

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

DEPT: Planning and Community Development

BOARD AGENDA #: *D-2

AGENDA DATE: May 2, 2017

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 2003-4507, Located at 6167 Leedom Road, Between Leedom Road and the Tuolumne River, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller

BOARD ACTION AS FOLLOWS:

No. 2017-225

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


PAM VILLARREAL, Assistant Clerk

File No.

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

DEPT: Planning and Community Development

BOARD AGENDA #: *D-2

Urgent Routine

AF

AGENDA DATE: May 2, 2017

CEO CONCURRENCE: _____

4/5 Vote Required: Yes No

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 2003-4507, Located at 6167 Leedom Road, Between Leedom Road and the Tuolumne River, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller

STAFF RECOMMENDATIONS:

1. Pursuant to Government Code Section 51257, determine that the following seven findings can be made based on the written evidence submitted by the applicant:
 - a. The new contract, or contracts, would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract, or contracts, but for not less than ten years, except as authorized under the County's implementation of AB1265.
 - b. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 - c. At least 90 percent of the land under the former contract, or contracts, remains under the new contract, or contracts.
 - d. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Government Code Section 51222.
 - e. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract, or contracts.
 - f. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 - g. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.

Approval to Rescind a Portion of Williamson Act Contract No. 2003-4507, Located at 6167 Leedom Road, Between Leedom Road and the Tuolumne River, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller

2. Rescind a Portion of Williamson Act Contract No. 2003-4507, located at 6167 Leedom Road, between Leedom Road and the Tuolumne River, north of the City of Hughson (APN's: 018-064-001, 018-064-002 & 018-064-003).
3. Approve a new contract pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller.
4. Authorize the Director of Planning and Community Development to execute a new contract pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller.

DISCUSSION:

The Noeller lot line adjustment request includes the adjustment of three parcels (16.7 total acres) to match parcel lines with the existing site topography and farming operations. 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. 2003-4507, Parcels 2 & 3 are not enrolled in a Williamson Act Contract. If this lot line is approved, proposed Parcel 1 (10.9± acres total) will be enrolled in a new contract.

Pursuant to California Government Code Section 51257, the parties to a contract may mutually agree to rescind the contract, or contracts, and 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.

Approval to Rescind a Portion of Williamson Act Contract No. 2003-4507, Located at 6167 Leedom Road, Between Leedom Road and the Tuolumne River, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller

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.

Approval to Rescind a Portion of Williamson Act Contract No. 2003-4507, Located at 6167 Leedom Road, Between Leedom Road and the Tuolumne River, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller

BOARD OF SUPERVISORS' PRIORITY:

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

STAFFING IMPACT:

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

CONTACT PERSON:

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

ATTACHMENT(S):

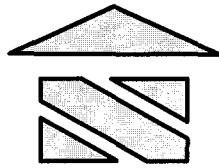
1. Williamson Act and Lot Line Adjustment Request Overview
2. Map of Parcels Before the Proposed Lot Line Adjustment
3. Map of Parcels After the Proposed Lot Line Adjustment
4. Applicant's Statement of Findings

Williamson Act & Lot Line Adjustment (LLA) Overview

LLA Parcel No.	Assessors Parcel No. (APN)		Parcel Owners/Applicants	Williamson Contract				Parcel Size (Acres)		Existing Use/Development
	No.	Portion Y/N		Contract No.	Portion Y/N	Acreage		Existing	Proposed	
						Existing	Proposed			
LLA Application No. PLN 2016-0137 -Noeller										
1	018-064-001	Y	Michael & Donna Noeller	2003-4507	Y	8.4	10.9	8.4	10.9	Orchard
2	018-064-002	N	Michael & Donna Noeller	N/A	N	-	-	5.8	4.4	Orchard
3	018-064-003	N	Michael & Donna Noeller	N/A	N	-	-	2.5	1.4	Orchard, Single Family Dwelling and Garage
Total Acreage:						8.40	10.90	16.70	16.70	

ATTACHMENT 2

HUGHSON
SANITARY DISTRICT
APN: 009-026-032



RIVER

APPROX. U.S. MEANDER LINE

PRTN. APN: 018-064-001
EX. PARCEL 1
8.4 AC. ±

S. & O. NO. 136

TUOLUMNE

TOP OF BLUFF

APN: 018-064-002
EX. PARCEL 2
5.8 AC. ±

CITY OF HUGHSON
APN: 018-064-026

1/4 CORNER COMMON
TO SEC. 33, 3/10 &
SEC. 4. 4/10

SECTION 33, T. 3 S., R. 10 E.

