

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

DEPT: Planning and Community Development

BOARD AGENDA #: *D-2

AGENDA DATE: August 23, 2016

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 2007-13, Located at the End of Goodwin Road, Between Wellsford and Albers Roads, South of Dry Creek, in the Modesto Area; and Approval of a New Contract Pursuant to Parcel Map No. 2008-06

BOARD ACTION AS FOLLOWS:

No. 2016-437

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended


2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Planning and Community Development
Urgent Routine

BOARD AGENDA #: *D-2

AGENDA DATE: August 23, 2016

AF

CEO CONCURRENCE: _____

4/5 Vote Required: Yes No

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 2007-13, Located at the End of Goodwin Road, Between Wellsford and Albers Roads, South of Dry Creek, in the Modesto Area; and Approval of a New Contract Pursuant to Parcel Map No. 2008-06

STAFF RECOMMENDATIONS:

1. Find that pursuant to California Government Code Section 51254 the new contract will enforceably restrict the same property for an initial term at least as long as the unexpired term of the rescinded contract, but for not less than 10 years except as authorized under the County implementation of AB1265.
2. Rescind a Portion of Williamson Act Contract No. 2007-13, located between Wellsford and Albers Roads, south of Dry Creek, in the Modesto area.
3. Approve a new Williamson Act contract pursuant to Parcel Map 2008-06, Ronald Martella and Williamson Act Application No. 2015-0015 – Ronald Martella.
4. Authorize the Director of Planning and Community Development to execute a new Williamson Act contract pursuant to Parcel Map 2008-06, Ronald Martella and Williamson Act Application No. 2015-0015 – Ronald Martella.

DISCUSSION:

This is a request to rescind a portion of Williamson Act Contract No. 2007-13 in order to facilitate the Conditions of Approval for Parcel Map Application No. 2008-06 – Ronald Martella, approved by the Stanislaus County Planning Commission on September 4, 2008. The parcel map requested to divide two parcels totaling 166.2 acres into four parcels of approximately 40 acres each, in the A-2-40 (General Agriculture) zoning district. The property is located at the north end of Goodwin Road, between Wellsford and Albers Roads, south of Dry Creek, in the Modesto area. Only a portion of the Parcel Map project site, 103.3 of 166.2 acres, is enrolled under a Williamson Act Contract and, as such, the following Condition of Approval was added to the project:

8. Prior to recording of the final map, the Williamson Act Contract must be tentatively approved by the Board of Supervisors. The applicant is required to record the Williamson Act Contract for Parcel 3 concurrent with the recording of the final map.

Without the Condition of Approval, proposed Parcel No. 3 would only be partially enrolled

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under contract. Proposed Parcels No. 1 and 2 are completely enrolled under existing Contract No. 2007-13 and proposed Parcel No. 4 is not enrolled under a contract.

Consequently, this request would rescind the portion of Contract No. 2007-13 covering the Parcel Map project site and enroll the entire Parcel Map project site into a single new Williamson Act Contract. The approved Tentative Parcel Map is provided as Attachment "1" of this report and the entire Planning Commission staff report is available online at: <http://www.stancounty.com/planning/agenda/2008/09-18-08/Martella%20SR.pdf>

California Government Code Section 51254 allows for parties to rescind a contract in order to simultaneously enter into a new contract pursuant to the Williamson Act, provided the new contract enforceably restricts the same property for an initial term at least as long as the unexpired term of the contract being rescinded.

The proposed action will increase the number of acres enrolled under a Williamson Act contract from 103.3 to 166.2 acres, 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; however, because this action is related to a Parcel Map, it is prudent to act on this action independently of other Williamson Act contracts. As in the case with all Williamson Act contracts in Stanislaus County, the new contract will be subject to the provisions of AB1265.

POLICY ISSUES:

The General Plan Land Use and Agricultural Elements both encourage the use of the Williamson Act to help conserve agriculture as the primary industry of the County. This request supports the creation of parcels meeting State and County criteria for parcel sizes supporting continued agricultural use.

FISCAL IMPACT:

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

BOARD OF SUPERVISORS' PRIORITY:

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.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

