For that reason, a variance is being requested for the proposed project. The features of this project will not physically divide an established community and/or conflict with any habitat conservation plan or natural community conservation plan. In fact, this proposed lot line adjustment will add additional land to the open space/habitat conservation area (Proposed Parcel "3"). This project is not known to conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project.

This proposal is consistent with the Stanislaus County General Plan Conservation Element, in that the primary purpose of the adjustment is to expand the Bobcat Flat Wildlife Refuge. Goal One of the Conservation Element encourages protection and preservation of natural and scenic areas throughout the County and includes an implementation measure to continue to use Williamson Act contracts as a means for open space conservation. Policy Three requires protection of sensitive wildlife habitat including riparian habitats, and Goal Ten requires protection of fish and wildlife species, with specific mention of enhancements for salmon migration.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

X. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. This project site is in an area which has dredge tailings located within the area project. In addition, Parcel "3", which is owned by Friends of the Tuolumne, was part of an approval for the Bobcat Flat Coarse Sediment Introduction and Revegetation Project in conjunction with the Turlock Irrigation District and approved by the Turlock Irrigation District in April 2005. The project proposes to restore and enhance the quantity and quality of salmonid and the Central Valley steelhead spawning and rearing habitat between River Mile 43 and 44.5 within and adjacent to the Tuolumne River by reestablishing natural flood plain processes. This project is a four-phased project which was to begin in the summer of 2005. This proposed application should have no effect on that project or on mineral resources in the area.

Mitigation: None.				
References: USGS Topo Quads, the Stanislaus County General Plan and Support Documentation ¹ , and documents from The Friends of the Tuolumne.				
XI. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
Discussion: This project is not proposing any construction so this project should not increase the area's ambient noise level. This project should not increase any on-site activities and traffic is not anticipated to exceed the areas existing level of noise.				
Mitigation: None.				
References: Stanislaus County General Plan "Noise Element" ¹ , Stanislaus County General Plan Support Documentation ¹ .				
XII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
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Discussion: This project does not propose any significant type of growth inducing features, therefore, adverse affects created by population growth should not occur. There are no additional parcels created with this proposed project. The proposed parcels are currently restricted by the General Agriculture (A-2) zoning and the Williamson Act to on-site residential development which is incidental to the commercially viable agricultural use of the land and will not hamper the agricultural viability of the land.

Mitigation: None.

References: Stanislaus County General Plan¹, Stanislaus County Zoning Ordinance.

XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
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Fire protection?				X
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Police protection?				X
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Schools?				X
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Parks?				X
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Other public facilities?				X
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Discussion: The County has adopted a standardized mitigation measure requiring payment of all applicable Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. In addition, first year costs of the Sheriff's Department have been standardized based on studies conducted by the Sheriff's Department. These fees will be required upon issuance of any building permits and will be placed as Conditions of Approval for this project. However, this project is not proposing any new parcels or any construction at this time.

Mitigation: None.

References: County policies, Stanislaus County General Plan and Support Documentation¹.

XIV. RECREATION:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
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Discussion: This project will have no effect on recreational facilities since the project does not propose any dwellings at this time and this is not creating any additional parcels. The proposed parcels are of substantial size to offer on-site recreation opportunities to the respective owners, if warranted.

Mitigation: None.

References: County policies, Stanislaus County General Plan and Support Documentation¹.

XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Discussion: This project will not increase traffic for this area since the proposal does not create any new parcels, and the proposed parcels all have access to and from Yosemite Boulevard (Highway 132) which is a State Highway. The Stanislaus County Environmental Review Committee (ERC) indicated "No Comment" to this project. The Stanislaus County Public Works Department is part of the ERC and had not indicated any traffic impacts. Caltrans indicated they didn't have any comments on this project, but had concerns if a new access was proposed. There is an access that has been used and will be continued to be used for this project.

Mitigation: None.

References: Referral response dated February 28, 2007 from Caltrans, referral response from the Environmental Review Committee (ERC) dated March 26, 2007, and the Stanislaus County General Plan and Support Documentation¹.

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
Discussion: There shouldn't be any issues with public utilities and service systems.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				
XVII. MANDATORY FINDINGS OF SIGNIFICANCE:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X
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Discussion: Any potential impacts from this project have been mitigated to less than significant.

I:\Staff\p\VAR\2007\VAR 2007-02 LLA 2007-03 WAC 2007-01 - Friends of the Tuolumne\LLA 2007-03, VAR 2007-02 and WAC 2007-01 - Friends of the Tuolumne.is.wpd

¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and revised elements of the General Plan and Support Documentation: **Agricultural Element** adopted on April 23, 1992. **Housing Element** adopted on December 12, 2003, and certified by the California Department of Housing and Community Development Department on March 26, 2004. **Circulation Element** and **Noise Element** adopted on April 18, 2006.

MITIGATED NEGATIVE DECLARATION

NAME OF PROJECT: Variance Application No. 2007-02, Lot Line Adjustment Application No. 2007-03 and Williamson Act Cancellation No. 2007-01 - Friends of the Tuolumne

LOCATION OF PROJECT: 23792 and 23806 Yosemite Boulevard, north of the Tuolumne River and south of Rushing Road, in the Waterford area. (APNs: 008-020-017, 018 and 020)

PROJECT DEVELOPERS: Allison Boucher, c/o Friends of the Tuolumne

DESCRIPTION OF PROJECT: This is a request to adjust lot lines from 40.36, 68.74 and 115.2 acres to 8.76, 71.96, and 144.7 acres in the A-2-40 (General Agriculture) zoning district. A Variance Application was submitted due to the fact that if the lot line adjustment is approved one of the parcels will go from 40.36 acres to 8.76 acres which is less than the 40-acre minimum requirement. The proposed lot line adjustment will enable Friends of the Tuolumne to acquire additional lands for use as a wildlife preserve and allow the other large property to gain some additional land for continued use for irrigated pasture and a horse riding facility. If the proposed lot line adjustment is approved, there is a proposed Williamson Act Cancellation for the 8.76 acre parcel which is a portion of Williamson Act Contract No. 2002-4481.

Based upon the Initial Study, dated July 13, 2007, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measure which shall be incorporated into this project:

1. All activities on the Bobcat Flat parcel shall comply with the Mitigation Monitoring Plan adopted by the Turlock Irrigation District (TID) for the Bobcat Flat Coarse Sediment Introduction and Revegetation Project.
2. Prior to any ground disturbing activities on the Bobcat Flat Wildlife Area, other than those already identified as part of The Bobcat Flat Coarse Sediment Introduction and Revegetation Project, the landowner shall contact the Department of Fish and Game and US Fish and Wildlife Service to ensure that activities will not result in impacts to fish or wildlife or their habitats. Removal or disturbance of any riparian vegetation is prohibited on all three parcels. All activities as are currently allowed on agriculturally zoned parcels remain permissible on the other two parcels, and no additional contact with Fish and Game is required.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Carole Maben, Associate Planner

Submit comments to: Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, California 95354

Stanislaus County
Planning and Community Development

1010 10th Street, Suite 3400
Modesto, CA 95354

Phone: (209) 525-6330
Fax: (209) 525-5911

Mitigation Monitoring Plan

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

July 13, 2007

1. **Project title and location:** Variance Application No. 2007-02, Lot Line Adjustment Application No. 2007-03 and Williamson Act Cancellation No. 2007-01 - Friends of the Tuolumne
2. **Project Applicant name and address:** Allison Boucher
c/o Friends of the Tuolumne
7523 Meadow Avenue
Stockton, CA 95207
3. **Person Responsible for Implementing Mitigation Program:** Allison Boucher
4. **Contact person at County:** Carole Maben, Associate Planner
(209) 525-6330

MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

IV. BIOLOGICAL RESOURCES

- No. 1 Mitigation Measure: All activities on the Bobcat Flat parcel shall comply with the Mitigation Monitoring Plan adopted by the Turlock Irrigation District (TID) for the Bobcat Flat Coarse Sediment Introduction and Revegetation Project.

Who Implements the Measure: Applicant.

When should the measure be implemented: Ongoing.

When should it be completed: Ongoing.

Who verifies compliance: Turlock Irrigation District.

Other Responsible Agencies: None.

- No. 2 Mitigation Measure: Prior to any ground disturbing activities on the Bobcat Flat Wildlife Area, other than those already identified as part of The Bobcat Flat Coarse Sediment Introduction and Revegetation Project, the landowner shall contact the Department of Fish and Game and US Fish and Wildlife Service to ensure that activities will not result in impacts to fish or wildlife or their habitats. Removal or disturbance of any riparian vegetation is prohibited on all three parcels. All activities as are currently allowed on agriculturally zoned parcels remain permissible on the other two parcels, and no additional contact with Fish and Game is required.

Who Implements the Measure: Applicant/Owners of all three project properties.

When should the measure be implemented:	Ongoing.
When should it be completed:	Ongoing.
Who verifies compliance:	California Department of Fish and Game and/or US Fish and Wildlife Service
Other Responsible Agencies:	None.
Who verifies compliance:	California Department of Fish and Game and/or US Fish and Wildlife Service
Other Responsible Agencies:	None.

I the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Allison Boucher Director
Persons Responsible for Implementing
Mitigation Program

July 30, 2007
Date



**Douglas Harms
Stanislaus County Assessor**

Steve Yauch
Assistant Assessor
Valuation

Don Oppman
Assistant Assessor
Administration

1010 Tenth St., Suite 2400
Modesto, CA 95354-0847

Phone: (209) 525-6461
Fax: (209) 525-6586

February 6, 2008

Stanislaus County Board of Supervisors
c/o Planning and Community Development
1010 Tenth Street, Suite 3400
Modesto, CA 95354



Dear Board Members:

Reference: Revised request for cancellation
Property Owner: Richard Landucci, TR
Contact: Allison Boucher of Friends of the Tuolumne
Assessor's Parcel Number: 008-020-018-000
Williamson Act Contract Number: 2002-4481

In accordance with California Government Code Section 51283, the Assessor's Office has made the following determination:

The cancellation valuation of 3.95 acres of the above referenced property restricted under the California Land Conservation Act is three hundred thousand dollars (\$300,000) representing current fair market value. The cancellation fee is an amount equal to 12½% of the cancellation valuation, or a total of thirty seven thousand five hundred dollars (\$37,500).

I hereby certify the cancellation valuation of the above parcel to be \$300,000.

Respectfully,

DOUG HARMS, Assessor
Stanislaus County

DBH:PJH:emr

cc: Allison Boucher of Friends of the Tuolumne
California Department of Conservation

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: LOT LINE ADJUSTMENT APPLICATION NO. 2007-03, VARIANCE APPLICATION NO. 2007-02 & WILLIAMSON ACT CANCELLATION APPLICATION NO. 2007-01 - FRIENDS OF THE TUOLUMNE

REFERRED TO:	PUBLIC HEARING NOTICE	RESPONDED		RESPONSE			MITIGATION MEASURES		Conditions		
		YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	No	
DATE: AUGUST 15, 2007											
AGRICULTURE COMMISSIONER	X		X								
AIRPORT LAND USE COMMISSION	X		X								
BUILDING PERMITS DIVISION	X	X				X		X			X
CA DEPT OF FORESTRY											
CALTRANS DISTRICT 10	X	X	X	X					X		X
CENTRAL CALIF. INFO. CENTER - CSUS											
CITY OF											
COMMUNITY SERVICES/SANITARY											
CORPS OF ENGINEERS	X	X		X							
COUNTY COUNSEL	X			X							
DEPARTMENT OF CONSERVATION	X		X		X			X			X
ENVIRONMENTAL RESOURCES	X		X		X			X	X		
CONSOLIDATED FIRE PROTECTION DIST.	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X		X							
FISH & GAME	X	X	X		X			X		X	
HOSPITAL DISTRICT: OAK VALLEY	X	X		X							
OAKDALE IRRIGATION DISTRICT	X	X		X							
LAFCO	X			X							
EASTSIDE MOSQUITO DISTRICT	X	X		X							
MOUNTAIN VALLEY EMERGENCY MEDICAL	X	X		X							
MUNICIPAL ADVISORY COUNCIL:											
PARKS & FACILITIES	X			X							
P.G. & E.	X	X		X							
PUBLIC WORKS	X		X		X				X		X
PUBLIC WORKS - TRANSIT	X			X							
REDEVELOPMENT											
REGIONAL WATER QUALITY	X	X		X							
StanCOG	X	X		X							
SCHOOL DISTRICT 1: ROBERTS FERRY	X	X		X							
SCHOOL DISTRICT 2: HUGHSON	X	X		X							
SHERIFF	X			X							
STANISLAUS COUNTY FARM BUREAU	X	X		X							
STANISLAUS ERC	X		X			X		X			X
STATE CLEARINGHOUSE	X		X		X			X			X
STATE LANDS BOARD	X	X		X							
SUPERVISORIAL DISTRICT 2 :MAYFIELD	X			X							
AT&T TELEPHONE COMPANY	X	X		X							
TUOLUMNE RIVER PRESERVATION TRUST	X	X		X							
US FISH & WILDLIFE	X		X			X		X		X	
US MILITARY 4 AGENCIES (SB 1462)											
VALLEY AIR DISTRICT	X	X		X							
WATER DISTRICT											
DEPT. OF WATER RESOURCES	X	X	X		X				X		X

**DRAFT CALIFORNIA LAND
CONSERVATION CONTRACT
FOR AGRICULTURAL AND OPEN SPACE USES**

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, including "Open Space" uses as defined in Government Code Section 51201; and

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

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

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

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

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

- (2) The Contract shall remain in effect for a period of ten (10) years from the effective date stated in paragraph 17 hereof. The anniversary date shall be January 1 of each year following the effective date. On each anniversary date the Contract shall be renewed, and one (1) year shall be added automatically to the term of the contract unless notice of nonrenewal is served by Owner at least ninety (90) days prior to the anniversary date or by County at least sixty (60) days prior to the anniversary date as provided in Government Code Section 51245. If either party gives notice of nonrenewal, it is understood and agreed that the Contract shall remain in effect for the unexpired term. A notice of nonrenewal, irrespective of which party gives the notice, shall be recorded by the County. Upon request of Owner, County may authorize the Owner to serve a notice of nonrenewal on a portion of the subject property. Notice of nonrenewal by the County shall be served on the designated agent.
- (3) During the term of the Contract or any renewal thereof, the subject property shall not be used for any purpose other than the production of agricultural commodities and the compatible uses permitted by A-2, General Agriculture District, zoning as set forth in the Ordinance Code of Stanislaus County and as included within this contract, including "Open Space" and "Recreational" uses as defined in Government Code Section 51201. **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 including "Open Space" uses as defined in Government Code Section 51201 and the advantage which will accrue to Owner as a result of the effect on the method of determining the assessed value of the subject property and any reduction thereto due to the imposition of limitations on its use set forth in the Contract. County and Owner shall not receive any payment in consideration of the obligations imposed herein.
- (6) The Contract shall run with the land described herein and, upon division, to all parcels created therefrom, and shall be binding upon the heirs, successors and assigns of Owner. The Contract shall be transferred from County to a succeeding city or a county acquiring jurisdiction over all or any portion of subject property. If a city acquires jurisdiction over all or a portion of the subject property by annexation proceedings, the city shall succeed to all rights, duties and powers of County under the Contract; provided, however, that if the subject property or a portion thereof was within one mile of the city at the time the Contract was initially executed and the city protested the execution of the Contract and the Local Agency Formation Commission upheld the protest pursuant to Section 51243.5 of the Government Code, the city may state its intent not to succeed to the rights, duties and powers in the resolution of intention to annex. If the city states its intent not to succeed to the rights, duties and powers of County under the Contract, the Contract becomes null and void as to the subject property actually annexed on the date of annexation. If only part of the land under Contract was within one mile of the city, the Contract shall become null and void only to the extent of that part.
- (7) The Contract may be canceled, as herein provided, **as to all or a part of the subject property** only upon the petition of Owner to County, and after public hearing has been held and notice thereof given as required by Section 51284 of the Government Code. The Board of Supervisors of County may approve the cancellation only if they find cancellation is not inconsistent with the purposes of the California Land Conservation Act of 1965 OR that cancellation is in the public interest (as defined in Government Code Section 51282(a)). 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, open space or compatible use will be considered only if the subject property cannot reasonably be put to a permitted agricultural, open space or compatible use specified in Paragraph 3 of the Contract. Parties hereto agree that (1) computation of the cancellation valuation, (2) determination, assessment, and payment of the cancellation fee, (3) waiver of payment of all or a portion of the cancellation fee, (4) distribution of the cancellation fee as deferred taxes, (5) recordation of Certificate of Cancellation, and (6) the creation, attachment, and release of any lien created by the imposition of a cancellation fee shall be as provided in Article 5 of the California Land Conservation Act of 1965.
- (8) The Contract may be canceled by mutual agreement of County and Owner without payment of a cancellation fee or public hearings whenever there is no operative legislation implementing Article XXVIII of the California Constitution at the time the cancellation is requested by Owner.

