

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

DEPT: Planning and Community Development AC

BOARD AGENDA # *D-3

Urgent Routine

AGENDA DATE April 29, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to a Rescind a Portion of Williamson Act Contract No. 2004-4565 and All of Williamson Act Contract No. 1999-4413, Located at 1648 Clinton Road, South of E. Hatch Road, West of Baldwin Road, in the Hughson Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2013-0017, Duarte Properties, Inc./CA Winelands, LLC, and Authorization for the Director of Planning and Community Development to Execute a New Contract

STAFF RECOMMENDATIONS:

1. Pursuant to Government Code Section 51257, determine that the following seven findings can be made based on the written evidence submitted by the applicant:
 - a. The new contract 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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County Implementation of AB 1265.

(Continued on page 2)

FISCAL IMPACT:

All costs associated with this item are included in the Lot Line Adjustment application fee. It is anticipated that there will be no net change in property tax or other revenue.

BOARD ACTION AS FOLLOWS:

No. 2014-200

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

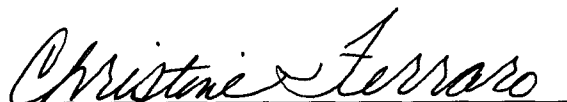
1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to a Rescind a Portion of Williamson Act Contract No. 2004-4565 and All of Williamson Act Contract No. 1999-4413, Located at 1648 Clinton Road, South of E. Hatch Road, West of Baldwin Road, in the Hughson Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2013-0017, Duarte Properties, Inc./CA Winelands, LLC, and Authorization for the Director of Planning and Community Development to Execute a New Contract

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STAFF RECOMMENDATIONS: (Continued)

- b. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 - c. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 - d. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
 - e. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
 - f. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 - g. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.
- 2. Rescind a portion of Williamson Act Contract No. 2004-4565 and all of Williamson Act Contract of No. 1999-4413, Located at 1648 Clinton Road, south of E. Hatch Road and west of Baldwin Road, in the Hughson area.
 - 3. Approve a new contract pursuant to Minor Lot Line Adjustment PLN2013-0017, Duarte Properties, Inc./CA Winelands, LLC.
 - 4. Authorize the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment PLN2013-0017.

DISCUSSION:

Lot Line Adjustment Application No. PLN2013-0017 was approved by staff pending the Board's action required by the Williamson Act. The properties are located at 1648 Clinton Road, south of E. Hatch Road and west of Baldwin Road, in the Hughson area, in the unincorporated area of Stanislaus County.

Approval to a Rescind a Portion of Williamson Act Contract No. 2004-4565 and All of Williamson Act Contract No. 1999-4413, Located at 1648 Clinton Road, South of E. Hatch Road, West of Baldwin Road, in the Hughson Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2013-0017, Duarte Properties, Inc./CA Winelands, LLC, and Authorization for the Director of Planning and Community Development to Execute a New Contract

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The lot line adjustment is requesting three parcels go from 31.67, 26.83 and 10.20 acres (68.7acres total) to two parcels, by merger, of 53.40 and 15.30 acres (68.7acres total). The reason for the lot line adjustment request is to facilitate existing and proposed site improvements allowing Duarte Nursery to expand their nursery operations for future greenhouses and nursery beds. The 31.67 acre parcel is owned by Duarte Properties, Inc. and the 26.83 and 10.20 acre properties are owned by CA Winelands, LLC.

Currently, the 31.67 and 26.83 acre parcels are enrolled in a portion of Williamson Act Contract No. 2004-4565 and all of Williamson Act Contract No. 1999-4413. After the lot line adjustment, an additional 10.20 acres will be included in a new contract which is required to reflect the adjusted boundaries of the parcels. Pursuant to Section 51257 of the Government Code, Board approval is required for the rescission and simultaneous re-entry into the Williamson Act. Seven specific findings must be made pursuant to that section in order to facilitate the adjustment. According to the Government Code "... pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of AB 1265.
- (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

Approval to a Rescind a Portion of Williamson Act Contract No. 2004-4565 and All of Williamson Act Contract No. 1999-4413, Located at 1648 Clinton Road, South of E. Hatch Road, West of Baldwin Road, in the Hughson Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2013-0017, Duarte Properties, Inc./CA Winelands, LLC, and Authorization for the Director of Planning and Community Development to Execute a New Contract

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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, will not reduce the number of acres in the existing Williamson Act contract, and will not compromise the continued agricultural use of the parcels.

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 replaces a portion of Williamson Act Contract No. 2004-4565 and all of Williamson Act Contract of No. 1999-4413 upon recording. The new contract will cover the entire 68.7 acres. As in the case with all Williamson Act contracts in Stanislaus County, the new contract will be subject to the provisions of AB 1265, pursuant to the Stanislaus County Board of Supervisors' actions on October 15, 2013.

POLICY ISSUES:

This proposal is consistent with policies of the County. The General Plan Land Use and Agricultural Elements both encourage the use of the Williamson Act to help preserve agriculture as the primary industry of the County. The Agricultural Element (adopted December 2007) 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. Thus, this action supports the Board's priority of A Strong Agricultural Economy/Heritage.

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STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Angela Freitas, Planning & Community Development Director
Telephone: (209) 525-6330

ATTACHMENTS:

1. Lot Line Adjustment Application No. PLN2013-0017
2. Lot Line Adjustment Approval Letter
3. Applicant's Statement of Findings
4. Map of Parcels Before the Proposed Lot Line Adjustment
5. Map of Parcels After the Proposed Lot Line Adjustment

(i:\planning\board of supervisors\lotlineadjustments\2014\pln 2013-0017-duarte-ca winelands\la pln2013-0017-report.doc)



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

S	B	T	N	R	10
ZONE <u>A-2-40</u>					
RECEIVED <u>2-28-2013</u>					
APPLICATION NO. <u>LLA 2010-0017</u>					
RECEIPT NO. _____					

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Duarte Properties Inc.

Name
 1648 Clinton Road, Hughson, CA 95326

Address, City, Zip

Phone

Fax Number

Parcel 2

California Winelands LLC

Name
 1748 Clinton Road, Hughson, CA 95326

Address, City, Zip

Phone

Fax Number

Parcel 3

California Winelands LLC

Name
 1748 Clinton Road, Hughson, CA 95326

Address, City, Zip

Phone

Fax Number

Parcel 4

Name

Address, City, Zip

Phone

Fax Number

2. Name and address of person(s) preparing map: Hawkins & Associates Engineering, Modesto, CA 95354

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

Parcel 1: Book 018 Page 015 No. 031

Parcel 3: Book 018 Page 015 No. 029

Parcel 2: Book 018 Page 015 No. 039

Parcel 4: Book _____ Page _____ No. _____

4. Size of all adjusted parcels:

	<u>Before</u>	<u>After</u>
Parcel 1:	<u>31.67 ac. +/-</u>	<u>53.40 ac. +/-</u>
Parcel 2:	<u>26.83 ac. +/-</u>	<u>15.30 ac. +/-</u>
Parcel 3:	<u>10.20 ac. +/-</u>	<u>0.00</u>
Parcel 4:	<u> </u>	<u> </u>

5. Why are the lot lines being changed? **BE SPECIFIC** Lot Line Adjustment between Parcels 1 & 2 and Lot Merger between Parcels 1 & 3 to facilitate existing and proposed site improvements.

