

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

DEPT: Planning and Community Development

BOARD AGENDA # 6:40 p.m.

Urgent

Routine

MC

AGENDA DATE May 20, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Lot Line Adjustment PLN2013-0055 and Williamson Act Cancellation
PLN2013-0056, Stuve Mitchell/Hudelson Family 1998 Trust

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 a minimal amount in additional property tax revenue if .06 acres (2,614 square feet) is not in a Williamson Act Contract. Also, the applicant will pay a cancellation penalty of \$150.00 to the Department of Conservation.

BOARD ACTION AS FOLLOWS:

No. 2014-257

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

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:


ELIZABETH A. KING, Assistant Clerk

ATTEST:

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 the Williamson Act (Government Code Section 51200-51297.4).
3. Accept the cancellation value of the subject property as \$1,200.00 as determined by the County Assessor.
 4. Certify to the County Auditor-Controller that the cancellation fee, which must be paid as deferred taxes, to be 12½% of the accepted cancellation value (\$150.00).
 5. Approve the Tentative Cancellation of a portion of Williamson Act Contract No. 72-668 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 a portion of Williamson Act Contract No. 72-668 and approve a new contract pursuant to Minor Lot Line Adjustment PLN2013-0055 – Mitchell Stuve/Hudelson Family 1998 Trust.
 9. Approve Lot Line Adjustment PLN2013-0055 – Mitchell Stuve/Hudelson Family 1998 Trust, subject to the completion of Williamson Act Contract Cancellation PLN2013-0056.
 10. Authorize the Planning and Community Development Director to execute a new contract pursuant to Minor Lot Line Adjustment PLN2013-0055 and Williamson Act Contract Cancellation PLN2013-0056.

DISCUSSION:

This is a request to cancel a portion of Williamson Act Contract No. 72-668 and a request for a lot line adjustment to allow parcel lines of two parcels totaling 18.04 acres to adjust from .72 and 17.32 acres to .78 and 17.26 acres (Attachment 3). The parcels are zoned A-2-40 (General Agriculture) and located at 8825 Whitmore Avenue, northwest corner of Whitmore and Berkeley Avenues, in the Hughson area (APNs: 018-010-004 and 018-010-005).

The 17.32 acre parcel is enrolled under Williamson Act Contract No. 72-668 and the .72 acre parcel is not enrolled under a contract. The lot line adjustment cannot be approved without cancelling a .06 acre (2,614 square foot) portion of Contract No. 72-668. The proposed .78 square foot parcel cannot be covered by a new Williamson Act contract, since it is less than the current 10-acre minimum requirement for enrollment in a Williamson Act contract. If approved, the 17.26 acre parcel will be enrolled into a new Williamson Act contract.

The existing .72 acre parcel is improved with one single-family dwelling and the 17.32 acre parcel is undeveloped. The purpose of the lot line adjustment is to accommodate an existing septic tank and leach lines that were recently discovered to be over the property line of the .72 acre parcel.

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. Listed below are the findings required by Government Code Section 51282 for tentative approval for cancellation of a 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.

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 the Williamson Act (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.

If the cancellation is approved, the proposed Lot Line Adjustment is subject to meeting all findings required for approval on property enrolled under the Williamson Act; and a rescission of the existing contracts and re-entry into a new contract is required to reflect the adjusted boundaries of the parcels. 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 except as authorized under the County's implementation of 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 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 both the cancellation and lot line adjustment findings (See Attachment 2). This project has been sent to the Department of Conservation for review and comment. On September 20, 2013, staff received an e-mail from Meridith Meraz, Environmental Planner, for the Department of Conservation stating they have no concerns regarding the cancellation of the Williamson Act contract. Stanislaus County Planning staff believes that, in this case, the necessary findings for approval can be made. The proposed cancellation will allow for the correction of a physical encroachment without removal of land from agricultural production, and will not increase the number of developable parcels.

If approved, the applicant will pay a cancellation penalty of \$150.00 to the Department of Conservation. 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 Board of Supervisors' actions on October 15, 2013.

POLICY ISSUES:

The recommended actions are consistent with the Board's priorities of A Strong Agricultural Economy/Heritage and A Well Planned Infrastructure by establishing parcels that are consistent with the County General Plan, County Zoning Ordinance, and locally adopted Williamson Act Uniform Rules.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

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

ATTACHMENTS:

1. Lot Line Adjustment Application No. PLN2013-0055
2. Applicant's Statement of Findings
3. Map of Before Line Adjustment
4. Map of After Lot Line Adjustment
5. Letter from Don H. Gaekle, Stanislaus County Assessor, dated November 22, 2013
6. Certificate of Tentative Cancellation
7. Notice of Exemption



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

S.	11
ZONE	A-2-UB 10
RECEIVED	6-18-2013
APPLICATION NO.	PLN 2013-05
RECEIPT NO.	

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1
 MITCHELL STUVE
 Name
 8825 E. WHITMORE AVE., HUGHSON 95326
 Address, City, Zip
 (925) 580-4885
 Phone
 Fax Number

Parcel 2
 HUDELSON FAMILY 1998 TRUST
 Name
 P. O. BOX 91, HUGHSON, CA 95326
 Address, City, Zip
 (209) 531-8771
 Phone
 (209) 883-4946
 Fax Number

Parcel 3
 Name
 Address, City, Zip
 Phone
 Fax Number

Parcel 4
 Name
 Address, City, Zip
 Phone
 Fax Number

2. Name and address of person(s) preparing map: _____

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

Parcel 1: Book 018 Page 010 No. 005
 Parcel 3: Book _____ Page _____ No. _____

Parcel 2: Book 018 Page 010 No. 004
 Parcel 4: Book _____ Page _____ No. _____

(Portion of)

4. Size of all adjusted parcels:

	<u>Before</u>	<u>After</u>
Parcel 1:	<u>00.72 s.f.</u>	<u>00.78 s.f.</u>
Parcel 2:	<u>17.32 acres</u>	<u>17.26 acres</u>
Parcel 3:	_____	_____
Parcel 4:	_____	_____

5. Why are the lot lines being changed? **BE SPECIFIC** THE PROPERTY LINE IS BEING MOVED EASTERLY TO ACCOMODATE AN EXISTING SEPTIC TANK AND LEACH LINES THAT WERE RECENTLY DISCOVERED. THE SEPTIC AND LEACH LINES ARE PURPORTED TO HAVE BEEN INSTALLED IN THE EARLY 1960'S AND ARE IN GOOD OPERATING FUNCTION. BOTH OWNERS AGREE TO THE ADJUSTMENT OF THIS PARCEL LINE.

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> Agriculture |
| <input checked="" type="checkbox"/> Single Family | <input type="checkbox"/> Row Crop – type _____ |
| <input type="checkbox"/> Duplex | <input checked="" type="checkbox"/> Trees – type <u>ALMONDS</u> |
| <input type="checkbox"/> Multiple | <input type="checkbox"/> Vines – type _____ |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Range (unirrigated) _____ |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Pasture (irrigated) _____ |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Poultry _____ |
| _____ | <input type="checkbox"/> Dairy _____ |
| _____ | <input type="checkbox"/> Other (Specify) _____ |

7. List all structures on properties: HOUSE; GARAGE; ENCLOSED DECK; SMALL OPEN DECK; GAZEBO; CHICKEN COOP.

8. How have these parcels been utilized in the past, if different than current use? SAME USE AS CURRENT

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

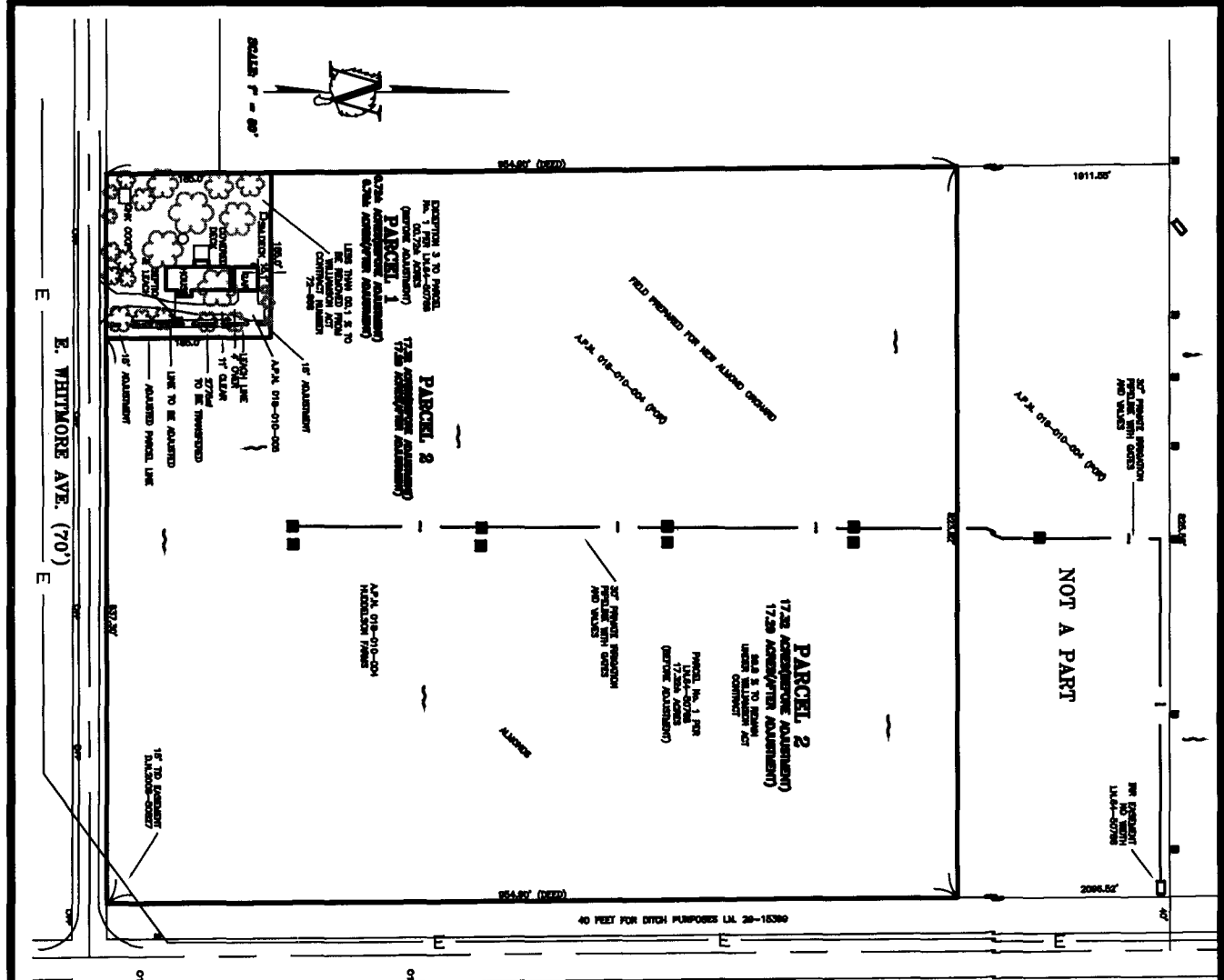
Parcel 1: <u>Nov. 16, 2011</u>	Parcel 2: <u>Sept. 11, 2012</u>
Parcel 3: _____	Parcel 4: _____

10. What are the Williamson Act Contract numbers?

Parcel 1: <u>none</u>	Parcel 2: <u>72-668</u>
Parcel 3: _____	Parcel 4: _____

11. Do the parcels irrigate? Yes No If yes, how? PVT IRRIGATION LINES ON PARCEL 2

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



BERKLEY ROAD (50')

- LEGEND 1.**
- PROJECT BOUNDARY
 - EXISTING STRUCTURES
 - DIRECTION OF DRAINAGE
 - CENTER LINE
 - EDGE OF PAVEMENT
 - DOCUMENT NUMBER
 - PERMIT NUMBER
 - LANDSCAPE STRUCTURES
 - POWER POLE
 - SEWER LINE
 - LANDSCAPE TREE
 - HIGH VOLTAGE LINES

PROJECT DESCRIPTION:
 TO ADJUST A PORTION OF APT 018-010-005 TO ACCORDANCE WITH THE FLOOD ZONE MAP AND LANDSCAPE WHICH HAS BEEN DEDICATED TO BE OWNED BY THE PROPERTY LINE. THE ADJUSTED LINE WILL BE THE SERVICE LINES INTO COMPLIANCE WITH STANBISLAND COUNTY CODE.

