

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

DEPT: Planning and Community Development *PF*

BOARD AGENDA # *D-1

Urgent

Routine

AGENDA DATE August 19, 2014

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Rescind All of Williamson Act Contracts No. 1999-4409 and 1999-4410, Located at 19755 and 19911 Yosemite Boulevard, East of Dienstag Road and North of the M.I.D. Main Canal, in the Waterford Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2014-0067, Derek and Connie Nichols, 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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County Implementation of AB 1265.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. 2014-434

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 Rescind All of Williamson Act Contracts No. 1999-4409 and 1999-4410, Located at 19755 and 19911 Yosemite Boulevard, East of Dienstag Road and North of the M.I.D. Main Canal, in the Waterford Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2014-0067, Derek and Connie Nichols, 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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the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 All of Williamson Act Contracts No. 1999-4409 and 1999-4410, Located at 19755 and 19911 Yosemite Boulevard, east of Dienstag Road and north of the M.I.D. Main Canal, in the Waterford area.
 3. Approve a new contract pursuant to Minor Lot Line Adjustment PLN2014-0067 – Derek and Connie Nichols.
 4. Authorize the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment PLN2014-0067 – Derek and Connie Nichols.

DISCUSSION:

Lot Line Adjustment PLN2014-0067 was approved by staff pending the Board's action required by the Williamson Act. The parcels involved in the lot line adjustment are located north of Yosemite Boulevard, east of Dienstag Road, south of the M.I.D Inlet

Approval to Rescind All of Williamson Act Contracts No. 1999-4409 and 1999-4410, Located at 19755 and 19911 Yosemite Boulevard, East of Dienstag Road and North of the M.I.D. Main Canal, in the Waterford Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2014-0067, Derek and Connie Nichols, and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 3

Canal and north of the M.I.D. Main Canal, in the Waterford area, in the unincorporated area of Stanislaus County. (19755 and 19911 Yosemite Boulevard and 101 Crabtree Road).

The lot line adjustment is requesting three parcels go from 41.40, 49.24, and 8.03 acres (98.67 acres total) to three parcels of 43.26, 40.0 and 15.41 acre parcels (98.67 acres total). The reason for the lot line adjustment request is to have parcel lines follow an existing irrigation line while maintaining a minimum area of 40 gross acres. The 98.67 acres are in either irrigated pasture or almond production. All three parcels are improved with one single family dwelling each.

Parcels "1" and "2" are currently enrolled in all of Williamson Act Contracts No. 1999-4409 and 1999-10 (90.64 acres). Currently, Parcel "3" (8.03 acres) is too small to be enrolled in a contract, however, if this lot line is approved, Parcel "3" will be large enough (15.41 acres) and then all three parcels (98.67) will be enrolled in a new contract. 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.

Approval to Rescind All of Williamson Act Contracts No. 1999-4409 and 1999-4410, Located at 19755 and 19911 Yosemite Boulevard, East of Dienstag Road and North of the M.I.D. Main Canal, in the Waterford Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2014-0067, Derek and Connie Nichols, and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 4

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

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

The applicants have provided written evidence to support the seven findings listed above, and staff agrees with that evidence. The proposed adjustment would not increase the number of developable parcels, 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 replace all of Williamson Act Contracts No. 1999-4409 and 1999-4410, upon recording. The new contract will cover the entire 98.67 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

Approval to Rescind All of Williamson Act Contracts No. 1999-4409 and 1999-4410, Located at 19755 and 19911 Yosemite Boulevard, East of Dienstag Road and North of the M.I.D. Main Canal, in the Waterford Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2014-0067, Derek and Connie Nichols, and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 5

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.

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. PLN2014-0067
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\pln2013-0102-j& l parntership\la pln2013-0102-report.doc)



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

Stamp with handwritten text: S 209-227, 3 R 12, ZONE A-2-40, RECEIVED 7-2-2014, APPLICATION NO. PLN 2014-0067, RECEIPT NO.

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1
Derek & Connie Nichols
Name
PO Box 240
Address, City, Zip
Waterford, CA 95386
Phone
209-505-0629
Fax Number

Parcel 2
SAME
Name
Address, City, Zip
Phone
Fax Number

Parcel 3
SAME
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: Kevin Cole, Giuliani & Kull, Inc. 440 S. Yosemite Ave, Oakdale, CA 95361

3. Assessor's Parcel No. of parcels adjusted:
Parcel 1: Book 008 Page 007 No. 041
Parcel 2: Book 008 Page 007 No. 042
Parcel 3: Book 008 Page 007 No. 024
Parcel 4: Book Page No.

4. Size of all adjusted parcels:
Before After
Parcel 1: 41.40 43.26
Parcel 2: 49.24 40.00
Parcel 3: 8.03 15.41
Parcel 4:

5. Why are the lot lines being changed? BE SPECIFIC Lot line are being changed to follow an existing irrigation line while also conforming to 40 acre parcel size.

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

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

7. List all structures on properties: Houses (3), Barns, garages, shops

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

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

Parcel 1: 1998 Parcel 2: 2010
 Parcel 3: 2011 Parcel 4: _____


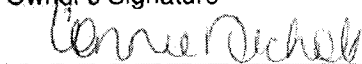
10. What are the Williamson Act Contract numbers?

