

STANISLAUS COUNTY PLANNING COMMISSION

August 4, 2016

STAFF REPORT

VARIANCE APPLICATION NO. PLN2016-0037
TIMOTHY A. BYRD

REQUEST: FOR A VARIANCE TO THE STANISLAUS COUNTY CODE SECTION 21.20.060(E) TO ALLOW A 40.38 GROSS ACRE PARCEL TO BE ADJUSTED TO BELOW 40 ACRES IN SIZE, UNDER LOT LINE ADJUSTMENT APPLICATION NO. PLN2015-0051.

APPLICATION INFORMATION

Applicant/Property owner:	Timothy A. and Suzanne P. Byrd
Agent:	Hawkins and Associates Engineering
Location:	North and south sides of Shoemake Avenue, just east of Dakota Avenue, in the area west of the City of Modesto.
Section, Township, Range:	14-3-8 and 23-3-8
Supervisorial District:	Three (Supervisor Withrow)
Assessor's Parcel:	081-003-020 & 026 and 005-036-052
Referrals:	See Exhibit H - Environmental Review Referrals
Area of Parcel(s):	Parcel 1: 40.38 gross acres (081-003-026 and 005-036-052) Parcel 2: 10 gross acres (081-003-020)
Water Supply:	Private well
Sewage Disposal:	Septic/leach system
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	AG (Agriculture)
Sphere of Influence:	N/A
Community Plan Designation:	N/A
Williamson Act Contract No.:	2002-4494, 2014-0018
Environmental Review:	CEQA Exempt
Present Land Use:	Almond orchard, single-family dwelling, detached garage, two agricultural barns
Surrounding Land Use:	Scattered single-family dwellings, orchards, and row crops; Hart-Ransom Elementary School to the west; Storer transportation and the City of Modesto to the east.

RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all the findings required for project approval.

PROJECT DESCRIPTION

The project is a request for a variance to the Stanislaus County Code Section 21.20.060(E) to allow a 40.38 gross acre parcel to be adjusted to below 40 acres in size, under Lot Line Adjustment Application No. PLN2015-0051. The lot line adjustment is requesting two parcels (consisting of three Assessment Parcels) go from 40.38 and 10 gross acres to 20.31 and 30.07 gross acres. The existing 40.38 acre parcel is comprised of 20± acres located on the north side of Shoemake Avenue (APN 005-036-052) and 20± acres located on the south side of Shoemake Ave Avenue (APN 081-003-026). The existing 10 acre parcel is located on the east side of Dakota Avenue, on the south side of Shoemake Avenue (APN 081-003-020). Currently, the two parcels included in the lot line adjustment are enrolled in Williamson Act Contract No. 2002-4494 and all of Williamson Act Contract No. 2014-0018. As part of the lot line adjustment, the existing contracts on the combined 50.38 gross acres must be simultaneously rescinded and re-entered into new contracts to reflect the adjusted boundaries of the parcels.

The subject 40.38 gross acre parcel was adjusted under a previous lot line adjustment (LLA PLN2014-0037). If approved, the variance and lot line adjustment applications combined, would allow the property to return to the size and configuration it was prior to the 2014 lot line adjustment. An overview of the existing and pervious lot line adjustment applications, along with before and after maps, are provided in Exhibits E and F – *Williamson Act & Lot Line Adjustment Request Overview and Maps of Parcels Before and After*.

Approval of this variance request would result in the subsequent consideration of Lot Line Adjustment Application No. PLN2015-0051, including a rescission and re-entry into the Williamson Act, by the Board of Supervisors.

SITE DESCRIPTION

The 50.38 gross acres that are part of this variance request, and subsequent lot line adjustment are located to the north and south sides of Shoemake Avenue, just east of Dakota Avenue, approximately one mile west of the City of Modesto, outside of the City's Sphere of Influence, and two miles south of the community of Salida.

The 40.38 acre parcel is undeveloped and currently planted in almonds. The 10-acre parcel, addressed as 1954 Dakota Avenue, is also planted in almonds and improved with a single-family dwelling, a detached garage, and two agricultural barns.

Agricultural properties, generally 9-40 acres in size, planted in orchard and row crops, with scattered single-family dwellings surround the project site. A handful of smaller parcels with single-family dwellings, 1-9 acres in size, also surround the site. Hart-Ransom Elementary School is located adjacent to the site on the west side. Storer transportation is located just east of the site.

ISSUES

Staff received a comment letter from the Modesto Irrigation District requesting a Condition of Approval requiring a 15 foot wide public utility easement adjacent to existing overhead high voltage lines along Dakota, McDonald, and Shoemake Avenues. However, due to the fact that lot line adjustment applications may not be conditioned and because this variance request does not propose any new construction, staff believes that this request does not have “nexus” with the variance request and has not applied the condition to the project.

No other issues have been identified.

GENERAL PLAN CONSISTENCY

The site is currently designated Agriculture in the General Plan. The proposed project is addressed by the following goals, objectives, policies, and programs of the Land Use and Agricultural Elements of the General Plan:

Land Use Element

Goal One, Policy Two – of the Land Use Element states that land designated Agriculture shall be restricted to uses that are compatible with agricultural practices, including natural resources management, open space, outdoor recreation and enjoyment of scenic beauty.

Goal Two, Policy Fourteen, Implementation Measure 1 of the Land Use Element requires all development policy proposals that require discretionary action to be carefully reviewed to ensure that approval will not adversely affect an existing agricultural area and to ensure compatibility between land uses.

The Agriculture Land Use Designation of the Land Use Element states that the Agriculture designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas and establishes agriculture as the primary use in land so designated, but allows dwelling units, limited agriculturally related commercial services, agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use.

Agricultural Element

Policy 2.9, Implementation Measure 1 states that lot-line adjustments involving agricultural land shall be primarily created and properly designed for agricultural purposes without materially decreasing the agricultural use of the project site. Implementation Measure 1 of Policy 2.9 continues to explain the minimum parcel sizes which must be maintained when considering lot line adjustments on agricultural property:

Implementation Measure

1. In terms of minimum parcel size and residential building intensity, a greater number of nonconforming parcels shall not be created by lot-line adjustment. The following criteria shall apply when nonconforming parcels are involved in a lot-line adjustment:

- Nonconforming parcels greater than 10-acres in size shall not be adjusted to a size smaller than 10-acres, unless the adjustment is needed to address a building site area or correct for a physical improvement which is found to encroach upon a property line. In no case shall a parcel enrolled in the Williamson Act be reduced to a size smaller than 10-acres.
- Nonconforming parcels less than 10-acres in size may be adjusted to a larger size, 10 acres or greater in size if enrolled in the Williamson Act, or reduced, if not enrolled in the Williamson Act, as needed to address a building site area or correct for a physical improvement which is found to encroach upon a property line.

