

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

DEPT: Planning and Community Development MG

BOARD AGENDA # 9:05 a.m.

Urgent

Routine

AGENDA DATE January 13, 2015

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Public Hearing to Consider Approval of Two Williamson Act Cancellation Applications, a Lot Line Adjustment Application PLN2014-0059, and a New Williamson Act Contract, Miller/Wurm

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.

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 .03 acres (1,450 square feet) and .10 acres (4,650 square feet) are not enrolled in a Williamson Act Contract. Also, the applicant will pay a cancellation penalty of \$250.00 to the Department of Conservation.

BOARD ACTION AS FOLLOWS:

No. 2015-28

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST:


CHRISTINE FERRARO TALLMAN, Clerk

File No.

STAFF RECOMMENDATIONS: (Continued)

- (C) That cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan.
 - (D) That cancellation will not result in discontinuous patterns of urban development.
 - (E) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.
 - (F) That 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 \$2,000.00 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 (\$250.00).
 5. Approve the Tentative Cancellations of a portion of Williamson Act Contracts No. 74-1585 and 74-1596 subject to payment of the cancellation fee. Unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State law.
 6. Direct the Clerk of the Board to record a Certificate of Tentative Cancellation within 30 days of this action.
 7. Direct the Clerk of the Board, within 30 days of the Board action, to publish the Notice of the Decision, pursuant to Government Code, and to deliver a copy of the published Notice of the Decision to the Director of Conservation.
 8. Rescind portions of Williamson Act Contracts No. 72-493 and 74-1585 and the entire Williamson Act Contract No. 74-1596 and approve a new contract pursuant to Minor Lot Line Adjustment PLN2014-0059 – Miller/Wurm.
 9. Approve Lot Line Adjustment PLN2014-0059-Miller/Wurm, subject to the completion of Williamson Act Contract Cancellations, which is part of PLN2014-0059.
 10. Authorize the Planning and Community Development Director to execute a new contract pursuant to Minor Lot Line Adjustment and Williamson Act Contract Cancellations PLN2014-0059.

DISCUSSION:

This is a request to consider approval of two Williamson Act Cancellations, a Lot Line Adjustment Application, and a new Williamson Act Contract. The lot line adjustment request will allow parcel lines of two parcels totaling 34.7 acres to adjust from .48 and 34.22 acres to .62 and 34.08 acres (Attachments 1 and 2). The parcels are zoned A-2-40 (General Agriculture) and located at 4030 and 4306 Sperry Road, south of E. Service Road, north of Doerkson Road, in the Denair area. (APNs: 019-025-014 and 019-025-032).

The 34.22 acre parcel is currently enrolled in three separate Williamson Act Contracts 72-493, 74-1585 and 74-1596 (See Attachment 5). Due to previous lot line adjustments and parcel maps, the 34.22 acre parcel has incurred three different contracts on it. Two of the contracts (74-1598 and 72-493) cover additional properties, not part of this proposal. A Williamson Act Contract Notice of Non-Renewal has been filed and recorded on all portions of the three contracts being affected. The .48 acre parcel is not enrolled under a contract. The lot line adjustment cannot be approved without cancelling a .03 acre (1,450 square feet) portion of Contract No. 74-1585 and a .10 acre (4,650 square feet) portion of Contract 74-1596, to be lot lined to the smaller parcel. The proposed .62 acre 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 proposed 34.08 acre parcel will be enrolled into a new Williamson Act contract, with all portions of the existing contracts covering the project site rescinded.

The existing .48 acre parcel is improved with one single-family dwelling and outbuildings and the 34.22 acre parcel is developed with a mobile home. The purpose of the lot line adjustment is to match occupancy lines that have been in place for years.

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 August 20, 2014, staff received a letter from Molly Penberth, Manager of the Division of Land Resource Protection, for the Department of Conservation stating they have no concerns regarding the cancellations of the Williamson Act contracts and indicated the findings have been met per their Department. Stanislaus County Planning staff also 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 \$250.00 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.

POLICY ISSUES:

Approval of this action supports the Board's priority of A Strong Agricultural Economy/Heritage by establishing parcels that are consistent with the County General Plan, County Zoning Ordinance, and locally adopted Williamson Act Uniform Rules.

Public Hearing to Consider Approval of Two Williamson Act Cancellation Applications, a Lot Line Adjustment Application PLN2014-0059, and a New Williamson Act Contract, Miller/Wurm
Page 6

STAFFING IMPACT:

There are no staffing impacts associated with this item.

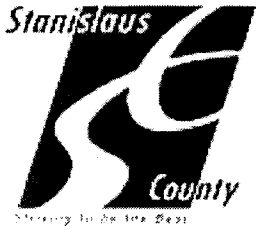
CONTACT PERSON:

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

ATTACHMENTS:

1. Lot Line Adjustment Application No. PLN2014-0059
2. Applicant's Statement of Findings
3. Map of Before Line Adjustment
4. Map of After Lot Line Adjustment
5. Map Indicating the Lines of Where the Current Williamson Act Contracts Exist on the Current 34.22 Acre Parcel
6. Letter from Don H. Gaekle, Stanislaus County Assessor, dated August 14, 2014
7. Certificate of Tentative Cancellation
8. Notice of Exemption

(i:\planning\staff reports\wac\lla wac pln2014-0059 - miller-wurm\bos\01-13-15\wac2014-0059-miller-wurm.doc)



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

S	19	T	4	R	11
ZONE	A-2-40				
RECEIVED	5-19-2014				
APPLICATION NO.	PLN 2014-0059				
RECEIPT NO.					

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Robert Wurm

 Name
 4030 S. Sperry Rd.

 Address, City, Zip
 Denair, Ca. 95316

 Phone
 209 667 9909

 Fax Number

Parcel 2

John Miller

 Name
 4342 S. Sperry Rd.

 Address, City, Zip
 Denair, Ca. 95316

 Phone
 209 883 0113

 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: Aspen Survey Co. Inc. 1121 Oakdale Road,
Modesto, Ca. 95355

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

Parcel 1: Book 019 Page 025 No. 014 Parcel 2: Book 019 Page 025 No. 032
 Parcel 3: Book _____ Page _____ No. _____ Parcel 4: Book _____ Page _____ No. _____

4. Size of all adjusted parcels:

	<u>Before</u>	<u>After</u>
Parcel 1:	<u>0.48 Ac</u>	<u>0.62 Ac</u>
Parcel 2:	<u>34.22 Ac</u>	<u>34.08 Ac</u>
Parcel 3:	<u> </u>	<u> </u>
Parcel 4:	<u> </u>	<u> </u>

5. Why are the lot lines being changed? **BE SPECIFIC** The parcel lines are being adjusted to match occupancy lines
as agreed by both Owners.

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

- | | |
|---|---|
| <input type="checkbox"/> Residential
<input checked="" type="checkbox"/> Single Family
<input type="checkbox"/> Duplex
<input type="checkbox"/> Multiple
<input type="checkbox"/> Commercial
<input type="checkbox"/> Industrial
<input type="checkbox"/> Other (Specify) _____

_____ | <input type="checkbox"/> Agriculture
<input type="checkbox"/> Row Crop - type _____
<input checked="" type="checkbox"/> Trees - type <u>ALMOND</u>
<input type="checkbox"/> Vines - type _____
<input type="checkbox"/> Range (unirrigated) _____
<input type="checkbox"/> Pasture (irrigated) _____
<input type="checkbox"/> Poultry _____
<input type="checkbox"/> Dairy _____
<input type="checkbox"/> Other (Specify) _____ |
|---|---|

7. List all structures on properties: 1 MOBILE HOME, 1 HOUSE, 3 PORTABLE BUILDINGS

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: 1988
Parcel 3: _____

Parcel 2: 1992
Parcel 4: _____

10. What are the Williamson Act Contract numbers?

Parcel 1: _____
Parcel 3: _____

1974 - 1585
1974 - 1596
Parcel 2: 1972 - 0493
Parcel 4: _____

11. Do the parcels irrigate? Yes No If yes, how? PARCEL 2 FROM PIPELINE

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)

[Signature]
Owner's Signature

Robert D. Worm
Owner's Name Printed

[Signature]
Owner's Signature

JOHN L. MILLER
Owner's Name Printed

[Signature]
Owner's Signature

Mary D Miller
Owner's Name Printed

Owner's Signature

Owner's Name Printed



APPLICATION QUESTIONNAIRE

<p>Please Check all applicable boxes APPLICATION FOR: <i>Staff is available to assist you with determining which applications are necessary</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Rezone <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input checked="" type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____ </td> </tr> </table>	<input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Rezone <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input checked="" type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____	<p>PLANNING STAFF USE ONLY: Application No(s): <u>PLN 2014-0059</u> Date: <u>5-23-2014</u> S <u>19</u> T <u>4</u> R <u>11</u> GP Designation: <u>Ag</u> Zoning: <u>A-2-40</u> Fee: _____ Receipt No. _____ Received By: _____ Notes: _____</p>
<input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Rezone <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input checked="" type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____		

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

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

PROJECT INFORMATION

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

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

The project is an application to remove a portion of land that is under Williamson Act contract, but has been built upon and occupied by a neighbor for over 20 years. The occupied portion will be adjusted into the neighbors parcel.

