

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

DEPT: Planning and Community Development

BOARD AGENDA # 9:05 a.m.

Urgent

Routine

AGENDA DATE May 25, 2010

CEO Concurs with Recommendation YES NO

(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Approval of Lot Line Adjustment Application No. 2009-13 and Williamson Act Cancellation No. 2009-02, Lindskoog

STAFF RECOMMENDATIONS:

1. Find the project is categorically exempt from the California Environmental Quality Act (CEQA) and order the filing of the Notice of Exemption.
2. Find, based on the discussion in this staff report and the whole of the record:
 - (A) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245 of the California Government Code.
 - (B) That cancellation is not likely to result in the removal of adjacent lands from agricultural uses.

(Continued on page 2)

FISCAL IMPACT:

Approximately \$190 in additional property tax will be received if 1.1 acres is removed from the Williamson Act.

BOARD ACTION AS FOLLOWS:

No. 2010-333

On motion of Supervisor Chiesa, Seconded by Supervisor Monteith
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

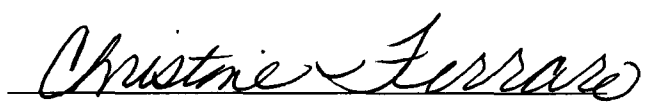
1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

STAFF RECOMMENDATIONS: (Continued)

- (C) That cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan.
 - (D) That cancellation will not result in discontinuous patterns of urban development.
 - (E) 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.
 - (F) That the cancellation is consistent with the purposes of Government Code Section 51282 f.
 - (G) That cancellation is in the public interest
3. Accept the cancellation value of the subject property as \$150,000 as determined by the County Assessor.
 4. Certify to the County Auditor the cancellation fee which must be paid as deferred taxes to be 12½% of the accepted cancellation value (\$18,750).
 5. Approve the Tentative Cancellation and a portion of Williamson Act Contract No.76-2390 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.
 6. Direct the Clerk of the Board to record a Certificate of Tentative Cancellation within 30 days of this action.
 7. Direct the Clerk of the Board, within 30 days of the Board action, to publish the 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.
 8. Rescind portions of Williamson Act Contracts No. 76-2390 and approve a new contract pursuant to Minor Lot Line Adjustment 2009-13 – Lindskoog.
 9. Approve the Lot Line Adjustment Application No. 2009-13, subject to the completion of Williamson Act Contract Cancellation No. 2009-02.
 10. Authorize the Planning and Community Development Director to execute new contracts pursuant to Minor Lot Line Adjustment 2009-13 and Williamson Act Contract Cancellation No. 2009-02.

DISCUSSION:

This is a request to cancel a portion of Williamson Act Contract No. 76-2390 and a request for a Lot Line Adjustment to allow the parcel lines to adjust from .5 and 11.7 acre parcels to a 1.1 and 11.1 acre parcels. The Williamson Act Contract Cancellation application is only for the proposed 1.1 acre parcel since it is less than the 10 acre minimum parcel size requirement to be enrolled in a Williamson Act Contract. The parcels are both zoned A-2-40 (General Agriculture) and located on the west side of Saylor Road north of the Saylor/Grayson intersection (APNs: 045-012-042 and 043).

The Lot Line Adjustment cannot be approved without a cancellation of a portion (1.1 acres) of the Williamson Act Contract. The project site consists of two parcels totaling 12.2 acres with one single-family dwelling and some accessory structures. The home site is currently on a 0.5 acre parcel. The shop building is just south of the home, but it is legally on a different parcel. Both parcels are owned by the Lindskoog's who wish to adjust the lot lines to include the shop building with the existing home on a single parcel. The existing 0.5 acre parcel does not conform with today's one acre minimum lot size standard for a parcel served by a private well and septic system. The proposed Lot Line Adjustment will bring the 0.5 acre parcel into conformance by increasing its size to 1.1 acres. The proposed 11.1 acre parcel will remain in orchard production and does meet the minimum County and State parcel size requirements to be enrolled in the Williamson Act.

Due to the Williamson Act status of the property, the Lot Line Adjustment is subject to meeting all the findings of compatibility required for approval of projects on property enrolled under a Williamson Act Contract. The Department of Conservation (DOC), in a referral response dated March 10, 2010, was able to concur that the proposed Lot Line Adjustment meets the required finding and the Board of Supervisors should be able to make the required findings to approve of both Williamson Act Contract Cancellation and Lot Line Adjustment. The Department of Planning and Community Development concurs with the DOC's determination.

In order for a Williamson Act 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.

Stanislaus County has modified this action through language in the contract itself which states that BOTH findings must be made. Based on these and subsequent analysis, Department staff believes both findings for cancellation of the contract could be made.

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.
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.
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.

In addition to, cancellation of a Contract shall be in the public interest only if the Board makes the following findings:

1. That other public concerns substantially outweigh the objectives of Chapter 7; 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.

The entire 12.2 acre project site is currently enrolled in a Williamson Act Contract. A new contract will be required to reflect the adjusted boundaries of the parcels within the project site and to reflect the proposed cancellation of a portion of the existing contract. Pursuant to Section 51257 of the Government Code, Board approval is required for the rescission and simultaneous re-entry into the Williamson Act. The request involves canceling a portion of Williamson Act Contract No. 76-2390 on proposed Parcel "1", which is on a 1.1± acre parcel. The rescission and re-entry will apply only to the proposed 11.1 acre parcel. The findings required for approval of a Lot Line Adjustment involving Williamson Act contracted land are as follow:

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

- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

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

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

The applicants have provided written evidence to support the seven findings listed above, and staff agrees with that evidence. The proposed adjustment would not increase the number of developable parcels, and with approval of the cancellation, there will not be a decrease in acreage.

New Williamson Act contracts would typically come before the Board once a year, in November. Because this action is related to a Lot Line Adjustment, it is prudent to act on this action independently of other Williamson Act contracts. Therefore, it is the intention of this action that a portion of Williamson Act Contract #76-2390 (1.1 acres) be cancelled and record the necessary documents.

POLICY ISSUES:

The Board should determine if the Williamson Act Cancellation and Lot Line Adjustment meet the goals of providing *Efficient delivery of public services*, and supporting *A strong agricultural economy/heritage*.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Kirk Ford, Planning and Community Development Director. Telephone: (209) 525-6330

ATTACHMENTS:

1. Lot Line Adjustment Application No. 2009-13
2. Applicant's Statement of Findings
3. Map of Proposed Changes
4. Letter from Douglas Harms, Stanislaus County Assessor dated March 25, 2010
5. Letter from the Department of Conservation dated March 10, 2010
6. Certificate of Tentative Cancellation



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
 Phone: 209.525.6330 Fax: 209.525-5911

S	24	T	4	R	10
ZONE	A-2-4-10				
RECEIVED	11-17-2009				
APPLICATION NO.	3009-13				
RECEIPT NO.					