- (9) The Contract shall be enforced and administered in such a manner as to accomplish the purposes of the Act. Use of the property in any manner inconsistent with the provisions herein is a breach of the Contract. Any conveyance, contract, authorization, or other act, inter vivos or testamentary, by Owner or a successor in interest which permits or purports to permit use of the subject property contrary to the terms of the Contract may, at County option, be deemed to be a breach of the Contract. In the event of breach, the County may bring any action in court necessary to enforce the Contract including, but not limited to, an action to enforce the Contract by specific performance or injunction. Owner agrees to pay to County reasonable attorney's fees and costs or suit together with any other costs necessary for enforcement of the provisions of the Contract. The parties agree that in an action by the County for damages for breach of Contract, it will be impractical or extremely difficult to fix the actual damages such breach will cause to County's California Land Conservation Act program; therefore, an amount equal to seventy-five percent (75%) of the increase in appraised value or fifteen percent (15%) of the appraised value, whichever is greater at the date of filing suit, is hereby fixed as liquidated damages for said breach.
- (10) County may declare the Contract terminated if it, or another substantially similar contract, is declared invalid or ineffective in any court adjudication accepted by County as final, but no cancellation fee or other penalty shall be assessed against Owner upon such termination.
- (11) In the event the subject property is transferred so that title to the whole is no longer held by a single owner or group of owners, the new owner or group of owners of each parcel, as successors in interest of Owner, shall execute a new Contract in identical terms and conditions so that at all times each parcel separately owned will be under individual Contract executed by all owners of, and holders of security interests in, the particular parcel. Owner agrees to make such requests and to perform such other acts as may be necessary to have County, any other political entity, or any court having jurisdiction require the execution of the separate contracts required by this paragraph before making an order dividing ownership or recognizing divided ownership. The owner of any parcel created by the division of the subject property may exercise, independent of any other owner of a portion of the divided property, any of the rights of Owner executing the Contract to give notice of nonrenewal or to petition for cancellation as provided herein. The effect of any such action by an owner of a parcel created by a division shall not be imputed to the owners of the remaining parcels and shall have no effect on the contracts which apply to the remaining parcels of the divided land.

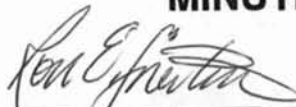
The parties to the contract agree that the benefits to be derived herefrom will be lost by excessive division of the land subject hereto; accordingly, it is further agreed that owner shall not, without the written approval of county, take any action by sale or other transfer which will create a parcel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

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

VII. PUBLIC HEARINGS (* - Consent Items)

NON-CONSENT ITEMS

- C. VARIANCE APPLICATION NO. 2007-02, LOT LINE ADJUSTMENT APPLICATION NO. 2007-03 AND WILLIAMSON ACT CANCELLATION APPLICATION NO. 2007-01 - FRIENDS OF THE TUOLUMNE** - Request to adjust lot lines from approximately 40.36, 68.74 and 115.2 acres to approximately 3.95, 71.96, and 148.39 acres in the A-2-40 (General Agriculture) zoning district. A variance application is required that if the lot line adjustment is approved, one of the parcels will be reduced from 40.36 acres to 3.95 acres, which is less than the 40-acre minimum requirement. If the proposed lot line adjustment is approved, there is a proposed Williamson Act Cancellation for the 3.95 acre parcel, which is a portion of Williamson Act Contract No. 2002-4481. The property is located at 23792 and 23806 Yosemite Boulevard, north of the Tuolumne River and south of Rushing Road, in the Waterford area. The Planning Commission will consider a CEQA Mitigated Negative Declaration on this project.
APNs: 008-020-017, 008-020-018, and 008-020-020
Staff Report: Kirk Ford Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Dave Boucher, Friends of the Tuolumne.
Public hearing closed.
Gammon/Navarro, Unanimous (6-0), **RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS OF THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

<p style="text-align: center;">EXCERPT</p> <p style="text-align: center;">PLANNING COMMISSION</p> <p style="text-align: center;">MINUTES</p> <p style="text-align: center;"></p> <hr/> <p style="text-align: center;">Secretary, Planning Commission</p> <p style="text-align: center;"><i>MARCH 18, 2008</i></p> <hr/> <p style="text-align: center;">Date</p>
--



March 26, 2008

Bridgett Luther, Director
Department of Conservation
801 K Street, MS 18-01
Sacramento, CA 95814

RE: NOTICE OF DECISION OF TENTATIVE APPROVAL OF CANCELLATION OF
WILLIAMSON ACT CONTRACT NO. 2002-4481

Dear Ms. Luther:

Enclosed is a copy of the Notice of Decision of Tentative Approval of Cancellation for Williamson Act Contract No. 2002-4481, which is to be published in the Modesto Bee. The Stanislaus County Board of Supervisors granted tentative approval to cancel this Williamson Act Contract on March 25, 2008.

For further information, please call the Planning and Community Development Department at 525-6330 or the Board of Supervisors at 525-6415.

Sincerely,

Elizabeth A. King
Assistant Clerk of the
Board of Supervisors



March 26, 2008

Mr. Richard Landucci
23792 Yosemite Blvd
Waterford, CA 95386

RE: CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION OF
WILLIAMSON ACT CONTRACT NO. 2002-4481 AND NOTICE OF DECISION

Dear Mr. Landucci:

Please find enclosed a copy of the Certificate of Tentative Approval of Cancellation for Williamson Act Contract No. 2002-4481 and the Notice of Decision. The original Certificate of Tentative Approval of Cancellation was sent to the Office of the Clerk-Recorder to be recorded. The Board of Supervisors granted tentative approval to cancel this Williamson Act Contract on March 25, 2008.

For further information, please call the Planning and Community Development Department at 525-6330 or the Board of Supervisors at 525-6415.

Sincerely,

Elizabeth A. King
Assistant Clerk of the
Board of Supervisors



William O'Brien, 1st District
Thomas W. Mayfield, 2nd District
Jeff Grover, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District

1010 10TH Street, Suite 6500, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4410

CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION
OF A PORTION OF WILLIAMSON ACT CONTRACT NO. 2002-4481

NOTICE IS HEREBY GIVEN that on March 25, 2008, the Board of Supervisors of the County of Stanislaus, State of California granted tentative approval of a petition to cancel a portion of Williamson Act Contract No.2002-4481, affecting the land and improvements located on Assessor's Parcel No.008-020-017 owned by Richard Landucci. The property is more fully identified on the attached map (Attachment 1).

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of Williamson Act Contract No. 2002-4481 will be issued and recorded if the following specified conditions and contingencies are satisfied within one year of the date this notice is recorded:

1. Payment of the Cancellation fee of \$37,500.00
2. Unless the fee is paid, or a certificate of cancellation of contract is issued within one year from the date of the recording of this certificate of tentative cancellation, such fee shall be recomputed as required by State statute.
3. Per California Government Code Section 51283.4(b), the landowner shall notify the Board of Supervisors when the conditions and contingencies enumerated in this Certificate of Tentative Cancellation have been satisfied.

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

DATED: March 25, 2008

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

BY: 
Elizabeth A. King, Assistant Clerk of the Board

*Original contract recorded on April 29, 2002 as Document #2002-0055171-00. Owner: Richard Landucci, approved by the Board of Supervisors on April 16, 2002.



BOARD OF SUPERVISORS

William O'Brien, 1st District
Thomas W. Mayfield, 2nd District
Jeff Grover, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District

1010 10TH Street, Suite 6500, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4410

**NOTICE OF DECISION FOR TENTATIVE CANCELLATION
OF WILLIAMSON ACT CONTRACT NO. 2002-4481**

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 51284, that upon motion of Supervisor O'Brien, seconded by Supervisor Monteith, a petition to cancel Williamson Act Contract No. 2002-4481, affecting the land and improvements located on Assessor's Parcel No. 008-020-017 owned by Richard Landucci, was granted tentative approval at the 9:20a.m. public hearing held during a regular meeting of the Board of Supervisors, of the County of Stanislaus, State of California, located at 1010 10th Street, Modesto, California, this 25th day of March 2008, by the following called vote:

AYES: SUPERVISORS: O'Brien, Grover, Monteith, DeMartini and Chairman Mayfield
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None
ABSTAINING: SUPERVISORS: None

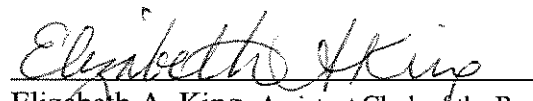
NOTICE IS FURTHER GIVEN that pursuant to Government Code Section 51282, the Board finds that the cancellation is consistent with the purposes of the California Land Conservation Act and that the cancellation is in the public interest.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 25, 2008

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

BY:


Elizabeth A. King, Assistant Clerk of the Board

ATTACHMENT 1

3.95 Acre Portion of
APN 008-020-018
Subject to Tentative
Williamson Act Contract Cancellation

RUSHING RD

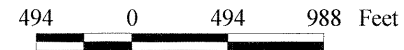
YOSEMITE BLV

TUOLUMNE RIVER

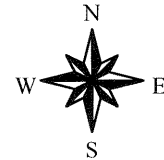
APN 008-020-018
Williamson Act Contract 2002-4481



Williamson Act Contract 2002-4481



This map is for display purposes only.



Map printed: 3/19/2008



RECORDED AT REQUEST OF:
Stanislaus County Board of Supervisors
NO FEE



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2008-0031910-00

Thursday, MAR 27, 2008 15:31:27
Ttl Pd \$0.00 Nbr-0002510401
OHK/R2/1-3

WHEN RECORDED MAIL TO:
Stanislaus County Board of Supervisors
Elizabeth A. King, Assistant Clerk
1010 10th Street, Suite 6700
Modesto, CA 95354

CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION
OF WILLIAMSON ACT CONTRACT NO. 2002-4481
(Document Title/s)

BOARD OF SUPERVISORS
2008 APR 28 P 2:27



BOARD OF SUPERVISORS

William O'Brien, 1st District
Thomas W. Mayfield, 2nd District
Jeff Grover, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District

1010 10TH Street, Suite 6500, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4410

**CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION
OF A PORTION OF WILLIAMSON ACT CONTRACT NO. 2002-4481**

NOTICE IS HEREBY GIVEN that on March 25, 2008, the Board of Supervisors of the County of Stanislaus, State of California granted tentative approval of a petition to cancel a portion of Williamson Act Contract No.2002-4481, affecting the land and improvements located on Assessor's Parcel No.008-020-017 owned by Richard Landucci. The property is more fully identified on the attached map (Attachment 1).

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of Williamson Act Contract No. 2002-4481 will be issued and recorded if the following specified conditions and contingencies are satisfied within one year of the date this notice is recorded:

1. Payment of the Cancellation fee of \$37,500.00
2. Unless the fee is paid, or a certificate of cancellation of contract is issued within one year from the date of the recording of this certificate of tentative cancellation, such fee shall be recomputed as required by State statute.
3. Per California Government Code Section 51283.4(b), the landowner shall notify the Board of Supervisors when the conditions and contingencies enumerated in this Certificate of Tentative Cancellation have been satisfied.

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

DATED: March 25, 2008

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

BY: Elizabeth A. King
Elizabeth A. King, Assistant Clerk of the Board

*Original contract recorded on April 29, 2002 as Document #2002-0055171-00. Owner: Richard Landucci, approved by the Board of Supervisors on April 16, 2002.

ATTACHMENT 1

**3.95 Acre Portion of
APN 008-020-018
Subject to Tentative
Williamson Act Contract Cancellation**

RUSHING RD

YOSEMITE BLV

APN 008-020-018
Williamson Act Contract 2002-4481

TUOLUMNE RIVER

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

MARCH 31, 2008

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at **MODESTO, California** on

MARCH 31, 2008


(Signature)

**NOTICE OF DECISION FOR TENTATIVE CANCELLATION
OF WILLIAMSON ACT CONTRACT NO. 2002-4481**

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 51284, that upon motion of Supervisor O'Brien, seconded by Supervisor Monteith, a petition to cancel Williamson Act Contract No. 2002-4481, affecting the land and improvements located on Assessor's Parcel No. 008-020-017 owned by Richard Landucci, was granted tentative approval at the 9:20a.m. public hearing held during a regular meeting of the Board of Supervisors, of the County of Stanislaus, State of California, located at 1010 10th Street, Modesto, California, this 25th day of March 2008, by the following called vote:

AYES: SUPERVISORS: O'Brien, Grover, Monteith, DeMartini and Chairman Mayfield
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None
ABSTAINING: SUPERVISORS: None

NOTICE IS FURTHER GIVEN that pursuant to Government Code Section 51282, the Board finds that the cancellation is consistent with the purposes of the California Land Conservation Act and that the cancellation is in the public interest.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 25, 2008
ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus,
State of California

BY: Elizabeth A. King, Assistant Clerk of the Board



BOARD OF SUPERVISORS

2008 DEC -8 1 P 2: 06

DATE: December 5, 2008

TO: R.B. Welty & Associates
521 13th Street
Modesto, CA 95353

FROM: Bill Carlson, Senior Planner

**SUBJECT: RECORDED COPY OF LOT LINE ADJUSTMENT NO. 2007-03;
RECORDED COPY OF RECISSION AND SIMULTANEOUS RE-ENTRY
CALIFORNIA LAND CONSERVATION CONTRACT NOS. 2008-16 & 2008-17
FRIENDS OF THE TUOLUMNE**

Enclosed are recorded copies of the above described documents for your files. A copy has also been sent to the person(s) listed below.

cc: Constance Arthur
Richard Landucci
Friends of the Tuolumne
Board of Supervisor's Office
Cindy Schmidt, Assessor's Office



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2008-0121722-00

Acct 127-Planning - Special Rec
Friday, NOV 14, 2008 08:52:50
Ttl Pd \$80.00 Nbr-0002634621
OHK/R2/1-25

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Stanislaus County
Department of Planning
and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354


Space Above This Line for Recorder's Use

CERTIFICATE OF LOT LINE ADJUSTMENT

This is to certify that, pursuant to California Government Code Section 66412 (d) and Sections 20.14 and 21.20.060E of the Stanislaus County Code, the Stanislaus County Director of Planning and Community Development on March 25, 2008 approved the lot line adjustment herein described submitted under the name of Friends of the Tuolumne Lot Line Adjustment No. 2007-03 was approved to adjust the lines between contiguous parcels whereby the boundary lines of the real property described as Exhibit "A", attached hereto and made a part hereof, will be adjusted to result in parcels described in Exhibit "B", also attached and incorporated herein. The approved lot line adjustment shall not result in the creation of a greater number of parcels than originally existed. The above described lot line adjustment shall be reflected in a deed which shall be recorded as required by Section 66412 (d) of the California Government Code.

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

KIRK FORD, INTERIM DIRECTOR

By: 

Bill Carlson, Senior Planner
Stanislaus County Department of Planning
and Community Development

11/12/08

Date

LOT LINE NO. 2007-03

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>DAVID M BOUCHER,</u>	<u>David M. Boucher</u>	<u>5-23-07</u>	<u>Modesto CA</u>
<u>PRESIDENT, FOR</u>	_____	_____	_____
<u>FRIENDS OF THE</u>	_____	_____	_____
<u>TUOLUMNE, INC.</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

LOT LINE NO. 2007-03

SECURITY HOLDERS:

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

LOT LINE NO. 2007-03

OWNERS:

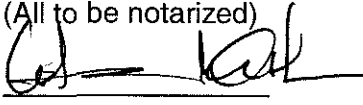
NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<i>Richard Landucci</i>	<i>Richard Landucci</i>	<i>5-23-08</i>	<i>Modesto</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

LOT LINE NO. 2007-03

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
CONSTANCE M. ARTHUR		5/28/08	Modesto, CA
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

LOT LINE NO. 2007-03

SECURITY HOLDERS:

OWNERS:


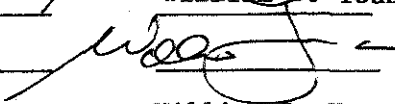
NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

LOT LINE NO. 2007-03

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Bank of Stockton</u>	 <u>William D. Young</u>	<u>October 24, 2008</u>	<u>Stockton, Ca.</u> ←
_____	 <u>William D. Young, Vice President</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus }

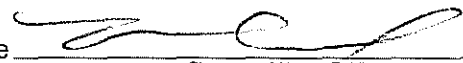
On May 23, 2008 before me, Mike Casale
Date Here Insert Name and Title of the Officer

personally appeared David M. Boucher
Name(s) of Signer(s)

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 
Signature of Notary Public




Place Notary Seal Above

GOVERNMENT CODE 27361.7

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

NAME OF NOTARY Mike Casale
COMMISSION NO. 1699206
DATE COMMISSION EXPIRES Oct 17, 2010
PLACE OF EXECUTION Stanislaus County

November 13, 2008
(Date)



Crystal D Rein
Stanislaus County Planning &
Community Development Dept.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus }

On 5/23/08 before me, Sonya D. Smith, Notary Public
Date Here Insert Name and Title of the Officer

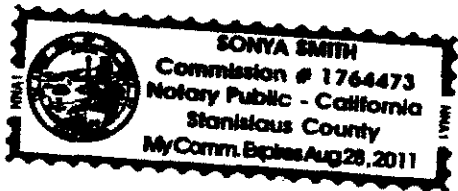
personally appeared Richard Landucci
Name(s) of Signer(s)

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Sonya D. Smith*
Signature of Notary Public




Place Notary Seal Above

GOVERNMENT CODE 27361.7

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

NAME OF NOTARY Sonya Smith
COMMISSION NO. 1764473
DATE COMMISSION EXPIRES Aug 28, 2011
PLACE OF EXECUTION Stanislaus County

November 13, 2008
(Date)



Crystal D Rein
Stanislaus County Planning &
Community Development Dept.