A new land conservation contract will be entered into using the remaining lands. That portion of land that has been occupied by the neighbor, has never been planted on or used for agriculture purposes for the duration of the current Land contract 74-1585

CONTACT PERSON: Who is the primary contact person for information regarding this project?

Name: ASPEN SURVEY COMPANY, INC. (DAVID HARRIS) email: davidh_aspen@sbcglobal.net

Address: 1121 OAKDALE ROAD, SUITE 6, MODESTO, CA 95355

Telephone: (209) 526-9724 Fax: (209) 526-0472

(Attach additional sheets as necessary)

PROPERTY OWNER'S NAME: MILLER FAMILY 2006 TRUST (JOHN L. MILLER & MARY D. MILLER TRUSTEES)

Mailing Address 4342 S. SPERRY ROAD, DENAIR, CA 95316

Telephone: 531-3822 Fax: _____

APPLICANT'S NAME: same

Mailing Address _____

Telephone: _____ Fax: _____

ENGINEER / APPLICANT: ASPEN SURVEY COMPANY, INC.

Mailing Address 1121 OAKDALE ROAD, SUITE 6, MODESTO, CA

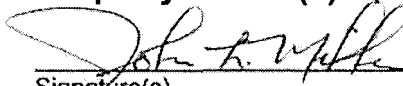
Telephone: (209) 526-9724 Fax: (209) 526-0472

PROPERTY OWNER/APPLICANT SIGNATURE(S)

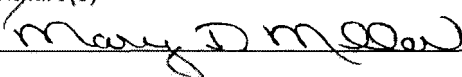
I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the County. I hereby certify that I have read and fully understand all the information required in this application form including:

1. The Notices to All Applicants on page 9;
2. Acknowledgments/Authorizations on pages 11 - 12; and,
3. The Indemnification on page 13.

Property Owner(s): (Attach additional sheets as necessary)



 Signature(s)



JOHN L. MILLER

Print Name

MARY D. MILLER

Applicant(s): (If different from above)

Signature(s)

Print Name

PROJECT SITE INFORMATION

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

ASSESSOR'S PARCEL NUMBER(S): Book 019 Page 025 Parcel 032

Additional parcel numbers: _____

Project Site Address
or Physical Location:

4306 S. SPERRY ROAD

DENAIR, CA

Property Area: Acres: _____ or Square feet: 1450

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

Lawn area and chicken coops and decorative trees.

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

Lot Line Adjustment No 93-43 Recorded as Document No 93-0137376

Existing General Plan & Zoning: A-2-40

Proposed General Plan & Zoning: AG
(if applicable)

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

East: Orchard trees

West: Orchard trees

North: Orchard trees

South: Orchard trees

WILLIAMSON ACT CONTRACT:

Yes No

Is the property currently under a Williamson Act Contract?

Contract Number: 74-1585

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

Date Filed: none

Yes No

Do you propose to cancel any portion of the Contract?

Yes No

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

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

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

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

Field crops Orchard Pasture/Grassland Scattered trees

Shrubs Woodland River/Riparian Other

Explain Other: _____

Yes No

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

GRADING:

Yes No

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

STREAMS, LAKES, & PONDS:

Yes No

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

Yes No

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

Yes No

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

Yes No

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

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

STRUCTURES:

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

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

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

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

PROJECT SITE COVERAGE:

Existing Building Coverage: _____ Sq. Ft. Landscaped Area: _____ Sq. Ft.

Proposed Building Coverage: 0 Sq. Ft. Paved Surface Area: 0 Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) none

Number of floors for each building: _____

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

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

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

UTILITIES AND IRRIGATION FACILITIES:

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

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

Electrical: Turlock Irrigation Dist.

Sewer*: pvt septic

Telephone: ATT

Gas/Propane: private source

Water**: pvt well

Irrigation: Turlock Irrigation Dist.

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

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

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

uu

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

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

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

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

AFFORDABLE HOUSING/SENIOR:

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

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

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

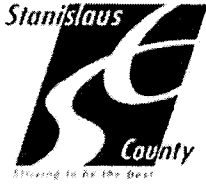
Net Density per Acre: _____ Gross Density per Acre: _____

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

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

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

Type of use(s): _____



APPLICATION QUESTIONNAIRE

<p>Please Check all applicable boxes APPLICATION FOR: <i>Staff is available to assist you with determining which applications are necessary</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Rezone <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input checked="" type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____ </td> </tr> </table>	<input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Rezone <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input checked="" type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____	<p>PLANNING STAFF USE ONLY: Application No(s): <u>PLN 2014-0059</u> Date: <u>5-23-2014</u> S <u>19</u> T <u>4</u> R <u>11</u> GP Designation: <u>AG</u> Zoning: <u>A-2-40</u> Fee: _____ Receipt No. _____ Received By: _____ Notes: _____</p>
<input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Rezone <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input checked="" type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____		

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

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

PROJECT INFORMATION

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

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

The project is an application to remove a portion of land that is under Williamson Act contract, but has been built upon and occupied by a neighbor for over 20 years. The occupied portion will be adjusted into the neighbors parcel.

A new land conservation contract will be entered into using the remaining lands. That portion of land that has been occupied by the neighbor, has never been planted on or used for agriculture purposes for the duration of the current Land contract 74-1596

CONTACT PERSON: Who is the primary contact person for information regarding this project?

Name: ASPEN SURVEY COMPANY, INC. (DAVID HARRIS) email: davidh_aspen@sbcglobal.net

Address: 1121 OAKDALE ROAD, SUITE 6, MODESTO, CA 95355

Telephone: (209) 526-9724 Fax: (209) 526-0472

(Attach additional sheets as necessary)

PROPERTY OWNER'S NAME: MILLER FAMILY 2006 TRUST (JOHN L. MILLER & MARY D. MILLER TRUSTEES)

Mailing Address 4342 S. SPERRY ROAD, DENAIR, CA 95316

Telephone: 531-3822 Fax: _____

APPLICANT'S NAME: same

Mailing Address _____

Telephone: _____ Fax: _____

ENGINEER / APPLICANT: ASPEN SURVEY COMPANY, INC.

Mailing Address 1121 OAKDALE ROAD, SUITE 6, MODESTO, CA

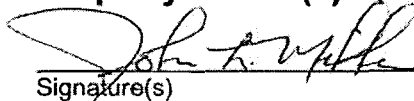
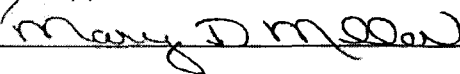
Telephone: (209) 526-9724 Fax: (209) 526-0472

PROPERTY OWNER/APPLICANT SIGNATURE(S)

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the County. I hereby certify that I have read and fully understand all the information required in this application form including:

1. The Notices to All Applicants on page 9;
2. Acknowledgments/Authorizations on pages 11 - 12; and,
3. The Indemnification on page 13.

Property Owner(s): (Attach additional sheets as necessary)


Signature(s) _____


JOHN L. MILLER

Print Name

MARY D. MILLER

Applicant(s): (If different from above)

Signature(s) _____

Print Name _____

PROJECT SITE INFORMATION

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

ASSESSOR'S PARCEL NUMBER(S): Book 019 Page 025 Parcel 032

Additional parcel numbers: _____

Project Site Address
or Physical Location:

4306 S. SPERRY ROAD

DENAIR, CA

Property Area: Acres: _____ or Square feet: 4650

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

Tool shed, play house, driveway and decorative trees.

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

Lot Line Adjustment No 93-43 Recorded as Document No 93-0137376

Existing General Plan & Zoning: A-2-40

Proposed General Plan & Zoning: AG
(if applicable)

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

East: Orchard trees

West: Orchard trees

North: Orchard trees

South: Orchard trees

WILLIAMSON ACT CONTRACT:

Yes No

Is the property currently under a Williamson Act Contract?

Contract Number: 74-1596

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

Date Filed: Oct. 10, 2000

Yes No

Do you propose to cancel any portion of the Contract?