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Jonathan J. & Velma J. Lindskoog
 Name
 P.O. Box 111, Denair, CA 95316
 Address, Ci ty, Zip
 (209) 883-1903
 Phone
 Fax Number

Parcel 2

Jonathan J. & Velma J. Lindskoog
 Name
 P.O. Box 111, Denair, CA 95316
 Address, Ci ty, Zip
 (209) 883-1903
 Phone
 Fax Number

Parcel 3

Name
 Address, Ci ty, Zip
 Phone
 Fax Number

Parcel 4

Name
 Address, Ci ty, Zip
 Phone
 Fax Number

2. Name and address of person(s) preparing map: Associated Engineering Group, Inc. - 4206 Technology Drive,
Modesto, CA 95356, Phone - (209) 545-1143, Fax - (209) 545-3875

3. Assessor's Parcel No. of parcels adjusted:

Parcel 1: Book 045 Page 012 No. 043 Parcel 2: Book 045 Page 012 No. 042
 Parcel 3: Book _____ Page _____ No. _____ Parcel 4: Book _____ Page _____ No. _____

4. Size of all adjusted parcels:

	<u>Before</u>	<u>After</u>
Parcel 1:	<u>0.5</u>	<u>1.1</u>
Parcel 2:	<u>11.7</u>	<u>11.1</u>
Parcel 3:	_____	_____
Parcel 4:	_____	_____

5. Why are the lot lines being changed? BE SPECIFIC See attached project description.

6. How are these parcels currently utilized? Please check appropriate uses

- Residential
 - Single Family
 - Duplex
 - Multiple
 - Commercial
 - Industrial
 - Other (Specify) _____
- Agriculture
 - Row Crop – type _____
 - Trees – type Almond
 - Vines – type _____
 - Range (unirrigated) _____
 - Pasture (irrigated) _____
 - Poultry _____
 - Dairy _____
 - Other (Specify) _____

7. Lista II structures on properties: Single Family Residence (Parcel 1) & Shop (Parcel 2)

8. How have these parcels been utilized in the past, if different than current use? N/A

9. When did current owner(s) acquire the parcel(s)?

Parcel 1: 6/13/05 Parcel 2: 6/13/05
 Parcel 3: _____ Parcel 4: _____

10. What are the Williamson Act Contract numbers?

Parcel 1: 76-2390 Parcel 2: 76-2390
 Parcel 3: _____ Parcel 4: _____

11. Do the parcels irrigate? Yes No If yes, how? Parcel 2 Only - Sprinklers

12. Will these parcels continue to irrigate? Yes No If yes, describe any physical changes in the irrigation system. _____

13. Signature of property owner(s) _____

Owner's Signature

Owner's Name Printed



APPLICATION QUESTIONNAIRE

<p>Please Check all applicable boxes APPLICATION FOR: <i>Staff is available to assist you with determining which applications are necessary</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Rezone <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input checked="" type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____ </td> </tr> </table>	<input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Rezone <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input checked="" type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____	<p>PLANNING STAFF USE ONLY: Application No(s): ^{10 AC} <u>2009-7</u> Date: <u>11-17-09</u> S <u>24</u> T <u>4</u> R <u>10</u> GP Designation: <u>Agriculture</u> Zoning: <u>A-2-40</u> Fee: _____ Receipt No. _____ Received By: _____ Notes: _____</p>
<input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Rezone <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input checked="" type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____		

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

PROJECT INFORMATION

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

**Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).*

See project description attached.

Williamson Act Contract No. 76-2390 Cancellation

Jonathan & Velma Lindskoog
Stanislaus County, California

This application is to request a cancellation of a portion of Williamson Act Contract No. 76-2390, specifically the portion of the contract for APN: 045-012-043. This application is being submitted concurrently with a lot line adjustment for two parcels, APN: 045-012-042 & 043. The LLA application is being proposed in order to separate the home site use of the smaller parcel, from the agricultural use (almond orchard) of the larger parcel. Currently, the small home site parcel is benefiting from the Williamson Act contract that covers both parcels, even though it is not an agricultural use and does not meet the 10 acre minimum requirement. By removing this homesite parcel, the Property Owners will be meeting the Williamson Act Program's objectives of preserving and protecting agricultural land. Also, the small parcel is being adjusted to take in to account the need for additional area to move the existing private well further away from the existing septic tank, which is currently just 75 feet away from each other. This is necessary to ensure the water serving the current residence remains clean and protected from any potential hazardous materials. Per County code, as we are adjusting the size of a parcel currently enrolled in a Williamson Act Contract, which is under the 10 acre minimum, we must remove that parcel from the Contract.

PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10th Street – 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 045 Page 012 Parcel 042 & 043

Additional parcel numbers: _____

Project Site Address
or Physical Location:

4901 Saylor Road

Denair, CA 95316

Property Area: Acres: 12.2 +/- or Square feet: _____

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

Almond orchard, single-family residence & shop.

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

NIA

Existing General Plan & Zoning: General Plan: Agricultural, Zoning: A-2-40

Proposed General Plan & Zoning: NIA
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: Agricultural & single-family residences

West: Agricultural & single-family residences

North: Agricultural & single-family residences

South: Agricultural & single-family residences

WILLIAMSON ACT CONTRACT:

Yes No

Is the property currently under a Williamson Act Contract?

Contract Number: 76-2390

If yes, has a Notice of Non-Renewal been filed?

Date Filed: Yes, concurrent with this application

Yes No

Do you propose to cancel any portion of the Contract?

Yes No

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: _____

SITE CHARACTERISTICS: (Check one or more) Flat Rolling Steep

VEGETATION: What kind of plants are growing on your property? (Check one or more)

Field crops Orchard Pasture/Grassland Scattered trees

Shrubs Woodland River/Riparian Other

Explain Other: _____

Yes No

Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

GRADING:

Yes No

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) _____

STREAMS, LAKES, & PONDS:

Yes No

Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes No

Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) _____

Yes No

Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes No

Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.

STRUCTURES:

Yes No Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)

Yes No Will structures be moved or demolished? (If yes, indicate on plot plan.)

Yes No Do you plan to build new structures? (If yes, show location and size on plot plan.)

Yes No Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) _____

PROJECT SITE COVERAGE:

Existing Building Coverage: 3,116 Sq. Ft. Landscaped Area: N/A Sq. Ft.

Proposed Building Coverage: N/A Sq. Ft. Paved Surface Area: N/A Sq. Ft.

BUILDING CHARACTERISTICS: N/A

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) _____

Number of floors for each building: _____

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) _____

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) _____

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) _____

UTILITIES AND IRRIGATION FACILITIES:

Yes No Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: TID

Sewer*: Private Septic

Telephone: AT&T

Gas/Propane: PG&E

Water**: Private Well

Irrigation: TID

***Please Note:** A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.

****Please Note:** A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes No Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes No Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes No Does the project require extension of utilities? (If yes, show location and size on plot plan.)

AFFORDABLE HOUSING/SENIOR:

Yes No Will the project include affordable or senior housing provisions? (If yes, please explain)

RESIDENTIAL PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: _____ Total Dwelling Units: _____ Total Acreage: _____

Net Density per Acre: _____ Gross Density per Acre: _____

<i>(complete if applicable)</i>	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): _____

Type of use(s): _____

Days and hours of operation: _____

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: _____

Occupancy/capacity of building: _____

Number of employees: (Maximum Shift): _____ (Minimum Shift): _____

Estimated number of daily customers/visitors on site at peak time: _____

Other occupants: _____

Estimated number of truck deliveries/loadings per day: _____

Estimated hours of truck deliveries/loadings per day: _____

Estimated percentage of traffic to be generated by trucks: _____

Estimated number of railroad deliveries/loadings per day: _____

Square footage of:

Office area: _____

Warehouse area: _____

Sales area: _____

Storage area: _____

Loading area: _____

Manufacturing area: _____

Other: (explain type of area) _____

Yes No Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

ROAD AND ACCESS INFORMATION:

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Saylor Road & Grayson Road

- Yes No Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)
- Yes No Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)
- Yes No Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.

