

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 June 14, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Lot Line Adjustment Application No. 2010-26 and Williamson Act Cancellation Application No. 2010-03, Garner

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 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:

If this application is approved, there will not be a fiscal impact to the County. The County will receive approximately \$8 addition in property tax if 0.95 acres is removed from the Williamson Act. Also, the applicant will pay cancellation penalty of \$6,812.50 to the Department of Conservation.

BOARD ACTION AS FOLLOWS:

No. 2011-361

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

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

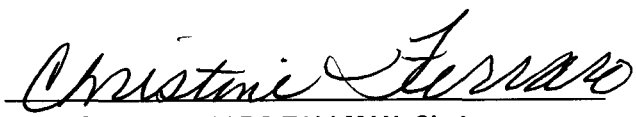
1) Approved as recommended

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 other public concerns substantially outweigh the objectives of Government Code Section 51200-51297.4.
 - (G) 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.
3. Accept the cancellation value of the subject property as \$54,500 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 (\$6,812.50).
 5. Approve the Tentative Cancellation of a portion of Williamson Act Contract No.75-2011 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. 75-2011 and approve a new contract pursuant to Minor Lot Line Adjustment 2010-26 – Garner.
 9. Approve the Lot Line Adjustment Application No. 2010-26 – Garner, subject to the completion of Williamson Act Contract Cancellation No. 75-2011.
 10. Authorize the Planning and Community Development Director to execute new contracts pursuant to Minor Lot Line Adjustment 2010-26 and Williamson Act Contract Cancellation No. 2010-03.

DISCUSSION:

This is a request to cancel a portion of Williamson Act Contract No. 75-2011 and a request for a Lot Line Adjustment to allow the parcel lines to adjust from 0.05 and 18.7 acre parcels to 1.0 and 17.75 acre parcels. Only the 18.7 acre parcel is currently enrolled under the Williamson Act. The cancellation application is only for 0.95 acres of the proposed one acre parcel, since it is less than the 10 acre minimum parcel size requirement to be enrolled in a Williamson Act Contract (see Attachment "3"). The parcels are both zoned A-2-40 (General Agriculture) and located on the southwest corner of Lone Tree and Valley Home Roads (APNs: 002-010-013 & 014).

The project site consists of two parcels totaling 18.75 acres with two dwellings and some accessory structures. The well and septic systems serving the dwelling on the existing .05 acre parcel are located off site. Both parcels are owned by the Garner's who wish to adjust the lot lines to allow the well and septic systems to be located on-site for each parcel. The existing 0.05 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 0.05 acre parcel into conformance by increasing its size to 1.0 acres. The proposed 17.5 acre parcel will remain in row crops 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 required for approval of projects on property enrolled under a Williamson Act Contract. This project has been sent to the Department of Conservation (DOC) for review and comment. In March, staff received a phone call from the DOC stating they have no objection to the cancellation of the Williamson Act contract, but have not received a formal written response. 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. 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.

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.
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 Government Code Section 51200-51297.4; 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.

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. With approval of the canceled Williamson Act on 0.95 acres, the recession and re-entry will only apply to the proposed 17.75. 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 as shown in the applicants finding statement (See Attachment 2).

New Williamson Act contracts would typically come before the Board once a year, in December. 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 new contract will replace a portion of Contract No. 75-2011 (17.75 acres). Because the provisions of SB 863, adopted by the Board of Supervisors on November 9, 2010, have been rescinded for next year by the State Legislature (in SB 80, signed into law in March of this year), the new contracts will revert back to 10-year terms instead of the current 9-year terms.

POLICY ISSUES:

The General Plan Land Use and Agricultural Elements both encourage the use of the Williamson Act to help preserve agriculture as the primary industry of the County. The Agricultural Element specifically states that the County shall continue to participate in the

Williamson Act program while supporting reasonable measures to strengthen the act and make it more effective. In order for a Williamson Act Contract to be canceled, the Board of Supervisors must make several findings as required by State law. As stated earlier, Department staff believes both findings for cancellation of the contract could be made. Thus, this action is consistent the Board's priority of A Strong Agricultural Economy/Heritage.

STAFFING IMPACT:

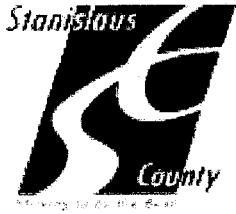
There are no staffing impacts associated with this item.

CONTACT PERSON:

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

ATTACHMENTS:

1. Lot Line Adjustment Application No. 2010-26
2. Applicant's Statement of Findings
3. Map of Proposed Changes
4. Letter from David E. Cogdill Sr., Stanislaus County Assessor dated May 19, 2011
5. 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	1	T	10	R	30
ZONE	A-2-112				
RECEIVED	12/15/10				
APPLICATION NO.	LLA 2010-26				
RECEIPT NO.	1439				

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1	Parcel 2
<u>Leland G. and Virginia J. Garner</u>	<u>SAME</u>
Name	Name
<u>12961 Valley Home Road</u>	
Address, City, Zip	Address, City, Zip
<u>Oakdale, Ca. 95361</u>	
Phone	Phone
<u>(209) 848-2115 (H) ~ 845-8098 (F)</u>	
Fax Number	Fax Number
Parcel 3	Parcel 4
<u>N/A</u>	<u>N/A</u>
Name	Name
Address, City, Zip	Address, City, Zip
Phone	Phone
Fax Number	Fax Number

2. Name and address of person(s) preparing map: Robert Braden Consulting ~ P.M.B. #185
2900 Standiford Avenue ~ Suite 16-B ~ Modesto, Ca. 95350

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

Parcel 1: Book <u>002</u> Page <u>010</u> No. <u>013</u>	Parcel 2: Book <u>002</u> Page <u>010</u> No. <u>014</u>
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>0.05 Ac. (2066 S.F.)</u>	Parcel 1: <u>1.0 Ac.</u>
Parcel 2: <u>18.70 Ac.</u>	Parcel 2: <u>17.7 Ac.</u>
Parcel 3: _____	Parcel 3: _____
Parcel 4: _____	Parcel 4: _____

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

December 13, 2010

Statement: Reason for Lot Line Adjustment

Re: Parcel 1: 4636 Lone Tree Road - (A.P.N. 002-010-013)
Parcel 2: 12961 Valley Home Road - (A.P.N. 002-010-014)

This is a Lot Line Adjustment for the two (2) properties referenced above. The property at A.P.N. 002-010-013 is 2066 sq. ft. (0.05 ac) in size with an existing house (formerly used as a library) and 002-010-014 is 18.70 acres with an existing house and barns.

