

BOARD ACTION SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA:5.D.2
AGENDA DATE: June 26, 2018

SUBJECT:

Approval to Rescind all of Williamson Act Contract No. 1977-2865 and a Portion of Contract No. 1972-1111, Located at 7501 Edsel Lane and 2424 Dunn Road, Between Beckwith and Shoemake Road, South of MID Lateral No. 7, West of the City of Modesto; and Approval of New Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0135, Garber Trust – Oliveira Brothers

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0344

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

Ayes: Supervisors: Olsen, Chiesa, Monteith, and Vice-Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: Chairman DeMartini

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: Elizabeth A. King
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

BOARD AGENDA:5.D.2
AGENDA DATE: June 26, 2018

CONSENT:

CEO CONCURRENCE:

4/5 Vote Required: No

SUBJECT:

Approval to Rescind all of Williamson Act Contract No. 1977-2865 and a Portion of Contract No. 1972-1111, Located at 7501 Edsel Lane and 2424 Dunn Road, Between Beckwith and Shoemake Road, South of MID Lateral No. 7, West of the City of Modesto; and Approval of New Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0135, Garber Trust – Oliveira Brothers

STAFF RECOMMENDATION:

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restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract, or contracts, but for not less than ten years, except as authorized under the County's implementation of Assembly Bill (AB) 1265.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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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.
2. Rescind all of Williamson Act Contract No. 1977-2865 and a portion of contract No. 1972-1111, located at 7501 Edsel Lane and 2424 Dunn Road, between Beckwith and Shoemake Roads, south of MID Lateral No. 7, west of the City of Modesto. Assessor's Parcel Numbers (APN's): 012-022-019, 012-022-020, and 012-023-048.
3. Approve new contracts, pursuant to Lot Line Adjustment Application No. PLN2017-0135, Garber Trust – Oliveira Brothers.
4. Authorize the Director of Planning and Community Development to execute new contracts, pursuant to Lot Line Adjustment Application No. PLN2017-0135, Garber Trust – Oliveira Brothers.

DISCUSSION:

The lot line adjustment request includes the adjustment of three parcels (111.29 total acres). The adjustment is being requested to separate farming operations to correspond with the existing irrigation facilities. 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.

Parcel 1 and 2 (APNs: 012-022-019 and 012-022-020) are currently enrolled in Williamson Act Contract No. 1977-2865 (72.36 acres total). Parcel 2 (APN: 012-023-048) is enrolled in Williamson Act Contract No. 1972-1111 (38.93 acres total). The Williamson Act requires Board of Supervisor action to rescind and simultaneously enter into a new contract, or contracts, reflecting adjusted parcel configurations. If this lot line is approved, all three newly configured parcels (111.29 acres total) will encompass all of the existing contracted acreage by being enrolled in new 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 AB 1265.
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: Government Code Section 51222 states the following: "...it is in the public interest for local officials and landowners to 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 has reviewed the Lot Line Adjustment application for compliance with the County's General Plan and all applicable zoning and Williamson Act criteria and has determined that the application meets the requirements for approval. 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 AB 1265.

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 *Developing A Healthy Economy* 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

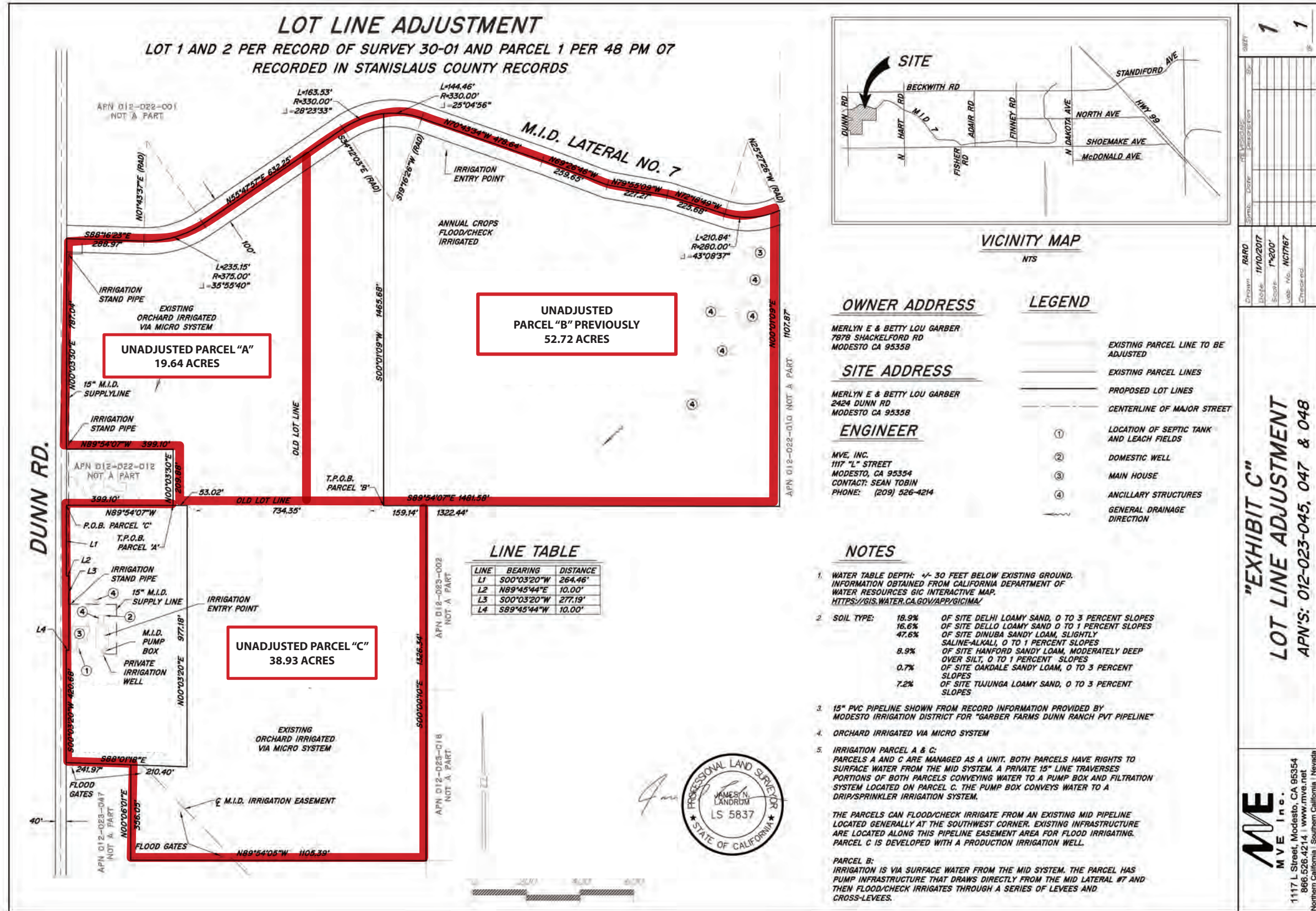
ATTACHMENT(S):

