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

DEPT:	Planning and Community Development	BOARD AGENDA #: *D-2						
		AGENDA DATE: March 7, 2017						
SUBJE	CT:							
Approval to Rescind a Portion of Williamson Act Contract No. 1971-0201 and all of No. 1971-								
•		pad, between Frank Cox Road and Condit						
•	ustment Application No. PLN2016-0094, Ed	Approval of New Contracts Pursuant to Lot						
Line Auj	ustifient Application No. 1 EN2010-0004, Ed	dward Maring						
BOARD	ACTION AS FOLLOWS:	No.						
		2017-106						
and appro	oved by the following vote,	2017-106 econded by Supervisor _DeMartini						
and appro	oved by the following vote, pervisors: Olsen, Monteith, DeMartini, and Chairma	2017-106 econded by Supervisor _DeMartini an Chiesa						
and appro Ayes: Sup Noes: Sup Excused	oved by the following vote, pervisors: Olsen, Monteith, DeMartini, and Chairma pervisors: None or Absent: Supervisors: None	2017-106 econded by Supervisor _DeMartini an Chiesa						
and appro Ayes: Sup Noes: Sup Excused Abstainin	oved by the following vote, pervisors: Olsen, Monteith, DeMartini, and Chairma pervisors: None or Absent: Supervisors: None g: Supervisor: Withrow	2017-106 econded by Supervisor _DeMartini an Chiesa						
and appro Ayes: Sup Noes: Sup Excused of Abstainin	oved by the following vote, pervisors: Olsen, Monteith, DeMartini, and Chairma pervisors: None or Absent: Supervisors: None g: Supervisor: Withrow Approved as recommended	2017-106 econded by Supervisor _DeMartini an Chiesa						
and appro Ayes: Sup Noes: Sup Excused of Abstainin 1) X 2)	oved by the following vote, pervisors: Olsen, Monteith, DeMartini, and Chairma pervisors: None or Absent: Supervisors: None g: Supervisor: Withrow Approved as recommended Denied	2017-106 econded by Supervisor _DeMartini an Chiesa						
and appro Ayes: Sup Noes: Sup Excused of Abstainin 1) X 2) 3)	oved by the following vote, pervisors: Olsen, Monteith, DeMartini, and Chairma pervisors: None or Absent: Supervisors: None g: Supervisor: Withrow Approved as recommended Denied Approved as amended	2017-106 econded by Supervisor _DeMartini an Chiesa						
and appro Ayes: Sup Noes: Sup Excused of Abstainin 1) X 2)	oved by the following vote, pervisors: Olsen, Monteith, DeMartini, and Chairma pervisors: None or Absent: Supervisors: None g: Supervisor: Withrow Approved as recommended Denied Approved as amended	2017-106 econded by Supervisor _DeMartini an Chiesa						

EST: ELIZABETH A. KING, Clerk of the Board of Supervisor

File No.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS AGENDA ITEM

DEP1:	=PT: Planning and Community Development			BOARD AGENDA #: _*D-2			
	Urgent ○ Routine ●		AV	AGENDA DATE: Mar	March 7, 2017		
			I NY				
CEO CC	ONCURRENCE:			4/5 Vote Required: Ye	es O No 🖲		

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1971-0201 and all of No. 1971-0202, Located on the Northeast Side of Cox Road, between Frank Cox Road and Condit Avenue, East of the Community of Grayson; and Approval of New Contracts Pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring

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.

- 2. Rescind A Portion Of Williamson Act Contract No. 1971-0201 and all of 1971-0202, located on the northeast side of Cox Road, between Frank Cox Road and Condit Avenue, east of the community of Grayson (APN's: 016-026-013 and 016-026-032).
- 3. Approve new contracts pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring.
- 4. Authorize the Director of Planning and Community Development to execute new contracts pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring.

DISCUSSION:

The Edward Maring Lot Line Adjustment request includes the adjustment of two parcels (222.52 total acres) to match parcel lines with the existing site topography. 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. Before and after maps of the proposed lot line adjustment are provided in Attachments 2 and 3.

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 in as a portion of Williamson Act Contract No. 1971-0201, while Parcel 2 is enrolled in Contract No. 1971-0202. If this lot line is approved, proposed parcels 1 and 2 (222.52± acres total) will each be enrolled in separate new contracts.

Pursuant to California Government Code Section 51257, the parties to a contract may mutually agree to rescind the contract, or contracts, and simultaneously re-enter into a new contract, or contracts, provided 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 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 Government 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.

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):

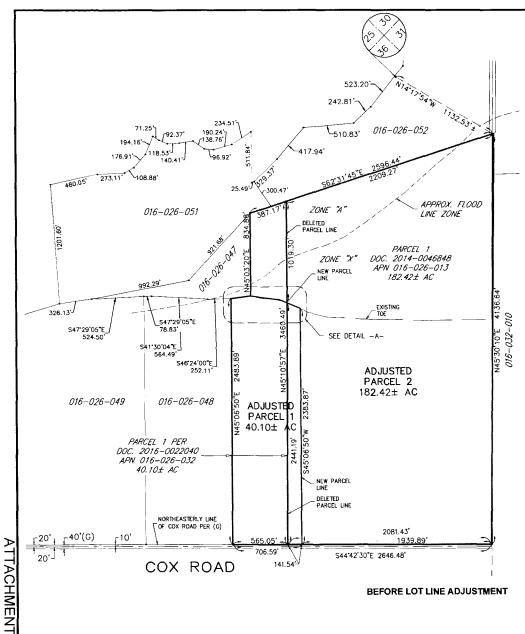
- 1. Williamson Act and Lot Line Adjustment Request Overview
- 2. Map of Parcels Before the Proposed Lot Line Adjustment
- 3. Map of Parcels After the Proposed Lot Line Adjustment
- 4. Applicant's Statement of Findings

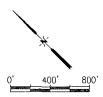
Attachment 1

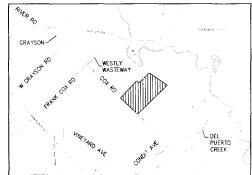
Williamson Act & Lot Line Adjustment (LLA) Overview

	Assessors Parcel No.			Williamson Contract			Parcel Size (Acres)			
			Parcel			Acreage		raicei size (Acres)		Existing
LLA Parcel No.	No.	Portion Y/N	Owners/Applicants	Contract No.	Portion Y/N	Existing	Proposed	Existing	Proposed	Use/Development
LLA Application	on No. PLN 2016	-0094 -Mari	ng		7		102.033			
1	016-026-013	N	Edward Maring	1971-0201	Y	182.42	182.42	182.42	182.42	Row Crops and Vines
2	016-026-032	N	Thomas Maring	1971-0202	N	40.1	40.1	40.1	40.1	Vines
	100.4			Total Acreage	š• Vijas	222.52	222.52	222.52	222.52	

Attachment 2







VICINITY MAP

OWNERS NAME & ADDRESS: PARCEL 1:

MATTHEW DAVID MARING 10000 COX ROAD PATTERSON, CA 95363 APN: 016-026-032

PARCEL 2: EDWARD & MILDRED MARING 1536 FRANK COX ROAD PATTERSON, CA 95363 APN: 016-026-013



NOT TO SCALE

REFERENCES & LEGEND

- A. DOCUMENT NO. 2016-0022040, SCR B. DOCUMENT NO. 2014-0046848, SCR
- C. DOCUMENT NO. 2014-0046849, SCR D. BK 8 OF PARCEL MAPS, P 64, SCR
- E. BK 53 OF PARCEL MAPS. P 33, SCR F. BK 10 OF SURVEYS, P 88, SCR
- G. VOL. 1361 OR, P 508, DOCUMENT NO. 12195 DATED MAY 2, 1956

JOTES:

1. ACCESS, UTILITY AND IRRIGATION EASEMENTS TO BE RECORDED BY SEPARATE DOCUMENTS

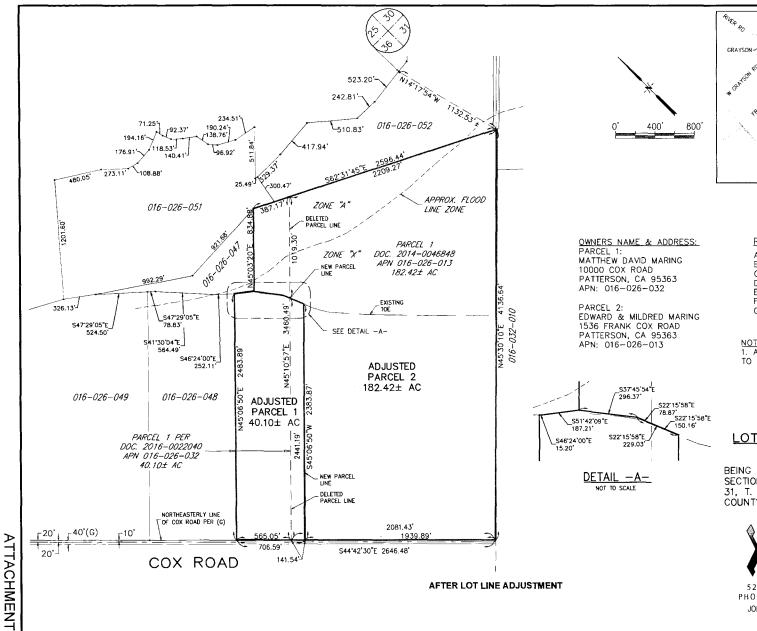
EXHIBIT C LOT LINE ADJUSTMENT PLAT FOR EDWARD MARING