PROJECT SIZE: 16,004 SQUARE FEET

ASSIGNMENT: PARCELS 018-010-005 & 018-010-004

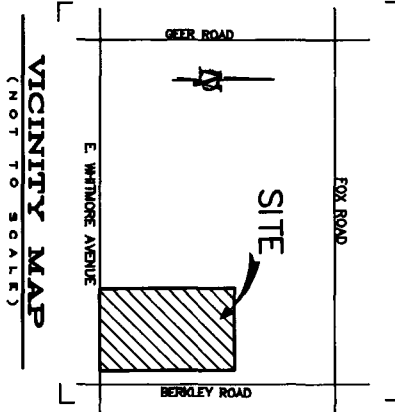
PROJECT ADDRESS: 8025 EAST WHITMORE AVE. HUNTERS, CA 92528

CURRENT ZONING: A-2-3-10

WATER TABLE DEPTH: BELOW 20 FEET

FLOOD REGULATIONS:
 THE PROJECT IS IN ZONE "C" AND IS NOT IN A 100 YEAR FLOOD ZONE PER FIRM PARCEL OROGRAPHIC SEPTEMBER 24, 2005

LIMITS AND FACILITIES:
 WATER - PRIVATE WELLS
 SEWER - PRIVATE
 ELECTRICITY - T.D.
 GAS - PRIVATE
 TELEPHONE - PRIVATE
 SLOPE: 0 TO 15



NOTES 1:

OWNER:
 MITCHELL STUVE
 8025 E. WHITMORE AVE.
 HUNTERS, CA 92528
 P.O. BOX 91
 HUNTERS, CA 92528
 P.O. (951) 880-4888

REGISTERED PARTY:
 P.A. BOX 91
 HUNTERS, CA 92528
 P.O. (951) 880-4888

ASPEN SURVEY COMPANY, INC.
 1121 GARDNER RD., STE. 8, MODesto, CA 95350
 P: (209) 838-6754 F: (209) 838-0472

DATE: 04-02-13
 SCALE: 1" = 80'
 DRAWN: DLH
 SHEET: 12-045
 OF 1 SHEETS

TENTATIVE LOT LINE ADJUSTMENT FOR STUVE & HUDELSON
 BEING A PORTION OF THE S.E. 1/4 OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 10 EAST, MOUNT Diablo MERIDIAN STANBISLAND COUNTY-CALIFORNIA

Williamson Act Contract No. 72-668 Partial Cancellation
Benjamin and Wendy Hudelson
Stanislaus County, California

This application is to request a cancellation of a portion of Williamson Act Contract No. 72-668. The specific portion of cancellation is situated in APN: 018-010-004. This application is being submitted concurrently with a lot line adjustment for parcels, APN: 018-010-004 and 018-010-005. The lot line adjustment is being processed to make a minor adjustment between the subject parcels to accommodate a septic leach field and landscaping that was discovered to be on land currently under Williamson Act Contract, but serves a smaller non-Williamson act Parcel. The subject portion of property currently is NOT being used for agricultural purposes. The amount of land requested for removal is less than 1% of the total land under Williamson Act Contract No. 72-688.

- This request is consistent with California Government Code Sections 51200-51207 in so far as the land requested for removal has NOT been used for agricultural production since the enrollment of the original contract for the subject lands.
- The removal of this small strip of land from Contract, does not affect agricultural production and therefore may be considered to be in the public interest.
- The land being requested is currently under Contract No. 72-688, pursuant to Government Codes Section 51242.
- The cancellation of the strip of land, will not result in removal of adjacent lands from agricultural use.
- The cancellation of the strip of land will allow its current and continued use as part of a residential property which is consistent with the County General Plan with regards to the long time established home site parcel.
- The cancellation of the strip of land, will NOT result in discontinuous patterns of urban development.
- There is no land available in the proximity that is suitable to exchange for the strip of land that is requested for removal. There is NO proposed additional development of the subject strip of land.
- The public concern of a septic leach field occupying lands under contract, but serving a neighboring home site parcel, substantially outweighs the objective to treat the soil, and place agricultural crops or orchard on this small strip of land.
- The Owner of the Home site parcel, does not have lands available or suitable to replace the very small amount of land being removed from contract.

Project Description and Landowner Justification

This project is a lot line adjustment between Assessor's Parcel No. 018-010-05, 0.72 Acres, Owned by Mitchell Stuve and Assessor's Parcels 018-010-004 (portion) 17.32 acres Owned by Ben Hudelson. *Note: current assessment plat shows a single parcel of 38.85 acres. The deed I.N. 64-50788 shows two parcels of 17.32 acres and 21.53 acres.*

An existing leach line serving the residence on assessor's parcel 018-010-005, was found to be 3 feet onto the assessor's parcel 018-010-004. In addition to the leach line, nice landscaping and a few trees were also found to be "over the line". Since it is not feasible to remove the landscaping, and the leach line, it was agreed upon by the Owners of both parcels to adjust the property line.

The east line of parcel Owned by Stuve, shall be moved 15 feet easterly to accommodate the existing leach line and landscaping. (See County code 21.20.050 E) "*correct for a physical improvement which is found to encroach upon a property line.*"

The 0.72 acre parcel owned by Stuve, is NOT under Williamson act contract. The 17.32 acre parcel owned by Hudelson, IS under Williamson act contract. The Parcel owned by Hudelson will be above 90% of its original size (99.6%)

Following approval of the lot line adjustment, the existing Williamson Act contract will be rescinded and simultaneously reentered pursuant to the adjusted boundaries in conformance with **Government code § 51257**. The new contracts will be in effect for a period of at least 10 years.

The current Hudelson land under the same contract covers a total acreage of 38.85±acres. (Total APN 010-018-004) After the lot line adjustment, the contracts will cover 38.79±acres. There will be 0.06 acres of contract acres lost as a result of this adjustment.

99.6% of land under former contracts will be placed under the new contract.

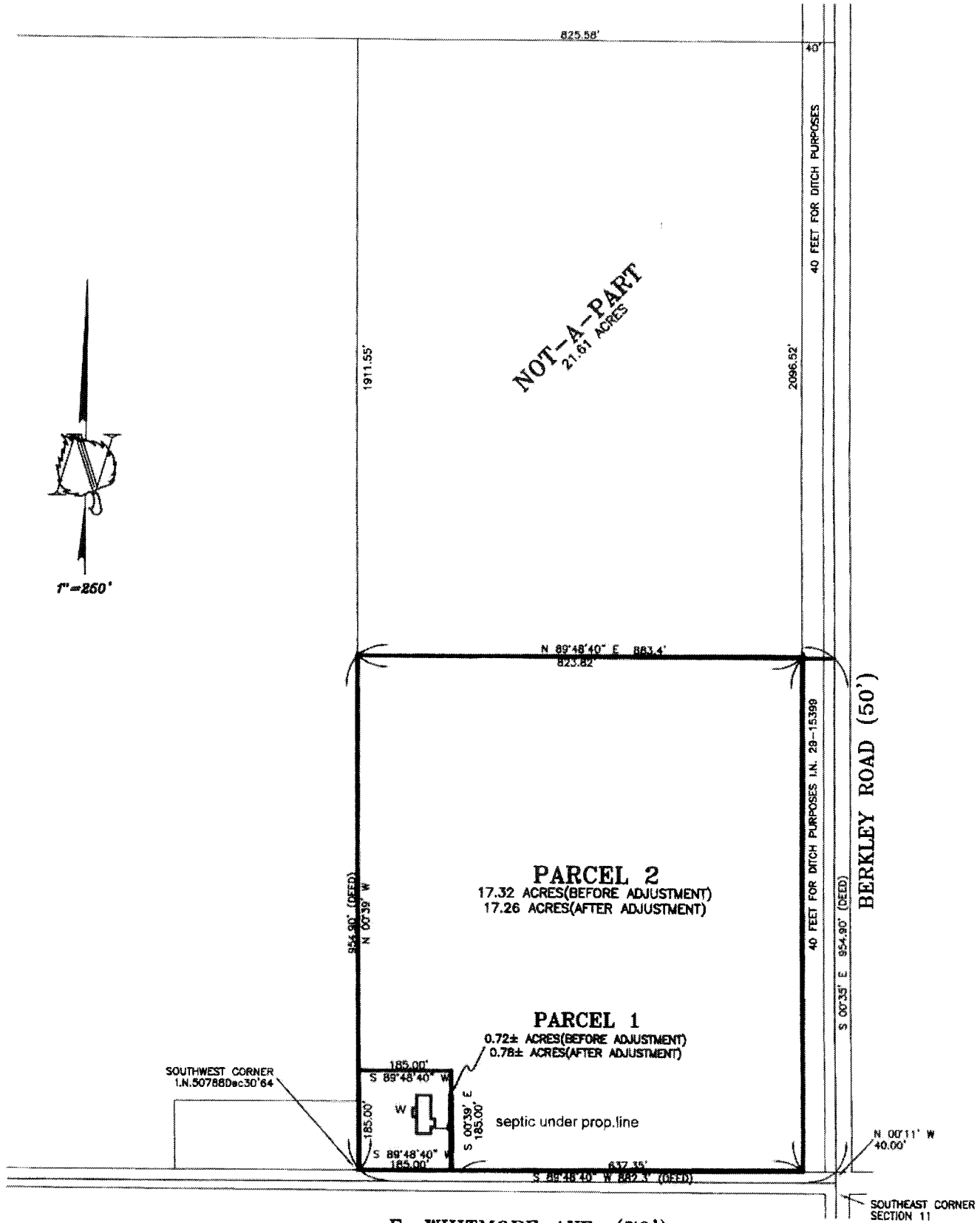
Consistent with **Government code § 51222**, the resulting parcel under contract will be over 10 acres after the lot line adjustment.

This lot line adjustment does not compromise the long-term agricultural productivity of the Hudelson parcel. The Hudelson parcel is independently irrigated and has been used for almond orchard production for many decades.