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

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

7. List all structures on properties: Parcel 1: 8 greenhouses, Parcel 2: 5 concrete bench sections

8. How have these parcels been utilized in the past, if different than current use? Parcel 1: N/A, Parcel 2: walnut trees

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

Parcel 1: 2001 Parcel 2: 2010
 Parcel 3: 2010 Parcel 4: _____


10. What are the Williamson Act Contract numbers?

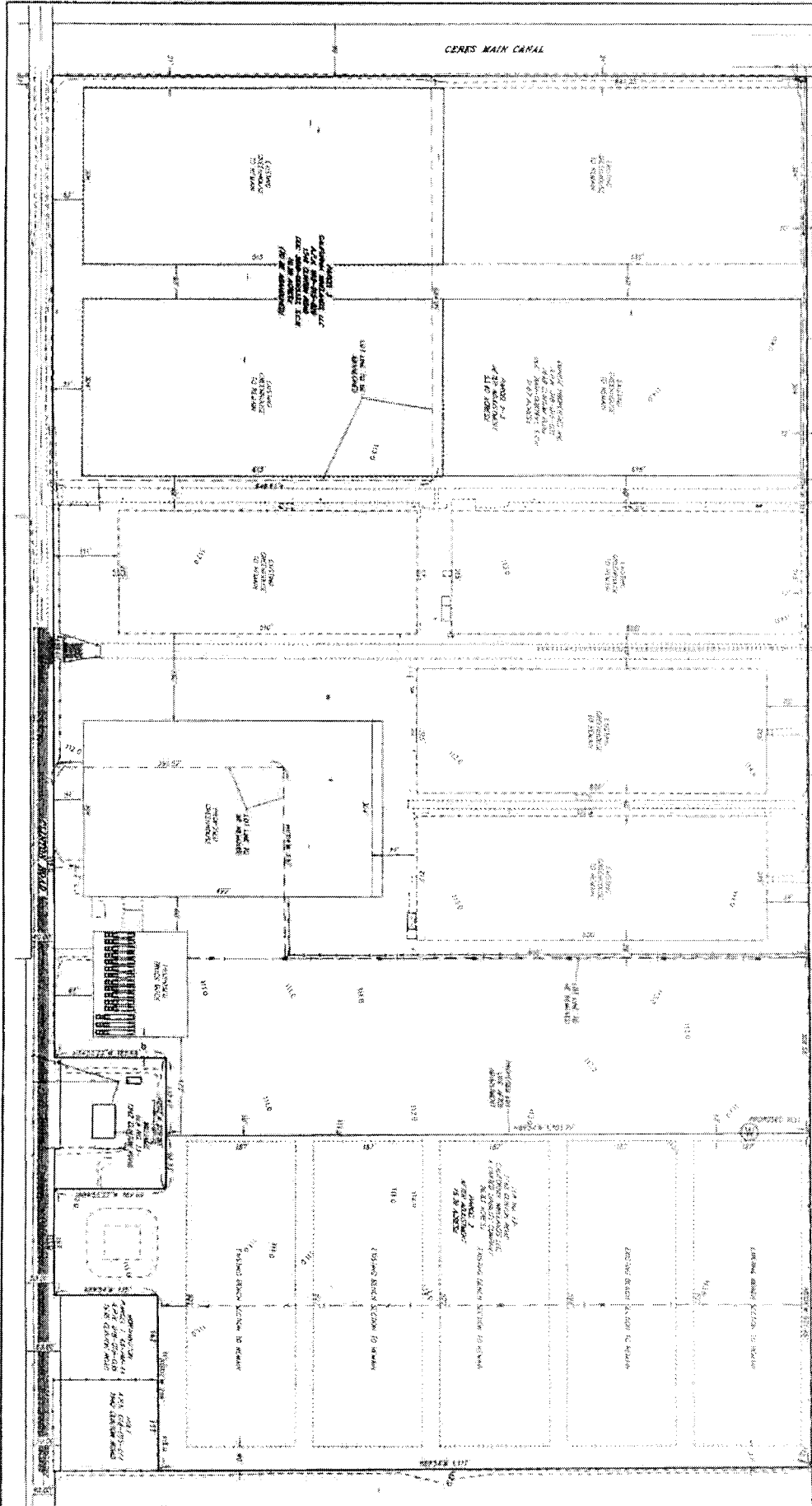
Parcel 1: 1999-4413 Parcel 2: 2004-4545
 Parcel 3: N/A Parcel 4: _____

11. Do the parcels irrigate? Yes No If yes, how? _____

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)

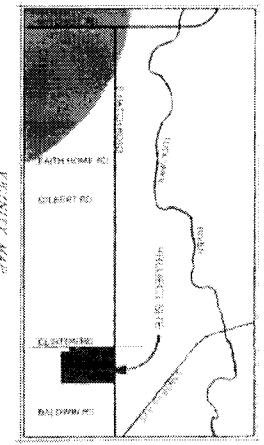
	<u>John S. Dent</u>
Owner's Signature	Owner's Name Printed
_____	_____
Owner's Signature	Owner's Name Printed
_____	_____
Owner's Signature	Owner's Name Printed
_____	_____
Owner's Signature	Owner's Name Printed



ALL INFORMATION CONTAINED HEREIN IS THE PROPERTY OF HAWKINS & ASSOCIATES ENGINEERING, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS INFORMATION WITHOUT THE WRITTEN CONSENT OF HAWKINS & ASSOCIATES ENGINEERING, INC. IS STRICTLY PROHIBITED.

LEGEND

- 1. LOT BOUNDARIES
- 2. LOT CENTER POINTS
- 3. LOT CORNER POINTS
- 4. LOT AREA
- 5. LOT PERIMETER
- 6. LOT DIMENSIONS
- 7. LOT ADJUSTMENTS
- 8. LOT ADJUSTMENT DIMENSIONS
- 9. LOT ADJUSTMENT ANGLE
- 10. LOT ADJUSTMENT BEARING
- 11. LOT ADJUSTMENT DISTANCE
- 12. LOT ADJUSTMENT POINT
- 13. LOT ADJUSTMENT LINE
- 14. LOT ADJUSTMENT CURVE
- 15. LOT ADJUSTMENT CURVE RADIUS
- 16. LOT ADJUSTMENT CURVE ANGLE
- 17. LOT ADJUSTMENT CURVE DISTANCE
- 18. LOT ADJUSTMENT CURVE POINT
- 19. LOT ADJUSTMENT CURVE LINE
- 20. LOT ADJUSTMENT CURVE CURVE



SHEET 1

HAWKINS & ASSOCIATES ENGINEERING, INC.
 436 MITCHELL ROAD
 MODOesto, CA 95354
 PH: (209) 575-4295
 FX: (209) 575-4295

LOT LINE ADJUSTMENT EXHIBIT
 A.P.N. 018-015-031 & 032
 CLINTON ROAD
 STANISLAU COUNTY, CALIFORNIA

BY	RODRICK HAWKINS	DATE	05/15/2008
CHK	CHRIS E. LINDEA	DATE	05/15/2008
APP	KRISTIN J. GENSKO	DATE	05/15/2008
REV		DATE	
DATE		DATE	
FILE	018-015-031 & 032		



May 7, 2013

Hawkins & Associates
436 Mitchell Road
Modesto, CA 95354

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. PLN2013-0017
DUARTE PROPERTIES INC/CA WINELANDS LLC**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **May 7, 2013**, and has tentatively approved your request, subject to the attached conditions.

Staff's decision and/or all conditions attached hereto may be appealed to the Planning Commission, in writing, within **ten (10) days** from the date of this notification. The appeal letter addressed to the Planning Commission, must state reasons why the appeal should be granted. If you wish to appeal this decision, a filing fee of \$628.00, payable to the Planning Department, along with a copy of the letter must be delivered to this office by **4:30 p.m.** within **ten days** of the postmark of this letter.

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

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

As stated in the Conditions of Approval a new deed reflecting this lot line adjustment will need to be recorded.

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

Sincerely,

Carole Maben
Associate Planner

Enclosure

cc: Duarte Properties Inc.

CA Winelands LLC

February 28, 2013

Department of Planning
And Community Development
Stanislaus County
1010 10th Street
Modesto, Ca 95354

RE: Lot Line Adjustment/Merger Application – Duarte Properties Inc. & California Winelands LLC- Findings

This project is a lot line adjustment between Assessors Parcel #018-015-032 (26.83 acres) owned by California Winelands, LLC and Parcel #018-015-031 (31.67 acres) owned by Duarte Properties LLC. The California Winelands & Duarte parcels are in the Williamson Act.

This project is also a Merger between Assessors Parcel #018-015-031 (31.67 acres) owned by Duarte Properties LLC and Parcel #018-015-029 (10.20 acres) owned by California Winelands, LLC. The Duarte parcel is in the Williamson Act, the California Winelands parcel is not.

Duarte Nursery would like to expand their nursery operations onto APN 018-015-032 & APN 018-015-029. The lot line adjustment/Merger will reconfigure the Duarte parcel to facilitate the layout of existing and future greenhouses and planter beds.

At the completion of this lot line adjustment/merger, Parcel 1 (Duarte) will have an adjusted area of 53.40 acres +/-, Parcel 2 (California Winelands) will have an adjusted area of 15.30 acres. Parcel 3 (California Winelands APN 018-015-029) will be merged with Parcel 1.

