

BOARD ACTION SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA:5.D.1
AGENDA DATE: October 9, 2018

SUBJECT:

Approval to Rescind All of Williamson Act Contract No. 1972-0966 and a Portion of Contract No. 1974-1563, Located at 2627 Bancroft Road, Between Paradise Road and the Tuolumne River, West of the City of Modesto; and Approval of New Contracts, Pursuant to Lot Line Adjustment Application No. PLN2018-0083, Ott - Dickerson

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0512

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None


1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ELIZABETH A. KING, Clerk of the Board of Supervisors

ATTEST:

File No.

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

DEPT: Planning and Community Development

BOARD AGENDA:5.D.1
AGENDA DATE: October 9, 2018

CONSENT:

CEO CONCURRENCE:

4/5 Vote Required: No

SUBJECT:

Approval to Rescind All of Williamson Act Contract No. 1972-0966 and a Portion of Contract No. 1974-1563, Located at 2627 Bancroft Road, Between Paradise Road and the Tuolumne River, West of the City of Modesto; and Approval of New Contracts, Pursuant to Lot Line Adjustment Application No. PLN2018-0083, Ott - Dickerson

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restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract, or contracts, but for not less than ten years, except as authorized under the County's implementation of Assembly Bill (AB) 1265.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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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. 1972-0966 and a portion of contract No. 1974-1563, located at 2627 Bancroft Road, between Paradise Road and the Tuolumne River, west of the City of Modesto. Assessor's Parcel Numbers (APN'S): 017-027-017 and 048.
3. Approve new contracts, pursuant to Lot Line Adjustment Application No. PLN2018-0083, Ott-Dickerson.
4. Authorize the Director of Planning and Community Development to execute new contracts, pursuant to Lot Line Adjustment Application No. PLN2018-0083, Ott-Dickerson.

DISCUSSION:

The lot line adjustment request includes the adjustment of two parcels (52.34 total acres) to provide access to the currently landlocked Parcel 2 (APN: 017-027-017), as well as match existing farming practices. 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 (APN: 017-027-048) is currently enrolled in Williamson Act Contract No. 1972-0966 (33.78 acres total). Parcel 2 (APN: 017-027-017) is enrolled as a portion of Williamson Act Contract No. 1974-1563 (18.56 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, both newly configured parcels (52.34 acres) will encompass all the existing contracted acreage by being enrolled in two 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: the definition in Government Code Section 51222 is as follows: "...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 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 2018-0083 - Ott - Dickerson										
1	017-027-048	N	Robert and Sharon Ott, 2002 Trust	1972-0966	N	33.78	33.78	33.78	33.78	Three Single-Family Dwellings, Accessory Structures, Orchard
2	017-027-017	N	Phillip and Nina Dickerson	1974-1563	Y	18.56	18.56	18.56	18.56	Row Crops
Total Acreage:						52.34	52.34	52.34	52.34	

INDERBITZEN
A.P.N.
017-027-038

PARCEL 2
DICKERSON
2018-0025925, S.C.R.
A.P.N. 017-027-017
18.56 AC ± BEFORE LLA

DICKERSON
A.P.N.
017-027-024

PARCEL 1
OTT
2018-0021432, S.C.R.
A.P.N. 017-027-048
33.78 AC ± BEFORE LLA

OTT
A.P.N.
017-027-041

OTT
A.P.N.
017-027-049

BANCROFT ROAD



**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
436 MITCHELL ROAD
MODESTO, CA. 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295

**BEFORE LOT LINE ADJUSTMENT
OTT/DICKERSON**
A.P.N. 017-027-017 & 048
STANISLAUS COUNTY, CALIFORNIA

BY: RCS
CHK: RHH
DATE: 07/2018
SCALE: 1"=300'
JOB #: 3458
FILE: SUR/LLA

INDERBITZEN
A.P.N.
017-027-038

PARCEL 2
DICKERSON
2018-0025925, S.C.R.
A.P.N. 017-027-017
18.56 AC ± AFTER LLA

DICKERSON
A.P.N.
017-027-024

PARCEL 1
OTT
2018-0021432, S.C.R.
A.P.N. 017-027-048
33.78 AC ± AFTER LLA

OTT
A.P.N.
017-027-041

OTT
A.P.N.
017-027-049

BANCROFT ROAD



**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
436 MITCHELL ROAD
MODESTO, CA. 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295