TOWNSHIP LINE

SECTION 4, T. 4 S., R. 10 E.

NW. COR. OF THE
NORTHEAST QUARTER
OF THE NORTHWEST
QUARTER OF SEC. 4

APN: 018-063-026

OWENS-TYNAN

APN: 018-064-003
EX. PARCEL 3
2.5 AC. ±

APN: 018-064-001

LATERAL

LEEDOM ROAD
APN: 018-064-027

APN: 018-064-004

LEEDOM

APN: 018-064-032

SW. COR. OF
THE NORTHEAST
QUARTER OF
THE NORTHWEST
QUARTER OF
SEC. 4

LEEDOM ROAD

MT. VIEW RD. APN: 018-064-024

SE. COR. OF THE
NORTHEAST QUARTER OF
THE NORTHWEST
QUARTER OF SEC. 4

DRAWN: DLS
DATE: 4/19/17
SCALE: 1"=300'
JOB #: 1134-16
DWG: BOS_B

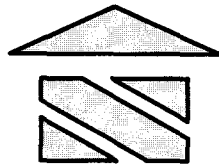
BEFORE LLA
LOT LINE ADJUSTMENT NO. PLN2016-0137
PARCELS PRIOR TO LOT LINE ADJUSTMENT
STANISLAUS COUNTY CALIFORNIA



**ASSOCIATED
ENGINEERING
GROUP**

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

HUGHSON
SANITARY DISTRICT
APN: 009-026-032



RIVER

APPROX. U.S. MEANDER LINE

ADJ. PCL. "2"
4.4 AC.±

S. & O. NO. 136

TUOLUMNE

TOP OF BLUFF

ADJ. PCL. "1"
10.9 AC.±

CITY OF HUGHSON
APN: 018-064-026

1/4 CORNER COMMON
TO SEC. 33, 3/10 &
SEC. 4, 4/10

SECTION 33, T. 3 S., R.10 E.

TOWNSHIP LINE

SECTION 4, T. 4 S., R.10 E.

NW. COR. OF THE
NORTHEAST QUARTER
OF THE NORTHWEST
QUARTER OF SEC. 4

APN: 018-063-026

OWENS-TYNAN

APN: 018-064-001

LATERAL

ADJ. PCL. "3"
1.4 AC.±

ROAD
LEEDOM
APN: 018-064-027

APN: 018-064-004

APN: 018-064-032

SW. COR. OF
THE NORTHEAST
QUARTER OF
THE NORTHWEST
QUARTER OF
SEC. 4

LEEDOM ROAD

SE. COR. OF THE
NORTHEAST QUARTER OF
THE NORTHWEST
QUARTER OF SEC. 4

MT. VIEW RD. APN: 018-064-024

DRAWN:	DLS
DATE:	4/19/17
SCALE:	1"=300'
JOB #:	1134-16
DWG:	BOS_A

AFTER LLA

LOT LINE ADJUSTMENT NO. PLN2016-0137

PARCELS AFTER LOT LINE ADJUSTMENT

STANISLAUS COUNTY

CALIFORNIA



ASSOCIATED ENGINEERING GROUP

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

**PROJECT DESCRIPTION AND LANDOWNER JUSTIFICATION
LOT LINE ADJUSTMENT**

This project, being a lot line adjustment between a portion of Assessor's Parcel No. 018-064-001(8.4 acres+/-) Parcel No. 018-064-002 (5.8 acres+/-) and Parcel No. 018-064-003 (2.5 acres+/-) by Michael & Donna Noeller (adjoining land owners and current farm managers of subject site).

This lot line adjustment is being prepared to reconfigure the existing legal parcels to conform to the existing agricultural practices of the parcels and upon completion of said adjustment will increase the agricultural viability of the site by adjusting the non-conforming lot lines to make for a contiguous agricultural parcel that meets the intentions of the Land Conservation Act and increases the contracted acreage to compliance with the Act and assuring the continued agricultural practices for the site. The non-conforming parcels will meet and be compliant with the minimum parcel size of one acre recommended by Stanislaus County Department of Environmental Health for a domestic well and septic system. This Lot Line Adjustment maintains the integrity of the Williamson act as it increases the acreage of the subject parcel currently under contract. The parcels will continue to irrigate and drain utilizing existing facilities. Changes to current agricultural practices and existing irrigation facilities are not anticipated until such time that the existing orchards are re-developed.