Findings:

(1) The California Winelands & Duarte parcels are not subject to non-renewal. The parcels will remain under contract for at least 10 years.

(2) The Duarte Parcel acreage currently under contract is 31.67 acres. After the lot line adjustment/merger, all 53.40 acres will be under contract.

The California Winelands Parcel acreage currently under contract is 26.83 acres. After the lot line adjustment, all 15.30 acres will be under contract.

(3) As stated in the above finding (2) there will be a net gain of 10.20 acres +/- enrolled in the Williamson Act.

(4) As consistent with Government Code Section 51222 the contracted parcels will be larger than 10 acres after the lot line adjustment. The parcel qualifies as prime farmland according to the Farmland Mapping and Monitoring Program Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance – Stanislaus County.

(5) The new configuration of the Duarte parcel will accommodate the construction of greenhouses and planter beds along with the associated infrastructure. This investment will necessitate that the property remain in production agriculture for the foreseeable future.

(6) The adjacent lands are all in either permanent trees or commercial nursery use. The reconfiguration of the Duarte and California Winelands parcels will not affect the adjacent uses.

(7) This lot line adjustment/merger will not result in more developable parcels. There will be a reduction from 3 parcels to 2 parcels.

In conclusion, this lot line adjustment/merger will only allow for new agricultural use of the existing agricultural parcels. This lot line adjustment will in no way negatively affect the agricultural viability of these parcels. Please feel free to contact me if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Genasci', with a stylized flourish at the end.

Kevin Genasci, PLS
Hawkins and Associates Engineering

HATCH ROAD

CERES MAIN CANAL

A.P.N. 018-015-029
PARCEL 3
CALIFORNIA WINELANDS, LLC
DOC. 2010-0065337, S.C.R.
10.20 ACRES±
(TO BE ABANDONED)

A.P.N. 018-015-031
PARCEL 1 BEFORE
DUARTE PROPERTIES INC.
DOC. 2001-0082691, S.C.R.
31.67 ACRES±

A.P.N. 018-015-039
PARCEL 2 BEFORE
LLA NO. 13-004(PARCEL 1)
CALIFORNIA WINELANDS LLC,
A LIMITED LIABILITY COMPANY
26.83 ACRES±



CLINTON ROAD



**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
436 MITCHELL ROAD
MODESTO, CA. 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295

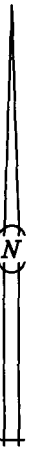
**BEFORE LOT LINE
ADJUSTMENT/MERGER EXHIBIT**
A.P.N. 018-015-029, 031, 039
CLINTON ROAD, STANISLAUS COUNTY

BY: RCS
CHK: KJG
DATE: 02/2014
SCALE: 1"=300'
JOB #: 2985
FILE: SUR/LLA

1
OF
1

HATCH ROAD

CERES MAIN CANAL



CLINTON ROAD

PARCEL 1 & 3
AFTER ADJUSTMENT
53.40 ACRES±

PARCEL 2
AFTER ADJUSTMENT
15.30 ACRES±



**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
436 MITCHELL ROAD
MODESTO, CA. 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295

**AFTER LOT LINE
ADJUSTMENT/MERGER EXHIBIT**

**A.P.N. 018-015-029, 031, 039
CLINTON ROAD, STANISLAUS COUNTY**

BY: RCS
CHK: KJG
DATE: 02/2014
SCALE: 1"=300'
JOB #: 2985
FILE: SUR/LLA

1
OF
1



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2014-0029238-00

Acct 121-Planning.
Friday, MAY 09, 2014 08:18:13
Rcpt # 0003519902

MGC/R2/1-15

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

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

Space Above This Line for Recorder's Use

CERTIFICATE OF LOT LINE ADJUSTMENT

This is to certify that, pursuant to California Government Code Section 66412 (d) and Sections 20.14 and 21.20.060E of the Stanislaus County Code, the Stanislaus County Director of Planning and Community Development on May 7, 2013, approved the lot line adjustment herein described submitted under the name of Duarte Properties Inc/CA Winelands LLC Lot Line Adjustment No. PLN2013-0017 was approved to adjust the lines between contiguous parcels whereby the boundary lines of the real property described as Exhibit "A", attached hereto and made a part hereof, will be adjusted to result in parcels described in Exhibit "B", also attached and incorporated herein. The approved lot line adjustment shall not result in the creation of a greater number of parcels than originally existed. The above described lot line adjustment shall be reflected in a deed which shall be recorded as required by Section 66412 (d) of the California Government Code.

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

ANGELA FREITAS, DIRECTOR

By: Carol Maben
Carol Maben, Associate Planner
Stanislaus County Department of Planning
and Community Development

April 30, 2014
Date

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California)

County of Stanislaus)

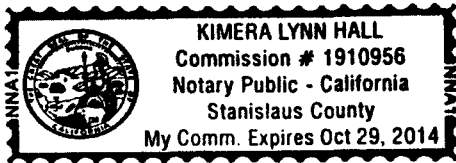
4/30/2014

On August 21, 2013 before me, Kimera Lynn Hall, Notary Public, personally appeared

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

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

WITNESS my hand and official seal.



Kimera Lynn Hall
Signature of Notary

OPTIONAL

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

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document:

Date of Document:

Number of Pages in words:

Signer(s) Other Than Named Above:

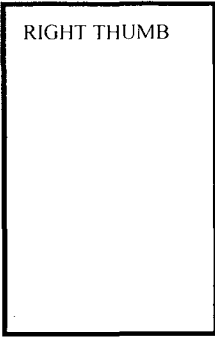
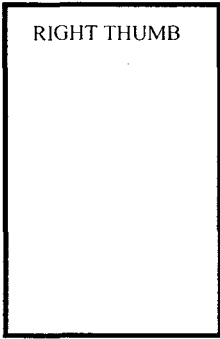
CAPACITY(IES) CLAIMED BY SIGNER(S)

Signer's Name:

Signer's Name:

- () Individual(s)
() Corporate Officer
Title(s):
() Partner(s) - () Limited () General
() Attorney-In-Fact
() Trustee(s)
() Guardian/Conservator
() Other:

- () Individual(s)
() Corporate Officer
Title(s):
() Partner(s) - () Limited () General
() Attorney-In-Fact
() Trustee(s)
() Guardian/Conservator
() Other:



SIGNER IS REPRESENTING:

SIGNER IS REPRESENTING:

CONDITIONS FOR LOT LINE ADJUSTMENT NO. PLN2013-0017

DUARTE PROPERTIES INC/CA WINELANDS LLC

PLANNING DEPARTMENT

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

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

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

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

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

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

(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.

CONDITIONS FOR LOT LINE ADJUSTMENT NO. PLN2013-0017

DUARTE PROPERTIES INC/CA WINELANDS LLC

Page 2

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

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

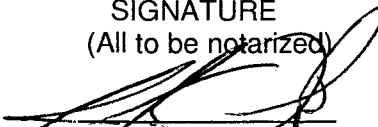
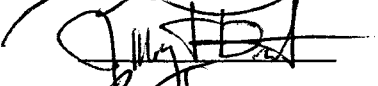
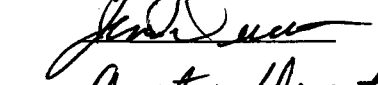
You must provide written evidence to support the seven findings listed above.

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

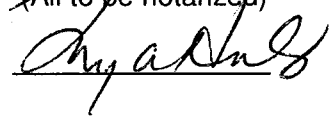
.....

LOT LINE NO. PLN2013-0017

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>John S. Duarte</u>		<u>12/2/13</u>	<u>Hughson</u>
<u>Jeffrey T. Duarte</u>		<u>12/11/13</u>	<u>Hughson</u>
<u>JIM DUARTE</u>		<u>12/11/13</u>	<u>HUGHSON</u>
<u>Anita Duarte</u>	<u>Anita Duarte</u>	<u>12-11-13</u>	<u>HUGHSON</u>
_____	_____	_____	_____

SECURITY HOLDERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Travis A. Holmes</u> <u>Director, Bank</u> <u>of the West</u>		<u>12/12/13</u>	<u>MOOREHEAD</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

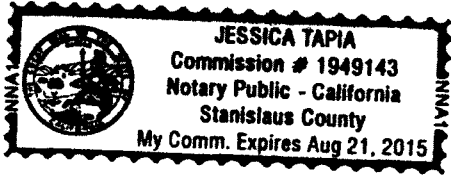
State of California

County of Stanislaus }

On 12/2/13 before me, Jessica Tapia-Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared John S. Duarte
Name(s) of Signer(s)

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



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

WITNESS my hand and official seal.