**AFTER LOT LINE ADJUSTMENT
OTT/DICKERSON**

**A.P.N. 017-027-017 & 048
STANISLAUS COUNTY, CALIFORNIA**

BY: RCS
CHK: RHH
DATE: 07/2018
SCALE: 1"=300'
JOB #: 3458
FILE: SUR/LLA

July 17, 2018

Department of Planning
And Community Development
Stanislaus County
1010 10th Street
Modesto, Ca 95354

RE: Lot Line Adjustment Application – Ott/Dickerson - Findings

This project is a lot line adjustment of Assessor Parcel Nos. 017-027-048 (Parcel 1 – 33.78 acres+/-) owned by Robert & Sharon Ott, 017-027-017 (Parcel 2 – 18.56 acres+/-) owned by Philip & Nina Dickerson. Both Parcels are in the Williamson Act.

Ott & Dickerson would like to reconfigure the current lots to give Parcel 2 better access to Bancroft Road along the north line of Parcel 1.

At the completion of this lot line adjustment, Parcel 1 will have an adjusted area of 33.78 acres+/-, and Parcel 2 will have an adjusted area of 18.56 acres+/-.

Findings:

- (1) The Ott & Dickerson parcels are not subject to non-renewal. The parcel will remain under contract for at least 10 years.
- (2) The Ott parcel acreage currently under contract is 33.78 acres+/. After the lot line adjustment, all 33.78 acres +/- will be under contract. The Dickerson parcel acreage currently under contract is 18.56 acres +/- . After the line line adjustment, all 18.56 acres +/- will be under contract.
- (3) As stated in the above finding (2) there will be no net decrease in the amount of acreage enrolled in the Williamson Act.
- (4) As consistent with Government Code Section 51222 the contracted parcels will be larger than 10 acres both before and after the lot line adjustment. The parcels qualify as prime farmland according to the Farmland Mapping and Monitoring Program Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance – Stanislaus County.
- (5) The new configuration of the Ott-Dickerson parcels will in no way affect the long term agricultural productivity of either of the parcels.
- (6) The adjacent lands are row crops to the north and walnut orchard to the south. The reconfiguration of the Ott-Dickerson parcels will not affect the adjacent uses.

(7) This lot line adjustment will not result in more developable parcels. Neither parcel is currently inconsistent with the Stanislaus County General Plan, nor will the resulting parcels be inconsistent with the Stanislaus County General Plan.

In conclusion, this lot line adjustment will only allow for new agricultural use of the existing agricultural parcels. This lot line adjustment will in no way negatively affect the agricultural viability of these parcels. Please feel free to contact me if you have any further questions.

Sincerely,

Rod Hawkins, PE
Hawkins and Associates Engineering



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2018-0075124-00

Acct 121-Planning.
Monday, OCT 29, 2018 14:19:49
Ttl Pd \$56.00 Rcpt # 0004193820
JMB/R2/1-14

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

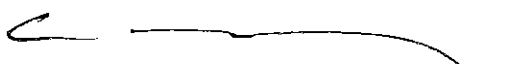
Stanislaus County
Department of Planning
and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

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 September 11, 2018, approved Lot Line Adjustment PLN2018-0083 herein described submitted under the name of Ott – Dickerson. 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.



Angela Freitas, Director
Planning and Community Development

10.29.2018

Date

1450

ACKNOWLEDGMENT

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.

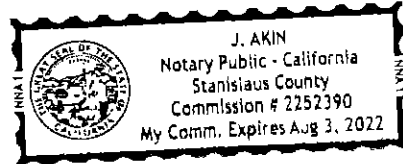
State of California
County of Stanislaus

On October 29, 2018 before me, J. Akin, Notary Public
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.



Signature J. Akin

(Seal)

ACKNOWLEDGMENT

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 September 24, 2018 before me, Megan Kroon, Notary Public
(insert name and title of the officer)

personally appeared Robert C. Ott and Sharon A. Ott
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 Megan Kroon

(Seal)



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

State of California)
County of Stanislaus)

On September 24, 2018 before me, Megan Kroon, a notary public, personally appeared J. Van Tassel, 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 Megan Kroon



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

State of California)
County of _____)

On _____ before me, _____, a notary public, personally appeared _____ 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 _____

ACKNOWLEDGMENT

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 Contra Costa

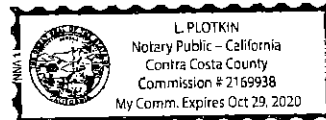
On Sept. 25, 2018 before me, L. Plotkin Notary Public
(Insert name and title of the officer)

personally appeared Nina Bancroft Dickerson
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 L. Plotkin (Seal)



ACKNOWLEDGMENT

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 Arizona
County of Maricopa)

On October 2nd 2018 before me, Karla Encinas
(insert name and title of the officer)

personally appeared Philip Bickerson
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.

