

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

DEPT: Planning and Community Development

BOARD AGENDA #: *D-1

AGENDA DATE: July 11, 2017

SUBJECT:

Approval to Rescind All of Williamson Act Contract No. 1972-1128, and Portions of Williamson Act Contract Nos. 1971-0398 and 2002-4472, Located on Hazeldean Road, Between Tim Bell Road and Yosemite Boulevard, West of the Modesto Reservoir; and Approval of a New Contract, or Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0003, Ward, Schmidt, and Webb

BOARD ACTION AS FOLLOWS:

No. 2017-389

On motion of Supervisor Withrow, Seconded by Supervisor Olsen
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:


ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

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

DEPT: Planning and Community Development
Urgent Routine

BOARD AGENDA #: *D-1

AGENDA DATE: July 11, 2017

AF

CEO CONCURRENCE: _____

4/5 Vote Required: Yes No

SUBJECT:

Approval to Rescind All of Williamson Act Contract No. 1972-1128, and Portions of Williamson Act Contract Nos. 1971-0398 and 2002-4472, Located on Hazeldean Road, Between Tim Bell Road and Yosemite Boulevard, West of the Modesto Reservoir; and Approval of a New Contract, or Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0003, Ward, Schmidt, and Webb

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restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract, or contracts, but for not less than ten years, except as authorized under the County's implementation of Assembly Bill (AB) 1265.
 - 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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the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 All of Williamson Act Contract No. 1972-1128, and Portions of Williamson Act Contract Nos. 1971-0398 and 2002-4472, Located on Hazeldean Road, Between Tim Bell Road and Yosemite Boulevard, West of the Modesto Reservoir; and Approval of a New Contract, or Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0003, Ward, Schmidt, and Webb

2. Rescind all of Williamson Act Contract No. 1972-1128, and portions of Williamson Act Contract Nos. 1971-0398 and 2002-4472, located on Hazeldean Road, between Tim Bell Road and Yosemite Boulevard, west of the Modesto Reservoir (APNs: 008-003-015, 008-003-050, 008-005-021, and 008-005-001).
3. Approve a new contract, or contracts, pursuant to Lot Line Adjustment Application No. PLN2017-0003, Ward, Schmidt, and Webb.
4. Authorize the Director of Planning and Community Development to execute a new contract, or contracts, pursuant to Lot Line Adjustment Application No. PLN2017-0003, Ward, Schmidt, and Webb.

DISCUSSION:

The lot line adjustment request includes the adjustment of four parcels (249.08 total acres) to match the current farming operations and to realign the property lines with the current centerline of Hazeldean Road. 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 Williamson Act Contract No. 1972-1128, Parcels 2, 3 and 4 are enrolled in portions of Williamson Act Contract Nos. 1971-0398 and 2002-4472, respectively. If this lot line is approved, all proposed parcels (249.08 acres total) will be enrolled in a new contract, or contracts.

Pursuant to California Government Code Section 51257, the parties to a contract, or contracts, 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

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the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

3. At least 90 percent of the land under the former contract, or contracts, remains under the new contract, or contracts.
4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Government Code Section 51222.

Note: the definition in Government Code Section 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, or contracts, 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 contract, or contracts will be subject to the provisions of AB1265.

POLICY ISSUE:

The General Plan Land Use and Agricultural Elements both encourage the use of the Williamson Act to help preserve agriculture as the primary industry of Stanislaus County. The Agricultural Element's policies specifically state that the County shall continue to administer lot line adjustments involving agricultural land, provided the land is properly designed for agricultural purposes without materially decreasing the agricultural use of the site.

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FISCAL IMPACT:

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

BOARD OF SUPERVISORS' PRIORITY:

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

STAFFING IMPACT:

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

CONTACT PERSON:

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

ATTACHMENT(S):