Signature: Jessica Tapia
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Certificate of Lot Line Adjustment

Document Date: May 7 2013 Number of Pages: _____

Signer(s) Other Than Named Above: Jeffrey, James & Anita Duarte

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

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

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: Self

Signer's Name: _____

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

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of Stanislaus }

On 12/11/13 before me, Jessica Tapia-Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Jeffrey T. Duarte, Jim Duarte
Name(s) of Signer(s)
+ Anita Duarte

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



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

WITNESS my hand and official seal.

Signature: Jessica Tapia
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Certificate of Lot Line Adjustment

Document Date: 5/17/13 Number of Pages: 1 including this

Signer(s) Other Than Named Above: John S. Duarte

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

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

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: Selfs

Signer's Name: _____

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

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of Stanislaus

On 12/12/13 before me, William Allard Palmer, Notary Public
Date Here Insert Name and Title of the Officer

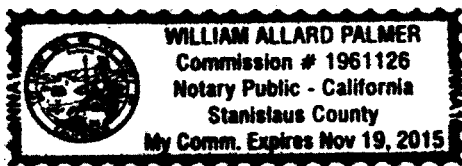
personally appeared Tracy A. Holmes
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

Signature: William Allard Palmer
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

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Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

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

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

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

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

EXHIBIT A

PARCEL 1 (APN 018-015-031)

LEGAL DESCRIPTION BEFORE LOT LINE ADJUSTMENT/MERGER

That portion of Lots 1, 2, & 6 of Clinton Colony, as per Map thereof filed October 16, 1906 in Volume 2 of Maps, Page 33, Stanislaus County Records, described as follows:

BEGINNING at the Northeast corner of said Lot 1; thence Southerly, along the East line of said Lot 1, a distance of 1,184.00 feet, more or less, to the Northeast corner of said Lot 6; thence Southerly, along the East line of said Lot 6, a distance of 330.00 feet, more or less, to the center of an irrigation pipeline; thence Westerly, along the centerline of said irrigation pipeline a distance of 900.00 feet; thence North 0°04' West a distance of 330 feet, more or less, to the South line of said Lot 2; thence Westerly, along the South line of said Lot 2, a distance of 391.52 feet, more or less, to the Southwest corner of said Lot 2; thence Northerly, along the West line of said Lot 2, a distance of 498.07 feet, more or less, to the North line of the South 7.5 acres of said Lot 2; thence Easterly, along the North line of said South 7.5 acres, 648.65 feet, more or less, to a point on the centerline of an existing irrigation line which lies 641.35 feet, more or less, Westerly of the East line of said Lot 1 and 14.00 feet, more or less, Easterly of the West line of said Lot 1; thence Northerly, along the centerline of said existing irrigation line, 685.05 feet, more or less to the North line of said Lot 1; thence Easterly, along said North line, 641.35 feet, more or less, to the point of beginning.

EXHIBIT A

**PARCEL 2
(APN 018-015-032)**

**LEGAL DESCRIPTION
BEFORE LOT LINE ADJUSTMENT/MERGER**

Parcel 1 of Lot Line Adjustment No. 13-004, recorded as Document No. 2013-0025915, Stanislaus County Records, more particularly described as follows:

All of Lot 6 of Clinton Colony, as per map filed October 16, 1906 in Volume 2 of Maps, Page 33, Stanislaus County Records.

All of Lot 7 of Clinton Colony, as per map filed October 16, 1906 in Volume 2 of Maps, Page 33, Stanislaus County Records.

EXCEPTING THEREFROM the South 112 feet of said Lot 7.

ALSO EXCEPTING THEREFROM the North 153 feet of the South 265 feet of the West 195 feet of said Lot 7, also being described as Parcel B on that certain Parcel Map, recorded in Book 6 of Parcel Maps, at Page 49, Stanislaus County Records.

ALSO EXCEPTING THEREFROM the following described Parcel of Land:

Parcel 2 as shown and designated on that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, California, on August 26, 1997, In Volume 48 of Parcel Maps, at Page 44, being a portion of Lot 6 of Clinton Colony, except the east 82.76 feet of said Parcel 2.

ALSO EXCEPTING THEREFROM the following described Parcel of Land:

A portion of Lot 6 of Clinton Colony, as per Map filed October 16, 1906, In Volume 2 Page 33, Stanislaus County Records, which is a portion of the West Half of Section 8, Township 4 South, Range 10 East, Mount Diablo Base and Meridian, and more particularly described as follows:

Beginning at the Northeast corner of said Lot 6; thence South 0°04' East along the east line of said Lot 6 a distance of 330 feet more or less to the center of an Irrigation pipeline; thence westerly along the centerline of said irrigation pipeline a distance of 900 feet; thence North 0°04' West a distance of 330 feet more or less to the north line of said Lot 6; thence easterly along said north line of Lot 6 a distance of 900 feet to the said Northeast corner of Lot 6 and the true point of beginning. This portion of Lot 6 contains 6.82 acres more or less.

ALSO EXCEPTING THEREFROM the following described parcel of land:

EXHIBIT A

**PARCEL 3
(APN 018-015-029)**

**LEGAL DESCRIPTION
BEFORE LOT LINE ADJUSTMENT/MERGER**

Lots 1 and 2, of Clinton Colony, as per Map thereof filed October 16, 1906, in Volume 2, of Maps, Page 33, Stanislaus County Records.

EXCEPTING THEREFROM the south 7.5 acres of Lot 1 and the south 7.5 acres of Lot 2, of Clinton Colony, as per Map thereof filed October 16, 1906, in Volume 2, of Maps, Page 33, Stanislaus County Records.

ALSO EXCEPTING THEREFROM the east 641.35 feet more or less of said Lot 1 which extends from the east line of Lot 1 westerly to the centerline of an existing irrigation line.

**EXHIBIT B
PARCEL 1 & 3
(APN 018-015-029 & 31)**

**LEGAL DESCRIPTION
AFTER LOT LINE ADJUSTMENT/MERGER**

Lots 1, 2, and 6 of Clinton Colony, as per Map filed October 16, 1906 in Volume 2 of Maps, Page 33, Stanislaus County Records.

EXCEPTING THEREFROM the south 22.53 feet of Lot 6 of above said Clinton Colony.

ALSO EXCEPTING THEREFROM Parcel 2 of Lot Line adjustment No. 13-004, recorded as Document No. 2013-0025915, Stanislaus County Records, more particularly described as follows:

Parcel 2 as shown on that certain Map filed for record in the office of the Stanislaus County Recorder on August 26, 1997 in Volume 48 of Parcel Maps, page 44, and lying in the West half of Section 8, Township 4 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

EXCEPTING THEREFROM the easterly 82.76 feet of above said Parcel 2

TOGETHER WITH a portion of Lot 7 of Clinton Colony, as per Map filed October 16, 1906 in Volume 2 of Maps Page 33, Stanislaus County Records, more particularly described as follows:

BEGINNING at the southwest corner of above said Parcel 2; thence South 89°55'22" East along the south line of above said Parcel 2, a distance of 179.69 feet; thence South 00°02' East, a distance of 69.80 feet; thence South 89°55'22" East, a distance of 189.69 feet to a point on the easterly right-of-way of Clinton Road; thence North 00°02' West along said right-of-way, a distance of 69.80 feet; thence South 89°55'22" East, a distance of 10.00 feet to the **POINT OF BEGINNING**.

Containing 53.40 acres, more or less.

Subject to all easements and rights of way of record.

This description was prepared by me or under my direction in accordance with the Subdivision Map Act.