Arizona K.E.

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 Karla Encinas (Seal)

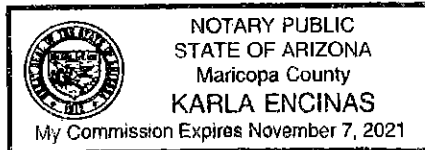


EXHIBIT A
LEGAL DESCRIPTION
Parcel 1
LLA PLN 2018-0083

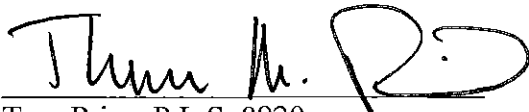
All that portion of Section 8, Township 4 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

All that certain real property situate in a portion of the Tuolumne River Tract as shown on the Official Map thereof filed for record in Volume 5 of Maps, at Page 31, Stanislaus County Records, lying in Section 8, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, more particularly described as follows:

Lot 12 of said Tuolumne River Tract and the east 60 rods of Lot 13 of said Tuolumne River Tract.

CONTAINING 33.78 acres, more or less.

This description was created by me or under my direction in conformance with the Professional Land Surveyors' Act.



Tom Price, P.L.S. 8920
August 28, 2018



EXHIBIT A

EXHIBIT A
LEGAL DESCRIPTION
Parcel 2
LLA PLN 2018-0083

All that portion of Section 8, Township 4 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

All of Lot 11 of the Tuolumne River Tract, as per map filed March 18, 1911, in Volume 5 of Maps, at Page 31, Stanislaus County Records.

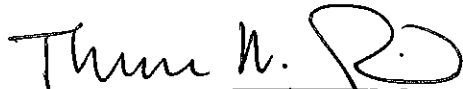
EXCEPTING THEREFROM the north 20 acres thereof.

TOGETHER WITH a portion of Lot 13 of said Tuolumne River Tract, described as follows:

COMMENCING at a point 15 chains west of the northeast corner of said Lot 13; thence North 89°55' West, 5 chains; thence North 84°34' West, 2.552 chains to the northwest corner of said Lot 13; thence South 29°31' East, 11.77 chains to the southwest corner of said Lot 13; thence South 89°55' East, 1.745 chains; thence North 10 chains to the **POINT OF BEGINNING**.

CONTAINING 18.56 acres, more or less.

This description was created by me or under my direction in conformance with the Professional Land Surveyors' Act.



Tom Price, P.L.S. 8920
August 28, 2018



EXHIBIT B
LEGAL DESCRIPTION
Adjusted Parcel 1
LLA PLN 2018-0083

All that portion of Section 8, Township 4 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

All that certain real property situate in a portion of the Tuolumne River Tract as shown on the Official Map thereof filed for record in Volume 5 of Maps, at Page 31, Stanislaus County Records, more particularly described as follows:

Lot 12 of said Tuolumne River Tract, excepting therefrom the north 50.00 feet thereof.

TOGETHER WITH Lot 13 of said Tuolumne River Tract.

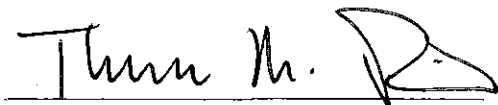
EXCEPTING THEREFROM that portion of said Lot 13 more particularly described as follows:

BEGINNING at a point 990.00 feet west of the northeast corner of said Lot 13; thence along the north line of said Lot 13 the following two courses: 1) North 89°55'00" West, a distance of 330.00 feet; thence 2) North 84°34'00" West, a distance of 168.43 feet to the northwest corner thereof; thence along the west line of said Lot 13 South 29°31'00" East, a distance of 408.18 feet; thence North 90°00'00" East, a distance of 296.53 feet more or less to a point on a line lying 990.00 feet west of the east line of said Lot 13; thence along last said line North 0°00'00" East, a distance of 339.00 feet to the **POINT OF BEGINNING**.

CONTAINING 33.78 acres, more or less.

SUBJECT TO all rights-of-way and easements of record.

This description was created by me or under my direction in conformance with the Professional Land Surveyors' Act.