In this case the parcels will continue to be utilized for commercial agricultural production and will not be adjusted to a size smaller than 10 acres in size. The adjustment would reduce the 40.38 acre parcel to below the 40-acre minimum parcel size for the A-2-40 zoning designation. However, this is being addressed through the processing of this variance request and its associated findings. A greater number of nonconforming parcels will not be created as a result of the proposed project.

To protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district, Appendix "A" of the Agricultural Element requires a buffer between agricultural and non-agricultural uses. This project is not subject to the Buffer and Setback Guidelines, as no development is proposed as part of this project.

Provided the variance findings can be made by the Commission, staff believes this project is consistent with the General Plan. If approved, the restoration of the 40.38 acre parcel to its original 20.31 acre size and configuration will allow the parcel to continue to be farmed in a more easily managed way.

ZONING ORDINANCE CONSISTENCY AND VARIANCE FINDINGS

The site is located in the A-2-40 (General Agriculture-40 acre minimum) zoning district. In order to approve the applicant's lot line adjustment request, in conformance with the criteria established by Policy 2.9/Implementation 1 of the Agricultural Element, as outlined in the "General Plan Consistency" section above, a variance to the 40-acre minimum parcel size of the A-2-40 zoning district, Section 21.20.060(E), is necessary. In order for a variance to be granted, the following findings must be made:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated; and

3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

Both the north and south 20± acre portions of the existing 40.38 acre parcel, which are physically divided by Shoemake Avenue, have independent access and irrigation infrastructure. The requested variance will simply allow the reestablishment of parcels consistent in size with the pre-2014 lot line adjustment as reflected in Exhibits E and F – *Williamson Act & Lot Line Adjustment Request Overview and Maps of Parcels Before and After*. While both the 2014 and current lot line adjustment requests involve only two parcels, a total of three parcels are involved between the 2014 and current lot line adjustments.

The applicant states that in addition to increasing farming productivity, the rearrangement of the parcels into a 20 and 30, rather than 10 and 40 acre size, creates parcels of more productive size, which will be larger than the majority of surrounding parcels, providing increased agricultural viability over the long-term. Additionally, the applicant states that the resulting parcel configurations will result in a safer environment for surrounding parcels. (See Exhibit D – *Applicant's Variance Findings*).

A review of similar variance applications requesting parcel sizes below the minimum required within the A-2 zoning district since 2000 show that as part of a lot line adjustment request four requests were approved and one was denied. In the case of the denial, the adjustment would have created parcels with split-zoning designations. Similar variance requests as part of a parcel split request show that six were approved and six were denied. In the cases where a variance as part of a parcel split were approved, there were physical features dividing the parcel which made it impossible or very difficult for access between the properties, such as an unstable bridge or creek. The six variance applications which included parcel splits and were denied, were decided on the basis that the findings could not be made, and many times because the variance was requested for family estate or residential related reasons, not agricultural reasons. Generally, this variance history shows a tendency towards approving variances to the minimum lot size in the A-2 zoning district when it involves the adjustment of existing parcels, rather than the creation of new parcels.

After reviewing a number of similar past variance requests and comparing the evaluation of findings provided by the applicant, staff believes that the findings can be made and that the granting of the application will not adversely affect the health and safety of persons in the area or the neighborhood. Granting of the application will positively affect the surrounding neighborhood by having the subject properties no longer separated by a publicly maintained roadway. The property will continue to be farmed. The request does not result in the creation of more parcels than already exists, but simply allows for the parcel to be reestablished to its original 20.31 acre parcel size. The variance request will essentially allow for a clean-up to a situation which was inadvertently caused when the applicant created a parcel of 40+ acres as part of a 2014 lot line adjustment request. The 2014 lot line adjustment requested did not require the establishment of a 40-acre minimum parcel as both parcels involved were already below the minimum parcel size.

ENVIRONMENTAL REVIEW

This project has been determined to be generally exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations. A CEQA Exempt Referral and Notice of Public Hearing was circulated to all interested parties and responsible agencies for review and comment. (See Exhibit H - *Environmental Review Referral*) A Notice of Exemption has been prepared for approval as the project will not have a significant effect on the environment. (See Exhibit G – *Notice of Exemption.*)

Contact Person: Kristin Doud, Associate Planner, (209) 525-6330

Attachments:

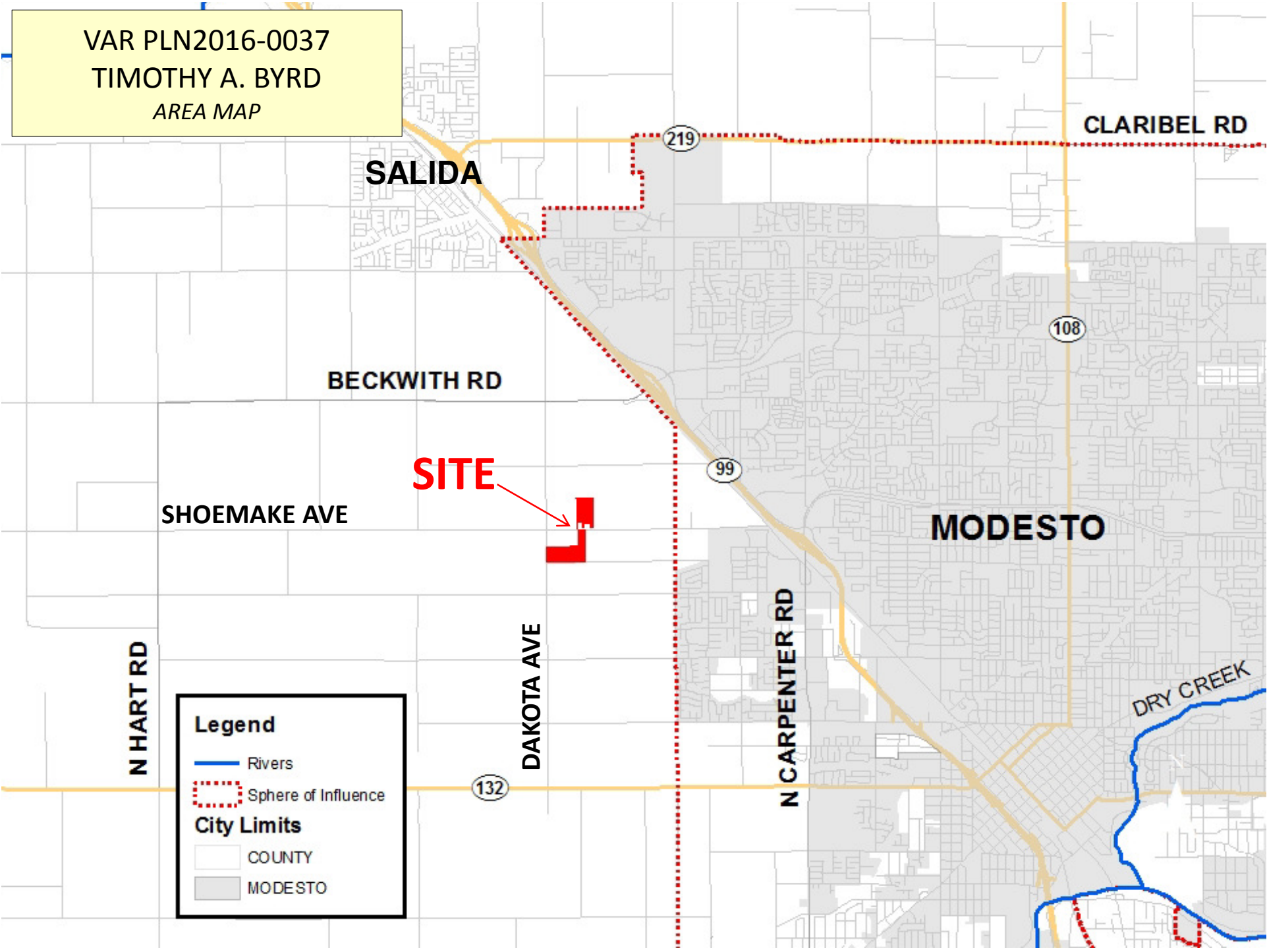
- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Applicant's Variance Findings
- Exhibit E - Lot Line Adjustment Application No. PLN 2014-0037 and PLN2015-0051- Williamson Act & Lot Line Adjustment Request Overview
- Exhibit F - Lot Line Adjustment Application No. PLN 2014-0037 and PLN2015-0051- Maps of Parcels Before and After
- Exhibit G - Notice of Exemption
- Exhibit H - Environmental Review Referral