BEING A PORTION RANCHO EL PESCADERO, SECTION 36, T. 4 S., R. 7 E., AND SECTION 31, T. 4 S., R. 8 E., M. D. M., STANISLAUS COUNTY, STATE OF CALIFORNIA



521 13TH STREET MODESTO, CA 95354 PHONE- (209) 526-1515 FAX- (209) 523-3383 JOB NO. 13194, DATE: JANUARY 23, 2017

Attachment 3



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REFERENCES & LEGEND

WESTLY WASTEWAY

DOCUMENT NO. 2016-0022040, SCR

VICINITY MAP

- DOCUMENT NO. 2014-0046848, SCR DOCUMENT NO. 2014-0046849, SCR
- BK 8 OF PARCEL MAPS, P 64, SCR BK 53 OF PARCEL MAPS. P 33, SCR
- BK 10 OF SURVEYS, P 88, SCR
- VOL. 1361 OR, P 508, DOCUMENT NO. 12195 DATED MAY 2, 1956

1. ACCESS, UTILITY AND IRRIGATION EASEMENTS TO BE RECORDED BY SEPARATE DOCUMENTS

EXHIBIT C LOT LINE ADJUSTMENT PLAT FOR EDWARD MARING

BEING A PORTION RANCHO EL PESCADERO. SECTION 36, T. 4 S., R. 7 E., AND SECTION 31, T. 4 S., R. 8 E., M. D. M., STANISLAUS COUNTY, STATE OF CALIFORNIA



521 13TH STREET MODESTO, CA 95354 PHONE- (209) 526-1515 FAX- (209) 523-3383 JOB NO. 13194, DATE: JANUARY 23, 2017

L DEL PUERTO

CREEK

Attachment 4

APPLICANT STATEMENT"

Project Description and Landowner Justification

This project is a lot line adjustment between Assessor's Parcel No. 016-026-032 (Parcel 1 = 40.10 + /- acres) and No. 016-026-013 (Parcel 2 = 182.42 + /- acres) both owned by Maring 15.1

Both parcels will keep the acreage the same as before and after adjustment.

At the completion of this lot line adjustment, Parcel 1 will have an adjusted area of 40.10 +/- acres and Parcel 2 = 182.42 +/- acres. Both Parcels are 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 enforceable 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.

Both Contracts 1971-0201 & 0202 will remain unchanged. At the conclusion of the lot line adjustment, will continue to be in force with the adjusted acreage 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.

Parcel 1 currently is under contract 1971-0202, with no change in the acreage, Parcel 2 is under contract 1971-0201 with no change in the acreage either after.

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

The entire amount of land included within this lot line adjustment will continue to remain under Williamson Act 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.

RECORDING REQUESTED BY STANISLAUS COUNTY BOARD OF SUPERVISORS

WHEN RECORDED RETURN TO STANISLAUS COUNTY PLANNING DEPARTMENT 1010 10TH Street, Suite 3400 Modesto, CA 95354

NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT NO. 2017-0014

parcel described in Exhibit B is entered into.

THIS SPACE FOR RECORDER ONLY

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2017-0021811-00

Acct 402-Counter Customers

Tuesday, MAR 28, 2017 15:25:42

Ttl Pd \$0.00

Rcpt # 0003950262 OLD/R2/2-14

	ct, recorded on February 1, 19 County of Stanislaus, State of C Owner and holders of securi	779, as Instrument Number 4: California, are incorporated he ty interests designate the foll lications from County during	lowing persons as the Agent for Notice to receive the life of the Contract. Owner will notify Coun	order
	DESIGNATED AGENT:	THOMAS MARING		
		10000 COX ROAD		
		PATTERSON, CA 95363		
(16)	Owner desires to place the fo	ollowing parcels of real proper	ty under Contract:	
	SSORS CEL NUMBER	ACREAGE	SITUS ADDRESS (If none, please provide Legal Description)	
016-0	26-032	40.10	FRANK COX ROAD, WESTLEY, CA 95367	7
		<u> </u>		
				

Pursuant to Stanislaus County Board of Supervisors Resolution No. <u>2017-106</u>, relating to Lot Line Adjustment No. <u>PLN2016-0094</u> as authorized by Govt. Code § 51257, California Land Conservation Contract No. <u>1971-0202</u> which encumbered the parcel described in Exhibit A is rescinded and this contract which encumbers the newly configured



NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT- Page 2

- (18) The effective date of this Contract shall be date of recording.
- (19) Uses on the subject property are limited to those specifically described in Chapter 21.20 of the Stanislaus County Code General Agriculture District (A-2), as effective each year upon renewal of the contract, which is herein incorporated by reference.

IN WITNESS WHEREOF, the parties hereto have executed the within Contract the day and year first above written.

			_	_	_	
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o militario,			
NAME (Print or type) Edward Maring ANA Edward Maring	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
* ANA Edward Maring © Mildred Maring © Maring © Maring	m. M. A M.	1/11/11	Patterson CA
Thomas Jude Maring	Thomas I. M.	Unla	Talleusa CA
Matthew David Maring	mul Dm 8	117/17	Poter CA
SECURITY HOLDERS:			
OWNERS:			
NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
· · · · · · · · · · · · · · · · · · ·			
EXHIBITS:			
(B) Legal description of	Parcel covered under old contract newly configured Parcel covered under n s Action Item approving referenced rescis		et

COUNTY: Stanislaus County

3.28.201 Dated

Chairman, Board of Supervisors Angela Freitas for Vito Chiesa

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County ofStanislaus)
OnJanuary 17,2017 b	efore me. Nancy A Anders, Notary Public (insert name and title of the officer)
subscribed to the within instrument an his/her/their authorized capacity(ies),	isfactory evidence to be the person(s) whose name(s) is/are and acknowledged to me that he/she/they executed the same in and that by his/her/their signature(s) on the instrument the f which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJUF paragraph is true and correct.	RY under the laws of the State of California that the foregoing
WITNESS my hand and official seal.	NANCY A. ANDERS Commission # 2098847 Notary Public - California Stanislaus County My Comm. Expires Feb 8, 2019
Signature May Affinders	(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County ofStanislaus)
On January 17,2017	_ before me,	Nancy A Anders, Notary Public (insert name and title of the officer)
personally appeared Mildred C		evidence to be the person(s) whose nam e(s) is/ are
subscribed to the within instrumer his/her/their authorized capacity(in	nt and acknov es), and that I	vidence to be the person(s) whose name(s) is are videnced to me that he/she/they executed the same in by his/her/their signature(s) on the instrument the e person(s) acted, executed the instrument.
I certify under PENALTY OF PER paragraph is true and correct.	JURY under	the laws of the State of California that the foregoing
WITNESS my hand and official se	eal.	NANCY A. ANDERS Commission # 2096847 Notary Public - California Stanislaus County My Comm. Expires Feb 8, 2019
Signature <u>Mancy AAn</u>	dess	(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of Stause Output Output
On <u>January 17, 2017</u> before me, <u>Navy A Anders, Notary Public.</u> (insert name and title of the officer)
who proved to me on the basis of satisfactory evidence to be the person(e) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature <u>Maney Adadess</u>

(Seal)

NANCY A. ANDERS Commission # 2096847

Notary Public - California Stanislaus County My Comm. Expires Feb 8, 2019

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or

validity of that document.
State of California County of
On <u>January 17, 2017</u> before me, <u>Nancy A Anders, Notary Public</u> (insert name and title of the officer)
personally appeared <u>Marthew David Marina</u> who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal. NANCY A. ANDERS Commission # 2096847 Notary Public - California Stanislaus County My Comm. Expires Feb 8, 2019
Signature Mary AAndess (Seal)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT Civil Code § 1189 A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. State of California County of Stanislaus On March 28, 2017 before me, Christine Michele Smith, Notary Public, personally appeared Angela Freitas, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the state of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal. CHRISTINE MICHELE SMITH Commission # 2084523 Notary Public - California Stanislaus County Comm. Expires Oct 30, 2018 Signature of Notary Though the information below is not required by law, it may prove valuable to persons relying on the document and prevent fraudulent reattachment of this form to another document. DESCRIPTION OF ATTACHED DOCUMENT Title or Type of Document: CLCC Rescission & Reentry Subject: 2017-0014 Located at: APN# 016-026-032 Date of Document: 3/7/2017 Number of Pages in words: Signer(s) Other Than Named Above: **CAPACITY(IES) CLAIMED BY SIGNER(S)** Signer's Name: Signer's Name:) Individual(s)) Individual(s)) Corporate Officer) Corporate Officer Title(s): Title(s):) Partner(s) - () Limited () General Partner(s) - () Limited () General) Attorney-In-Fact) Attorney-In-Fact) Trustee(s) () Trustee(s)) Guardian/Conservator) Guardian/Conservator Other: RIGHT THUMB Other: RIGHT THUMB SIGNER IS REPRESENTING: SIGNER IS REPRESENTING:

9/13/2016

EXHIBIT "A"

BEFORE LOT LINE ADJUSTMENT

PARCEL 1:

All that certain parcel of land located being a portion of Rancho El Pescadero, Township 4 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, State of California being more particularly described as follows:

Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records.