The Hudelson parcel will continue to remain restricted by contract and used for agricultural productivity. As such, the lot line adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.

This lot line adjustment does not result in a greater number of parcels that previously existed. There were two existing parcels prior to this lot line adjustment. The result will be two parcels. The parcels are consistent with the general plan or have been "Grand fathered" into the plan and/or zone.

This lot line adjustment is being done in recognition of the discovered septic and leach lines that were previously constructed over the deeded parcel line. The results of this adjustment, will not result in a significant loss of farmland due to its de minimus area. The adjustment will bring the facilities into set back conformance with Stanislaus County code and avoid future health issues.



E. WHITMORE AVE. (70')

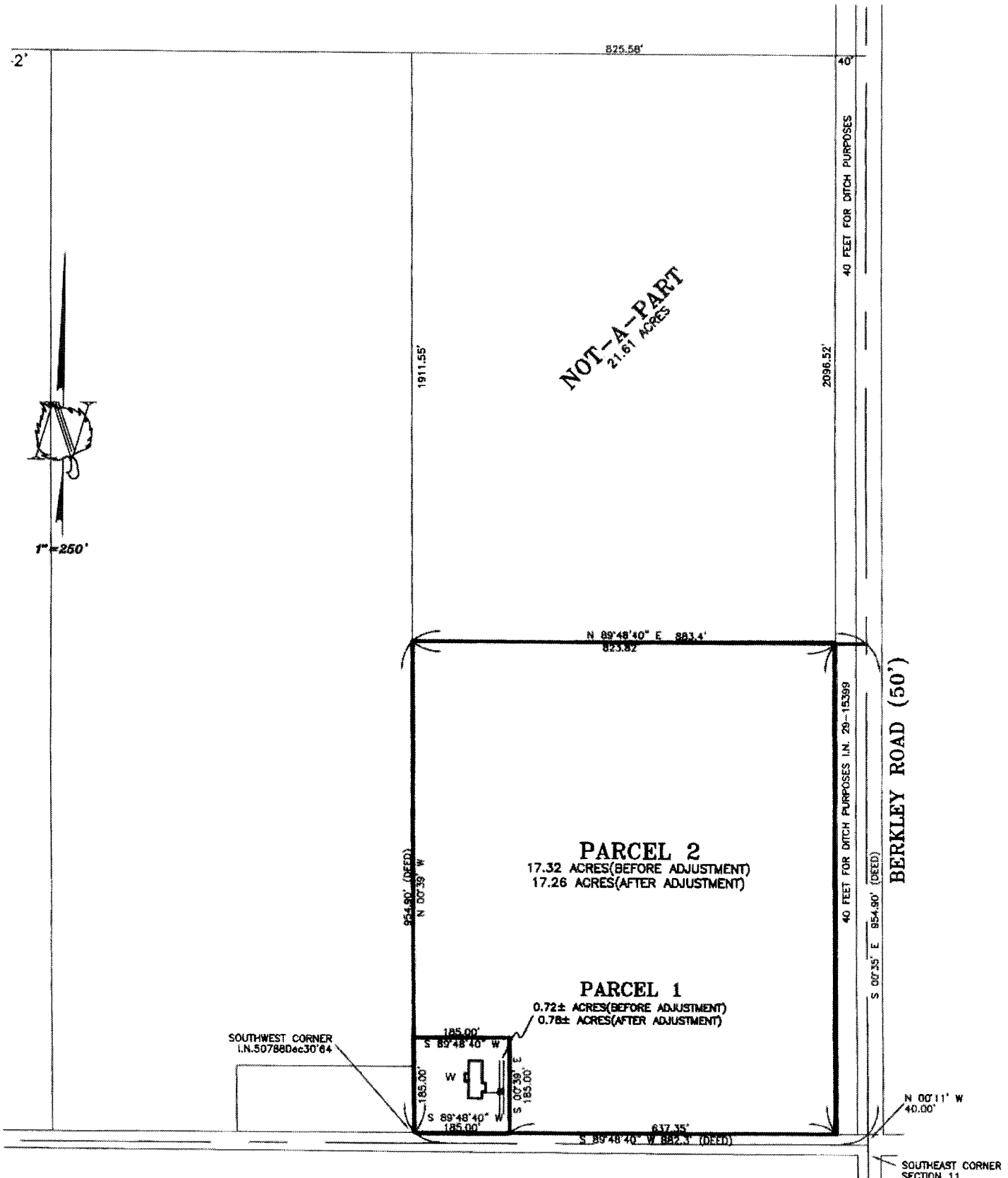
**SUPPLIMENT PLAT
FOR LOT LINE
ADJUSTMENT**

BEING A PORTION OF THE S.E. 1/4 OF SECTION 11,
TOWNSHIP 4 SOUTH, RANGE 10 EAST,
MOUNT DIABLO MERIDIAN
STANISLAUS COUNTY-CALIFORNIA

ASPEN SURVEY
COMPANY INC.
1121 OAKDALE RD., STE. 6 MODESTO, CA 95355
PH: (209) 528 9724 FX: (209) 528 0472

JULY, 2013

**BEFORE ADJUSTMENT
ATTACHMENT 3**



**SUPPLIMENT PLAT
FOR LOT LINE
ADJUSTMENT**

BEING A PORTION OF THE S.E. 1/4 OF SECTION 11,
TOWNSHIP 4 SOUTH, RANGE 10 EAST,
MOUNT DIABLO MERIDIAN
STANISLAUS COUNTY-CALIFORNIA

ASPEN SURVEY
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1121 OAKDALE RD., STE. 6 MODESTO, CA 95355
PH: (209) 526 9724 FX: (209) 526 0472

JULY, 2013

**AFTER ADJUSTMENT
ATTACHMENT 4**



Don H. Gaekle
Stanislaus County Assessor

Mercy Maya
Assistant Assessor

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

Phone: (209) 525-6461
Fax: (209) 525-6586
www.stancounty.com/assessor

November 22, 2013

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: HUDELSON BENJAMIN K & WENDY L TRS
Assessor's Parcel Number: 018-010-004-000
Williamson Act Contract Number: 1972-0668

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

The cancellation valuation of .06 acres of the above referenced property restricted under the California Land Conservation Act is One Thousand Two Hundred Dollars \$1,200 representing current fair market value. The cancellation fee is an amount equal to 12½% of the cancellation valuation, or a total of One Hundred and Fifty Dollars \$150.00.

I hereby certify the cancellation valuation of the above parcel to be \$1,200.

Respectfully,

DON H. GAEKLE
Stanislaus County Assessor

cc: Hudelson Benjamin K & Wendy L TRS
California Department of Conservation

CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION
OF A PORTION OF WILLIAMSON ACT CONTRACT NO. 72-668

NOTICE IS HEREBY GIVEN that on May 20, 2014, 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.72-668, affecting the land and improvements located on a portion of Assessor's Parcel No. 018-010-004, owned by the Hudelson Family 1998 Trust. The property is more fully identified on the attached map and legal description as Parcel "2."

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of a Portion of Williamson Act Contract No. 72-668 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 \$150.00.
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.

DATE: _____

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 November 3, 1971, Instrument Number 41953, in Book 2429, Pages 614-622. Owner: Walter D. Salter.

EXHIBIT "A"
LEGAL DESCRIPTION
HUDELSON PARCEL

All that real property situate in the County of Stanislaus, State of California, described as follows:

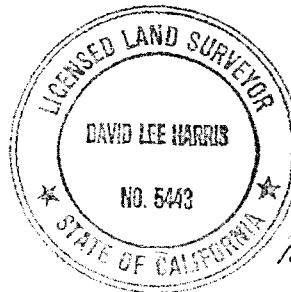
PARCEL 2

Commencing at the Southeast corner of Section 11, Township 4 South, Range 10 East, M. D. B. & M., running thence North 0° 11' West 40 feet to the point of beginning, of the the herein described parcel of land; thence along the Northern boundary of an East and West County Road, South 89° 48' 40" West 882.3 feet; thence leaving said boundary of said County Road, North 0° 39' West 954.9 feet; thence North 89° 48' 40" East 883.4 feet to a point on East boundary of said Section 11; thence along said Eastern boundary of said Section 11, South 0° 35' East 954.9 feet to the place of beginning.

EXCEPTING THEREFROM the following three parcels of land, to-wit:

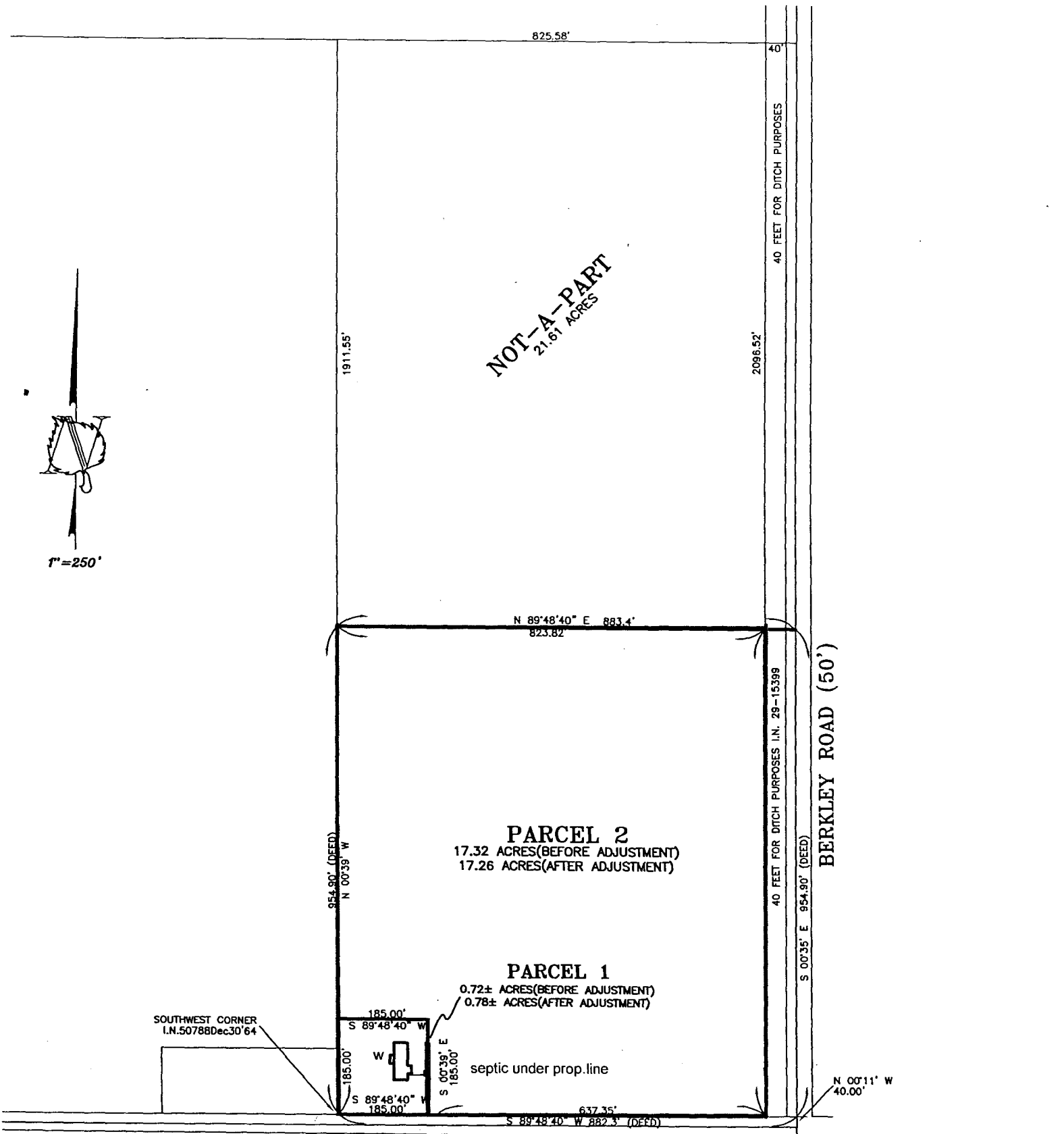
1. A strip of land 20 feet in width along the entire Eastern boundary of the herein described tract of land for road purposes.
2. A strip of land 40 feet in width adjoining and parallel to the 20 foot strip named in first herein mentioned exception along the entire Western boundary of the said 20 foot strip, for ditch purposes.
3. Beginning at the Southwest corner of the land above described; running thence North 0° 39' West, a distance of 185 feet; thence North 89° 48' 40" East parallel with the North line of County Road, a distance of 170 feet; thence South 0° 39' East parallel with the West line hereof, a distance of 185 feet to the North line of County Road; thence South 89° 48' 40" West along North line of said County Road, a distance of 170 feet to the point of beginning.