Exhibit A
Findings and Actions Required for Project Approval

1. Find the project is generally exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) and order the filing of a Notice of Exemption with the Stanislaus County Clerk-Recorder pursuant to CEQA Guidelines Section 15062.
2. Find that there is no substantial evidence the project will have a significant effect on the environment and that the General Exemption reflects Stanislaus County's independent judgement and analysis.
3. Find:
 - A. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
 - B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.
 - C. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.
4. Approve Variance Application No. PLN2016-0037 – Timothy A. Byrd, subject to the attached Conditions of Approval.

VAR PLN2016-0037
TIMOTHY A. BYRD
AREA MAP

EXHIBIT B

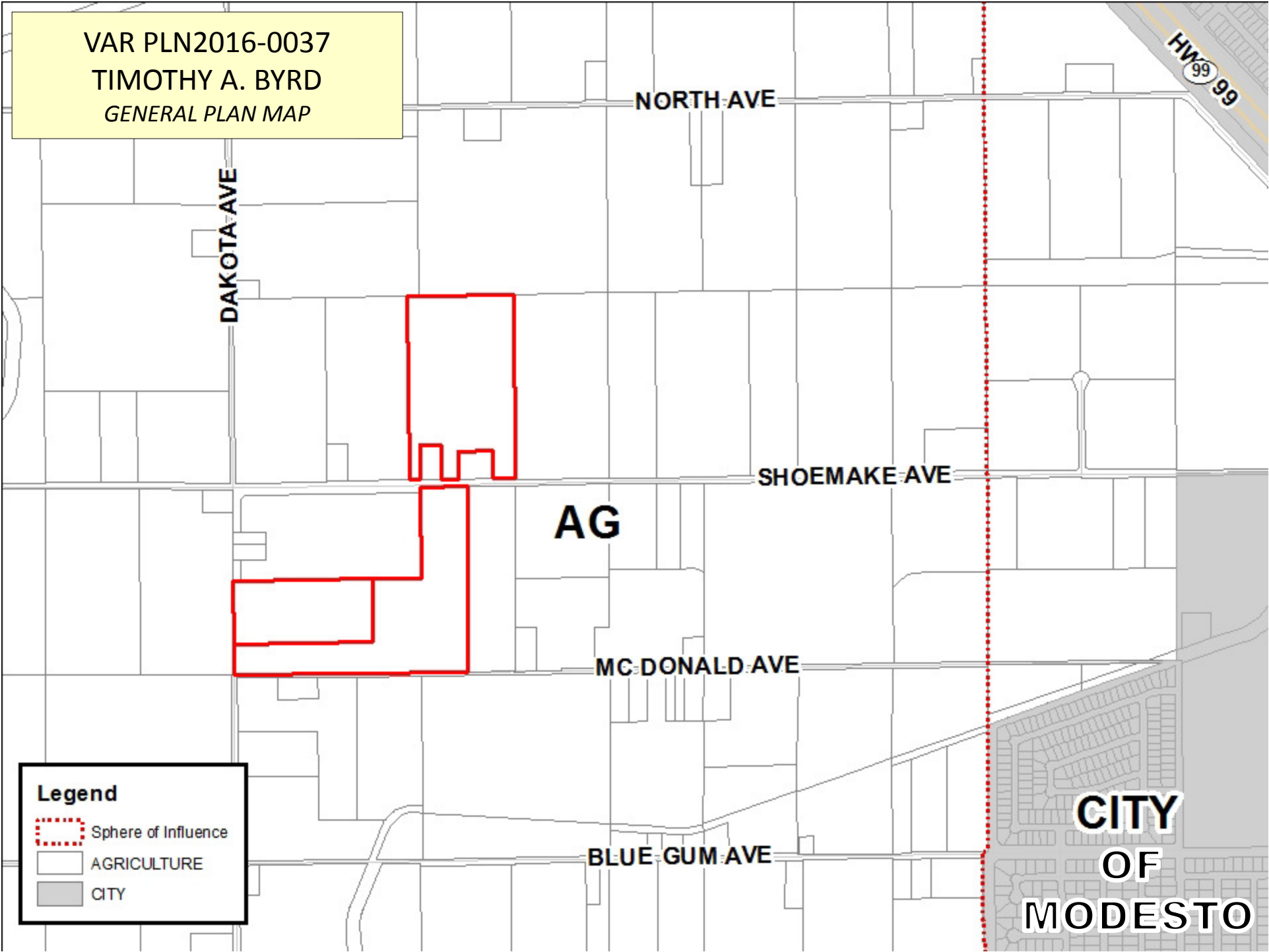


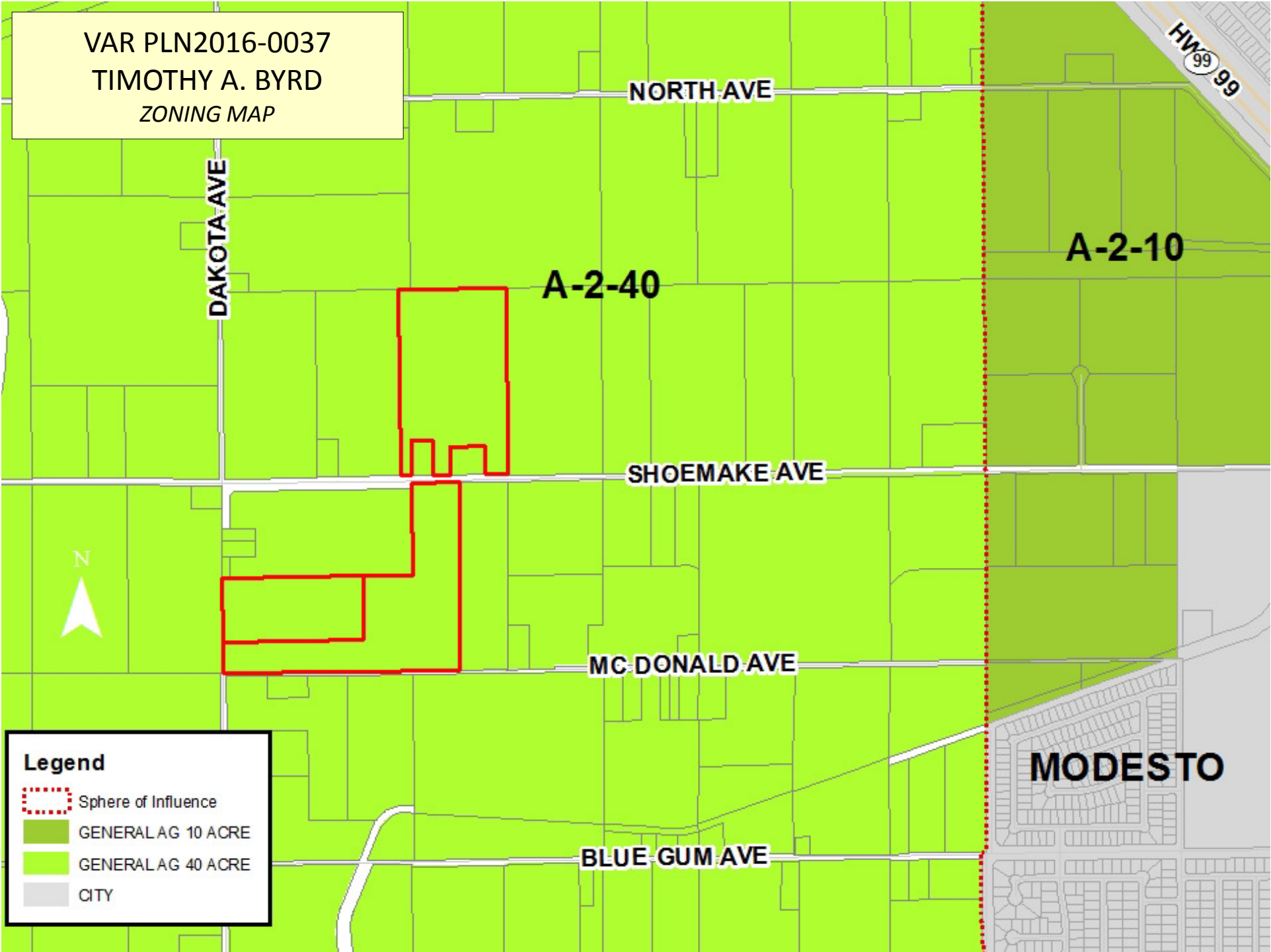
Legend

- Rivers
- Sphere of Influence
- City Limits**
- COUNTY
- MODESTO

8

VAR PLN2016-0037
TIMOTHY A. BYRD
GENERAL PLAN MAP





VAR PLN2016-0037
TIMOTHY A. BYRD
ZONING MAP



Legend

- Sphere of Influence
- GENERAL AG 10 ACRE
- GENERAL AG 40 ACRE
- CITY

HWY 99

NORTH AVE

DAKOTA AVE

A-2-40

A-2-10

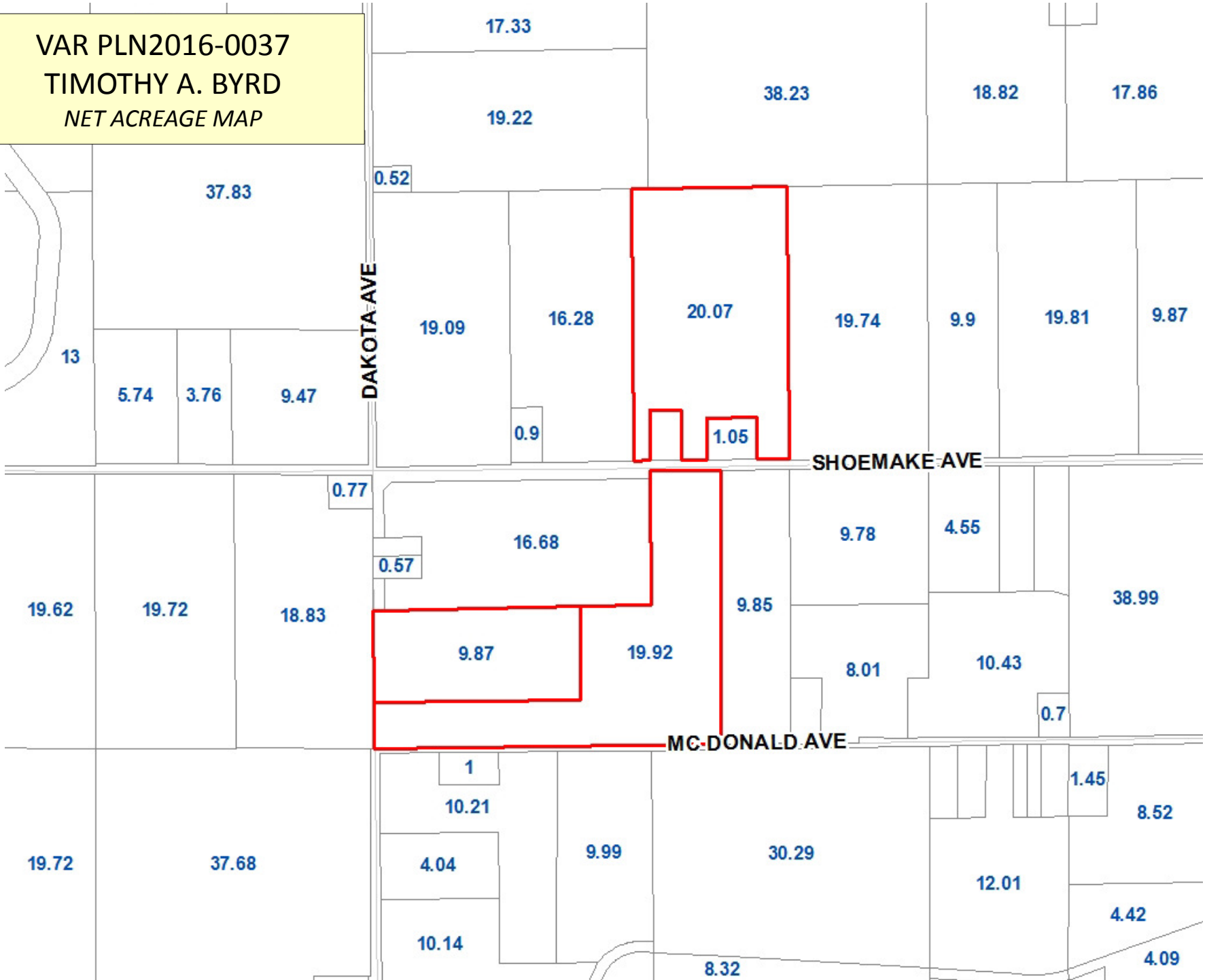
SHOEMAKE AVE

MC DONALD AVE

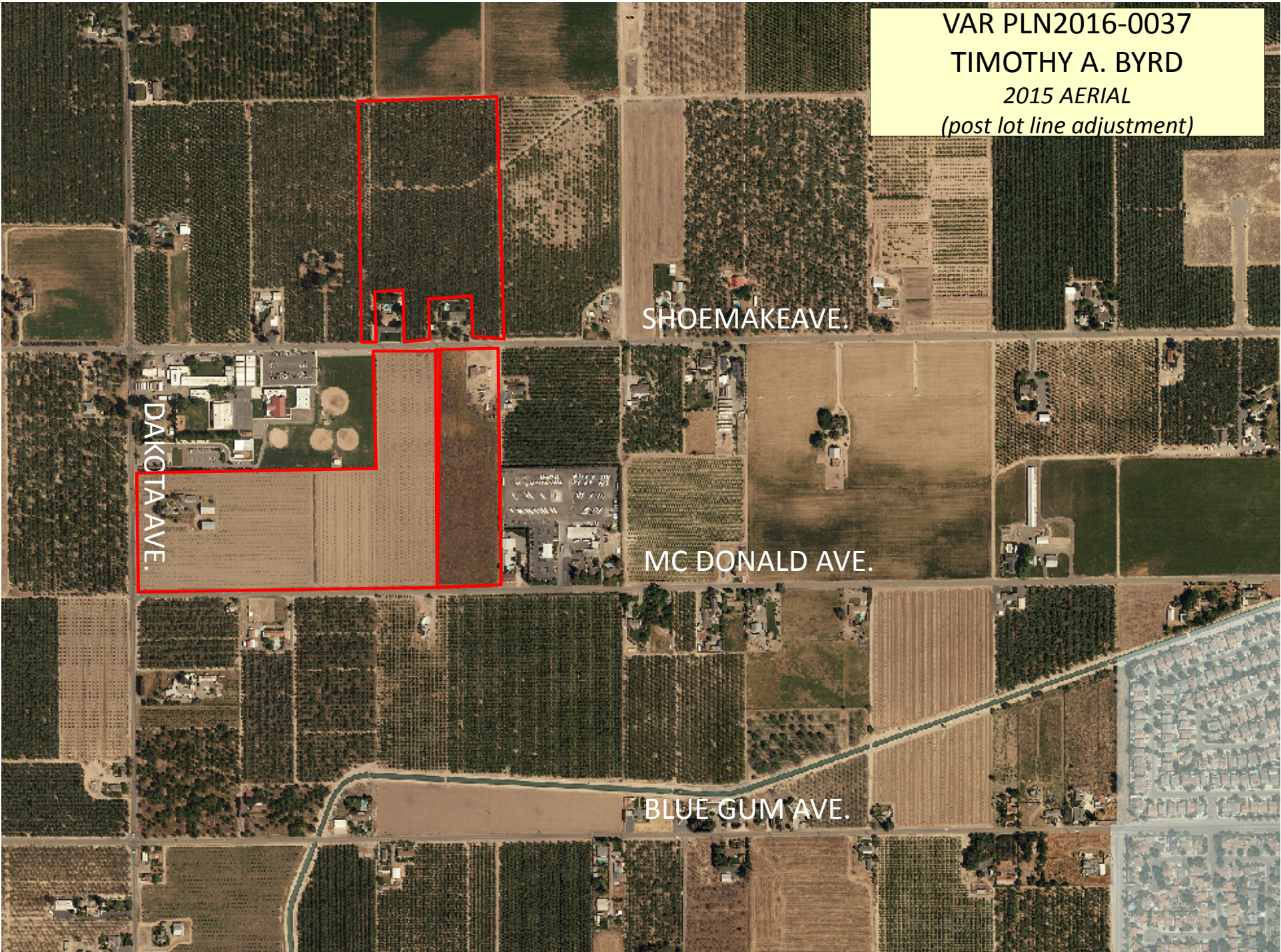
BLUE GUM AVE

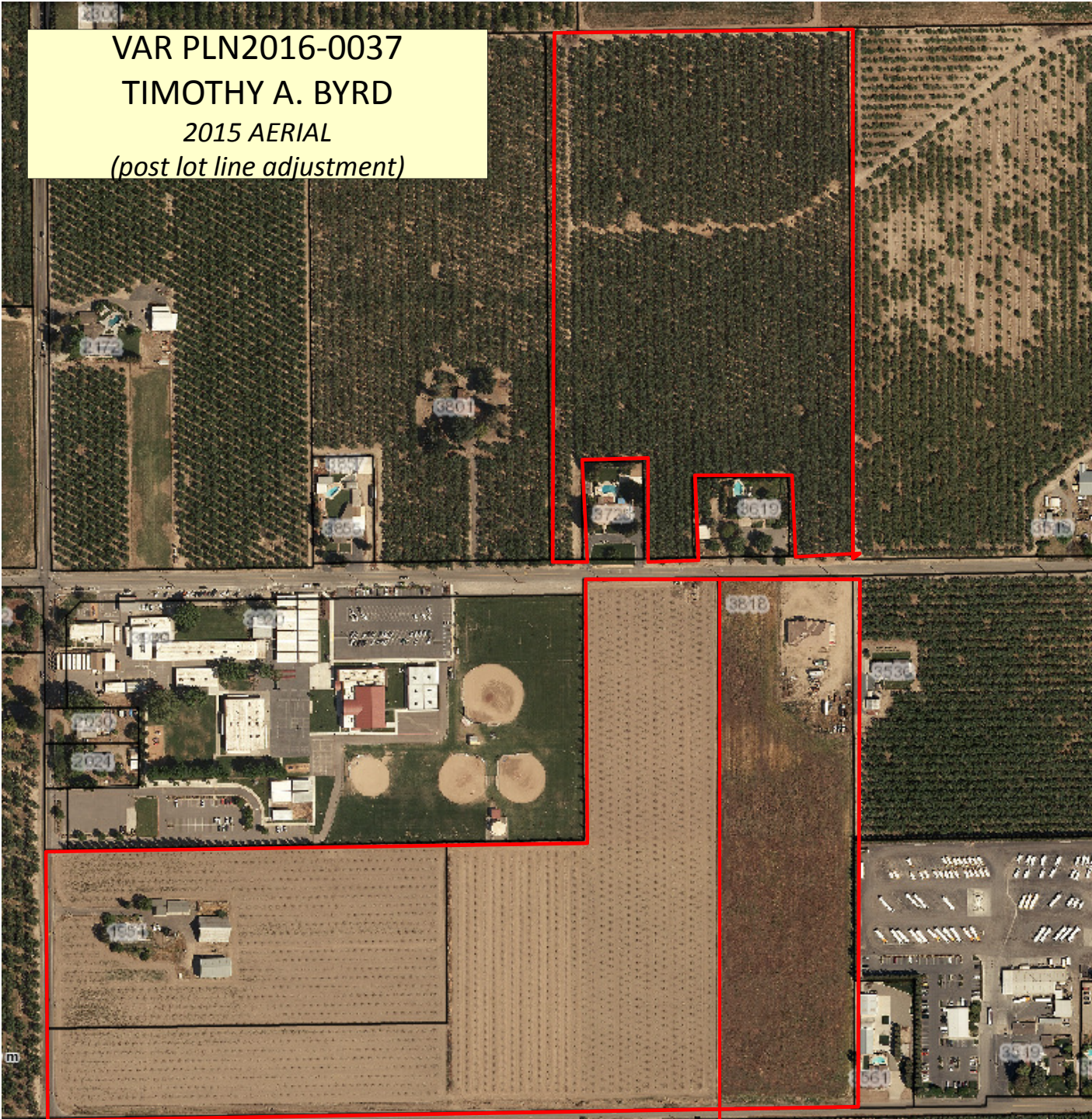
MODESTO

VAR PLN2016-0037
TIMOTHY A. BYRD
NET ACREAGE MAP



VAR PLN2016-0037
TIMOTHY A. BYRD
2015 AERIAL