CONTAINING an area of 40.10 acres more or less.

SUBJECT to all easements and / or rights of way of record.

Apn: 016-026-032

PARCEL 2:

All that certain parcel of land located being a portion of Rancho El Pescadero, Township 4 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, State of California as described in document No. 2014-0046848, Stanislaus County Records.

CONTAINING an area of 182.42 acres more or less.

SUBJECT to all easements and / or rights of way of record.

Apn: 016-026-013

Kaiser I. Shahbaz

<u>01/23/2017</u> Date

L. S. 8599

EXHIBIT "B"

AFTER LOT LINE ADJUSTMENT

PARCEL 1:

All that certain parcel of land being a portion of Rancho El Pescadero, Township 4 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, State of California, more particularly described as follows:

Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records.

TOGETHER with that portion of certain parcel filed for Record in Document No. 2014-0046848 described as follows:

BEGINNING at the most Southerly corner said Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records, said point being on the Northeasterly line of Cox Road as per the Resolution filed for record in Volume 1361 Official Records, Page 508 Document No. 12195 on May 2, 1956, Stanislaus County Records; thence along the Southeasterly line of said Parcel 1 North 45°10′57″ East 2441.19 feet to a toe of an existing bank; thence along said toe South 22°15′58″ East 150.16 feet; thence leaving said toe South 45°06′50″ West 2383.87 feet to said Northeasterly line of Cox Road; thence along said Northeasterly line of Cox Road North 44°42′30″ West 141.54 feet to **THE POINT OF BEGINNING**, containing 7.76 acres more or less.

EXCEPTING therefrom that portion of said Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records, described as follows:

BEGINNING at the most Easterly corner of said Parcel 1; thence along the Southeasterly line of said Parcel 1 South 45°10'57" West 1019.30 feet to an existing toe of a bank; thence along said toe the following Two (2) courses: (1) North 22°15'58" West 78.87 feet; (2) North 37°45'54" West 296.37 feet to a corner of said parcel 1; thence along the Northwesterly line of said Parcel 1 North 45°03'20" East 834.88 feet to the most Northerly corner of said Parcel 1; thence along the Northeasterly line of said Parcel 1 South 62°31'45" East 387.17 feet to **THE POINT OF BEGINNING**, containing 7.76 acres more or less.

CONTAINING an area of 40.10 acres more or less.

SUBJECT to all easements and / or rights of way of record.

Kaiser I. Shahbaz

L. S. 8599

01/23/2017

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

DEPT: Planning and Community Development	BOARD AGENDA #: *D-2
SUBJECT: Approval to Rescind a Portion of Williamson Act 0202, Located on the Northeast Side of Cox Rayenue, East of the Community of Grayson; an Line Adjustment Application No. PLN2016-0094,	Road, between Frank Cox Road and Condit d Approval of New Contracts Pursuant to Lot
BOARD ACTION AS FOLLOWS:	No. 2017-106
On motion of Supervisor Olsen and approved by the following vote, Ayes: Supervisors: Olsen, Monteith, DeMartini, and Chair Noes: Supervisors: None Excused or Absent: Supervisors: None Abstaining: Supervisor: Withrow	man Chiesa
1) X Approved as recommended 2) Denied 3) Approved as amended 4) Other:	
This Item was removed from the consent	t calendar for discussion and consideration.

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

ELIZABETH A. KING

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

KING, Clerk of the Board of Supervisors

File No.-

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS AGENDA ITEM

DEPT:	Planning and C	Community Develop	ment	BOARD AGENDA #:	RD AGENDA #: _*D-2			
	Urgent ○	Routine Routine	AF	AGENDA DATE: Ma	arch 7, 20	17		
CEO CO	ONCURRENCE:	:	·	4/5 Vote Required: \	es O	No 🖲		

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1971-0201 and all of No. 1971-0202, Located on the Northeast Side of Cox Road, between Frank Cox Road and Condit Avenue, East of the Community of Grayson; and Approval of New Contracts Pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring

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.

- 2. Rescind A Portion Of Williamson Act Contract No. 1971-0201 and all of 1971-0202, located on the northeast side of Cox Road, between Frank Cox Road and Condit Avenue, east of the community of Grayson (APN's: 016-026-013 and 016-026-032).
- 3. Approve new contracts pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring.
- 4. Authorize the Director of Planning and Community Development to execute new contracts pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring.

DISCUSSION:

The Edward Maring Lot Line Adjustment request includes the adjustment of two parcels (222.52 total acres) to match parcel lines with the existing site topography. 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. Before and after maps of the proposed lot line adjustment are provided in Attachments 2 and 3.

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 in as a portion of Williamson Act Contract No. 1971-0201, while Parcel 2 is enrolled in Contract No. 1971-0202. If this lot line is approved, proposed parcels 1 and 2 (222.52± acres total) will each be enrolled in separate new contracts.

Pursuant to California Government Code Section 51257, the parties to a contract may mutually agree to rescind the contract, or contracts, and simultaneously re-enter into a new contract, or contracts, provided that the Board of Supervisors finds all of the following:

- 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 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 Government 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.

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

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

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

Stanislaus, County Recorder Lee Lundrigan Co Recorder Office DOC- 2017-0021809-00

Acct 121-Planning.

Tuesday, MAR 28, 2017 15:25:21

Ttl Pd \$47.00

Rcpt # 0003950260

OLD/R2/1-11

Space Above This Line for Recorder's Use

CERTIFICATE OF LOT LINE ADJUSTMENT

This is to certify that, pursuant to California Government Code Section 66412 (d) and Sections 20.14 and 21.20.060E of the Stanislaus County Code, the Stanislaus County Director of Planning and Community Development on December 21, 2016, approved the lot line adjustment herein described submitted under the name of EDWARD MARING Lot Line Adjustment No.PLN2016-0094 was approved to adjust the lines between contiguous parcels whereby the boundary lines of the real property described as Exhibit "A", attached hereto and made a part hereof, will be adjusted to result in parcels described in Exhibit "B" and Exhibit "C", also attached and incorporated herein. The approved lot line adjustment shall not result in the creation of a greater number of parcels than originally existed. The above described lot line adjustment shall be reflected in a deed which shall be recorded as required by Section 66412 (d) of the California Government Code.

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

ANGELA FREITAS, DIRECTOR

Ву:

eremy Ballard Assistant Planner

Stanislaus County Department of Planning

and Community Development

Date [†]

1/3//7

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.		
State of California		
County of Stanislaus	· -	
On March 13, 2017 before me, Kime	era L. Hall, Notary Public	
Date	Here Insert Name and Title of the Officer	
personally appeared Jeremy Ballard		
	Name(s) of Signer(s)	
subscribed to the within instrument and acknow		
	I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.	
KIMERA L. HALL Commission # 2084258 Notary Public - California Stanislaus County	WITNESS my hand and official seal. Signature Known Control Public	
My Comm. Expires Oct 29, 2018	Signature of Notary Public	
Place Notary Seal Above		
Though this section is optional, completing thi	PTIONAL is information can deter alteration of the document or is form to an unintended document.	
Description of Attached Document		
Title or Type of Document:	Document Date:	
	nan Named Above:	
Capacity(ies) Claimed by Signer(s)	Cianava Nama	
Signer's Name: ☐ Corporate Officer — Title(s):	Signer's Name: ☐ Corporate Officer — Title(s):	
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General	
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact	
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator	
Signer Is Representing;	☐ Other:Signer Is Representing:	
organic la ricpresenting,		

LOT LINE NO. PLN2016-0094

OWNERS:

NAME (Print or type) Edward Maring AKA Edward Maring Mildred Maring AKA MULDRED C. Maring Thomas Jude Maring Matthew David Maring		DATE ///7 /17 1//7/17 1//17/17	SIGNED AT (City) Patterson CA Patterson CA Patterson CA.
SECURITY HOLDERS:			
NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
· ·			

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County ofStanislaus	_)
On January 17,2017 before me	e, Nancy A Anders, Notary Public (insert name and title of the officer)
	(Insert name and title of the officer)
personally appeared Edward J. Maring	
who proved to me on the basis of satisfactory subscribed to the within instrument and acknowled his/her/their authorized capacity(ies), and that person(s), or the entity upon behalf of which the	y evidence to be the person(s) whose name(s) is/are owledged to me that he/she/they executed the same in at by his/her/their signature(s) on the instrument the the person(s) acted, executed the instrument. er the laws of the State of California that the foregoing
paragraph is true and correct.	
WITNESS my hand and official seal.	NANCY A. ANDERS Commission # 2096847 Notary Public - California Stanislaus County My Comm. Expires Feb 8, 2019
Signature Muy Aduders	(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County ofStanislaus)
On January 17,2017 before m	ne, Nancy A Anders, Notary Public
	(insert name and title of the officer)
personally appeared Mildred C. Maring	
who proved to me on the basis of satisfactor subscribed to the within instrument and ackrhis/her/their-authorized capacity(ies), and the	ry evidence to be the person(s) whose name(s) is/are nowledged to me that-he/she/they executed the same in lat by-his/her/their signature(s) on the instrument the note the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY und paragraph is true and correct.	der the laws of the State of California that the foregoing

WITNESS my hand and official seal.