This request is to adjust the lot line of the small Parcel 1 from 2066 sq. ft. (0.05ac) to a 1.0 acre parcel. Even though a house exists on this property it does not have a domestic water well on the site. Water has been ,in the past, provided from the church property (A.P.N. 002-006-049) on the North side of Lone Tree Road. The water supply has been cut off to this property it is unknown when the water service from the property to the North was connected to this property. Also it's unknown if this property ever had a well and there is no evidence of one.

The property has had a septic system, however it has not been used for approximately ten (10) years and the location and condition are unknown. Any leach lines would obviously be on the adjacent property (A.P.N 002-010-014). Stanislaus County Environmental Resources Department has no record of the septic system. Environmental resources said the small parcel would need to be increased in size to (1.0 acre minimum) in order to provide proper setbacks for private water well and private septic system.

This Lot Line Adjustment would bring the parcel into compliance with the minimum size (1.0 acre) as allowed by Stanislaus County Ordinance for a private water well and septic system.

It should also be noted that there are many parcels in the area that are one (1) acre or less and many parcels that are less than the ten (10) acre minimum for A-2-10 zone. (See attached Assessors Map)

This Lot Line Adjustment will make the small parcel a legal size parcel and a useable size parcel and it's effect on agriculture will be negligible.

FINDINGS (Per Government Code Section 51257)

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. *Upon completion of the Lot Line Adjustment the larger parcel (17.75 Ac) will remain under the current contract for 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 smaller and the adjusted area are not currently agricultural uses. The Lot Line Adjustment is for Health and Safety reasons and will bring the smaller parcel in compliance with Stanislaus county standards and requirements.*
3. At least 90 percent of the land under the former contract remains under the new contract. *95% of the property will remain in agriculture*
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 it's agricultural use and exceed the minimum parcel size required*
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 parcel has been in agricultural use for many years and the new configuration will not alter future agricultural use.*
6. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use. *The parcel will remain under the current contract and the Lot Line Adjustment will not impact any adjacent parcels.*
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 Lot Line Adjustment will not result in any additional parcels and the parcel will continue to meet the General Plan use of agriculture.*

Project Description
Williamson Act Cancellation
Williamson Act Contract No. 75-2011

This project is a request for cancellation of a portion of the Williamson Act Contract no.75-2011. The cancellation is for 0.95 Acre portion of A.P.N. 002-010-014 (18.7 Acres). This application is necessary to accompany a concurrently filed Lot Line Adjustment application.

The Lot Line Application is necessary to adjust the lot line of A.P.N. 002-010-013 and increase the size of the property to 1.0 Acres and bring the parcel to the minimum size allowed for a septic system and private well. Because the 1.0 Acre parcel does not meet the 10 Acre minimum requirement for the Williamson Act, cancellation of a portion of the Williamson Act Contract No. 75-2011 is necessary

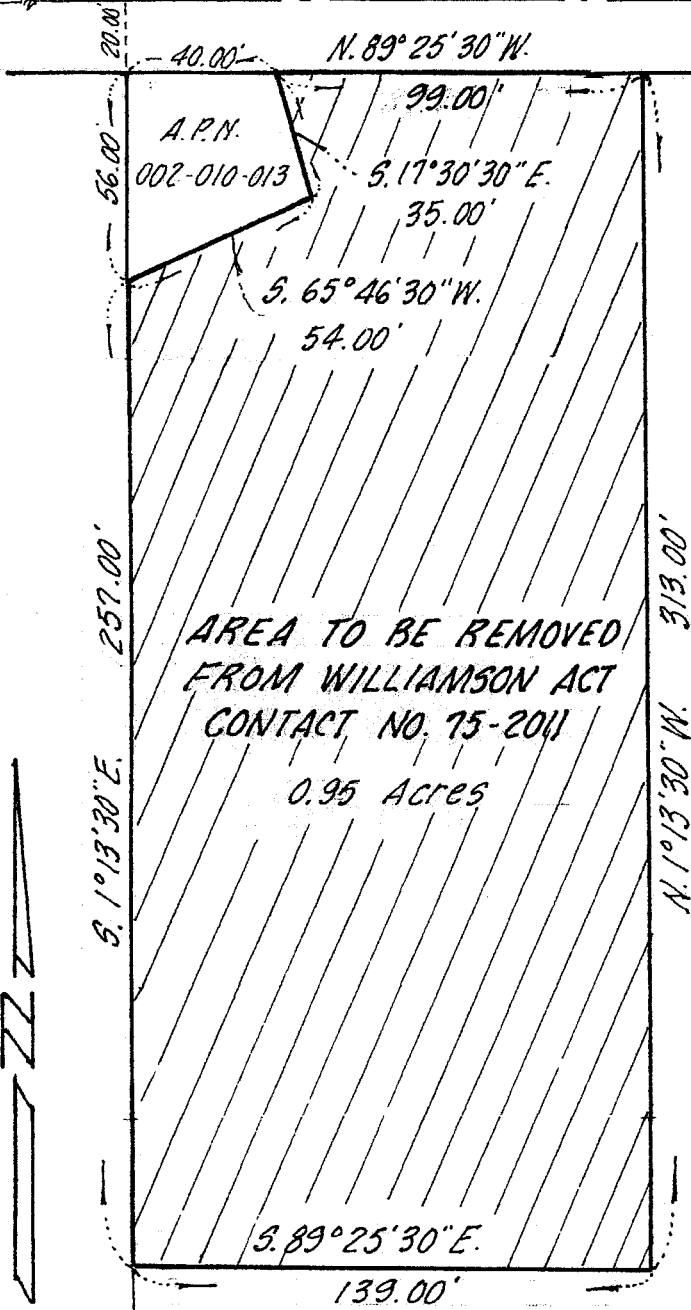
EXHIBIT "B"