Tom Price, P.L.S. 8920
August 28, 2018



EXHIBIT B

EXHIBIT B
LEGAL DESCRIPTION
Adjusted Parcel 2
LLA PLN 2018-0083

All that portion of Section 8, Township 4 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

All of Lot 11 of the Tuolumne River Tract, as per map filed March 18, 1911, in Volume 5 of Maps, at Page 31, Stanislaus County Records.

EXCEPTING THEREFROM the north 20 acres thereof.

TOGETHER WITH the north 50.00 feet of Lot 12 of above said Tuolumne River Tract.

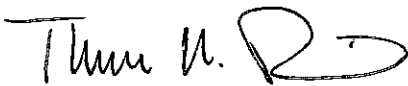
ALSO TOGETHER WITH a portion of Lot 13 of said Tuolumne River Tract, more particularly described as follows:

BEGINNING at a point 990.00 feet west of the northeast corner of said Lot 13; thence along the north line of said Lot 13 the following two courses: 1) North 89°55'00" West, a distance of 330.00 feet; thence 2) North 84°34'00" West, a distance of 168.43 feet to the northwest corner thereof; thence along the west line of said Lot 13 South 29°31'00" East, a distance of 408.18 feet; thence North 90°00'00" East, a distance of 296.53 feet more or less to a point on a line lying 990.00 feet west of the east line of said Lot 13; thence along last said line North 0°00'00" East, a distance of 339.00 feet to the **POINT OF BEGINNING**.

CONTAINING 18.56 acres, more or less.

SUBJECT TO all rights-of-way and easements of record.

This description was created by me or under my direction in conformance with the Professional Land Surveyors' Act.