Parcel 1: 1999-4410 Parcel 2: 1999-4409
 Parcel 3: _____ Parcel 4: _____

11. Do the parcels irrigate? Yes No If yes, how? M.I.D. and private wells

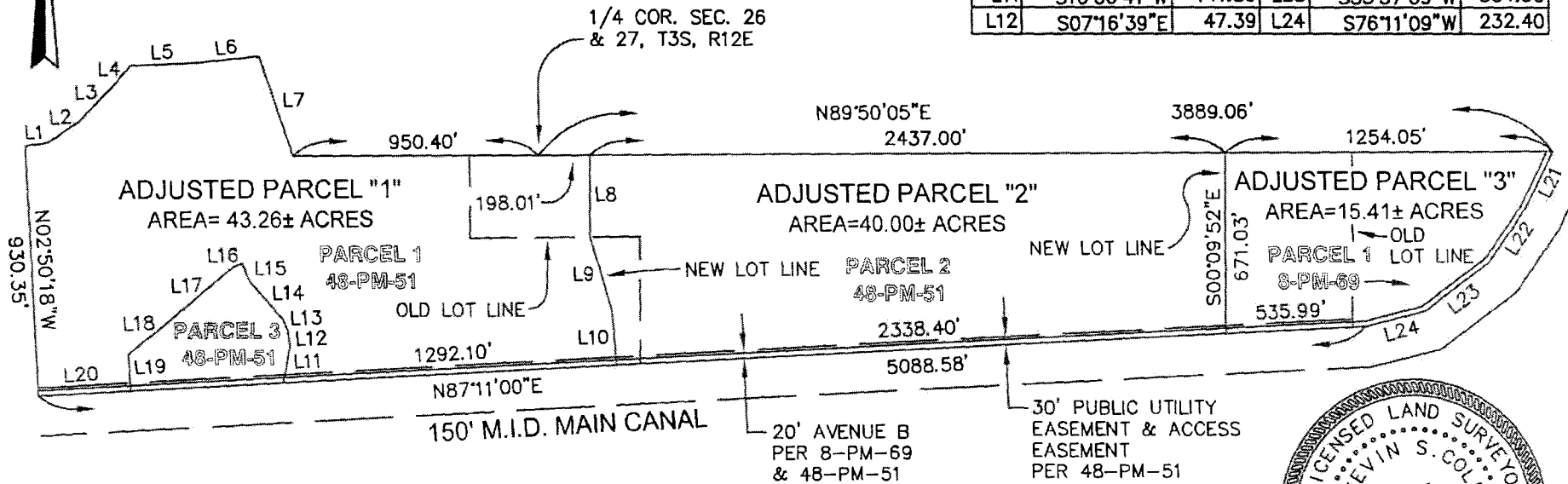
12. Will these parcels continue to irrigate? Yes No If yes, describe any physical changes in the irrigation system. _____

13. Signature of property owner(s)

<u></u>	<u>Derek Nichols</u>
Owner's Signature	Owner's Name Printed
<u></u>	<u>Connie Nichols</u>
Owner's Signature	Owner's Name Printed
_____ Owner's Signature	_____ Owner's Name Printed
_____ Owner's Signature	_____ Owner's Name Printed



LINE TABLE					
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S81°31'21"W	89.02	L13	S21°53'02"E	53.02
L2	S55°26'40"W	140.48	L14	S41°39'43"E	189.88
L3	S44°07'07"W	181.99	L15	S24°29'17"E	73.00
L4	S40°09'41"W	98.37	L16	N70°08'37"E	33.42
L5	S87°52'24"W	243.58	L17	N50°08'37"E	330.06
L6	S83°57'24"W	242.20	L18	N51°57'04"E	181.90
L7	N18°48'36"W	396.00	L19	N03°19'53"W	137.41
L8	S00°09'55"E	302.50	L20	N87°11'00"E	343.66
L9	S17°06'03"E	290.11	L21	S26°23'09"W	239.00
L10	S04°55'32"E	199.86	L22	S34°48'09"W	243.00
L11	S10°00'41"W	141.39	L23	S53°57'09"W	304.50
L12	S07°16'39"E	47.39	L24	S76°11'09"W	232.40



GK Giuliani & Kull, Inc.
 Engineers • Planners • Surveyors

440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
 (209) 847-8726 Fax (209) 847-7323
 Auburn • Oakdale • San Jose

SCALE: 1" = 600'
 DRAWN: K.COLE
 CHECKED: K.COLE
 JOB NO.: 14146
 SHEET: XX OF XX

EXHIBIT "C"
PLN2014-0067
STANISLAUS COUNTY, CALIFORNIA



July 17, 2014

Kevin Cole
Giuliani & Kull
440 S. Yosemite Avenue
Oakdale, CA 95361

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. PLN2014-0067
DEREK & CONNIE NICHOLS**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **July 17, 2014**, 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: Derek & Connie Nichols

APPLICANT STATEMENT

This project is a lot line adjustment between Assessor's Parcel No. 008-007-041 (41.40 acres), Assessor's Parcel No. 008-007-042 (49.24 acres), and Assessor's Parcel No. 008-007-024 (8.03 acres) all owned by Derek & Connie Nichols.

This lot line adjustment is being performed to re-organize each parcel such that parcel lines correspond to irrigation infrastructure. Completion of this lot line adjustment will result in 3 parcels that will have consistent land uses.

At the completion of this lot line adjustment, Parcel 1 will have an adjusted area of 43.26 acres, Parcel 2 will have adjusted area of 40.00 acres, and Parcel 3 will have an adjusted area of 15.41 acres. Parcel 1 is currently enrolled in the Williamson Act under contract number 1999-4410 & Parcel 2 is enrolled under contract number 1999-4409. Parcel 3 is not enrolled in the Williamson Act.