Assessor Parcel No. 018-010-004



March 17, 2014

DLH



SOUTHWEST CORNER
I.N.50788Dec30'64

PARCEL 2
17.32 ACRES(BEFORE ADJUSTMENT)
17.26 ACRES(AFTER ADJUSTMENT)

PARCEL 1
0.72± ACRES(BEFORE ADJUSTMENT)
0.78± ACRES(AFTER ADJUSTMENT)

septic under prop. line

E. WHITMORE AVE. (70')

**SUPPLIMENT PLAT
FOR LOT LINE
ADJUSTMENT**

BEING A PORTION OF THE S.E. 1/4 OF SECTION 11,
TOWNSHIP 4 SOUTH, RANGE 10 EAST,
MOUNT DIABLO MERIDIAN
STANISLAUS COUNTY-CALIFORNIA

**ASPEN SURVEY
COMPANY INC.**
1121 OAKDALE RD., STE. 6 MODESTO, CA 95355
PH: (209) 526 9724 FX: (209) 526 0472

JULY, 2013

BEFORE ADJUSTMENT

STANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: Lot Line Adjustment Application PLN2013-0055 and Williamson Act Cancellation Application PLN2013-056 – Mitchell Stuve/Hudelson Family 1998 Trust

Applicant Information: David Harris, Aspen Survey Company, Inc., 1121 Oakdale Road, Suite 6, Modesto, CA 95355/(209) 526-9724

Project Location: 8825 Whitmore Avenue, northwest corner of Whitmore and Berkeley Avenues, in the Hughson area (APNs: 018-010-004 and 018-010-005).

Description of Project: Request to cancel a portion of Williamson Act Contract No. 72-668 and allow parcel lines of two parcels totaling 18.04 acres to adjust from .72 and 17.32 acres to .78 and 17.26 in the A-2-40 (General Agriculture) zoning district.

Name of Agency Approving Project: Stanislaus County Board of Supervisors

Lead Agency Contact Person: Carole Maben, Associate Planner **Telephone:** (209) 525-6330

Exempt Status: (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15061(b)(3) and 15305
- Statutory Exemptions. State code number: _____

Reasons why project is exempt: This project is exempt from CEQA since the project will not have any impacts on the environment and will not result in a change in land use or density.

**LOT LINE ADJUSTMENT APPLICATION
PLN 2013-055 & WILLIAMSON ACT
CANCELLATION
APPLICATION PLN2013-0056
MITCHELL STUVE/HUDELSON 1998
FAMILY TRUST**

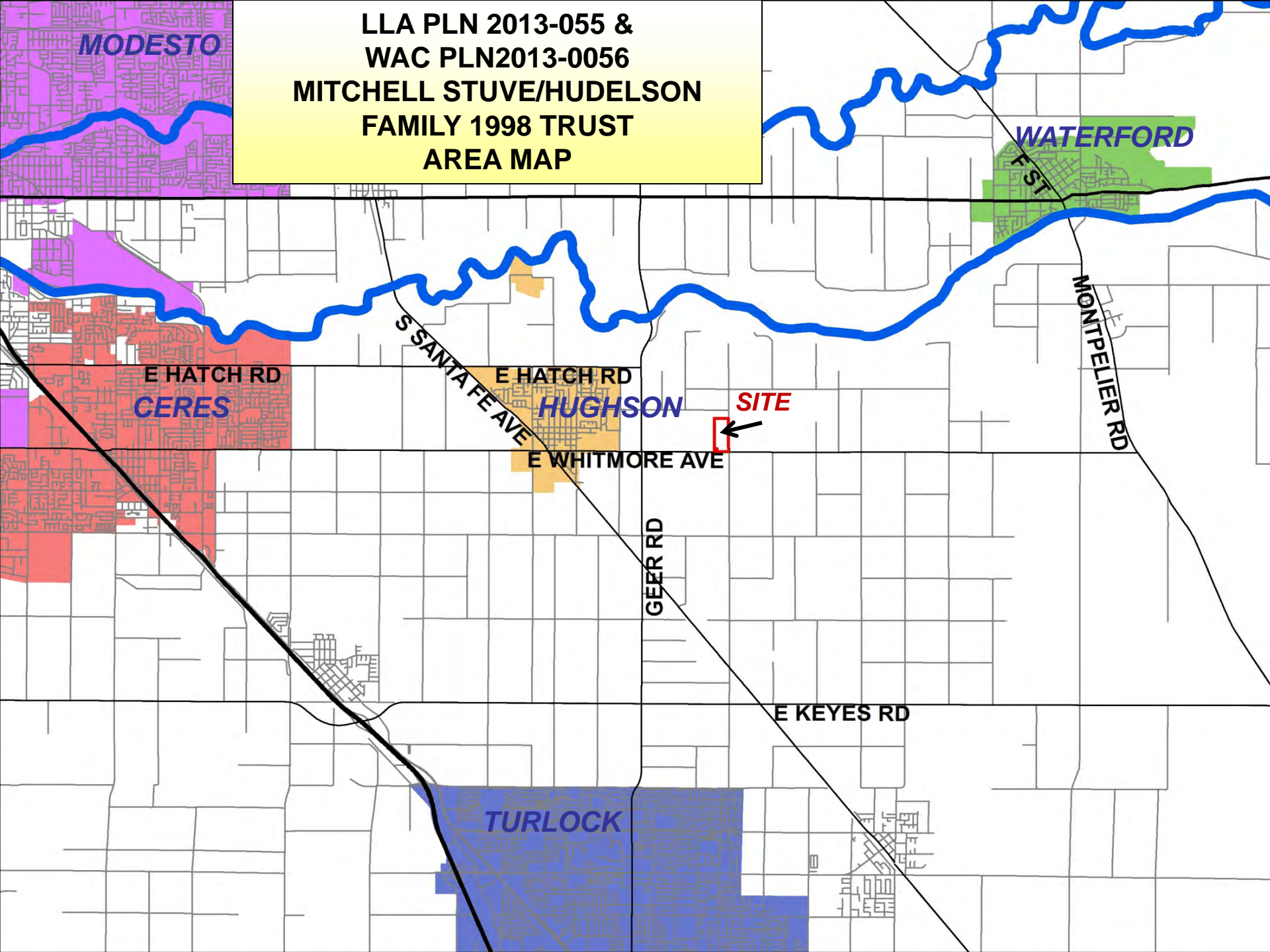


PROJECT DESCRIPTION

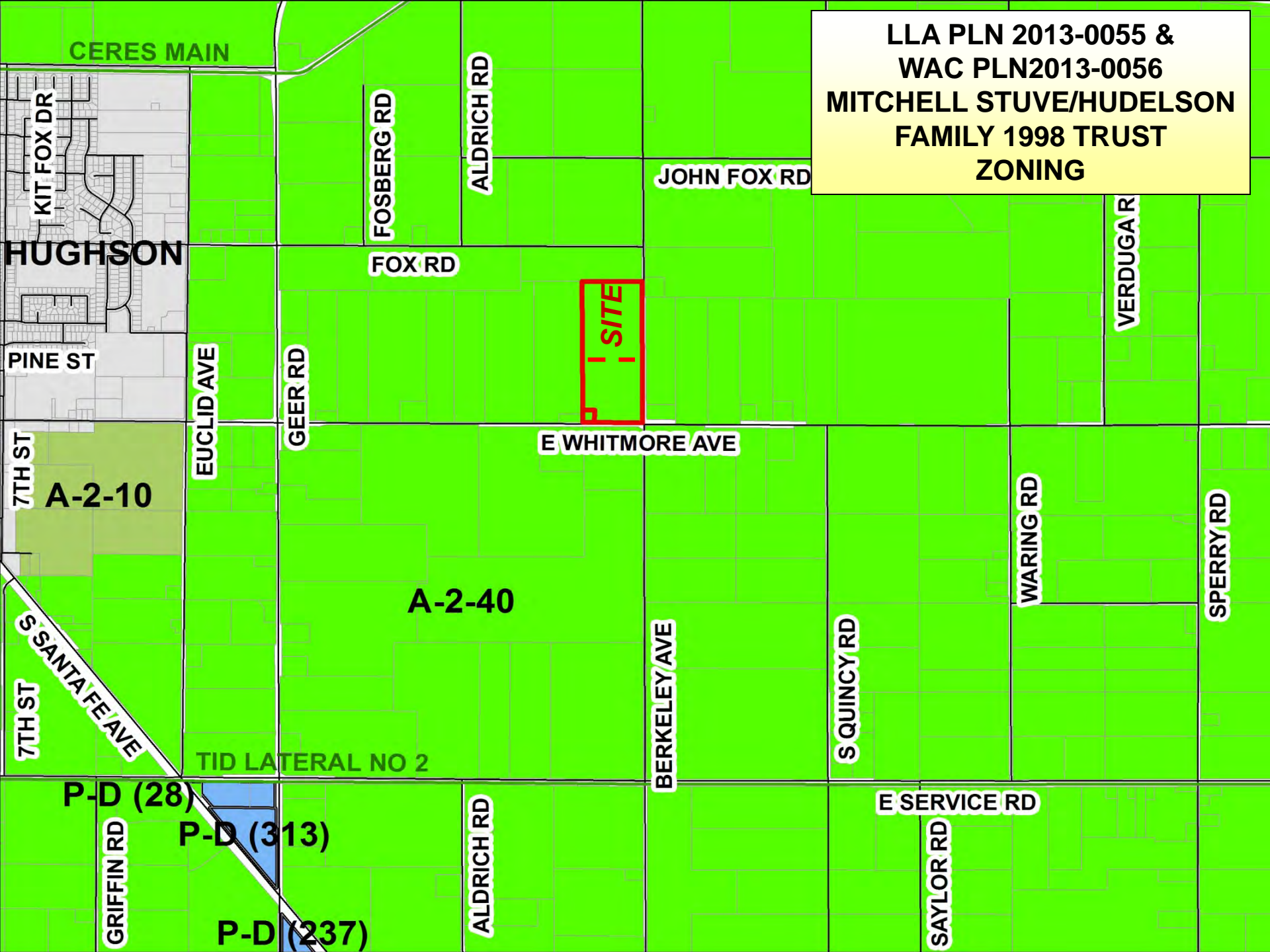
- Involves Two Actions:
 - A Lot Line Adjustment request to adjust two parcels by .06 of an acre from .72 and 17.32 acres to .78 and 17.26 acres parcels .
 - A request to cancel a .06 acre portion (2,614 square feet) of Williamson Act Contract No. 72-668.