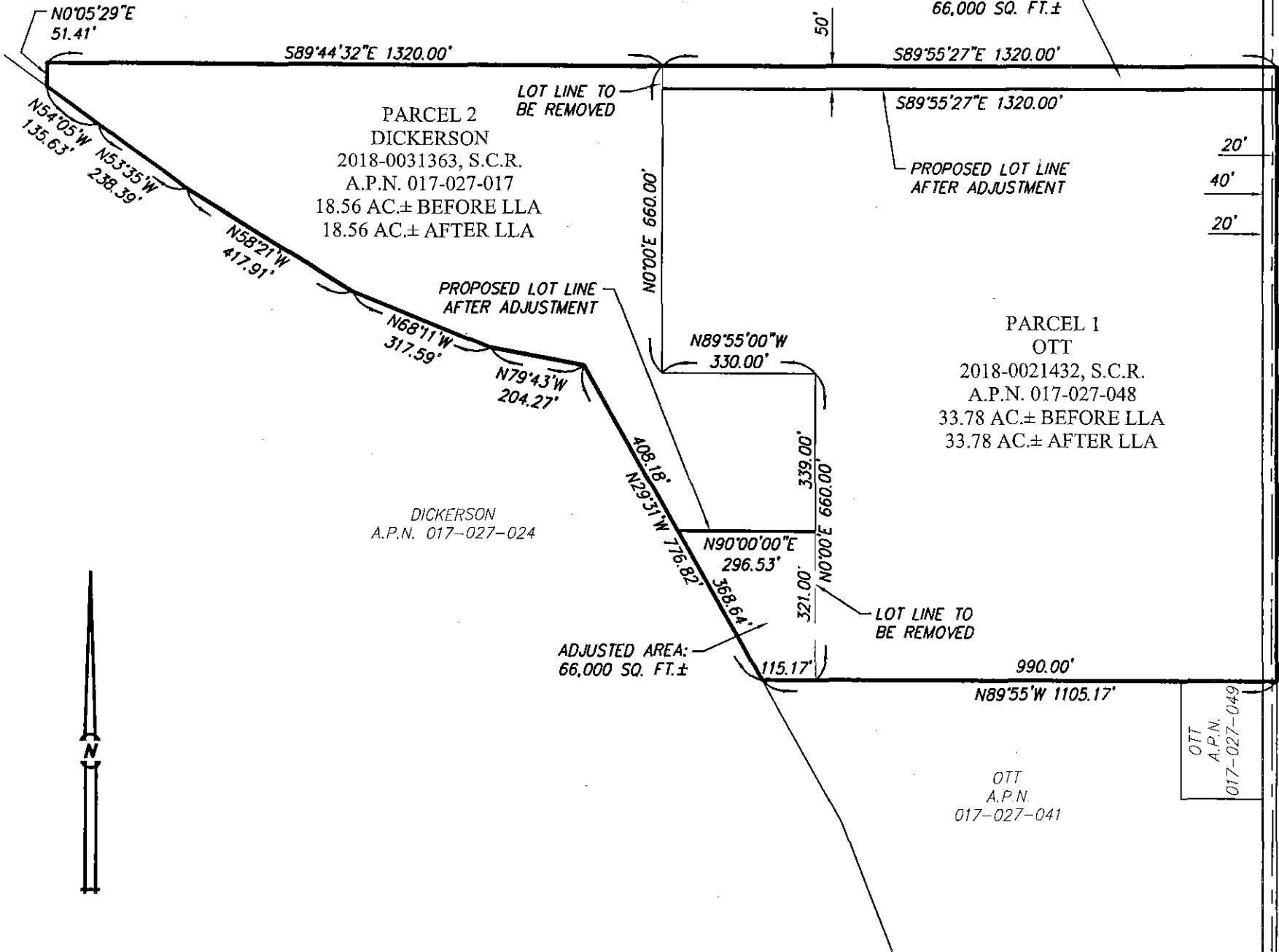
Tom Price, P.L.S. 8920
August 28, 2018



FOR ILLUSTRATIVE PURPOSES ONLY

INDERBITZEN
A.P.N. 017-027-038

ADJUSTED AREA:
66,000 SQ. FT.±



PARCEL 2
DICKERSON
2018-0031363, S.C.R.
A.P.N. 017-027-017
18.56 AC.± BEFORE LLA
18.56 AC.± AFTER LLA

PARCEL 1
OTT
2018-0021432, S.C.R.
A.P.N. 017-027-048
33.78 AC.± BEFORE LLA
33.78 AC.± AFTER LLA

DICKERSON
A.P.N. 017-027-024

ADJUSTED AREA:
66,000 SQ. FT.±

OTT
A.P.N.
017-027-041

OTT
A.P.N.
017-027-049

N0°00'E 1320.00'
BANCROFT ROAD

20'
40'
20'

BY: RCS
CHK: RHH
DATE: 09/20/18
SCALE: 1"=300'
JOB #: 3458

EXHIBIT "C"
LLA PLN2018-0083
A.P.N. 017-027-017 & 048
STANISLAUS COUNTY, CALIFORNIA

HAWKINS & ASSOCIATES
ENGINEERING, INC.
436 MITCHELL ROAD
MODESTO, CA. 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295




1 OF 1

THIS SPACE FOR RECORDER ONLY

RECORDING REQUESTED BY
STANISLAUS COUNTY BOARD OF
SUPERVISORS

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

**NOTICE OF RESCISSION AND
SIMULTANEOUS RE-ENTRY INTO
CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2018-028**



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2018-0075125-00
Acct 121-Planning.
Monday, OCT 29, 2018 14:20:00
Ttl Pd \$0.00 Rcpt # 0004193821
JMB/R2/2-13

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into October 9, 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: PHILIP & NINA DICKERSON
PO BOX 673
DIABLO CA 94528

- (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)
<u>017-027-017</u>	<u>18.56</u>	<u>0 BANCROFT ROAD, MODESTO CA 95358</u>

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2018-0512 relating to Lot Line Adjustment No. PLN2018-0083 as authorized by Govt. Code § 51257, California Land Conservation Contract No. 1974-1563 which encumbered the parcel described in Exhibit A are rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

135C

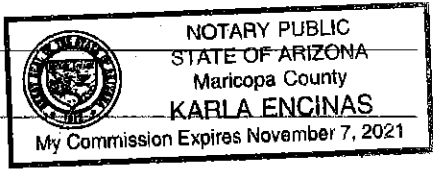
NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT- Page 2

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

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

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
→ Phil Dickerson	<i>[Signature]</i>	Oct 2, 2018	Phoenix
* AKA Philip Dickerson			



[Signature: Karla Encinas]

SECURITY HOLDERS:

OWNERS:

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

EXHIBITS:

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

COUNTY: Stanislaus County

Dated 10-29-2018

[Signature]
 Chairman Board of Supervisors,
 Angela Freitas for Jim DeMartini

ACKNOWLEDGMENT

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.

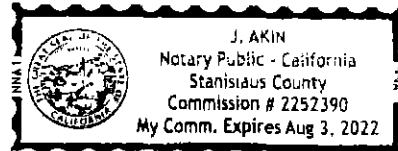
State of California
County of Stanislaus

On October 29, 2018 before me, J. Akin, Notary Public
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.