NINA

NANCY A. ANDERS
Commission # 2096847
Notary Public - California
Stanislaus County
My Comm. Expires Feb 8, 2019

Signature <u>Paney Adviders</u>

(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of <u>Stanisgaus</u>)
On <u>Javuary 17, 2017</u> before me, <u>Navcy A Awsers, Not ary Purus</u> (insert name and title of the officer)
personally appeared
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

NANCY A. ANDERS
Commission # 2096847
Notary Public - California
Stanislaus County
My Comm. Expires Feb 8, 2019
(Seal)

Signature Mary AAndess

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

	State of California County of	Stanislaus)
Oı	On January 17, 2017 before me,	Nancy A Anders, Notary Public		
	J	1 '	(insert name and title of the officer)	
	subscribed to the his/her/their author person(s), or the e	on the basis of s within instrument orized capacity(ies entity upon behalf	atisfactory e and acknow a), and that l of which th	evidence to be the person(s) whose name(s) is/are- viedged to me that he/she/they executed the same in by his/her/their signature(s) on the instrument the e person(s)-acted, executed the instrument.
	I certify under PEI paragraph is true		URY under	the laws of the State of California that the foregoing

WITNESS my hand and official seal.

Signature Parcy, A Anders

NANCY A. ANDERS
Commission # 2096847
Notary Public - California
Stanislaus County
My Comm. Expires Feb 8, 2019

(Seal)

EXHIBIT "A"

BEFORE LOT LINE ADJUSTMENT

PARCEL 1:

All that certain parcel of land located being a portion of Rancho El Pescadero, Township 4 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, State of California being more particularly described as follows:

Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records.

CONTAINING an area of 40.10 acres more or less.

SUBJECT to all easements and / or rights of way of record.

Apn: 016-026-032

PARCEL 2:

All that certain parcel of land located being a portion of Rancho El Pescadero, Township 4 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, State of California as described in document No. 2014-0046848, Stanislaus County Records.

CONTAINING an area of 182.42 acres more or less.

SUBJECT to all easements and / or rights of way of record.

Apn: 016-026-013

01/23/2017

Kaiser I. Shahbaz

L. S. 8599

EXHIBIT "B"

AFTER LOT LINE ADJUSTMENT

PARCEL 1:

All that certain parcel of land being a portion of Rancho El Pescadero, Township 4 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, State of California, more particularly described as follows:

Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records.

TOGETHER with that portion of certain parcel filed for Record in Document No. 2014-0046848 described as follows:

BEGINNING at the most Southerly corner said Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records, said point being on the Northeasterly line of Cox Road as per the Resolution filed for record in Volume 1361 Official Records, Page 508 Document No. 12195 on May 2, 1956, Stanislaus County Records; thence along the Southeasterly line of said Parcel 1 North 45°10′57″ East 2441.19 feet to a toe of an existing bank; thence along said toe South 22°15′58″ East 150.16 feet; thence leaving said toe South 45°06′50″ West 2383.87 feet to said Northeasterly line of Cox Road; thence along said Northeasterly line of Cox Road North 44°42′30″ West 141.54 feet to **THE POINT OF BEGINNING**, containing 7.76 acres more or less.

EXCEPTING therefrom that portion of said Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records, described as follows:

BEGINNING at the most Easterly corner of said Parcel 1; thence along the Southeasterly line of said Parcel 1 South 45°10′57" West 1019.30 feet to an existing toe of a bank; thence along said toe the following Two (2) courses: (1) North 22°15′58" West 78.87 feet; (2) North 37°45′54" West 296.37 feet to a corner of said parcel 1; thence along the Northwesterly line of said Parcel 1 North 45°03′20" East 834.88 feet to the most Northerly corner of said Parcel 1; thence along the Northeasterly line of said Parcel 1 South 62°31′45" East 387.17 feet to **THE POINT OF BEGINNING**, containing 7.76 acres more or less.

CONTAINING an area of 40.10 acres more or less.

SUBJECT to all easements and / or rights of way of record.

01 /23 /2017 Date

Kaiser I. Shahbaz

L. S. 8599

EXHIBIT "B"

AFTER LOT LINE ADJUSTMENT

PARCEL 2:

All that certain parcel of land located being a portion of Rancho El Pescadero, Township 4 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, State of California, being parcel described in document No. 2014-0046848, Stanislaus County Records.

EXCEPTING therefrom that portion of certain parcel as filed for Record in Document No. 2014-0046848 described as follows:

BEGINNING at the most Southerly corner said Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records, said point being on the Northeasterly line of Cox Road as per the Resolution filed for record in Volume 1361 Official Records, Page 508 Document No. 12195 on May 2, 1956, Stanislaus County Records; thence along the Southeasterly line of said Parcel 1 North 45°10'57" East 2441.19 feet to a toe of an existing bank; thence along said toe South 45°06'50" West 2383.87 feet to said Northeasterly line of Cox Road; thence along said Northeasterly line of Cox Road North 44°42'30" West 141.54 feet to **THE POINT OF BEGINNING**, containing 7.76 acres more or less.

TOGETHER with that portion of said Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records, described as follows:

BEGINNING at the most Easterly corner of said Parcel 1; thence along the Southeasterly line of said Parcel 1 South 45°10'57" West 1019.30 feet to an existing toe of a bank; thence along said toe the following Two (2) courses: (1) North 22°15'58" West 78.87 feet; (2) North 37°45'54" West 296.37 feet to a corner of said parcel 1; thence along the Northwesterly line of said Parcel 1 North 45°03'20" East 834.88 feet to the most Northerly corner of said Parcel 1; thence along the Northeasterly line of said Parcel 1 South 62°31'45" East 387.17 feet to **THE POINT OF BEGINNING**, containing 7.76 acres more or less.

The above "PARCEL 2 After Lot Line Adjustment" is more particularly described as follows:

BEGINNING at the most Northerly corner of said Parcel 1; thence along the Northeasterly line of said parcel 1 and the Northeasterly line of that certain parcel as filed for record in said Document 2014-0046848 South 62°31'45" East 2596.44 feet to the most Easterly corner of last said parcel; thence along the Southeasterly line of said last parcel South 45°30'10" West 4136.64 feet to the most Southerly corner of last said parcel and the Northeasterly line of said Cox Road as per the Resolution filed for record in Volume 1361 of Official Records, Page 508 Document No. 12195 on May 2, 1956, Stanislaus County Records; thence along the Northeasterly line of said Cox Road North 44°42'30" West 1939.89 feet; thence leaving last said line North 45°06'50" East 2383.87 feet to a toe of an existing bank; thence along said toe the following Two (2) courses: (1) North 22°15'58" West 229.03 feet; (2) North 37°45'54" West 296.37 feet to a corner of said parcel 1; thence along the Northwesterly line of said Parcel 1 North 45°03'20" East 834.88 feet to **THE POINT OF BEGINNING.**

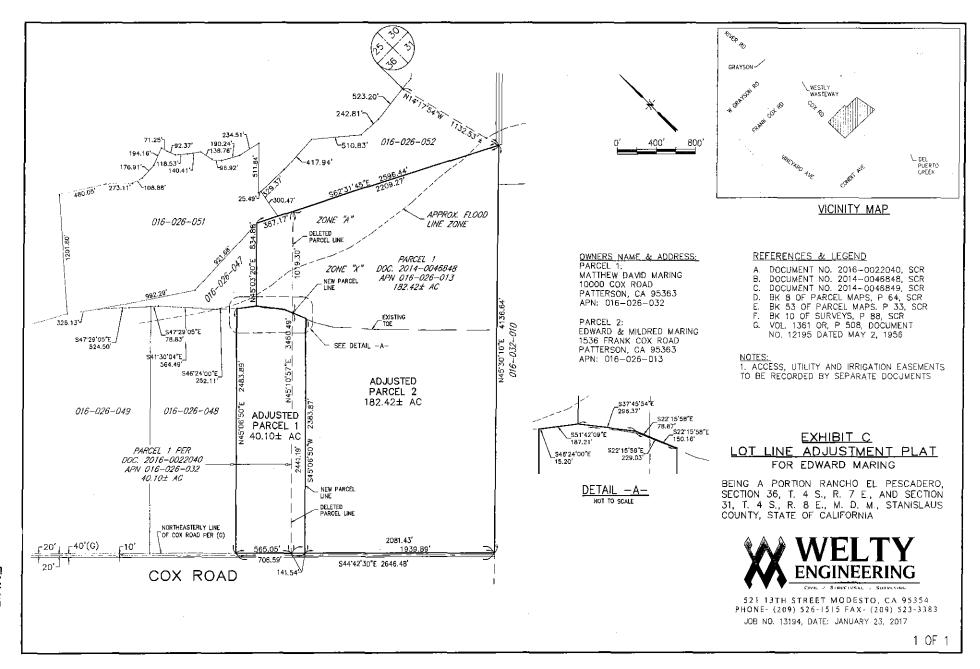
CONTAINING an area of 182.42 acres more or less.