Yes No

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

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

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

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

Field crops Orchard Pasture/Grassland Scattered trees

Shrubs Woodland River/Riparian Other

Explain Other: _____

Yes No

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

GRADING:

Yes No

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

STREAMS, LAKES, & PONDS:

Yes No

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

Yes No

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

Yes No

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

Yes No

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

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

STRUCTURES:

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

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

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

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

PROJECT SITE COVERAGE:

Existing Building Coverage: _____ Sq. Ft. Landscaped Area: _____ Sq. Ft.

Proposed Building Coverage: 0 Sq. Ft. Paved Surface Area: 0 Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) none

Number of floors for each building: _____

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

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

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

UTILITIES AND IRRIGATION FACILITIES:

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

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

Electrical: Turlock Irrigation Dist.

Sewer*: pvt septic

Telephone: ATT

Gas/Propane: private source

Water**: pvt well

Irrigation: Turlock Irrigation Dist.

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

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

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

uu

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

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

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

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

AFFORDABLE HOUSING/SENIOR:

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

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

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

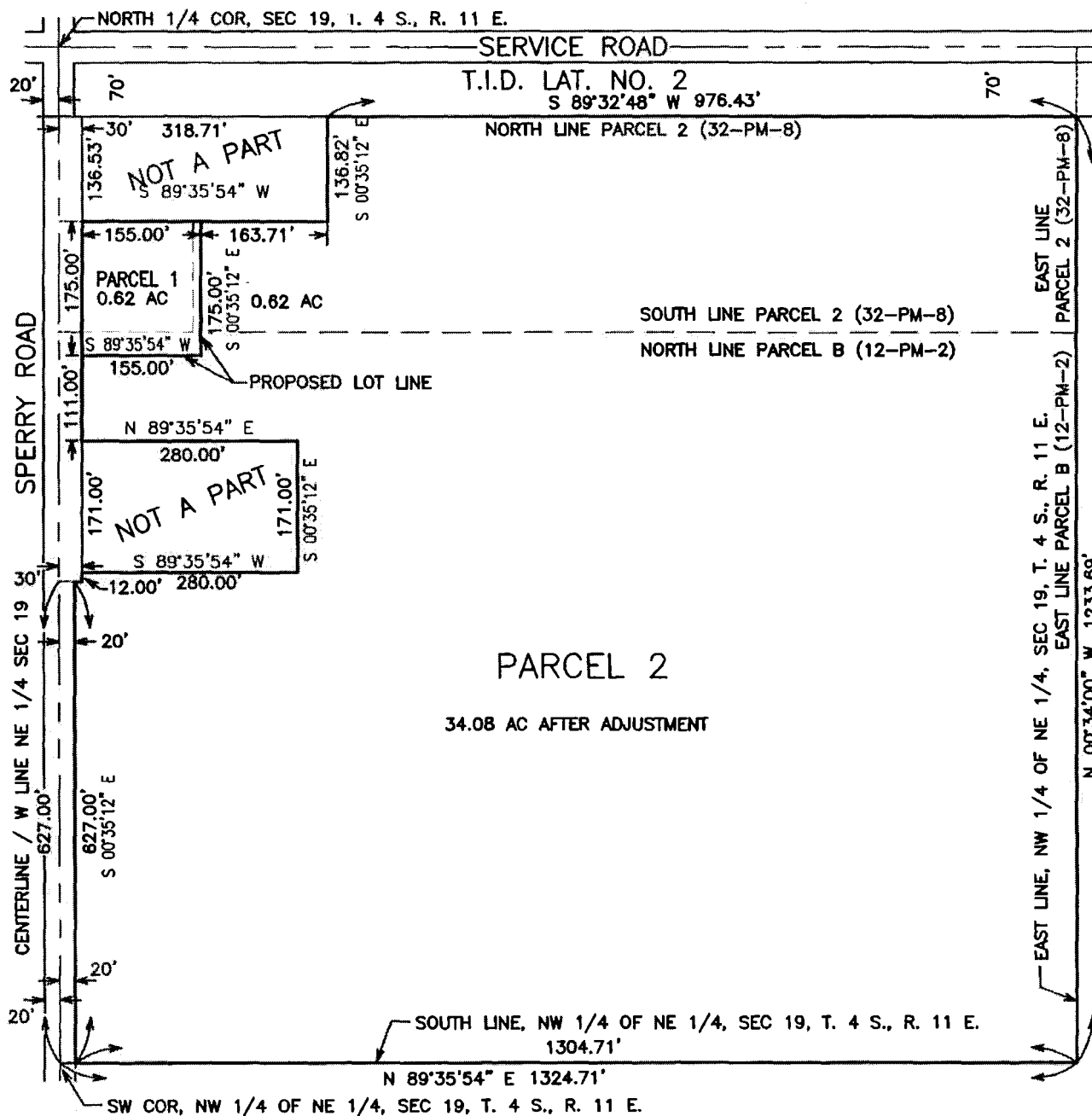
Net Density per Acre: _____ Gross Density per Acre: _____

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

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

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

Type of use(s): _____



**SUPPLIMENT PLAT
FOR LOT LINE
ADJUSTMENT**

BEING A PORTION OF THE N.E. 1/4 OF SECTION 19,
TOWNSHIP 4 SOUTH, RANGE 11 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

MAY, 2014

EXHIBIT C-1

Applicant Statement
Project Description and Landowner Justification

This project is a lot line adjustment. The adjustment involves Assessor's Parcel No. 019-025-014, totaling 0.48 acres owned by Robert Wurm and Assessor's Parcel No. 019-025-032, totaling 34.22 acres owned by John and Mary Miller.

The 0.48 acre Parcel is NOT under Williamson Act contract, the 34.22 acre Parcel is currently under 3 Williamson Act Contracts.

Proposal:

The Owners wish to adjust the border of the 0.48 (non-Williamson act) parcel to bound the existing occupation lines. (0.62 acres). The current occupation lines have been used as-is for over 22 years [note: this adjustment was approved by a previous application on July 31, 1991 application number 91-36. The adjustment was not completed at that time]. The 34.22 acre Parcel will be adjusted to 34.08 acres which is consistent with the area of land that has been continually been farmed for over 22 years. The 34.08 acres will be re-placed into a new Williamson act contract. 99.6% of the land formerly under contract will be placed into this contract.

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

2) After the lot line adjustment, the contracts will cover 34.08± acres. There will be a **reduction** of 0.14 acres as a result of this adjustment.

3) 99.6% of land under former contracts will remain under the new contracts.

4) Consistent with **Government code § 51222**, the resulting contract parcel will be over 10 acres after the lot line adjustment. Tujunga Loamy Sand and Hanford Sandy Loam are the soils that are found on the parcels. These are soils that have been proven to be good for orchards and many other crops. The current site crop is nut orchards. See *Soils of Eastern Stanislaus County California* January 1959. Arkley

5) This lot line adjustment does not compromise the long-term agricultural productivity of the farm parcel. All farm lands within this adjustment are currently planted in productive orchard and shall remain as such.

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

7) This lot line adjustment does not result in a greater number of parcels than previously existed. There were **two** existing parcels prior to this lot line adjustment. And there will be **two** parcels following this adjustment. The parcels are consistent with the general plan.

Conclusion:

This Lot line adjustment is being requested to isolate that portion of land which has not been used for farming purposes for over 22 years as agreed to (and formerly approved) by both land owners.

The observed scenery of the land and its layout will not be affected by this adjustment. The enjoyment of each parcel by their respective owners' will not be affected.

Williamson Act Contract No. 74-1585
Partial Cancellation Statement
John Miller, Owner
Stanislaus County, California

This application is to request a partial cancellation of Williamson Act Contract 74-1585. The specific portion of adjustment is situate in APN: 019-025-032. This application is being submitted concurrently with a lot line adjustment including said assessor's parcel. The lot line adjustment is being processed to make an adjustment isolating the specific area of land under Williamson Act Contract No. 74-1585 which is currently used for house site and amenities but NOT for farming. This particular portion of contract area has not been used for farming for over 22 years. The portion of contract 74-1585 being canceled is 1450 square feet.

We petition the Board for cancellation of a portion of the above contract 74-1585 and believe the Board can make the findings pursuant to **Government Code Section 51282** .

That the cancellation is consistent with the purposes of the Williamson Act California Code Sections 51200-51207 as follows:

1. That the cancellation is for land on which a notice of non-renewal has been served pursuant to Government Codes Section 51242.

A notice of non-renewal was filed June 9, 2014, on the subject land.

2. That cancellation is not likely to result in removal of adjacent lands from agricultural use.

This partial cancellation is only for a small strip of land which was isolated from agricultural use and therefore will not result in removal of adjacent lands for planting, harvest or other agricultural use.