**LLA PLN 2013-055 &
WAC PLN2013-0056
MITCHELL STUVE/HUDELSON
FAMILY 1998 TRUST
AREA MAP**



LLA PLN 2013-0055 &
WAC PLN2013-0056
MITCHELL STUVE/HUDELSON
FAMILY 1998 TRUST
ZONING

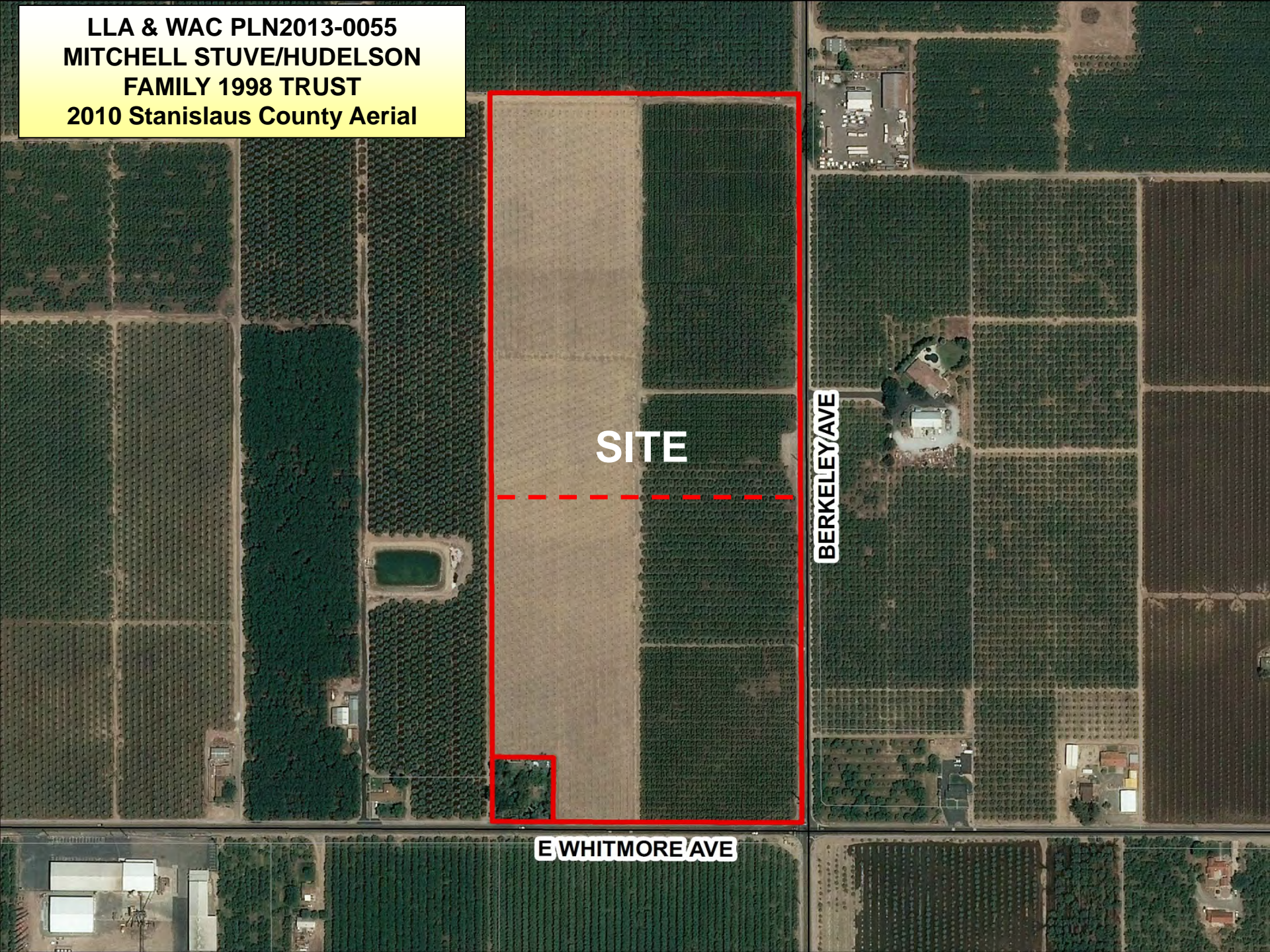


**LLA & WAC PLN2013-0055
MITCHELL STUVE/HUDELSON
FAMILY 1998 TRUST
2010 Stanislaus County Aerial**

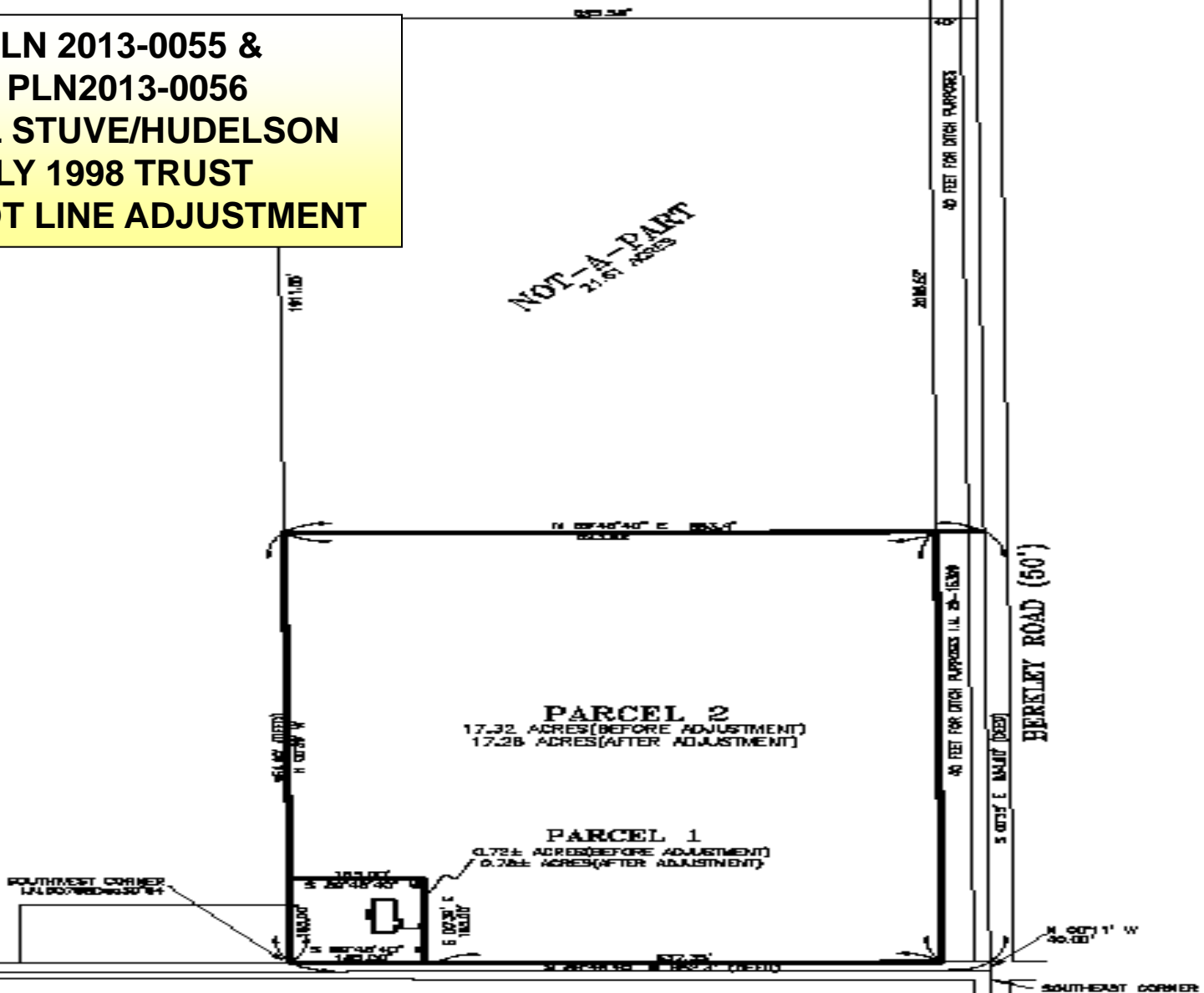
SITE

BERKELEY AVE

E WHITMORE AVE



**LLA PLN 2013-0055 &
WAC PLN2013-0056
MITCHELL STUVE/HUDELSON
FAMILY 1998 TRUST
BEFORE LOT LINE ADJUSTMENT**



SOUTHWEST CORNER
1/4 SECTION 11

SOUTHEAST CORNER
SECTION 11

E. WHITMORE AVE. (70')

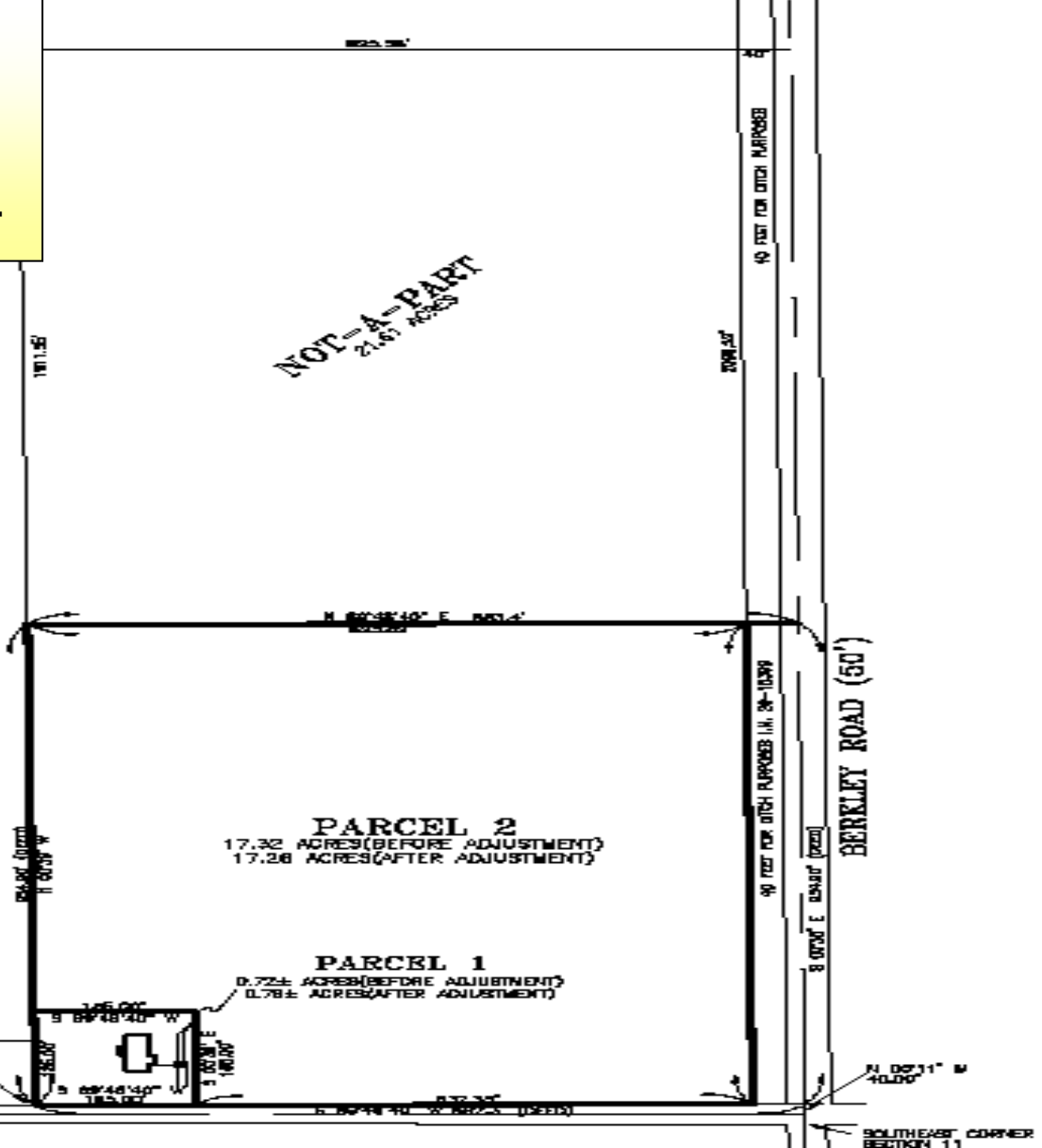
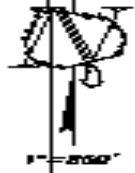
**SUPPLIMENT PLAT
FOR LOT LINE
ADJUSTMENT**

BEING A PORTION OF THE S.E. 1/4 DF SECTION 11,
TOWNSHIP 4 SOUTH, RANGE 10 EAST,
MOUNT DIABLO MERIDIAN
STANISLAUS COUNTY-CALIFORNIA

ASPEN SURVEY
COMPANY, INC.
1121 OAKDALE RD., STE. 9 MODESTO, CA 95350
PH: (209) 528-8724 FX: (209) 528-0472
JULY, 2013

BEFORE ADJUSTMENT

LLA PLN 2013-0055 &
 WAC PLN2013-0056
 MITCHELL STUVE/HUDELSON
 FAMILY 1998 TRUST
 AFTERLOT LINE ADJUSTMENT



SOUTHWEST CORNER
 T.M. 5077840±0007 04

SOUTHEAST CORNER
 SECTION 11

E. WHITMORE AVE. (70')

**SUPPLEMENT PLAT
 FOR LOT LINE
 ADJUSTMENT**

BEING A PORTION OF THE S.E. 1/4 OF SECTION 11,
 TOWNSHIP 4 SOUTH, RANGE 10 EAST,
 MOUNT DIABLO MERIDIAN
 STANISLAUS COUNTY—CALIFORNIA

**ASPEN SURVEY
 COMPANY, INC.**
 1121 DANDALE RD., STE. B, INDIO, CA 94368
 PH: (208) 528 8724 FX: (208) 836 0422

JULY, 2013

AFTER ADJUSTMENT

Government Code Findings

- 1. That the cancellation is consistent with the purposes of Government Code Section 51282.
- 2. That cancellation is in the public interest.

RECOMMENDATION

Planning staff recommends the Board of Supervisors make Findings 1 through 10 of the Board Report and Approve Lot Line Adjustment PLN2013-0055 and Williamson Act Cancellation No. PLN2013-0056 – Stuve Mitchell/Hudelson Family 1998 Trust



Questions

DISCUSSION

- The project site consists of two parcels totaling 18.04 acres with one single-family dwelling and almond orchards.
- The purpose of the lot line adjustment is to accommodate an existing septic tank and leach lines that were recently discovered to be over the property line of the .72 acre parcel.

DISCUSSION

- 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. Listed below are the findings required by Government Code Section 51282 for tentative approval for cancellation of a contract:

1. That the cancellation is consistent with the purposes of this chapter; or



DISCUSSION

- 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.

- 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:



DISCUSSION

- 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.

CERES MAIN

KIT FOX DR

CITY

PINE ST

7TH ST

UT

7TH ST

S SANTA FE AVE

TID LATERAL NO 2

PD

GRIFFIN RD

ALDRICH RD

FOSBERG RD

ALDRICH RD

FOX RD

GEER RD

E WHITMORE AVE

AG

BERKELEY AVE

S QUINCY RD

E SERVICE RD

SAYLOR RD

JOHN FOX

SITE

LLA PLN 2013-0055 &
WAC PLN2013-0056
MITCHELL
STUVE/HUDELSON FAMILY
1998 TRUST
GENERAL PLAN

VERDUGA

WARING RD

SPERRY RD

DISCUSSION

- This LLA cannot be approved without canceling the .06 acres of the Williamson Act Contract. The proposed .78 square foot parcel cannot be covered by a new Williamson Act contract, since it is less than the current 10-acre minimum requirement for enrollment in a Williamson Act contract. If approved, the 17.26 acre parcel will be enrolled into a new Williamson Act contract.

DISCUSSION

- 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.

DISCUSSION

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 the Williamson Act (Government Code Section 51200-51297.4); and

DISCUSSION

- 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.



STANISLAUS COUNTY
NOTICE OF DECISION FOR TENTATIVE CANCELLATION
OF A PORTION OF WILLIAMSON ACT CONTRACT NO. 72-668

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 51284, that upon motion of Supervisor Chiesa, seconded by Supervisor O'Brien, a petition to cancel a portion of Williamson Act Contract No. 72-668, affecting the land and improvements located on Assessor's Parcel Nos. 018-010-005 and 018-010-004 owned by Mitchell Stuve/Hudelson Family 1998 Trust, was granted tentative approval at the 6:40 p.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 20th day of May 2014, by the following called vote:

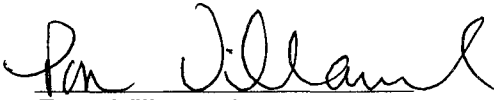
AYES:	SUPERVISORS: O'Brien, Chiesa, Withrow, Monteith, and Chairman DeMartini
NOES:	SUPERVISORS: None
ABSENT:	SUPERVISORS: None
ABSTAINING:	SUPERVISORS: None

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

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: May 20, 2014

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

BY: 
Pam Villarreal,
Deputy Clerk of the Board



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. 72-668**

NOTICE IS HEREBY GIVEN that on May 20, 2014, 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.72-668, affecting the land and improvements located on Assessor's Parcel Nos. 018-010-005 and 018-010-004 owned by Mitchell Stuve/Hudelson Family 1998 Trust. The properties are more fully identified on the attached map.

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of Portion Williamson Act Contract No. 72-668 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 \$150.00