Signature J. Akin (Seal)

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:

See Attached Notary

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
Nina Bancroft Dickerson AKA: NINA DICKERSON	<i>Nina Bancroft Dickerson</i>	9-25-18	Danville

SECURITY HOLDERS:

OWNERS:

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

EXHIBITS:

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

COUNTY: Stanislaus County

ACKNOWLEDGMENT

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 Arizona
County of Maricopa

On October 2nd 2018 before me, Karla Encinas, Notary
(insert name and title of the officer)

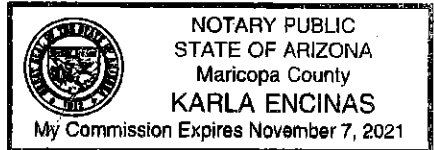
personally appeared Philip Dickerson
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s)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

Arizona 14-6

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 [Handwritten Signature] (Seal)



ACKNOWLEDGMENT

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.

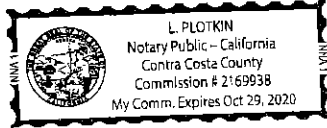
State of California
County of Contra Costa)

On Sept. 25, 2018 before me, L. Plotkin - Notary Public
(insert name and title of the officer)

personally appeared Nina Bancroft Dickerson
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 L. Plotkin (Seal)

EXHIBIT A
LEGAL DESCRIPTION
Parcel 2
LLA PLN 2018-0083

All that portion of Section 8, Township 4 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

All of Lot 11 of the Tuolumne River Tract, as per map filed March 18, 1911, in Volume 5 of Maps, at Page 31, Stanislaus County Records.

EXCEPTING THEREFROM the north 20 acres thereof.

TOGETHER WITH a portion of Lot 13 of said Tuolumne River Tract, described as follows:

COMMENCING at a point 15 chains west of the northeast corner of said Lot 13; thence North $89^{\circ}55'$ West, 5 chains; thence North $84^{\circ}34'$ West, 2.552 chains to the northwest corner of said Lot 13; thence South $29^{\circ}31'$ East, 11.77 chains to the southwest corner of said Lot 13; thence South $89^{\circ}55'$ East, 1.745 chains; thence North 10 chains to the **POINT OF BEGINNING**.

CONTAINING 18.56 acres, more or less.

This description was created by me or under my direction in conformance with the Professional Land Surveyors' Act.



Tom Price, P.L.S. 8920
August 28, 2018



EXHIBIT B
LEGAL DESCRIPTION
Adjusted Parcel 2
LLA PLN 2018-0083

All that portion of Section 8, Township 4 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

All of Lot 11 of the Tuolumne River Tract, as per map filed March 18, 1911, in Volume 5 of Maps, at Page 31, Stanislaus County Records.

EXCEPTING THEREFROM the north 20 acres thereof.

TOGETHER WITH the north 50.00 feet of Lot 12 of above said Tuolumne River Tract.

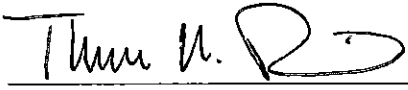
ALSO TOGETHER WITH a portion of Lot 13 of said Tuolumne River Tract, more particularly described as follows:

BEGINNING at a point 990.00 feet west of the northeast corner of said Lot 13; thence along the north line of said Lot 13 the following two courses: 1) North 89°55'00" West, a distance of 330.00 feet; thence 2) North 84°34'00" West, a distance of 168.43 feet to the northwest corner thereof; thence along the west line of said Lot 13 South 29°31'00" East, a distance of 408.18 feet; thence North 90°00'00" East, a distance of 296.53 feet more or less to a point on a line lying 990.00 feet west of the east line of said Lot 13; thence along last said line North 0°00'00" East, a distance of 339.00 feet to the **POINT OF BEGINNING**.

CONTAINING 18.56 acres, more or less.

SUBJECT TO all rights-of-way and easements of record.

This description was created by me or under my direction in conformance with the Professional Land Surveyors' Act.