Pursuant to Government Code 51257, the following seven findings have been made as related to this lot line adjustment:

1. None of the Williamson Act contracts are subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment, all contracts will continue to be in force and effect for a period of at least 10 years.
2. The land currently under contract is 90.64 acres. After lot line adjustment, 98.67 acres will be under contract.
3. More than 90% of the land under the former contract will remain under contract. Also, as set forth above in finding (2), the entire amount of land included within this lot line adjustment will continue to remain under Williamson Act contract.
4. Consistent with Section 51222, all parcels of land subject to contract will be at least 40 acres both before and after the lot line adjustment. Parcels are presumed to be large enough to sustain their agricultural use if they are greater than 10 acres in size if prime farmland, or greater than 40 acres in the case of non-prime farmland. The subject properties are identified as Prime Farmland and Unique Farmland by the "Stanislaus County Important Farmland 2012" map produced by the Department of Conservation.
5. All parcels have been used for agricultural productivity for an extended length of time and all acreage previously used for agriculture will continue to be used for agriculture. Thus, this lot line adjustment will not compromise the long-term agricultural productivity of the parcels.
6. The parcels will continue to remain restricted by contract and used for agricultural productivity. As such, the lot line adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.

7. This lot line adjustment will not result in a greater number of developable parcels than currently exist. Also, none of the parcels are currently inconsistent with the Stanislaus County General Plan, nor will the resulting parcels be inconsistent with the Stanislaus County General Plan.

TENTATIVE LOT LINE ADJUSTMENT

BEING AN ADJUSTMENT OF PARCEL "1" & "2" AS SHOWN ON 48-PM-51 AND PARCEL "1" AS SHOWN ON 08-PM-69 BEING A PORTION OF SECTIONS 26 & 27, TOWNSHIP 3 SOUTH, RANGE 12 EAST, MOUNT DIABLO BASE & MERIDIAN, STANISLAUS COUNTY, CALIFORNIA
SCALE 1" = 200' MAY 1, 2014

GK Giuliani & Kull, Inc.
Engineers • Planners • Surveyors
440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
(209) 847-8726 Fax (209) 847-7323
Auburn • Oakdale • San Jose

OWNER/APPLICANT: DEREK HICKS
P.O. BOX 240
WATERFORD, CA 95386

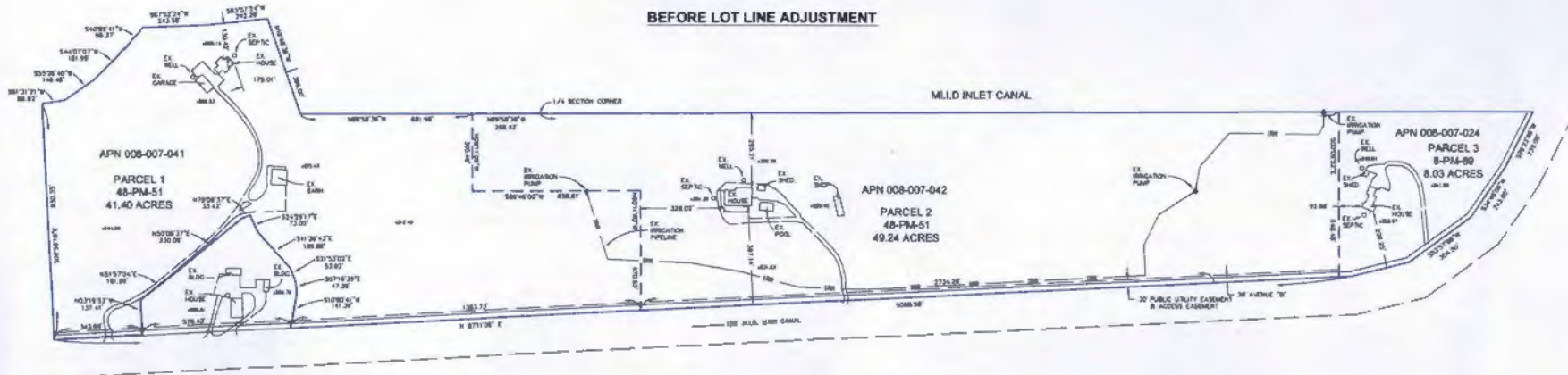
PREPARED BY: GILJIAN & KULL, INC.
440 S. YOSEMITE AVENUE SUITE A
OAKDALE, CA 95361

TOTAL AREA: 98.87 AC.
NO. OF PARCELS: 3
A.P.N.: 008-007-024, 041 & 042
ZONING: A-2-40
WATER: PRIVATE WELL
SANITARY SEWER: SEPTIC
STORM DRAIN: OVERLAND
SLOPE OF LAND: FLAT-118



VICINITY MAP

BEFORE LOT LINE ADJUSTMENT



ATTACHMENT 4

TENTATIVE LOT LINE ADJUSTMENT

BEING AN ADJUSTMENT OF PARCEL "1" & "2" AS SHOWN ON 08-PM-51 AND PARCEL "1" AS SHOWN ON 08-PM-69 BEING A PORTION OF SECTIONS 26 & 27, TOWNSHIP 3 SOUTH, RANGE 12 EAST, MOUNT DIABLO BASE & MERIDIAN, STANISLAUS COUNTY, CALIFORNIA
SCALE 1" = 200' MAY 1, 2014

GK Giuliani & Kull, Inc.
Engineers • Planners • Surveyors
440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
(209) 847-8726 Fax (209) 847-7323
Auburn • Oakdale • San Jose