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

(1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 9 years.

The portion of the subject parcel enrolled in Williamson act contract 2003-4507 (apn:018-064-001) is not subject to a notice of non-renewal. At the conclusion of the lot line adjustment, the contract will be rescinded and simultaneously re-entered and continue to be in force and effect for a period of at least 9 years.

(2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

The portion of the subject parcel currently under contract comprises approximately 8.4 acres. After the lot line adjustment, the contracted parcel will increase to approximately 10.9 acres and will be enrolled in a Williamson Act contract.

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

Net result of this application will result in an increase in contracted land. As set forth above in finding (2), the acreage included within this lot line adjustment under contract will continue to remain under Williamson Act contract.

(4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

No change in the parcels sustainability of agricultural use results with the approval of this adjustment. Parcels are presumed to be large enough to sustain their agricultural use if they are greater than 10 acres in size if prime farmland, or greater than 40 acres in the case of non-prime farmland. The subject

contracted property is identified as prime farmland by the Natural Resource Conservation Service Farmland Mapping Program and the contracted parcel is increasing in size.

(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.

These parcels have been used for agricultural productivity in their current configuration for a long time (subject to the existing rural residences). The new lot configuration, after adjustment, will recognize and conform to the existing farming practices and irrigation system and increase the long term agricultural viability of the subject parcels. The moving of the lot line is simply to adjust the common line to better situate the lot lines to increase the farming acreage while maintaining the non-compliant parcels in regards to public health and safety regulations of minimum parcel size for a well and septic system.

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

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

(7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot line inconsistent with the general plan.

The three parcels currently exist, and after lot line adjustment three parcels will continue to exist. The non-conforming parcels will be adjusted to allow for a larger contiguous agricultural parcel meeting the farming practices of the owner.

In conclusion, this lot line adjustment results in the increased viability of an agricultural unit while meeting the ongoing farming practices and existing irrigation and drainage patterns of the site. Furthermore, this application meets the site area criteria pursuant to Stanislaus County Municipal code section 21.20.060 being that the subject parcels are all less than 10 acres and a greater number of dwelling units will not be created. The integrity of the Williamson Act will be maintained as the size of the new parcel after adjustment will approximately double its current contracted acreage.

THIS SPACE FOR RECORDER ONLY

RECORDING REQUESTED BY
STANISLAUS COUNTY BOARD OF
SUPERVISORS

WHEN RECORDED RETURN TO
STANISLAUS COUNTY PLANNING
DEPARTMENT

NOTICE OF RESCISSION AND
SIMULTANEOUS RE-ENTRY INTO
CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2017-0018



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2017-0040994-00

Acct 402-Counter Customers
Wednesday, JUN 07, 2017 11:05:05
Ttl Pd \$0.00 Rcpt # 0003981027
OJC/R2/1-17

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into May 2, 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 "Owner" as follows:

The recitals and paragraphs 1 through 14, inclusive, of a certain Fictitious California Land Conservation Contract, recorded on February 1, 1979, as Instrument Number 48604, Book 3151, Page 132, in the Office of Recorder of the County of Stanislaus, State of California, are incorporated herein as if specifically set forth.

- (15) Owner and holders of security interests designate the following persons as the Agent for Notice to receive any and all notices and communications from County during the life of the Contract. Owner will notify County in writing of any change of designated persons or change of address for him.

DESIGNATED AGENT: MICHAEL J. & DONNA H. NOELLER
6400 LEEDOM ROAD
HUGHSON, CA 95326

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

ASSESSORS PARCEL NUMBER	ACREAGE	SITUS ADDRESS (If none, please provide Legal Description)
018-064-001 (and portions of 018-064-002 & 003)	10.9 ±	0 Leedom Road, Hughson, CA 95326

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2017-225, relating to Lot Line Adjustment No. PLN2016-0137 as authorized by Govt. Code § 51257, California Land Conservation Contract No. 2003-4507 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.



17X

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.

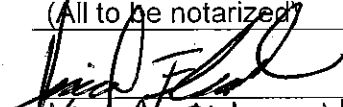
IN WITNESS WHEREOF, the parties hereto have executed the within Contract the day and year first above written.