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

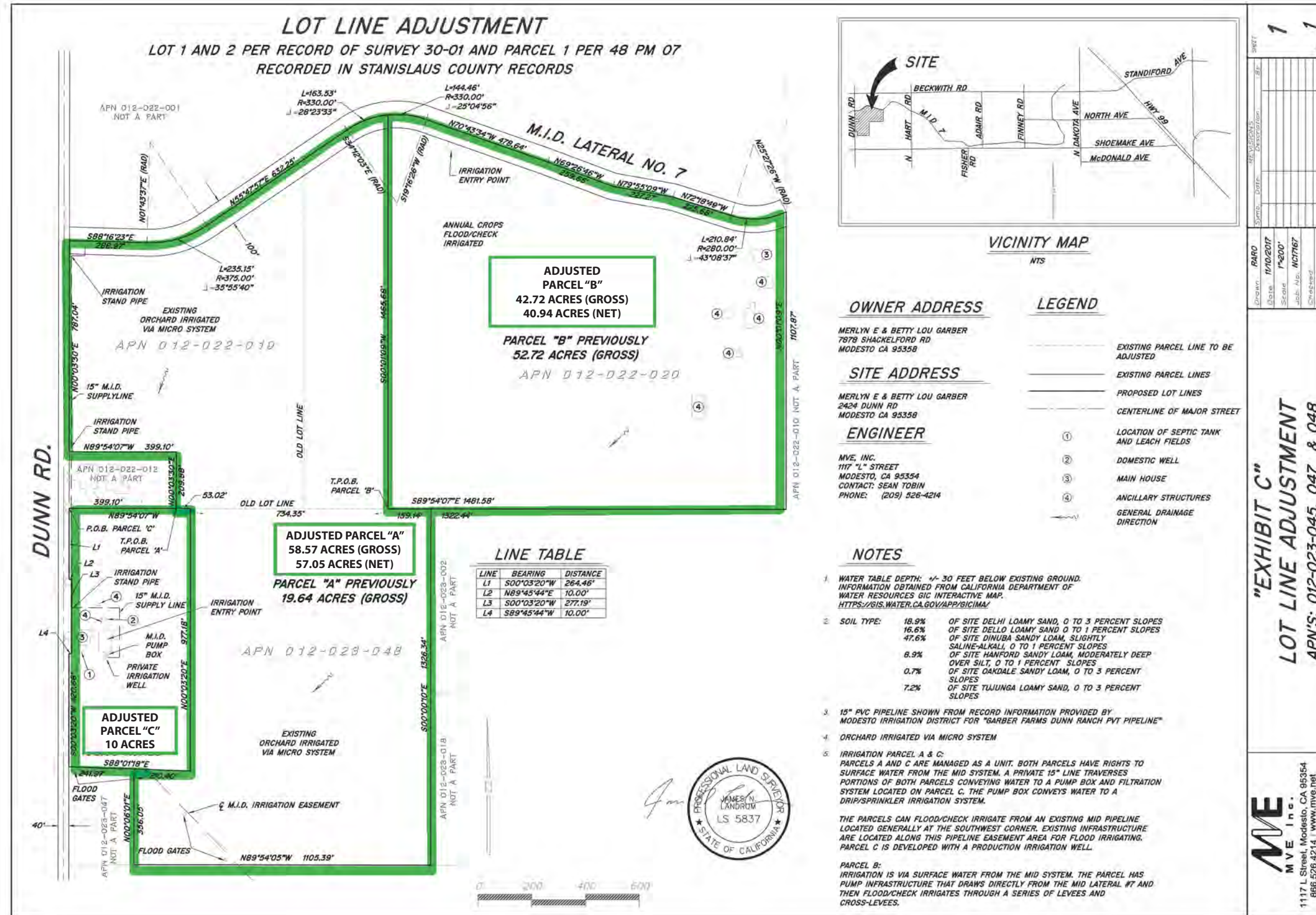
Williamson Act and Lot Line Adjustment (LLA) Overview

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 2017-0135 -Garber Trust - Oliveira Brothers										
1	012-022-019	N	Betty Lou Garber TRS	1977-2865	N	19.64	58.57	19.64	58.57	Orchard
2	012-022-020	N	Manuel and Adeline Oliveira TRS	1977-2865	N	52.72	42.72	52.72	42.72	Row Crops, Two Single-Family Dwellings, Accessory Structures
3	012-023-048	N	Betty Lou Garber TRS	1972-1111	Y	38.93	10	38.93	10	Orchard, Single-Family Dwelling
Total Acreage:						111.29	111.29	111.29	111.29	

PARCELS BEFORE LOT LINE ADJUSTMENT



PARCELS AFTER LOT LINE ADJUSTMENT



LOT LINE ADJUSTMENT
 LOT 1 AND 2 PER RECORD OF SURVEY 30-01 AND PARCEL 1 PER 48 PM 07
 RECORDED IN STANISLAUS COUNTY RECORDS

ADJUSTED PARCEL "B"
 42.72 ACRES (GROSS)
 40.94 ACRES (NET)

PARCEL "B" PREVIOUSLY
 52.72 ACRES (GROSS)
 APN 012-022-020

ADJUSTED PARCEL "A"
 58.57 ACRES (GROSS)
 57.05 ACRES (NET)

PARCEL "A" PREVIOUSLY
 19.64 ACRES (GROSS)
 APN 012-022-048

ADJUSTED PARCEL "C"
 10 ACRES

LINE TABLE

LINE	BEARING	DISTANCE
L1	S00°03'20"W	264.46'
L2	N89°45'44"E	10.00'
L3	S00°03'20"W	277.19'
L4	S89°45'44"W	10.00'



VICINITY MAP
 NTS

OWNER ADDRESS

MERLYN E & BETTY LOU GARBER
 7878 SHACKELFORD RD
 MODESTO CA 95358

SITE ADDRESS

MERLYN E & BETTY LOU GARBER
 2424 DUNN RD
 MODESTO CA 95358

ENGINEER

MVE, INC.
 1117 "L" STREET
 MODESTO, CA 95354
 CONTACT: SEAN TOBIN
 PHONE: (209) 526-4214

LEGEND

- EXISTING PARCEL LINE TO BE ADJUSTED
- EXISTING PARCEL LINES
- PROPOSED LOT LINES
- CENTERLINE OF MAJOR STREET
- ① LOCATION OF SEPTIC TANK AND LEACH FIELDS
- ② DOMESTIC WELL
- ③ MAIN HOUSE
- ④ ANCILLARY STRUCTURES
- GENERAL DRAINAGE DIRECTION