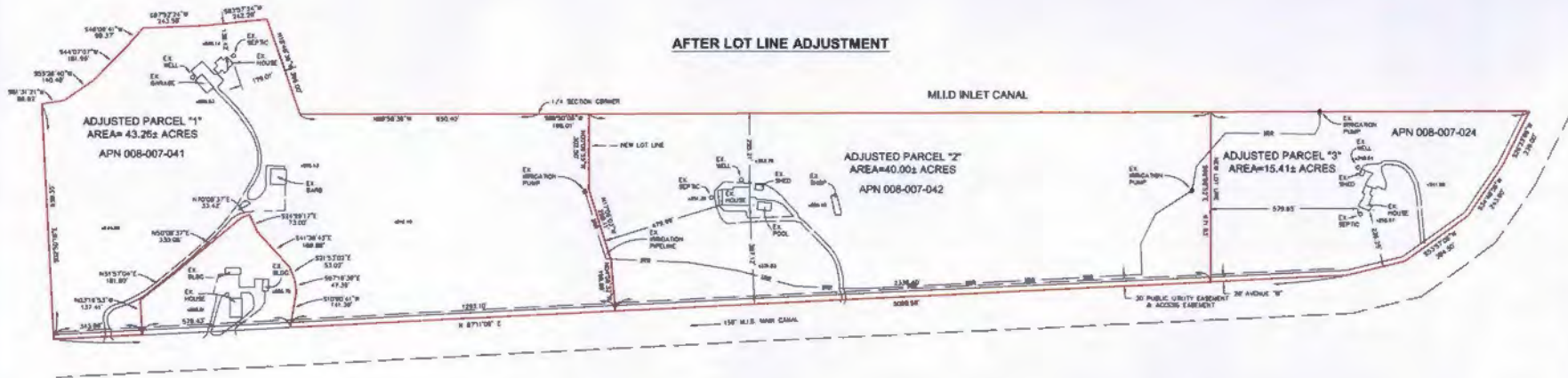
OWNER/APPLICANT: DEREK NICHOLS
P.O. BOX 249
WATERRIDGE, CA 95306

PREPARED BY: GIULIANI & KULL, INC.
440 S. YOSEMITE AVENUE SUITE A
OAKDALE, CA 95361

TOTAL AREA: 98.87 AC.
NO OF PARCELS: 3
A.P.N.: 008-007-024, 041 & 042
ZONING: A-2-40
WATER: PRIVATE WELL
SANITARY SEWER: SCSFG
STORM DRAIN: OVERLAND
SLOPE OF LAND: FLAT-11%



VICINITY MAP



ATTACHMENT 5



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2014-0054912-00

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

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

Acct 121-Planning.
Thursday, AUG 21, 2014 08:06:42
Ttl Pd \$47.00 Rcpt # 0003559216
OMK/R2/1-11

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 July 17, 2014, approved the lot line adjustment herein described submitted under the name of Derek & Connie Nichols Lot Line Adjustment No. PLN2014-0067 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

8-13-2014
Date

11mco

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of Stanislaus

On 8/13/2014

Date

before me,

Kimera Lynn Hall

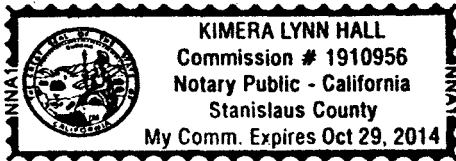
Here Insert Name and Title of the Officer

personally appeared

Carol Maben

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:

Kimera Lynn Hall

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: _____

Signer's Name: _____

Corporate Officer — Title(s): _____

Corporate Officer — Title(s): _____

Individual

Individual

Partner — Limited General

Partner — Limited General

Attorney in Fact

Attorney in Fact

Trustee

Trustee

Guardian or Conservator

Guardian or Conservator

Other: _____

Other: _____

Signer Is Representing: _____

Signer Is Representing: _____

CONDITIONS FOR LOT LINE ADJUSTMENT NO. PLN2014-0067

DEREK & CONNIE NICHOLS

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. PLN2014-0067

DEREK & CONNIE NICHOLS

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.

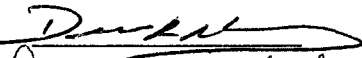
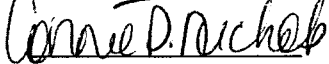
NOTE:

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. PLN2014-0067

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Derek K Nichols</u>	<u></u>	<u>7-18-14</u>	<u>Oakdale</u>
<u>Connie D. Nichols</u>	<u></u>	<u>7-18-14</u>	<u>Oakdale</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

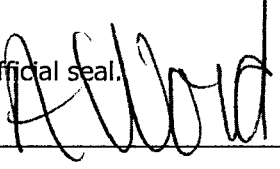
SECURITY HOLDERS:

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

State of California)
County of Stanislaus)

On July 18, 2014 before me,
A. Word, Notary Public (here insert name and title of the officer),
personally appeared Derek K Nichols and Connie D Nichols,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and
that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted,
executed the instrument.

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

WITNESS my hand and official seal.
Signature  (Seal)

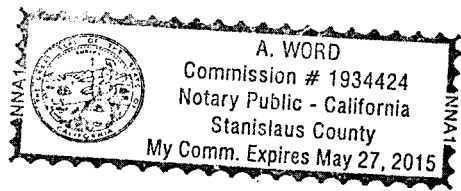


EXHIBIT "A"

LOT LINE ADJUSTMENT

PLN 2014-0067

LEGAL DESCRIPTION BEFORE LOT LINE ADJUSTMENT

UNADJUSTED PARCEL 1:

Parcel 1 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records, situate in Section 26 & 27, Township 3 South, Range 12 East, Mount Diablo Meridian, Stanislaus County, California.

UNADJUSTED PARCEL 2:

Parcel 2 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records, situate in Section 26 & 27, Township 3 South, Range 12 East, Mount Diablo Meridian, Stanislaus County, California.

UNADJUSTED PARCEL 3:

Parcel 1 as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 69, Stanislaus County Records, situate in Section 26, Township 3 South, Range 12 East, Mount Diablo Meridian, Stanislaus County, California.