Tom Price, P.L.S. 8920
August 28, 2018



BOARD ACTION SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA:5.D.1
AGENDA DATE: October 9, 2018

SUBJECT:

Approval to Rescind All of Williamson Act Contract No. 1972-0966 and a Portion of Contract No. 1974-1563, Located at 2627 Bancroft Road, Between Paradise Road and the Tuolumne River, West of the City of Modesto; and Approval of New Contracts, Pursuant to Lot Line Adjustment Application No. PLN2018-0083, Ott - Dickerson

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0512

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

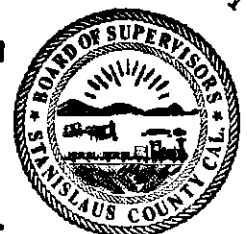
Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.
ELIZABETH A. KING
Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By Kelly Rodriguez



OCT 11 2018

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

File No:

EXHIBIT C

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

DEPT: Planning and Community Development

BOARD AGENDA:5.D.1
AGENDA DATE: October 9, 2018

CONSENT:

CEO CONCURRENCE:

4/5 Vote Required: No

SUBJECT:

Approval to Rescind All of Williamson Act Contract No. 1972-0966 and a Portion of Contract No. 1974-1563, Located at 2627 Bancroft Road, Between Paradise Road and the Tuolumne River, West of the City of Modesto; and Approval of New Contracts, Pursuant to Lot Line Adjustment Application No. PLN2018-0083, Ott - Dickerson

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. 1972-0966 and a portion of contract No. 1974-1563, located at 2627 Bancroft Road, between Paradise Road and the Tuolumne River, west of the City of Modesto. Assessor's Parcel Numbers (APN'S): 017-027-017 and 048.
3. Approve new contracts, pursuant to Lot Line Adjustment Application No. PLN2018-0083, Ott-Dickerson.
4. Authorize the Director of Planning and Community Development to execute new contracts, pursuant to Lot Line Adjustment Application No. PLN2018-0083, Ott-Dickerson.

DISCUSSION:

The lot line adjustment request includes the adjustment of two parcels (52.34 total acres) to provide access to the currently landlocked Parcel 2 (APN: 017-027-017), as well as match existing farming practices. 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 (APN: 017-027-048) is currently enrolled in Williamson Act Contract No. 1972-0966 (33.78 acres total). Parcel 2 (APN: 017-027-017) is enrolled as a portion of Williamson Act Contract No. 1974-1563 (18.56 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, both newly configured parcels (52.34 acres) will encompass all the existing contracted acreage by being enrolled in two 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: the definition in Government Code Section 51222 is as follows: "...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 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. 2018-029



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2018-0075126-00
Acct 121-Planning.
Monday, OCT 29, 2018 14:20:10
Ttl Pd \$0.00 Rcpt # 0004193822
JMB/R2/2-11

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into October 9, 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: ROBERT & SHARON OTT, TRUSTEE 2002 TRUST
3037 BANCROFT 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)
017-027-048	33.78	2625 Bancroft Road, Modesto 95358

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2018-0512, relating to Lot Line Adjustment No. PLN2018-0083 as authorized by Govt. Code § 51257, California Land Conservation Contract No. 1972-0966 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.

1156

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

(18) The effective date of this Contract shall be date of recording.

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

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

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
* Sharon A. Ott	<i>Sharon A. Ott</i>	9-24-18	Modesto
** Robert C Ott	<i>R. C. Ott</i>	9-24-18	Modesto
* AKA: Sharon Ott			
** AKA: Robert Ott.			

SECURITY HOLDERS:

OWNERS:


NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
* James E. VanTassel SUP BRANCH MANAGER YOSEMITE LAND BANK, FLCA	<i>J. VanTassel</i>	9/25/18	MODESTO
* AKA J. VanTassel			

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

Dated 10.29.2018


Chairman Board of Supervisors,
Angela Freitas for Jim DeMartini

ACKNOWLEDGMENT

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.

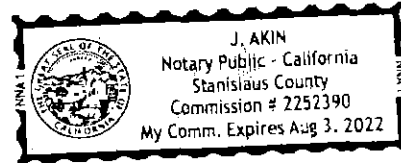
State of California
County of Stanislaus)

On October 29, 2018 before me, J. Akin, Notary Public
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.



Signature

J. Akin

(Seal)

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

State of California)
County of Stanislaus)

On September 24, 2018 before me, Megan Kroon, a notary public, personally appeared J. van Tassel, 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 Megan Kroon



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 September 24, 2018 before me, Megan Kroon, a notary public, personally appeared Robert C. Ott and Sharon A. Ott, 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 Megan Kroon



EXHIBIT A
LEGAL DESCRIPTION
Parcel 1
LLA PLN 2018-0083

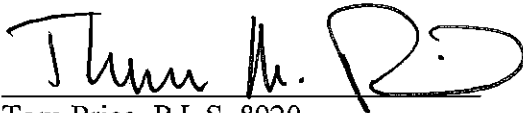
All that portion of Section 8, Township 4 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

All that certain real property situate in a portion of the Tuolumne River Tract as shown on the Official Map thereof filed for record in Volume 5 of Maps, at Page 31, Stanislaus County Records, lying in Section 8, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, more particularly described as follows:

Lot 12 of said Tuolumne River Tract and the east 60 rods of Lot 13 of said Tuolumne River Tract.