ACKNOWLEDGMENT

State of California
County of Stanislaus)

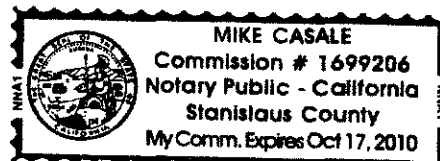
On May 28, 2008 before me, Mike Casale
(insert name and title of the officer)

personally appeared Constance M. Arthur,
who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Joaquin }

On 11/13/08 before me, K. Jacobson Notary Public
Date Here Insert Name and Title of the Officer

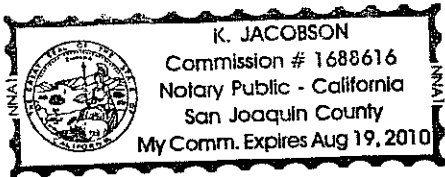
personally appeared William D. Young
Name(s) of Signer(s)

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public



Place Notary Seal Above

**EXHIBIT A
BEFORE LOT LINE ADJUSTMENT**

PARCEL 1

All that certain land referred to herein is designated as Parcel No's. 1, 2 and 3 in Instrument No. 2002-0061927-00, recorded on May 14, 20028, of Stanislaus County Records, and is described as follows:

Parcel No.1:

ALL that portion of the North half of Section 32, Township 3 South, Range 13 East, Mount Diablo Base and Meridian, described as follows:

From the meander post and quarter section corner common to Section 32 and 33, Township 3 South, Range 13 East, Mount Diablo Base and Meridian, run on the U.S. Meander line North 28°50'30" West, 624.68 feet; thence North 69°03'30" West, 530.10 feet; thence North 61°36' West, 586.35 feet to **THE POINT OF BEGINNING**, which point is on the quarter quarter Section line in the Northeast quarter of Section 32; thence run on said quarter quarter line North 0°30' East, 417.98 feet; thence leaving said quarter quarter line run North 78°17' West, 297.30 feet; thence North 49°26' West, 711.37 feet; thence North 56°43' West, 274.95 feet; thence North 84°14' West, 349.58 feet; thence North 72°47' West, 1280.37 feet to quarter quarter Section line in the Northwest quarter of Section 32; thence run on said quarter quarter line South 0°22' West, 1267.44 feet to the center line of the old Tuolumne River, as determined by M.B. Niven; thence run along said center line North 65°58'30" East, 392.97 feet; thence North 80° 43'30" East, 600.00 feet; thence North 84°43'30" East, 235.00 feet; thence South 76°40'30" East, 420.00 feet; thence South 67°40'30" East, 120.00 feet; thence South 60°13' East, 444.71 feet; thence South 37°55' East, 332.70 feet; thence South 49°05' East, 320.00 feet; thence South 6°25' East, 177.00 feet; thence South 27°17'30" East , 140.63 feet; thence South 56°35'30" East, 11.79 feet to the quarter quarter line in the Northeast quarter of Section 32; thence run on said quarter quarter line North 0°30' East, 627.00 feet to **THE POINT OF BEGINNING**.

EXCEPTING THEREFROM all that portion lying within Parcel Nos. 1 and 2 as shown on that certain Parcel Map filed September 15, 1987, in Book 39 of Parcel Maps, at page 99, Stanislaus County Records.

Parcel No. 2:

A parcel of land in Sections 32 and 33 in Township 3 South, Range 13 East, Mount Diablo Base and Meridian, more particularly described as follows:

BEGINNING at a point on the Easterly quarter quarter line of Section 32 which point is the following courses and distances along the U.S. meander line from the U.S. meander corner and quarter section corner common to Sections 32 and 33, Township 3 South, Range 13 East, Mount Diablo Base and Meridian, North 29°24'30" West. 624.88 feet; North 69°37'30" West, 530.10 feet; North 62°10' West. 586.35 feet to the Easterly quarter quarter line of Section 32 and **THE TRUE POINT OF BEGINNING**; thence run along said quarter quarter line South 0°04' East, 375.24 feet; thence leaving quarter quarter line South 70°50' East, 565.78 feet; North 79°04' East, 221.76 feet; North 46°42'

East, 422.4 feet; North 24°41' East. 250.8 feet; North 58°31' East. 396.0 feet; South 83°26' East, 138.6 feet; North 16°26' West. 436.93 feet; South 72°18' West, 147.1 feet; South 58°06' West, 370.5 feet; South 76°07' West. 190.0 feet; North 82°04' west. 300.2 feet; North 84°47' West, 583.6 feet to the Easterly quarter quarter line Section 32; thence along said quarter quarter line South 0°04' East. 417.98 feet to **THE POINT OF BEGINNING.**

EXCEPTING THEREFROM all that portion lying within Parcel Nos. 1 and 2 as shown on that certain Parcel Map filed September 15, 1987 in book 39 of Parcel Maps, Page 99, Stanislaus County Records.

Parcel No. 3:

Government Lot 2 and Government Lot 3 in the North half of Section 32, Township 3 South, Range 13 East, Mount Diablo Base and Meridian, according to United States Government Township Plats.

EXCEPTING THEREFROM that portion thereof conveyed to the LA Grange Gold Dredging Company, a corporation, by Deed dated January 5, 1938, recorded January 20, 1938 in Volume 641, Page 166, Instrument No, 741, to which Deed or the record thereof reference is hereby made for full particulars.

ALSO EXCEPTING THEREFROM that portion thereof included within the 66 foot Roberts Ferry Road.

ALSO EXCEPTING THEREFROM all that portion thereof lying North of the 66 foot Roberts Ferry Road.

ALSO EXCEPTING THEREFROM all that portion lying within Parcels 1 and 2 as shown on that certain Parcel Map filed September 15, 1987, in book 39 of Parcel Maps, at Page 99, Stanislaus County Records.

ALSO EXCEPTING THEREFROM all that piece of land portion lying within designated parcel as (Gibson Remainder in 39-PM-99), more particularly described as follows:

BEGINNING at the most westerly corner of Parcel 2 as shown on said Book 39 of Parcel Maps, Page 99, Stanislaus County Records, also being the Southeast corner of said (Gibson Remainder in 39-PM-99); thence North along the common property line of said (Gibson Remainder and Parcel 2 of said Parcel map) North 33°09'10" East, a distance of 267.18 feet; thence North 85°17'54" East, a distance of 320.23 feet; thence North 38°28'48" East, a distance of 80.92 feet; thence leaving said common property line North 60°08'41" West, a distance of 730.06 feet; thence North 79°26'33" West, a distance of 323.09 feet; thence along the centerline of an underground irrigation line the following courses: 1) South 20°08'15" West, a distance of 290.21 feet; 2) South 42°20'41" West, a distance of 67.31 feet; 3) South 07°03'13" West, a distance of 41.86 feet; thence leaving said centerline of the irrigation South 16°14'46" East, a distance of 237.33 feet more or less to an angle point on said South line of said Gibson Remainder; thence east along said south line South 76°27'50" East, a distance of 420.00 feet; thence South 67°27'50" East, a distance of 120.00 feet to **THE POINT OF BEGINNING.**

ALSO EXCEPTING THEREFROM an undivided one-half interest in and to all the petroleum, natural gas and other hydrocarbon substances and all the metals or other valuable mineral substances of whatsoever kind and character, in or on, therein or thereunder, and which may be produced therefrom, as granted to Beard Land and Investment Company, a corporation, by deed dated June 30, 1929 and recorded July 12, 1929 in Volume 344 at Page 368, Instrument No. 8788, Official Records, and re-recorded December 29, 1931 in Volume 459, Page 206, Instrument No. 15502, Official Records.

Contains an area of 40.36 acres, more or less.

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



11.07.08

A handwritten signature in cursive script, appearing to read "Felix J. Reichmuth", written over a horizontal line.

Felix J. Reichmuth
R.C.E. 20208
Expires: 09/30/09

EXHIBIT A
BEFORE LOT LINE ADJUSTMENT

PARCEL 2

All that certain land as filed for records in Instrument No. 2002-0061928-00, recorded on May 14, 2002, of Stanislaus County Records, and is described as follows:

Parcel 2 as shown on that certain Parcel Map filed September 15, 1987 in Book 39 of Parcel Maps, at page 99, Stanislaus Count Records.

AND all that piece of land portion lying within designated parcel as (Gibson Remainder in 39-PM-99), more particularly described as follows:

BEGINNING at the most westerly corner of Parcel 2 as shown on said Book 39 of Parcel Maps, Page 99, Stanislaus County Records, also being the Southeast corner of said (Gibson Remainder in 39-PM-99); thence north along the common property line of said (Gibson Remainder and Parcel 2 of said Parcel map) North 33° 09' 10" East, a distance of 267.18 feet; thence North 85° 17' 54" East, a distance of 320.23 feet; thence North 38° 28' 48" East, a distance of 80.92 feet; thence leaving said common property line North 60° 08' 41" West, a distance of 730.06 feet; thence North 79° 26' 33" West, a distance of 323.09 feet; thence along the centerline of an underground irrigation line the following courses: 1) South 20° 08' 15" West, a distance of 290.21 feet; 2) South 42° 20' 41" West, a distance of 67.31 feet; 3) South 07° 03' 13" West, a distance of 41.86 feet; thence leaving said centerline of the irrigation South 16° 14' 46" East, a distance of 237.33 feet more or less to an angle point on said south line of said Gibson Remainder; thence East along said South line South 76° 27' 50" East, a distance of 420.00 feet; thence South 67° 27' 50" East, a distance of 120.00 feet to **THE POINT OF BEGINNING**.

EXCEPTING THEREFROM an undivided one-half interest in and to all the petroleum, natural gas and other hydrocarbon substances and all the metals or other valuable mineral substances of whatsoever kind and character, in or on, therein or thereunder, and which may be produce therefrom , as granted to Beard Land and Investment Company, a corporation, by deed dated June 30, 1929 and recorded July 12, 1929 in Volume 344 at Page 368, Instrument No. 8788, Official Records, and re-recorded December 29, 1931 in Volume 459, Page 206, Instrument No. 15502, Official Records.

Contains an area of 68.74 acres, more or less.

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



A handwritten signature in black ink that reads "Felix J. Reichmuth".

Felix J. Reichmuth
R.C.E. 20208
Expires: 09/30/09

11.07.08

EXHIBIT A
BEFORE LOT LINE ADJUSTMENT

PARCEL 3

All that certain land referred to herein is designated as Adjusted Parcel C in Instrument No. 2002-0094209-00, recorded on July 24, 2002, of Stanislaus County Records, and is described as follows:

Land in Section 32, Township 3 South, Range 13 east, Mount Diablo, Base and Meridian, described as follows:

COMMENCING at the U.S. Meander corner on the left bank of the Tuolumne River between Sections 31 and 32, Township 3 South, Range 13 east, Mount Diablo base and meridian; thence North 13.20 feet and along the section line to **THE POINT OF BEGINNING**; thence North 120.00 feet and along the section line to the Tuolumne River, as originally determined by various swamp and overflow surveys; thence meandering up stream along the approximate center line of the overflow surveys; thence meandering up stream along the approximate center line of the Tuolumne River, as again determined by the relocation of various S & O surveys North 80°44'30" East 799.50 feet; thence North 36°43'30" East 300.00 feet; thence North 13°16'30" West 790.00 feet; thence North 32°58'30" East 320.00 feet; thence North 37°58'30" East 320.00 feet; thence North 65°58'30" East 590.00 feet; thence North 80°43'30" East 600.00 feet ; thence North 84°43'30" East 235.00 feet; thence South 76°40'30" East 420.00 feet; thence South 67°40'30" East 120.00 feet; thence South 60°13' East 441.71 feet; thence South 37°55' East 332.70 feet; thence South 49°05' East 320.00 feet; thence South 6°25' East 177.00 feet; thence South 27°17'30" East 140.63 feet; thence South 56°35'30" East 1588.53 feet to the east line of said Section 32; thence along the section line South 0°25' East 310.00 feet (and the last mentioned point being North 0°25' East 66.00 feet from the U.S. Meander corner on the left bank of the Tuolumne River between Sections 32 and 33); thence North 67°36' West 541.00 feet; thence North 87°42' West 991.78 feet; thence North 73°20' West 512.42 feet; thence South 74°31' West 1380.70 feet; thence North 75°45' West 664.45 feet; thence North 66°02' West 199.75 feet; thence North 82°26' West 132.65 feet; thence South 84°28' West 998.35 feet to **THE POINT OF BEGINNING**.

EXCEPTING THEREFROM the following parcel of land:

Land in Section 32, Township 3 South, Range 13 east, Mount Diablo, Base and Meridian, described as follows:

COMMENCING at the U.S. Meander corner on the left bank of the Tuolumne River between Sections 31 and 32, Township 3 South, Range 13 east, Mount Diablo base and meridian; thence North 13.20 feet and along the section line to **THE POINT OF BEGINNING**; thence North 120.00 feet and along the section line to the center line of the Tuolumne River, as originally determined by various swamp and overflow surveys; thence meandering up stream along the approximate center line of the Tuolumne River, as again determined by the relocation of various S & O surveys North 80°44'30" East 799.50 feet; thence leaving said approximate centerline North 36°43'30" East 151.89 feet; thence North 71°47'06" East 155.40 feet; thence South 73°37'18" East 99.14 feet; thence South 17°57'08" East 118.22 feet; thence South 81°05'06" East 186.32 feet; thence North 67°01'08" East 781.14 feet; thence South 85°49'03" East 698.50 feet; thence South 51°40'05" East 235.69 feet; thence South 05°36'39" East 91.34 feet; thence South 57°56'15" East 102.88 feet; thence North 89°13'01" East 213.23 feet; thence

North 89°00'06" East 210.67 feet; thence South 82°51'19" East 93.10 feet; thence North 82°23'17" East 226.46 feet; thence North 83°41'47" East 264.56 feet; thence North 82°40'59" East 85.96 feet; thence North 66°40'52" East 107.14 feet; thence North 55°04'34" East 97.62 feet; thence North 83°05'09" East 201.89 feet; thence South 83°15'02" East 157.58 feet; thence South 62°45'42" East 71.60 feet; thence North 48°37'08" East 174.54 feet to a point on the centerline of the Tuolumne River, as originally determined by various swamp and overflow surveys; thence meandering upstream along the approximate centerline of the Tuolumne River, as again determined by the relocation of the various swamp and overflow surveys South 56°35'30" East 510.08 feet to the east line of said Section 32; thence along the section line South 00°25' East 310.00 feet (and the last mentioned point being North 00°25' East 66.00 feet from the U.S. Meander corner on the left bank of the Tuolumne River, between Sections 32 and 33); thence North 67°36' West 541.00 feet; thence North 87°42' West 991.78 feet; thence North 73°20' West 512.42 feet; thence South 74°31' West 1380.70 feet; thence North 75°45' West 664.45 feet; thence North 66°02' West 199.75 feet; thence North 82°26' West 132.65 feet; thence South 84°28' West 998.35 feet to **THE POINT OF BEGINNING.**



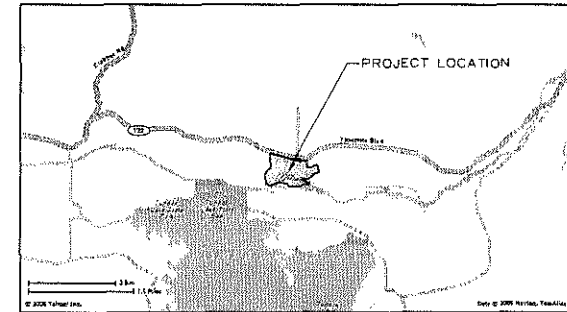
11.07.08

A handwritten signature in cursive script that reads "Felix J. Reichmuth".