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
Michael J. Noeller		2/24/17	Turlock
Donna H. Noeller		2/24/17	Turlock

SECURITY HOLDERS:

OWNERS:

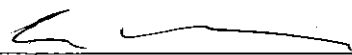
NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
American AgCredit	 Vice President, Vincent Planders	2/24/17	Turlock

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

6-5-2017
Dated


Chairman, Board of Supervisors
Angela Freitas for Vito Chiesa

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.

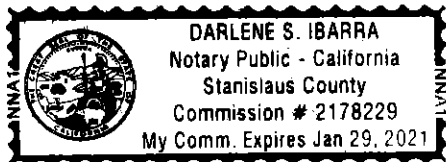
State of California)
County of Stanislaus)

On 2/24/2017 before me, Darlene S. Ibarra, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Michael J. Noeller, Donna H. Noeller and Vincent Flanders
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature *Darlene S. Ibarra*
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer -- Title(s): _____

Partner -- Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

Signer's Name: _____

Corporate Officer -- Title(s): _____

Partner -- Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

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 June 5, 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
Signature of Notary

OPTIONAL

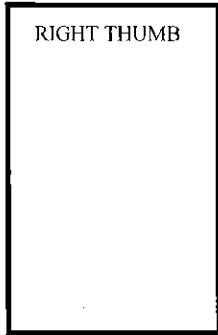
Though the information below is not required by law, it may prove valuable to persons relying on the document and prevent fraudulent reattachment of this form to another document.

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: Rescission
Subject: WAC – DOC2017-0018
Located at: 018-064-001
Date of Document: 6/5/2017
Number of Pages in words:
Signer(s) Other Than Named Above: _____

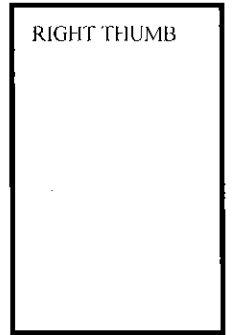
CAPACITY(IES) CLAIMED BY SIGNER(S)

Signer's Name: _____
 Individual(s)
 Corporate Officer
Title(s): _____
 Partner(s) - Limited General
 Attorney-In-Fact
 Trustee(s)
 Guardian/Conservator
 Other: _____



SIGNER IS REPRESENTING:

Signer's Name: _____
 Individual(s)
 Corporate Officer
Title(s): _____
 Partner(s) - Limited General
 Attorney-In-Fact
 Trustee(s)
 Guardian/Conservator
 Other: _____



SIGNER IS REPRESENTING:

EXHIBIT "A"
MICHAEL J. NOELLER & DONNA H. NOELLER

LEGAL DESCRIPTION OF PROPERTY
PRIOR TO LOT LINE ADJUSTMENT

All that certain real property situate in the County of Stanislaus, State of California, lying within those portions of the Northwest quarter of Section 4, Township 4 South, Range 10 East, and fractional Lot 5 in Section 33, and of Swamp and Overflowed Land Survey No. 136 of said Section 33, Township 3 South, Range 10 East, Mount Diablo Meridian, described as follows:

PARCEL NO. 1 (EX.PARCEL NO. 2-B)

COMMENCING at the Southeast corner of the Northeast quarter of the Northwest quarter of said Section 4; thence West to the center of the South line of said quarter – quarter Section, being the East line of the land conveyed by Deed recorded in Volume 88 of Deeds at Page 242; thence at right angles, North to the left bank of the Tuolumne River; thence upstream following the left bank of said river to the East line of the Swamp and Overflowed Land Survey No. 136; thence South to the point of Commencement.


EXCEPTING THEREFROM the South 18 acres thereof

ALSO EXCEPTING THEREFROM beginning at the quarter Section corner between said Sections 33 and 4; running thence on the quarter section line, South, 132 feet, more or less, to the Northeast corner of the land conveyed to Willetta Young, a single person, and G. E. Young, a single person, as joint tenants, by Deed recorded September 24, 1936 as Instrument No. 12650; thence West along the North line of said Young land, 400 feet; thence North and parallel with the quarter section line in said Sections 33 and 4, 641.3 feet more or less, to a point in the North line of the Westerly extension of a County Road as conveyed to the County of Stanislaus by Deed recorded in Volume 115 of Official Records at page 341, Stanislaus County Records; thence East along said North line, 400 feet to the quarter section line, thence South along said quarter section line 509.3 feet, more or less, to the point of beginning.

