

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

DEPT: Planning and Community Development BOARD AGENDA #: *D-2

AGENDA DATE: January 10, 2017

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1972-0736, Located at the Northeasterly Corner of Geer Road and Whitmore Avenue Intersection, in the City of Hughson Area; and Approval of New Contracts Pursuant to Lot Line Adjustment Application No. PLN2015-0137, Growers Direct Nut

BOARD ACTION AS FOLLOWS:

No. 2017-17

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

Ayes: Supervisors: Olsen, Withrow, Monteith, and DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: Chairman Chiesa

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: This Item was removed from the consent calendar for discussion and consideration.

ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors

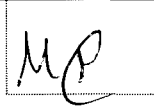
File No.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM

DEPT: Planning and Community Development
Urgent Routine

BOARD AGENDA #: *D-2

AGENDA DATE: January 10, 2017



CEO CONCURRENCE: _____

4/5 Vote Required: Yes No

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1972-0736, Located at the Northeasterly Corner of Geer Road and Whitmore Avenue Intersection, in the City of Hughson Area; and Approval of New Contracts Pursuant to Lot Line Adjustment Application No. PLN2015-0137, Growers Direct Nut

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, or contracts, would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract, or contracts, but for not less than ten years, except as authorized under the County's implementation of AB1265.
 - 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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the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 Government Code 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.

Approval to Rescind a Portion of Williamson Act Contract No. 1972-0736, Located at the Northeasterly Corner of Geer Road and Whitmore Avenue Intersection, in the City of Hughson Area; and Approval of New Contracts Pursuant to Lot Line Adjustment Application No. PLN2015-0137, Growers Direct Nut

2. Rescind a Portion of Williamson Act Contract No. 1972-0736, located at the northeasterly corner of Geer Road and Whitmore Avenue intersection, in the city of Hughson area (APN: 018-010-021).
3. Approve new contracts pursuant to Lot Line Adjustment Application No. PLN 2015-0137, Growers Direct Nut.
4. Authorize the Director of Planning and Community Development to execute new contracts pursuant to Lot Line Adjustment Application No. PLN 2015-0137, Growers Direct Nut.

DISCUSSION:

On June 16, 2016, the Stanislaus County Planning Commission approved Use Permit Application No. PLN2015-0137. A Lot Line Adjustment Application was submitted concurrently with the Use Permit Application. The use permit requested to expand an existing walnut shelling, processing and storage facility onto two parcels totaling 23.28± acres in the A-2-40 (General Agriculture) zoning district (APN's 018-010-021 and 018-010-026). The third parcel, included in the LLA, is developed with an independent walnut huller that has been previously granted a separate use permit to operate (APN 018-010-025). An overview of the lot line adjustment application, including property owners, parcel sizes (existing and proposed), Williamson Act Contract information, and current development/use is provided in Attachment 1. Attachments 2 and 3 provide before and after maps of the proposed lot line adjustment.

The Williamson Act requires Board of Supervisor action to rescind and simultaneously enter into a new contract, or contracts, reflecting adjusted parcel configurations. Staff has reviewed the lot line adjustment application for compliance with the County's General Plan and all applicable zoning and Williamson Act criteria and determined that the application meets the requirements for approval.

Parcel 1 is currently enrolled as a portion of Williamson Act Contract No. 1972-0736 (17.76± acres). If this lot line is approved, proposed parcels 1 and 2 (23.28± acres total) will be enrolled in a new contract.

Pursuant to California Government Code Section 51257, the parties to a contract may mutually agree to rescind the contract, or contracts, and simultaneous re-enter into a new contract, or contracts, provide that the Board of Supervisors 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 ten years, except as authorized under the County's implementation of AB1265.
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

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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 Government Code 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.

Staff believes all the findings can be made as the proposed lot line adjustment will not increase the number of developable parcels, will not reduce the number of acres covered under contract, and will not compromise the continued agricultural use of the parcels. The Applicant's Statement of Findings is provided in Attachment 4.

New Williamson Act Contracts would typically come before the Board of Supervisors once a year, in December, however; because this action is related to a lot line Adjustment, it is prudent to act on this action independently of other Williamson Act Contracts. As is the case with all Williamson Act Contracts in Stanislaus County, the new contracts will be subject to the provisions of AB1265.

POLICY ISSUE:

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 Stanislaus County. The Agricultural Element's policies specifically state that the County shall continue to administer lot line adjustments involving agricultural land, provided the land is properly designed for agricultural purposes without materially decreasing the agricultural use of the site.