NOTES

1. WATER TABLE DEPTH: +/- 30 FEET BELOW EXISTING GROUND. INFORMATION OBTAINED FROM CALIFORNIA DEPARTMENT OF WATER RESOURCES GIC INTERACTIVE MAP. [HTTPS://GIS.WATER.CA.GOV/APP/GICMAP/](https://gis.water.ca.gov/app/gicmap/)
2. SOIL TYPE:
 - 18.9% OF SITE DELHI LOAMY SAND, 0 TO 3 PERCENT SLOPES
 - 16.6% OF SITE DELLO LOAMY SAND 0 TO 1 PERCENT SLOPES
 - 47.6% OF SITE DINUBA SANDY LOAM, SLIGHTLY SALINE-ALKALI, 0 TO 1 PERCENT SLOPES
 - 6.9% OF SITE HANFORD SANDY LOAM, MODERATELY DEEP OVER SILT, 0 TO 1 PERCENT SLOPES
 - 0.7% OF SITE OAKDALE SANDY LOAM, 0 TO 3 PERCENT SLOPES
 - 7.2% OF SITE TUJUNGA LOAMY SAND, 0 TO 3 PERCENT SLOPES
3. 15" PVC PIPELINE SHOWN FROM RECORD INFORMATION PROVIDED BY MODESTO IRRIGATION DISTRICT FOR "GARBER FARMS DUNN RANCH PVT PIPELINE"
4. ORCHARD IRRIGATED VIA MICRO SYSTEM
5. IRRIGATION PARCEL A & C: PARCELS A AND C ARE MANAGED AS A UNIT. BOTH PARCELS HAVE RIGHTS TO SURFACE WATER FROM THE MID SYSTEM. A PRIVATE 15" LINE TRAVERSES PORTIONS OF BOTH PARCELS CONVEYING WATER TO A PUMP BOX AND FILTRATION SYSTEM LOCATED ON PARCEL C. THE PUMP BOX CONVEYS WATER TO A DRIP/SPRINKLER IRRIGATION SYSTEM.

THE PARCELS CAN FLOOD/CHECK IRRIGATE FROM AN EXISTING MID PIPELINE LOCATED GENERALLY AT THE SOUTHWEST CORNER. EXISTING INFRASTRUCTURE ARE LOCATED ALONG THIS PIPELINE EASEMENT AREA FOR FLOOD IRRIGATING. PARCEL C IS DEVELOPED WITH A PRODUCTION IRRIGATION WELL.

PARCEL B: IRRIGATION IS VIA SURFACE WATER FROM THE MID SYSTEM. THE PARCEL HAS PUMP INFRASTRUCTURE THAT DRAWS DIRECTLY FROM THE MID LATERAL #7 AND THEN FLOOD/CHECK IRRIGATES THROUGH A SERIES OF LEVEES AND CROSS-LEVEES.



SHEET 1 1

DRAWN: RARO
 DATE: 11/10/2017
 SCALE: 1"=200'
 JOB NO.: NCT1767
 CHECKED:

"EXHIBIT C"
LOT LINE ADJUSTMENT
 APN'S: 012-023-045, 047 & 048

MVE Inc.
 1117 L Street, Modesto, CA 95354
 866.526.4214 | www.mve.net
 Northern California | Southern California | Nevada
 Fri January 18, 2018 at 10:52 AM K:\CIVIL\3034\3034.dwg P:\Projects\NCT1767\Drawn\PLANS\MASTER DRAWING\NCT1767_LLA_2018.dwg

Project Description and Landowner Justification

The project is a lot line adjustment between Assessor's Parcel Number 012-022-019 (PARCEL A = 19.64 acres), owned by the Merlyn E. and Betty Lou Garber Trust, Assessor's Parcel Number 012-022-020 (PARCEL B = 52.72 acres) owned by Oliveira Brothers and Assessor's Parcel Number 012-23-048 (PARCEL C = 38.93 acres) also owned by Merlyn E. and Betty Lou Garber Trust.

The lot line adjustment is to create a 10-acre legal parcel around the existing home on APN 012-023-048 and to facilitate a sale of 10-acres from 012-022-020. At the completion of the lot line adjustment, PARCEL A will have an adjusted area of 58.57 acres, PARCEL B will have an adjusted area of 42.72 and PARCEL C will have will have an adjusted area of 10.0 acres.

Parcels A and B are currently enrolled in the Williamson Act under contract number 1977-2865, and Parcel C is currently enrolled in the Williamson Act under contract number 1972-1111.

The existing parcels controlled by the Garber Trust total 58.57 acres. The parcels are zoned by Stanislaus County as A2-40. The subject parcels are located within an established agricultural zone and are currently developed with a single-family residence, ancillary structures and producing tree crops. In order to facilitate the ranching operation's redevelopment of its farming practice the applicant is requesting adjustment of an existing lot line between the two parcels resulting in a 10-acre parcel. The reconfigured 10-acre parcel would continue in its commercial agricultural use and remain within the existing farming operation. The home site, ancillary structures and equipment storage yard area occupy approximately .65-acres of the subject area. The reconfigured parcel is physically suitable for its continued use as a residence and commercial agriculture operation and would have a similar configuration and farming practice to other comparable sized parcels to the east.

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

- 1) 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.

None of the contracts are subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment the respective contracts 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.

The land currently under contract 1977-2865 PARCEL A is 19.64 acres, after the lot line adjustment, 58.57 acres, and PARCEL B 52.72 acres, after 42.72 acres, and for contract number 1972-1111, PARCEL C 38.93 acres, after 10.0 acres.

The land currently under contract is 111.29 acres. After lot line adjustment, 111.29 acres will be under contract.

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

As outlined in finding response no. 2, there will not be a decrease in the amount of combined acreage enrolled under Williamson Act.

- 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.

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 parcels are identified as Prime Farmland by the Stanislaus County Important Farmland 2012 map produced by the Department of Conservation. Pursuant to Section 51222 PARCEL A will be greater than 10 acres after the lot line adjustment at 58.57, PARCEL B will be greater than 10 acres at 42.72 and PARCEL C will be approximately 10.0 acres.

- 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.

The new configuration resulting from the adjusted lot lines will not affect the long term agricultural productivity of the parcels. All three existing parcels have been utilized for agricultural productivity for decades and all acreage previously used for agricultural production will continue.

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

As stated in finding response no. 1, Parcels A, B, and C will continue to remain restricted by contract and used for agricultural production e.g. planted with tree or annual crops. As such, the reconfiguration will not affect adjacent agricultural uses.

- 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.

The adjusted lot lines will not result in more developable parcels than currently exist. The parcels are utilized consistent with their underlying General Plan Land Use of agricultural and rural

residential home sites. None of the parcels are currently inconsistent with the Stanislaus County General Plan, nor will the resulting lot lines be inconsistent with the Stanislaus County General Plan. PARCEL A and PARCEL C are currently configured smaller than the minimum zoning. After the reconfiguration PARCEL A will meet minimum zoning.



Stanislaus County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2018-0051286-00

Acct 121-Planning.
Thursday, JUL 26, 2018 09:55:25
Ttl Pd \$56.00 Rcpt # 0004155352
JMB/R2/1-14

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

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

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 June 26, 2018, approved Lot Line Adjustment No. PLN2017-0135 herein described and submitted under the name of GARBER TRUST – OLIVIERIA BROTHERS. The lot line adjustment 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.