AREA TO BE REMOVED FROM
WILLIAMSON ACT CONTRACT NO. 75-2011

N. 1/4 Cor. Sec. 30

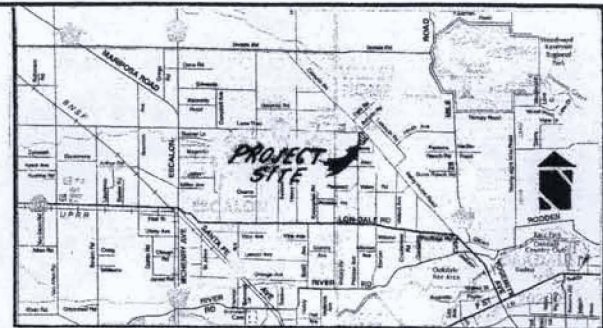
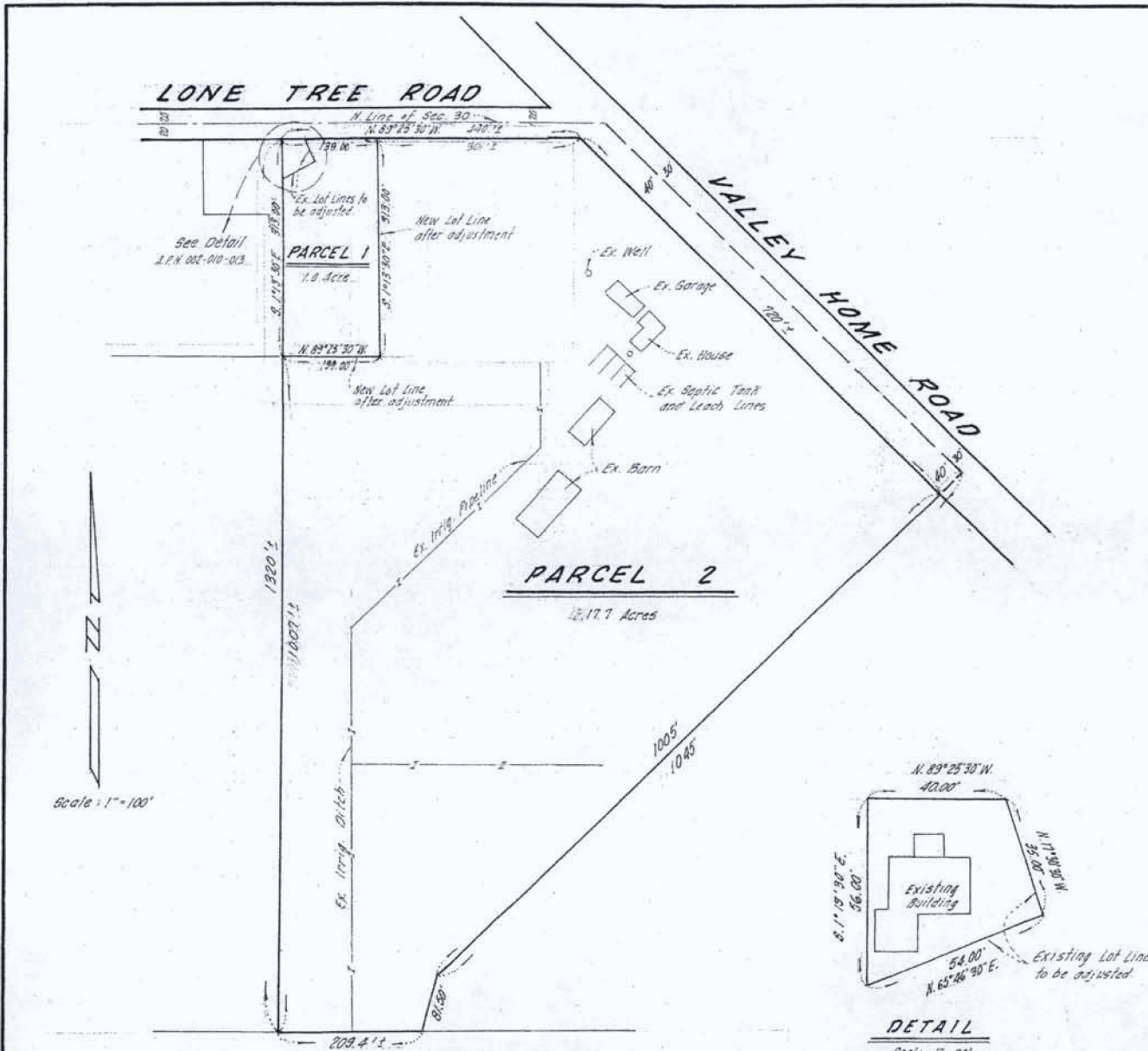
LONE TREE ROAD

VALLEY HOME RD.