STORM DRAINAGE: N/A

How will your project handle storm water runoff? (Check one) Drainage Basin Direct Discharge Overland

Other: (please explain) _____

If direct discharge is proposed, what specific waterway are you proposing to discharge to? _____

Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.

EROSION CONTROL: N/A

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.

ADDITIONAL INFORMATION:

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

APPLICANT STATEMENT/PROJECT DESCRIPTION

Lindskoog Lot Line Adjustment
Stanislaus County, California

This project is a lot line adjustment of Assessors Parcel No's. 045-012-042 & 045-012-043 owned by Jonathan & Velma Lindskoog. The property owners are requesting a lot line adjustment for two reasons; the first being to move the existing well location which serves the single family residence further away from the septic tank which also serves the residence as the two locations are currently just 75 feet apart. To protect the environmental health of the residents of the single-family home, the Property Owner would like to move the location of the well. Secondly, the Property Owner's would like for the single family residence and adjacent shop to both be located on a single parcel. Along with this request for a lot line adjustment, is a Williamson Act Cancellation application for the home site parcel (APN: 045-012-043), to be processed concurrently. The following applicant statement pertains only to the larger parcel, which will continue to be used for agricultural purposes, and subject to the Williamson Act Contract.

Government Code Section 51257 contains seven findings to be made related to this lot line adjustment. These findings are listed below along with the justification:

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.
The contract is not subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment, the contract will continue to be in force and effect for a period of 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.
The land currently under contract is 11.7 acres +/- . After the lot line adjustment, 11.1 acres +/- will be under contract. For health and safety reasons, the home site parcel (which is filing a Williamson Act Cancellation) is being adjusted to in order to allow for the relocation of a well. It should be mentioned that the land transferring to the home site parcel is not being used for agricultural purposes; therefore there is no loss of agricultural land.
3. At least 90 percent of the land under the former contract remains under the new contract.
More than 90 percent of the land under the former contract will remain under the new contract.
4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
After the lot line adjustment the parcel will be large enough to sustain its agricultural use as an almond orchard and exceed the minim parcel acreage requirement.
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.
This parcel has been used for agricultural productivity in its current configuration for a long time. The new parcel configuration, after adjustment, will recognize the current Williamson Act requirements, and further preserve the agricultural nature of this parcel.
6. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
The parcel will continue to remain restricted by contract and used for agricultural productivity. As such, the lot line adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.
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.
With this lot line adjustment we are not creating any additional parcels; and the parcel will continue to meet the General Plan use of agriculture.

28.88
E REDWOOD RD

20.34 19.95
**LLA 2009-13 & WAC 2009-02
LINDSKOOG
ACREAGE**

66.24

10.08

19.

29.83

1.00

AYLOR RD

39.12

61.62

19.

25.00

1.78

2.79

32.86

39.40

14.57

SITE

46.94

2.32

E GRAYSON RD

7.89

11.03

7.89

S QUINCY RD

15.89

29.52

40.05

38.

9.96

WARING RD

9.96

14.99

7.09

23.48

18.10

40.29

19.

18.88

13.48



**LLA 2009-13 & WAC 2009-02
LINDSKOOG
AERIAL**

SAYLOR RD

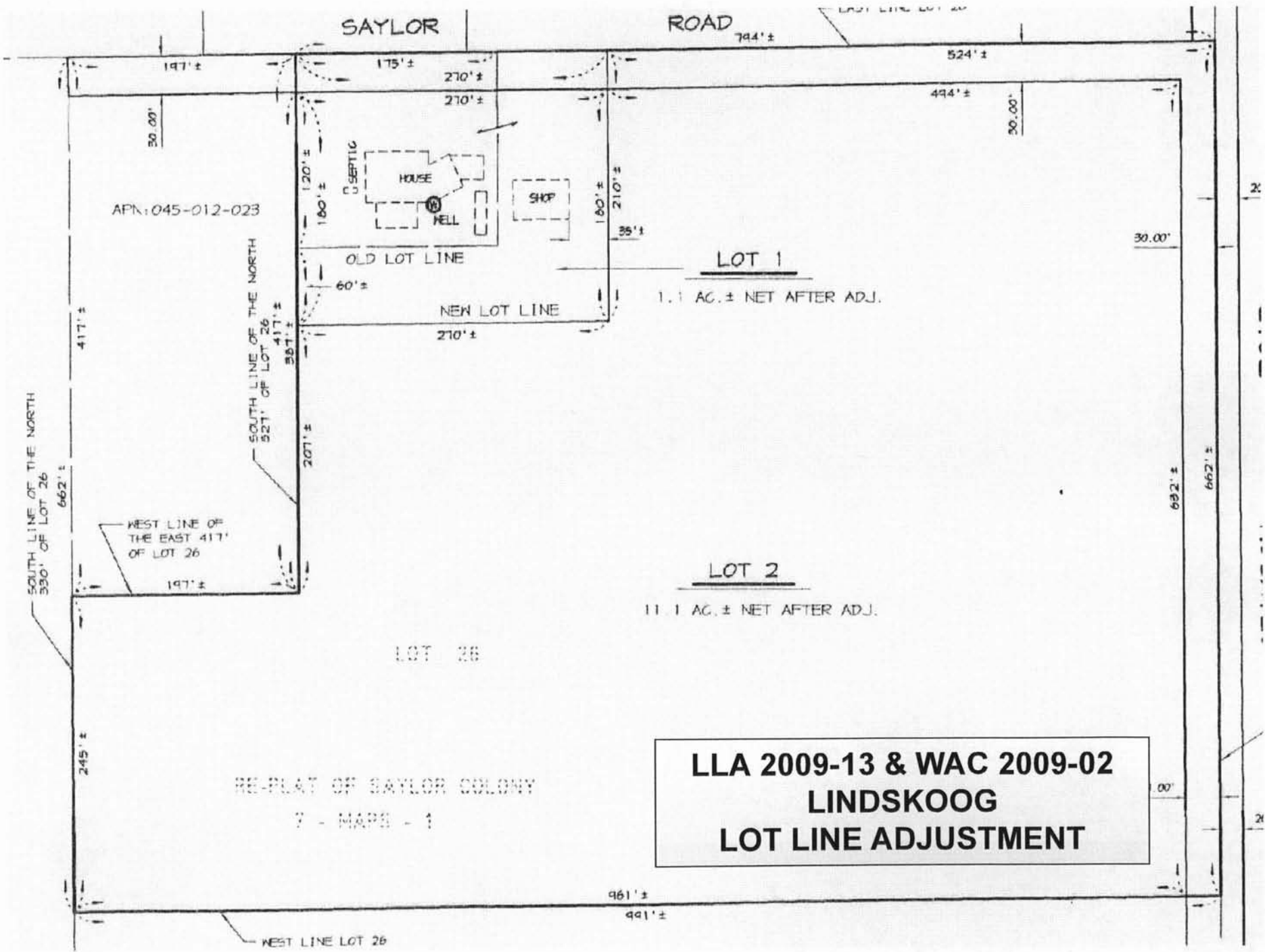
SITE

E GRAYSON RD

S QUINCY RD

WARING RD





RE-PLAT OF SAYLOR COLONY
7 - MAPS - 1

**LLA 2009-13 & WAC 2009-02
LINDSKOOG
LOT LINE ADJUSTMENT**



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

March 25, 2010

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

Dear Board Members:

Reference: Property Owner: Jonathon J. and Velma J. Lindskoog
Contact: Jonathan Lindskoog
Assessor's Parcel Number: 045-012-043 and portion of 045-012-042
Williamson Act Contract Number: 1976-2390

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

The cancellation valuation of 1.1 acres of the above referenced properties restricted under the California Land Conservation Act is one hundred fifty thousand dollars (\$150,000) representing current fair market value. The cancellation fee is an amount equal to 12½% of the cancellation valuation, or a total of eighteen thousand seven hundred fifty dollars (\$18,750).

I hereby certify the cancellation valuation of the above parcel to be \$150,000.

Respectfully,

DOUG HARMS, Assessor
Stanislaus County

DBH:PJH:emr

cc: Jonathan J & Velma J Lindskoog
California Department of Conservation

RECEIVED

MAR 25 2010

STANISLAUS CO. PLANNING &
COMM

ATTACHMENT 4

March 25, 2010

Assessor's Parcel Number: 045-012-043 and portion of 045-012-042
CLCA Contract Number: 1976-2390

Section 2, 51203(b) of the Government Code provides that within 45 days of receiving the Assessor's notice of cancellation valuation, a formal review may be requested by the Department of Conservation or the landowner if either party believes the certified value is not accurate. This section further states that the party protesting the value shall submit to the Assessor and the other party the reasons for believing the valuation is not accurate and the additional information the requesting party believes may substantiate a recalculation of the property valuation. Upon the request of either party, the Assessor will provide information relevant to his valuation.

The Assessor may recover reasonable costs for the formal review from the requesting party. The current cost for a formal review is \$50.00 per hour.

If you feel the certified cancellation value is not accurate, please indicate on a separate form your opinion of value, the reasons you believe the value is inaccurate, and documentation supporting your claim. If you are requesting a formal review, please return the form to the Assessor's Office within 45 days of receiving this notice. Remember to send a copy to the other party. If no request is made within 45 days of receiving the notice of valuation, the Assessor's valuation shall be used to calculate the fee.

For your convenience, we have included the addresses of the parties involved:

Stanislaus County Assessor
Attention: Patty Heckendorf
1010 Tenth St., Suite 2400
Modesto, CA 95357-0847

Department of Conservation
Division of Land Resource Protection
801 K Street, Mail Stop 18-01
Sacramento, CA 95814

Jonathan J and Velma J Lindskoog
P.O. Box 111
Denair, CA 95316



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

March 10, 2010

VIA FACSIMILE (209) 525 5911

Mr. Bill Carlson, Senior Planner
Stanislaus County
Department of Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

Dear Mr. Carlson:

SUBJECT: Partial Cancellation of Land Conservation Williamson Act Contract
76-2390; Lot Line Adjustment 2009-13;
Landowner: Jonathan J. & Velma J. Lindskoog; APN 045-012-042, 43

The Department of Conservation (Department) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act. The Department has reviewed the application submitted by the Stanislaus County Planning & Community Development Department (County) regarding the referenced cancellation and lot line adjustment and offers the following recommendations.

Project Description

The cancellation petition proposes to cancel a portion (1.1 acres) of a parcel that contains 12.2 acres which is subject to a Williamson Act contract. The 1.1 acre portion would include an existing residence and shop.

The land proposed for the partial cancellation is also part of a proposed lot line adjustment. The lot line application proposes to adjust parcel lines from 0.5 & 11.7 acres to 1.1 & 11.1 acres.

The property is located at 4901 Saylor Road, in the Denair area, within Stanislaus County.

Cancellation Findings

Government Code (GC) section 51282 states that tentative approval for cancellation may be granted only if the local government makes either of the following findings:

- 1.) cancellation is **consistent** with purposes of the Williamson Act, **or**

Mr. Bill Carlson
March 10, 2010
Page 2 of 4

2.) cancellation is in the **public interest.**

Of the two findings, the Department believes this particular application can meet the consistency finding (number one above), as discussed below.

For cancellation to be consistent with the purposes of the Williamson Act (finding number one above), the Stanislaus County Board of Supervisors (Board) must make all of the following five findings:

- a) a notice of nonrenewal has been served,
- b) cancellation is not likely to result in removal of adjacent land from agricultural use,
- c) the alternative use is consistent with the County General Plan,
- d) discontinuous patterns of urban development will not result, and
- e) there is no proximate non-contracted land which is available and suitable for the use proposed on the contracted land, or, development of the contracted land would provide more continuous patterns of urban development than development of proximate non-contracted land.

Department Comments on Required Cancellation Findings:

a) Notice of nonrenewal has been served:

To date, the Department has not received a recorded Notice of Nonrenewal.

b) Removal of adjacent land from agricultural use not a likely result:

The cancellation of the existing home site parcel is not likely to result in the removal of adjacent lands from agricultural use.

c) The alternative use is consistent with County General Plan:

The applicants seek to retain a home site parcel, consistent with General Plan policies. The Department agrees that this finding can be made.

d) Discontinuous patterns of urban development will not result:

According to the information provided, discontinuous patterns of urban development do not appear likely to result.

e) There is no available and suitable proximate non-contracted land for the use proposed on the contracted land:

The Department would concur that there is not proximate non-contracted land that is suitable or available for the alternative use proposed.

Based on the information provided by the County, the Department is able to concur that cancellation of the home site parcel meets the required consistency findings.

Mr. Bill Carlson
March 10, 2010
Page 3 of 4

Lot Line Adjustment

Williamson Act law contains a provision to facilitate minor lot line adjustments to Williamson Act contracted parcels (GC section 51257). However, it is clear that the lot line adjustment provisions are meant only to adjust boundary lines and not to exchange entire parcels or lots, or to split larger parcels into multiple smaller parcels. Specific findings must be made by the Board to approve a lot line adjustment. Per GC section 51257, all of the following findings must be made:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term at least as long as the unexpired term of the rescinded contract or contracts, but for no less than 10 years.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in GC 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 on the information provided by the County, the Department is able to concur that the proposed lot line adjustment meets the above seven required findings and the Board should be able to make the required findings to approve the proposed lot line adjustment.

Thank you for the opportunity to provide comments on the proposed partial cancellation and lot line adjustment. Please provide our office with a copy of the Notice of the Public Hearing on this matter ten (10) working days before the hearing and a copy of the published notice of the Board's decision within 30 days of the tentative cancellation pursuant to GC section 51284. Regarding the lot line adjustment, please remember that pursuant to GC section 51257, the Board is required to make all seven (7) findings

Mr. Bill Carlson
March 10, 2010
Page 4 of 4

in order to approve any lot line adjustment subject to a Williamson Act contract.. If you have any questions concerning these comments, please contact Sharon Grewal, Environmental Planner at (916) 327-6643.