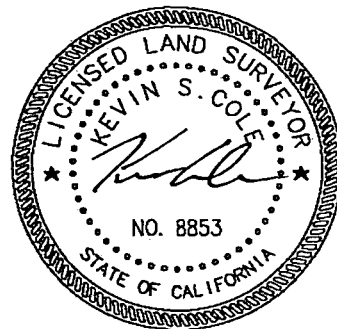


EXHIBIT "B"

LOT LINE ADJUSTMENT

PLN 2014-0067

LEGAL DESCRIPTION AFTER LOT LINE ADJUSTMENT

ADJUSTED PARCEL 1:

All that real property being a portion of Parcel 1 and Parcel 2 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records, situate in Section 26 & 27, Township 3 South, Range 12 East, Mount Diablo Meridian, Stanislaus County, California, being more particularly described as follows:

That portion of said Parcel 1 and Parcel 2 lying west of the following described line:

Beginning at a point on the north line of said Parcel 2, said point bears North 89°50'05" East 198.01 feet from a painted rock at the quarter corner between said Sections 26 & 27 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records; thence leaving said north line South 00°09'55" East 302.50 feet; thence South 17°06'03" East 290.11 feet; thence South 04°55'32" East 199.86 feet to the south line of said Parcel 1.

Subject to easements and rights-of-way of record.

All as shown on attached Exhibit "C" and made a part hereof and containing 43.26 acres, more or less.

END DESCRIPTION

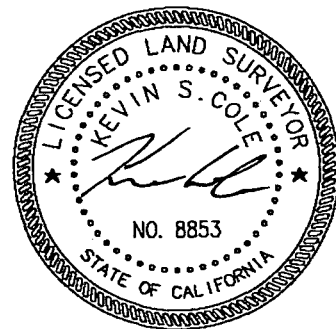


EXHIBIT "B"

LOT LINE ADJUSTMENT

PLN 2014-0067

LEGAL DESCRIPTION AFTER LOT LINE ADJUSTMENT

ADJUSTED PARCEL 2:

All that real property being a portion of Parcel 1 and Parcel 2 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records, situate in Section 26, Township 3 South, Range 12 East, Mount Diablo Meridian, Stanislaus County, California, being more particularly described as follows:

That portion of said Parcel 1 and Parcel 2 lying east of the following described line:

Beginning at a point on the north line of said Parcel 2, said point bears North 89°50'05" East 198.01 feet from a painted rock at the quarter corner between said Sections 26 & 27 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records; thence leaving said north line South 00°09'55" East 302.50 feet; thence South 17°06'03" East 290.11 feet; thence South 04°55'32" East 199.86 feet to the south line of said Parcel 1.

EXCEPTING THEREFROM

That portion of said Parcel 2 lying east of the following described line:

Beginning at a point on the north line of said Parcel 2, said point bears South 89°50'05" West 1254.05 feet from the easterly most corner of Parcel 1 as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 69, Stanislaus County Records; thence South 00°09'52" East 671.03 feet to the south line of said Parcel 2.

Subject to easements and rights-of-way of record.

All as shown on attached Exhibit "C" and made a part hereof and containing 40.00 acres, more or less.



EXHIBIT "B"

LOT LINE ADJUSTMENT

PLN 2014-0067

LEGAL DESCRIPTION AFTER LOT LINE ADJUSTMENT

ADJUSTED PARCEL 3:

All that real property being Parcel 1 as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 69, Stanislaus County Records, and a portion of Parcel 2 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records, situate in Section 26, Township 3 South, Range 12 East, Mount Diablo Meridian, Stanislaus County, California, being more particularly described as follows:

Parcel 1 as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 69, Stanislaus County Records, and that portion of Parcel 2 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records, lying east of the following described line:

Beginning at a point on the north line of said Parcel 2, said point bears South 89°50'05" West 1254.05 feet from the easterly most corner of Parcel 1 as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 69, Stanislaus County Records; thence South 00°09'52" East 671.03 feet to the south line of said Parcel 2.

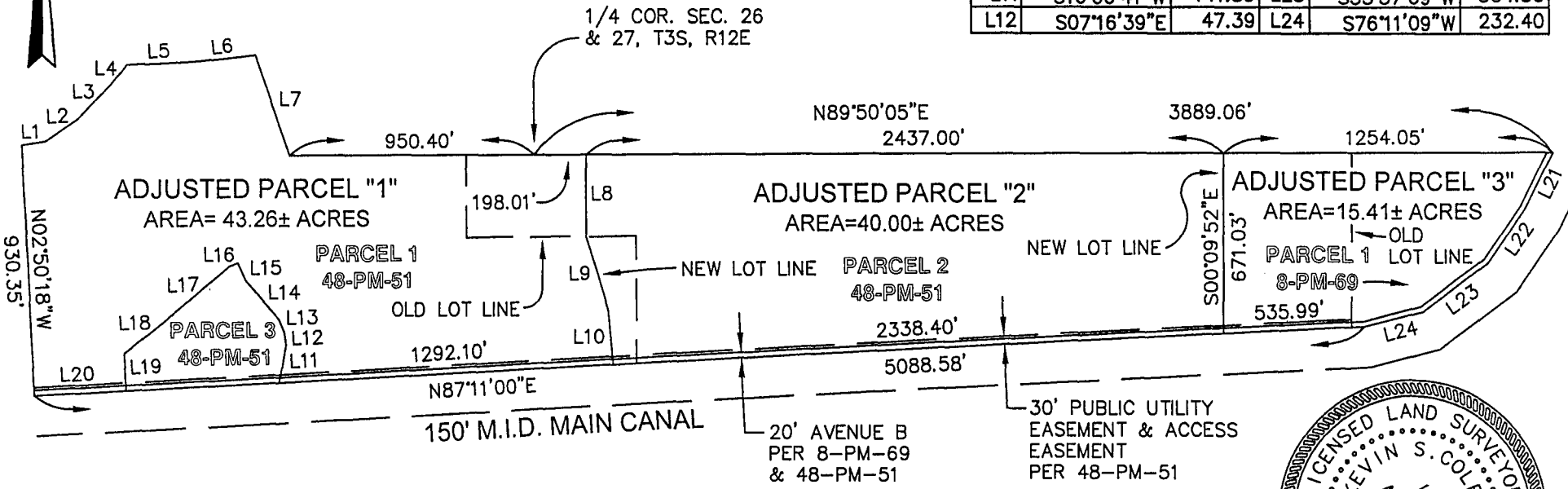
Subject to easements and rights-of-way of record.