Felix J. Reichmuth
R.C.E. 20208
Expires: 09/30/09

30-FT ACCESS & UTILITY EASEMENT INST. 07-063177

- | | |
|-----------------------|-----------------------|
| ① S02°12'59"W 180.47' | ⑧ N56°51'19"W 86.05' |
| ② S54°33'58"W 209.12' | ⑨ N59°35'47"W 71.04' |
| ③ S54°33'58"W 42.62' | ⑩ N61°08'00"W 191.39' |
| ④ S32°34'04"W 41.01' | ⑪ N60°32'06"W 277.46' |
| ⑤ S60°18'40"W 41.60' | ⑫ N64°17'00"W 108.62' |
| ⑥ N81°08'40"W 29.83' | ⑬ N80°03'46"W 176.77' |
| ⑦ N55°27'13"W 144.96' | ⑭ N77°42'45"W 365.18' |



VICINITY MAP

REFERENCES

- (A) BOOK 39 OF PARCEL MAPS, PAGE 99, S.C.R.
- (B) BOOK 1 OF SURVEYS, PAGE 71, S.C.R.
- (C) INSTRUMENT NO. 2002-0061927-00, S.C.R. FOR PARCEL 1
- (D) INSTRUMENT NO. 2002-0061928-00, S.C.R. FOR PARCEL 2
- (E) INSTRUMENT NO. 2002-0094209-00, ADJUSTED PARCEL C, S.C.R. FOR PARCEL 3

LEGAL OWNERS:

- RICHARD LANDUCCI FOR PARCEL NO. 1
23792 YOSEMITE BLVD.
WATERFORD, CA 95386
(209) 595-7432
- CONSTANCE ARTHUR CURSHELLAS FOR PARCEL NO. 2
23806 YOSEMITE BLVD.
WATERFORD, CA 95386
(209) 874-3401
- FRIENDS OF TUOLUMNE FOR PARCEL NO. 3
7523 MEADOW AVE.
STOCKTON, CA 95207
(209) 477-9033

PROJECT DESCRIPTION:

CONVEY 28.58 ACRES FROM PARCEL "1" TO PARCEL "3"
CONVEY 7.83 ACRES FROM PARCEL "1" TO PARCEL "2"

SOIL:

TYPE: GRANGEVILLE FINE SANDY LOAM

BEFORE LOT LINE
ADJUSTMENT

BEING A PORTION OF SECTION 32,
TOWNSHIP 3 SOUTH, RANGE 13 EAST,
MOUNT DIABLO BASE AND MERIDIAN.

STANISLAUS COUNTY, STATE OF CALIFORNIA

R.B. WELTY & ASSOCIATES, INC.
521 13TH STREET / P.O. BOX 1724
MODESTO, CALIFORNIA 95354
(209) 526-1515
JOB NO. 75341

DATE: NOVEMBER 07, 2008

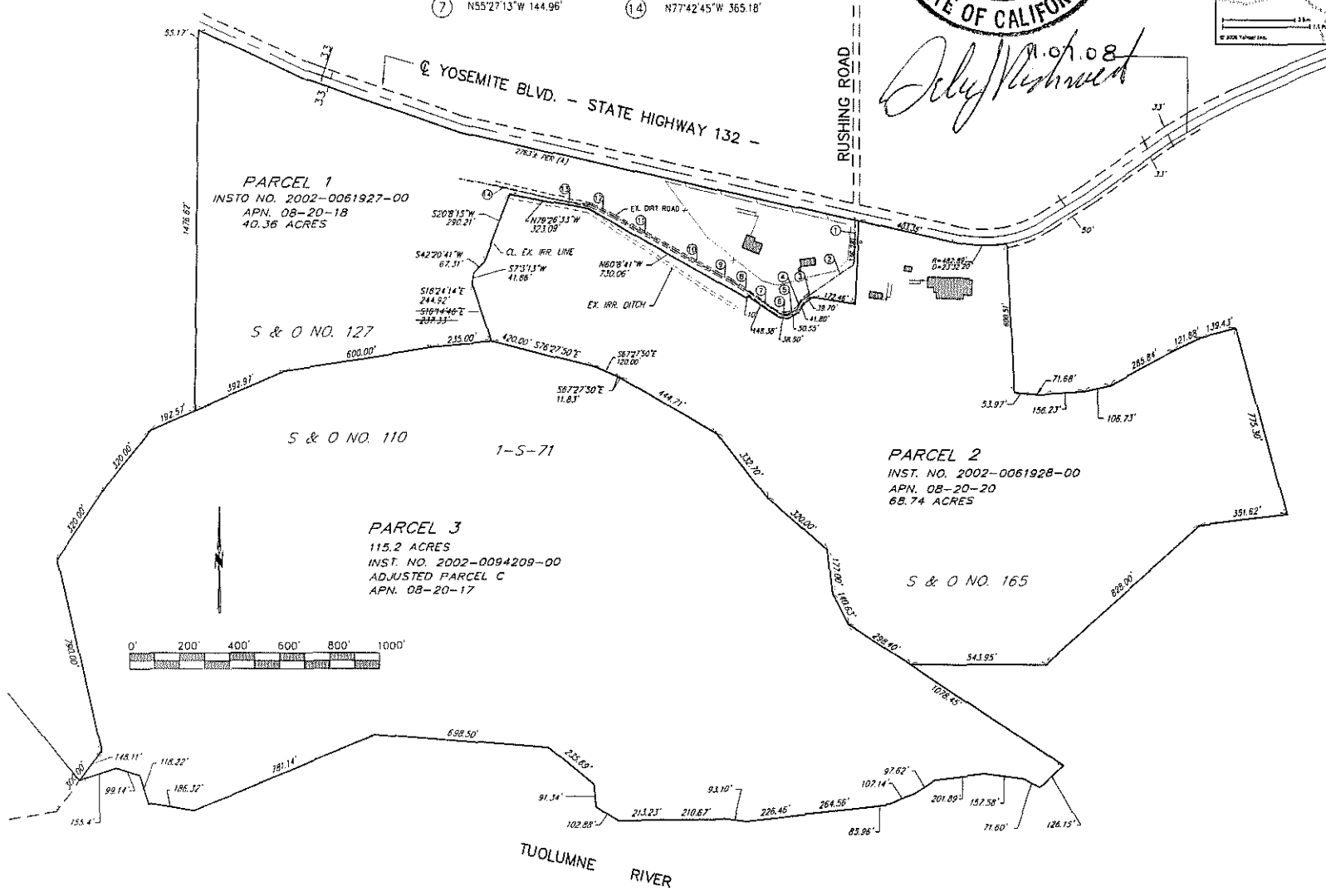


EXHIBIT A

EXHIBIT B
AFTER LOT LINE ADJUSTMENT

PARCEL 1

ALL that portion of the North half of Section 32, Township 3 South, Range 13 East, Mount Diablo Base and Meridian, also being a portion of a parcel designated as "Gibson Remainder" as shown in Book 39 of Parcel Maps, Page 99, Stanislaus County Records, described as follows:

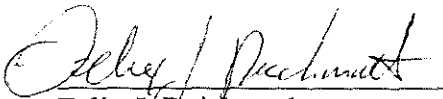
COMMENCING at the ¾" iron pipe tagged L.S. 3580 marking the common corner of said "Gibson Remainder" Parcel and Parcel 2, said point being on the southerly right of way of 66-foot wide Yosemite Boulevard and State Highway No. 132 as shown on said Book 39 of Parcel Maps, at Page 99; thence along the south line of said Yosemite Boulevard North 77°09'40" West 30.52 feet to **THE POINT OF BEGINNING**; thence leaving said south line 30.00 feet westerly and parallel with the easterly line of said "Gibson Remainder" parcel South 02°12'59" West 154.88 feet; thence South 46°32'19" West 13.93 feet to a chain link fence corner; thence continue along said fence the following five (5) courses: 1) South 46°32'19" West 66.42 feet; 2) South 76°52'49" West 238.39 feet; 3) North 74°32'59" West 66.31 feet; 4) North 50°23'48" West 278.98 feet; 5) North 37°05'01" West 282.49 feet to a fence corner; thence leaving said fence North 12°50'20" East 12.89 feet to a point on the south line of said 66-foot wide Yosemite Boulevard; thence along said south line South 77°09'40" East 761.86 feet to **THE POINT OF BEGINNING**.

The above description is subject to be modified, if any, by a Record of Survey posting the recording of this deed.

Contains an area of 3.95 acres, more or less.

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




Felix J. Reichmuth
R.C.E. 20208
Expires: 09/30/09

11.07.08

EXHIBIT B
AFTER LOT LINE ADJUSTMENT

PARCEL 2

ALL that portion of the North half of Section 32, Township 3 South, Range 13 East, Mount Diablo Base and Meridian, described as follows:

Parcel 2 as shown on that certain Parcel Map filed September 15, 1987 in Book 39 of Parcel Maps, at Page 99, Stanislaus County Records.

AND all that piece of land portion lying within designated parcel as (Gibson Remainder in 39-PM-99), more particularly described as follows:

BEGINNING at the most Westerly corner of Parcel 2 as shown on said Book 39 of Parcel Maps, Page 99, Stanislaus County Records, also being the Southeast corner of said (Gibson Remainder in 39-PM-99); thence North along the common property line of said (Gibson Remainder and Parcel 2 of said Parcel map) North 33° 09' 10" East, a distance of 267.18 feet; thence North 85° 17' 54" East, a distance of 320.23 feet; thence North 38° 28' 48" East, a distance of 80.92 feet; thence leaving said common property line North 60° 08' 41" West, a distance of 730.06 feet; thence North 79° 26' 33" West, a distance of 323.09 feet; thence along the centerline of an underground irrigation line the following courses: 1) South 20° 08' 15" West, a distance of 290.21 feet; 2) South 42° 20' 41" West, a distance of 67.31 feet; 3) South 07° 03' 13" West, a distance of 41.86 feet; thence leaving said centerline of the irrigation South 16° 14' 46" East, a distance of 237.33 feet more or less to an angle point on said south line of said Gibson Remainder; thence East along said South line South 76° 27' 50" East, a distance of 420.00 feet; thence South 67° 27' 50" East, a distance of 120.00 feet to **THE POINT OF BEGINNING**.

EXCEPTING THEREFROM an undivided one-half interest in and to all the petroleum, natural gas and other hydrocarbon substances and all the metals or other valuable mineral substances of whatsoever kind and character, in or on, therein or thereunder, and which may be produce therefrom , as granted to Beard Land and Investment Company, a Corporation, by Deed dated June 30, 1929 and recorded July 12, 1929 in Volume 344 at Page 368, Instrument No. 8788, Official Records, and re-recorded December 29, 1931 in Volume 459, Page 206, Instrument No. 15502, Official Records.

TOGETHER WITH that piece of land being a portion of a parcel designated as "Gibson Remainder" as shown in Book 39 of Parcel maps, Page 99, Stanislaus County Records, described as follows:

COMMENCING at the northeast corner of said "Gibson Remainder" parcel, said point being on the southerly right of way of 66-foot wide Yosemite Boulevard and State Highway No. 132; thence along the east line of said parcel South 02°12'59" West 185.03 feet to **THE POINT OF BEGINNING**; thence continue on said line South 02°12'59" West 151.25 feet; thence along a line of said Parcel 2 North 81°27'16" West 172.46 feet; thence leaving said line of Parcel 2 North 54°33'58" East 216.49 feet to **THE POINT OF BEGINNING**.

ALSO TOGETHER WITH that piece of land being a portion of a parcel designated as "Gibson Remainder" as shown in Book 39 of Parcel maps, Page 99, Stanislaus County Records, described as follows:

COMMENCING at the most westerly corner of Parcel 2 as shown on said Book 39 of Parcel Maps, Page 99, Stanislaus County Records; thence along southerly line of said "Gibson Remainder" Parcel North 67°27'50" West 108.17 feet; thence North 76°27'50" West 420.00 feet; thence leaving said southerly line of "Gibson Remainder" Parcel North 18°24'14" West 244.92 feet (North 16°14'46" West 237.33 feet per Instrument No. 2002-0061928-00) to the most westerly corner of last said parcel and **THE POINT OF BEGINNING**; thence North 69°51'45" West 800.00 feet; thence North 22°27'44" East 370.00 feet; thence South 69°42'15" East 585.02 feet; thence North 21°43'55" East 75.43 feet; thence South 78°39'02" East 355.64 feet; thence South 12°32'45" West 80.21 feet to point on the northerly line of said parcel of land as filed for record in Instrument No. 2002-0061928-00; thence along the northerly and westerly lines of said last parcel North 79°26'33" West 150.32 feet; thence South 20°08'15" West 290.21 feet; thence South 42°20'41" West 67.31 feet; thence South 07°03'13" West 41.86 feet to **THE POINT OF BEGINNING**.

The above description is subject to be modified, if any, by a Record of Survey posting the recording of this deed.

Contains an area of 76.57 acres, more or less.

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



11.07.08

A handwritten signature in cursive script that reads "Felix J. Reichmuth".

Felix J. Reichmuth
R.C.E. 20208
Expires: 09/30/09

EXHIBIT B
AFTER LOT LINE ADJUSTMENT

PARCEL 3

ALL that portion of the North half of Section 32, Township 3 South, Range 13 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the U.S. Meander corner on the left bank of the Tuolumne River between Sections 31 and 32, Township 3 South, Range 13 East, Mount Diablo base and meridian; thence North 13.20 feet and along the section line to **THE POINT OF BEGINNING**; thence North 120.00 feet and along the section line to the Tuolumne River, as originally determined by various swamp and overflow surveys; thence meandering up stream along the approximate center line of the overflow surveys; thence meandering up stream along the approximate center line of the Tuolumne River, as again determined by the relocation of various S & O surveys North 80°44'30" East 799.50 feet; thence North 36°43'30" East 300.00 feet; thence North 13°16'30" West 790.00 feet; thence North 32°58'30" East 320.00 feet; thence North 37°58'30" East 320.00 feet; thence North 65°58'30" East 590.00 feet; thence North 80°43'30" East 600.00 feet ; thence North 84°43'30" East 235.00 feet; thence South 76°40'30" East 420.00 feet; thence South 67°40'30" East 120.00 feet; thence South 60°13' East 441.71 feet; thence South 37°55' East 332.70 feet; thence South 49°05' East 320.00 feet; thence South 6°25' East 177.00 feet; thence South 27°17'30" East 140.63 feet; thence South 56°35'30" East 1588.53 feet to the East line of said Section 32; thence along the section line South 0°25' East 310.00 feet (and the last mentioned point being North 0°25' East 66.00 feet from the U.S. Meander corner on the left bank of the Tuolumne River between Sections 32 and 33); thence North 67°36' West 541.00 feet; thence North 87°42' West 991.78 feet; thence North 73°20' West 512.42 feet; thence South 74°31' West 1380.70 feet; thence North 75°45' West 664.45 feet; thence North 66°02' West 199.75 feet; thence North 82°26' West 132.65 feet; thence South 84°28' West 998.35 feet to **THE POINT OF BEGINNING**.

EXCEPTING THEREFROM the following parcel of land:

Land in Section 32, Township 3 South, Range 13 East, Mount Diablo, Base and Meridian, described as follows:

COMMENCING at the U.S. Meander corner on the left bank of the Tuolumne River between Sections 31 and 32, Township 3 South, Range 13 east, Mount Diablo base and meridian; thence North 13.20 feet and along the section line to **THE POINT OF BEGINNING**; thence North 120.00 feet and along the section line to the center line of the Tuolumne River, as originally determined by various swamp and overflow surveys; thence meandering up stream along the approximate center line of the Tuolumne River, as again determined by the relocation of various S & O surveys North 80°44'30" East 799.50 feet; thence leaving said approximate centerline North 36°43'30" East 151.89 feet; thence North 71°47'06" East 155.40 feet; thence South 73°37'18" East 99.14 feet; thence South 17°57'08" East 118.22 feet; thence South 81°05'06" East 186.32 feet; thence North 67°01'08" East 781.14 feet; thence South 85°49'03" East 698.50 feet; thence South

51°40'05" East 235.69 feet; thence South 05°36'39" East 91.34 feet; thence South 57°56'15" East 102.88 feet; thence North 89°13'01" East 213.23 feet; thence North 89°00'06" East 210.67 feet; thence South 82°51'19" East 93.10 feet; thence North 82°23'17" East 226.46 feet; thence North 83°41'47" East 264.56 feet; thence North 82°40'59" East 85.96 feet; thence North 66°40'52" East 107.14 feet; thence North 55°04'34" East 97.62 feet; thence North 83°05'09" East 201.89 feet; thence South 83°15'02" East 157.58 feet; thence South 62°45'42" East 71.60 feet; thence North 48°37'08" East 174.54 feet to a point on the centerline of the Tuolumne River, as originally determined by various swamp and overflow surveys; thence meandering upstream along the approximate centerline of the Tuolumne River, as again determined by the relocation of the various swamp and overflow surveys South 56°35'30" East 510.08 feet to the east line of said Section 32; thence along the section line South 00°25' East 310.00 feet (and the last mentioned point being North 00°25' East 66.00 feet from the U.S. Meander corner on the left bank of the Tuolumne River, between Sections 32 and 33); thence North 67°36' West 541.00 feet; thence North 87°42' West 991.78 feet; thence North 73°20' West 512.42 feet; thence South 74°31' West 1380.70 feet; thence North 75°45' West 664.45 feet; thence North 66°02' West 199.75 feet; thence North 82°26' West 132.65 feet; thence South 84°28' West 998.35 feet to **THE POINT OF BEGINNING**.