Sincerely,



Dan Otis
Program Manager
Williamson Act Program

Confirmation Report - Memory Send

Time : Mar-10-2010 13:05
 Tel line : 19163273430
 Name : DIVISION OF LAND RESOURCE PROTECTION

Job number : 285
 Date- : Mar-10 13:04
 To : 912095255911
 Document pages : 004
 Start time : Mar-10 13:04
 End time : Mar-10 13:05
 Pages sent : 004
 Status : OK

Job number : 285

*** SEND SUCCESSFUL ***

NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

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

PHONE 916 / 324-0800 • FAX 916 / 327-3430 • TDD 916 / 324-2886 • WEBSITE CONSERVATION.CA.GOV

March 10, 2010

VIA FACSIMILE (916) 324-5911

Mr. Bill Carlson, Senior Planner
 Stanislaus County
 Department of Planning & Community Development
 1010 10th Street, Suite 3400
 Modesto, CA 95354

Dear Mr. Carlson:

SUBJECT: Partial Cancellation of Land Conservation Williamson Act Contract
 76-21190; Lot Line Adjustment 2008-13;
 Landowner: Jonathan J. & Veima J. Lindskoog; APN 045-012-042, 43

The Department of Conservation (Department) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act. The Department has reviewed the application submitted by the Stanislaus County Planning & Community Development Department (County) regarding the referenced cancellation and lot line adjustment and offers the following recommendations.

Project Description

The cancellation petition proposes to cancel a portion (1.1 acres) of a parcel that contains 12.2 acres which is subject to a Williamson Act contract. The 1.1 acre portion would include an existing residence and shop.

The land proposed for the partial cancellation is also part of a proposed lot line adjustment. The lot line application proposes to adjust parcel lines from 0.5 & 11.7 acres to 1.1 & 11.1 acres.

The property is located at 4901 Saylor Road, in the Denair area, within Stanislaus County.

Cancellation Findings

Government Code (GC) section 51282 states that tentative approval for cancellation may be granted only if the local government makes either of the following findings:
 1.) cancellation is consistent with purposes of the Williamson Act, or

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION
OF WILLIAMSON ACT CONTRACT NO. 76-2390

NOTICE IS HEREBY GIVEN that on May 25, 2010, 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.76-2390, affecting the land and improvements located on Assessor's Parcel No. 045-12-042, 43, owned by Jonathan and Velma Lindskoog. The property is more fully identified on the attached legal description.

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of Williamson Act Contract No. 76-2390 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 \$18,750.
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 he has satisfied the conditions and contingencies enumerated in this Certificate of Tentative Cancellation.

DATED: May 25, 2010

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 February 11, 1976, in Volume 2769, Page 132, Instrument #361110. Owner: James C. and Marlene Jessup -- approved by the Board of Supervisors on February 3, 1976.

RECORDED AT REQUEST OF:

Stanislaus County Board of Supervisors

NO FEE

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 A PORTION OF WILLIAMSON ACT CONTRACT NO. 76-2390

(Document Title/s)



BOARD OF SUPERVISORS

William O'Brien, 1st District
Vito Chiesa, 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. 76-2390**


NOTICE IS HEREBY GIVEN that on May 25, 2010, 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. 76-2390, affecting the land and improvements located on Assessor's Parcel No. 045-12-043, and a portion of Assessor's Parcel No. 045-12-042, owned by Jonathan and Velma Lindskoog. The property is more fully identified on the attached map.

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of a Portion of Williamson Act Contract No. 76-2390 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 \$18,750.
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 he has satisfied the conditions and contingencies enumerated in this Certificate of Tentative Cancellation.

DATED: May 25, 2010

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

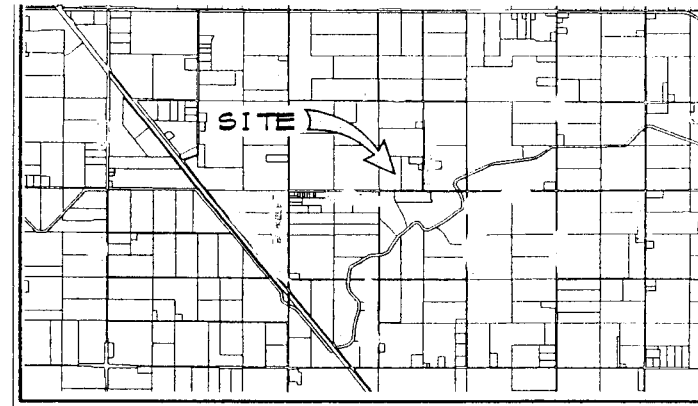
*Original contract recorded on February 11, 1976, in Volume 2769, Page 132, Instrument #361110. Owner: James C. and Marlene Jessup -- approved by the Board of Supervisors on February 3, 1976.

OWNER/APPLICANT:

JONATHAN & VELMA LINDSKOOG
 4901 SAYLOR ROAD
 P.O. BOX 1111
 DENAIR, CA 95316

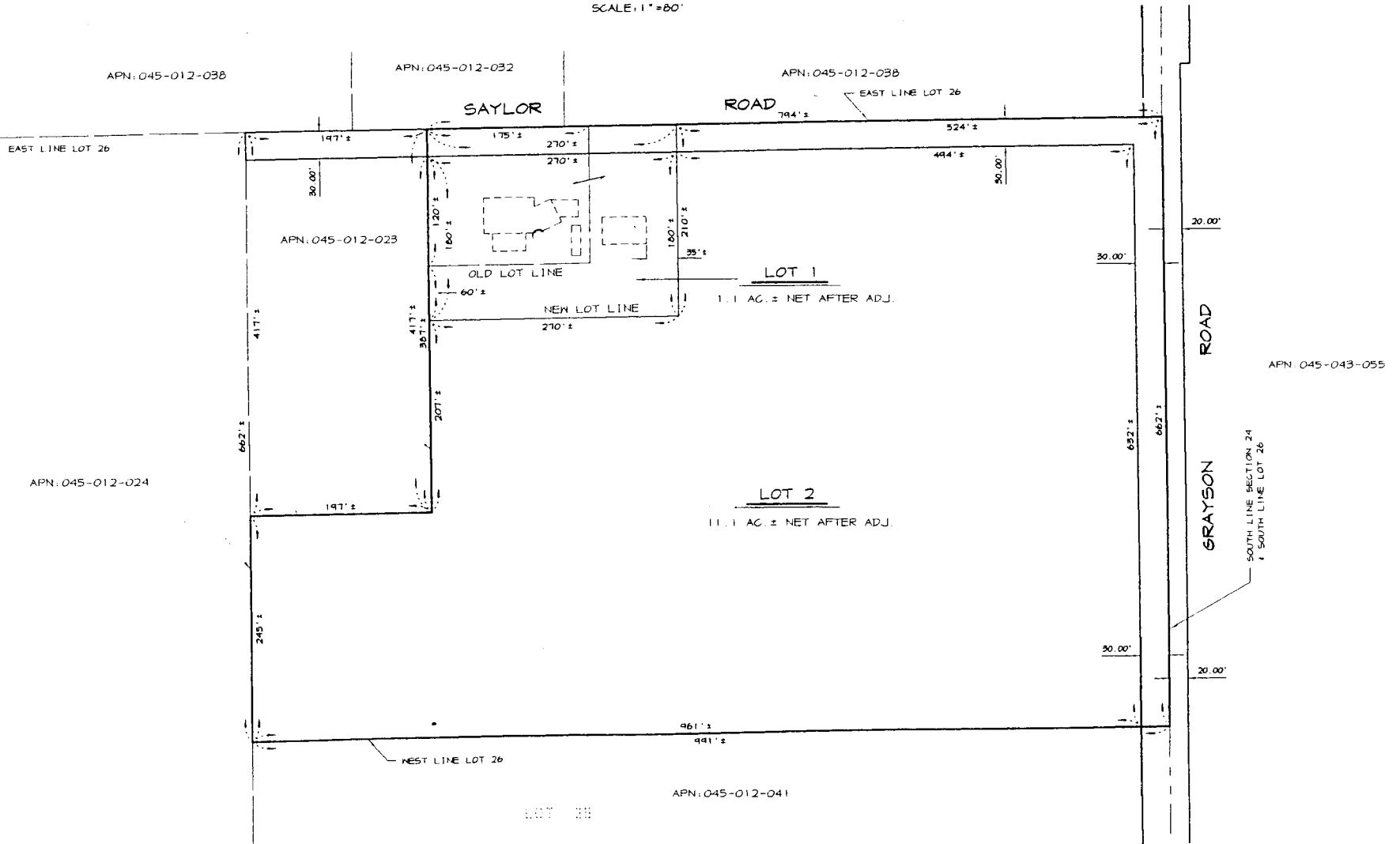
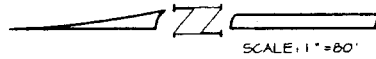
PARCEL SUMMARY

BEFORE ADJUSTMENT	
LOT 1	0.6 ± AC. GROSS 0.5 ± AC. NET
LOT 2	12.6 ± AC. GROSS 11.7 ± AC. NET
NEW LOTS AFTER ADJUSTMENT	
NEW LOT 1	1.3 ± AC. GROSS 1.1 ± AC. NET
NEW LOT 2	11.8 ± AC. GROSS 11.1 ± AC. NET



VICINITY MAP

NO SCALE





CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

1010 10th Street, Suite 6700, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

June 1, 2010

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
A PORTION OF WILLIAMSON ACT CONTRACT NO. 76-2390

Dear Ms. Luther:

Enclosed is a copy of the Notice of Decision of Tentative Approval of Cancellation for a portion of Williamson Act Contract No. 76-2390, which is to be published in the Modesto Bee. The Stanislaus County Board of Supervisors granted tentative approval to cancel a portion of this Williamson Act Contract on May 25, 2010.

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



BOARD OF SUPERVISORS

William O'Brien, 1st District
Vito Chiesa, 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 A PORTION OF WILLIAMSON ACT CONTRACT NO. 76-2390**

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 51284, that upon motion of Supervisor Chiesa, seconded by Supervisor Monteith, a petition to cancel a portion of Williamson Act Contract No. 76-2390, affecting the land and improvements located on Assessor's Parcel No. 045-012-043 and a portion of Assessor's Parcel No. 045-012-042 and owned by Jonathan and Velma Lindskoog, was granted tentative approval at the 9:05 a.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 May 2010, by the following called vote:

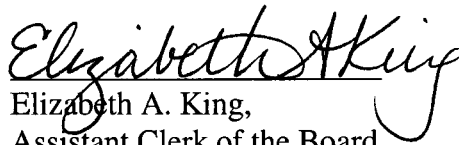
AYES: SUPERVISORS: O'Brien, Chiesa, Monteith, DeMartini and Chairman Grover
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None
ABSTAINING: SUPERVISORS: None

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 cancellation is in the public interest.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: May 25, 2010

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



CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

1010 10th Street, Suite 6700, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

June 1, 2010

JONATHAN AND VELMA LINDSKOOG
PO BOX 111
DENAIR CA 95316

RE: CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION OF A
PORTION OF WILLIAMSON ACT CONTRACT NO.76-2390 AND NOTICE OF
DECISION

Dear Mr. Lindskoog:

Please find enclosed a copy of the Certificate of Tentative Approval of Cancellation for a portion of Williamson Act Contract No. 76-2390 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 May 25, 2010.

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

2010 JUN 10 11:43

**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 entitled matter. I am a printer and principal clerk of the publisher of **THE MODESTO BEE**, which 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**. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

JUNE 5, 2010

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

JUNE 5, 2010


(Signature)

**NOTICE OF DECISION FOR TENTATIVE
CANCELLATION OF A PORTION OF WILLIAMSON
ACT CONTRACT NO. 76-2390**

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 51284, that upon motion of Supervisor Chiesa, seconded by Supervisor Monteith, a petition to cancel a portion of Williamson Act Contract No. 76-2390, affecting the land and improvements located on Assessor's Parcel No. 045-012-043 and a portion of Assessor's Parcel No. 045-012-042 and owned by Jonathan and Velma Lindskoog, was granted tentative approval at the 9:05 a.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 May 2010, by the following called vote: **AYES: SUPERVISORS: O'Brien, Chiesa, Monteith, DeMartini and Chairman Grover; 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 cancellation is in the public interest.

**BY ORDER OF THE BOARD OF SUPERVISORS
DATED: May 25, 2010
ATTEST: Christine Ferraro Tallman,
Clerk of the Board of Supervisors of the County of
Stanislaus, State of California.
BY: Elizabeth A. King, Assistant Clerk**

POWERPOINT PRESENTATION

**LOT LINE ADJUSTMENT
APPLICATION NO. 2009-13 AND
WILLIAMSON ACT CANCELLATION
APPLICATION NO. 2009-02**

LINDSKOOG



Planning & Community Development

Project

- Request to cancel a portion of Williamson Act Contract No. 76-2390
- Lot Line Adjustment to allow the parcel lines to adjust from .5 and 11.7 acre parcels to a 1.1 and 11.1 acre parcels.
- 10 acre minimum parcel size for Williamson Act Contract.