A. P. N.
002-010-014

Scale: 1" = 50'



VICINITY MAP
No Scale

LOT LINE ADJUSTMENT

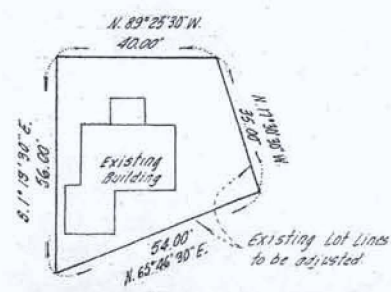
BEING A PORTION OF THE N.E. 1/4 OF SECTION 30, T.15., R.10 E., M.D.B. & M. STANISLAUS COUNTY, CALIFORNIA

OWNER:

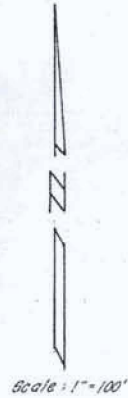
LELAND G. and VIRGINIA J. GARNER
12961 Valley Home Road
Oakdale, California 95341
Ph. No. (209) 848-2115

NOTES:

1. Assessor's Parcel No.: 002-010-013 and 014
2. Current Zoning: A-2-10
3. Parcel Areas:
Existing: A.P.N. 002-010-013 = 2066 S.F. (0.05 Ac.)
A.P.N. 002-010-014 = 18,70 Acres
Proposed: Parcel 1 = 1.00 Acres (Net) = 8,300 S.F. (0.19 Ac.)
Parcel 2 = 12.17 Acres



DETAIL
Scale: 1" = 20'
A.P.N. 002-010-013



ROBERT BRADEN CONSULTING LAND USE PLANNING AND ZONING P.M.B. # 185 2900 STANFORD AVE. - SUITE 16-B MODESTO, CALIFORNIA 95350 (209) 529-4598	Drawn By: RBG	REVISIONS	SHEET
	Scale: 1" = 100'	_____	1
	Date: Dec. 2010	_____	OF
	Job No.	_____	1



David E. Cogdill, Sr., MAI, RM
Stanislaus County Assessor

Don Oppman
Assistant Assessor

1010 Tenth St., Suite 2400
Modesto, CA 95354-0863

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

www.stancounty.com/assessor

May 19, 2011

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

Dear Board Members:

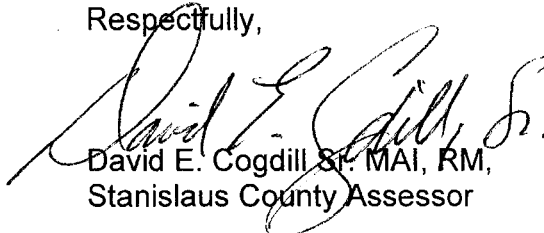
Reference: Property Owner: Leland G & Virginia J Garner
Contact: Robert Braden
Assessor's Parcel Number: portion of 002-010-014
Williamson Act Contract Number: 1975-2011

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

The cancellation valuation of .95 acre of the above referenced properties restricted under the California Land Conservation Act is fifty-four thousand five hundred dollars (\$54,500) representing current fair market value. The cancellation fee is an amount equal to 12½% of the cancellation valuation, or a total of six thousand eight hundred twelve dollars and fifty cents (\$6812.50).

I hereby certify the cancellation valuation of the above parcel to be \$54,500.

Respectfully,



David E. Cogdill Sr. MAI, RM,
Stanislaus County Assessor

DEC:PJH:emr

cc: Leland & Virginia Garner
California Department of Conservation

CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION
OF WILLIAMSON ACT CONTRACT NO. 75-2011

NOTICE IS HEREBY GIVEN that on June 14, 2011, 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.75-2011, affecting the land and improvements located on Assessor's Parcel No. 002-010-013 & 014, owned by Leland and Virginia Garner. The property is more fully identified on the attached map.

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of Williamson Act Contract No. 75-2011 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 \$6,812.50.
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: June 14, 2011

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 26, 1976, in Volume 2686, Page 535-543, Instrument #32834. Owner: Archer and Sandra Duncan -- approved by the Board of Supervisors on February 26, 1975.



BOARD OF SUPERVISORS

William O'Brien, 1st District
Vito Chiesa, 2nd District
Terry Withrow, 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. 75-2011**

NOTICE IS HEREBY GIVEN that on June 14, 2011, 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.75-2011, affecting the land and improvements located on Assessor's Parcel No. 002-010-014, owned by Leland and Virginia Garner. The property is more fully identified on the attached legal description and map.

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of a Portion of Williamson Act Contract No. 75-2011 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 \$6,812.50
2. Unless the fee is paid, or a certificate of cancellation of a portion of the 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.

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: June 14, 2011

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 26, 1976, in Volume 2686, Page 535-543, Instrument #32834. Owner: Archer and Sandra Duncan -- approved by the Board of Supervisors on February 26, 1975.

EXHIBIT "A"
ADJUSTED SMALL PARCEL

DESCRIPTION

A portion of Section 30, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California described as follows:

COMMENCING at the North one-quarter corner of said Section 30; thence South 89° 25' 30" East on the Section line and center line of Lone Tree Road 661.01 feet to a point; thence South 1° 13' 30" East 20.00 feet to the **POINT OF BEGINNING** being the same point of beginning as described in the deed to Stanislaus County dated November 15, 1929 and recorded in Volume 364 of Official Records, Page 271, Stanislaus County Records; thence continuing as described in said deed the following: South 1° 13' 30" East 313.00 feet; thence South 89° 25' 30" East 139.00 feet; thence North 1° 13' 30" West 313.00 feet to the South line of said Lone Tree Road; thence North 89° 25' 30" West on said line 139.00 feet to the point of beginning.

CONTAINING: 43,507 square feet net, 0.999 acre net, more or less.

EXHIBIT "B"

AREA TO BE REMOVED FROM
WILLIAMSON ACT CONTRACT NO. 75-2011

N. 1/4 Cor. Sec. 30

LONE TREE ROAD

VALLEY HOME RD.

A.P.N.

002-010-013

20.00'

56.00'

257.00'

S. 1°13'30"E.

40.00'

N. 89°25'30"W.

99.00'

S. 17°30'30"E.

35.00'

S. 65°46'30"W.

54.00'

313.00'

N. 1°13'30"W.

AREA TO BE REMOVED
FROM WILLIAMSON ACT
CONTACT NO. 75-2011

0.95 Acres

A.P.N.