By:



Angela Freitas, Director
Stanislaus County Department of Planning
and Community Development

7-25-2018

Date

1477

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 4-3-18 before me, Cathy A. DeLaMare, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Betty Lou Gardner
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 Cathy A. DeLaMare
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 4-3-18 before me, Cathy A. DeLamare, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Adeline R. Oliveira
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 Cathy A. DeLamare
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 4-3-18 before me, Cathy A. De La Mare, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Manual E. Oliveira
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 Cathy A. De La Mare
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's Name: _____
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: _____

Signer Is Representing: _____

Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

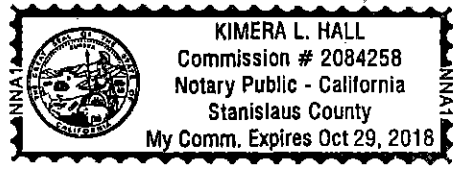
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Stanislaus)
On July 25, 2018 before me, Kimera L. Hall, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Angela Freitas
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 Kimera L. Hall
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: _____

EXHIBIT "A"
LEGAL DESCRIPTION
BEFORE ADJUSTMENT

Parcel A

All that real property as described in the deed granted to Betty Lou Garber, Et Al, filed for record on December 6, 2016 as Document No. 2016-0096261 S.C.R., being a portion of the Northwest 1/4 of Section 18, Township 3 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California

Containing 20.00 acres (Gross) more or less.

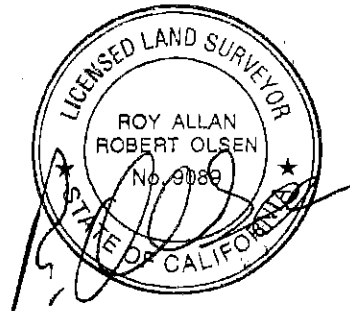


EXHIBIT "A"
LEGAL DESCRIPTION
BEFORE ADJUSTMENT

Parcel B

A portion of the Northwest 1/4 of Section 18, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, which lies South of Lateral No. 7 of the Modesto Irrigation District as Document No. 2016-0096261 S.C.R., being that 52.72 acres excepted therefrom and shown as Adjusted Lot 1, on that certain "Record of Survey of Lot Line Adjustment No. 2006-28" filed in Book 30 of Surveys, at Page 01 Stanislaus County Records

Containing 52.72 acres (Gross) more or less.

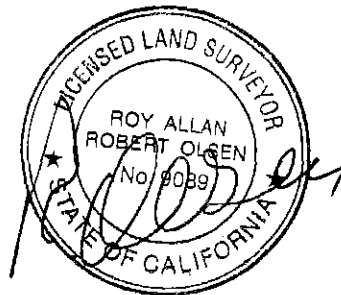


EXHIBIT "A"
LEGAL DESCRIPTION
BEFORE ADJUSTMENT

Parcel C

All that real property as described in the deed granted to Betty Lou Garber, Et Al, filed for record on the 6th day of December, 2016 as Document No. 2016-0096262 S.C.R., being a portion of the West half of the Southwest quarter of Section 18, Township 3 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California

Containing or 38.93 acres, more or less.

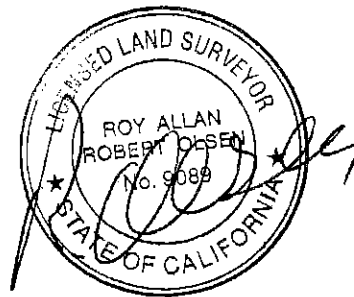


EXHIBIT "B"
LEGAL DESCRIPTION
AFTER ADJUSTMENT

PARCEL A

A portion of the Northwest Quarter of Section 18, Township 3 South, Range 8 East, Mount Diablo Meridian and a portion of the West half of the Southwest Quarter of Section 18, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, California, more particularly described as follows:

COMMENCING at the West Quarter Corner of Section 18, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, California; thence along the E-W 1/4 section line North $89^{\circ}54'07''$ East a distance of 419.10 feet to the **POINT OF BEGINNING**.

thence North $00^{\circ}03'30''$ East a distance of 209.88 feet; thence North $89^{\circ}54'07''$ West a distance of 399.10 feet to the east right of way of Dunn Rd as shown on Record of Survey, Instrument # 06-162868, as filed for record on the 2nd day of November, 2006, in Book 30 of Surveys, at page 1, Stanislaus County Records California; thence along said right of way North $00^{\circ}03'30''$ East a distance of 787.04 feet to the centerline of M.I.D. Lateral #7; thence along the centerline of said Lateral, the following (4) courses:

- (1) South $88^{\circ}16'23''$ East a distance of 288.97 feet to a point on a 375.00 foot radius curve concave northerly, the radial of which bears North $01^{\circ}43'37''$ East;
- (2) thence Easterly along said curve through a delta of $35^{\circ}55'40''$ and an arc distance of 235.15 feet;
- (3) thence North $55^{\circ}47'57''$ East a distance of 632.25 feet to a point on a 330.00 foot radius curve concave southerly, the radial of which bears South $34^{\circ}12'03''$ East;
- (4) thence Easterly along said curve through a delta of $28^{\circ}23'33''$ and an arc distance of 163.53 feet;

thence leaving centerline MID Lateral #7 South $00^{\circ}01'09''$ West a distance of 1,465.68 feet to the E-W 1/4 section line of said Section 18; thence along last said E-W 1/4 section line, South $89^{\circ}54'07''$ East a distance of 159.14 feet to the northeast corner of Parcel 1 as shown on Parcel Map, instrument # 110454, as filed for record on the 23rd day of December, 1996, in Book 48 of Parcel Maps at Page 7, Stanislaus County Records California; thence along the east and south line of Parcel 1, the following (2) courses:

- (1) South $00^{\circ}00'10''$ East a distance of 1,326.34 feet;
- (2) thence North $89^{\circ}54'05''$ West a distance of 1,105.39 feet;

to the southeast corner of the property described in the Grant Deed Doc. # 2016-0032658 as filed for record on the 4th day of May, 2016 Stanislaus County Records;

thence along last the easterly line of last said parcel North 00°05'55" East a distance of 356.17 feet to the northeast corner of last said parcel; thence South 88°01'18" East a distance of 210.40 feet; thence North 00°03'20" East a distance of 977.18 feet to the E-W 1/4 section line of said section 18; thence along last said E-W 1/4 section line North 89°54'07" West a distance of 53.02 feet to the **Point of Beginning**

Containing 58.57 Acres, more or less.