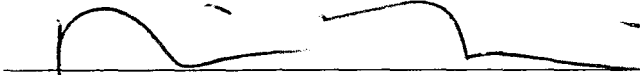

Kevin Genasci, PLS 8660
May 30, 2013



EXHIBIT B

**PARCEL 2
(APN 018-015-032)**

**LEGAL DESCRIPTION
AFTER LOT LINE ADJUSTMENT/MERGER**

Parcel 1 of Lot Line Adjustment No. 13-004, recorded as Document No. 2013-0025915, Stanislaus County Records, more particularly described as follows:

All of Lot 6 of Clinton Colony, as per map filed October 16, 1906 in Volume 2 of Maps, Page 33, Stanislaus County Records.

All of Lot 7 of Clinton Colony, as per map filed October 16, 1906 in Volume 2 of Maps, Page 33, Stanislaus County Records.

EXCEPTING THEREFROM the South 112 feet of said Lot 7.

ALSO EXCEPTING THEREFROM the North 153 feet of the South 265 feet of the West 195 feet of said Lot 7, also being described as Parcel B on that certain Parcel Map, recorded in Book 6 of Parcel Maps, at Page 49, Stanislaus County Records.

ALSO EXCEPTING THEREFROM the following described Parcel of Land:

Parcel 2 as shown and designated on that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, California, on August 26, 1997, In Volume 48 of Parcel Maps, at Page 44, being a portion of Lot 6 of Clinton Colony, except the east 82.76 feet of said Parcel 2.

ALSO EXCEPTING THEREFROM the following described Parcel of Land:

A portion of Lot 6 of Clinton Colony, as per Map filed October 16, 1906, In Volume 2 Page 33, Stanislaus County Records, which is a portion of the West Half of Section 8, Township 4 South, Range 10 East, Mount Diablo Base and Meridian, and more particularly described as follows:

Beginning at the Northeast corner of said Lot 6; thence South 0°04' East along the east line of said Lot 6 a distance of 330 feet more or less to the center of an Irrigation pipeline; thence westerly along the centerline of said irrigation pipeline a distance of 900 feet; thence North 0°04' West a distance of 330 feet more or less to the north line of said Lot 6; thence easterly along said north line of Lot 6 a distance of 900 feet to the said Northeast corner of Lot 6 and the true point of beginning. This portion of Lot 6 contains 6.82 acres more or less.

ALSO EXCEPTING THEREFROM the following described parcel of land:

Parcel 1 as shown and designated on that certain Parcel Map, filed in the Office of the Recorder of Stanislaus County, California, on August 26, 1997, In Volume 48 of Parcel Maps, at Page 44.

ALSO EXCEPTING THEREFROM a portion of the above said Lot 7, more particularly described as follows:

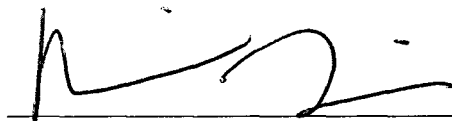
BEGINNING at the southwest corner of above said Parcel 2; thence South 89°55'22" East along the south line of above said Parcel 2, a distance of 179.69 feet; thence South 00°02' East, a distance of 69.80 feet; thence South 89°55'22" East, a distance of 189.69 feet to a point on the easterly right-of-way of Clinton Road; thence North 00°02' West along said right-of-way, a distance of 69.80 feet; thence South 89°55'22" East, a distance of 10.00 feet to the **POINT OF BEGINNING**.

EXCEPTING THEREFROM that portion lying north of a line lying 22.53 feet north of the south line of Lot 6 of Clinton Colony, as per Map filed October 16, 1906, in Volume 2, of Maps, Page 33, Stanislaus County Records.

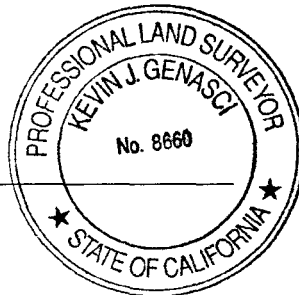
Containing 15.30 acres, more or less.

Subject to all easements and rights of way of record.

This description was prepared by me or under my direction in accordance with the Subdivision Map Act.



Kevin Genasci, PLS 8660



May 30, 2013

CERES MAIN CANAL

PARCEL 3
CALIFORNIA WINELANDS, LLC
DOC. 2010-0065337, S.C.R.
10.20 ACRES±
(TO BE ABANDONED)

LOT LINE TO BE ABANDONED

PARCEL 1 BEFORE
DUARTE PROPERTIES INC.
DOC. 2001-0082691, S.C.R.
31.67 ACRES±

PARCEL 1 & 3
AFTER ADJUSTMENT
53.40 ACRES±

CALIFORNIA
WINELANDS, LLC

CLINTON ROAD

N0°02'W 498.07'

N0°02'W 500.59'

N89°55'22"W
189.69'

WILLIAMS
PARCEL
2
LLA NO.
13-004
N0°02'W 229.80'
137.47'
92.93'

N89°55'22"W 189.69'

183'
N89°54'W 175'

WORTHINGTON
PARCEL 1
48-PM-44
HOLT
PARCEL B
6-PM-49
N0°02'W 296'

LOT LINE TO BE REMOVED

391.52'

330'

900'

PROPOSED LOT LINE AFTER ADJUSTMENT

N89°54'W 1,103.79'

PARCEL 2 BEFORE
LLA NO. 13-004 (PARCEL 1)
CALIFORNIA WINELANDS LLC,
A LIMITED LIABILITY COMPANY
26.83 ACRES±

SOUTH LINE
LOT 6, 2-M-33

PARCEL 2
AFTER ADJUSTMENT
15.30 ACRES±

N89°54'W 1,117'

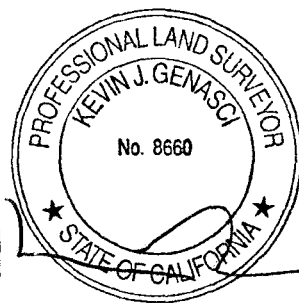
HENDLEY

N0°04'W 1514'

308.55'

N0°04'W 880'

571.45'



5.30.13

CALIFORNIA
WINELANDS, LLC



**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
436 MITCHELL ROAD
MODESTO, CA. 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295

LOT LINE ADJUSTMENT/MERGER

**A.P.N. 018-015-029, 031, 032
CLINTON ROAD, STANISLAUS COUNTY**

BY: RCS
CHK: KJG
DATE: 03/2013
SCALE: 1"=300'
JOB #: 2985
FILE: DWG/LLA

1
OF
1

RECORDING REQUESTED BY
STANISLAUS COUNTY BOARD OF
SUPERVISORS

WHEN RECORDED RETURN TO
STANISLAUS COUNTY DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
1010 10TH STREET, SUITE 3400
MODESTO, CA 95354

**NOTICE OF RESCISSION AND
SIMULTANEOUS RE-ENTRY INTO
CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2014-17**



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2014-0029239-00

Acct 121-Planning.
Friday, MAY 09, 2014 08:18:30
Rcpt # 0003519905

MGC/R2/2-18

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into April 29, 2014, by and between the County of Stanislaus, a political subdivision of the State of California, hereinafter referred to as "County" and the undersigned landowners or the successors thereof, hereinafter referred to as "Owner" as follows:

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

(15) Owner and holders of security interests designate the following persons as the Agent for Notice to receive any and all notices and communications from County during the life of the Contract. Owner will notify County in writing of any change of designated persons or change of address for him.

DESIGNATED AGENT: Duarte Nursery
1551 Baldwin Road
Hughson, CA 95326

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

ASSESSORS PARCEL NUMBER	ACREAGE	SITUS ADDRESS (If none, please provide Legal Description)
018-015-031	53.4	1648 Clinton Road, Hughson
018-015-039	15.3	Doc. No. 2013-0030311, S.C.R

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2014-200, relating to Lot Line Adjustment No. PLN2013-0017 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 04-4565 & 99-4413 which encumbered the parcel described in Exhibit A are rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

18 MK

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

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

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

OWNER(S) NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
<i>John S. Duarte</i>	<i>[Signature]</i>	12/7/13	Hughson
Jeffrey T. Duarte	<i>[Signature]</i>	12/11/13	Hughson
JIM DUARTE	<i>[Signature]</i>	12/11/13	HUGHSON
Anita Duarte	<i>Anita Duarte</i>	12-11-13	HUGHSON

SECURITY HOLDERS:

NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
Tracey A. Hollars Director, Bank of the West	<i>[Signature]</i>	12/12/13	MADRAS

EXHIBITS:

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

COUNTY: Stanislaus County

5-6-2014
 Dated

[Signature]
 Chairman, Board of Supervisors
 Angela Freitas for Jim DeMartini

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of Stanislaus }

On 12/2/13 before me, Jessica Tapia-Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared John S. Duarte
Name(s) of Signer(s)

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



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

WITNESS my hand and official seal.