002-010-014

S. 89°25'30"E.

139.00'

Scale: 1" = 50'



BOARD OF SUPERVISORS

William O'Brien, 1st District
Vito Chiesa, 2nd District
Terry Withrow, 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. 75-2011**

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 51284, that upon motion of Supervisor O'Brien, seconded by Supervisor DeMartini, a petition to cancel a portion of Williamson Act Contract No. 75-2011, affecting the land and improvements located on Assessor's Parcel No. 002-010-014, owned by Leland and Virginia Garner, 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 14th day of June 2011, by the following called vote:

AYES: SUPERVISORS: O'Brien, Chiesa, Withrow, DeMartini and Chairman Monteith
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: June 14, 2011

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 15, 2011

Derek Chernow, Acting Director
Department of Conservation
801 K Street, MS 18-01
Sacramento, CA 95814

RE: NOTICE OF DECISION FOR TENTATIVE CANCELLATION OF A PORTION OF
WILLIAMSON ACT CONTRACT NO. 75-2011

Dear Mr. Chernow:

Enclosed is a copy of the Notice of Decision for Tentative Cancellation of a Portion of Williamson Act Contract No. 75-2011, 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 June 14, 2011.

For further information, please call the Planning and Community Development Department at 209-525-6330 or the Board of Supervisors at 209-525-6415.

Sincerely,

Elizabeth A. King
Assistant Clerk of the
Board of Supervisors

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

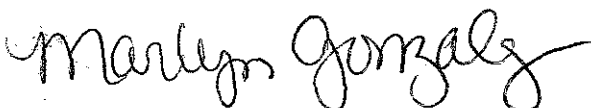
**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

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 21, 2011

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 21, 2011



(Signature)

**NOTICE OF DECISION FOR TENTATIVE CANCELLATION
OF A PORTION OF WILLIAMSON ACT CONTRACT NO. 75-2011**

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 51284, that upon motion of Supervisor O'Brien, seconded by Supervisor DeMartini, a petition to cancel a portion of Williamson Act Contract No. 75-2011, affecting the land and improvements located on Assessor's Parcel No. 002-010-014, owned by Leland and Virginia Garner, 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 14th day of June 2011, by the following called vote:

AYES:	SUPERVISORS: O'Brien, Chiesa, Withrow, DeMartini and Chairman Monteith
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: June 14, 2011

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**

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

PowerPoint Presentation

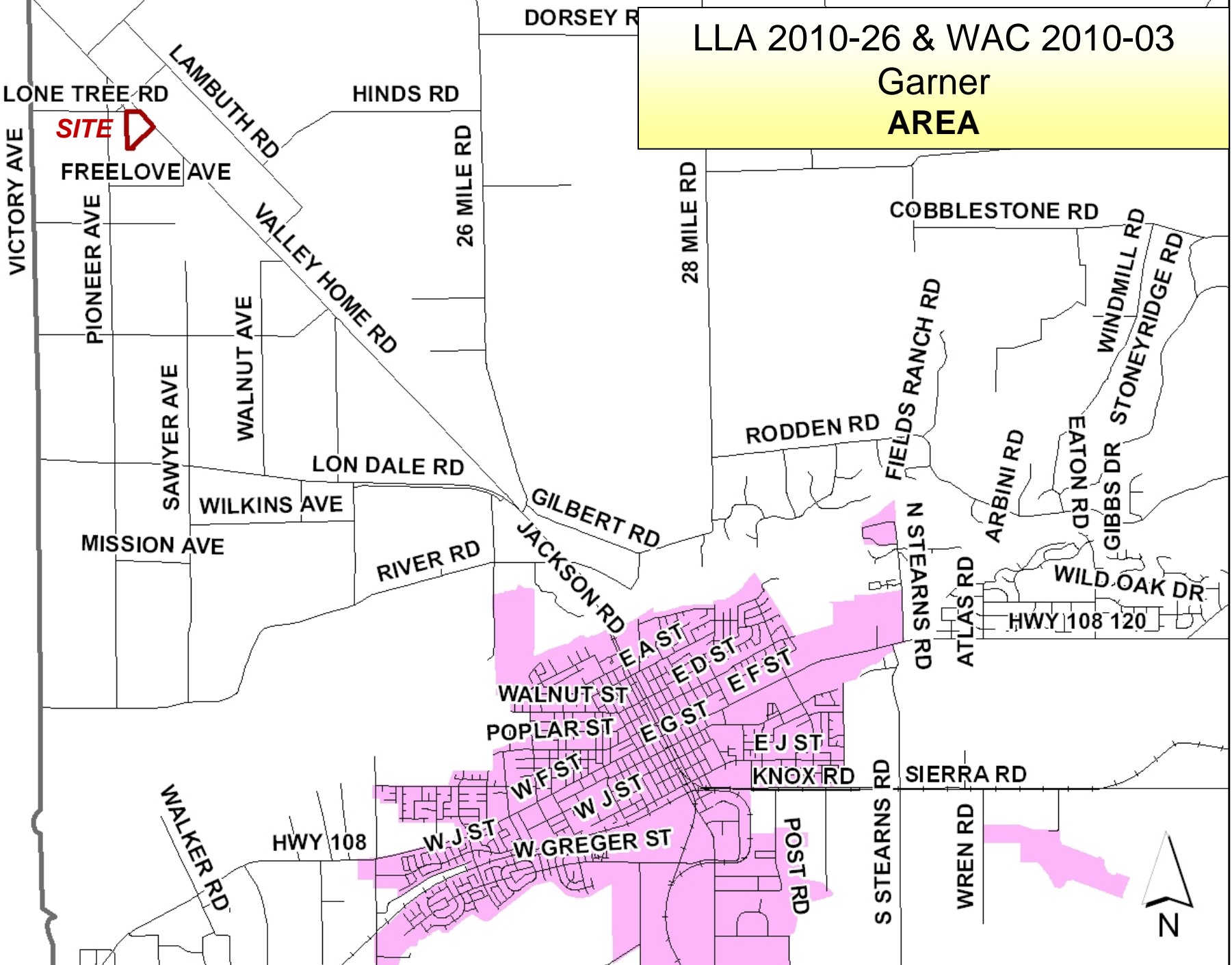


Project

- Request to cancel a portion of Williamson Act Contract No. 75-2011
- Lot Line Adjustment to allow the parcel lines to adjust from .05 and 18.7 acre parcels to a 1.0 and 17.75 acre parcels.