CONTAINING 8.4 acres more or less

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




Dave Skidmore, P.L.S. 7126
05/17/17

**EXHIBIT "A-
MICHAEL J. NOELLER & DONNA H. NOELLER**

**LEGAL DESCRIPTION OF PROPERTY
PRIOR TO LOT LINE ADJUSTMENT**

All that certain real property situate in the County of Stanislaus, State of California, lying within those portions of the Northwest quarter of Section 4, Township 4 South, Range 10 East, and fractional Lot 5 in Section 33, and of Swamp and Overflowed Land Survey No. 136 of said Section 33, Township 3 South, Range 10 East, Mount Diablo Meridian, described as follows:

PARCEL NO. 2

All that portion of Lot 5 in Section 33, Township 3 South, Range 10 East, Mount Diablo Meridian, and of the Northeast quarter of the Northwest quarter of Section 4, Township 4 South, Range 10 East, Mount Diablo Meridian, described as follows:

BEGINNING at the quarter Section corner between said Sections 33 and 4; running thence on the quarter section line, South 132 feet, more or less, to the Northeast corner of the land conveyed to Willetta Young, a single person, and G. E. Young, a single person, as joint tenants, by Deed recorded September 24, 1936 as Instrument No. 12650; thence West along the North line of said Young land, 400 feet; thence North and parallel with the quarter section line in said Sections 33 and 4, 641.3 feet more or less, to a point in the North line of the Westerly extension of a County Road as conveyed to the County of Stanislaus by Deed recorded in Volume 115 of Official Records at page 341, Stanislaus County Records; thence East along said North line, 400 feet to the quarter section line, thence South along said quarter section line 509.3 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM any portion thereof lying within Swamp and Overflowed Land Survey No. 136.

CONTAINING 5.8 acres more or less

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



A handwritten signature in black ink, appearing to read "Dave Skidmore", written over a horizontal line.

Dave Skidmore, P.L.S. 7126
05/17/17

EXHIBIT "A"
MICHAEL J. NOELLER & DONNA H. NOELLER

LEGAL DESCRIPTION OF PROPERTY
PRIOR TO LOT LINE ADJUSTMENT

All that certain real property situate in the County of Stanislaus, State of California, lying within those portions of the Northwest quarter of Section 4, Township 4 South, Range 10 East, and fractional Lot 5 in Section 33, and of Swamp and Overflowed Land Survey No. 136 of said Section 33, Township 3 South, Range 10 East, Mount Diablo Meridian, described as follows:

PARCEL NO. 3

All that portion of the East half of the Northeast quarter of the Northwest quarter of Section 4, Township 4 South, Range 10 East, Mount Diablo Meridian, lying North of the Tynan ditch running Northwesterly therethrough.

EXCEPTING THEREFROM that portion thereof heretofore conveyed to the Bank of Hughson, a corporation, by Deed recorded November 14, 1934, in Volume 549 of Official Records at Page 72, Instrument No. 18266

CONTAINING 2.5 acres more or less

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



A handwritten signature in black ink, appearing to read "Dave Skidmore", written over a horizontal line.

Dave Skidmore, P.L.S. 7126

05/17/17

EXHIBIT "B"
WILLIAMSON ACT PARCEL
AFTER LOT LINE ADJUSTMENT

All that certain real property situate in the County of Stanislaus, State of California, lying within those portions of the Northwest quarter of Section 4, Township 4 South, Range 10 East, and fractional Lot 5 in Section 33, and of Swamp and Overflowed Land Survey No. 136 of said Section 33, Township 3 South, Range 10 East, Mount Diablo Meridian, described as follows:

COMMENCING at the Southeast corner of the Northeast quarter of the Northwest quarter of said Section 4; thence West to the center of the South line of said quarter – quarter Section, being the East line of the land conveyed by Deed recorded in Volume 88 of Deeds at Page 242; thence at right angles, North to the left bank of the Tuolumne River; thence upstream following the left bank of said river to the East line of the Swamp and Overflowed Land Survey No. 136; thence South to the point of Commencement.