(post lot line adjustment)





VAR PLN2016-0037
TIMOTHY A. BYRD
2015 AERIAL
(post lot line adjustment)

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL

VARIANCE APPLICATION NO. PLN2016-0037 TIMOTHY A. BYRD

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
3. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
4. Within five days of final approval by the Planning Commission or Board of Supervisors, a \$57.00 check made payable to the "**Stanislaus County Clerk/Recorder**" shall be submitted to the Department of Planning and Community Development for the purpose of recording the Notice of Exemption.
5. Following Board of Supervisor's approval, the subject property's current Williamson Act contracts shall be rescinded and entered into new contracts.
6. Following Board of Supervisor's approval, all parties of interest in the subject parcels, including security holders, shall sign a Certificate of Lot Line Adjustment.
6. A deed shall be prepared and recorded for all parcels which reflect the lot line adjustment.
7. A Record of Survey shall be filed if required by Section 8762 of the Business and Professions Code.

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a ~~line through it~~.*

Tim and Suzanne Byrd
3619 Shoemake Avenue
Modesto, CA 95358

18
April 13, 2016

Angela Freitas, Director
Department of Planning
And Community Development
Stanislaus County
1010 10th Street
Modesto, CA 95354

Re: Variance findings for Byrd lot line adjustment

Dear Ms Freitas:

As we discussed at our recent meeting, we are seeking a lot line adjustment to consolidate the parcels of our farm located south of Shoemake, from the existing 10 acre parcel and a portion of a 40 acre parcel, into one large contiguous 30 acre parcel and restoring the portion of our farm north of Shoemake to its former configuration of 20 acres. This basically converts a 40 acre parcel that crosses a busy road (Shoemake) and a small 10 acre ranchette into a larger 30 acre parcel on one side of the road and a large 20 acre parcel on the other side of the road, each orchard farmed separately and served by separate irrigation systems.

This lot line adjustment satisfies the findings for a variance as follows:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

The most logical parcel configuration is a large 30 acre single parcel south of Shoemake Road (combining the historical Vlach/Wood ranch into a single parcel for the first time) and a 20 acre single parcel north of Shoemake Road (restoring that Porcella/Byrd parcel to its former configuration). This avoids having to cross a busy country road (Shoemake) which the current 40 acre parcel now crosses. The 30 acres south of Shoemake are farmed as a single orchard block all served by MID lateral 3 and is within the Woodland Fire District. The 20 acres north of Shoemake are farmed as a separate single orchard block all served by a separate canal (the Goldsworthy) and is within a separate fire district (Salida Fire Department). The strict application will deprive the subject property of the privileges enjoyed by other properties in that area (almost all are 20 acres or smaller): Avoiding a parcel and orchard being bisected by a public road; having a large (20 and 30 acre) contiguous area each of which is serviced by a separate canal system; and having each parcel wholly within a separate fire district, avoiding confusion by the first responder in an emergency.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

The current situation is very unique (having a parcel cross a public road) and will not grant a special privilege compared to other properties in the vicinity because the two resulting parcels will conform with and be larger than most of the other parcels in the vicinity and will facilitate farming operations.

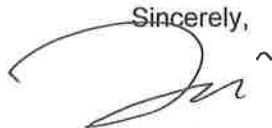
3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of

the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

The resulting large parcels on each side of Shoemake Avenue will increase the safety and health of people working and residing in that area by avoiding having to cross a public road to farm a single parcel crossing the road and by having each parcel be entirely within a separate fire district (rather than the current situation of a single parcel served by two fire districts), thereby clarifying the emergency response responsibilities in case of an emergency.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Byrd', with a large, sweeping flourish at the beginning.