LLA 2010-26 & WAC 2010-03
Garner
AREA



VICTORY AVE

LONE TREE RD



FREELOVE AVE

PIONEER AVE

SAWYER AVE

WALNUT AVE

MISSION AVE

WALKER RD

HWY 108

DORSEY R

HINDS RD

26 MILE RD

28 MILE RD

COBBLESTONE RD

RODDEN RD

FIELDS RANCH RD

ARBINI RD

EATON RD

WINDMILL RD

GIBBS DR STONEYRIDGE RD

WILD OAK DR

HWY 108 120

N STEARNS RD

ATLAS RD

GILBERT RD

JACKSON RD

WALNUT ST

POPLAR ST

WF ST

WJ ST

W GREGER ST

EAST

ED ST

EG ST

EJ ST

KNOX RD

SIERRA RD

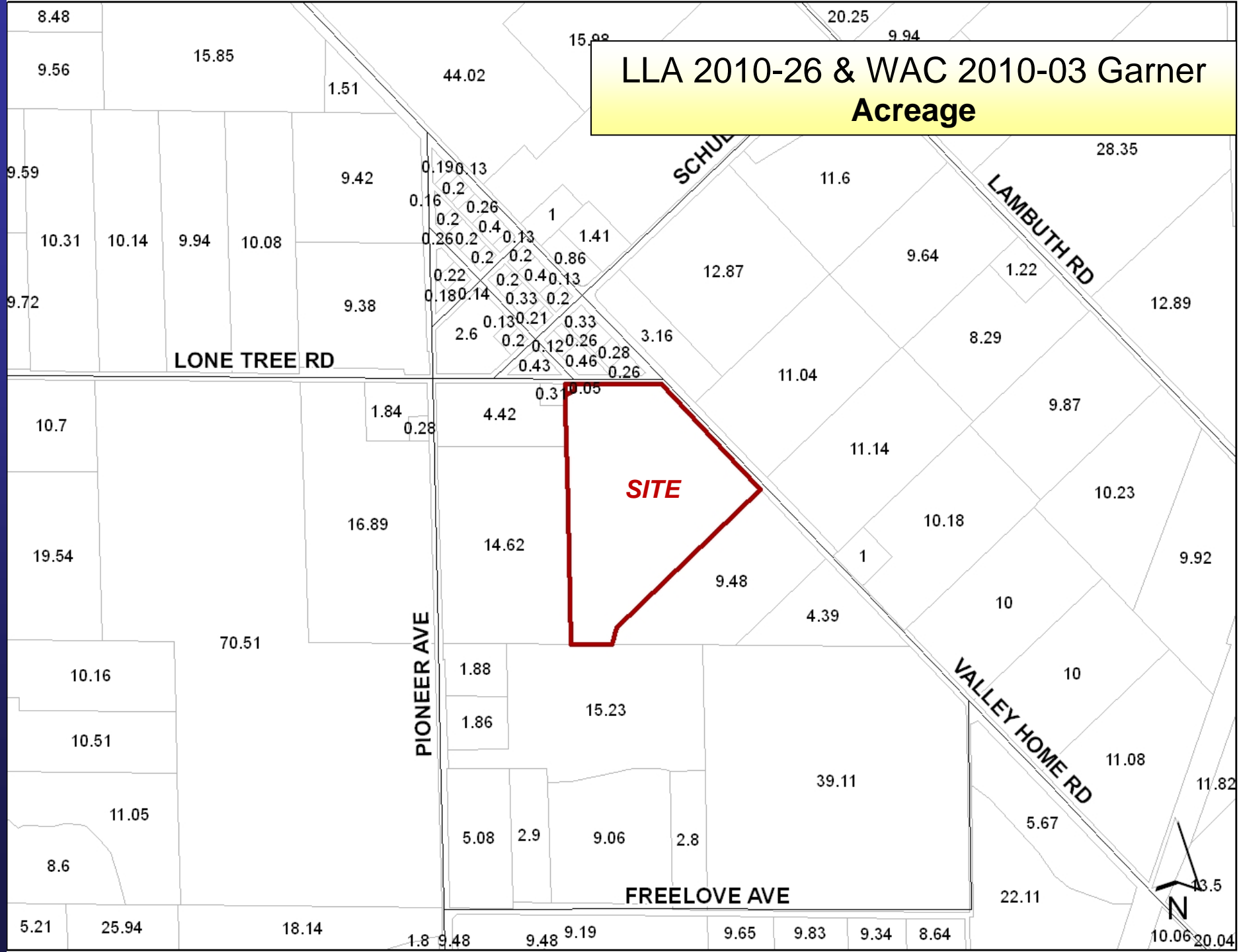
S STEARNS RD

WREN RD

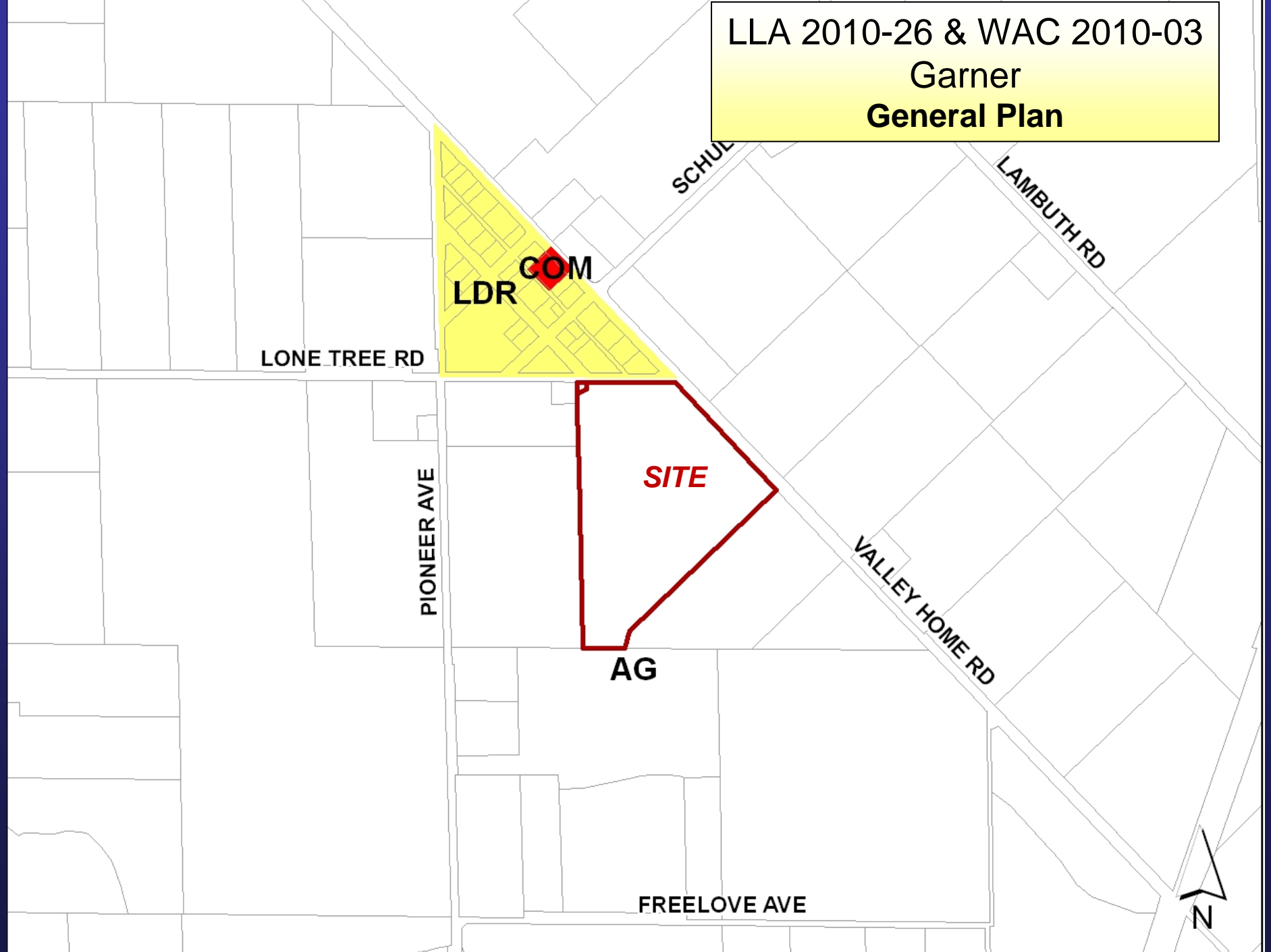
POST RD



LLA 2010-26 & WAC 2010-03 Garner Acreage



LLA 2010-26 & WAC 2010-03
Garner
General Plan



LONE TREE RD

LDR

COM

PIONEER AVE

SITE

AG

SCHUL

VALLEY HOME RD

LAMBUTH RD

FREELOVE AVE



LLA 2010-26 & WAC 2010-03
Garner
ZONING DESIGNATION



Discussion

- Lot Line Adjustment cannot be approved without canceling a portion of the Williamson Act Contract.
- The site consists of two parcels totaling 18.75 acres with two single-family dwellings and some accessory structures.



Discussion

The well and septic systems serving the dwelling on the existing .05 acre parcel are located off site

Both parcels are owned by the Garner's who wish to adjust the lot lines to include the existing home with the well and septic system.