EXCEPTING THEREFROM all that portion of the above described parcel of land lying north of the following described line:

COMMENCING at the quarter corner common to said Section 33, Township 3 South, Range 10 East and Section 4, Township 4 South, Range 10 East, Mount Diablo Meridian; thence North $01^{\circ}14'17''$ West along the North – South quarter Section line through said Section 33, a distance of 459.46 feet to the POINT OF BEGINNING of this line description; thence South $89^{\circ}27'20''$ West, a distance of 37.00 feet; thence North $55^{\circ}32'40''$ West, a distance of 123.00 feet; thence South $89^{\circ}27'20''$ West, a distance of 310.49 feet to a point near the top of the bluff along the left bank of the Tuolumne River; thence North $27^{\circ}17'12''$ West, a distance of 60 feet more or less to the edge of the river, at low – water mark pursuant to the Rights of Owner by State of California Civil Code, Section 830.

ALSO EXCEPTING THEREFROM all that portion of the above described parcel of land lying South of the existing center line of the Owens – Tynan Irrigation pipe line as conveyed to Alan A. Noeller, a married man, as his sole and separate property by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on August 5, 2004 as Document Number 2004-0127421.

ALSO EXCEPTING THEREFROM all that portion of the herein above described parcel being more particularly described as follows:

COMMENCING at the quarter corner common to said Section 33, Township 3 South, Range 10 East and Section 4, Township 4 South, Range 10 East, Mount Diablo Meridian; thence South $00^{\circ}43'00''$ East along the North – South quarter Section line through said Section 4, a distance of 175.90 feet and being the POINT OF BEGINNING of this description; thence continuing South $00^{\circ}43'00''$ East along last said quarter section line, a distance of 223.95 feet more or less to a

point on the center line of the existing Owens - Tynan irrigation pipe line; thence along the center line of last said irrigation pipe line, the following two (2) courses: 1) North 70°53'03" West, a distance of 316.91 feet to an angle point; thence 2) North 78°09'23" West, a distance of 114.50 feet; thence leaving last said irrigation line and proceeding North 00°43'00" West, a distance of 73.00 feet; thence North 83°39'26" East, a distance of 91.88 feet; thence North 87°34'12" East, a distance of 318.55 feet to the point of beginning of this exception description.

CONTAINING 10.94 acres more or less

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



A handwritten signature in black ink, appearing to read "Dave Skidmore", written over a horizontal line.

Dave Skidmore, P.L.S. 7126
2/22/17

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

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

AGENDA DATE: May 2, 2017

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 2003-4507, Located at 6167 Leedom Road, Between Leedom Road and the Tuolumne River, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller

BOARD ACTION AS FOLLOWS:

No. 2017-225

On motion of Supervisor DeMartini, Seconded by Supervisor Withrow

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

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

ELIZABETH A. KING

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

Pam Villarreal

ATTEST:

PAM VILLARREAL, Assistant Clerk

By Kelly Rodriguez

File



EXHIBIT C

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

DEPT: Planning and Community Development

BOARD AGENDA #: *D-2

Urgent Routine

AGENDA DATE: May 2, 2017

AF

CEO CONCURRENCE: _____

4/5 Vote Required: Yes No

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 2003-4507, Located at 6167 Leedom Road, Between Leedom Road and the Tuolumne River, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller

STAFF RECOMMENDATIONS:

1. Pursuant to Government Code Section 51257, determine that the following seven findings can be made based on the written evidence submitted by the applicant:
 - a. The new contract, or contracts, would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract, or contracts, but for not less than ten years, except as authorized under the County's implementation of AB1265.
 - b. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 - c. At least 90 percent of the land under the former contract, or contracts, remains under the new contract, or contracts.
 - d. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Government Code Section 51222.
 - e. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract, or contracts.
 - f. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 - g. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.

Approval to Rescind a Portion of Williamson Act Contract No. 2003-4507, Located at 6167 Leedom Road, Between Leedom Road and the Tuolumne River, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller

2. Rescind a Portion of Williamson Act Contract No. 2003-4507, located at 6167 Leedom Road, between Leedom Road and the Tuolumne River, north of the City of Hughson (APN's: 018-064-001, 018-064-002 & 018-064-003).
3. Approve a new contract pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller.
4. Authorize the Director of Planning and Community Development to execute a new contract pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller.

DISCUSSION:

The Noeller lot line adjustment request includes the adjustment of three parcels (16.7 total acres) to match parcel lines with the existing site topography and farming operations. 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. 2003-4507, Parcels 2 & 3 are not enrolled in a Williamson Act Contract. If this lot line is approved, proposed Parcel 1 (10.9± acres total) will be enrolled in a new contract.