SUBJECT to all easements and / or rights of way of record.

Kaiser I. Shahbaz

L. S. 8599

<u>01/23/2017</u> Date



RECORDING REQUESTED BY STANISLAUS COUNTY BOARD OF SUPERVISORS

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

NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT NO. 2017-0015

parcel described in Exhibit B is entered into.

"Owner" as follows:

THIS SPACE FOR RECORDER ONLY



Stanislaus, County Recorder Lee Lundrigan Co Recorder Office DOC- 2017-0021810-00

Acct 402-Counter Customers

Tuesday, MAR 28, 2017 15:25:33

Ttl Pd \$0.00

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered March 7, 2017 by and between the County of Stanislaus, a political subdivision of the State of California,

hereinafter referred to as "County" and the undersigned landowners or the successors thereof, hereinafter referred to as

Rcpt # 0003950261

OLD/R2/2-11

			of a certain Fictitious California Land Conservation		
		979, as Instrument Number 48 California, are incorporated he	604, Book 3151, Page 132, in the Office of Recorde rein as if specifically set forth.		
(15)	Owner and holders of security interests designate the following persons as the Agent for Notice to re and all notices and communications from County during the life of the Contract. Owner will notify writing of any change of designated persons or change of address for him.				
	DESIGNATED AGENT:	EDWARD MARING	· · · · · · · · · · · · · · · · · · ·		
		1536 FRANK COX ROAD	·		
		PATTERSON, CA 95363			
(16)	Owner desires to place the f	ollowing parcels of real proper	y under Contract:		
ASSESSORS PARCEL NUMBER		ACREAGE	SITUS ADDRESS (If none, please provide Legal Description)		
016-0	26-013	182.42	COX ROAD, PATTERSON, CA 95363		
Pursua No. <u>Pl</u>	_N2016-0094_as authorized by	y Govt. Code § 51257, Californ	o. 2017-106 , relating to Lot Line Adjustmer nia Land Conservation Contract No. 1971-0201 which this contract which encumbers the newly configure.		



NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT- Page 2

- (18) The effective date of this Contract shall be date of recording.
- (19) Uses on the subject property are limited to those specifically described in Chapter 21.20 of the Stanislaus County Code General Agriculture District (A-2), as effective each year upon renewal of the contract, which is herein incorporated by reference.

IN WITNESS WHEREOF, the parties hereto have executed the within Contract the day and year first above written.

OWNERS:			
NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
Edward Maring	Glacus Marins	1/12/17	Palleron, CH
Mildred Maring	Glaced Maring Milbred Moring	1/17/17	Patterson C
SECURITY HOLDERS:			
OWNERS:			
NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
	·	· 	
		·	

EXHIBITS:

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

COUNTY: Stanislaus County

3.	228	,	2017			
hateC						

Chairman, Board of Supervisors
Angela Freitas for Vito Chiesa

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

County of Stanislaus)				
On January 17, 2017 before me,	Nancy A Anders, Notary Public				
,	(insert name and title of the officer)				
personally appeared <u>Edward Marina</u> and <u>Mildred Marina</u> who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are					

who proved to me on the basis of satisfactory elvidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature Yangy AAnders (Se

(Seal)

NANCY A. ANDERS
Commission # 2096847
Notary Public - California
Stanislaus County
My Comm. Expires Feb 8, 2019

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. State of California) County of Stanislaus) On March 28, 2017 before me, Christine Michele Smith, Notary Public, personally appeared Angela Freitas, who proved to me on the basis of satisfactory evidence to be the person(s)-whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

CHRISTINE MICHELE SMITH Commission # 2084523 Notary Public - California Stanislaus County ly Comm. Expires Oct 30, 2018 WITNESS my hand and official seal.

Signature of Notary

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and prevent fraudulent reattachment of this form to another document.

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: CLCC Rescission & Reentry

Subject: 2017-0015

Located at: APN# 016-026-013 Date of Document: 3/7/2017

Number of Pages in words: Signer(s) Other Than Named Above:		
CAPACITY(IES) CLAI	IMED BY SIGNER(S)	
Signer's Name:	Signer's Name:	
	<pre>(</pre>	
C Other: RIGHT THUMB SIGNER IS REPRESENTING: 9/13/2016	SIGNER IS REPRESENTING:	МΒ

EXHIBIT "A"

BEFORE LOT LINE ADJUSTMENT

PARCEL 1:

All that certain parcel of land located being a portion of Rancho El Pescadero, Township 4 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, State of California being more particularly described as follows:

Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records.

CONTAINING an area of 40.10 acres more or less.

SUBJECT to all easements and / or rights of way of record.

Apn: 016-026-032

PARCEL 2:

All that certain parcel of land located being a portion of Rancho El Pescadero, Township 4 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, State of California as described in document No. 2014-0046848, Stanislaus County Records.

CONTAINING an area of 182.42 acres more or less.

SUBJECT to all easements and / or rights of way of record.

Apn: 016-026-013

01/23/2017

Kaiser I. Shahbaz

L. S. 8599

EXHIBIT "B"

AFTER LOT LINE ADJUSTMENT

PARCEL 2:

All that certain parcel of land located being a portion of Rancho El Pescadero, Township 4 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, State of California, being parcel described in document No. 2014-0046848, Stanislaus County Records.

EXCEPTING therefrom that portion of certain parcel as filed for Record in Document No. 2014-0046848 described as follows:

BEGINNING at the most Southerly corner said Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records, said point being on the Northeasterly line of Cox Road as per the Resolution filed for record in Volume 1361 Official Records, Page 508 Document No. 12195 on May 2, 1956, Stanislaus County Records; thence along the Southeasterly line of said Parcel 1 North 45°10′57" East 2441.19 feet to a toe of an existing bank; thence along said toe South 22°15′58" East 150.16 feet; thence leaving said toe South 45°06′50" West 2383.87 feet to said Northeasterly line of Cox Road; thence along said Northeasterly line of Cox Road North 44°42′30" West 141.54 feet to **THE POINT OF BEGINNING**, containing 7.76 acres more or less.

TOGETHER with that portion of said Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records, described as follows:

BEGINNING at the most Easterly corner of said Parcel 1; thence along the Southeasterly line of said Parcel 1 South 45°10′57" West 1019.30 feet to an existing toe of a bank; thence along said toe the following Two (2) courses: (1) North 22°15′58" West 78.87 feet; (2) North 37°45′54" West 296.37 feet to a corner of said parcel 1; thence along the Northwesterly line of said Parcel 1 North 45°03′20" East 834.88 feet to the most Northerly corner of said Parcel 1; thence along the Northeasterly line of said Parcel 1 South 62°31′45" East 387.17 feet to **THE POINT OF BEGINNING**, containing 7.76 acres more or less.

The above "PARCEL 2 After Lot Line Adjustment" is more particularly described as follows:

BEGINNING at the most Northerly corner of said Parcel 1; thence along the Northeasterly line of said parcel 1 and the Northeasterly line of that certain parcel as filed for record in said Document 2014-0046848 South 62°31'45" East 2596.44 feet to the most Easterly corner of last said parcel; thence along the Southeasterly line of said last parcel South 45°30'10" West 4136.64 feet to the most Southerly corner of last said parcel and the Northeasterly line of said Cox Road as per the Resolution filed for record in Volume 1361 of Official Records, Page 508 Document No. 12195 on May 2, 1956, Stanislaus County Records; thence along the Northeasterly line of said Cox Road North 44°42'30" West 1939.89 feet; thence leaving last said line North 45°06'50" East 2383.87 feet to a toe of an existing bank; thence along said toe the following Two (2) courses: (1) North 22°15'58" West 229.03 feet; (2) North 37°45'54" West 296.37 feet to a corner of said parcel 1; thence along the Northwesterly line of said Parcel 1 North 45°03'20" East 834.88 feet to **THE POINT OF BEGINNING.**

CONTAINING an area of 182.42 acres more or less.

SUBJECT to all easements and / or rights of way of record.