3. That the cancellation is for an alternative use which is consistent with the applicable provisions of the county general plan.

The alternative use for the small portion of contracted land is for home site based upon the land use applicable at the time the home site was created by County Parcel Map Book 32, Page 08, Records of Stanislaus County, filed August 18, 1981.

4. That cancellation will not result in discontinuous patterns of urban development.

This cancellation will be transparent in so far that scenery will remain as it has been for over 22 years. There are no additional buildings, roads or fences proposed.

5. *There is no proximate, non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put or that the development of the contracted land would provide more contiguous patterns of urban development of proximate non-contracted land.*

Due to the size of the existing home site parcel, there is no non-contracted land available to exchange for the contracted land. It is not feasible to remove buildings, non-agricultural trees and landscape etc. from the land, prepare said lands and plant a small amount of orchard crop on a small unused portion of land.

The removal of this small amount of land from Contract does not affect agricultural production and therefore is not detrimental to the public interest. Government Code 51282(c) Public Interest as follows:

1. *That other public concerns substantially outweigh the objectives of the Williamson Act.*

It is NOT in the best interest of the Public to remove long standing buildings, sheds and other personal property as well as large shade trees and fencing, doing so for the sake of planting a very few amount of orchard trees would require greater expense to the farmer than actual return of crop value.

2. *There is no proximate, non-contracted land which is both available and suitable for the proposed use or that development of the contracted land would provide more contiguous patterns of urban development.*

As stated in item 5 above, there is no non-contracted land for which the current land use can be placed. The current development of the subject strip of land does NOT interfere with current and long standing farming operations. The home site development of this strip of land was based upon human error by previous owners of the subject property and does NOT represent a nature of hostility by the current land owners involved.

Williamson Act Contract No. 74-1596
Partial Cancellation Statement
John Miller, Owner
Stanislaus County, California

This application is to request a partial cancellation of Williamson Act Contract 74-1596. The specific portion of adjustment is situate in APN: 019-025-032. This application is being submitted concurrently with a lot line adjustment including said assessor's parcel. The lot line adjustment is being processed to make an adjustment isolating the specific area of land under Williamson Act Contract No. 74-1596 which is currently used for house site and amenities but NOT for farming. This particular portion of contract area has not been used for farming for over 22 years. The portion of contract 74-1596 being canceled is 4650 square feet.

We petition the Board for cancellation of a portion of the above contract 74-1596 and believe the Board can make the findings pursuant to **Government Code Section 51282** .

That the cancellation is consistent with the purposes of the Williamson Act California Code Sections 51200-51207 as follows:

1. That the cancellation is for land on which a notice of non-renewal has been served pursuant to Government Codes Section 51242.

A notice of non-renewal was filed June 9, 2014, on the subject land.

2. That cancellation is not likely to result in removal of adjacent lands from agricultural use.

This partial cancellation is only for a small strip of land which was isolated from agricultural use and used for private access and home site storage building purposes and therefore will not result in removal of adjacent lands for planting, harvest or other agricultural use.

3. That the cancellation is for an alternative use which is consistent with the applicable provisions of the county general plan.

The alternative use for the small portion of contracted land, is for home site appurtenant land use and site access based upon the easement filed as Instrument Number 71-37371 Records of Stanislaus County which serves an adjacent home site parcel that was created by County Parcel Map Book 32, Page 08, Records of Stanislaus County.

4. That cancellation will not result in discontinuous patterns of urban development.

This cancellation will be transparent in so far that scenery will remain as it has been for over 22 years. There are no additional buildings, roads or fences proposed.

5. *There is no proximate, non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put or that the development of the contracted land would provide more contiguous patterns of urban development of proximate non-contracted land.*

Due to the size of the existing home site parcel, there is no non-contracted land available to exchange for the contracted land. A portion of the land in question is being used as a private access in favor of the home site parcel filed as instrument number 71-37371, records of Stanislaus County. It is not feasible to remove buildings, non-agricultural trees and landscape etc. from the land, prepare said lands and plant a small amount of orchard crop on the subject strip of land.

The removal of this small amount of land from Contract does not affect agricultural production and therefore is not detrimental to the public interest. Government Code 51282(c) Public Interest: as follows;

1. That other public concerns substantially outweigh the objectives of the Williamson Act.

It is NOT in the best interest of the Public to remove long standing buildings, sheds and other personal property as well as large shade trees and fencing. To do so for the sake of planting a very few amount of orchard trees would require greater expense to the farmer than actual return of crop value.

2. There is no proximate, non-contracted land which is both available and suitable for the proposed use or that development of the contracted land would provide more contiguous patterns of urban development.

As stated in item 5 above, there is no non-contracted land for which the current land use can be placed. The current development of the subject strip of land does NOT interfere with current and long standing farming operations. The development of this strip of land was based upon a duly recorded easement for private access and on human error by previous owners of the subject property and does NOT represent a nature of hostility by the current land owners involved.



Don H. Gaekle
Stanislaus County Assessor

Mercy Maya
Assistant Assessor

1010 Tenth St., Suite 2400
Modesto, CA 95354-0847

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

August 14, 2014

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: MILLER JOHN L & MARY D TRS
Assessor's Parcel Number: 019-025-032-000
Williamson Act Contract Number: 1974-1596 and 1974-1585

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

The cancellation valuation of .132 acres of the above referenced property restricted under the California Land Conservation Act is two thousand dollars (\$2,000) representing current fair market value. The cancellation fee is an amount equal to 12 ½ % of the cancellation valuation, or a total of two hundred fifty dollars (\$250).

I hereby certify the cancellation valuation of the above parcel to be \$2,000.

Respectfully,

Don H. Gaekle
Stanislaus County Assessor

DHG:SAL

cc: John L. & Mary D. Miller Trs.
California Department of Conservation

ATTACHMENT 6

CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION
OF A PORTION OF WILLIAMSON ACT CONTRACTS NO. 74-1585 AND 74-1596

NOTICE IS HEREBY GIVEN that on January 13, 2015, 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 Contracts No.74-1585 and 74-1596, affecting the land and improvements located on Assessor's Parcel No. 019-025-032, owned by the John and Mary Miller, Trustees of the Miller Family 2006 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 Contracts No. 74-1585 and 74-1596 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 \$250.00.
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: January 13, 2015

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

*74-1585 –Original contract recorded on September 26, 1973, Instrument Number 12609, Book 2581, Pages 880-887. Owner: Kenneth and Nina Terrill.

*74-1596 -Original contract recorded on November 1, 1973, Instrument Number 17331, in Book 2598, Pages 650-657. Owner: Kenneth V, Jr. and Carolyn Fay Terrill.

Exhibit A
Before Adjustment

Parcel 1

A portion of the Northwest quarter of the Northeast quarter of Section 19, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, Described as follows:

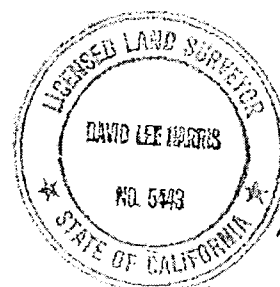
Commencing at the North quarter section corner of said Section 19; thence South 00°35'12" East along the North-South quarter section line of said Section 19 (center line of Sperry road), a distance of 371.50 feet; thence North 89°35'54" East a distance of 30 feet to the true point of beginning of this description; thence continuing North 89°35'54" East a distance of 145.00 feet; thence North 00°35'12" West parallel to the aforementioned North-South quarter section line of said Section 19 a distance of 145.00 feet; thence South 89°35'54" West a distance of 145.00 feet; thence South 00°35'12" East, parallel to and 30 feet distant easterly at right angles from said North-South quarter section line a distance of 145.00 feet to the point of beginning.

Said property also known as Parcel 1 as shown on that certain Parcel Map filed for record August 18, 1981, in Book 32 of Parcel Maps, Page 8, Stanislaus County Records.