CONTAINING 33.78 acres, more or less.

This description was created by me or under my direction in conformance with the Professional Land Surveyors' Act.



Tom Price, P.L.S. 8920
August 28, 2018



EXHIBIT A

EXHIBIT B
LEGAL DESCRIPTION
Adjusted Parcel 1
LLA PLN 2018-0083

All that portion of Section 8, Township 4 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

All that certain real property situate in a portion of the Tuolumne River Tract as shown on the Official Map thereof filed for record in Volume 5 of Maps, at Page 31, Stanislaus County Records, more particularly described as follows:

Lot 12 of said Tuolumne River Tract, excepting therefrom the north 50.00 feet thereof.

TOGETHER WITH Lot 13 of said Tuolumne River Tract.

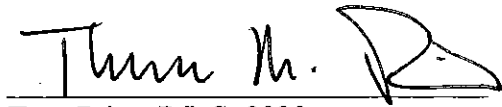
EXCEPTING THEREFROM that portion of said Lot 13 more particularly described as follows:

BEGINNING at a point 990.00 feet west of the northeast corner of said Lot 13; thence along the north line of said Lot 13 the following two courses: 1) North 89°55'00" West, a distance of 330.00 feet; thence 2) North 84°34'00" West, a distance of 168.43 feet to the northwest corner thereof; thence along the west line of said Lot 13 South 29°31'00" East, a distance of 408.18 feet; thence North 90°00'00" East, a distance of 296.53 feet more or less to a point on a line lying 990.00 feet west of the east line of said Lot 13; thence along last said line North 0°00'00" East, a distance of 339.00 feet to the **POINT OF BEGINNING**.

CONTAINING 33.78 acres, more or less.

SUBJECT TO all rights-of-way and easements of record.

This description was created by me or under my direction in conformance with the Professional Land Surveyors' Act.



Tom Price, P.L.S. 8920
August 28, 2018



EXHIBIT B

BOARD ACTION SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA:5.D.1
AGENDA DATE: October 9, 2018

SUBJECT:

Approval to Rescind All of Williamson Act Contract No. 1972-0966 and a Portion of Contract No. 1974-1563, Located at 2627 Bancroft Road, Between Paradise Road and the Tuolumne River, West of the City of Modesto; and Approval of New Contracts, Pursuant to Lot Line Adjustment Application No. PLN2018-0083, Ott - Dickerson

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0512

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.
ELIZABETH A. KING
Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By Kelly Rodriguez



OCT 11 2018

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

File N

EXHIBIT C

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

DEPT: Planning and Community Development

BOARD AGENDA:5.D.1
AGENDA DATE: October 9, 2018

CONSENT:

CEO CONCURRENCE:

4/5 Vote Required: No

SUBJECT:

Approval to Rescind All of Williamson Act Contract No. 1972-0966 and a Portion of Contract No. 1974-1563, Located at 2627 Bancroft Road, Between Paradise Road and the Tuolumne River, West of the City of Modesto; and Approval of New Contracts, Pursuant to Lot Line Adjustment Application No. PLN2018-0083, Ott - Dickerson

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. 1972-0966 and a portion of contract No. 1974-1563, located at 2627 Bancroft Road, between Paradise Road and the Tuolumne River, west of the City of Modesto. Assessor's Parcel Numbers (APN'S): 017-027-017 and 048.
3. Approve new contracts, pursuant to Lot Line Adjustment Application No. PLN2018-0083, Ott-Dickerson.
4. Authorize the Director of Planning and Community Development to execute new contracts, pursuant to Lot Line Adjustment Application No. PLN2018-0083, Ott-Dickerson.

DISCUSSION:

The lot line adjustment request includes the adjustment of two parcels (52.34 total acres) to provide access to the currently landlocked Parcel 2 (APN: 017-027-017), as well as match existing farming practices. 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 (APN: 017-027-048) is currently enrolled in Williamson Act Contract No. 1972-0966 (33.78 acres total). Parcel 2 (APN: 017-027-017) is enrolled as a portion of Williamson Act Contract No. 1974-1563 (18.56 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, both newly configured parcels (52.34 acres) will encompass all the existing contracted acreage by being enrolled in two 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: the definition in Government Code Section 51222 is as follows: "...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 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