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FISCAL IMPACT:

Costs associated with this item are covered by a Lot Line Adjustment application fee. It is anticipated that there will be no net change in property tax or other revenue, therefore providing no additional Fiscal effect.

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:

Planning and Community Development Department staff is responsible for reviewing all applications, preparing all reports, and attending meetings associated with the proposed Lot Line Adjustment Application.

CONTACT PERSON:

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

ATTACHMENT(S):

1. Williamson Act and Lot Line Adjustment Request Overview
2. Map of Parcels Before the Proposed Lot Line Adjustment
3. Map of Parcels After the Proposed Lot Line Adjustment
4. Applicant's Statement of Findings

Williamson Act & Lot Line Adjustment (LLA) Overview

LLA Parcel No.	Assessors Parcel No. (APN)		Parcel Owners/Applicants	Williamson Contract				Parcel Size (Acres)		Existing Use/Development
	No.	Portion Y/N		Contract No.	Portion Y/N	Acreage		Existing	Proposed	
						Existing	Proposed			
UP & LLA Application No. PLN 2015-0137 - Growers Direct Nut										
1	018-010-021	N	Aaron Martella TRS	1972-0736	Y	17.78	11.74	17.78	11.74	Ag Storage Building, Single Family Resident & Garage
2	018-010-025	N	Martella Family Limited Partnership	N/A	N/A	-	11.54	5.64	11.54	Walnut Huller and accessory structures
3	018-010-026	N	Martella Family Limited Partnership	N/A	N/A	-	-	10.44	10.58	Walnut Sheller, processing and storage buildings.
Total Acreage:						17.78	23.28	33.86	33.86	

GENERAL NOTES

1. AGGREGOR'S PARCEL NUMBER: 018-010-001, 25 ± AC
2. EXISTING ZONING: A-3-0
3. DOMESTIC WATER: BY PRIVATE WELL
4. SANITARY SEWER: BY SEPTIC SYSTEM
5. THE SUBJECT PARCELS ARE BIDDING BY WILLIAMS
6. THE SUBJECT PARCELS ARE BIDDING BY WILLIAMS
7. THE PROJECT LINE DISTANCES, BEARINGS, AND ALL OTHER INFORMATION SHOWN ON THIS MAP ARE APPROXIMATE AND FIELD MEASUREMENTS. FIELD MEASUREMENTS AND FIELD OBSERVATIONS BY OFFICE PERSONNEL ARE TO BE REFLECTED IN ACTUAL FIELD SURVEY.

OWNERS / APPLICANTS:

- ERIN D. WILSON & MARIELLA TRAVAGLIO TRUST
3100 GERR ROAD
HARRISON, CA 92522
- A. 4 S. HARTLEY ROAD
HARRISON, CA 92522
- ERIN D. WILSON AND MARIELLA TRAVAGLIO TRUST
3100 GERR ROAD
HARRISON, CA 92522
- LUIS BALDOME GARCIA AND JENNIFER C. MARTELLA
3100 GERR ROAD
HARRISON, CA 92522

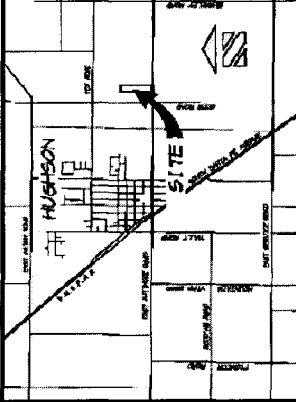
PARCEL SUMMARY

- BEFORE REZONING
- EX. PARCEL 1 11.78 ± AC.
- EX. PARCEL 2 5.64 ± AC.
- EX. PARCEL 3 10.44 ± AC.
- NEW LOTS AFTER REZONING
- NEW PARCEL 1 11.78 ± AC.
- NEW PARCEL 2 11.34 ± AC.
- NEW PARCEL 3 10.08 ± AC.