**LLA 2009-13 & WAC 2009-02
LINDSKOOG
AREA**

E REDWOOD RD

DOERKSEN

BERKELEY AVE

RD

SAYLOR RD



SITE

E GRAYSON RD

S QUINCY RD

WARING RD

SPERRY RD

S SANTA FE AVE

HAMLOW F



**LLA 2009-13 & WAC 2009-02
LINDSKOOG
GENERAL PLAN**

E REDWOOD RD

Y RD

SAYLOR RD

DOERKSEN

BERKELEY AVE

AG



SITE

E GRAYSON RD

AG

S QUINCY RD

WARING RD

SPERRY RD

S SANTA FE AVE

HAMLOW F



**LLA 2009-13 & WAC 2009-02
LINDSKOOG
ZONING DESIGNATION**

E REDWOOD RD

...Y RD

SAYLOR RD

DOERKSEN

A-2-40

BERKELEY AVE



SITE

E GRAYSON RD

A-2-40

S QUINCY RD

WARING RD

SPERRY RD

S SANTA FE AVE

P-D (237)

HAMLOW R



Discussion

- **Lot Line Adjustment cannot be approved without a canceling a portion of the Williamson Act Contract.**
- **The site consists of two parcels totaling 12.2 acres with one single-family dwelling and some accessory structures.**



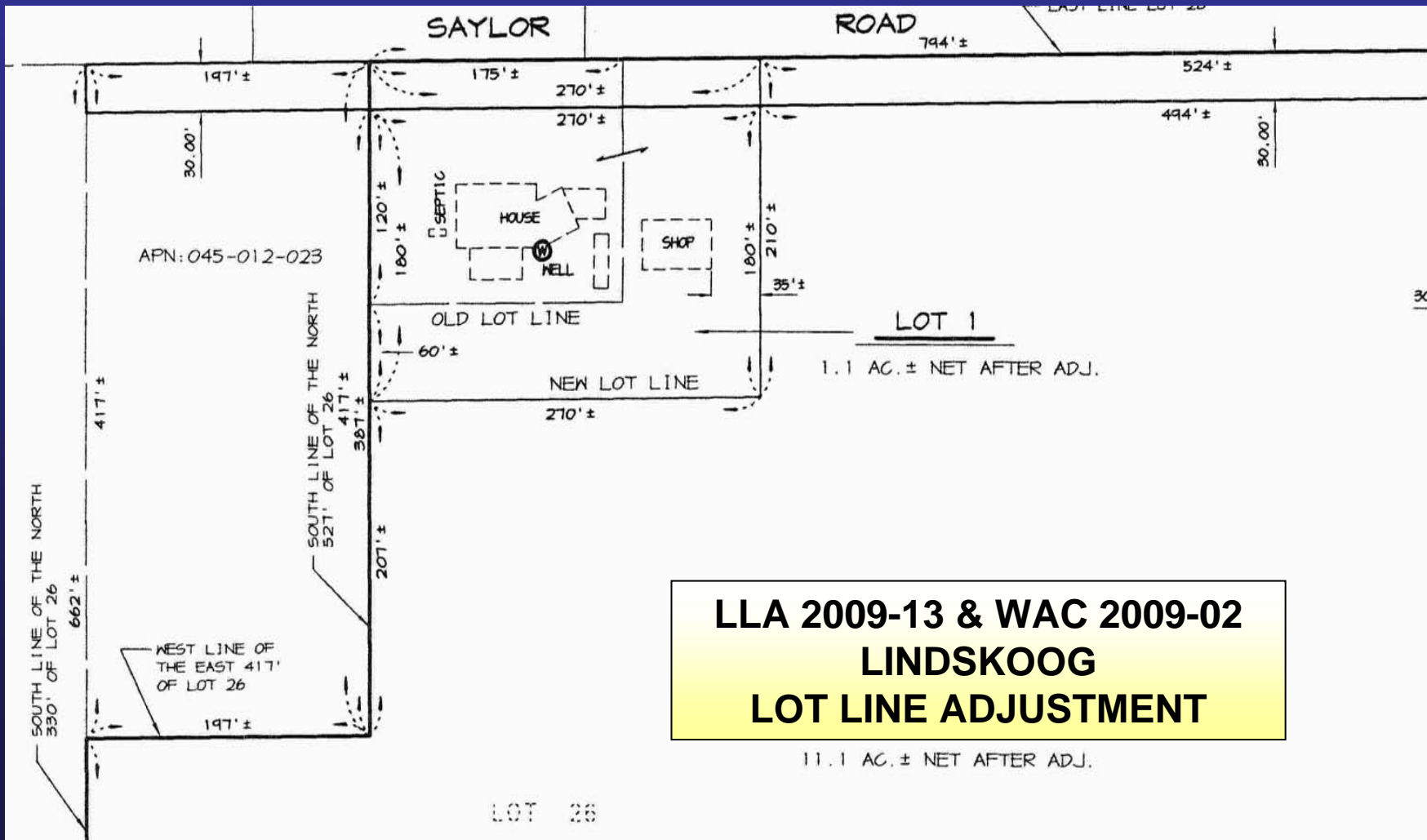
Discussion

The home site is currently on a 0.5 acre parcel.

A shop building is just south of the home, but it is legally on a different parcel.

Both parcels are owned by the Lindskoog's who wish to adjust the lot lines to include the shop building with the existing home on a single parcel.







SAYLOR RD

E GRAYSON RD

S QUINCY RD

WARING RD





RD

E GRAYSON RD

S

Lot Size

The existing 0.5 acre parcel does not conform with today's one acre minimum lot size standard for a parcel served by a private well and septic system.

The proposed Lot Line Adjustment will bring the 0.5 acre parcel into conformance by increasing its size to 1.1 acres.



Lot Size

The proposed 11.1 acre parcel will remain in orchard production

Meets the minimum County and State parcel size requirements to be enrolled in the Williamson Act.



Lot Line Adjustment Findings

Due to the Williamson Act status of the property, the Lot Line Adjustment is subject to meet all seven (7) findings of compatibility.



Williamson Act Contract Cancellation

In order for a Williamson Act Contract to be canceled, the Board of Supervisors must

- Hold a Public Hearing
- Make several findings as required by State law.



Williamson Act Contract Cancellation Findings

1. That the cancellation is consistent with the purposes of this chapter (Section 51245 of the Government Code); or
 2. That cancellation is in the public interest.
- Stanislaus County requires BOTH findings must be made.



Department of Conservation

March 10, 2010, the DOC was able to concur that the proposed Lot Line Adjustment meets the required findings and the Board of Supervisors should be able to make the required findings to approve of both Williamson Act Contract Cancellation and Lot Line Adjustment.



Williamson Act Contract Cancellation Findings

- **Based on information and subsequent analysis, Department staff believes both findings for cancellation of the contract could be made.**



RESCISSION/RE-ENTRY

The rescission and re-entry will apply only to the proposed 11.1 acre parcel. The findings required for approval of a Lot Line Adjustment involving Williamson Act contracted land.



RECOMMENDATION

New Williamson Act contracts would typically come before the Board once a year near the end of the year.

Because this action is related to a Lot Line Adjustment, this action shall be independent of other Williamson Act contracts.



RECOMMENDATION

Therefore, it is the intention of this action that a portion of Williamson Act Contract #76-2390 (1.1 acres) be cancelled, approve the rescission and re-entry for the proposed 11.1 acre parcel, the Lot Line Adjustment and record the necessary documents.



28.88
E REDWOOD RD

**LLA 2009-13 & WAC 2009-02
LINDSKOOG
ACREAGE**

10.08

29.83

20.34

19.95

66.24

19

1.00

39.12

61.62

19

25.00

AYLOR RD

1.78

2.79

32.86

39.40

14.57

SITE

46.94

2.32

E GRAYSON RD

7.89

11.03

7.89

S QUINCY RD

15.89

29.52

40.05

38

9.96

WARING RD

9.96

14.99

7.09

23.48

18.10

40.29

19

18.88

13.48



Section 51245 Finding

1. That 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.
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.



Public Interest Findings

1. That other public concerns substantially outweigh the objectives of Chapter 7; 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.