Kaiser I. Shahbaz

L. S. 8599

01/23/2013

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

DEPT:	Planning and Com	munity Development	BOARD AGENDA#	* <u>D-2</u>
			AGENDA DATE:	March 7, 2017
SUBJE	CT:			
0202, L Avenue,	ocated on the Nor East of the Comm	on of Williamson Act Co heast Side of Cox Roa unity of Grayson, and A No. PLN2016-0094, Ed	nd, between Frank Co Approval of New Contr	x Road and Condit
BOARD	ACTION AS FOLL	ows:	No. 20	017-106
On motion	n of Supervisor Olsei	, Se	conded by Supervisor _D	e <u>Martini</u>
	oved by the following		· Chin	
Noes: Sur	Detaisots: Čišēli* Mičlili	eith, DeMartini, and Chairmar None		
Excused	or Absent: Supervisor	s: None		
Abstainin	g: Supervisor:	Withrow		
	Approved as recomi			
2)	Denied			
3)	Approved as amend	ed		
4)	Other:			
MOTION:	This Item was ren	noved from the consent ca	lendar for discussion and	consideration.

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

ELIZABETH A. KING

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

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS AGENDA ITEM

DEPT: Planning and Community Develop	pment BOARD AGENDA #: _*D-2
Urgent ○ Routine ●	AGENDA DATE: March 7, 2017
	NY
CEO CONCURRENCE:	4/5 Vote Required: Yes O No ®

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1971-0201 and all of No. 1971-0202, Located on the Northeast Side of Cox Road, between Frank Cox Road and Condit Avenue, East of the Community of Grayson; and Approval of New Contracts Pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring

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.

- 2. Rescind A Portion Of Williamson Act Contract No. 1971-0201 and all of 1971-0202, located on the northeast side of Cox Road, between Frank Cox Road and Condit Avenue, east of the community of Grayson (APN's: 016-026-013 and 016-026-032).
- Approve new contracts pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring.
- 4. Authorize the Director of Planning and Community Development to execute new contracts pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring.

DISCUSSION:

The Edward Maring Lot Line Adjustment request includes the adjustment of two parcels (222.52 total acres) to match parcel lines with the existing site topography. 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. Before and after maps of the proposed lot line adjustment are provided in Attachments 2 and 3.

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 in as a portion of Williamson Act Contract No. 1971-0201, while Parcel 2 is enrolled in Contract No. 1971-0202. If this lot line is approved, proposed parcels 1 and 2 (222.52± acres total) will each be enrolled in separate new contracts.

Pursuant to California Government Code Section 51257, the parties to a contract may mutually agree to rescind the contract, or contracts, and simultaneously re-enter into a new contract, or contracts, provided that the Board of Supervisors finds all of the following:

- 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 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 Government 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.

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

RECORDING REQUESTED OF: Stanislaus County

Board of Supervisors

WHEN RECORDED, MAIL TO:

Stanislaus County Department

of Planning and Community Development

1010 10th Street, Suite 3400 modesto, CA 95354

Stanislaus, County Recorder Lee Lundrigan Co Recorder Office

DOC- 2017-0040991-00 Acct 402-Counter Customers

Wednesday, JUN 07, 2017 11:04:26

Tt1 Pd \$0.00 Rcpt # 0003981024

RE-RECORD NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT

Document No. 2017-0021811-00, recorded on March 28, 2017, is being re-recorded to correct the legal descriptions (Exhibits A & B) the exhibits that were previously recorded were incorrect. The description noted the wrong Section Township Range.

Jennifer Akin Staff Services Technician Stanislaus County Planning and Community Development

		THIS SPACE F	OR RECORDER ONLY	
STAN	PRDING REQUESTED BY ISLAUS COUNTY BOARD OF RVISORS			
STAN DEPA	N RECORDED RETURN TO ISLAUS COUNTY PLANNING RTMENT 1010 10 TH Street, Suit sto, CA 95354	re 3400		į
SIMUI CALIF	CE OF RESCISSION AND LTANEOUS RE-ENTRY INTO FORNIA LAND CONSERVATIO TRACT NO. 2017-0014	N		
"Owne Contra	March 7, 2017 , by and after referred to as "County" and r" as follows: The recitals and paragraphs ct, recorded on February 1, 197 County of Stanislaus, State of County and holders of security	between the County of State I the undersigned landowned of the undersigned landowned landowne	llowing persons as the Agent for Notice to the life of the Contract. Owner will no	e of California, referred to as Conservation e of Recorder o receive any
	DESIGNATED AGENT:	THOMAS MARING	· 	
		10000 COX ROAD		
		PATTERSON, CA 95363		
(16)	Owner desires to place the foll	owing parcels of real prope	rty under Contract:	
	SSORS CEL NUMBER	ACREAGE	SITUS ADDRESS (If none, please provide Legal Des	scription)
016-026-032		40.10	FRANK COX ROAD, WESTLEY,	CA 95367
				
		<u></u>		
	· · · · · · · · · · · · · · · · · · ·			

Pursuant to Stanislaus County Board of Supervisors Resolution No. <u>2017-106</u>, relating to Lot Line Adjustment No. <u>PLN2016-0094</u> as authorized by Govt. Code § 51257, California Land Conservation Contract No. <u>1971-0202</u> which encumbered the parcel described in Exhibit A is rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT- Page 2

- (18) The effective date of this Contract shall be date of recording.
- (19) Uses on the subject property are limited to those specifically described in Chapter 21.20 of the Stanislaus County Code General Agriculture District (A-2), as effective each year upon renewal of the contract, which is herein incorporated by reference.

IN WITNESS WHEREOF, the parties hereto have executed the within Contract the day and year first above written.

OWNERS:			
NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
Edward Maring	Charl Maing	5/9/2017	Patterson C.
Mildred Maring	Milded Maria	5/10/2017	Petterson (
Thomas Jude Maring	Mondule Man	5/10/2017	Patterson, CA
Matthew David Maring	Matter OMay	5-9-17	PACIERSON CA
SECURITY HOLDERS: OWNERS:			
NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
EXHIBITS:			
(B) Legal description of	Parcel covered under old contract newly configured Parcel covered under no s Action Item approving referenced rescis		
COUNTY: Stanislaus Count	y		
<u> </u>	Cha	irman, Board of Supervisi	ors

Angela Freitas for Vito Chiesa

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Signature <u>Mancy Adniders</u>

attached, and not the truthfuln validity of that document.		
State of California County ofStanislaus	· · ·	
on May 9, 2017	before me, Nancy A	A Anders, Notary Public
	(inse	rt name and title of the officer)
subscribed to the within instrum his/her/their authorized capacity	of satisfactory evide nc e to ent and acknowledged to (i ce) , and that by his/ ber/	o be the person(s) whose name(s) is/are o me that he/she/they executed the same in their signature(s) on the instrument the s) acted, executed the instrument.
I certify under PENALTY OF PE paragraph is true and correct.	RJURY under the laws o	of the State of California that the foregoing
WITNESS my hand and official	seal.	NANCY A. ANDERS Commission # 2096847 Notary Public California

(Seal)

Stanislaus County
My Comm. Expires Feb 8, 2019

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Signature Maney A Andrew

	validity of that document.
	State of California County of
-	On May 9, 2017 before me, Nancy A Anders, Notary Public (insert name and title of the officer)
	(insert name and title of the officer)
	personally appeared <u>Matthew Dans Marina</u>
	who proved to me on the basis of satisfactory evidence to be the person(e) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they-executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(e) on the instrument the person(s), or the entity upon behalf of which the person(e) acted, executed the instrument.
	I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
	WITNESS my hand and official seal. NANCY A. ANDERS Commission # 2096847 Notary Public - California
	Stanislaus County My Comm. Expires Feb 8, 2019

(Seal)

	A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.	
	State of California County of	
٠.	On May 10, 2017 before me, Nano	ry A Anders, Notary Public
	(i	nsert name and title of the officer)
	personally appeared <u>Thomas Jude Marine</u> who proved to me on the basis of satisfactory evidence subscribed to the within instrument and acknowledge his/hos/their authorized capacity(ies), and that by his/person(s), or the entity upon behalf of which the person	be to be the person(s) whose name(s) ie/are of to me that he/she /they executed the same in her/their signature(s) on the instrument the
	I certify under PENALTY OF PERJURY under the law paragraph is true and correct.	vs of the State of California that the foregoing
	WITNESS my hand and official seal.	NANCY A. ANDERS Commission # 2096847 Notary Public - California Stanislaus County
	^	My Comm. Expires Feb 8, 2019

(Seal)

Signature Mancy A Anders

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California	1):
County of Stanislaus	
on June 5,2017 before	me, Christine Michell Smith, Notar, Public
Date	Here Insert Name and Title of the Officer
personally appeared Mngel	a Freitas
\mathcal{J}	Name(s) of Signer(s)
Santana kana sa masa kabupaga sa	the second secon
	satisfactory evidence to be the person(s) whose name(s) is/are

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature

Signature of Notary Public

CHRISTINE MICHELE SMITH Commission # 2084523 Notary Public - California Stanislaus County My Comm. Expires Oct 30, 2018

Place Notary Seal Above	,
	TONAL -
	nformation can deter alteration of the document or
fraudulent reattachment of this	form to an unintended document.
Description of Attached Document	WALL-Maring
Description of Attached Document Title or Type of Document: P-RCOID &	OUSSION DOCUMENT Date: 6-5-17
Number of Pages: Signer(s) Other Than	Named Above;
Capacity(ies) Claimed by Signer(s)	Clair and Alaineau
Signer's Name	Signer's Name:
Corporate Officer — Title(s):	☐ Corporate Officer — Title(s):
□ Partner — □ Limited □ General	I Partner — ☐ Limited ☐ General
I Individual Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Individual☐ Attorney in Fact☐ Guardian or Conservator
Other:	- 🗇 Other: 👊 🚃 🚃 💮
Signer Is Representing:	Signer Is Representing:
	garante de la continuida de la composição

EXHIBIT "A"

BEFORE LOT LINE ADJUSTMENT

PARCEL 1:

All that certain parcel of land being a portion of Lot 37 of the Plat of the Rancho El Pescadero, Township 4 South, Range 7 East, Mount Diablo Meridian, Stanislaus County, State of California being more particularly described as follows:

Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records.