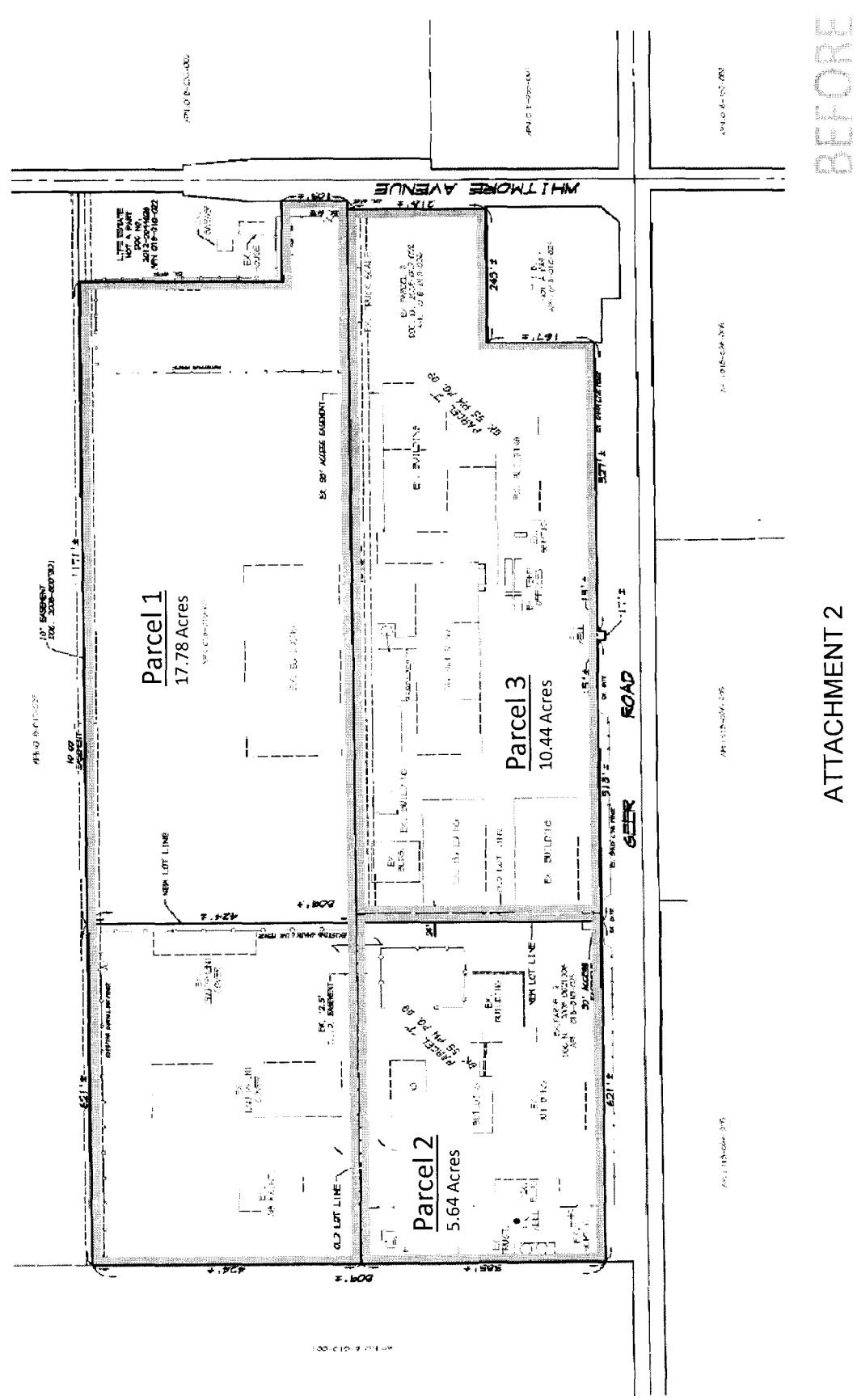
ASSOCIATED ENGINEERING GROUP
1075 BROADWAY, SUITE 200, HARRISON, CA 92522
PHONE: (925) 948-8880 FAX: (925) 948-8881
WWW.AEG-ENGINEERING.COM

LOT LINE ADJUSTMENT
GROWER DIRECT
STANISLAUS COUNTY, CALIFORNIA

DATE: 10/15/2014
DRAWN BY: J. WILSON
CHECKED BY: J. WILSON
SCALE: AS SHOWN
PROJECT: 1075 BROADWAY, SUITE 200, HARRISON, CA 92522



VICINITY MAP
1" = 100'



ATTACHMENT 2

BEFORE

GENERAL NOTES

- ASSESSOR'S PARCEL NUMBER, 018-010-021, 25 & 26
- EXISTING ZONING: A-2-40
- DOMESTIC WATER: BY PRIVATE WELL
- SANITARY SEWER: BY SEPTIC SYSTEM
- THE SUBJECT PARCELS ARE RESTRICTED BY WILLIAMSON ACT CONTRACT NO. - 1472-0736
- SITE CURRENTLY CONSISTS OF A WALNUT HAULING/PARKING EQUIPMENT MAINTENANCE OPERATION AND AGRICULTURAL COMMODITIES PROCESSING/STORAGE OPERATION. PARCELS ARE CONFIGURED SO THAT THE EXISTING OPERATIONS ARE SITUATED ON THE SAME PARCELS.
- THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE APPROXIMATE AND ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.