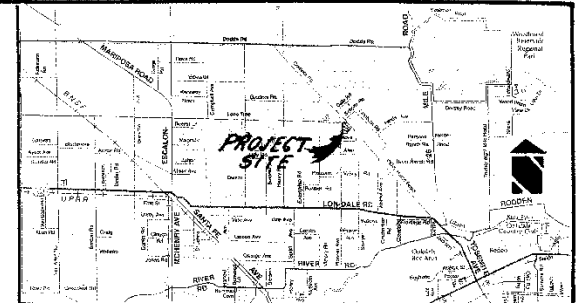
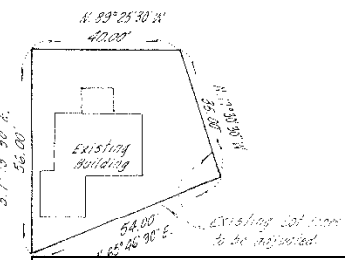


LONE TREE ROAD

VALLEY HOME ROAD

PARCEL 1
1.8 Acres

PARCEL 2
17.7 Acres



VICINITY MAP

No Scale

LOT LINE ADJUSTMENT

BEING A PORTION OF THE N.E. 1/4 OF SECTION 30, T.15S., R.10E., M.D.B. & M. STANISLAUS COUNTY, CALIFORNIA

OWNER:

LELAND B and VIRGINIA J GARNER
12961 Valley Home Road
Oakdale, California 95341
Ph No. (209) 848-8115

NOTES:

1. Assessor's Parcel No.: 002-010-013 and 014
2. Current Zoning: A-2-10
3. Parcel Areas:
Existing: A.P.N. 002-010-013 = 2066 S.F. (0.05 Ac)
A.P.N. 002-010-014 = 18.76 Acres
Proposed: Parcel 1 = 1.80 Acres (Net)
Parcel 2 = 17.7 Acres

LLA 2010-26 & WAC 2010-03
Garner
LOT LINE ADJUSTMENT

REVISIONS	SHEET
	1
	OF
	11

Scale: 1" = 100'

(209) 529-2505

LLA 2010-26 & WAC 2010-03
Garner
AERIAL (2008)



MICHIGAN AVE

LONE TREE RD

PIONEER AVE

SITE

VALLEY HOME RD



Lot Size

The existing 0.05 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 0.05 acre parcel into conformance by increasing its size to 1.0 acres.



Lot Size

The proposed 17.75 acre parcel will remain in agricultural production

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



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

In March, staff received a phone call from the DOC.