Pursuant to California Government Code Section 51257, the parties to a contract may mutually agree to rescind the contract, or contracts, and 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.

Approval to Rescind a Portion of Williamson Act Contract No. 2003-4507, Located at 6167 Leedom Road, Between Leedom Road and the Tuolumne River, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller

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.

Approval to Rescind a Portion of Williamson Act Contract No. 2003-4507, Located at 6167 Leedom Road, Between Leedom Road and the Tuolumne River, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment Application No. PLN2016-0137, Noeller

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:

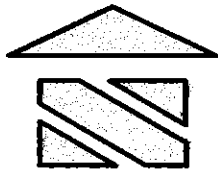
Planning and Community Development Department staff is responsible for reviewing all applications, preparing all reports, and attending meetings associated with the proposed Lot Line Adjustment Application.

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



HUGHSON
SANITARY DISTRICT
APN: 009-026-032

CURRENT WILLIAMSON ACT
PARCEL
5.2 ACRES ±

S. & O. NO. 136

RIVER

APPROX. U.S. MEANDER LINE

TUOLUMNE

TOP OF BLUFF

APN: 018-064-002

CITY OF HUGHSON
APN: 018-064-026

1/4 CORNER COMMON
TO SEC. 33, 3/10 &
SEC. 4, 4/10

SECTION 33, T. 3 S., R.10 E.

TOWNSHIP LINE

SECTION 4, T. 4 S., R.10 E.

NW. COR. OF THE
NORTHEAST QUARTER
OF THE NORTHWEST
QUARTER OF SEC. 4

APN: 018-063-026

OWENS-TYNAN

APN: 018-064-003

APN: 018-064-001

LATERAL

ROAD

APN: 018-064-027

LEEDOM

APN: 018-064-004

APN: 018-064-032

SW. COR. OF
THE NORTHEAST
QUARTER OF
THE NORTHWEST
QUARTER OF
SEC. 4

LEEDOM ROAD

SE. COR. OF THE
NORTHEAST QUARTER OF
THE NORTHWEST
QUARTER OF SEC. 4

MT. VIEW RD. APN: 018-064-024

DRAWN: DLS
DATE: 2/22/17
SCALE: 1"=300'
JOB #: 1134-16
DWG: W-A(r1)

EXHIBIT "W-A"