Tim Byrd

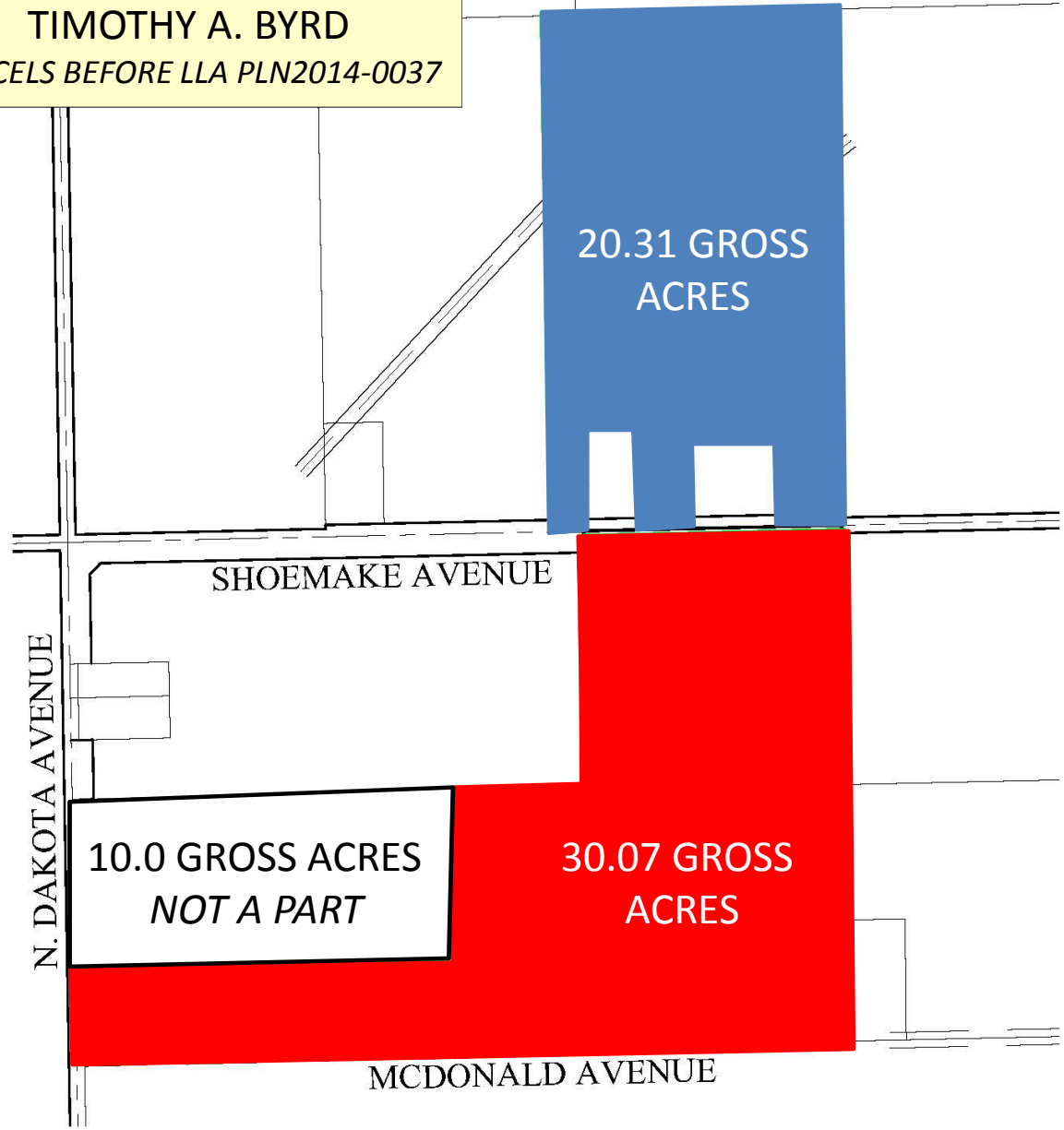
Williamson Act & Lot Line Adjustment (LLA) Overview -- PLN 2015-0051

Williamson Act Contract											
LLA Parcel No	Assessors Parcel No (APN) No.'s	Portion Y/N	Parcel Owner/Applicant	Contract No.	Portion Y/N	Acreage		Parcel Size (Acres)		Existing Use/Development	
						Existing	Proposed	Existing	Proposed		
1	081-003-026 & 005-036-052	N & N	Timothy A. and Suzanna P. Bryd	2014-0018	N	40.38	20.31	40.38	20.31	Unimproved Almond Orchards	
2	081-003-020	N	Timothy A. and Suzanna P. Bryd	2002-4494	N	10	30.07	10	30.07	Almond orchard, single-family dwelling, garage, and two agricultural barns.	
Total						50.38	50.38	50.38	50.38		

Williamson Act & Lot Line Adjustment (LLA) Overview -- PLN 2014-0037

Williamson Act Contract											
LLA Parcel No	Assessors Parcel No (APN) No.'s	Portion Y/N	Parcel Owner/Applicant	Contract No.	Portion Y/N	Acreage		Parcel Size (Acres)		Existing Use/Development	
						Existing	Proposed	Existing	Proposed		
1	005-036-052	N	Timothy A. and Suzanna P. Byrd	2002-4468	N	20.31	40.38	20.31	40.38	Unimproved Almond Orchard	
2	081-003-021	N	Mary Jo Meirinho	2002-4494	Y	30.07	10	30.07	10	Single Family Dwelling, Row Crops	
Total						50.38	50.38	50.38	50.38		

VAR PLN2016-0037
TIMOTHY A. BYRD
PARCELS BEFORE LLA PLN2014-0037



BY: RCS
 CHK: KJG
 DATE: 04/2014
 SCALE: 1"=400'
 JOB #: 3182
 FILE: EXB

BEFORE LOT LINE ADJUSTMENT
LLA PLN 2014-0037
A.P.N. 005-036-052 & 081-003-021
STANISLAUS COUNTY, CA

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

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VAR PLN2016-0037
TIMOTHY A. BYRD
PARCELS AFTER LLA PLN2014-0037

N. DAKOTA AVENUE

SHOEMAKE AVENUE

10.0 GROSS ACRES
NOT A PART

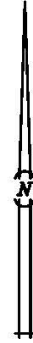
40.38 GROSS ACRES

10.0 GROSS ACRES

MCDONALD AVENUE

NOTE:
 ADJUSTED PARCELS 1
 AND 2 TO BE
 ENTERED INTO NEW,
 SEPERATE WILLIAMSON
 ACT CONTRACTS

AFTER LOT LINE ADJUSTMENT
 PARCEL 2, LLA NO. PLN 2014-0037
 10.00 AC. GROSS±, 9.70 AC. NET±



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

AFTER LOT LINE ADJUSTMENT
LLA PLN 2014-0037
A.P.N. 005-036-052 & 081-003-021
STANISLAUS COUNTY, CA

BY: RCS
 CHK: KJG
 DATE: 04/2014
 SCALE: 1"=400'
 JOB #: 3182
 FILE: EXB

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VAR PLN2016-0037
TIMOTHY A. BYRD
BEFORE LLA PLN2015-0051