TOGETHER WITH that piece of land being a portion of a parcel designated as "Gibson Remainder" as shown in Book 39 of Parcel maps, Page 99, Stanislaus County Records, described as follows:

BEGINNING at the southwest corner of said "Gibson Remainder" parcel; thence along the westerly line of said parcel North 00°28'13" East 1476.62 feet; thence North 01°32'40" East 55.17 feet to a point on the southerly right of way of 66-foot wide Yosemite Boulevard and State Highway No. 132; thence southeasterly along said right of way 1980.11 feet; thence leaving said right of way line South 12°50'20" West 12.89 feet; thence South 37°05'01" East 282.49 feet; thence South 50°23'48" East 278.98 feet; thence South 74°32'59" East 66.31 feet; thence North 76°52'49" East 238.39 feet; thence North 46°32'19" East 80.35 feet; thence North 02°12'59" East 154.88 feet to a point on the southerly right of way line of said Yosemite Boulevard; thence along last said line South 77°09'40" East 30.52 feet; thence leaving said right of way line South 02°12'59" West 185.03 feet; thence South 54°33'58" West 256.19 feet to a point on the northwesterly line of a parcel of land filed for record in Instrument No. 2002-0061928-00, recorded on May 14, 2002, of Stanislaus County Records ; thence along the northwesterly and northeasterly lines of said parcel the following (7) courses, 1) South 32°34'04" West 41.80 feet; 2) South 60°18'40" West 50.55 feet 3) North 81°15'15" West 38.64 feet 4) North 55°25'08" West 147.70 feet 5) South 41°47'31" West 10.02 feet 6) North 60°08'41" West 730.06 feet 7) North 79°26'33" West 172.77 feet; thence leaving said last lines North 12°32'45" East 80.21 feet; North 78°39'02" West 355.64 feet; thence South 21°43'55" West 75.43 feet; thence North 69°42'15" West 585.02 feet; thence South 22°27'44" West 370.00 feet; thence South 69°51'45" East 800.00 feet to the most westerly corner of a parcel of land filed for record in Instrument No. 2002-0061928-00, recorded on May 14, 2002, of Stanislaus County Records; thence along the westerly line of last said parcel South 18°24'14" East 244.92 feet (South 16°14'46" East 237.33 feet per Instrument No. 2002-

0061928-00) to a point on the southerly line of said "Gibson Remainder" parcel; thence along last said southerly line the following courses South 84°56'10" West 235.00 feet; thence South 80°56'10" West 600.00 feet; thence South 66°11'10" West 392.97 feet to **THE POINT OF BEGINNING.**

The above description is subject to be modified, if any, by a Record of Survey posting the recording of this deed.

Contains an area of 143.78 acres, more or less.

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



11.07.08

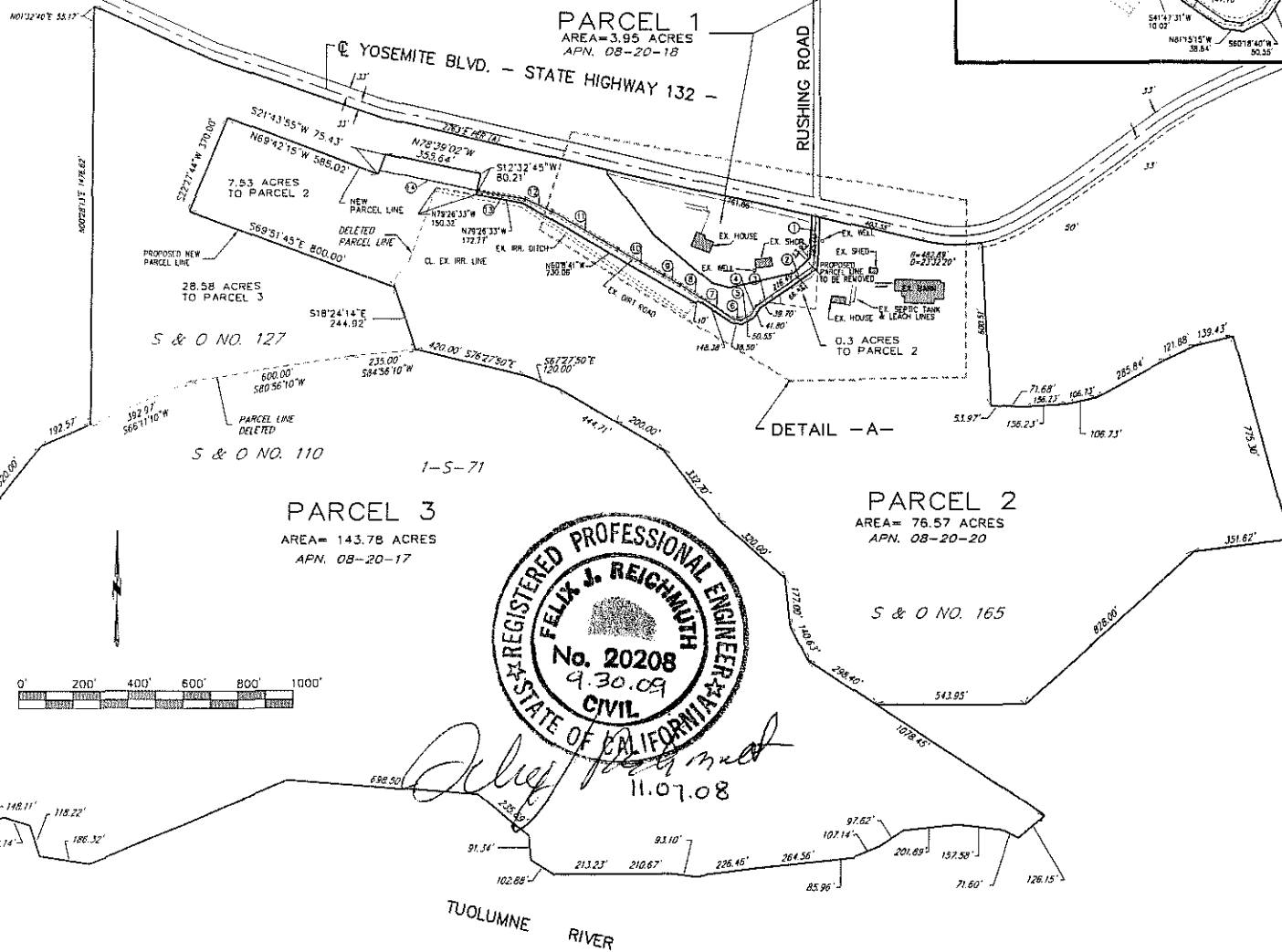
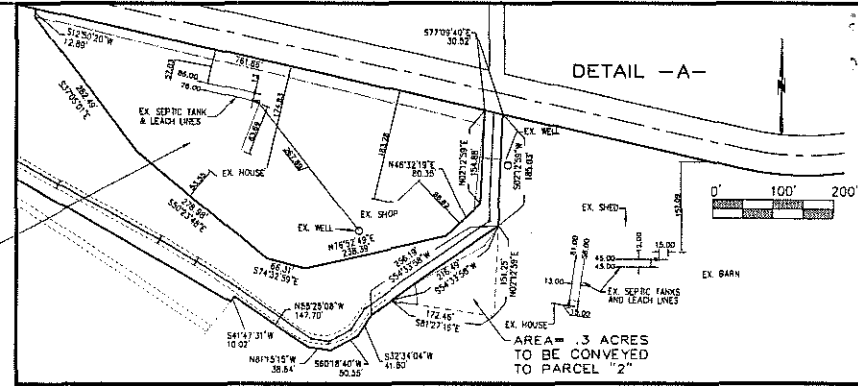
A handwritten signature in cursive script, appearing to read "Felix J. Reichmuth", written over a horizontal line.

Felix J. Reichmuth
R.C.E. 20208
Expires: 09/30/09

30-FT ACCESS & UTILITY EASEMENT INST. 07-063177

- | | |
|------------------------|------------------------|
| ① 502'12.58" W 180.47' | ⑧ N56°51'19" W 86.05' |
| ② 554'33.58" W 209.12' | ⑨ N59°35'47" W 71.04' |
| ③ 554'33.58" W 42.62' | ⑩ N61°08'00" W 191.39' |
| ④ 532'34'04" W 41.01' | ⑪ N60°32'06" W 277.46' |
| ⑤ 560'18'40" W 41.60' | ⑫ N64°17'00" W 108.62' |
| ⑥ N81°08'40" W 29.83' | ⑬ N80°03'46" W 176.77' |
| ⑦ N55°27'13" W 144.96' | ⑭ N77°42'45" W 365.18' |

PARCEL	BEFORE ADJUSTMENT	AFTER ADJUSTMENT	CHANGE
1	40.36	3.95	-36.41
2	88.74	76.57	+7.83
3	115.20	143.78	+28.58
	224.30	224.30	0.00



Felix J. Reichmuth
11.07.08

REFERENCES

- (A) BOOK 39 OF PARCEL MAPS, PAGE 99, S.C.R.
- (B) BOOK 1 OF SURVEYS, PAGE 71, S.C.R.
- (C) INSTRUMENT NO. 2002-0061927-00, S.C.R. FOR PARCEL 1
- (D) INSTRUMENT NO. 2002-0061928-00, S.C.R. FOR PARCEL 2
- (E) INSTRUMENT NO. 2002-0094209-00, ADJUSTED PARCEL C, S.C.R. FOR PARCEL 3

LEGAL OWNERS:

- RICHARD LANDUCCI
23792 YOSEMITE BLVD.
WATERFORD, CA 95386
(209) 595-7432
- CONSTANCE ARTHUR CURSHELLAS
23806 YOSEMITE BLVD.
WATERFORD, CA 95386
(209) 874-3401
- FRIENDS OF TUOLUMNE
7523 MEADOW AVE.
STOCKTON, CA 95207
(209) 477-9033

PROJECT DESCRIPTION:

CONVEY 28.58 ACRES FROM PARCEL "1" TO PARCEL "3"
CONVEY 7.83 ACRES FROM PARCEL "1" TO PARCEL "2"

SOIL:
TYPE: GRANGEVILLE FINE SANDY LOAM

AFTER LOT LINE ADJUSTMENT

BEING A PORTION OF SECTION 32,
TOWNSHIP 3 SOUTH, RANGE 13 EAST,
MOUNT DIABLO BASE AND MERIDIAN.

STANISLAUS COUNTY, STATE OF CALIFORNIA

R.B. WELTY & ASSOCIATES, INC.
521 13TH STREET / P.O. BOX 1724
MODESTO, CALIFORNIA 95354
(209) 526-1515
JOB NO. 75341

DATE: NOVEMBER 07, 2008


EXHIBIT B

THIS SPACE FOR RECORDER ONLY

RECORDING REQUESTED BY
STANISLAUS COUNTY BOARD OF
SUPERVISORS

WHEN RECORDED RETURN TO
STANISLAUS COUNTY PLANNING
DEPARTMENT

NOTICE OF RESCISSION AND
SIMULTANEOUS RE-ENTRY INTO
CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2008-17



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2008-0121731-00
Friday, NOV 14, 2008 08:57:29
Ttl Pd \$0.00 Nbr-0002634627
OHK/R2/2-11

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into March 25, 2008, 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: DAVID M. BOUCHER, PRESIDENT FOR FRIENDS OF THE TUOLUMNE, INC.
1900 NE 3RD STREET SUITE 106-314
BEND, OR 97701

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

ASSESSORS PARCEL NUMBER	ACREAGE	SITUS ADDRESS (If none, please provide Legal Description)
<u>008-020-017</u>	<u>148.39</u>	<u>Lake Road, Waterford 95386</u>

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2008-222, relating to Lot Line Adjustment No. 2007-03 as authorized by Govt. Code § 51257, California Land Conservation Contract No. 02-4454 which encumbered the parcel described in Exhibit A is rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

lmc

NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT
Page 2

- (18) The effective date of this Contract shall be date of recording.
- (19) Uses on the subject property are limited to those specifically described in Chapter 21.20 of the Stanislaus County Code - General Agriculture District (A-2), as effective each year upon renewal of the contract, which is herein incorporated by reference.

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)
DAVID M BOUCHER, PRES FOR FRIENDS OF THE TUOLUMNE, INC.	<i>David M. Boucher</i>	5-22-08	Modesto, CA

SECURITY HOLDERS:

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

EXHIBITS:

- (A) Legal description of Parcel covered under old contract
- (B) Legal description of newly configured Parcel covered under new contract
- (C) Board of Supervisors Action Item approving referenced rescission and new contract

COUNTY: Stanislaus County

11/12/08
Dated

Kirk Ford FOR
Chairman, Board of Supervisors
Kirk Ford for

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus }

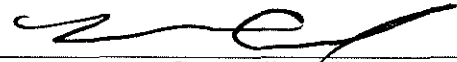
On May 22, 2008 before me, Mike Casale
Date Here Insert Name and Title of the Officer

personally appeared David M. Boucher
Name(s) of Signer(s)

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 
Signature of Notary Public



Place Notary Seal Above

EXHIBIT A
BEFORE LOT LINE ADJUSTMENT

PARCEL 3

All that certain land referred to herein is designated as Adjusted Parcel C in Instrument No. 2002-0094209-00, recorded on July 24, 2002, of Stanislaus County Records, and is described as follows:

Land in Section 32, Township 3 South, Range 13 east, Mount Diablo, Base and Meridian, described as follows:

COMMENCING at the U.S. Meander corner on the left bank of the Tuolumne River between Sections 31 and 32, Township 3 South, Range 13 east, Mount Diablo base and meridian; thence North 13.20 feet and along the section line to **THE POINT OF BEGINNING**; thence North 120.00 feet and along the section line to the Tuolumne River, as originally determined by various swamp and overflow surveys; thence meandering up stream along the approximate center line of the overflow surveys; thence meandering up stream along the approximate center line of the Tuolumne River, as again determined by the relocation of various S & O surveys North 80°44'30" East 799.50 feet; thence North 36°43'30" East 300.00 feet; thence North 13°16'30" West 790.00 feet; thence North 32°58'30" East 320.00 feet; thence North 37°58'30" East 320.00 feet; thence North 65°58'30" East 590.00 feet; thence North 80°43'30" East 600.00 feet ; thence North 84°43'30" East 235.00 feet; thence South 76°40'30" East 420.00 feet; thence South 67°40'30" East 120.00 feet; thence South 60°13' East 441.71 feet; thence South 37°55' East 332.70 feet; thence South 49°05' East 320.00 feet; thence South 6°25' East 177.00 feet; thence South 27°17'30" East 140.63 feet; thence South 56°35'30" East 1588.53 feet to the east line of said Section 32; thence along the section line South 0°25' East 310.00 feet (and the last mentioned point being North 0°25' East 66.00 feet from the U.S. Meander corner on the left bank of the Tuolumne River between Sections 32 and 33); thence North 67°36' West 541.00 feet; thence North 87°42' West 991.78 feet; thence North 73°20' West 512.42 feet; thence South 74°31' West 1380.70 feet; thence North 75°45' West 664.45 feet; thence North 66°02' West 199.75 feet; thence North 82°26' West 132.65 feet; thence South 84°28' West 998.35 feet to **THE POINT OF BEGINNING**.