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 the conditions and contingencies enumerated in this Certificate of Tentative Cancellation have been satisfied.

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

DATED: May 20, 2014

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

BY: Pam Villarreal

*Original contract recorded on November 3, 1971, Instrument Number 41953, in Book 2429, Pages 614-622. Owner: Walter D. Salter.



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

May 28, 2014

Mark Nechodom, 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. 72-668

Dear Mr. Nechodom:

Enclosed is a copy of the Notice of Decision for Tentative Cancellation of a Portion of Williamson Act Contract No. 72-668, which is to be published in The Hughson Chronicle. The Stanislaus County Board of Supervisors granted tentative approval to cancel a portion of this Williamson Act Contract on May 20, 2014.

For further information, please call the Planning and Community Development Department at 209-525-6330 or the Board of Supervisors at 209-525-4494.

Sincerely,

Pam Villarreal,
Deputy Clerk of the
Board of Supervisors

Affidavit of Publication

STATE OF CALIFORNIA }
County of Stanislaus }ss

Frances Hoffman

Here-un-to being first duly sworn, deposes and says that all time hereinafter mentioned he/she was a citizen of the United States over the age of twenty-one (21) years, and doing business in said county, not interested in the matter of the attached publication, and is competent to testify in said matter, that he/she was at and during all said time the principal clerk to the printer and publisher of the
HUGHSONCHRONICLE

a legal newspaper of general circulation published weekly in Hughson in said County of Stanislaus, State of California: that said
HUGHSONCHRONICLE

is and was at all times herein mentioned, a newspaper of general circulation as that term is defined by Section 6000 of the Government Code, and as provided by said section and so adjudicated by Decree No. 41926 by the Superior Court of Stanislaus County, State of California, is published for the dissemination of local and telegraphic news and intelligence of a general character, have a bonafide subscription list of paying subscribers, and is not devoted to the interest, or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination: or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations: that at all times said newspaper has been established, in Hughson; in said County and State, at regular intervals for more than one year preceding the first publication of the notice herein mentioned, that said notice was set in type not smaller than nonpareil and was preceded with words printed in blackface type not smaller than nonpareil, describing and expressing in general terms, the purport and character of the notice intended to be given

Legal # 8841

STANISLAUS COUNTY NOTICE OF DECISION FOR TENTATIVE CANCELLATION OF A PORTION OF WILLIAMSON ACT CONTRACT NO. 72-668

Publish Date: JUNE 3, 2014

of which named annexed is a printed copy, was published and printed in said

HUGHSON CHRONICLE

at least 1 time, commencing on the 3rd of June 2014 and ending on the 3rd of June 2014 the days inclusive, and as often during said time as said newspaper was regularly issued, to wit:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 3rd day of June 2014


PRINCIPAL CLERK OF THE PRINTER

Hughson Chronicle

Legal#8841 STANISLAUS COUNTY NOTICE OF DECISION FOR TENTATIVE CANCELLATION OF A PORTION OF WILLIAMSON ACT CON- TRACT NO. 72-668

**NOTICE IS HEREBY
GIVEN** pursuant to Government Code Section 51284, that upon motion of Supervisor Chiesa, seconded by Supervisor O'Brien, a petition to cancel a portion of Williamson Act Contract No. 72-668, affecting the land and improvements located on Assessor's Parcel Nos. 018-010-005 and 018-010-004 owned by Mitchell Stuve/Hudelson Family 1998 Trust, was granted tentative approval at the 6:40 p.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 20th day of May 2014, by the following called vote:

**AYES: SUPERVISORS:
O'Brien, Chiesa, Withrow,
Monteith, and Chairman
DeMartini**

**NOES: SUPER-
VISORS: None**

ABSENT:

**SUPERVISORS: None
ABSTAINING: SUPER-
VISORS: 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 SUPER-
VISORS DATED: May 20,
2014 ATTEST: CHRIS-
TINE FERRARO TALL-
MAN, Clerk of the Board of
Supervisors of the County
of Stanislaus, State of Cali-
fornia, BY: Pam Vil-
larreal, Deputy Clerk of the
Board.**

Publish date: 6-3-2014

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



Stanislaus County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2014-0033780-00

Tuesday, MAY 27, 2014 15:21:22
Rcpt # 0003526781

MGC/R2/1-4

WHEN RECORDED MAIL TO:
Stanislaus County Board of Supervisors
Pam Villarreal, Deputy Clerk
1010 10th Street, Suite 6700
Modesto, CA 95354

CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION
OF A PORTION OF WILLIAMSON ACT CONTRACT NO. 72-668



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

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NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of Portion Williamson Act Contract No. 72-668 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 \$150.00
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 the conditions and contingencies enumerated in this Certificate of Tentative Cancellation have been satisfied.