Parcel 2

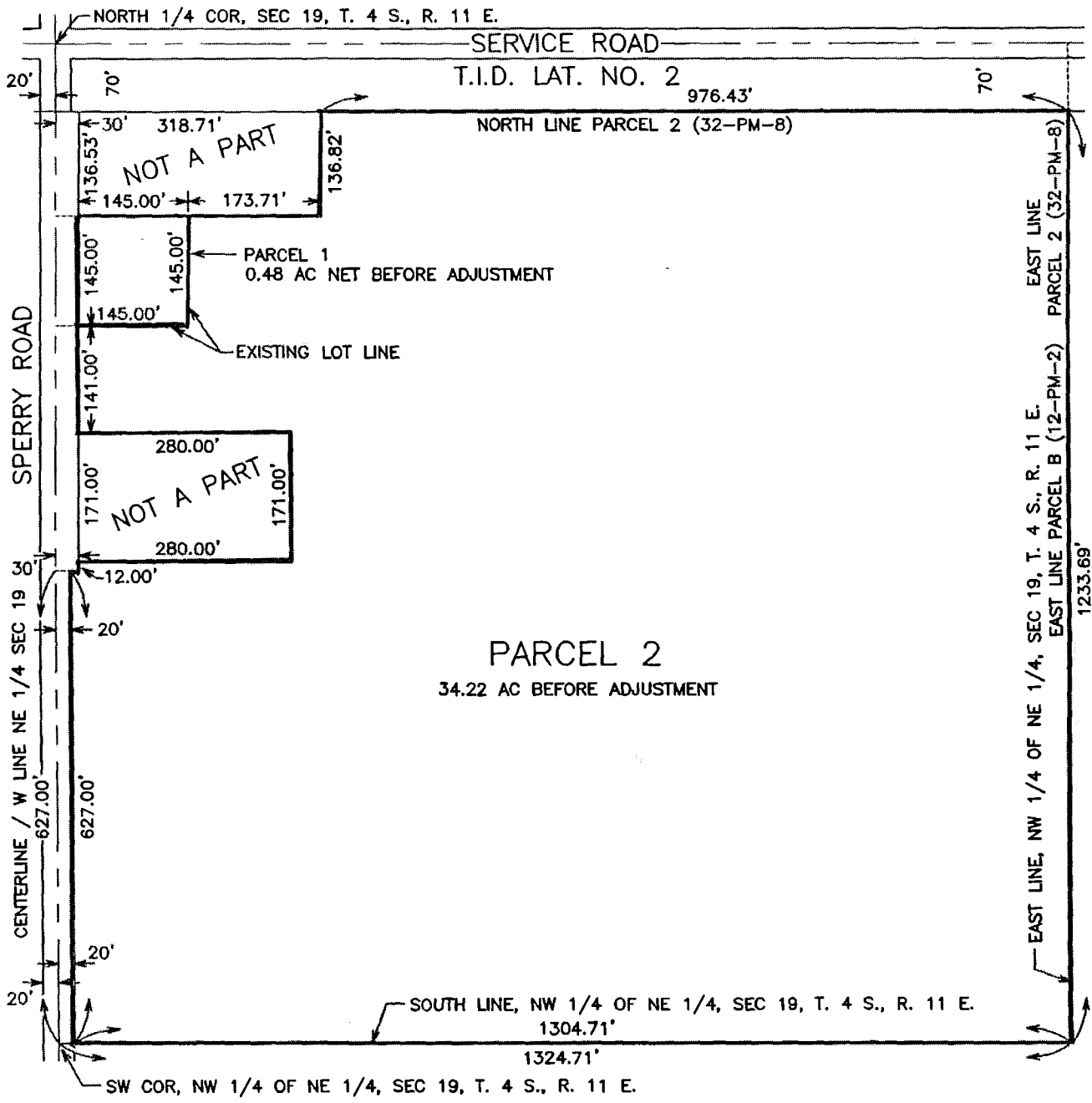
All that portion of the Northwest quarter of the Northeast quarter of Section 19, T.4S., R.11E., MDM, as shown on the Parcel Map filed for record in Book 12 of Parcel Maps at Page 2 on July 21, 1971, Stanislaus County Records, more particularly described as follows:

Beginning at the Southwest corner of the Northwest quarter of the Northeast quarter (NW¼ of NE¼); thence North 89°35'54" East, along the South line of the NW¼ of NE¼, 1324.71 feet; thence North 00°34'00" West, along the East line of the NW¼ of NE¼ and east line of Parcel B (12PM2), and the east line of Parcel 2 (32PM8), 1233.69 feet to the Northeast corner of Parcel 2; thence South 89°32'48" West, along the North line of Parcel 2, 976.43 feet; thence South 00°35'12" East, 136.82 feet; thence South 89°35'54" West, along the easterly projection of the north line of Parcel 1 (32PM8), 173.71 feet; thence South 00°35'12" East, along the east line of Parcel 1 (32PM8), 145.00 feet; thence South 89°35'54" West, along the South line of Parcel 1, 145.00 feet; thence South 00°35'12" East, along a line parallel to and 30.00 feet east of the West line of the NW¼ of NE¼, 141.00 feet; thence on the following described courses: North 89°35'54" East, 280.00 feet; South 00°35'12" East, 171.00 feet; South 89°35'54" West 280 feet; South 00°35'12" East, 12.00 feet; South 89°35'54" West, 30.00 feet; South 00°35'12" East, 627.00 feet to the point of beginning.



MAY 13, 2014

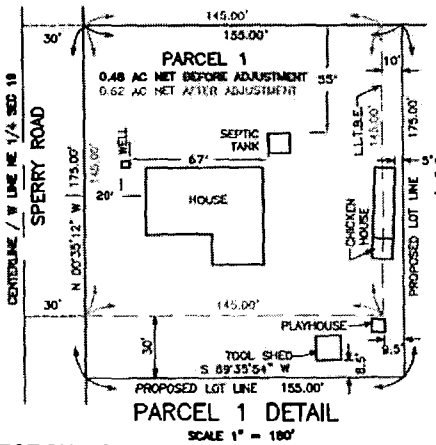
David L. Harris



1" = 200'

**SUPPLEMENT PLAT
FOR LOT LINE
ADJUSTMENT**

BEING A PORTION OF THE N.E. 1/4 OF SECTION 19,
TOWNSHIP 4 SOUTH, RANGE 11 EAST,
MOUNT DIABLO MERIDIAN
STANISLAUS COUNTY-CALIFORNIA



**ASPEN SURVEY
COMPANY INC.**
1121 OAKDALE RD. STE. 6 MOJESTO, CA 95335
PH: (209) 526 9724 FX: (209) 526 0472

MAY, 2014

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 and Williamson Act Cancellations Application PLN2014-0059 – Miller/Wurm.

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

Project Location: 4030 and 4306 Sperry Road, south of E. Service Road, north of Doerkson Road, in the Denair area (APNs: 019-025-014 and 019-025-032).

Description of Project: This is a request to cancel a .03 acre (1,450 square feet) portion of Williamson Act Contract No. 74-1585 and a .10 acre (4,650 square feet) portion of Williamson Act Contract 74-1596 and to adjust parcel lines of two parcels totaling 34.7 acres to adjust from .48 and 34.22 acres to .62 and 34.08 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.



STANISLAUS COUNTY
NOTICE OF DECISION FOR TENTATIVE CANCELLATION OF A PORTION
OF WILLIAMSON ACT CONTRACTS NOS. 74-1585 AND 74-1596

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 51284, that upon motion of Supervisor Chiesa, seconded by Supervisor DeMartini, a petition to cancel a portion of Williamson Act Contracts Nos. 74-1585 and 74-1596, affecting the land and improvements located on Assessor's Parcel No. 019-025-032, owned by the John and Mary Miller, Trustees of the Miller Family 2006 Trust, was granted tentative approval at the 9:05 a.m. public hearing held during a regular meeting of the Board of Supervisors, of the County of Stanislaus, State of California, located at 1010 10th Street, Modesto, California, this 13th day of January 2015, by the following called vote:

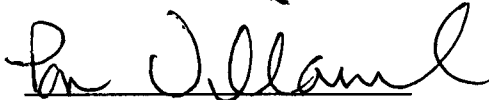
AYES: SUPERVISORS: O'Brien, Chiesa, Monteith, DeMartini and
Chairman Withrow
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None
ABSTAINING: SUPERVISORS: None

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: January 13, 2015

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

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



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2015-0002984-00

Friday, JAN 16, 2015 14:16:43
Ttl Pd \$0.00 Rcpt # 0003611979
OMK/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 NOS. 74-1585 AND 74-1596
(Document Title/s)

41100



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

STANISLAUS COUNTY
CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION
OF A PORTION OF WILLIAMSON ACT CONTRACTS NOS. 74-1585 AND 74-1596

NOTICE IS HEREBY GIVEN that on January 13, 2015, 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 Contracts Nos.74-1585 and 74-1596, affecting the land and improvements located on Assessor's Parcel No. 019-025-032, owned by the John and Mary Miller, Trustees of the Miller Family 2006 Trust. The property is more fully identified on the attached map and legal description (Exhibit A) as Parcel "2."