All as shown on attached Exhibit "C" and made a part hereof and containing 15.41 acres, more or less.





LINE TABLE					
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S81°31'21"W	89.02	L13	S21°53'02"E	53.02
L2	S55°26'40"W	140.48	L14	S41°39'43"E	189.88
L3	S44°07'07"W	181.99	L15	S24°29'17"E	73.00
L4	S40°09'41"W	98.37	L16	N70°08'37"E	33.42
L5	S87°52'24"W	243.58	L17	N50°08'37"E	330.06
L6	S83°57'24"W	242.20	L18	N51°57'04"E	181.90
L7	N18°48'36"W	396.00	L19	N03°19'53"W	137.41
L8	S00°09'55"E	302.50	L20	N87°11'00"E	343.66
L9	S17°06'03"E	290.11	L21	S26°23'09"W	239.00
L10	S04°55'32"E	199.86	L22	S34°48'09"W	243.00
L11	S10°00'41"W	141.39	L23	S53°57'09"W	304.50
L12	S07°16'39"E	47.39	L24	S76°11'09"W	232.40



GK Giuliani & Kull, Inc.
 Engineers • Planners • Surveyors
 440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
 (209) 847-8726 Fax (209) 847-7323
 Auburn • Oakdale • San Jose

SCALE: 1" = 600'
 DRAWN: K.COLE
 CHECKED: K.COLE
 JOB NO.: 14146
 SHEET: XX OF XX


PLN2014-0067
STANISLAUS COUNTY, CALIFORNIA

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. 2014-21**

THIS SPACE FOR RECORDER ONLY



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2014-0054913-00
Thursday, AUG 21, 2014 08:07:08
Ttl Pd \$0.00 Rcpt # 0003559217
OMK/R2/2-13

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into August 19, 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: Derek Nichols

P.O. Box 240

Waterford, CA 95386

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

ASSESSORS PARCEL NUMBER	ACREAGE	SITUS ADDRESS (If none, please provide Legal Description)
<u>008-007-041</u>	<u>43.26</u>	<u>19755 Yosemite Blvd, Waterford</u>
<u>008-007-042</u>	<u>40</u>	<u>19911 Yosemite Blvd, Waterford</u>
<u>008-007-024</u>	<u>15.41</u>	<u>101 Crabtree Rd, Waterford</u>

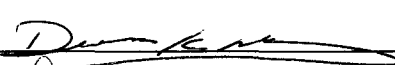
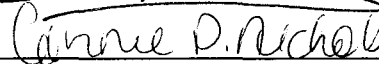
Pursuant to Stanislaus County Board of Supervisors Resolution No. 2014-434, relating to Lot Line Adjustment No. PLN2014-0067 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 99-4409 & 99-4410 encumbered the parcel described in Exhibit A are rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

13MC

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)
Derek K Nichols		7-18-14	Oakdale
Connie D. Nichols		7-18-14	Oakdale

SECURITY HOLDERS:

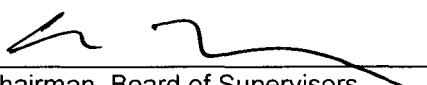
NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)

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

8.19.2014
Dated


Chairman, Board of Supervisors
Angela Freitas for Jim DeMartini

State of California)
County of Stanislaus)

On July 18, 2014 before me,
A. Word, Notary Public (here insert name and title of the officer),
personally appeared Derek K Nichols and Connie D Nichols,
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. A. Word
Signature _____ (Seal)

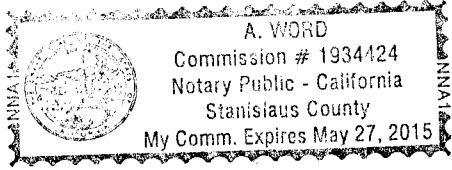
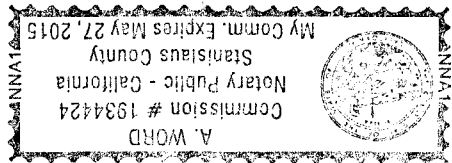


EXHIBIT "A"

LOT LINE ADJUSTMENT

PLN 2014-0067

LEGAL DESCRIPTION BEFORE LOT LINE ADJUSTMENT

UNADJUSTED PARCEL 1:

Parcel 1 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records, situate in Section 26 & 27, Township 3 South, Range 12 East, Mount Diablo Meridian, Stanislaus County, California.

UNADJUSTED PARCEL 2:

Parcel 2 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records, situate in Section 26 & 27, Township 3 South, Range 12 East, Mount Diablo Meridian, Stanislaus County, California.

UNADJUSTED PARCEL 3:

Parcel 1 as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 69, Stanislaus County Records, situate in Section 26, Township 3 South, Range 12 East, Mount Diablo Meridian, Stanislaus County, California.