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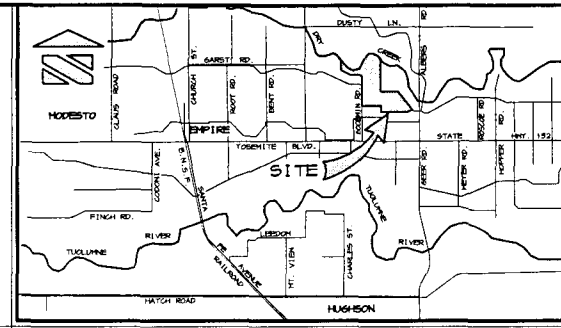
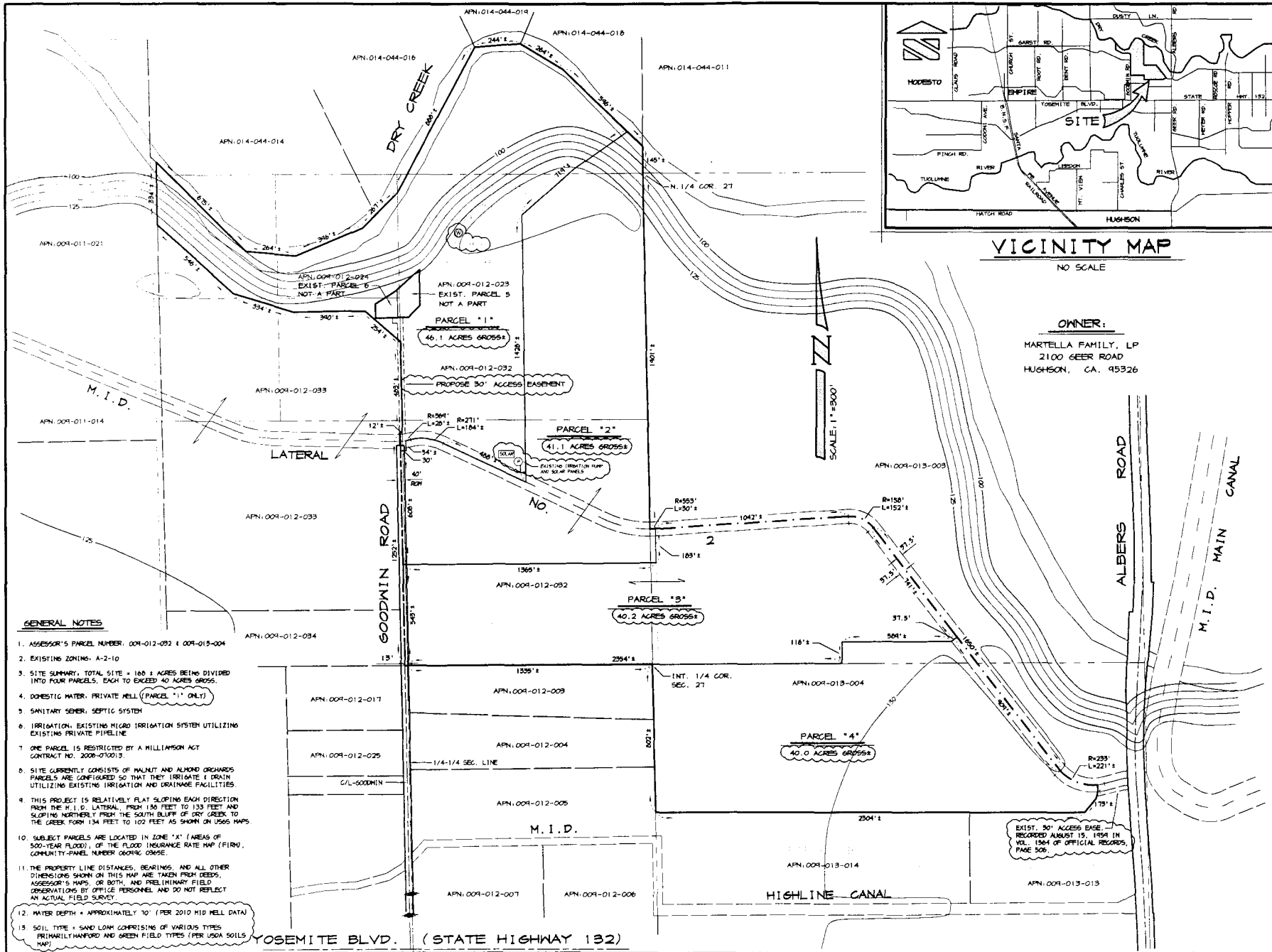
CONTACT PERSON:

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

ATTACHMENT(S):

1. Approved Tentative Parcel Map No. 2008-06 – Ronald Martella

Attachment 1



VICINITY MAP
NO SCALE

OWNER:
MARTELLA FAMILY, LP
2100 GEER ROAD
HUGHSON, CA. 95326

SCALE: 1" = 300'

GENERAL NOTES

- ASSESSOR'S PARCEL NUMBER: 004-012-092 & 004-013-004
- EXISTING ZONING: A-2-10
- SITE SUMMARY: TOTAL SITE = 168.8 ACRES BEING DIVIDED INTO FOUR PARCELS, EACH TO EXCEED 40 ACRES GROSS.
- DOMESTIC WATER: PRIVATE WELL (PARCEL #1 ONLY)
- SANITARY SEWER: SEPTIC SYSTEM
- IRRIGATION: EXISTING MICRO IRRIGATION SYSTEM UTILIZING EXISTING PRIVATE PIPELINE
- ONE PARCEL IS RESTRICTED BY A MILLIMON ACT CONTRACT NO. 2008-070013.
- SITE CURRENTLY CONSISTS OF WALNUT AND ALMOND ORCHARDS. PARCELS ARE CONFIGURED SO THAT THEY IRRIGATE & DRAIN UTILIZING EXISTING IRRIGATION AND DRAINAGE FACILITIES.
- THIS PROJECT IS RELATIVELY FLAT SLOPING EACH DIRECTION FROM THE M.I.D. LATERAL. FROM 130 FEET TO 133 FEET AND SLOPING NORTHERLY FROM THE SOUTH BLUFF OF DRY CREEK TO THE CREEK FROM 134 FEET TO 102 FEET AS SHOWN ON USGS MAPS.
- SUBJECT PARCELS ARE LOCATED IN ZONE "X" (AREAS OF 500-YEAR FLOOD), OF THE FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY-PANEL NUMBER 09060C 0906C.
- THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.
- WATER DEPTH = APPROXIMATELY 30" (PER 2010 MID WELL DATA)
- SOIL TYPE = SAND LOAM CONSISTING OF VARIOUS TYPES PRIMARILY HANFORD AND GREEN FIELD TYPES (PER USDA SOILS MAP)

REVISION	DATE	DESCRIPTION

ASSOCIATED ENGINEERING GROUP

4205 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-1390 FAX: (209) 545-3875 WWW.AESGROUP.COM

TENTATIVE PARCEL MAP
BEING A PORTION OF SECTION 27,
TOWNSHIP 3 SOUTH RANGE 10 EAST,
MOUNT DIABLO MERIDIAN
STANISLAUS COUNTY CALIFORNIA

DRAWN BY:	DL6
DATE:	9/08/13
SCALE:	1" = 300'
DWG:	421.tnt
CHECKED:	JF
JOB #:	421-13
SHEET	1