CONTAINING an area of 40.10 acres more or less.

SUBJECT to all easements and / or rights of way of record.

Apn: 016-026-032

LS. 8599 A

Kaiser I. Shahbaz

L. S. 8599

5/33/2017

EXHIBIT "B"

AFTER LOT LINE ADJUSTMENT

PARCEL 1:

All that certain parcel of land being a portion of Lot 37 of the Plat of the Rancho El Pescadero, Township 4 South, Range 7 East, Mount Diablo Meridian, Stanislaus County, State of California being more particularly described as follows:

Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records.

TOGETHER with that portion of certain parcel filed for Record in Document No. 2014-0046848 described as follows:

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EXCEPTING therefrom that portion of said Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records, described as follows:

BEGINNING at the most Easterly corner of said Parcel 1; thence along the Southeasterly line of said Parcel 1 South 45°10′57" West 1019.30 feet to an existing toe of a bank; thence along said toe the following Two (2) courses: (1) North 22°15′58" West 78.87 feet; (2) North 37°45′54" West 296.37 feet to a corner of said parcel 1; thence along the Northwesterly line of said Parcel 1 North 45°03′20" East 834.88 feet to the most Northerly corner of said Parcel 1; thence along the Northeasterly line of said Parcel 1 South 62°31′45" East 387.17 feet to **THE POINT OF BEGINNING**, containing 7.76 acres more or less.

CONTAINING an area of 40.10 acres more or less.

SUBJECT to all easements and / or rights of way of record.

Kaiser I. Shahbaz

L. S. 8599

EXHIBIT B

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

DEPT:	Planning and Community Development	BOARD AGENDA #: *D-2
		AGENDA DATE: March 7, 2017
	~ T .	

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1971-0201 and all of No. 1971-0202, Located on the Northeast Side of Cox Road, between Frank Cox Road and Condit Avenue, East of the Community of Grayson; and Approval of New Contracts Pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring

BOARD ACTION AS FOLLOWS:	No. 2017-106
On motion of Supervisor Olsen and approved by the following vote,	, Seconded by Supervisor _DeMartini
	and Chairman Chiesa
Noon Suparvioore: Noo	
Excused or Absent: Supervisors: None	
1) X Approved as recommended	
2) Denied	
3) Approved as amended	
4) Other:	
MOTION: TI: It	

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

ELIZABETH A. KING

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

File No.

ov Moricia Longalez

ATTEST: ELIZABETH

ZABETH A. KING, Clerk of the Board of Supervisors



EXHIBIT C

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS AGENDA ITEM

DEPT:	Planning and C	ommunity Develop	ment	BOARD AGENDA#	: <u>*D-2</u>	
	Urgent O	Routine	₩.	AGENDA DATE: _N	March 7, 20	17
			<u>nr</u>			
CEO CO	NCURRENCE:			4/5 Vote Required:	Yes O	No 🖲

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1971-0201 and all of No. 1971-0202, Located on the Northeast Side of Cox Road, between Frank Cox Road and Condit Avenue, East of the Community of Grayson; and Approval of New Contracts Pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring

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.
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 - 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.
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- 2. Rescind A Portion Of Williamson Act Contract No. 1971-0201 and all of 1971-0202, located on the northeast side of Cox Road, between Frank Cox Road and Condit Avenue, east of the community of Grayson (APN's: 016-026-013 and 016-026-032).
- Approve new contracts pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring.
- 4. Authorize the Director of Planning and Community Development to execute new contracts pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring.

DISCUSSION:

The Edward Maring Lot Line Adjustment request includes the adjustment of two parcels (222.52 total acres) to match parcel lines with the existing site topography. 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. Before and after maps of the proposed lot line adjustment are provided in Attachments 2 and 3.

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 in as a portion of Williamson Act Contract No. 1971-0201, while Parcel 2 is enrolled in Contract No. 1971-0202. If this lot line is approved, proposed parcels 1 and 2 (222.52± acres total) will each be enrolled in separate new contracts.

Pursuant to California Government Code Section 51257, the parties to a contract may mutually agree to rescind the contract, or contracts, and simultaneously re-enter into a new contract, or contracts, provided 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.
- 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 Government Code Section 51222.

Note: the definition in Government 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.

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

RECORDING REQUESTED OF: Stanislaus County Board of Supervisors

WHEN RECORDED, MAIL TO: Stanislaus County Department of Planning and Community Development 1010 10th Street, State 3400 wodesto, CA 95354



Stanislaus, County Recorder Lee Lundrigan Co Recorder Office DOC- 2017-0040992-00

Acct 402-Counter Customers
Wednesday, JUN 07, 2017 11:04:50
Ttl Pd \$0.00 Rcpt # 0003981025
OJC/R2/1-13

RE-RECORD NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT

Document No. 2017-0021810-00, recorded on March 28, 2017, is being re-recorded to correct the legal descriptions (Exhibits A & B) the exhibits that were previously recorded were incorrect. The description noted the wrong Section Township Range.

Jennifer Akin Staff Services Technician Stanislaus County Planning and Community Development

		THIS SPACE FO	OR RECORDER ONLY	
STAN	RDING REQUESTED BY ISLAUS COUNTY BOARD OF RVISORS			
STAN PLAN 1010	N RECORDED RETURN TO ISLAUS COUNTY DEPARTMENT O NING & COMMUNITY DEVELOPME 10 TH STREET, SUITE 3400 ESTO, CA 95354			
SIMUI CALIF	CE OF RESCISSION AND LTANEOUS RE-ENTRY INTO FORNIA LAND CONSERVATION FRACT NO. 2017-0015			
	March 7, 2017 , by and betw	een the County of Stan	O CONSERVATION CONTRACT is made and enistance is laus, a political subdivision of the State of Califors or the successors thereof, hereinafter referred	ornia,
		s Instrument Number 48	of a certain Fictitious California Land Conserv 3604, Book 3151, Page 132, in the Office of Rece erein as if specifically set forth.	
(15)		ns from County during	owing persons as the Agent for Notice to receive the life of the Contract. Owner will notify Cour address for him.	
	DESIGNATED AGENT: <u>EI</u>	OWARD MARING		
	<u>15</u>	36 FRANK COX ROAD		
	<u>P/</u>	ATTERSON, CA 95363		
(16)	Owner desires to place the following	ng parcels of real proper	ty under Contract:	
	SSORS EL NUMBER	ACREAGE	SITUS ADDRESS (If none, please provide Legal Description)	
016-0	26-013	182.42	COX ROAD, PATTERSON, CA 95363	
No. <u>Pl</u> encum	N2016-0094 as authorized by Govt	. Code § 51257, Califori ibit A is rescinded and	o. <u>2017-106</u> , relating to Lot Line Adjust nia Land Conservation Contract No. <u>1971-0201</u> on this contract which encumbers the newly config	which

NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT- Page 2

- (18) The effective date of this Contract shall be date of recording.
- (19) Uses on the subject property are limited to those specifically described in Chapter 21.20 of the Stanislaus County Code General Agriculture District (A-2), as effective each year upon renewal of the contract, which is herein incorporated by reference.

IN WITNESS WHEREOF, the parties hereto have executed the within Contract the day and year first above written.