EXCEPTING THEREFROM the following parcel of land:

Land in Section 32, Township 3 South, Range 13 east, Mount Diablo, Base and Meridian, described as follows:

COMMENCING at the U.S. Meander corner on the left bank of the Tuolumne River between Sections 31 and 32, Township 3 South, Range 13 east, Mount Diablo base and meridian; thence North 13.20 feet and along the section line to **THE POINT OF BEGINNING**; thence North 120.00 feet and along the section line to the center line of the Tuolumne River, as originally determined by various swamp and overflow surveys; thence meandering up stream along the approximate center line of the Tuolumne River, as again determined by the relocation of various S & O surveys North 80°44'30" East 799.50 feet; thence leaving said approximate centerline North 36°43'30" East 151.89 feet; thence North 71°47'06" East 155.40 feet; thence South 73°37'18" East 99.14 feet; thence South 17°57'08" East 118.22 feet; thence South 81°05'06" East 186.32 feet; thence North 67°01'08" East 781.14 feet; thence South 85°49'03" East 698.50 feet; thence South 51°40'05" East 235.69 feet; thence South 05°36'39" East 91.34 feet; thence South 57°56'15" East 102.88 feet; thence North 89°13'01" East 213.23 feet; thence

North 89°00'06" East 210.67 feet; thence South 82°51'19" East 93.10 feet; thence North 82°23'17" East 226.46 feet; thence North 83°41'47" East 264.56 feet; thence North 82°40'59" East 85.96 feet; thence North 66°40'52" East 107.14 feet; thence North 55°04'34" East 97.62 feet; thence North 83°05'09" East 201.89 feet; thence South 83°15'02" East 157.58 feet; thence South 62°45'42" East 71.60 feet; thence North 48°37'08" East 174.54 feet to a point on the centerline of the Tuolumne River, as originally determined by various swamp and overflow surveys; thence meandering upstream along the approximate centerline of the Tuolumne River, as again determined by the relocation of the various swamp and overflow surveys South 56°35'30" East 510.08 feet to the east line of said Section 32; thence along the section line South 00°25' East 310.00 feet (and the last mentioned point being North 00°25' East 66.00 feet from the U.S. Meander corner on the left bank of the Tuolumne River, between Sections 32 and 33); thence North 67°36' West 541.00 feet; thence North 87°42' West 991.78 feet; thence North 73°20' West 512.42 feet; thence South 74°31' West 1380.70 feet; thence North 75°45' West 664.45 feet; thence North 66°02' West 199.75 feet; thence North 82°26' West 132.65 feet; thence South 84°28' West 998.35 feet to **THE POINT OF BEGINNING.**



A handwritten signature in cursive script that reads "Felix J. Reichmuth".

11.07.08

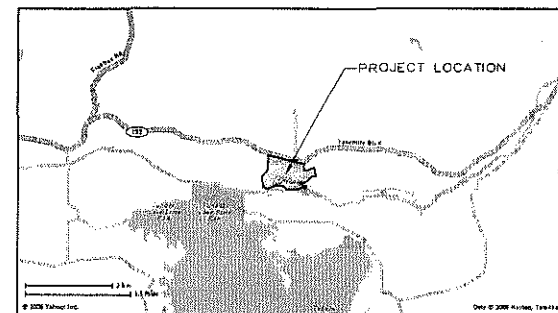
Felix J. Reichmuth
R.C.E. 20208
Expires: 09/30/09

30-FT ACCESS & UTILITY EASEMENT INST. 07-063177

- | | | | |
|---|---------------------|---|---------------------|
| ① | S02°12'59"W 180.47' | ⑧ | N56°51'19"W 86.05' |
| ② | S54°33'58"W 209.12' | ⑨ | N59°35'47"W 71.04' |
| ③ | S54°33'58"W 42.62' | ⑩ | N61°08'00"W 191.39' |
| ④ | S32°34'04"W 41.01' | ⑪ | N60°32'06"W 277.46' |
| ⑤ | S60°18'40"W 41.60' | ⑫ | N64°17'00"W 108.62' |
| ⑥ | N81°06'40"W 29.83' | ⑬ | N80°03'46"W 176.77' |
| ⑦ | N55°27'13"W 144.96' | ⑭ | N77°42'45"W 365.18' |



Felix Reichmuth
11.07.08



VICINITY MAP

REFERENCES

- (A) BOOK 39 OF PARCEL MAPS, PAGE 99, S.C.R.
- (B) BOOK 1 OF SURVEYS, PAGE 71, S.C.R.
- (C) INSTRUMENT NO. 2002-0061927-00, S.C.R. FOR PARCEL 1
- (D) INSTRUMENT NO. 2002-0061928-00, S.C.R. FOR PARCEL 2
- (E) INSTRUMENT NO. 2002-0094209-00, ADJUSTED PARCEL C, S.C.R. FOR PARCEL 3

LEGAL OWNERS:

- RICHARD LANDUCCI FOR PARCEL NO. 1
23782 YOSEMITE BLVD.
WATERFORD, CA 95386
(209) 595-7432
- CONSTANCE ARTHUR CURSHELLAS FOR PARCEL NO. 2
23805 YOSEMITE BLVD.
WATERFORD, CA 95386
(209) 874-3401
- FRIENDS OF TUOLUMNE FOR PARCEL NO. 3
7523 MEADOW AVE.
STOCKTON, CA 95207
(209) 477-9033

PROJECT DESCRIPTION:

CONVEY 28.58 ACRES FROM PARCEL "1" TO PARCEL "3"
CONVEY 7.83 ACRES FROM PARCEL "1" TO PARCEL "2"

SOIL:

TYPE: GRANGEVILLE FINE SANDY LOAM

BEFORE LOT LINE ADJUSTMENT

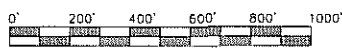
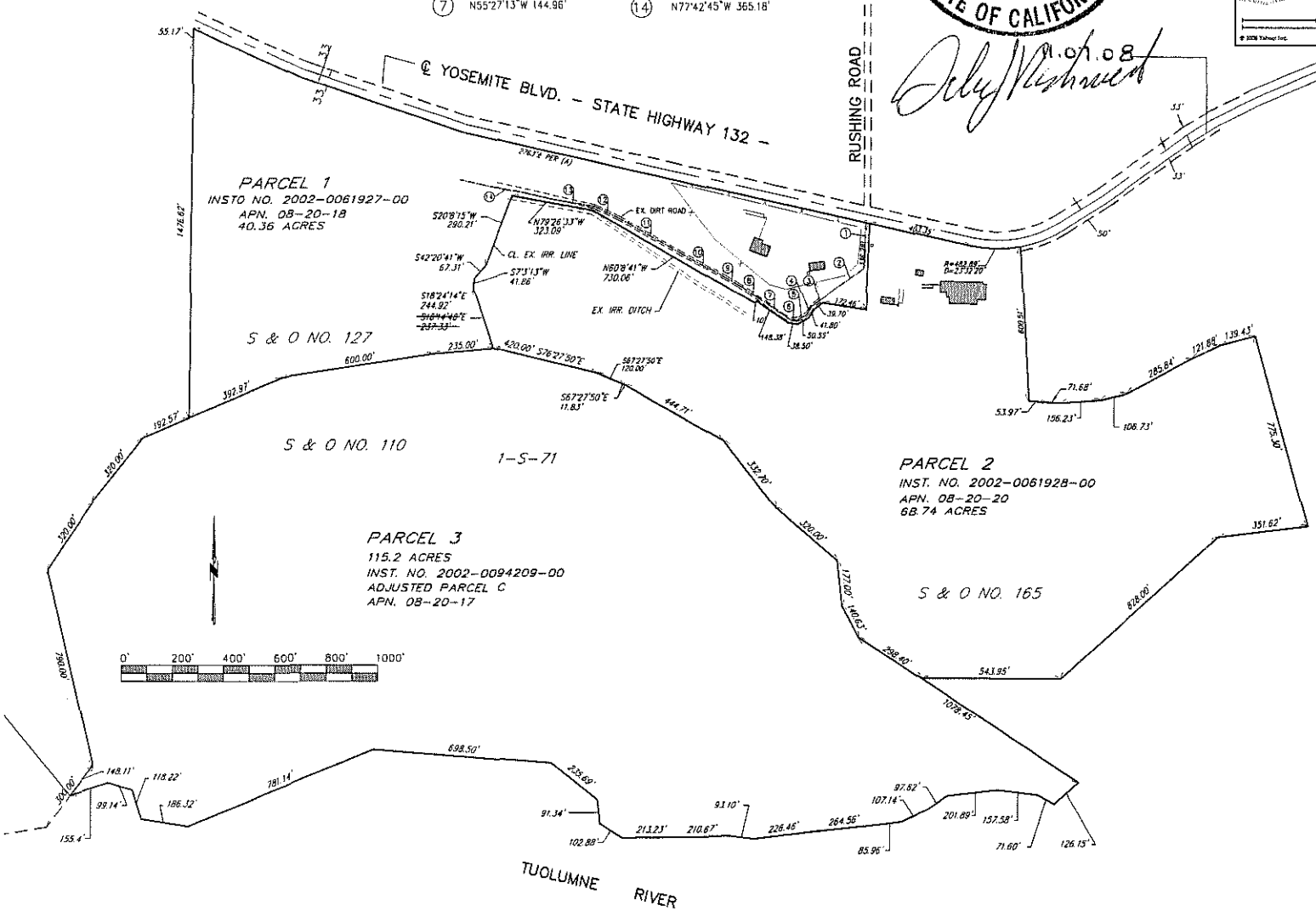
BEING A PORTION OF SECTION 32,
TOWNSHIP 3 SOUTH, RANGE 13 EAST,
MOUNT DIABLO BASE AND MERIDIAN.

STANISLAUS COUNTY, STATE OF CALIFORNIA

R.B. WELTY & ASSOCIATES, INC.

521 13TH STREET / P.O. BOX 1724
MODESTO, CALIFORNIA 95354
(209) 526-1515
JOB NO. 75341

DATE: NOVEMBER 07, 2008



LAND 11 A

EXHIBIT B
AFTER LOT LINE ADJUSTMENT

PARCEL 3

ALL that portion of the North half of Section 32, Township 3 South, Range 13 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the U.S. Meander corner on the left bank of the Tuolumne River between Sections 31 and 32, Township 3 South, Range 13 East, Mount Diablo base and meridian; thence North 13.20 feet and along the section line to **THE POINT OF BEGINNING**; thence North 120.00 feet and along the section line to the Tuolumne River, as originally determined by various swamp and overflow surveys; thence meandering up stream along the approximate center line of the overflow surveys; thence meandering up stream along the approximate center line of the Tuolumne River, as again determined by the relocation of various S & O surveys North 80°44'30" East 799.50 feet; thence North 36°43'30" East 300.00 feet; thence North 13°16'30" West 790.00 feet; thence North 32°58'30" East 320.00 feet; thence North 37°58'30" East 320.00 feet; thence North 65°58'30" East 590.00 feet; thence North 80°43'30" East 600.00 feet ; thence North 84°43'30" East 235.00 feet; thence South 76°40'30" East 420.00 feet; thence South 67°40'30" East 120.00 feet; thence South 60°13' East 441.71 feet; thence South 37°55' East 332.70 feet; thence South 49°05' East 320.00 feet; thence South 6°25' East 177.00 feet; thence South 27°17'30" East 140.63 feet; thence South 56°35'30" East 1588.53 feet to the East line of said Section 32; thence along the section line South 0°25' East 310.00 feet (and the last mentioned point being North 0°25' East 66.00 feet from the U.S. Meander corner on the left bank of the Tuolumne River between Sections 32 and 33); thence North 67°36' West 541.00 feet; thence North 87°42' West 991.78 feet; thence North 73°20' West 512.42 feet; thence South 74°31' West 1380.70 feet; thence North 75°45' West 664.45 feet; thence North 66°02' West 199.75 feet; thence North 82°26' West 132.65 feet; thence South 84°28' West 998.35 feet to **THE POINT OF BEGINNING**.

EXCEPTING THEREFROM the following parcel of land:

Land in Section 32, Township 3 South, Range 13 East, Mount Diablo, Base and Meridian, described as follows:

COMMENCING at the U.S. Meander corner on the left bank of the Tuolumne River between Sections 31 and 32, Township 3 South, Range 13 east, Mount Diablo base and meridian; thence North 13.20 feet and along the section line to **THE POINT OF BEGINNING**; thence North 120.00 feet and along the section line to the center line of the Tuolumne River, as originally determined by various swamp and overflow surveys; thence meandering up stream along the approximate center line of the Tuolumne River, as again determined by the relocation of various S & O surveys North 80°44'30" East 799.50 feet; thence leaving said approximate centerline North 36°43'30" East 151.89 feet; thence North 71°47'06" East 155.40 feet; thence South 73°37'18" East 99.14 feet; thence South 17°57'08" East 118.22 feet; thence South 81°05'06" East 186.32 feet; thence North 67°01'08" East 781.14 feet; thence South 85°49'03" East 698.50 feet; thence South

51°40'05" East 235.69 feet; thence South 05°36'39" East 91.34 feet; thence South 57°56'15" East 102.88 feet; thence North 89°13'01" East 213.23 feet; thence North 89°00'06" East 210.67 feet; thence South 82°51'19" East 93.10 feet; thence North 82°23'17" East 226.46 feet; thence North 83°41'47" East 264.56 feet; thence North 82°40'59" East 85.96 feet; thence North 66°40'52" East 107.14 feet; thence North 55°04'34" East 97.62 feet; thence North 83°05'09" East 201.89 feet; thence South 83°15'02" East 157.58 feet; thence South 62°45'42" East 71.60 feet; thence North 48°37'08" East 174.54 feet to a point on the centerline of the Tuolumne River, as originally determined by various swamp and overflow surveys; thence meandering upstream along the approximate centerline of the Tuolumne River, as again determined by the relocation of the various swamp and overflow surveys South 56°35'30" East 510.08 feet to the east line of said Section 32; thence along the section line South 00°25' East 310.00 feet (and the last mentioned point being North 00°25' East 66.00 feet from the U.S. Meander corner on the left bank of the Tuolumne River, between Sections 32 and 33); thence North 67°36' West 541.00 feet; thence North 87°42' West 991.78 feet; thence North 73°20' West 512.42 feet; thence South 74°31' West 1380.70 feet; thence North 75°45' West 664.45 feet; thence North 66°02' West 199.75 feet; thence North 82°26' West 132.65 feet; thence South 84°28' West 998.35 feet to **THE POINT OF BEGINNING**.

TOGETHER WITH that piece of land being a portion of a parcel designated as "Gibson Remainder" as shown in Book 39 of Parcel maps, Page 99, Stanislaus County Records, described as follows:

BEGINNING at the southwest corner of said "Gibson Remainder" parcel; thence along the westerly line of said parcel North 00°28'13" East 1476.62 feet; thence North 01°32'40" East 55.17 feet to a point on the southerly right of way of 66-foot wide Yosemite Boulevard and State Highway No. 132; thence southeasterly along said right of way 1980.11 feet; thence leaving said right of way line South 12°50'20" West 12.89 feet; thence South 37°05'01" East 282.49 feet; thence South 50°23'48" East 278.98 feet; thence South 74°32'59" East 66.31 feet; thence North 76°52'49" East 238.39 feet; thence North 46°32'19" East 80.35 feet; thence North 02°12'59" East 154.88 feet to a point on the southerly right of way line of said Yosemite Boulevard; thence along last said line South 77°09'40" East 30.52 feet; thence leaving said right of way line South 02°12'59" West 185.03 feet; thence South 54°33'58" West 256.19 feet to a point on the northwesterly line of a parcel of land filed for record in Instrument No. 2002-0061928-00, recorded on May 14, 2002, of Stanislaus County Records ; thence along the northwesterly and northeasterly lines of said parcel the following (7) courses, 1) South 32°34'04" West 41.80 feet; 2) South 60°18'40" West 50.55 feet 3) North 81°15'15" West 38.64 feet 4) North 55°25'08" West 147.70 feet 5) South 41°47'31" West 10.02 feet 6) North 60°08'41" West 730.06 feet 7) North 79°26'33" West 172.77 feet; thence leaving said last lines North 12°32'45" East 80.21 feet; North 78°39'02" West 355.64 feet; thence South 21°43'55" West 75.43 feet; thence North 69°42'15" West 585.02 feet; thence South 22°27'44" West 370.00 feet; thence South 69°51'45" East 800.00 feet to the most westerly corner of a parcel of land filed for record in Instrument No. 2002-0061928-00, recorded on May 14, 2002, of Stanislaus County Records; thence along the westerly line of last said parcel South 18°24'14" East 244.92 feet (South 16°14'46" East 237.33 feet per Instrument No. 2002-

0061928-00) to a point on the southerly line of said "Gibson Remainder" parcel; thence along last said southerly line the following courses South 84°56'10" West 235.00 feet; thence South 80°56'10" West 600.00 feet; thence South 66°11'10" West 392.97 feet to **THE POINT OF BEGINNING.**

The above description is subject to be modified, if any, by a Record of Survey posting the recording of this deed.

Contains an area of 143.78 acres, more or less.

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



11.07.08

A handwritten signature in cursive script, appearing to read "Felix J. Reichmuth".