EXHIBIT "B"

LOT LINE ADJUSTMENT

PLN 2014-0067

LEGAL DESCRIPTION AFTER LOT LINE ADJUSTMENT

ADJUSTED PARCEL 1:

All that real property being a portion of Parcel 1 and Parcel 2 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records, situate in Section 26 & 27, Township 3 South, Range 12 East, Mount Diablo Meridian, Stanislaus County, California, being more particularly described as follows:

That portion of said Parcel 1 and Parcel 2 lying west of the following described line:

Beginning at a point on the north line of said Parcel 2, said point bears North 89°50'05" East 198.01 feet from a painted rock at the quarter corner between said Sections 26 & 27 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records; thence leaving said north line South 00°09'55" East 302.50 feet; thence South 17°06'03" East 290.11 feet; thence South 04°55'32" East 199.86 feet to the south line of said Parcel 1.

Subject to easements and rights-of-way of record.

All as shown on attached Exhibit "C" and made a part hereof and containing 43.26 acres, more or less.

END DESCRIPTION



EXHIBIT "B"

LOT LINE ADJUSTMENT

PLN 2014-0067

LEGAL DESCRIPTION AFTER LOT LINE ADJUSTMENT

ADJUSTED PARCEL 2:

All that real property being a portion of Parcel 1 and Parcel 2 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records, situate in Section 26, Township 3 South, Range 12 East, Mount Diablo Meridian, Stanislaus County, California, being more particularly described as follows:

That portion of said Parcel 1 and Parcel 2 lying east of the following described line:

Beginning at a point on the north line of said Parcel 2, said point bears North 89°50'05" East 198.01 feet from a painted rock at the quarter corner between said Sections 26 & 27 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records; thence leaving said north line South 00°09'55" East 302.50 feet; thence South 17°06'03" East 290.11 feet; thence South 04°55'32" East 199.86 feet to the south line of said Parcel 1.

EXCEPTING THEREFROM

That portion of said Parcel 2 lying east of the following described line:

Beginning at a point on the north line of said Parcel 2, said point bears South 89°50'05" West 1254.05 feet from the easterly most corner of Parcel 1 as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 69, Stanislaus County Records; thence South 00°09'52" East 671.03 feet to the south line of said Parcel 2.

Subject to easements and rights-of-way of record.

All as shown on attached Exhibit "C" and made a part hereof and containing 40.00 acres, more or less.



EXHIBIT "B"

LOT LINE ADJUSTMENT

PLN 2014-0067

LEGAL DESCRIPTION AFTER LOT LINE ADJUSTMENT

ADJUSTED PARCEL 3:

All that real property being Parcel 1 as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 69, Stanislaus County Records, and a portion of Parcel 2 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records, situate in Section 26, Township 3 South, Range 12 East, Mount Diablo Meridian, Stanislaus County, California, being more particularly described as follows:

Parcel 1 as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 69, Stanislaus County Records, and that portion of Parcel 2 as shown on that Parcel Map filed for record in Book 48 of Parcel Maps at Page 51, Stanislaus County Records, lying east of the following described line:

Beginning at a point on the north line of said Parcel 2, said point bears South 89°50'05" West 1254.05 feet from the easterly most corner of Parcel 1 as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 69, Stanislaus County Records; thence South 00°09'52" East 671.03 feet to the south line of said Parcel 2.

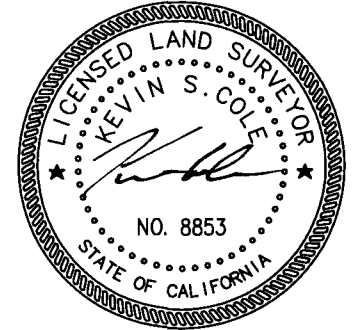
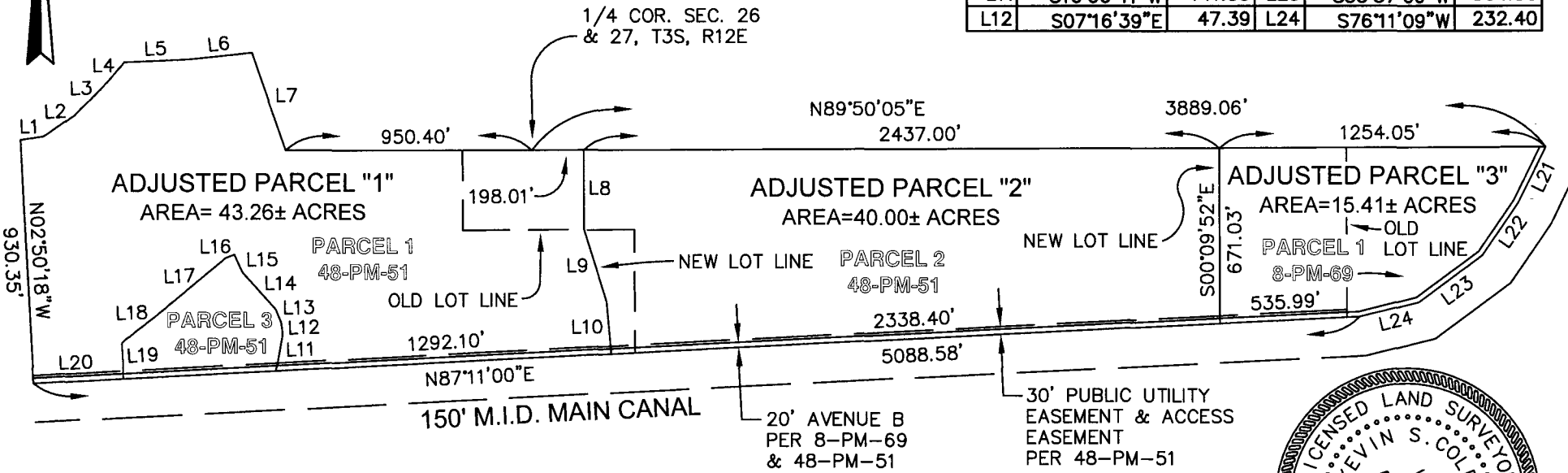
Subject to easements and rights-of-way of record.