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of a Portion of Williamson Act Contracts No. 74-1585 and 74-1596 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 \$250.00.
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: January 13, 2015

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

*74-1585 –Original contract recorded on September 26, 1973, Instrument Number 12609, Book 2581, Pages 880-887. Owner: Kenneth and Nina Terrill.

*74-1596 -Original contract recorded on November 1, 1973, Instrument Number 17331, in Book 2598, Pages 650-657. Owner: Kenneth V, Jr. and Carolyn Fay Terrill.

Exhibit A
Before Adjustment

Parcel 1

A portion of the Northwest quarter of the Northeast quarter of Section 19, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, Described as follows:

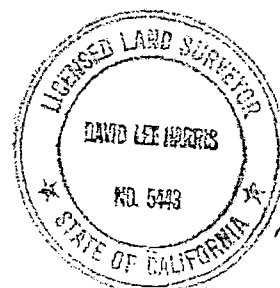
Commencing at the North quarter section corner of said Section 19; thence South 00°35'12" East along the North-South quarter section line of said Section 19 (center line of Sperry road), a distance of 371.50 feet; thence North 89°35'54" East a distance of 30 feet to the true point of beginning of this description; thence continuing North 89°35'54" East a distance of 145.00 feet; thence North 00°35'12" West parallel to the aforementioned North-South quarter section line of said Section 19 a distance of 145.00 feet; thence South 89°35'54" West a distance of 145.00 feet; thence South 00°35'12" East, parallel to and 30 feet distant easterly at right angles from said North-South quarter section line a distance of 145.00 feet to the point of beginning.

Said property also known as Parcel 1 as shown on that certain Parcel Map filed for record August 18, 1981, in Book 32 of Parcel Maps, Page 8, Stanislaus County Records.

Parcel 2

All that portion of the Northwest quarter of the Northeast quarter of Section 19, T.4S., R.11E., MDM, as shown on the Parcel Map filed for record in Book 12 of Parcel Maps at Page 2 on July 21, 1971, Stanislaus County Records, more particularly described as follows:

Beginning at the Southwest corner of the Northwest quarter of the Northeast quarter (NW¼ of NE¼); thence North 89°35'54" East, along the South line of the NW¼ of NE¼, 1324.71 feet; thence North 00°34'00" West, along the East line of the NW¼ of NE¼ and east line of Parcel B (12PM2), and the east line of Parcel 2 (32PM8), 1233.69 feet to the Northeast corner of Parcel 2; thence South 89°32'48" West, along the North line of Parcel 2, 976.43 feet; thence South 00°35'12" East, 136.82 feet; thence South 89°35'54" West, along the easterly projection of the north line of Parcel 1 (32PM8), 173.71 feet; thence South 00°35'12" East, along the east line of Parcel 1 (32PM8), 145.00 feet; thence South 89°35'54" West, along the South line of Parcel 1, 145.00 feet; thence South 00°35'12" East, along a line parallel to and 30.00 feet east of the West line of the NW¼ of NE¼, 141.00 feet; thence on the following described courses: North 89°35'54" East, 280.00 feet; South 00°35'12" East, 171.00 feet; South 89°35'54" West 280 feet; South 00°35'12" East, 12.00 feet; South 89°35'54" West, 30.00 feet; South 00°35'12" East, 627.00 feet to the point of beginning.



MAY 13, 2014

David Lee Morris



CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

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

January 16, 2015

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 NOS. 74-1585 AND 74-1596

Dear Mr. Nechodom:

Enclosed is a copy of the Notice of Decision for Tentative Cancellation of a Portion of Williamson Act Contract Nos. 74-1585 and 74-1596, which is to be published in The Denair Dispatch. The Stanislaus County Board of Supervisors granted tentative approval to cancel a portion of these Williamson Act Contracts on January 13, 2015.

For further information, please call the Planning and Community Development Department at 209-525-6330 or the Board of Supervisors at 209-525-6414.

Sincerely,

Pam Villarreal,
Deputy Clerk
Board of Supervisors



CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

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

January 16, 2015

ROBERT WURM
4030 S. SPERRY RD.
DENAIR, CA 95316

ASPEN SURVEY
1121 OAKDALE RD. SUITE 6
MODESTO, CA 95355

JOHN MILLER
4342 S. SPERRY RD.
DENAIR, CA 95316

RE: CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION OF A
PORTION OF WILLIAMSON ACT CONTRACT NOS. 74-1585 and 74-1596
AND NOTICE OF DECISION

Dear Applicants:

Please find enclosed a copy of the Certificate of Tentative Approval of Cancellation of a portion of Williamson Act Contract Nos. 74-1585 and 74-1596 and the Notice of Decision. The original Certificate of Tentative Approval of Cancellation was sent to the Office of the Clerk-Recorder to be recorded. The Board of Supervisors granted tentative approval to cancel a portion of these Williamson Act Contracts on January 13, 2015.

For further information, please call the Planning and Community Development Department at 525-6330 or the Board of Supervisors at 525-6414.

Sincerely,

Pam Villarreal,
Deputy Clerk of the
Board of Supervisors

Affidavit of Publication

STATE OF CALIFORNIA }
County of Stanislaus }

Lisa Freitas

Hughson Chronicle

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

Public Notice Stanislaus County Notice of Decision

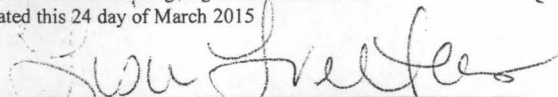
Publish Date: January 27, 2015

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

at least 1 time, commencing on the 27th of January 2015 and ending on the 27th of January 2015 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 24 day of March 2015


PRINCIPAL CLERK OF THE PRINTER

STANISLAUS COUNTY NOTICE OF DECISION

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 51284, that upon motion of Supervisor Chiesa, seconded by Supervisor DeMartini, a petition to cancel a portion of Williamson Act Contract Nos. 74-1585 and 74-1596, affecting the land and improvements located on Assessor's Parcel No. 019-025-032, owned by the John and Mary Miller, Trustees of the Miller Family 2006 Trust, was granted tentative approval at the 9:05 a.m. public hearing held during a regular meeting of the Board of Supervisors, of the County of Stanislaus, State of California, located at 1010 10th Street, Modesto, California, this 13th day of January 2015, by the following called vote:

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

NOES: None. ABSENT: None. ABSTAINING: 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: January 13, 2015. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Pam Villarreal, Deputy Clerk.