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

DATED: May 20, 2014

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

BY: 
Pam Villarreal

*Original contract recorded on November 3, 1971, Instrument Number 41953, in Book 2429, Pages 614-622. Owner: Walter D. Salter.

EXHIBIT "A"
LEGAL DESCRIPTION
HUDELSON PARCEL

All that real property situate in the County of Stanislaus, State of California, described as follows:

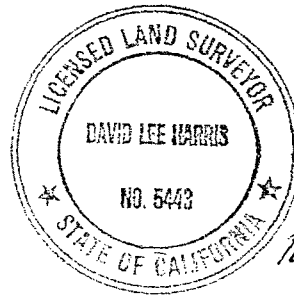
PARCEL 2

Commencing at the Southeast corner of Section 11, Township 4 South, Range 10 East, M. D. B. & M., running thence North 0° 11' West 40 feet to the point of beginning, of the the herein described parcel of land; thence along the Northern boundary of an East and West County Road, South 89° 48' 40" West 882.3 feet; thence leaving said boundary of said County Road, North 0° 39' West 954.9 feet; thence North 89° 48' 40" East 883.4 feet to a point on East boundary of said Section 11; thence along said Eastern boundary of said Section 11, South 0° 35' East 954.9 feet to the place of beginning.

EXCEPTING THEREFROM the following three parcels of land, to-wit:

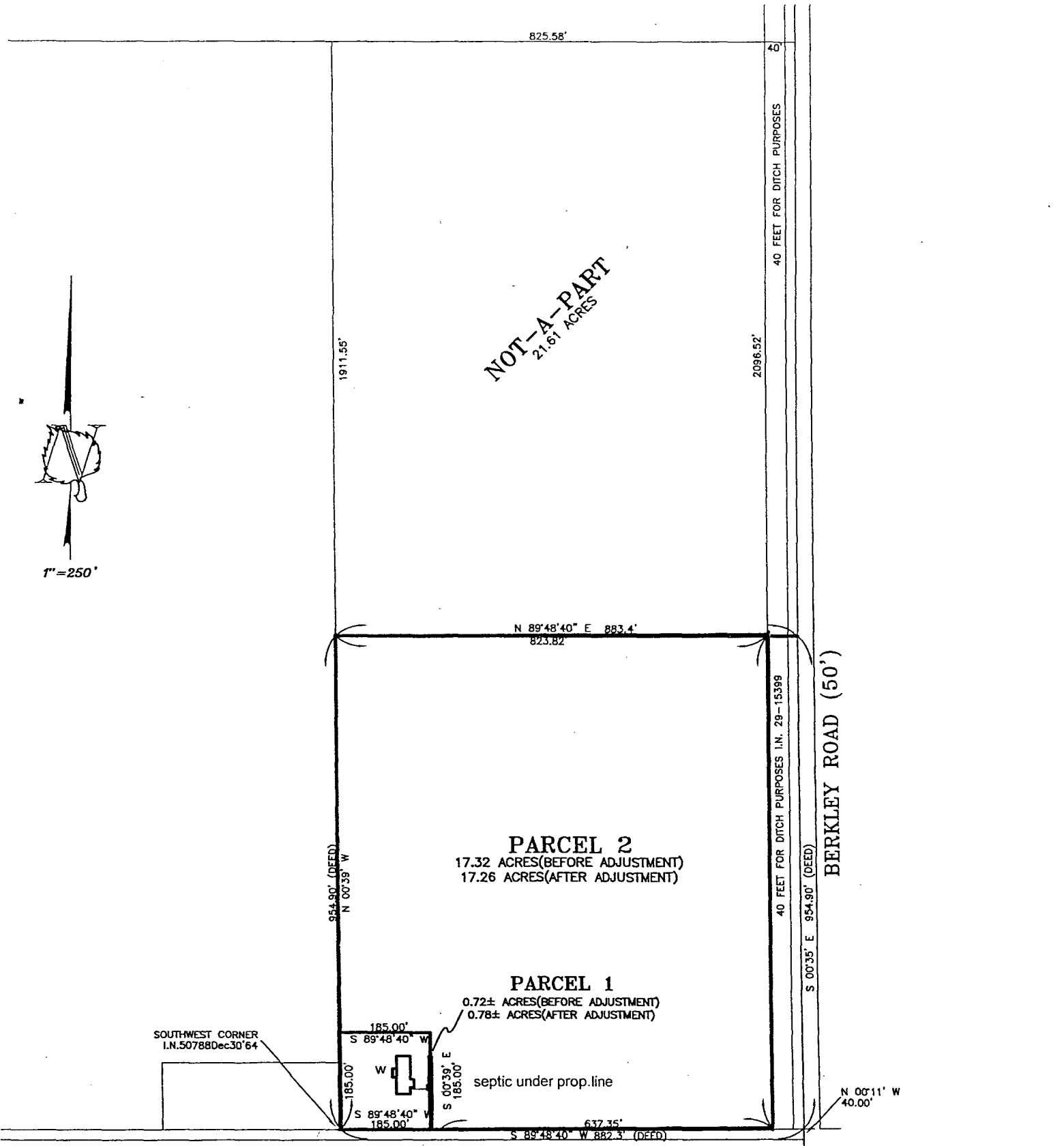
1. A strip of land 20 feet in width along the entire Eastern boundary of the herein described tract of land for road purposes.
2. A strip of land 40 feet in width adjoining and parallel to the 20 foot strip named in first herein mentioned exception along the entire Western boundary of the said 20 foot strip, for ditch purposes.
3. Beginning at the Southwest corner of the land above described; running thence North 0° 39' West, a distance of 185 feet; thence North 89° 48' 40" East parallel with the North line of County Road, a distance of 170 feet; thence South 0° 39' East parallel with the West line hereof, a distance of 185 feet to the North line of County Road; thence South 89° 48' 40" West along North line of said County Road, a distance of 170 feet to the point of beginning.

Assessor Parcel No. 018-010-004



March 17, 2014

DLH



**SUPPLIMENT PLAT
FOR LOT LINE
ADJUSTMENT**

BEING A PORTION OF THE S.E. 1/4 OF SECTION 11,
TOWNSHIP 4 SOUTH, RANGE 10 EAST,
MOUNT DIABLO MERIDIAN
STANISLAUS COUNTY-CALIFORNIA

ASPEN SURVEY
COMPANY INC.
1121 OAKDALE RD., STE. 6 MODESTO, CA 95355
PH: (209) 526 9724 FX: (209) 526 0472


JULY, 2013

BEFORE ADJUSTMENT

RECORDING REQUESTED BY
STANISLAUS COUNTY BOARD OF
SUPERVISORS

THIS SPACE FOR RECORDER ONLY

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



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2014-0084757-00
Acct 121-Planning.
Monday, DEC 22, 2014 08:58:15
Ttl Pd \$0.00 Rcpt # 0003603588
OMK/R2/2-12

**NOTICE OF RESCISSION AND
SIMULTANEOUS RE-ENTRY INTO
CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2014-23**

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into May 20, 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: David Harris, Aspen Survey

1121 Oakdale Road, Suite 6

Modesto, CA 95355 (209) 526-9724

(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)
018-010-004	17.26	See Exhibit B

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2014-257, relating to Lot Line Adjustment No. PLN2013-0055 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 72-668 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.

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)
BENJAMIN K. HUDELSON	<i>Benjamin K Hudelson</i>	1/6/14	Modesto, CA.
WENDY L. HUDELSON	<i>Wendy L Hudelson</i>	1/6/14	Modesto, CA
<i>Trustees of the Hudelson Family 1998 Trust dated December 30, 1998</i>			

SECURITY HOLDERS:


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

EXHIBITS:

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

COUNTY: Stanislaus County

12.18.2014
Dated


Chairman, Board of Supervisors
Angela Freitas for Jim DeMartini

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

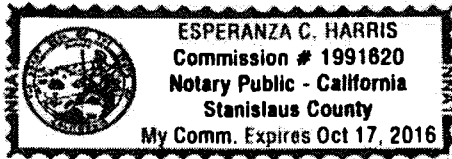
State of California

County of Stanislaus

On Jan. 6, 2014 before me, Esperanza C. Harris, Notary Public

personally appeared Benjamin K. Hudelson and Wendy L. Hudelson

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 Esperanza C. Harris

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: _____

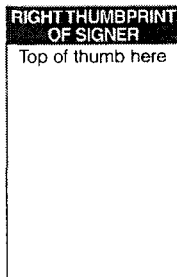
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

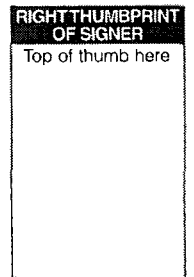
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

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



Signer Is Representing: _____

EXHIBIT "A"
LEGAL DESCRIPTION
HUDELSON PARCEL

All that real property situate in the County of Stanislaus, State of California, described as follows:

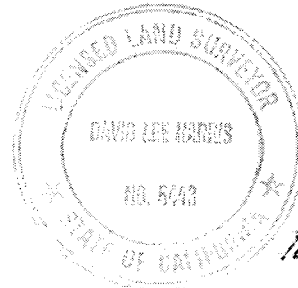
PARCEL 2

Commencing at the Southeast corner of Section 11, Township 4 South, Range 10 East, M. D. B. & M., running thence North 0° 11' West 40 feet to the point of beginning, of the the herein described parcel of land; thence along the Northern boundary of an East and West County Road, South 89° 48' 40" West 882.3 feet; thence leaving said boundary of said County Road, North 0° 39' West 954.9 feet; thence North 89° 48' 40" East 883.4 feet to a point on East boundary of said Section 11; thence along said Eastern boundary of said Section 11, South 0° 35' East 954.9 feet to the place of beginning.

EXCEPTING THEREFROM the following three parcels of land, to-wit:

1. A strip of land 20 feet in width along the entire Eastern boundary of the herein described tract of land for road purposes.
2. A strip of land 40 feet in width adjoining and parallel to the 20 foot strip named in first herein mentioned exception along the entire Western boundary of the said 20 foot strip, for ditch purposes.
3. Beginning at the Southwest corner of the land above described; running thence North 0° 39' West, a distance of 185 feet; thence North 89° 48' 40" East parallel with the North line of County Road, a distance of 170 feet; thence South 0° 39' East parallel with the West line hereof, a distance of 185 feet to the North line of County Road; thence South 89° 48' 40" West along North line of said County Road, a distance of 170 feet to the point of beginning.