Lot Line Adjustment involving Williamson Act Findings

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



Lot Line Adjustment involving Williamson Act Findings

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

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



Lot Line Adjustment involving Williamson Act Findings

(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.



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



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2010-0047672-00

Tuesday, JUN 01, 2010 10:47:14
Ttl Pd \$0.00 Nbr-0002899539
MLC/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 A PORTION OF WILLIAMSON ACT CONTRACT NO. 76-2390
(Document Title/s)**

2010 JUN 30 1 A

CLERK OF SUPERVISORS

302



BOARD OF SUPERVISORS

William O'Brien, 1st District
Vito Chiesa, 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. 76-2390**


NOTICE IS HEREBY GIVEN that on May 25, 2010, 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. 76-2390, affecting the land and improvements located on Assessor's Parcel No. 045-12-043, and a portion of Assessor's Parcel No. 045-12-042, owned by Jonathan and Velma Lindskoog. The property is more fully identified on the attached map.

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of a Portion of Williamson Act Contract No. 76-2390 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 \$18,750.
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 he has satisfied the conditions and contingencies enumerated in this Certificate of Tentative Cancellation.

DATED: May 25, 2010

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

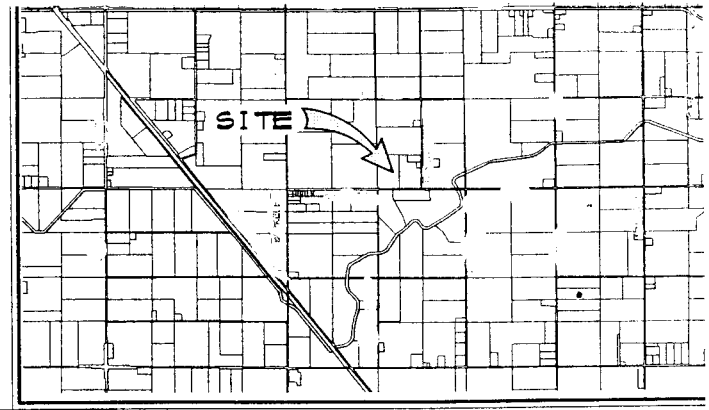
*Original contract recorded on February 11, 1976, in Volume 2769, Page 132, Instrument #361110. Owner: James C. and Marlene Jessup -- approved by the Board of Supervisors on February 3, 1976.

OWNER/APPLICANT:

JONATHAN & VELMA LINDSKOOS
4901 SAYLOR ROAD
P.O. BOX 111
DENAIR, CA 95316

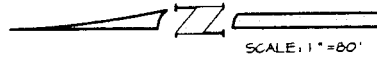
PARCEL SUMMARY

BEFORE ADJUSTMENT	
LOT 1	0.6 ± AC. GROSS 0.5 ± AC. NET
LOT 2	12.6 ± AC. GROSS 11.7 ± AC. NET
NEW LOTS AFTER ADJUSTMENT	
NEW LOT 1	1.3 ± AC. GROSS 1.1 ± AC. NET
NEW LOT 2	11.8 ± AC. GROSS 11.1 ± AC. NET

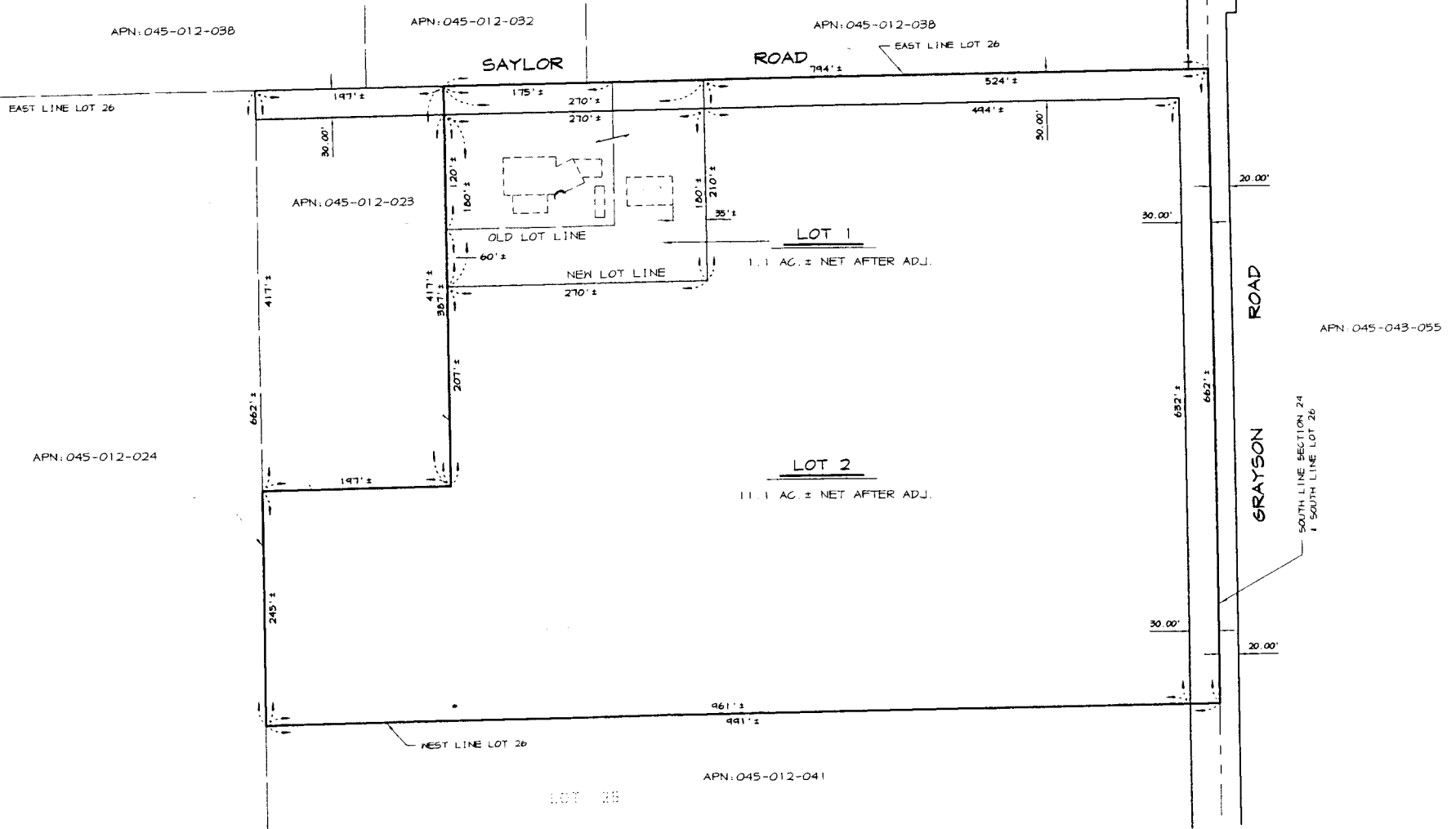


VICINITY MAP

NO SCALE



SCALE: 1" = 80'



LOT 26