BOARD OF SUPERVISORS
2015 MAR 30 A 11:01

**LOT LINE ADJUSTMENT AND
WILLIAMSON ACT CANCELLATION
APPLICATIONS PLN2014-0059
MILLER/WURM**

**4030 and 4306 S. SPERRY ROAD
DENAIR, CA**



PROJECT DESCRIPTION

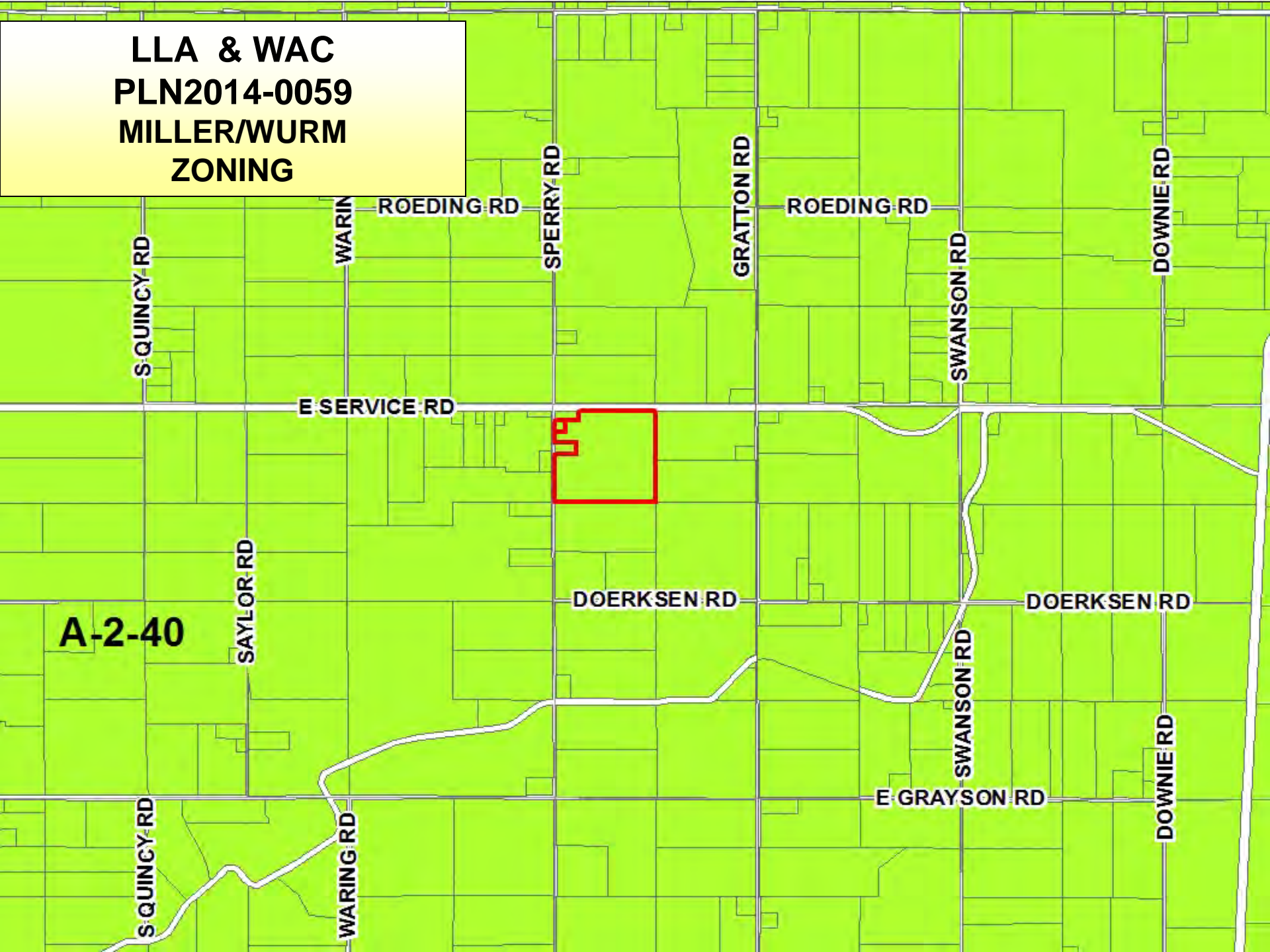
- Involves Three Actions:
 - A Lot Line Adjustment request to adjust two parcels by .14 acres from .48 and 34.22 acres to .62 and 34.08 acres parcels .
 - Cancellation of a portion of two Williamson Act Contracts:
 - 74-1585 .10 acre partial cancellation
 - 74-1596 .04 acre partial cancellation
 - Approve a new Williamson Act contract for a 34.08 acre parcel



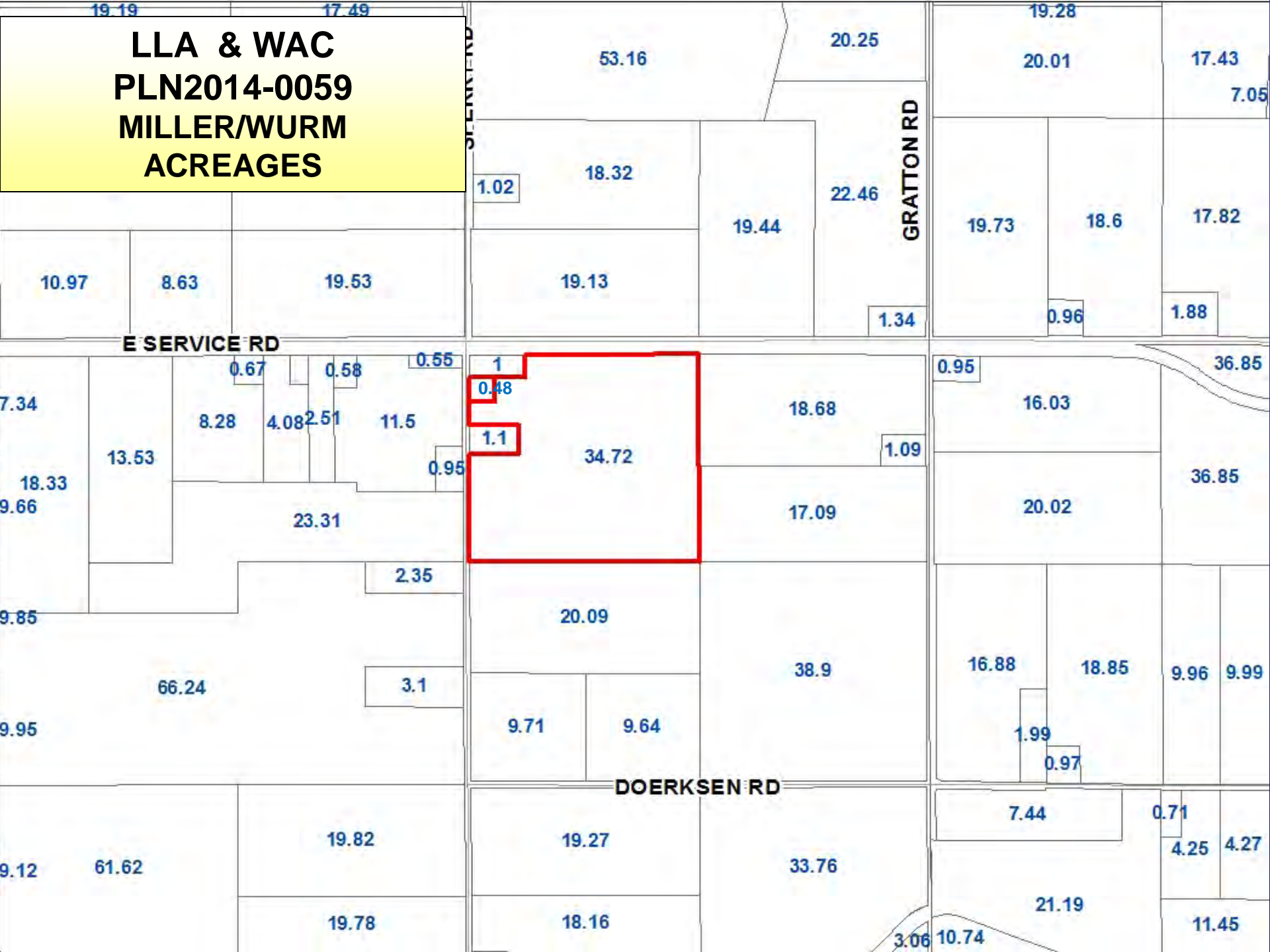
**LLA & WAC
PLN2014-0059
MILLER/WURM
AREA MAP**



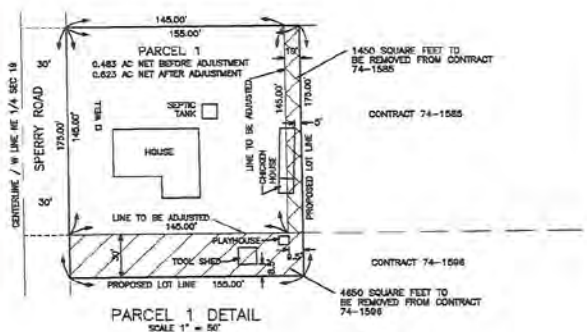
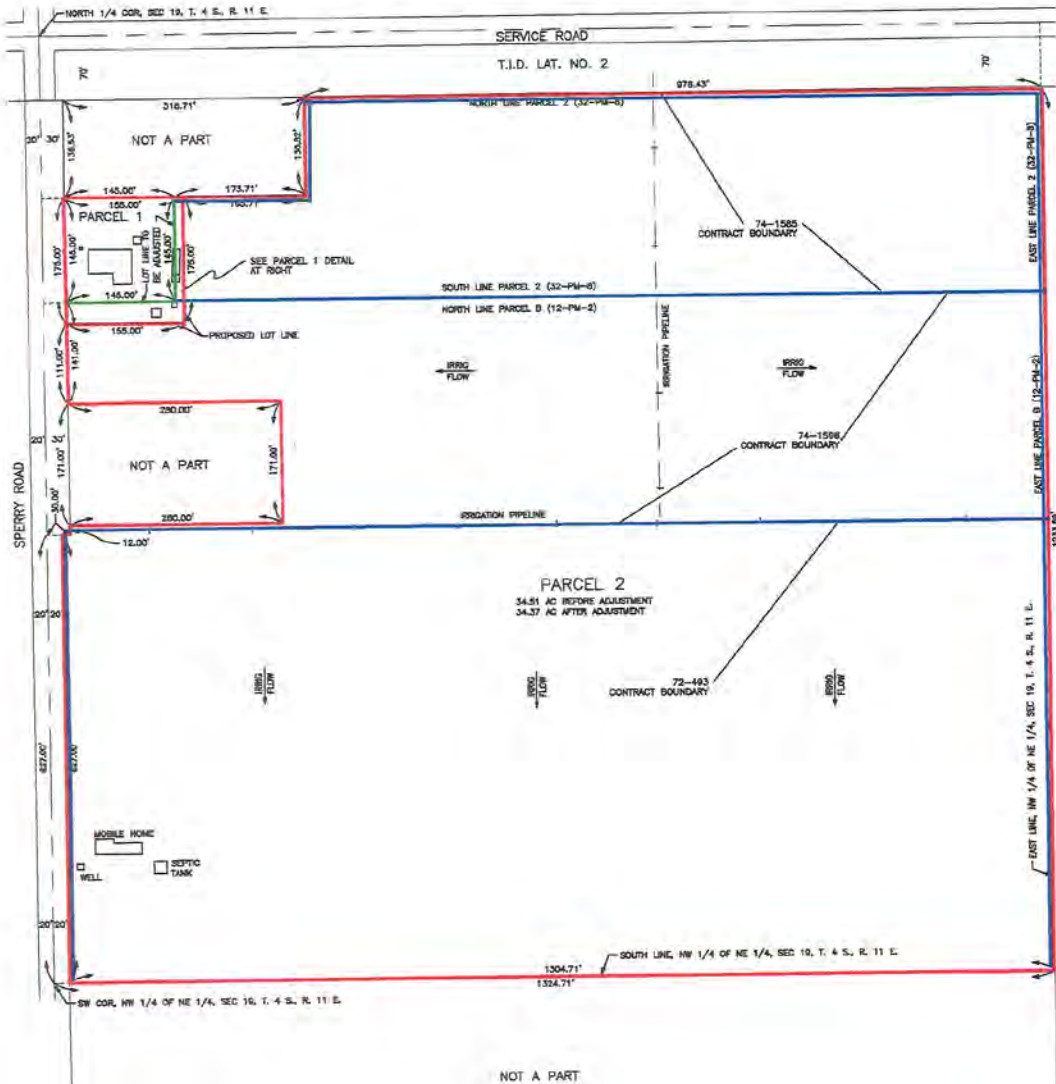
**LLA & WAC
PLN2014-0059
MILLER/WURM
ZONING**