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

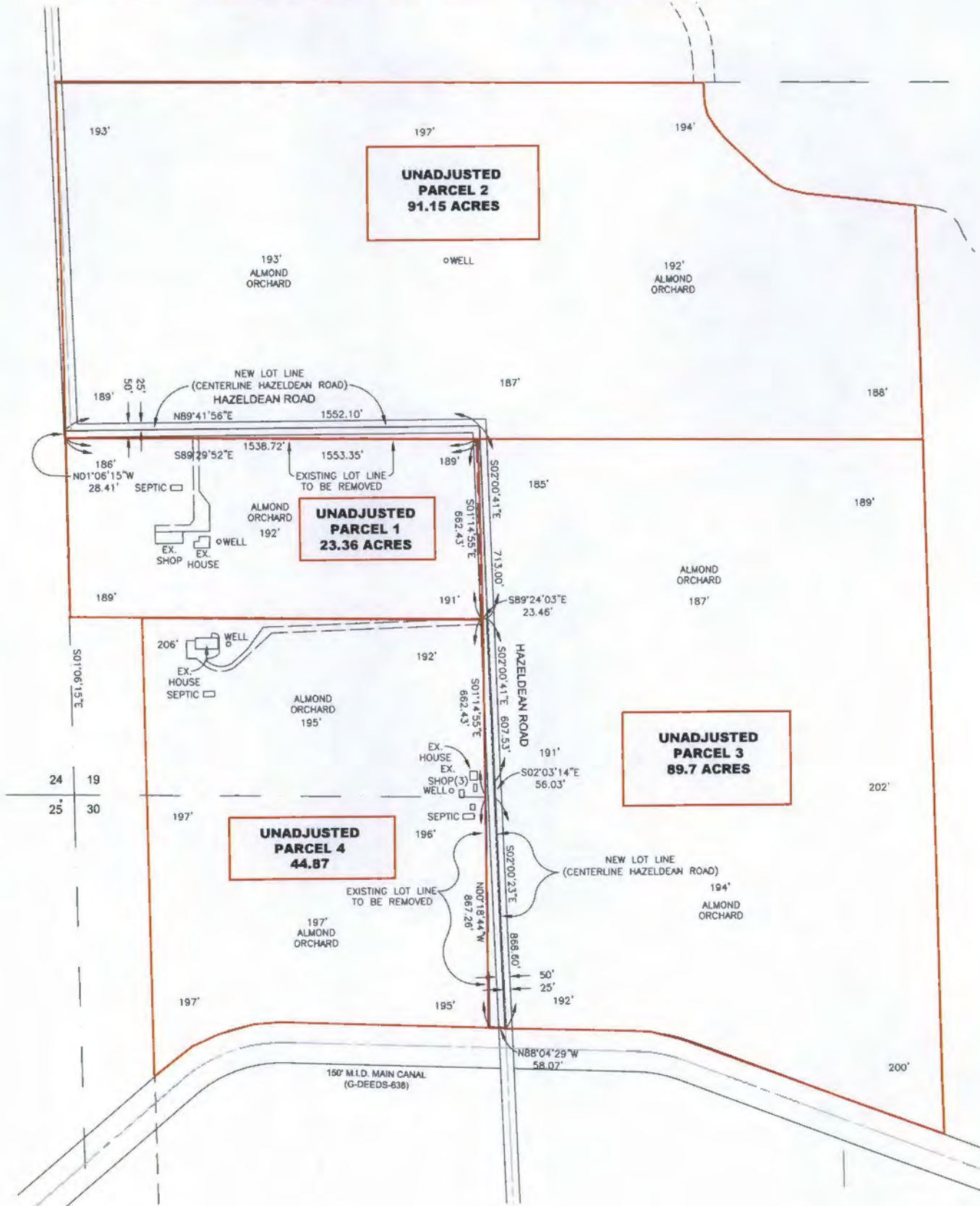
Attachment 1

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 2017-0003 -Ward, Schmidt, and Webb										
1	008-003-015	N	Terry, Ben & Carol Ward	1972-1128	N	23.36	25.05	23.36	25.05	Orchard, Pasture, Single-Family Dwelling and Shop
2	008-003-050	N	Philip & Kandis Schmidt	1971-0398	Y	91.15	89.75	91.15	89.75	Orchard
3	008-005-021	N	Philip & Kandis Schmidt	1971-0398	Y	89.7	88.09	89.7	88.09	Orchard
4	008-005-001	N	Fred & Arlene Webb	2002-4472	Y	44.87	46.19	44.87	46.19	Orchard, Two Single Family Dwellings and Shops
Total Acreage:						249.08	249.08	249.08	249.08	