End of description



EXHIBIT "B"
LEGAL DESCRIPTION
AFTER ADJUSTMENT

PARCEL B

A portion of the Northwest Quarter of Section 18, Township 3 South, Range 8 East, Mount Diablo Meridian Stanislaus County, California, more particularly described as follows:

COMMENCING at the West Quarter Corner of said Section 18; thence along the E-W 1/4 section line North $89^{\circ}54'07''$ East a distance of 1206.46 feet to the **POINT OF BEGINNING**;

thence continuing along said E-W 1/4 section line South $89^{\circ}54'07''$ East a distance of 1,481.58 feet to the N-S 1/4 section line of said Section 18; thence along N-S 1/4 section line North $00^{\circ}01'09''$ East a distance of 1107.87 feet to the centerline of M.I.D. Lateral #7 and being a point on a 280.00 foot radius curve concave northerly, the radial of which bears North $25^{\circ}27'26''$ West; thence along said centerline of M.I.D. Lateral #7 the following (6) courses;

- (1) along said curve through a delta of $43^{\circ}08'37''$ and an arc distance of 210.84 feet;
- (2) thence North $72^{\circ}18'49''$ West a distance of 225.68 feet;
- (3) thence North $79^{\circ}55'09''$ West a distance of 227.27 feet;
- (4) thence North $69^{\circ}26'46''$ West a distance of 259.65 feet;
- (5) thence North $70^{\circ}43'34''$ West a distance of 478.64 feet to a point on a 330.00 foot radius curve concave southerly, the radial of which bears South $19^{\circ}19'49''$ West;
- (6) thence westerly along said curve through a delta of $25^{\circ}04'56''$ and an arc distance of 144.46 feet;

thence leaving said centerline of M.I.D. Lateral #7 South $00^{\circ}01'09''$ West a distance of 1,465.68 feet to the E-W 1/4 section line of said Section 18, the **PONT OF BEGINNING**.

Containing 42.72 Acres, more or less.

End of description

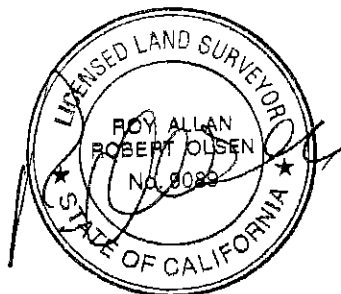


EXHIBIT "B"
LEGAL DESCRIPTION
AFTER ADJUSTMENT

PARCEL C

A portion of the Southwest Quarter of Section 18, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, California, more particularly described as follows:

COMMENCING at the West Quarter Corner of said Section 18; thence along the E-W 1/4 section line North 89°54'07" East a distance of 20.00 feet to the easterly right-of-way of Dunn Rd and being the **POINT OF BEGINNING**;

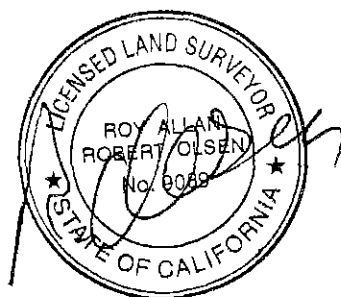
thence along said easterly right-of-way line the following five courses:

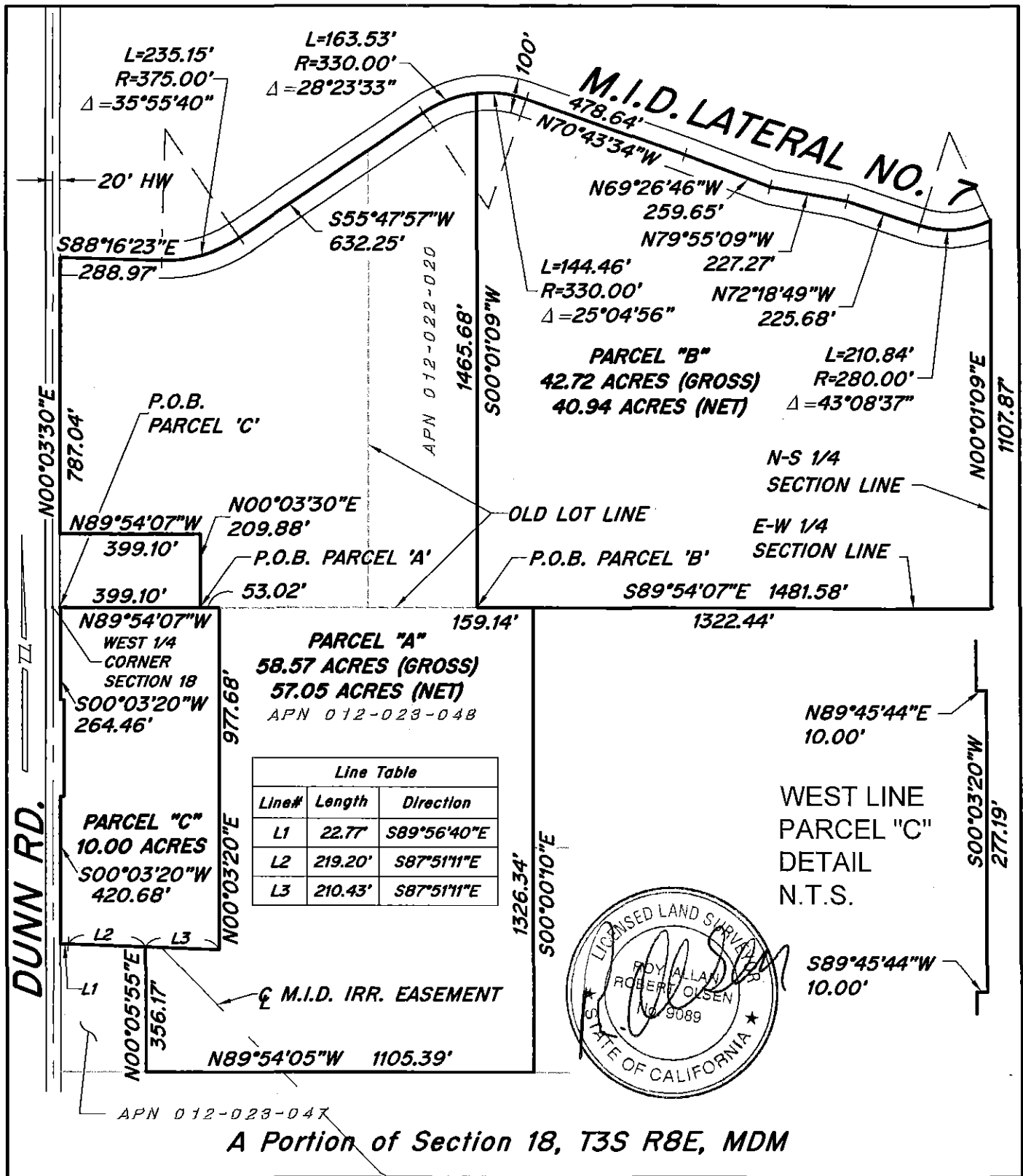
- (1) South 00°03'20" West a distance of 264.46 feet;
- (2) thence North 89°45'44" East a distance of 10.00 feet;
- (3) thence South 00°03'20" West a distance of 277.19 feet;
- (4) thence South 89°45'44" West a distance of 10.00 feet;
- (5) thence South 00°03'20" West a distance of 420.68 feet to the northwest corner of the Parcel described in the Grant Deed, Doc.# 2016-0032658 as filed for record on the 4th day of May, 2016, Stanislaus County Records, California;

thence South 89°56'40" East a distance of 22.77 feet along the north line of last said Parcel; thence South 87°51'11" East 219.20 feet to the northeast corner of last said Parcel; thence continuing along the easterly projection of last said line, South 87°51'11" East a distance of 210.43 feet; thence North 00°03'20" East a distance of 977.68 feet to last said E-W 1/4 Section line; thence along said E-W 1/4 Section line North 89°54'07" West a distance of 452.12 feet to the **POINT OF BEGINNING**.