Signature: Jessica Tapia
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Notice of Rescission + CA Land Conservation

Document Date: 12/2/13 Number of Pages: 19 including contract

Signer(s) Other Than Named Above: Jeffrey, James, Anita + his

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____

Individual Partner — Limited General Individual Partner — Limited General

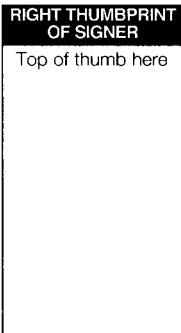
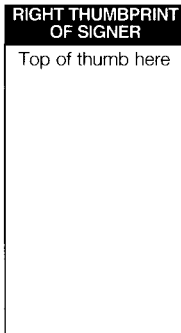
Attorney in Fact Attorney in Fact

Trustee Trustee

Guardian or Conservator Guardian or Conservator

Other: _____ Other: _____

Signer Is Representing: self Signer Is Representing: _____



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of Stanislaus

On 12/11/13 before me, Jessica Tapia Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Jeffrey T Duarte, Jim Duarte
Name(s) of Signer(s)
+ Anita Duarte

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



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

WITNESS my hand and official seal.

Signature: Jessica Tapia
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Notice of Recession + CA Land Conservation Contract

Document Date: 12/2/13 Number of Pages: 19 including this

Signer(s) Other Than Named Above: John S. Duarte

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____

Individual Partner — Limited General Attorney in Fact Trustee Guardian or Conservator Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: Self

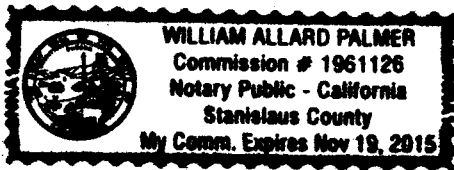
Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California }
 County of Stanislaus }
 On 12/12/13 before me, William Allard Palmer, Notary Public,
Date Here Insert Name and Title of the Officer
 personally appeared Tracy A. Holmes
Name(s) of Signer(s)

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



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

WITNESS my hand and official seal.

Signature: William Allard Palmer
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

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

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

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

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

EXHIBIT A

**PARCEL 1
(APN 018-015-031)**

**LEGAL DESCRIPTION
BEFORE LOT LINE ADJUSTMENT/MERGER**

That portion of Lots 1, 2, & 6 of Clinton Colony, as per Map thereof filed October 16, 1906 in Volume 2 of Maps, Page 33, Stanislaus County Records, described as follows:

BEGINNING at the Northeast corner of said Lot 1; thence Southerly, along the East line of said Lot 1, a distance of 1,184.00 feet, more or less, to the Northeast corner of said Lot 6; thence Southerly, along the East line of said Lot 6, a distance of 330.00 feet, more or less, to the center of an irrigation pipeline; thence Westerly, along the centerline of said irrigation pipeline a distance of 900.00 feet; thence North 0°04' West a distance of 330 feet, more or less, to the South line of said Lot 2; thence Westerly, along the South line of said Lot 2, a distance of 391.52 feet, more or less, to the Southwest corner of said Lot 2; thence Northerly, along the West line of said Lot 2, a distance of 498.07 feet, more or less, to the North line of the South 7.5 acres of said Lot 2; thence Easterly, along the North line of said South 7.5 acres, 648.65 feet, more or less, to a point on the centerline of an existing irrigation line which lies 641.35 feet, more or less, Westerly of the East line of said Lot 1 and 14.00 feet, more or less, Easterly of the West line of said Lot 1; thence Northerly, along the centerline of said existing irrigation line, 685.05 feet, more or less to the North line of said Lot 1; thence Easterly, along said North line, 641.35 feet, more or less, to the point of beginning.



Kevin Genasci, PLS 8660
May 30, 2013

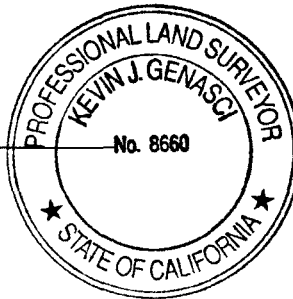


EXHIBIT A

PARCEL 2 (APN 018-015-032)

LEGAL DESCRIPTION BEFORE LOT LINE ADJUSTMENT/MERGER

Parcel 1 of Lot Line Adjustment No. 13-004, recorded as Document No. 2013-0025915, Stanislaus County Records, more particularly described as follows:

All of Lot 6 of Clinton Colony, as per map filed October 16, 1906 in Volume 2 of Maps, Page 33, Stanislaus County Records.

All of Lot 7 of Clinton Colony, as per map filed October 16, 1906 in Volume 2 of Maps, Page 33, Stanislaus County Records.

EXCEPTING THEREFROM the South 112 feet of said Lot 7.

ALSO EXCEPTING THEREFROM the North 153 feet of the South 265 feet of the West 195 feet of said Lot 7, also being described as Parcel B on that certain Parcel Map, recorded in Book 6 of Parcel Maps, at Page 49, Stanislaus County Records.

ALSO EXCEPTING THEREFROM the following described Parcel of Land:

Parcel 2 as shown and designated on that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, California, on August 26, 1997, In Volume 48 of Parcel Maps, at Page 44, being a portion of Lot 6 of Clinton Colony, except the east 82.76 feet of said Parcel 2.

ALSO EXCEPTING THEREFROM the following described Parcel of Land:

A portion of Lot 6 of Clinton Colony, as per Map filed October 16, 1906, In Volume 2 Page 33, Stanislaus County Records, which is a portion of the West Half of Section 8, Township 4 South, Range 10 East, Mount Diablo Base and Meridian, and more particularly described as follows:

Beginning at the Northeast corner of said Lot 6; thence South 0°04' East along the east line of said Lot 6 a distance of 330 feet more or less to the center of an Irrigation pipeline; thence westerly along the centerline of said irrigation pipeline a distance of 900 feet; thence North 0°04' West a distance of 330 feet more or less to the north line of said Lot 6; thence easterly along said north line of Lot 6 a distance of 900 feet to the said Northeast corner of Lot 6 and the true point of beginning. This portion of Lot 6 contains 6.82 acres more or less.

ALSO EXCEPTING THEREFROM the following described parcel of land:

Parcel 1 as shown and designated on that certain Parcel Map, filed in the Office of the Recorder of Stanislaus County, California, on August 26, 1997, In Volume 48 of Parcel Maps, at Page 44.

ALSO EXCEPTING THEREFROM a portion of the above said Lot 7, more particularly described as follows:

BEGINNING at the southwest corner of above said Parcel 2; thence South 89°55'22" East along the south line of above said Parcel 2, a distance of 179.69 feet; thence South 00°02' East, a distance of 69.80 feet; thence South 89°55'22" East, a distance of 189.69 feet to a point on the easterly right-of-way of Clinton Road; thence North 00°02' West along said right-of-way, a distance of 69.80 feet; thence South 89°55'22" East, a distance of 10.00 feet to the **POINT OF BEGINNING**.

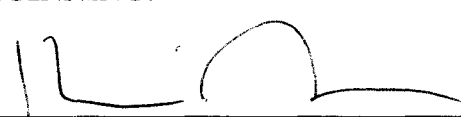

Kevin Genasci, PLS 8660
May 30, 2013



EXHIBIT A

**PARCEL 3
(APN 018-015-029)**

**LEGAL DESCRIPTION
BEFORE LOT LINE ADJUSTMENT/MERGER**

Lots 1 and 2, of Clinton Colony, as per Map thereof filed October 16, 1906, in Volume 2, of Maps, Page 33, Stanislaus County Records.

EXCEPTING THEREFROM the south 7.5 acres of Lot 1 and the south 7.5 acres of Lot 2, of Clinton Colony, as per Map thereof filed October 16, 1906, in Volume 2, of Maps, Page 33, Stanislaus County Records.

ALSO EXCEPTING THEREFROM the east 641.35 feet more or less of said Lot 1 which extends from the east line of Lot 1 westerly to the centerline of an existing irrigation line.