N. DAKOTA AVENUE

SHOEMAKE AVENUE

MCDONALD AVENUE

10.00 GROSS
ACRES

40.38 GROSS ACRES

10.0 GROSS ACRES
NOT A PART

AFTER LOT LINE ADJUSTMENT
 PARCEL 2, LLA NO. PLN 2014-0037
 10.00 AC. GROSS±, 9.70 AC. NET±

NOTE:
 ADJUSTED PARCELS 1
 AND 2 TO BE
 ENTERED INTO NEW,
 SEPERATE WILLIAMSON
 ACT CONTRACTS



HAWKINS & ASSOCIATES
ENGINEERING, INC.
 436 MITCHELL ROAD
 MODESTO, CA. 95354
 PH: (209) 575 - 4295
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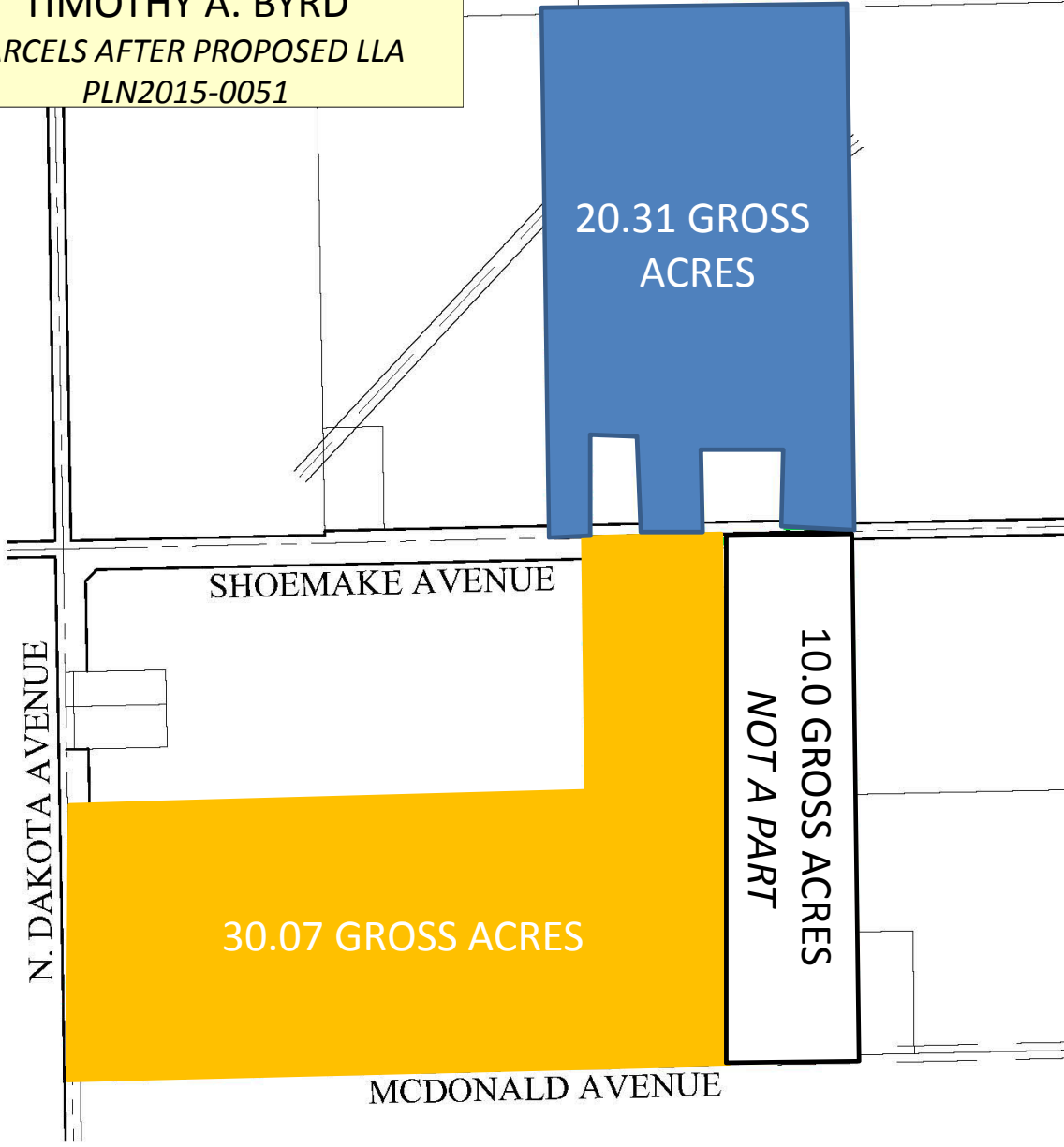
AFTER LOT LINE ADJUSTMENT
LLA PLN 2014-0037
A.P.N. 005-036-052 & 081-003-021
STANISLAUS COUNTY, CA

BY: RCS
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 JOB #: 3182
 FILE: EXB

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VAR PLN2016-0037
 TIMOTHY A. BYRD
 PARCELS AFTER PROPOSED LLA
 PLN2015-0051



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

BEFORE LOT LINE ADJUSTMENT
LLA PLN 2014-0037
A.P.N. 005-036-052 & 081-003-021
STANISLAUS COUNTY, CA

BY: RCS
 CHK: KJG
 DATE: 04/2014
 SCALE: 1"=400'
 JOB #: 3182
 FILE: EXB

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STANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: Variance Application No. PLN2016-0037 - Timothy Byrd

Applicant Information: Stanislaus County / 1010 10th Street / Modesto, CA 95354 / (209) 525-6330

Project Location: 1954 Dakota Ave., two legal parcels east of Dakota Avenue and along Shoemake Avenue, one 40.38 gross acre parcel (20± located on the north side of Shoemake Ave. and 20± located on the south side of Shoemake Ave.), and a 10 gross acre parcel located on the east side of Dakota Avenue. West of the City of Modesto.

Description of Project: Request for a variance to the Stanislaus county code section 21.20.060(e) to allow a 40.38 gross acre parcel to be adjusted to below 40 acres in size, under lot line adjustment application no. PLN2015-0051. The project is located on the east side of Dakota avenue, split between the north and south side of Shoemake avenue, involving two legal parcels (three separate assessment parcels), totaling 50.38 gross acres, west of the city of Modesto.

Name of Agency Approving Project: Stanislaus County Board of Supervisors

Lead Agency Contact Person: Kristin Doud, Associate Planner

Telephone: (209) 525-6330

Signature on file. _____ 7/28/16
Signature Date

Exempt Status: (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____
- General Exemption (Section 15061(b)(3)).

Reasons why project is exempt: The project will allow approval of a lot line adjustment, which are CEQA Exempt and will have no direct physical impact on the environment. No new parcels are being created. The legal lot lines of existing parcels are being adjusted.

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: VARIANCE APPLICATION NO. PLN2016-0037 - TIMOTHY A. BYRD

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
				2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES
CA DEPT OF CINSERVATION	X		X		X							
CA DEPT OF TRANSPORTATION DIST 10												
CA OPR STATE CLEARINGHOUSE												
CA RWQCB CENTRAL VALLEY REGION												
CA STATE LANDS COMMISSION												
COMMUNITY SERVICE/SANITARY DISTRICT: SALIDA												
COOPERATIVE EXTENSION	X		X		X							
FIRE PROTECTION DIST: SALIDA & WOODLAND	X		X		X							
IRRIGATION DISTRICT: MODESTO	X		X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X		X		X							
MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X		X		X							
MUNICIPAL ADVISORY COUNCIL: SALIDA												
PACIFIC GAS & ELECTRIC	X		X		X							
POSTMASTER:												
RAILROAD: UNION PACIFIC												
SAN JOAQUIN VALLEY APCD	X		X		X							
SCHOOL DISTRICT 1: HART-RANSOM UNION	X		X		X							
SCHOOL DISTRICT 2: MODESTO UNION	X		X		X							
STAN CO AG COMMISSIONER	X		X		X							
STAN CO BUILDING PERMITS DIVISION												
STAN CO CEO	X		X		X							
STAN CO DER	X		X		X							
STAN CO ERC												
STAN CO FARM BUREAU	X		X		X							
STAN CO PUBLIC WORKS	X		X		X							
STAN CO SHERIFF	X		X		X							
STAN CO SUPERVISOR DIST 3: WITHROW	X		X		X							
STAN COUNTY COUNSEL	X		X		X							
STAN FIRE PREVENTION BUREAU	X		X		X							
STANISLAUS LAFCO	X		X		X							
SURROUNDING LAND OWNERS			X	X				X		X		X
TELEPHONE COMPANY: ATT	X		X		X							
US MILITARY	X		X		X							
USDA NRCS												