Containing 10.00 Acres, more or less.

End of description





Drawn By: RARO
 Date: 2/12/18
 Scale: 1" = 400'
 Job No.: NC17167
 Phone: 866.526.4214

EXHIBIT "C"
BETTY LOU GARBER
LOT LINE ADJUSTMENT
 MODESTO, CA

MVE Inc.
 1117 L Street, Modesto, CA 95354
 866.526.4214 | www.mve.net
 Northern California | Southern California | Nevada

SHEET
 1
 OF 1

File: April 15, 2018 at 8:23 AM X:\CIVIL\300\30130 Proj\asbnc17167 Dunn Rd LLA\PLANS\MASTER DRAWING\NC17167 TOPO LLA 2.dwg


FOR ILLUSTRATIVE PURPOSES ONLY

THIS SPACE FOR RECORDER ONLY

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. 2018-026



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2018-0051287-00
Thursday, JUL 26, 2018 09:55:52
Ttl Pd \$0.00 Rcpt # 0004155354
JMB/R2/2-14

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into June 26, 2018, 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: MERLYN E. & BETTY LOU GARBER TRUST
7848 SHACKELFORD ROAD
MODESTO, CA 95358

- (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)
012-022-019	58.57	0 DUNN ROAD, MODESTO 95358
012-023-048	10.0	2424 DUNN ROAD, MODESTO 95358

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2018-0344, relating to Lot Line Adjustment No. PLN2017-0135 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 77-2865 & 72-1111 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.

14 JB

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: *Betty Lou Garber*

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<i>Betty Lou Garber</i>	<i>Betty Lou Garber</i>	<i>4-9-18</i>	<i>Modesto</i>

SECURITY HOLDERS: *Not applicable*

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

7-25-2018
Dated


Chairman, Board of Supervisors
Angela Freitas for **Jim DeMartini**

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 4-3-18 before me, Cathy A. DeLamare, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Betty Lou Gamber
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 Cathy A. DeLamare
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)

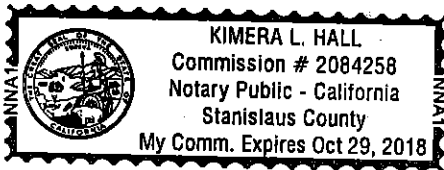
On July 25, 2018 before me, Kimera L. Hall, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Angela Freitas
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 Kimera L. Hall
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:

**EXHIBIT "A"
LEGAL DESCRIPTION
BEFORE ADJUSTMENT**

Parcel A

All that real property as described in the deed granted to Betty Lou Garber, Et Al, filed for record on December 6, 2016 as Document No. 2016-0096261 S.C.R., being a portion of the Northwest 1/4 of Section 18, Township 3 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California

Containing 20.00 acres (Gross) more or less.

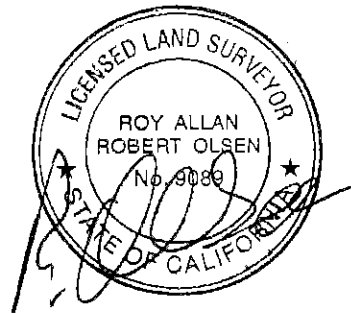


EXHIBIT "A"
LEGAL DESCRIPTION
BEFORE ADJUSTMENT

Parcel C

All that real property as described in the deed granted to Betty Lou Garber, Et Al, filed for record on the 6th day of December, 2016 as Document No. 2016-0096262 S.C.R., being a portion of the West half of the Southwest quarter of Section 18, Township 3 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California

Containing or 38.93 acres, more or less.

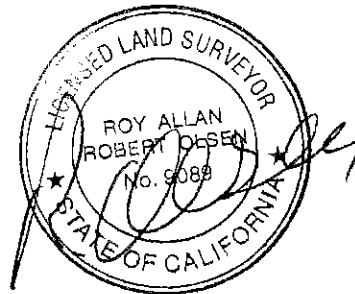


EXHIBIT "B"
LEGAL DESCRIPTION
AFTER ADJUSTMENT

PARCEL A

A portion of the Northwest Quarter of Section 18, Township 3 South, Range 8 East, Mount Diablo Meridian and a portion of the West half of the Southwest Quarter of Section 18, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, California, more particularly described as follows:

COMMENCING at the West Quarter Corner of Section 18, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, California; thence along the E-W 1/4 section line North 89°54'07" East a distance of 419.10 feet to the **POINT OF BEGINNING**.

thence North 00°03'30" East a distance of 209.88 feet; thence North 89°54'07" West a distance of 399.10 feet to the east right of way of Dunn Rd as shown on Record of Survey, Instrument # 06-162868, as filed for record on the 2nd day of November, 2006, in Book 30 of Surveys, at page 1, Stanislaus County Records California; thence along said right of way North 00°03'30" East a distance of 787.04 feet to the centerline of M.I.D. Lateral #7; thence along the centerline of said Lateral, the following (4) courses:

- (1) South 88°16'23" East a distance of 288.97 feet to a point on a 375.00 foot radius curve concave northerly, the radial of which bears North 01°43'37" East;
- (2) thence Easterly along said curve through a delta of 35°55'40" and an arc distance of 235.15 feet;
- (3) thence North 55°47'57" East a distance of 632.25 feet to a point on a 330.00 foot radius curve concave southerly, the radial of which bears South 34°12'03" East;
- (4) thence Easterly along said curve through a delta of 28°23'33" and an arc distance of 163.53 feet;

thence leaving centerline MID Lateral #7 South 00°01'09" West a distance of 1,465.68 feet to the E-W 1/4 section line of said Section 18; thence along last said E-W 1/4 section line, South 89°54'07" East a distance of 159.14 feet to the northeast corner of Parcel 1 as shown on Parcel Map, instrument # 110454, as filed for record on the 23rd day of December, 1996, in Book 48 of Parcel Maps at Page 7, Stanislaus County Records California; thence along the east and south line of Parcel 1, the following (2) courses:

- (1) South 00°00'10" East a distance of 1,326.34 feet;
- (2) thence North 89°54'05" West a distance of 1,105.39 feet;

to the southeast corner of the property described in the Grant Deed Doc. # 2016-0032658 as filed for record on the 4th day of May, 2016 Stanislaus County Records;

thence along last the easterly line of last said parcel North 00°05'55" East a distance of 356.17 feet to the northeast corner of last said parcel; thence South 88°01'18" East a distance of 210.40 feet; thence North 00°03'20" East a distance of 977.18 feet to the E-W 1/4 section line of said section 18; thence along last said E-W 1/4 section line North 89°54'07" West a distance of 53.02 feet to the **Point of Beginning**

Containing 58.57 Acres, more or less.