They have no objection to the cancellation of the WAC, but have not received a formal written response.



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 Findings

- The applicants have provided written evidence to support the findings (See Attachment 2).
- Based on information and subsequent analysis, Department staff believes both findings for cancellation and the Lot Line adjustment of the contract could be made.



RESCISSION/RE-ENTRY

The rescission and re-entry will apply only to the proposed 17.75 acre parcel. The findings required for approval of a Lot Line Adjustment involving Williamson Act contracted land.



Williamson Act contracts

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 #75-2011 (0.95 acres) be cancelled, approve the rescission and re-entry for the proposed 17.75 acre parcel, the Lot Line Adjustment and record the necessary documents.



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



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2011-0052193-00

Thursday, JUN 23, 2011 10:47:07
Ttl Pd \$0.00 Nbr-0003072372
OCE/R3/1-4

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. 75-2011
(Document Title/s)

BOARD OF SUPERVISORS
2011 JUL 20 1 P 4: 43 1

CF 4



BOARD OF SUPERVISORS

William O'Brien, 1st District
Vito Chiesa, 2nd District
Terry Withrow, 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. 75-2011**

NOTICE IS HEREBY GIVEN that on June 14, 2011, 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.75-2011, affecting the land and improvements located on Assessor's Parcel No. 002-010-014, owned by Leland and Virginia Garner. The property is more fully identified on the attached legal description and map.

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of a Portion of Williamson Act Contract No. 75-2011 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 \$6,812.50
2. Unless the fee is paid, or a certificate of cancellation of a portion of the 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.

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: June 14, 2011

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 26, 1976, in Volume 2686, Page 535-543, Instrument #32834. Owner: Archer and Sandra Duncan -- approved by the Board of Supervisors on February 26, 1975.

EXHIBIT "A"
ADJUSTED SMALL PARCEL

DESCRIPTION

A portion of Section 30, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California described as follows:

COMMENCING at the North one-quarter corner of said Section 30; thence South 89° 25' 30" East on the Section line and center line of Lone Tree Road 661.01 feet to a point; thence South 1° 13' 30" East 20.00 feet to the **POINT OF BEGINNING** being the same point of beginning as described in the deed to Stanislaus County dated November 15, 1929 and recorded in Volume 364 of Official Records, Page 271, Stanislaus County Records; thence continuing as described in said deed the following: South 1° 13' 30" East 313.00 feet; thence South 89° 25' 30" East 139.00 feet; thence North 1° 13' 30" West 313.00 feet to the South line of said Lone Tree Road; thence North 89° 25' 30" West on said line 139.00 feet to the point of beginning.

CONTAINING: 43,507 square feet net, 0.999 acre net, more or less.

EXHIBIT "B"

AREA TO BE REMOVED FROM
WILLIAMSON ACT CONTRACT NO. 75-2011

N. 1/4 Cor. Sec. 30

LONE TREE ROAD

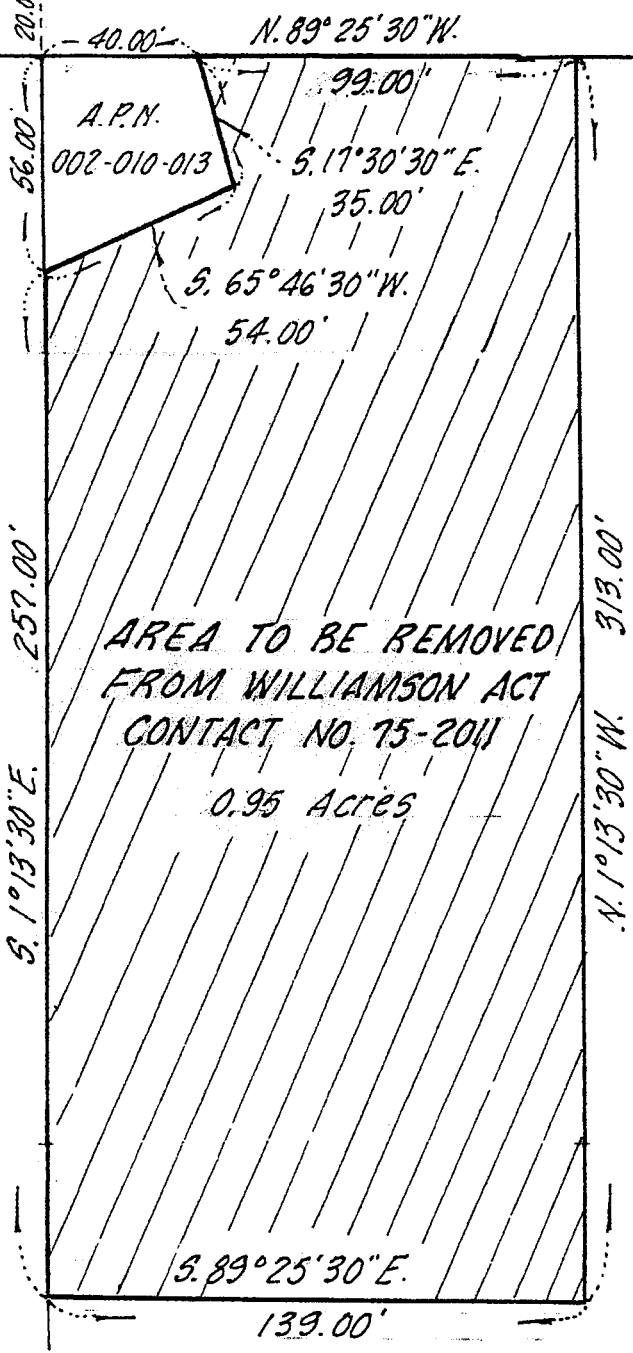
VALLEY HOME RD.

A.P.N.
002-010-013

AREA TO BE REMOVED
FROM WILLIAMSON ACT
CONTACT NO. 75-2011

0.95 Acres

A.P.N.
002-010-014



Scale: 1" = 50'