LOT LINE ADJUSTMENT NO. PLN2016-0137

PORTION WILLIAMSON ACT PARCEL
PRIOR TO RECESSION & RE-ENTRY

STANISLAUS COUNTY

CALIFORNIA



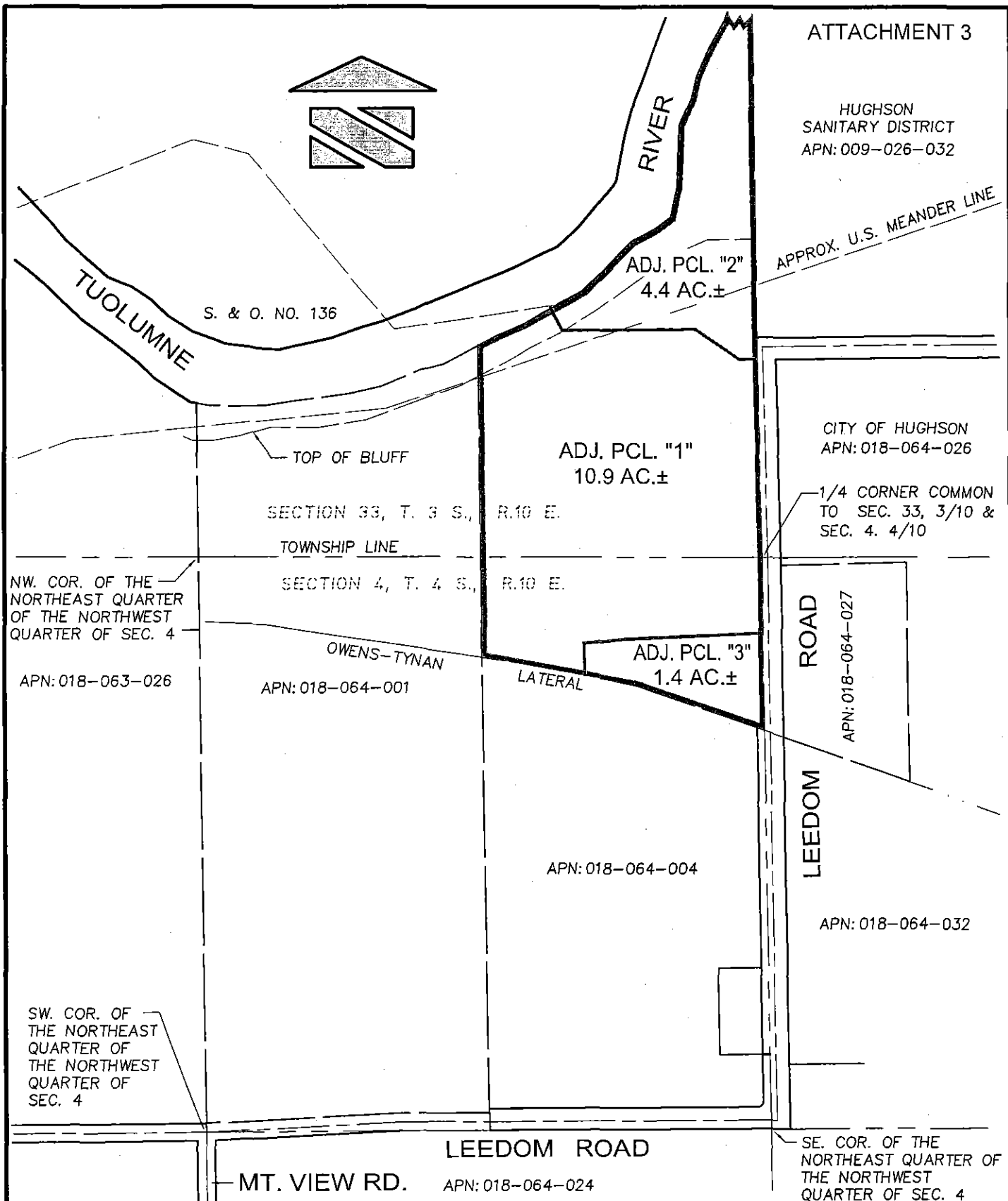
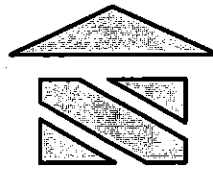
**ASSOCIATED
ENGINEERING
GROUP**

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

FOR ILLUSTRATIVE PURPOSES ONLY

ATTACHMENT 3

HUGHSON
SANITARY DISTRICT
APN: 009-026-032



DRAWN:	DLS
DATE:	4/19/17
SCALE:	1"=300'
JOB #:	1134-16
DWG:	BOS_A

AFTER LLA

LOT LINE ADJUSTMENT NO. PLN2016-0137

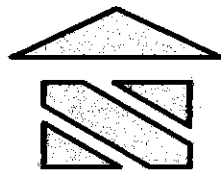
PARCELS AFTER LOT LINE ADJUSTMENT

STANISLAUS COUNTY CALIFORNIA

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HUGHSON
SANITARY DISTRICT
APN: 009-026-032



RIVER

APPROX. U.S. MEANDER LINE

TUOLUMNE

S. & O. NO. 136

TOP OF BLUFF

APN: 018-064-002

CITY OF HUGHSON
APN: 018-064-026

1/4 CORNER COMMON
TO SEC. 33, 3/10 &
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SECTION 33, T. 3 S., R.10 E.

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OF THE NORTHWEST
QUARTER OF SEC. 4

APN: 018-063-026

OWENS-TYNAN

APN: 018-064-003

APN: 018-064-001
NEW WILLIAMSON
ACT CONTRACT
10.9 ACRES ±

LATERAL

LEEDOM
ROAD
APN: 018-064-027

APN: 018-064-004

APN: 018-064-032

SW. COR. OF
THE NORTHEAST
QUARTER OF
THE NORTHWEST
QUARTER OF
SEC. 4


LEEDOM ROAD

SE. COR. OF THE
NORTHEAST QUARTER OF
THE NORTHWEST
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DRAWN:	DLS
DATE:	2/22/17
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DWG:	W-B(r1)

EXHIBIT "W-B"
 LOT LINE ADJUSTMENT NO. PLN2016-0137
 WILLIAMSON ACT PARCEL AFTER
 RECESSION & RE-ENTRY
 STANISLAUS COUNTY CALIFORNIA



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