End of description



EXHIBIT "B"
LEGAL DESCRIPTION
AFTER ADJUSTMENT

PARCEL C

A portion of the Southwest Quarter of Section 18, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, California, more particularly described as follows:

COMMENCING at the West Quarter Corner of said Section 18; thence along the E-W 1/4 section line North 89°54'07" East a distance of 20.00 feet to the easterly right-of-way of Dunn Rd and being the **POINT OF BEGINNING**;

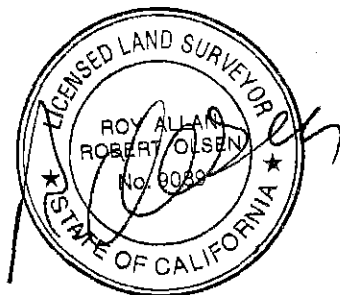
thence along said easterly right-of-way line the following five courses:

- (1) South 00°03'20" West a distance of 264.46 feet;
- (2) thence North 89°45'44" East a distance of 10.00 feet;
- (3) thence South 00°03'20" West a distance of 277.19 feet;
- (4) thence South 89°45'44" West a distance of 10.00 feet;
- (5) thence South 00°03'20" West a distance of 420.68 feet to the northwest corner of the Parcel described in the Grant Deed, Doc.# 2016-0032658 as filed for record on the 4th day of May, 2016, Stanislaus County Records, California;

thence South 89°56'40" East a distance of 22.77 feet along the north line of last said Parcel; thence South 87°51'11" East 219.20 feet to the northeast corner of last said Parcel; thence continuing along the easterly projection of last said line, South 87°51'11" East a distance of 210.43 feet; thence North 00°03'20" East a distance of 977.68 feet to last said E-W 1/4 Section line; thence along said E-W 1/4 Section line North 89°54'07" West a distance of 452.12 feet to the **POINT OF BEGINNING**.

Containing 10.00 Acres, more or less.

End of description



BOARD ACTION SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA: 5.D.2
AGENDA DATE: June 26, 2018

SUBJECT:

Approval to Rescind all of Williamson Act Contract No. 1977-2865 and a Portion of Contract No. 1972-1111, Located at 7501 Edsel Lane and 2424 Dunn Road, Between Beckwith and Shoemake Road, South of MID Lateral No. 7, West of the City of Modesto; and Approval of New Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0135, Garber Trust – Oliveira Brothers

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0344

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

Ayes: Supervisors: Olsen, Chiesa, Monteith, and Vice-Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: Chairman DeMartini

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

By Kelly Rodway

Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

ATTEST:



JUN 28 2018

EXHIBIT C

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

DEPT: Planning and Community Development

BOARD AGENDA:5.D.2
AGENDA DATE: June 26, 2018

CONSENT:

CEO CONCURRENCE:

4/5 Vote Required: No

SUBJECT:

Approval to Rescind all of Williamson Act Contract No. 1977-2865 and a Portion of Contract No. 1972-1111, Located at 7501 Edsel Lane and 2424 Dunn Road, Between Beckwith and Shoemake Road, South of MID Lateral No. 7, West of the City of Modesto; and Approval of New Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0135, Garber Trust – Oliveira Brothers

STAFF RECOMMENDATION:

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.
2. Rescind all of Williamson Act Contract No. 1977-2865 and a portion of contract No. 1972-1111, located at 7501 Edsel Lane and 2424 Dunn Road, between Beckwith and Shoemake Roads, south of MID Lateral No. 7, west of the City of Modesto. Assessor's Parcel Numbers (APN's): 012-022-019, 012-022-020, and 012-023-048.
3. Approve new contracts, pursuant to Lot Line Adjustment Application No. PLN2017-0135, Garber Trust – Oliveira Brothers.
4. Authorize the Director of Planning and Community Development to execute new contracts, pursuant to Lot Line Adjustment Application No. PLN2017-0135, Garber Trust – Oliveira Brothers.

DISCUSSION:

The lot line adjustment request includes the adjustment of three parcels (111.29 total acres). The adjustment is being requested to separate farming operations to correspond with the existing irrigation facilities. 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.

Parcel 1 and 2 (APNs: 012-022-019 and 012-022-020) are currently enrolled in Williamson Act Contract No. 1977-2865 (72.36 acres total). Parcel 2 (APN: 012-023-048) is enrolled in Williamson Act Contract No. 1972-1111 (38.93 acres total). The Williamson Act requires Board of Supervisor action to rescind and simultaneously enter into a new contract, or contracts, reflecting adjusted parcel configurations. If this lot line is approved, all three newly configured parcels (111.29 acres total) will encompass all of the existing contracted acreage by being enrolled in new 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 AB 1265.
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: Government Code Section 51222 states the following: "...it is in the public interest for local officials and landowners to 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 has reviewed the Lot Line Adjustment application for compliance with the County's General Plan and all applicable zoning and Williamson Act criteria and has determined that the application meets the requirements for approval. 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 AB 1265.

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 *Developing A Healthy Economy* 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 Overview
2. Map of Parcels Before Lot Line Adjustment
3. Map of Parcels After Lot Line Adjustment
4. Applicant's Statement of Findings

THIS SPACE FOR RECORDER ONLY

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. 2018-027**



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2018-0051288-00
Thursday, JUL 26, 2018 09:56:01
Ttl Pd \$0.00 Rcpt # 0004155355
JMB/R2/2-12

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into June 26, 2018, 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: OLIVEIRA BROTHERS
7501 EDSEL LANE
MODESTO, CA 95358

- (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)
012-022-020	42.72	7501 EDSEL LANE, MODESTO 95358

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2018-0344, relating to Lot Line Adjustment No. PLN2017-0135 as authorized by Govt. Code § 51257, California Land Conservation Contract No. 77-2865 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.