**LLA & WAC
PLN2014-0059
MILLER/WURM
ACREAGES**



LLA & WAC PLN2014-0059 MILLER/WURM Lot Line Adjustment and Williamson Act Contracts



COLOR LINE TABLE

—	GREEN LINE TO BE ADJUSTED
—	RED LINES AFTER ADJUSTMENT
—	BLUE LINES CONTRACT BORDERS

OWNERS: ROBERT WURM
4530 SPERRY RD
DENVER, CA 95315
PHONE: (209) 667-0900

OWNERS: JOHN MILLER
4342 SPERRY RD
DENVER, CA 95315
PHONE: (209) 853-0113
PHONE: (209) 527-1637

APNs: 019-025-014 & 019-025-032
ZONING: A-2-10
WATER TABLE DEPTH: IN EXCESS OF 50"
SOIL TYPE: TULARENA LOAMY SAND, 0 TO 3 PERCENT SLOPES
HAWFORD SANDY LOAM, 0 TO 1 PERCENT SLOPES

LEGEND

→ IRRIG FLOW IRRIGATION FLOW

TENTATIVE LOT LINE A
FOR
ROBT WURM AND JOE
MILLER
BEING A PORTION OF THE NORTHEAST 1/4 OF
SECTION 51, TOWNSHIP 4 SOUTH, RANGE
18 EAST, COUNTY OF MOUNT DIABLO MERRIMA,
STANISLAUS COUNTY-CALIFORNIA

**ASPEN SURVEY
& COMPANY, INC.**
1121 GARDNER RD., STE. B, MCKESSLO, CA 95355
PH: (209) 526-5724 FX: (209) 526-0472

DATE: 4-22-14
SCALE: 1" = 100'
DRAWN: DLH
JOB: 14-008
SHEET: 1
OF 1 SHEETS

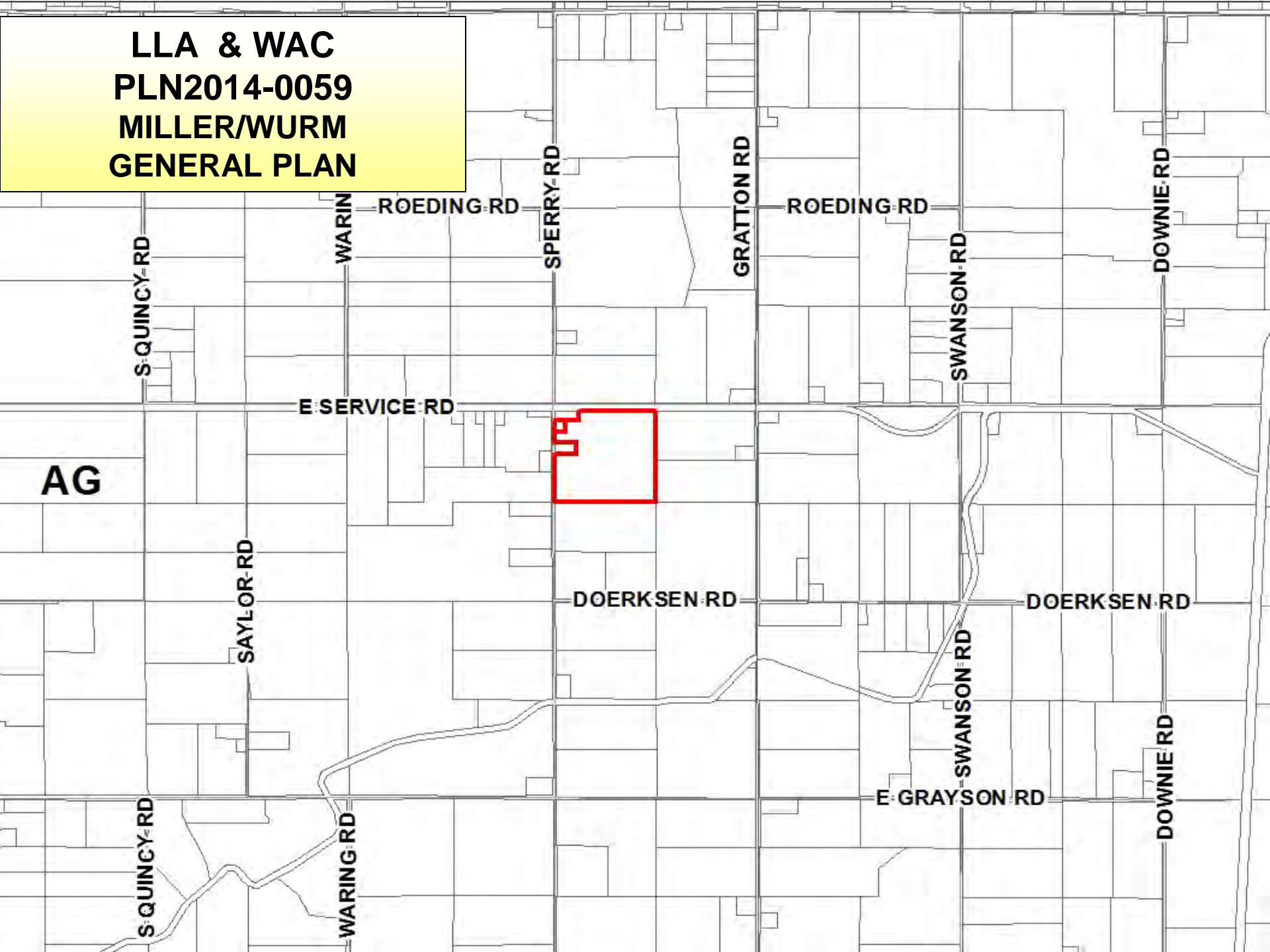
E SERVICE RD

LLA & WAC
PLN2014-0059
MILLER/WURM
AERIAL PHOTO 2013

SPERRY RD



**LLA & WAC
PLN2014-0059
MILLER/WURM
GENERAL PLAN**



Government Code Findings

(Partial list)

- 1. That the cancellation is consistent with the purposes of Government Code Section 51282.
- 2. That cancellation is in the public interest.
- 3. Notice of nonrenewal has been served pursuant to Section 51245 Gov. Code.
- 4. Cancellation not likely to result in removal of adjacent lands from agricultural uses.
- 5. LLA approval findings involving Williamson Act Contracted lands.

RECOMMENDATION

Make Findings contained in the Board's agenda report for cancelling the Williamson Act Contracts, approving Lot Line Adjustment No. PLN2014-059 – Miller/Wurm and approve a new Williamson Act Contract.



Questions