Kevin Genasci, PLS 8660
May 30, 2013



**EXHIBIT B
PARCEL 1 & 3
(APN 018-015-029 & 31)**

**LEGAL DESCRIPTION
AFTER LOT LINE ADJUSTMENT/MERGER**

Lots 1, 2, and 6 of Clinton Colony, as per Map filed October 16, 1906 in Volume 2 of Maps, Page 33, Stanislaus County Records.

EXCEPTING THEREFROM the south 22.53 feet of Lot 6 of above said Clinton Colony.

ALSO EXCEPTING THEREFROM Parcel 2 of Lot Line adjustment No. 13-004, recorded as Document No. 2013-0025915, Stanislaus County Records, more particularly described as follows:

Parcel 2 as shown on that certain Map filed for record in the office of the Stanislaus County Recorder on August 26, 1997 in Volume 48 of Parcel Maps, page 44, and lying in the West half of Section 8, Township 4 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

EXCEPTING THEREFROM the easterly 82.76 feet of above said Parcel 2

TOGETHER WITH a portion of Lot 7 of Clinton Colony, as per Map filed October 16, 1906 in Volume 2 of Maps Page 33, Stanislaus County Records, more particularly described as follows:

BEGINNING at the southwest corner of above said Parcel 2; thence South 89°55'22" East along the south line of above said Parcel 2, a distance of 179.69 feet; thence South 00°02' East, a distance of 69.80 feet; thence South 89°55'22" East, a distance of 189.69 feet to a point on the easterly right-of-way of Clinton Road; thence North 00°02' West along said right-of-way, a distance of 69.80 feet; thence South 89°55'22" East, a distance of 10.00 feet to the **POINT OF BEGINNING**.

Containing 53.40 acres, more or less.

Subject to all easements and rights of way of record.

This description was prepared by me or under my direction in accordance with the Subdivision Map Act.

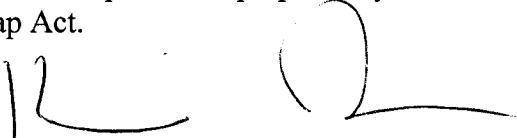

Kevin Genasci, PLS 8660
May 30, 2013



EXHIBIT B

**PARCEL 2
(APN 018-015-032)**

**LEGAL DESCRIPTION
AFTER LOT LINE ADJUSTMENT/MERGER**

Parcel 1 of Lot Line Adjustment No. 13-004, recorded as Document No. 2013-0025915, Stanislaus County Records, more particularly described as follows:

All of Lot 6 of Clinton Colony, as per map filed October 16, 1906 in Volume 2 of Maps, Page 33, Stanislaus County Records.

All of Lot 7 of Clinton Colony, as per map filed October 16, 1906 in Volume 2 of Maps, Page 33, Stanislaus County Records.

EXCEPTING THEREFROM the South 112 feet of said Lot 7.

ALSO EXCEPTING THEREFROM the North 153 feet of the South 265 feet of the West 195 feet of said Lot 7, also being described as Parcel B on that certain Parcel Map, recorded in Book 6 of Parcel Maps, at Page 49, Stanislaus County Records.

ALSO EXCEPTING THEREFROM the following described Parcel of Land:

Parcel 2 as shown and designated on that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, California, on August 26, 1997, In Volume 48 of Parcel Maps, at Page 44, being a portion of Lot 6 of Clinton Colony, except the east 82.76 feet of said Parcel 2.

ALSO EXCEPTING THEREFROM the following described Parcel of Land:

A portion of Lot 6 of Clinton Colony, as per Map filed October 16, 1906, In Volume 2 Page 33, Stanislaus County Records, which is a portion of the West Half of Section 8, Township 4 South, Range 10 East, Mount Diablo Base and Meridian, and more particularly described as follows:

Beginning at the Northeast corner of said Lot 6; thence South 0°04' East along the east line of said Lot 6 a distance of 330 feet more or less to the center of an Irrigation pipeline; thence westerly along the centerline of said irrigation pipeline a distance of 900 feet; thence North 0°04' West a distance of 330 feet more or less to the north line of said Lot 6; thence easterly along said north line of Lot 6 a distance of 900 feet to the said Northeast corner of Lot 6 and the true point of beginning. This portion of Lot 6 contains 6.82 acres more or less.

ALSO EXCEPTING THEREFROM the following described parcel of land:

Parcel 1 as shown and designated on that certain Parcel Map, filed in the Office of the Recorder of Stanislaus County, California, on August 26, 1997, In Volume 48 of Parcel Maps, at Page 44.

ALSO EXCEPTING THEREFROM a portion of the above said Lot 7, more particularly described as follows:

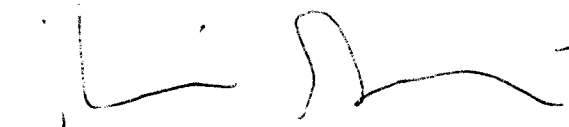
BEGINNING at the southwest corner of above said Parcel 2; thence South 89°55'22" East along the south line of above said Parcel 2, a distance of 179.69 feet; thence South 00°02' East, a distance of 69.80 feet; thence South 89°55'22" East, a distance of 189.69 feet to a point on the easterly right-of-way of Clinton Road; thence North 00°02' West along said right-of-way, a distance of 69.80 feet; thence South 89°55'22" East, a distance of 10.00 feet to the **POINT OF BEGINNING**.

EXCEPTING THEREFROM that portion lying north of a line lying 22.53 feet north of the south line of Lot 6 of Clinton Colony, as per Map filed October 16, 1906, in Volume 2, of Maps, Page 33, Stanislaus County Records.

Containing 15.30 acres, more or less.

Subject to all easements and rights of way of record.

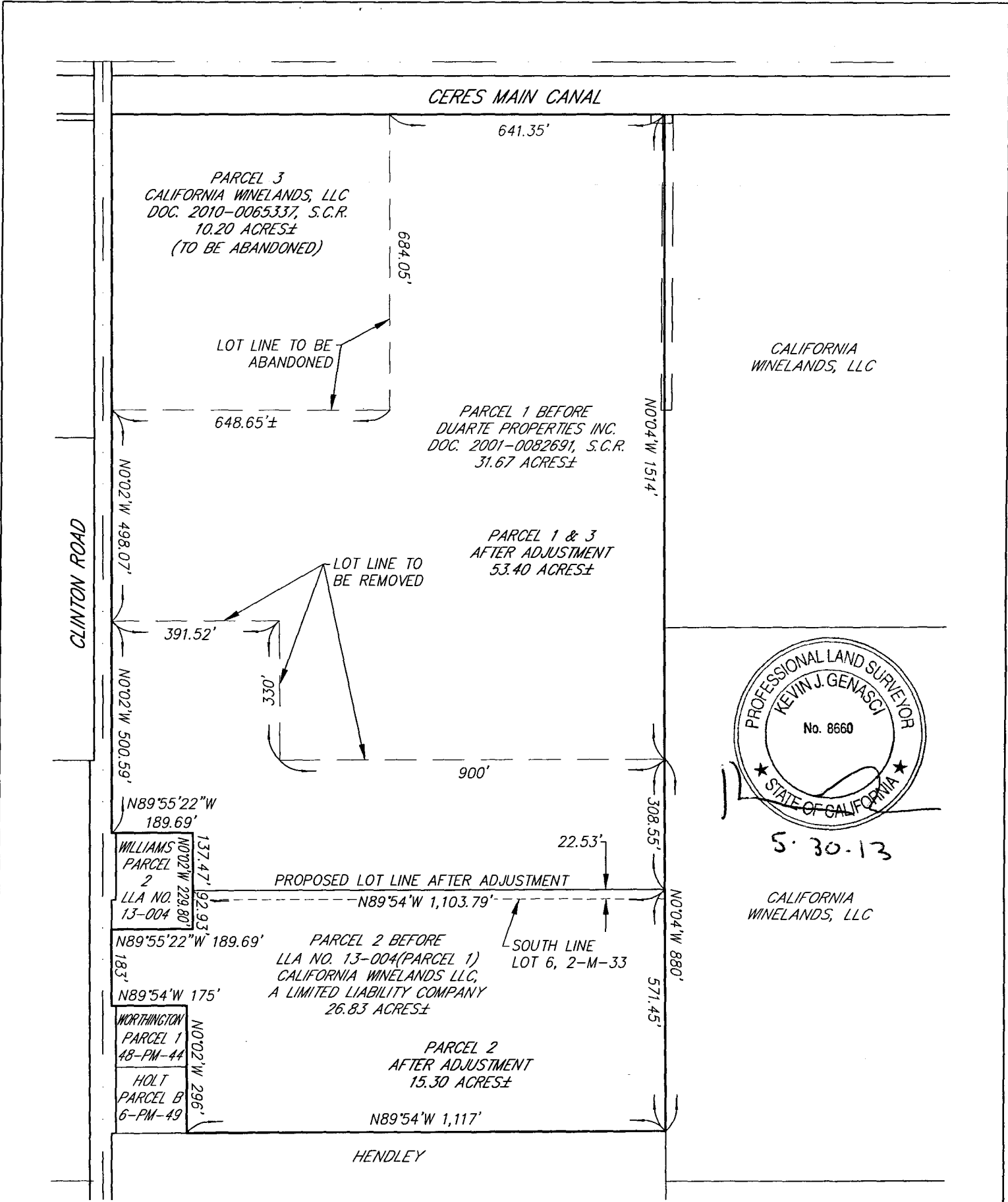
This description was prepared by me or under my direction in accordance with the Subdivision Map Act.