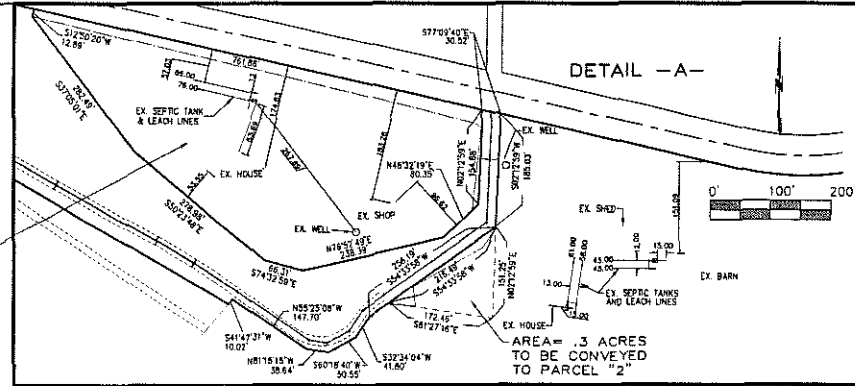
Felix J. Reichmuth
R.C.E. 20208
Expires: 09/30/09

30-FT ACCESS & UTILITY EASEMENT INST. 07-083177

- | | |
|-----------------------|-----------------------|
| ① S02°12'59"W 180.47' | ⑧ N56°51'19"W 86.05' |
| ② S54°33'58"W 209.12' | ⑨ N59°35'47"W 71.04' |
| ③ S54°33'58"W 42.62' | ⑩ N61°08'00"W 191.39' |
| ④ S32°34'04"W 41.01' | ⑪ N60°32'06"W 277.46' |
| ⑤ S60°18'40"W 41.60' | ⑫ N64°17'00"W 108.62' |
| ⑥ N81°08'40"W 29.83' | ⑬ N80°03'46"W 176.77' |
| ⑦ N55°27'13"W 144.96' | ⑭ N77°42'45"W 365.18' |

PARCEL AREA TABLE

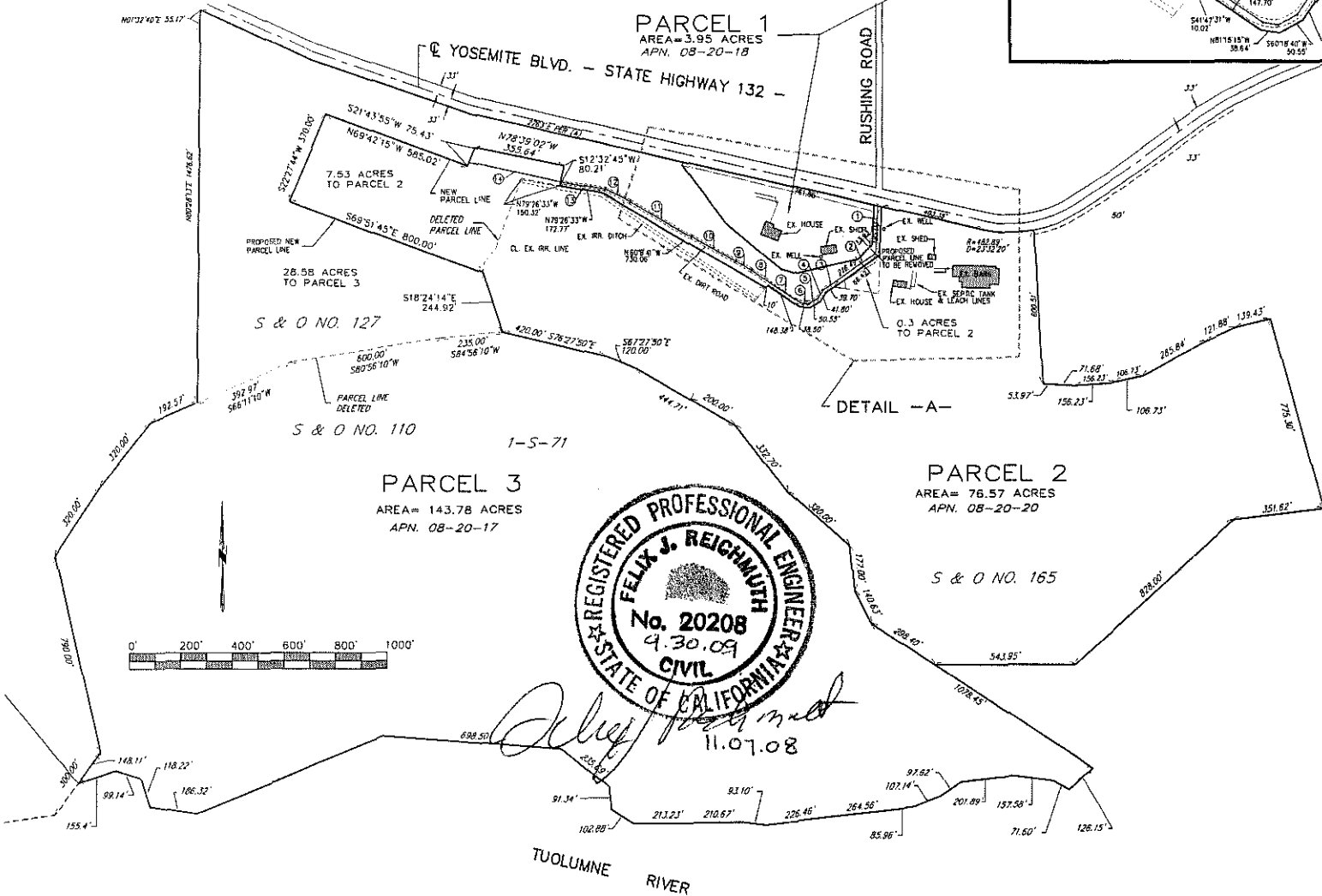
PARCEL	BEFORE ADJUSTMENT	AFTER ADJUSTMENT	CHANGE
1	40.36	3.95	-36.41
2	68.74	76.57	+7.83
3	115.20	143.78	+28.58
	224.30	224.30	0.00



PARCEL 1
AREA = 3.95 ACRES
APN. 08-20-18

RUSHING ROAD

YOSEMITE BLVD. -- STATE HIGHWAY 132 --



REFERENCES

- (A) BOOK 39 OF PARCEL MAPS, PAGE 99, S.C.R.
- (B) BOOK 1 OF SURVEYS, PAGE 71, S.C.R.
- (C) INSTRUMENT NO. 2002-0061927-00, S.C.R. FOR PARCEL 1
- (D) INSTRUMENT NO. 2002-0061928-00, S.C.R. FOR PARCEL 2
- (E) INSTRUMENT NO. 2002-0094209-00, ADJUSTED PARCEL C, S.C.R. FOR PARCEL 3

LEGAL OWNERS:

RICHARD LANDUCCI
23792 YOSEMITE BLVD.
WATERFORD, CA 95386
(209) 595-7432

CONSTANCE ARTHUR CURSHELLAS
23805 YOSEMITE BLVD.
WATERFORD, CA 95386
(209) 874-3401

FRIENDS OF TUOLUMNE
7523 MEADOW AVE.
STOCKTON, CA 95207
(209) 477-9033

PROJECT DESCRIPTION:

CONVEY 28.58 ACRES FROM PARCEL "1" TO PARCEL "3"
CONVEY 7.63 ACRES FROM PARCEL "1" TO PARCEL "2"

SOIL:
TYPE: GRANGEVILLE FINE SANDY LOAM

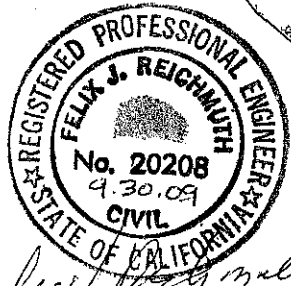
AFTER LOT LINE
ADJUSTMENT

BEING A PORTION OF SECTION 32,
TOWNSHIP 3 SOUTH, RANGE 13 EAST,
MOUNT DIABLO BASE AND MERIDIAN.

STANISLAUS COUNTY, STATE OF CALIFORNIA

R.B. WELTY & ASSOCIATES, INC.
521 13TH STREET / P.O. BOX 1724
MDEBTO, CALIFORNIA 95354
(209) 526-1515
JOB NO. 75341

DATE: NOVEMBER 07, 2008



Felix J. Reichmuth
11.07.08

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

DEPT: Planning and Community Development

BOARD AGENDA # 9:20 a.m.

Urgent Routine

AGENDA DATE March 25, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of Williamson Act Cancellation #2007-01, Variance Application #2007-02, and Lot Line Adjustment #2007-03, Friends of the Tuolumne, a Request to Concurrently Adjust the Sizes of Three Existing Parcels From 40.36, 68.74, and
(Continued on page 2)

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of February 21, 2008, the Planning Commission, on a 6-0 vote, recommend that the Board of Supervisors approve the project, subject to the following actions:

- 1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis.

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-222

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

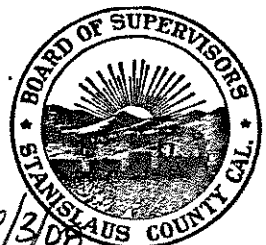
Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

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



Christine Ferraro Tallman By Elizabeth Kuyper 6/3/08

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

RECORDING REQUESTED BY
STANISLAUS COUNTY BOARD OF
SUPERVISORS

WHEN RECORDED RETURN TO
STANISLAUS COUNTY PLANNING
DEPARTMENT

**NOTICE OF RESCISSION AND
SIMULTANEOUS RE-ENTRY INTO
CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2008-16**

THIS SPACE FOR RECORDER ONLY



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2008-0121733-00

Friday, NOV 14, 2008 08:57:38
Ttl Pd \$0.00 Nbr-0002634630
OHK/R2/2-9

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into March 25, 2008, 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: CONSTANCE M. ARTHUR
23806 YOSEMITE BLVD.
WATERFORD, CA 95386

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

ASSESSORS PARCEL NUMBER	ACREAGE	SITUS ADDRESS (If none, please provide Legal Description)
<u>008-020-020</u>	<u>71.96</u>	<u>23806 Yosemite Blvd., Waterford 95386</u>


Pursuant to Stanislaus County Board of Supervisors Resolution No. 2008-222, relating to Lot Line Adjustment No. 2007-03 as authorized by Govt. Code § 51257, California Land Conservation Contract No. 02-4480 which encumbered the parcel described in Exhibit A is rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

9/11/08

NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT
Page 2

- (18) The effective date of this Contract shall be date of recording.
- (19) Uses on the subject property are limited to those specifically described in Chapter 21.20 of the Stanislaus County Code - General Agriculture District (A-2), as effective each year upon renewal of the contract, which is herein incorporated by reference.

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)
CONSTANCE M. ARTHUR		5/28/2008	Modesto CA

SECURITY HOLDERS:


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

EXHIBITS:

- (A) Legal description of Parcel covered under old contract
- (B) Legal description of newly configured Parcel covered under new contract
- (C) Board of Supervisors Action Item approving referenced rescission and new contract

COUNTY: Stanislaus County

11/12/08
Dated _____

 FOR
Chairman, Board of Supervisors
Kirk Ford for

ACKNOWLEDGMENT

State of California
County of Stanislaus)

On May 28, 2008 before me, Mike Casale
(insert name and title of the officer)

personally appeared Constance M. Arthur
who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

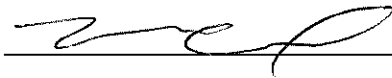
Signature  (Seal)



EXHIBIT A
BEFORE LOT LINE ADJUSTMENT

PARCEL 2

All that certain land as filed for records in Instrument No. 2002-0061928-00, recorded on May 14, 2002, of Stanislaus County Records, and is described as follows:

Parcel 2 as shown on that certain Parcel Map filed September 15, 1987 in Book 39 of Parcel Maps, at page 99, Stanislaus Count Records.

AND all that piece of land portion lying within designated parcel as (Gibson Remainder in 39-PM-99), more particularly described as follows:

BEGINNING at the most westerly corner of Parcel 2 as shown on said Book 39 of Parcel Maps, Page 99, Stanislaus County Records, also being the Southeast corner of said (Gibson Remainder in 39-PM-99); thence north along the common property line of said (Gibson Remainder and Parcel 2 of said Parcel map) North 33° 09' 10" East, a distance of 267.18 feet; thence North 85° 17' 54" East, a distance of 320.23 feet; thence North 38° 28' 48" East, a distance of 80.92 feet; thence leaving said common property line North 60° 08' 41" West, a distance of 730.06 feet; thence North 79° 26' 33" West, a distance of 323.09 feet; thence along the centerline of an underground irrigation line the following courses: 1) South 20° 08' 15" West, a distance of 290.21 feet; 2) South 42° 20' 41" West, a distance of 67.31 feet; 3) South 07° 03' 13" West, a distance of 41.86 feet; thence leaving said centerline of the irrigation South 16° 14' 46" East, a distance of 237.33 feet more or less to an angle point on said south line of said Gibson Remainder; thence East along said South line South 76° 27' 50" East, a distance of 420.00 feet; thence South 67° 27' 50" East, a distance of 120.00 feet to **THE POINT OF BEGINNING**.

EXCEPTING THEREFROM an undivided one-half interest in and to all the petroleum, natural gas and other hydrocarbon substances and all the metals or other valuable mineral substances of whatsoever kind and character, in or on, therein or thereunder, and which may be produce therefrom , as granted to Beard Land and Investment Company, a corporation, by deed dated June 30, 1929 and recorded July 12, 1929 in Volume 344 at Page 368, Instrument No. 8788, Official Records, and re-recorded December 29, 1931 in Volume 459, Page 206, Instrument No. 15502, Official Records.

Contains an area of 68.74 acres, more or less.

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



Felix J. Reichmuth
R.C.E. 20208
Expires: 09/30/09

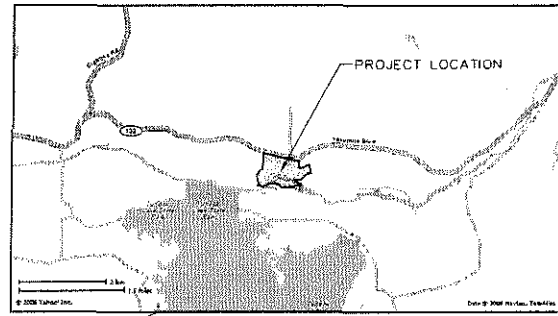
11.07.08

30-FT ACCESS & UTILITY EASEMENT INST. 07-063177

- | | | | |
|---|---------------------|---|---------------------|
| ① | S02°12'59"W 180.47' | ⑧ | N56°51'19"W 86.05' |
| ② | S54°33'58"W 209.12' | ⑨ | N59°35'47"W 71.04' |
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| ⑦ | N55°27'13"W 144.96' | ⑭ | N77°42'45"W 365.18' |



Felix Reichmuth
11.07.08



VICINITY MAP

REFERENCES

- (A) BOOK 39 OF PARCEL MAPS, PAGE 99, S.C.R.
- (B) BOOK 1 OF SUERVEYS, PAGE 71, S.C.R.
- (C) INSTRUMENT NO. 2002-0081927-00, S.C.R. FOR PARCEL 1
- (D) INSTRUMENT NO. 2002-0061928-00, S.C.R. FOR PARCEL 2
- (E) INSTRUMENT NO. 2002-0094209-00, ADJUSTED PARCEL C, S.C.R. FOR PARCEL 3

LEGAL OWNERS:

- RICHARD LANDUCCI FOR PARCEL NO. 1
23792 YOSEMITE BLVD.
WATERFORD, CA 95386
(209) 595-7432
- CONSTANCE ARTHUR CURSHELLAS FOR PARCEL NO. 2
23806 YOSEMITE BLVD.
WATERFORD, CA 95386
(209) 874-3401
- FRIENDS OF TUOLUMNE FOR PARCEL NO. 3
7523 MEADOW AVE.
STOCKTON, CA 95207
(209) 477-9033

PROJECT DESCRIPTION:

CONVEY 28.58 ACRES FROM PARCEL "1" TO PARCEL "3"
CONVEY 7.83 ACRES FROM PARCEL "1" TO PARCEL "2"

SOIL:

TYPE: GRANGEVILLE FINE SANDY LOAM

BEFORE LOT LINE ADJUSTMENT

BEING A PORTION OF SECTION 32,
TOWNSHIP 3 SOUTH, RANGE 13 EAST,
MOUNT DIABLO BASE AND MERIDIAN.

STANISLAUS COUNTY, STATE OF CALIFORNIA

R.B. WELTY & ASSOCIATES, INC.