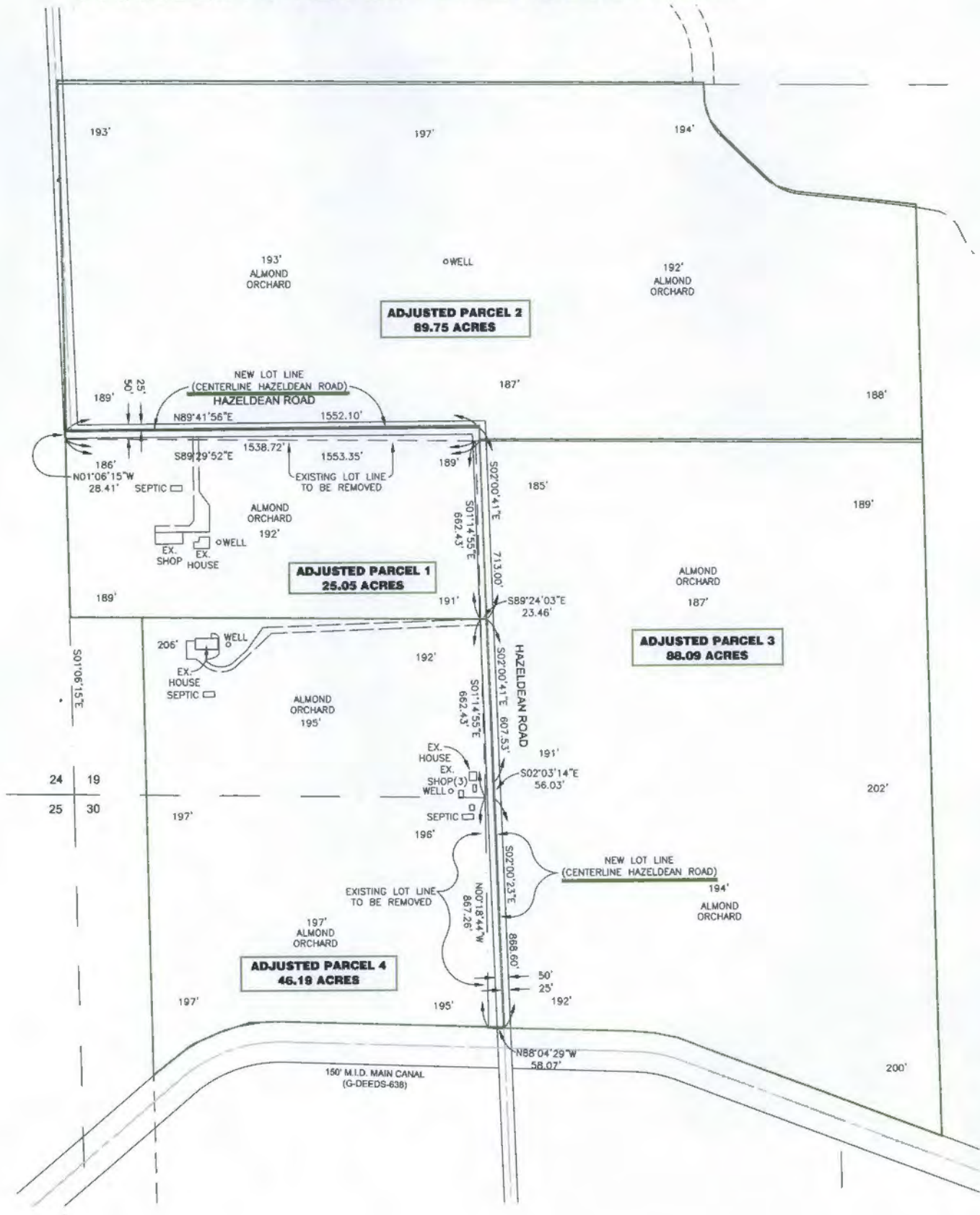
Attachment 2

PARCELS BEFORE LOT LINE ADJUSTMENT



Attachment 3

PARCELS AFTER LOT LINE ADJUSTMENT



Attachment 4

APPLICANT STATEMENT

This project is a lot line adjustment between Assessor's Parcel No. 008-003-015 (23.36 acres), owned by Ben Ward, Assessor's Parcel No. 008-003-050 (91.15 acres) owned by Philip Schmidt, Assessor's Parcel No. 008-005-021 (89.70 acres) owned by Philip Schmidt, and Assessor's Parcel No. 008-005-001 (44.87 acres) owned by Fred Webb.

This lot line adjustment is being performed to re-organize each parcel such that parcel lines correspond to the centerline of Hazeldean Road. Completion of this lot line adjustment will result in 4 parcels that will have consistent land uses.

At the completion of this lot line adjustment, Parcel 1 will have an adjusted area of 25.05 acres, Parcel 2 will have adjusted area of 89.75 acres, Parcel 3 will have an adjusted area of 88.09 acres, and Parcel 4 will have an adjusted area of 46.19 acres. Parcel 1 is currently enrolled in the Williamson Act under contract number 1972-1128, Parcel 2 and 3 is currently enrolled in the Williamson Act under contract number 1971-0398, and Parcel 4 is currently enrolled in the Williamson Act under contract number 2002-4472.

Pursuant to Government Code 51257, the following seven findings have been made as related to this lot line adjustment:

1. None of the Williamson Act contracts are subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment, all contracts will continue to be in force and effect for a period of at least 10 years.
2. The land currently under contract is 249.08 acres. After lot line adjustment, 249.08 acres will be under contract.
3. More than 90% of the land under the former contract will remain under contract. Also, as set forth above in finding (2), the entire amount of land included within this lot line adjustment will continue to remain under Williamson Act contract.
4. Consistent with Section 51222, all parcels of land subject to contract will be at least 40 acres both before and after the lot line 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 properties are identified as Prime Farmland and Unique Farmland by the "Stanislaus County Important Farmland 2012" map produced by the Department of Conservation.
5. Parcel 1-4 has been used for agricultural productivity for an extended length of time and all acreage previously used for agriculture will continue to be used for agriculture. Thus, this lot line adjustment will not compromise the long-term agricultural productivity of the parcels.

6. Parcel 1-4 will continue to remain restricted by contract and used for agricultural productivity. As such, the lot line adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.
7. This lot line adjustment will not result in a greater number of developable parcels than currently exist. Also, none of the parcels are currently inconsistent with the Stanislaus County General Plan, nor will the resulting parcels be inconsistent with the Stanislaus County General Plan.