OWNERS / APPLICANTS:

RONALD M. AND JANE C. MARTELLA
REVOCABLE TRUST
2100 GEEB ROAD
HUGHSON, CA 95326

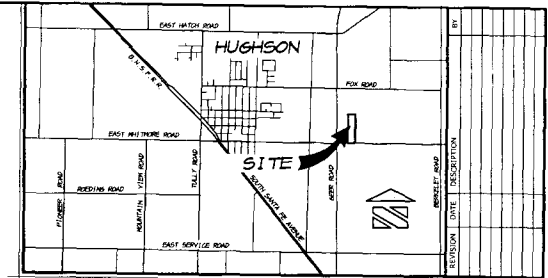
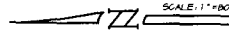
A. & S. MARTELLA 2012 TRUST
2100 GEEB ROAD
HUGHSON, CA 95326

KEVIN R. GHIESA AND
MELLANIE M. GHIESA
2100 GEEB ROAD
HUGHSON, CA 95326

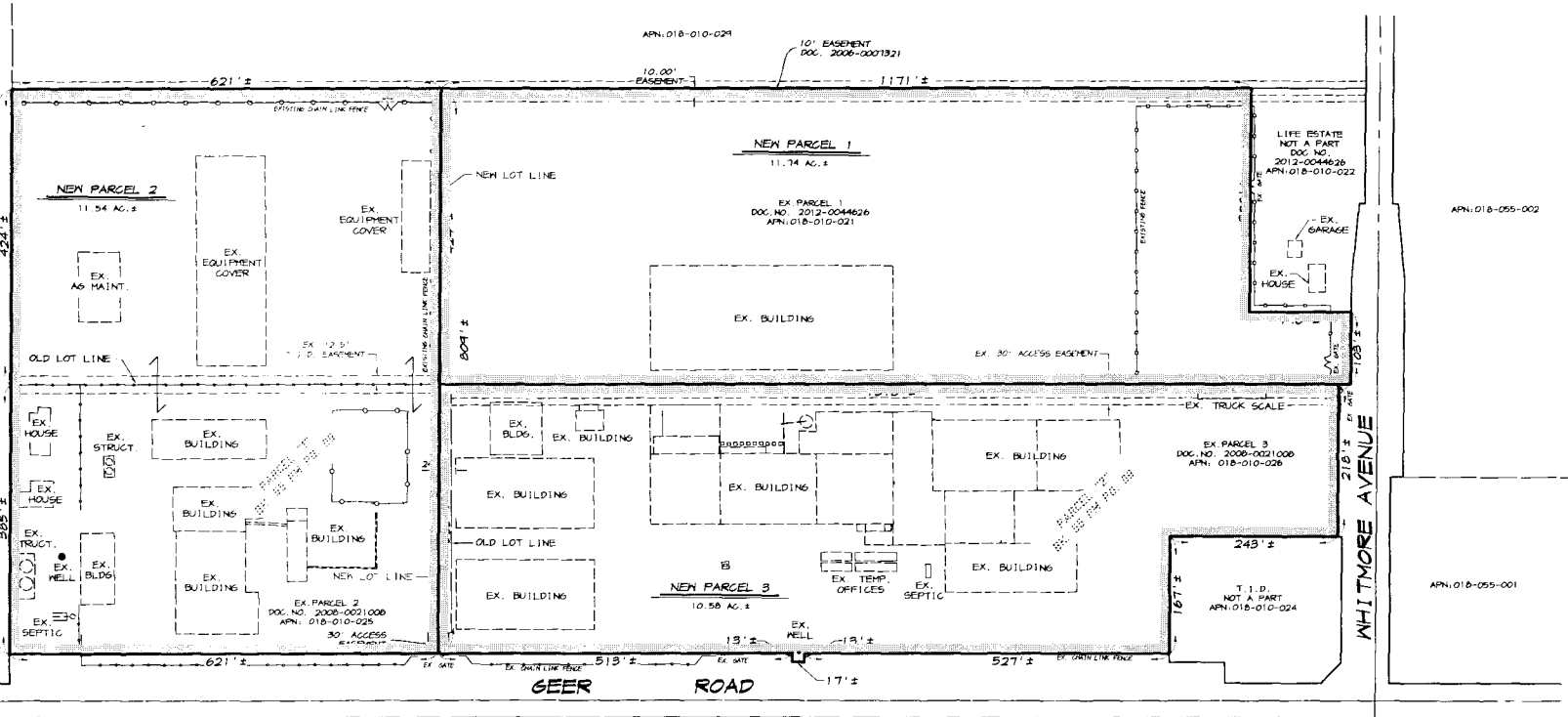
LUCIO SALAZAR GRALICA AND
JENNIFER C. MARTELLA
2100 GEEB ROAD
HUGHSON, CA 95326

PARCEL SUMMARY

BEFORE ADJUSTMENT	
EX. PARCEL 1	17.70 ± AC.
EX. PARCEL 2	5.64 ± AC.
EX. PARCEL 3	10.44 ± AC.
NEW LOTS AFTER ADJUSTMENT	
NEW PARCEL 1	11.74 ± AC.
NEW PARCEL 2	11.54 ± AC.
NEW PARCEL 3	10.56 ± AC.



VICINITY MAP
NO SCALE



**ASSOCIATED
ENGINEERING
GROUP**

4008 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95358
PHONE: (209) 545-5300 FAX: (209) 545-5379
www.aeeng.com

LOT LINE ADJUSTMENT
GROWER DIRECT
CALIFORNIA
STANISLAUS COUNTY

FORM CANCEL, R.C.E. 0017
DWR 3/20/08, L.S. 7/26

DATE: 07/21/14 3:50
SCALE: 1"=60'
DWG: S.L.A. 1
CHECKED:
BY: 6640-11

SHEET
1
OF 1

**MARTELLA LOT LINE ADJUSTMENT
APPLICANT STATEMENT**

This project is a lot line adjustment between Assessor's Parcel No. 1 (17.78 acres) owned by **MARTELLA, AARON**, and Parcel No. 2 (5.64 acres) and Parcel No. 3 (10.44) both owned by **MARTELLA, RONALD**. The application is for agricultural financing and the parcels will continue to serve its agricultural use as a walnut hauling/farming equipment maintenance operation and agricultural commodities processing/storage facility after the lot lines are reconfigured to better fit the existing agricultural use. After the lot line adjustment, Parcel 1 will have an adjusted area of 13.01 acres, while the Parcel 2 adjusted acreage will be 10.41 acres and Parcel 3 adjusted acreage will be 10.58. Only Parcel 1 is currently enrolled in the Williamson Act.

Government Code Section 51257 contains seven findings to be made related to lot line adjustments. These findings are each listed below with the justification following in italics.

- (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.