Assessor Parcel No. 018-010-004



March 17, 2014

DLH

EXHIBIT "B"
LEGAL DESCRIPTION
HUDELSON PARCEL

All that real property situate in the County of Stanislaus, State of California, described as follows:

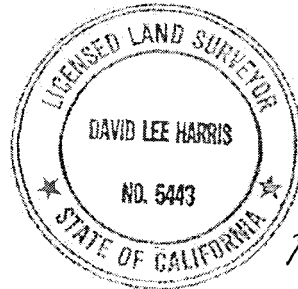
PARCEL 2

Commencing at the Southeast corner of Section 11, Township 4 South, Range 10 East, M. D. B. & M., running thence North 0° 11' West 40 feet to the point of beginning, of the the herein described parcel of land; thence along the Northern boundary of an East and West County Road, South 89° 48' 40" West 882.3 feet; thence leaving said boundary of said County Road, North 0° 39' West 954.9 feet; thence North 89° 48' 40" East 883.4 feet to a point on East boundary of said Section 11; thence along said Eastern boundary of said Section 11, South 0° 35' East 954.9 feet to the place of beginning.

EXCEPTING THEREFROM the following three parcels of land, to-wit:

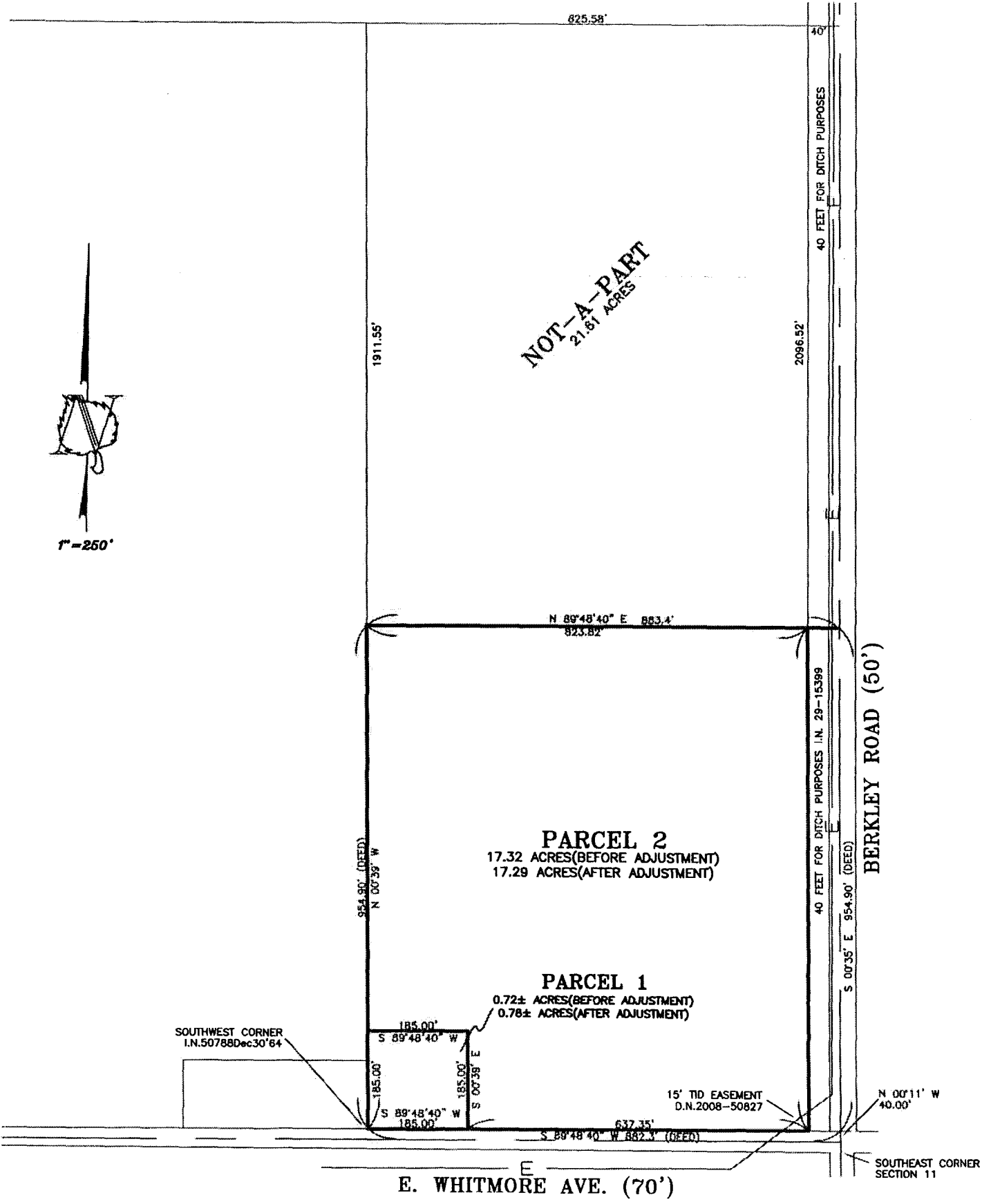
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2. A strip of land 40 feet in width adjoining and parallel to the 20 foot strip named in first herein mentioned exception along the entire Western boundary of the said 20 foot strip, for ditch purposes.
3. Beginning at the Southwest corner of the land above described; running thence North 0° 39' West, a distance of 185 feet; thence North 89° 48' 40" East parallel with the North line of County Road, a distance of 185 feet; thence South 0° 39' East parallel with the West line hereof, a distance of 185 feet to the North line of County Road; thence South 89° 48' 40" West along North line of said County Road, a distance of 185 feet to the point of beginning.

APN: 018-010-004



March 17, 2014

D L H



PLN 2013-0055

BEING A PORTION OF THE S.E. 1/4 OF SECTION 11,
TOWNSHIP 4 SOUTH, RANGE 10 EAST,
MOUNT DIABLO MERIDIAN
STANISLAUS COUNTY-CALIFORNIA

ASPEN SURVEY
COMPANY INC.
1121 OAKDALE RD., STE. 6 MODESTO, CA 95355
PH: (209) 528 9724 FX: (209) 528 0472

JULY, 2013

AFTER ADJUSTMENT

EXHIBIT C

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

DEPT: Planning and Community Development

BOARD AGENDA # 6:40 p.m.

Urgent

Routine

u.e.

AGENDA DATE May 20, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Lot Line Adjustment PLN2013-0055 and Williamson Act Cancellation
PLN2013-0056, Stuve Mitchell/Hudelson Family 1998 Trust

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 a minimal amount in additional property tax revenue if .06 acres (2,614 square feet) is not in a Williamson Act Contract. Also, the applicant will pay a cancellation penalty of \$150.00 to the Department of Conservation.

BOARD ACTION AS FOLLOWS:

No. 2014-257

On motion of Supervisor Chiesa Seconded by Supervisor O'Brien
 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.

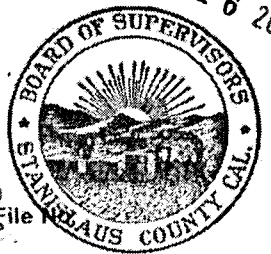
CHRISTINE FERRARO TALLMAN

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

ATTEST:

Elizabeth A. King
ELIZABETH A. KING, Assistant Clerk

By *Patricia Mongay* File



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 the Williamson Act (Government Code Section 51200-51297.4).
3. Accept the cancellation value of the subject property as \$1,200.00 as determined by the County Assessor.
 4. Certify to the County Auditor-Controller that the cancellation fee, which must be paid as deferred taxes, to be 12½% of the accepted cancellation value (\$150.00).
 5. Approve the Tentative Cancellation of a portion of Williamson Act Contract No. 72-668 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 a portion of Williamson Act Contract No. 72-668 and approve a new contract pursuant to Minor Lot Line Adjustment PLN2013-0055 – Mitchell Stuve/Hudelson Family 1998 Trust.
 9. Approve Lot Line Adjustment PLN2013-0055 – Mitchell Stuve/Hudelson Family 1998 Trust, subject to the completion of Williamson Act Contract Cancellation PLN2013-0056.
 10. Authorize the Planning and Community Development Director to execute a new contract pursuant to Minor Lot Line Adjustment PLN2013-0055 and Williamson Act Contract Cancellation PLN2013-0056.

DISCUSSION:

This is a request to cancel a portion of Williamson Act Contract No. 72-668 and a request for a lot line adjustment to allow parcel lines of two parcels totaling 18.04 acres to adjust from .72 and 17.32 acres to .78 and 17.26 acres (Attachment 3). The parcels are zoned A-2-40 (General Agriculture) and located at 8825 Whitmore Avenue, northwest corner of Whitmore and Berkeley Avenues, in the Hughson area (APNs: 018-010-004 and 018-010-005).

The 17.32 acre parcel is enrolled under Williamson Act Contract No. 72-668 and the .72 acre parcel is not enrolled under a contract. The lot line adjustment cannot be approved without cancelling a .06 acre (2,614 square foot) portion of Contract No. 72-668. The proposed .78 square foot parcel cannot be covered by a new Williamson Act contract, since it is less than the current 10-acre minimum requirement for enrollment in a Williamson Act contract. If approved, the 17.26 acre parcel will be enrolled into a new Williamson Act contract.

The existing .72 acre parcel is improved with one single-family dwelling and the 17.32 acre parcel is undeveloped. The purpose of the lot line adjustment is to accommodate an existing septic tank and leach lines that were recently discovered to be over the property line of the .72 acre parcel.

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. Listed below are the findings required by Government Code Section 51282 for tentative approval for cancellation of a 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.

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 the Williamson Act (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.

If the cancellation is approved, the proposed Lot Line Adjustment is subject to meeting all findings required for approval on property enrolled under the Williamson Act; and a rescission of the existing contracts and re-entry into a new contract is required to reflect the adjusted boundaries of the parcels. 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 except as authorized under the County's implementation of 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 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 both the cancellation and lot line adjustment findings (See Attachment 2). This project has been sent to the Department of Conservation for review and comment. On September 20, 2013, staff received an e-mail from Meridith Meraz, Environmental Planner, for the Department of Conservation stating they have no concerns regarding the cancellation of the Williamson Act contract. Stanislaus County Planning staff believes that, in this case, the necessary findings for approval can be made. The proposed cancellation will allow for the correction of a physical encroachment without removal of land from agricultural production, and will not increase the number of developable parcels.

If approved, the applicant will pay a cancellation penalty of \$150.00 to the Department of Conservation. 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 Board of Supervisors' actions on October 15, 2013.

POLICY ISSUES:

The recommended actions are consistent with the Board's priorities of A Strong Agricultural Economy/Heritage and A Well Planned Infrastructure by establishing parcels that are consistent with the County General Plan, County Zoning Ordinance, and locally adopted Williamson Act Uniform Rules.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

Public Hearing to Consider Lot Line Adjustment PLN2013-0055 and Williamson Act
Cancellation PLN2013-0056, Stuve Mitchell/Hudelson Family 1998 Trust
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CONTACT PERSON:

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