OWNERS:			
NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
Edward Maring	Column Maring	5/9/2017	Patterson C
Mildred Maring	Milal Maring	5/9/2017	Patterson, C
SECURITY HOLDERS:			
OWNERS:			
NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
EXHIBITS:			
(B) Legal description of r	Parcel covered under old contract lewly configured Parcel covered under ne Action Item approving referenced resciss		
COUNTY: Stanislaus County	1		
6.5. 2017		6	
Dated	Chair	man Board of Supervis	ors

Angela Freitas for $\,$ Vito Chiesa

certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of Stanislaus

On May 9, 2017 before me, Nancy A Anders, Notary Public (insert name and title of the officer)

personally appeared <u>Edward Maring</u> who proved to me on the basis of satisfactory evidence to be the person(e) whose name(s) is/ere subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(e), or the entity upon behalf of which the person(e) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature / Janey A Anders

A notary public or other officer completing this

(Seal)

NANCY A. ANDERS
Commission # 2096847
Notary Public - California
Stanislaus County
My Comm. Expires Feb 8, 2019

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
State of California County of
 On May 10, 2017 before me, Nancy A Anders, Notary Public (insert name and title of the officer)
(insert name and title of the officer)
personally appeared Mildred Marina
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(e) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in hie/her/their authorized capacity(ies), and that by his/her/their signature(e) on the instrument the person(s), or the entity upon behalf of which the person(e)-acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal. NANCY A. ANDERS Commission # 2096847 Notary Public - California Stanislaus County My Comm. Expires Feb 8, 2019
Signature Mancy A Anders (Seal)

9/13/2016

CALIFORNIA ALL-PURPOSE ACKNOWLED	OGMENT Civil Code § 1189
A notary public or other officer completing this certificate verifies to which this certificate is attached, and not the truthfulness, accura	
State of California)	
County of Stanislaus)	
On June 5, 2017 before me, Christine Michele Smith, Notary Publithe basis of satisfactory evidence to be the person(s)-whose name(s acknowledged to me that he/she/they executed the same in his/her/signature(s) on the instrument the person(s), or the entity upon behavior	s) is/are subscribed to the within instrument and /their authorized capacity(ies), and that by his/her/their
I certify under PENALTY OF PERJURY under the laws of the sta correct.	nte of California that the foregoing paragraph is true and
	WITNESS my hand and official seal.
CHRISTINE MICHELE SMITH Commission # 2084523 Notary Public - California Stanislaus County My Comm. Expires Oct 30, 2018	Mustine Michele Antle Signature of Notary
Though the information below is not required by law, it may prove valuable to perform to another document. DESCRIPTION OF ATTA	rsons relying on the document and prevent fraudulent reattachment of this
Title or Type of Document: Rescission Subject: WAC – DOC2017-0015 Located at: 016-026-013 Date of Document: 6/5/2017 Number of Pages in words: Signer(s) Other Than Named Above:	
CAPACITY(IES) CLAIN	MED BY SIGNER(S)
Signer's Name:	Signer's Name:
<pre>(Individual(s) (Corporate Officer</pre>	Individual(s) Corporate Officer Title(s): Partner(s) Limited (General Attorney-In-Fact Trustee(s) Guardian/Conservator Other: RIGHT THUMB
SIGNER IS REPRESENTING:	SIGNER IS REPRESENTING:

EXHIBIT "A"

BEFORE LOT LINE ADJUSTMENT

PARCEL 2:

All that certain parcel of land being a portion of Lot 37 of the Plat of the Rancho El Pescadero, Township 4 South, Range 7 East, and said Lot 37, Township 4 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, State of California as described in document No. 2014-0046848, Stanislaus County Records.

CONTAINING an area of 182.42 acres more or less.

SUBJECT to all easements and / or rights of way of record.

Apn: 016-026-013

LS. 8599 A A

Kaiser I. Shahbaz

L. S. 8599

5 | 23 | 2017 Date

EXHIBIT "B"

AFTER LOT LINE ADJUSTMENT

PARCEL 2:

All that certain parcel of land being a portion of Lot 37 of the Plat of the Rancho El Pescadero, Township 4 South, Range 7 East, and said Lot 37, Township 4 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, State of California as described in document No. 2014-0046848, Stanislaus County Records.

EXCEPTING therefrom that portion of certain parcel as filed for Record in Document No. 2014-0046848 described as follows:

BEGINNING at the most Southerly corner said Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records, said point being on the Northeasterly line of Cox Road as per the Resolution filed for record in Volume 1361 Official Records, Page 508 Document No. 12195 on May 2, 1956, Stanislaus County Records; thence along the Southeasterly line of said Parcel 1 North 45°10′57" East 2441.19 feet to a toe of an existing bank; thence along said toe South 22°15′58" East 150.16 feet; thence leaving said toe South 45°06′50" West 2383.87 feet to said Northeasterly line of Cox Road; thence along said Northeasterly line of Cox Road North 44°42′30" West 141.54 feet to **THE POINT OF BEGINNING**, containing 7.76 acres more or less.

TOGETHER with that portion of said Parcel 1 as shown on that certain parcel map filed for record on March 25, 1970 in Book 8 of Parcel Maps, at Page 64, Stanislaus County Records, described as follows:

BEGINNING at the most Easterly corner of said Parcel 1; thence along the Southeasterly line of said Parcel 1 South 45°10'57" West 1019.30 feet to an existing toe of a bank; thence along said toe the following Two (2) courses: (1) North 22°15'58" West 78.87 feet; (2) North 37°45'54" West 296.37 feet to a corner of said parcel 1; thence along the Northwesterly line of said Parcel 1 North 45°03'20" East 834.88 feet to the most Northerly corner of said Parcel 1; thence along the Northeasterly line of said Parcel 1 South 62°31'45" East 387.17 feet to **THE POINT OF BEGINNING**, containing 7.76 acres more or less.

The above "PARCEL 2 After Lot Line Adjustment" is more particularly described as follows:

BEGINNING at the most Northerly corner of said Parcel 1; thence along the Northeasterly line of said parcel 1 and the Northeasterly line of that certain parcel as filed for record in said Document 2014-0046848 South 62°31'45" East 2596.44 feet to the most Easterly corner of last said parcel; thence along the Southeasterly line of said last parcel South 45°30'10" West 4136.64 feet to the most Southerly corner of last said parcel and the Northeasterly line of said Cox Road as per the Resolution filed for record in Volume 1361 of Official Records, Page 508 Document No. 12195 on May 2, 1956, Stanislaus County Records; thence along the Northeasterly line of said Cox Road North 44°42'30" West 1939.89 feet; thence leaving last said line North 45°06'50" East 2383.87 feet to a toe of an existing bank; thence along said toe the following Two (2) courses: (1) North 22°15'58" West 229.03 feet; (2) North 37°45'54" West 296.37 feet to a corner of said parcel 1; thence along the Northwesterly line of said Parcel 1 North 45°03'20" East 834.88 feet to **THE POINT OF BEGINNING.**

CONTAINING an area of 182.42 acres more or less.

SUBJECT to all easements and / or rights of way of record.

Kaiser I. Shahbaz

L. S. 8599

5/32/2017 Date

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

DEPT:	Planning and Comm	unity Development	BOARD AGEND	A#: <u>*D-2</u>
			AGENDA DATE:	March 7, 2017
SUBJEC		of Williamson Act		201 and all of No. 1971-
0202, Lo Avenue,	ocated on the Northe	east Side of Cox in the situation in the	Road, between Frank d Approval of New Co	Cox Road and Condit ontracts Pursuant to Lot
BOARD	ACTION AS FOLLO	AIC.	·	·.
BUAKU	ACTION AS FOLLO	/V5:	No.	2017-106
	of Supervisor Olsen		Seconded by Supervisor	r_DeMartini
	ved by the following vot		man Chiesa	•
Noes: Sup	Belvisols: Ölgéli' Mödülelii Belvisols: Ölgéli' Mödülelii	r reintamur and renair	nigii Miligaa	
Excused of	or Absent: Supervisors: إ	None		
		Withrow		·
1) X	Approved as recomme	nded		
2)	Denied			•
3)	Approved as amended			
4)	Other:			
MOTION:	This Item was rome	ued from the concent	andar for discussion	and consideration

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

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

ELIZABETH A. KING

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

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS AGENDA ITEM

DEPT:	Planning and C	community Develop	ment	BOARD AGENDA#	: *D-2	
	Urgent O	Routine	M	AGENDA DATE: _N	March 7, 20	17
4			nr			
CEO CC	NCURRENCE:			4/5 Vote Required:	Yes O	No 🖲

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1971-0201 and all of No. 1971-0202, Located on the Northeast Side of Cox Road, between Frank Cox Road and Condit Avenue, East of the Community of Grayson; and Approval of New Contracts Pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring

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.

- 2. Rescind A Portion Of Williamson Act Contract No. 1971-0201 and all of 1971-0202, located on the northeast side of Cox Road, between Frank Cox Road and Condit Avenue, east of the community of Grayson (APN's: 016-026-013 and 016-026-032).
- Approve new contracts pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring.
- 4. Authorize the Director of Planning and Community Development to execute new contracts pursuant to Lot Line Adjustment Application No. PLN2016-0094, Edward Maring.

DISCUSSION:

The Edward Maring Lot Line Adjustment request includes the adjustment of two parcels (222.52 total acres) to match parcel lines with the existing site topography. 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. Before and after maps of the proposed lot line adjustment are provided in Attachments 2 and 3.

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 in as a portion of Williamson Act Contract No. 1971-0201, while Parcel 2 is enrolled in Contract No. 1971-0202. If this lot line is approved, proposed parcels 1 and 2 (222.52± acres total) will each be enrolled in separate new contracts.

Pursuant to California Government Code Section 51257, the parties to a contract may mutually agree to rescind the contract, or contracts, and simultaneously re-enter into a new contract, or contracts, provided that the Board of Supervisors finds all of the following:

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- 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.

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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.

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