All as shown on attached Exhibit "C" and made a part hereof and containing 15.41 acres, more or less.





LINE TABLE					
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S81°31'21"W	89.02	L13	S21°53'02"E	53.02
L2	S55°26'40"W	140.48	L14	S41°39'43"E	189.88
L3	S44°07'07"W	181.99	L15	S24°29'17"E	73.00
L4	S40°09'41"W	98.37	L16	N70°08'37"E	33.42
L5	S87°52'24"W	243.58	L17	N50°08'37"E	330.06
L6	S83°57'24"W	242.20	L18	N51°57'04"E	181.90
L7	N18°48'36"W	396.00	L19	N03°19'53"W	137.41
L8	S00°09'55"E	302.50	L20	N87°11'00"E	343.66
L9	S17°06'03"E	290.11	L21	S26°23'09"W	239.00
L10	S04°55'32"E	199.86	L22	S34°48'09"W	243.00
L11	S10°00'41"W	141.39	L23	S53°57'09"W	304.50
L12	S07°16'39"E	47.39	L24	S76°11'09"W	232.40



Giuliani & Kull, Inc.
Engineers • Planners • Surveyors

440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
(209) 847-8726 Fax (209) 847-7323
Auburn • Oakdale • San Jose

SCALE: 1" = 600'
DRAWN: K.COLE
CHECKED: K.COLE
JOB NO.: 14146
SHEET: XX OF XX

PLN2014-0067
STANISLAUS COUNTY, CALIFORNIA

EXHIBIT C

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

DEPT: Planning and Community Development *PF*

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE August 19, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind All of Williamson Act Contracts No. 1999-4409 and 1999-4410, Located at 19755 and 19911 Yosemite Boulevard, East of Dienstag Road and North of the M.I.D. Main Canal, in the Waterford Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2014-0067, Derek and Connie Nichols, 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. 2014-434

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

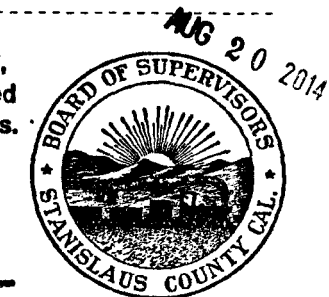
MOTION:

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

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

Christine Ferraro Tallman
By *Patricia Menzel*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk



File No.

Approval to Rescind All of Williamson Act Contracts No. 1999-4409 and 1999-4410, Located at 19755 and 19911 Yosemite Boulevard, East of Dienstag Road and North of the M.I.D. Main Canal, in the Waterford Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2014-0067, Derek and Connie Nichols, 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 All of Williamson Act Contracts No. 1999-4409 and 1999-4410, Located at 19755 and 19911 Yosemite Boulevard, east of Dienstag Road and north of the M.I.D. Main Canal, in the Waterford area.
 3. Approve a new contract pursuant to Minor Lot Line Adjustment PLN2014-0067 – Derek and Connie Nichols.
 4. Authorize the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment PLN2014-0067 – Derek and Connie Nichols.

DISCUSSION:

Lot Line Adjustment PLN2014-0067 was approved by staff pending the Board's action required by the Williamson Act. The parcels involved in the lot line adjustment are located north of Yosemite Boulevard, east of Dienstag Road, south of the M.I.D Inlet

Approval to Rescind All of Williamson Act Contracts No. 1999-4409 and 1999-4410, Located at 19755 and 19911 Yosemite Boulevard, East of Dienstag Road and North of the M.I.D. Main Canal, in the Waterford Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2014-0067, Derek and Connie Nichols, and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 3

Canal and north of the M.I.D. Main Canal, in the Waterford area, in the unincorporated area of Stanislaus County. (19755 and 19911 Yosemite Boulevard and 101 Crabtree Road).

The lot line adjustment is requesting three parcels go from 41.40, 49.24, and 8.03 acres (98.67 acres total) to three parcels of 43.26, 40.0 and 15.41 acre parcels (98.67 acres total). The reason for the lot line adjustment request is to have parcel lines follow an existing irrigation line while maintaining a minimum area of 40 gross acres. The 98.67 acres are in either irrigated pasture or almond production. All three parcels are improved with one single family dwelling each.

Parcels "1" and "2" are currently enrolled in all of Williamson Act Contracts No. 1999-4409 and 1999-10 (90.64 acres). Currently, Parcel "3" (8.03 acres) is too small to be enrolled in a contract, however, if this lot line is approved, Parcel "3" will be large enough (15.41 acres) and then all three parcels (98.67) will be enrolled in a new contract. 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.

Approval to Rescind All of Williamson Act Contracts No. 1999-4409 and 1999-4410, Located at 19755 and 19911 Yosemite Boulevard, East of Dienstag Road and North of the M.I.D. Main Canal, in the Waterford Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2014-0067, Derek and Connie Nichols, and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 4

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

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

The applicants have provided written evidence to support the seven findings listed above, and staff agrees with that evidence. The proposed adjustment would not increase the number of developable parcels, 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 replace all of Williamson Act Contracts No. 1999-4409 and 1999-4410, upon recording. The new contract will cover the entire 98.67 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

Approval to Rescind All of Williamson Act Contracts No. 1999-4409 and 1999-4410, Located at 19755 and 19911 Yosemite Boulevard, East of Dienstag Road and North of the M.I.D. Main Canal, in the Waterford Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment PLN2014-0067, Derek and Connie Nichols, and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 5

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.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

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