521 13TH STREET / P.O. BOX 1724
MODESTO, CALIFORNIA 95354
(209) 526-1515
JOB NO. 75341

DATE: NOVEMBER 07, 2008

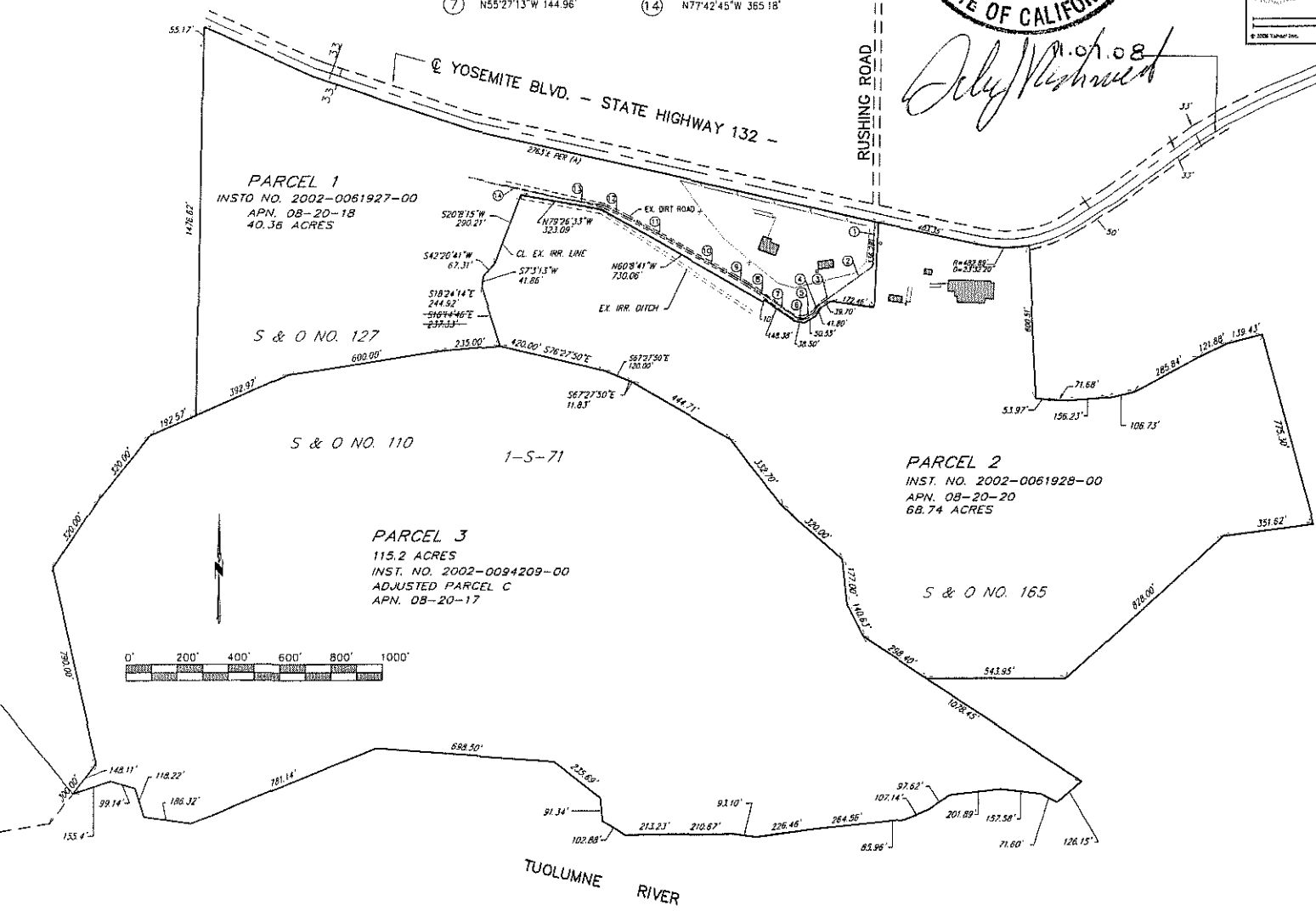


EXHIBIT B
AFTER LOT LINE ADJUSTMENT

PARCEL 2

ALL that portion of the North half of Section 32, Township 3 South, Range 13 East, Mount Diablo Base and Meridian, described as follows:

Parcel 2 as shown on that certain Parcel Map filed September 15, 1987 in Book 39 of Parcel Maps, at Page 99, Stanislaus County Records.

AND all that piece of land portion lying within designated parcel as (Gibson Remainder in 39-PM-99), more particularly described as follows:

BEGINNING at the most Westerly corner of Parcel 2 as shown on said Book 39 of Parcel Maps, Page 99, Stanislaus County Records, also being the Southeast corner of said (Gibson Remainder in 39-PM-99); thence North along the common property line of said (Gibson Remainder and Parcel 2 of said Parcel map) North $33^{\circ} 09' 10''$ East, a distance of 267.18 feet; thence North $85^{\circ} 17' 54''$ East, a distance of 320.23 feet; thence North $38^{\circ} 28' 48''$ East, a distance of 80.92 feet; thence leaving said common property line North $60^{\circ} 08' 41''$ West, a distance of 730.06 feet; thence North $79^{\circ} 26' 33''$ West, a distance of 323.09 feet; thence along the centerline of an underground irrigation line the following courses: 1) South $20^{\circ} 08' 15''$ West, a distance of 290.21 feet; 2) South $42^{\circ} 20' 41''$ West, a distance of 67.31 feet; 3) South $07^{\circ} 03' 13''$ West, a distance of 41.86 feet; thence leaving said centerline of the irrigation South $16^{\circ} 14' 46''$ East, a distance of 237.33 feet more or less to an angle point on said south line of said Gibson Remainder; thence East along said South line South $76^{\circ} 27' 50''$ East, a distance of 420.00 feet; thence South $67^{\circ} 27' 50''$ East, a distance of 120.00 feet to **THE POINT OF BEGINNING**.

EXCEPTING THEREFROM an undivided one-half interest in and to all the petroleum, natural gas and other hydrocarbon substances and all the metals or other valuable mineral substances of whatsoever kind and character, in or on, therein or thereunder, and which may be produce therefrom , as granted to Beard Land and Investment Company, a Corporation, by Deed dated June 30, 1929 and recorded July 12, 1929 in Volume 344 at Page 368, Instrument No. 8788, Official Records, and re-recorded December 29, 1931 in Volume 459, Page 206, Instrument No. 15502, Official Records.

TOGETHER WITH that piece of land being a portion of a parcel designated as "Gibson Remainder" as shown in Book 39 of Parcel maps, Page 99, Stanislaus County Records, described as follows:

COMMENCING at the northeast corner of said "Gibson Remainder" parcel, said point being on the southerly right of way of 66-foot wide Yosemite Boulevard and State Highway No. 132; thence along the east line of said parcel South $02^{\circ}12'59''$ West 185.03 feet to **THE POINT OF BEGINNING**; thence continue on said line South $02^{\circ}12'59''$ West 151.25 feet; thence along a line of said Parcel 2 North $81^{\circ}27'16''$ West 172.46 feet; thence leaving said line of Parcel 2 North $54^{\circ}33'58''$ East 216.49 feet to **THE POINT OF BEGINNING**.

ALSO TOGETHER WITH that piece of land being a portion of a parcel designated as "Gibson Remainder" as shown in Book 39 of Parcel maps, Page 99, Stanislaus County Records, described as follows:

COMMENCING at the most westerly corner of Parcel 2 as shown on said Book 39 of Parcel Maps, Page 99, Stanislaus County Records; thence along southerly line of said "Gibson Remainder" Parcel North 67°27'50" West 108.17 feet; thence North 76°27'50" West 420.00 feet; thence leaving said southerly line of "Gibson Remainder" Parcel North 18°24'14" West 244.92 feet (North 16°14'46" West 237.33 feet per Instrument No. 2002-0061928-00) to the most westerly corner of last said parcel and **THE POINT OF BEGINNING**; thence North 69°51'45" West 800.00 feet; thence North 22°27'44" East 370.00 feet; thence South 69°42'15" East 585.02 feet; thence North 21°43'55" East 75.43 feet; thence South 78°39'02" East 355.64 feet; thence South 12°32'45" West 80.21 feet to point on the northerly line of said parcel of land as filed for record in Instrument No. 2002-0061928-00; thence along the northerly and westerly lines of said last parcel North 79°26'33" West 150.32 feet; thence South 20°08'15" West 290.21 feet; thence South 42°20'41" West 67.31 feet; thence South 07°03'13" West 41.86 feet to **THE POINT OF BEGINNING**.

The above description is subject to be modified, if any, by a Record of Survey posting the recording of this deed.

Contains an area of 76.57 acres, more or less.

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



11.07.08

A handwritten signature in cursive script that reads "Felix J. Reichmuth".

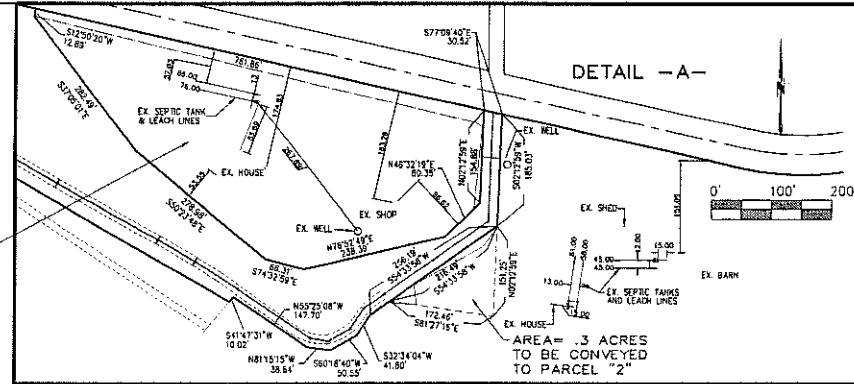
Felix J. Reichmuth
R.C.E. 20208
Expires: 09/30/09

30-FT ACCESS & UTILITY EASEMENT INST. 07-063177

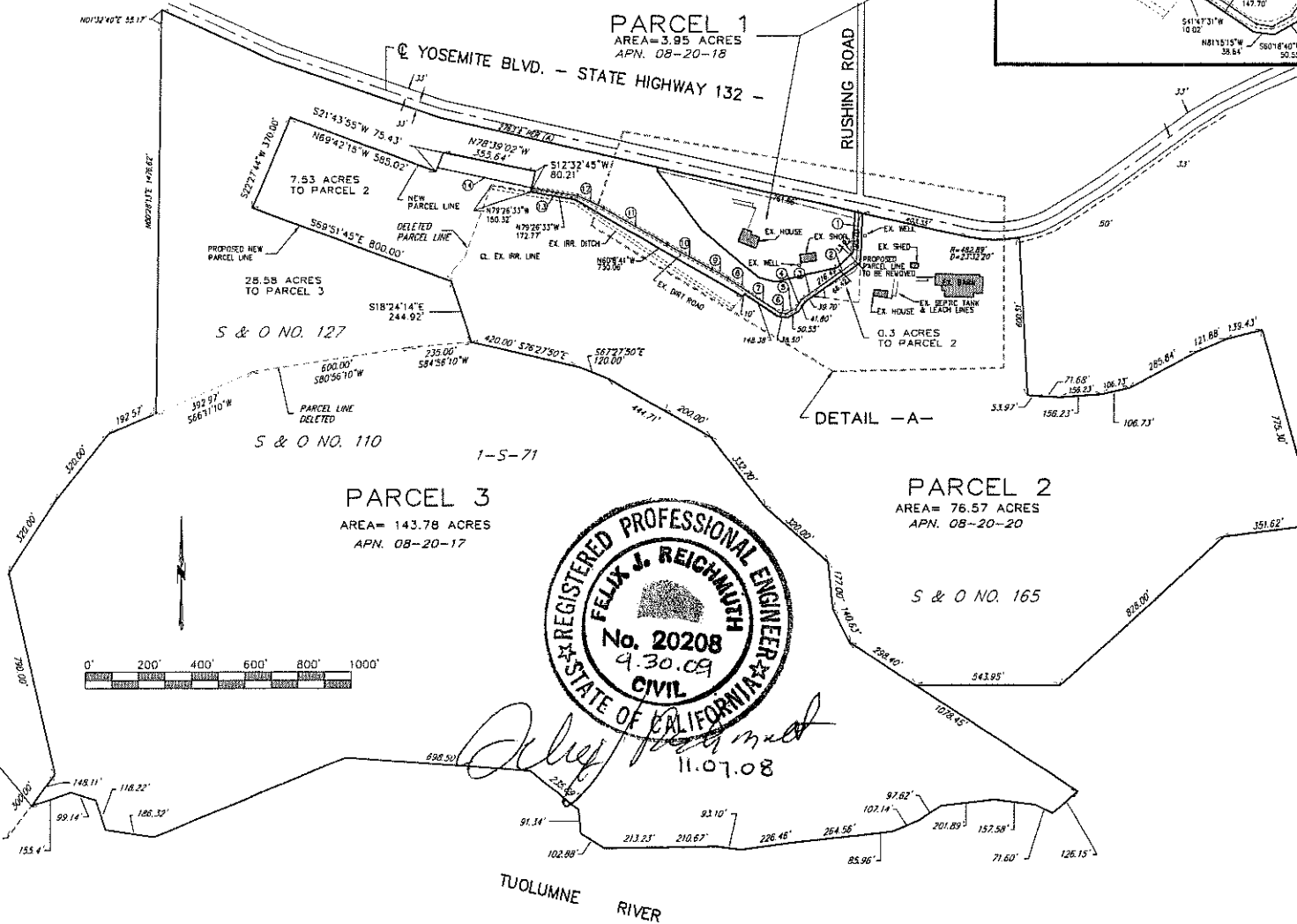
- | | |
|-----------------------|-----------------------|
| ① S02°12'59"W 180.47' | ⑧ N56°51'19"W 86.05' |
| ② S54°33'58"W 209.12' | ⑨ N59°35'47"W 71.04' |
| ③ S54°33'58"W 42.62' | ⑩ N61°08'00"W 191.39' |
| ④ S32°34'04"W 41.01' | ⑪ N60°32'06"W 277.46' |
| ⑤ S60°18'40"W 41.60' | ⑫ N64°17'00"W 108.62' |
| ⑥ N81°08'40"W 29.83' | ⑬ N80°03'46"W 176.77' |
| ⑦ N55°27'13"W 144.96' | ⑭ N77°42'45"W 365.18' |

PARCEL AREA TABLE

PARCEL	BEFORE ADJUSTMENT	AFTER ADJUSTMENT	CHANGE
1	40.36	3.95	-36.41
2	68.74	76.57	+7.83
3	115.20	143.78	+28.58
	224.30	224.30	0.00



PARCEL 1
AREA=3.95 ACRES
APN. 08-20-18



REFERENCES

- (A) BOOK 39 OF PARCEL MAPS, PAGE 99, S.C.R.
- (B) BOOK 1 OF SURVEYS, PAGE 71, S.C.R.
- (C) INSTRUMENT NO. 2002-0061927-00, S.C.R. FOR PARCEL 1
- (D) INSTRUMENT NO. 2002-0061928-00, S.C.R. FOR PARCEL 2
- (E) INSTRUMENT NO. 2002-0094209-00, ADJUSTED PARCEL C, S.C.R. FOR PARCEL 3

LEGAL OWNERS:

- RICHARD LANDUCCI
23792 YOSEMITE BLVD.
WATERFORD, CA 95386
(209) 595-7432
- CONSTANCE ARTHUR CURSHELLAS
23806 YOSEMITE BLVD.
WATERFORD, CA 95386
(209) 874-3401

- FRIENDS OF TUOLUMNE
7523 MEADOW AVE.
STOCKTON, CA 95207
(209) 477-9033

PROJECT DESCRIPTION:

CONVEY 28.58 ACRES FROM PARCEL "1" TO PARCEL "3"
CONVEY 7.83 ACRES FROM PARCEL "1" TO PARCEL "2"

SOIL:

TYPE: GRANGEVILLE FINE SANDY LOAM

AFTER LOT LINE
ADJUSTMENT

BEING A PORTION OF SECTION 32,
TOWNSHIP 3 SOUTH, RANGE 13 EAST,
MOUNT DIABLO BASE AND MERIDIAN.

STANISLAUS COUNTY, STATE OF CALIFORNIA

R.B. WELTY & ASSOCIATES, INC.
521 13TH STREET / P.O. BOX 1724
MODESTO, CALIFORNIA 95354
(209) 526-1515
JOB NO. 75341

DATE: NOVEMBER 07, 2008



Felix J. Reichmuth
11.07.08

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

DEPT: Planning and Community Development

BOARD AGENDA # 9:20 a.m.

Urgent Routine

AGENDA DATE March 25, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of Williamson Act Cancellation #2007-01, Variance Application #2007-02, and Lot Line Adjustment #2007-03, Friends of the Tuolumne, a Request to Concurrently Adjust the Sizes of Three Existing Parcels From 40.36, 68.74, and
(Continued on page 2)

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of February 21, 2008, the Planning Commission, on a 6-0 vote, recommend that the Board of Supervisors approve the project, subject to the following actions:

- 1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis.

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-222

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

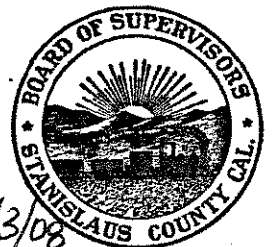
MOTION:

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 Elizabeth King 6/3/08



Christine Ferraro Tallman

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.