Kevin Genasci, PLS 8660

May 30, 2013





5.30.13

CALIFORNIA WINELANDS, LLC



HAWKINS & ASSOCIATES ENGINEERING, INC.
 436 MITCHELL ROAD
 MODESTO, CA. 95354
 PH: (209) 575 - 4295
 FX: (209) 578 - 4295

LOT LINE ADJUSTMENT/MERGER

A.P.N. 018-015-029, 031, 032
CLINTON ROAD, STANISLAUS COUNTY

BY: RCS
 CHK: KJG
 DATE: 03/2013
 SCALE: 1"=300'
 JOB #: 2985
 FILE: DWG/LLA

1 OF 1

EXHIBIT C

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

DEPT: Planning and Community Development *AC*

BOARD AGENDA # *D-3

Urgent

Routine

AGENDA DATE April 29, 2014

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to a Rescind a Portion of Williamson Act Contract No. 2004-4565 and All of Williamson Act Contract No. 1999-4413, Located at 1648 Clinton Road, South of E. Hatch Road, West of Baldwin Road, in the Hughson Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2013-0017, Duarte Properties, Inc./CA Winelands, LLC, and Authorization for the Director of Planning and Community Development to Execute a New Contract

STAFF RECOMMENDATIONS:

1. Pursuant to Government Code Section 51257, determine that the following seven findings can be made based on the written evidence submitted by the applicant:
 - a. The new contract 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 except as authorized under the County Implementation of AB 1265.

(Continued on page 2)

FISCAL IMPACT:

All costs associated with this item are included in the Lot Line Adjustment application fee. It is anticipated that there will be no net change in property tax or other revenue.

BOARD ACTION AS FOLLOWS:

No. 2014-200

On motion of Supervisor Chiesa, Seconded by Supervisor Monteith

and approved by the following vote,

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

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:

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

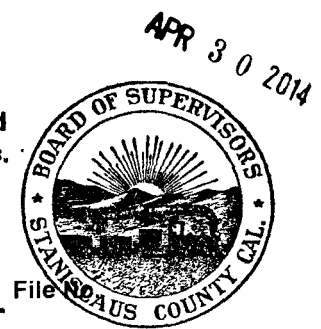
CHRISTINE FERRARO TALLMAN

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

ATTEST:

Christine Ferraro Tallman
CHRISTINE FERRARO TALLMAN, Clerk

By Patricia Young



Approval to a Rescind a Portion of Williamson Act Contract No. 2004-4565 and All of Williamson Act Contract No. 1999-4413, Located at 1648 Clinton Road, South of E. Hatch Road, West of Baldwin Road, in the Hughson Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2013-0017, Duarte Properties, Inc./CA Winelands, LLC, and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 2

STAFF RECOMMENDATIONS: (Continued)

- b. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 - c. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 - d. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
 - e. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
 - f. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 - g. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.
2. Rescind a portion of Williamson Act Contract No. 2004-4565 and all of Williamson Act Contract of No. 1999-4413, Located at 1648 Clinton Road, south of E. Hatch Road and west of Baldwin Road, in the Hughson area.
 3. Approve a new contract pursuant to Minor Lot Line Adjustment PLN2013-0017, Duarte Properties, Inc./CA Winelands, LLC.
 4. Authorize the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment PLN2013-0017.

DISCUSSION:

Lot Line Adjustment Application No. PLN2013-0017 was approved by staff pending the Board's action required by the Williamson Act. The properties are located at 1648 Clinton Road, south of E. Hatch Road and west of Baldwin Road, in the Hughson area, in the unincorporated area of Stanislaus County.

Approval to a Rescind a Portion of Williamson Act Contract No. 2004-4565 and All of Williamson Act Contract No. 1999-4413, Located at 1648 Clinton Road, South of E. Hatch Road, West of Baldwin Road, in the Hughson Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2013-0017, Duarte Properties, Inc./CA Winelands, LLC, and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 3

The lot line adjustment is requesting three parcels go from 31.67, 26.83 and 10.20 acres (68.7acres total) to two parcels, by merger, of 53.40 and 15.30 acres (68.7acres total). The reason for the lot line adjustment request is to facilitate existing and proposed site improvements allowing Duarte Nursery to expand their nursery operations for future greenhouses and nursery beds. The 31.67 acre parcel is owned by Duarte Properties, Inc. and the 26.83 and 10.20 acre properties are owned by CA Winelands, LLC.

Currently, the 31.67 and 26.83 acre parcels are enrolled in a portion of Williamson Act Contract No. 2004-4565 and all of Williamson Act Contract No. 1999-4413. After the lot line adjustment, an additional 10.20 acres will be included in a new contract which is required to reflect the adjusted boundaries of the parcels. Pursuant to Section 51257 of the Government Code, Board approval is required for the rescission and simultaneous re-entry into the Williamson Act. Seven specific findings must be made pursuant to that section in order to facilitate the adjustment. According to the Government Code "... pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of AB 1265.
- (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

Approval to a Rescind a Portion of Williamson Act Contract No. 2004-4565 and All of Williamson Act Contract No. 1999-4413, Located at 1648 Clinton Road, South of E. Hatch Road, West of Baldwin Road, in the Hughson Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2013-0017, Duarte Properties, Inc./CA Winelands, LLC, and Authorization for the Director of Planning and Community Development to Execute a New Contract
Page 4

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, will not reduce the number of acres in the existing Williamson Act contract, and will not compromise the continued agricultural use of the parcels.

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 replaces a portion of Williamson Act Contract No. 2004-4565 and all of Williamson Act Contract of No. 1999-4413 upon recording. The new contract will cover the entire 68.7 acres. As in the case with all Williamson Act contracts in Stanislaus County, the new contract will be subject to the provisions of AB 1265, pursuant to the Stanislaus County Board of Supervisors' actions on October 15, 2013.

POLICY ISSUES:

This proposal is consistent with policies of the County. The General Plan Land Use and Agricultural Elements both encourage the use of the Williamson Act to help preserve agriculture as the primary industry of the County. The Agricultural Element (adopted December 2007) 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. Thus, this action supports the Board's priority of A Strong Agricultural Economy/Heritage.

Approval to a Rescind a Portion of Williamson Act Contract No. 2004-4565 and All of Williamson Act Contract No. 1999-4413, Located at 1648 Clinton Road, South of E. Hatch Road, West of Baldwin Road, in the Hughson Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2013-0017, Duarte Properties, Inc./CA Winelands, LLC, and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 5

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Angela Freitas, Planning & Community Development Director
Telephone: (209) 525-6330

ATTACHMENTS:

1. Lot Line Adjustment Application No. PLN2013-0017
2. Lot Line Adjustment Approval Letter
3. Applicant's Statement of Findings
4. Map of Parcels Before the Proposed Lot Line Adjustment
5. Map of Parcels After the Proposed Lot Line Adjustment

(i:\planning\board of supervisors\lotlineadjustments\2014\plin 2013-0017-duarte-ca winelands\lila pln2013-0017-report.doc)