The contract for Parcel 1 is not subject to a Notice of Non-Renewal. After the lot line adjustment, it will continue to be in force and effect for a period of at least 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.

The land currently under contract is 17.78 acres. After the lot line adjustment, 33.86 acres will continue under the existing and new Williamson Act contract.

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

After the lot line adjustment, 90% of the land under contract will remain within the existing and new Williamson Act contract.

- (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.

The parcels will remain larger than 10 acres before and after the lot line adjustment and presumably large enough to sustain their agricultural use if they are greater than 10 acres of prime farmland, or greater than 40 acres in the case of non-prime farmland. The subject properties are identified as prime farmland by the Natural Resource Conservation Service Farmland Mapping Program and consistent with Section 51222.

- (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.

After the lot line adjustment, the three (3) parcels' long term agricultural productivity will not be compromised and continue their farming operations with in the new configuration.

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

The lot line adjustment will have no impact or result in the removal of adjacent land currently utilized for farming operations.

(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.

After the lot line adjustment, no parcel will become inconsistent with the Stanislaus County General Plan or result in a greater number of developable parcels than existed prior to the adjustment. All parcels are consistent with the Stanislaus County General Plan.

In conclusion, the lot line adjustment is for agricultural financing and the properties will continue to be utilized for its current agricultural use and farming operation. The agricultural viability of all the parcels will not be adversely affected by the proposed reconfiguration.