12 JB

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: Manuel Oliveira, Adeline Oliveira

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
Manuel E. Oliveira	<i>Manuel E. Oliveira</i>	4-3-18	Modesto
Adeline R. Oliveira	<i>Adeline R. Oliveira</i>	4-3-18	Modesto

SECURITY HOLDERS:

OWNERS: Not applicable

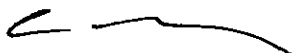
NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)

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

7.25.2018
Dated


Chairman, Board of Supervisors
Angela Freitas for **Jim DeMartini**

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 4-3-18 before me, Cathy A. De La Mare, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Adeline R. Oliveira
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 Cathy A. De La Mare
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 4-3-18 before me, Cathy A. DeLamare, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Manuel E. Oliveira
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 Cathy A. DeLamare
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 July 25, 2018 before me, Kimera L. Hall, Notary Public

Date Here Insert Name and Title of the Officer

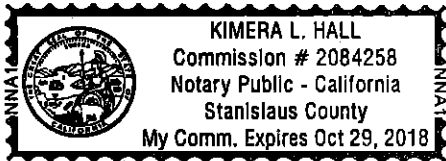
personally appeared Angela Freitas

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 Kimera L. Hall
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: _____

EXHIBIT "A"
LEGAL DESCRIPTION
BEFORE ADJUSTMENT

Parcel B

A portion of the Northwest 1/4 of Section 18, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, which lies South of Lateral No. 7 of the Modesto Irrigation District as Document No. 2016-0096261 S.C.R., being that 52.72 acres excepted therefrom and shown as Adjusted Lot 1, on that certain "Record of Survey of Lot Line Adjustment No. 2006-28" filed in Book 30 of Surveys, at Page 01 Stanislaus County Records

Containing 52.72 acres (Gross) more or less.

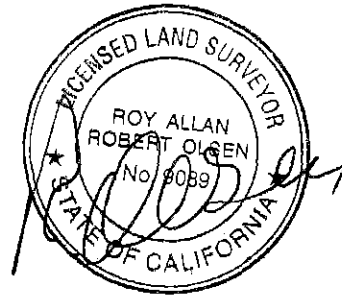


EXHIBIT "B"
LEGAL DESCRIPTION
AFTER ADJUSTMENT

PARCEL B

A portion of the Northwest Quarter of Section 18, Township 3 South, Range 8 East, Mount Diablo Meridian Stanislaus County, California, more particularly described as follows:

COMMENCING at the West Quarter Corner of said Section 18; thence along the E-W 1/4 section line North $89^{\circ}54'07''$ East a distance of 1206.46 feet to the **POINT OF BEGINNING**;

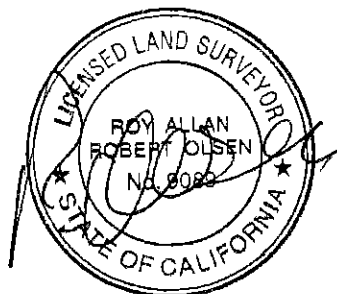
thence continuing along said E-W 1/4 section line South $89^{\circ}54'07''$ East a distance of 1,481.58 feet to the N-S 1/4 section line of said Section 18; thence along N-S 1/4 section line North $00^{\circ}01'09''$ East a distance of 1107.87 feet to the centerline of M.I.D. Lateral #7 and being a point on a 280.00 foot radius curve concave northerly, the radial of which bears North $25^{\circ}27'26''$ West; thence along said centerline of M.I.D. Lateral #7 the following (6) courses;

- (1) along said curve through a delta of $43^{\circ}08'37''$ and an arc distance of 210.84 feet;
- (2) thence North $72^{\circ}18'49''$ West a distance of 225.68 feet;
- (3) thence North $79^{\circ}55'09''$ West a distance of 227.27 feet;
- (4) thence North $69^{\circ}26'46''$ West a distance of 259.65 feet;
- (5) thence North $70^{\circ}43'34''$ West a distance of 478.64 feet to a point on a 330.00 foot radius curve concave southerly, the radial of which bears South $19^{\circ}19'49''$ West;
- (6) thence westerly along said curve through a delta of $25^{\circ}04'56''$ and an arc distance of 144.46 feet;

thence leaving said centerline of M.I.D. Lateral #7 South $00^{\circ}01'09''$ West a distance of 1,465.68 feet to the E-W 1/4 section line of said Section 18, the **PONT OF BEGINNING**.

Containing 42.72 Acres, more or less.

End of description



BOARD ACTION SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA:5.D.2
AGENDA DATE: June 26, 2018

SUBJECT:

Approval to Rescind all of Williamson Act Contract No. 1977-2865 and a Portion of Contract No. 1972-1111, Located at 7501 Edsel Lane and 2424 Dunn Road, Between Beckwith and Shoemake Road, South of MID Lateral No. 7, West of the City of Modesto; and Approval of New Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0135, Garber Trust – Oliveira Brothers

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0344

On motion of Supervisor Chiesa Seconded by Supervisor Olsen
and approved by the following vote,
Ayes: Supervisors: Olsen, Chiesa, Monteith, and Vice-Chairman Withrow
Noes: Supervisors: None
Excused or Absent: Supervisors: Chairman DeMartini
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

By Kelly Rodriguez



JUN 28 2018

ATTEST:

Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

EXHIBIT C

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

DEPT: Planning and Community Development

BOARD AGENDA: 5.D.2
AGENDA DATE: June 26, 2018

CONSENT:

CEO CONCURRENCE:

4/5 Vote Required: No

SUBJECT:

Approval to Rescind all of Williamson Act Contract No. 1977-2865 and a Portion of Contract No. 1972-1111, Located at 7501 Edsel Lane and 2424 Dunn Road, Between Beckwith and Shoemake Road, South of MID Lateral No. 7, West of the City of Modesto; and Approval of New Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0135, Garber Trust – Oliveira Brothers

STAFF RECOMMENDATION:

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.
2. Rescind all of Williamson Act Contract No. 1977-2865 and a portion of contract No. 1972-1111, located at 7501 Edsel Lane and 2424 Dunn Road, between Beckwith and Shoemake Roads, south of MID Lateral No. 7, west of the City of Modesto. Assessor's Parcel Numbers (APN's): 012-022-019, 012-022-020, and 012-023-048.
3. Approve new contracts, pursuant to Lot Line Adjustment Application No. PLN2017-0135, Garber Trust – Oliveira Brothers.
4. Authorize the Director of Planning and Community Development to execute new contracts, pursuant to Lot Line Adjustment Application No. PLN2017-0135, Garber Trust – Oliveira Brothers.

DISCUSSION:

The lot line adjustment request includes the adjustment of three parcels (111.29 total acres). The adjustment is being requested to separate farming operations to correspond with the existing irrigation facilities. 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.

Parcel 1 and 2 (APNs: 012-022-019 and 012-022-020) are currently enrolled in Williamson Act Contract No. 1977-2865 (72.36 acres total). Parcel 2 (APN: 012-023-048) is enrolled in Williamson Act Contract No. 1972-1111 (38.93 acres total). The Williamson Act requires Board of Supervisor action to rescind and simultaneously enter into a new contract, or contracts, reflecting adjusted parcel configurations. If this lot line is approved, all three newly configured parcels (111.29 acres total) will encompass all of the existing contracted acreage by being enrolled in new 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 AB 1265.
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: Government Code Section 51222 states the following: "...it is in the public interest for local officials and landowners to 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 has reviewed the Lot Line Adjustment application for compliance with the County's General Plan and all applicable zoning and Williamson Act criteria and has determined that the application meets the requirements for approval. 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 AB 1265.

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 *Developing A Healthy Economy* 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 Overview
2. Map of Parcels Before Lot Line Adjustment
3. Map of Parcels After Lot Line Adjustment
4. Applicant's Statement of Findings