THE BOARD OF SUPERVISORS OF THE COU ACTION AGENDA SUMM DEPT: <u>Planning and Community Development</u> Urgent Routine CEO Concurs with Recommendation YES R NO	
(Information Attached)	
SUBJECT:	
Approval to Rescind Portions of Williamson Act Contracts North and South Sides of Yosemite Boulevard, in the La G Pursuant to Minor Lot Line Adjustment 2009-15, Houret an Planning and Community Development to Execute New Co	range Area), Approval of New Contracts d Radovich, and Authorization for the Director of
STAFF RECOMMENDATIONS:	
1. Approve and establish the following findings:	

a. 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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

(Continued on page 2)

FISCAL IMPACT:

All costs associated with this item are included in the Lot Line Adjustment application fee. It is anticipated that there will be no net change in property tax or other revenue.

BOARD ACTION AS FOLLOWS:

No. 2010-167

On motion of Sup and approved by		
Ayes: Supervisor	s:Q'Brien, (Chiesa, Monteith, DeMartini, and Chairman Grover
Noes: Supervisor	s:	None
Excused or Abser		
Abstaining: Supe	rvisor:	
1) X Appro	ved as recommen	ded
2) Denie	d	
3) Appro	ved as amended	
4) Other:		
MOTION:		

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CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Rescind Portions of Williamson Act Contracts No. 1974-1555 and 1978-3535 (Located on the North and South Sides of Yosemite Boulevard, in the La Grange Area), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2009-15, Houret and Radovich, and Authorization for the Director of Planning and Community Development to Execute New Contracts Page 2

STAFF RECOMMENDATION CONTINUED:

- 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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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 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 Portions of Williamson Act Contracts No. 1974-1555 and 1978-3535 (Located on the north and south sides of Yosemite Boulevard, in the La Grange area),
- 3. Approve a new contract pursuant to Minor Lot Line Adjustment 2009-15 Houret and Radovich.
- 4. Authorize the Director of Planning and Community Development to execute the new contracts pursuant to Minor Lot Line Adjustment 2009-15.

DISCUSSION:

Lot Line Adjustment Application No. 2009-15 was approved by staff pending the Board's action required by the Williamson Act. The properties are located on the north and south sides of Yosemite Boulevard (Highway 132), in the La Grange area, in the unincorporated area of Stanislaus County. The lot line adjustment is requesting to go from $156.9\pm$ and $25.4\pm$ acres to $143.1\pm$ and $39.1\pm$ acres.

Approval to Rescind Portions of Williamson Act Contracts No. 1974-1555 and 1978-3535 (Located on the North and South Sides of Yosemite Boulevard, in the La Grange Area), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2009-15, Houret and Radovich, and Authorization for the Director of Planning and Community Development to Execute New Contracts Page 3

Both parcels involved in the lot line request are currently enrolled in Williamson Act Contract Nos. 1974-1555 (portion of) and 1978-3535 (portion of) however, when the lot line is completed both parcels will be enrolled in new contracts. The new contract will be required to reflect the adjusted boundaries of the parcels. Pursuant to Section 51257 of the Government Code, Board approval is required for the rescission and simultaneous re-entry into the Williamson Act. Seven (7) specific findings must be made pursuant to that section in order to facilitate the adjustment. According to the Government Code "... pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council 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 10 years.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (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 Section 51222.

(Note: the definition in Govt. Code §51222 is as follows: "... retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land")

- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

Approval to Rescind Portions of Williamson Act Contracts No. 1974-1555 and 1978-3535 (Located on the North and South Sides of Yosemite Boulevard, in the La Grange Area), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2009-15, Houret and Radovich, and Authorization for the Director of Planning and Community Development to Execute New Contracts Page 4

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

The applicants have provided written evidence to support the seven findings listed above, and staff agrees with that evidence. The proposed adjustment would not increase the number of developable parcels, will not reduce the number of acres in the existing Williamson Act contracts, and would increase the agricultural viability of the parcel.

New Williamson Act contracts would typically come before the Board once a year, in December. Because this action is related to a Lot Line Adjustment, it is prudent to act on this action independently of other Williamson Act contracts. Therefore, it is the intention of this action that a new contract replaces portions of Contract Nos. 1974-1555 and 1978-3535 upon recording.

POLICY ISSUES:

This proposal is consistent with policies of the County. 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 the County. The Agricultural Element (adopted December 2007) specifically states that the County shall continue to participate in the Williamson Act program while supporting reasonable measures to strengthen the act and make it more effective. The Board should determine if this action supports the Board's priority of a strong agricultural economy/heritage.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Kirk Ford, Planning & Community Development Director. Telephone: (209) 525-6330

ATTACHMENTS:

- 1. Lot Line Adjustment Application No. 2009-15
- 2. Lot Line Adjustment Approval Letter
- 3. Applicant's Statement of Findings
- 4. Map of Proposed Changes

(i:\bos\lotlineadjustments\2009\lla 2009-15-houret&radovich\board report.doc



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3.

4.

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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10[™] Street, Suite 3400, Modesto, CA 95354 Phone: 209.525.6330 Fax: 209.525-5911

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ZONE <u>A-2-40</u>
RECEIVED
APPLICATION'NO. 2009-15
RECEIPT NO.

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1	Parcel 2
Trapani Jacqueline Houret Et Al Randy G. & Doreen K. Radovich	
Name 5691 Mireille Drive, San Jose CA 95123	Name 31619 Yosemite Blvd., La Grange CA 95329
Address, City, Zip (408) 981-8323	Address, City, Zip (209) -
Phone (408) 978-1802	Phone (209) -
Fax Number	Fax Number
Parcel 3	Parcel 4
Name	Name
Address, City, Zip	Address, City, Zip
Phone	Phone
Fax Number	Fax Number
Name and address of person(a) propering map. Kai	ser Shahbaz
R. B. Welty & Associates, 521 13th Street, Modesto Assessor's Parcel No. of parcels adjusted: Portion of	CA 95354 Portion of
R. B. Weity & Associates, 521 13th Street, Modesto Assessor's Parcel No. of parcels adjusted: Portion of Parcel 1: Book_008_Page_024_No049_	CA 95354 Portion of Parcel 2: Book <u>008</u> Page <u>024</u> No. <u>066</u>
Parcel 1: Book_008_ Page_024_No049_	CA 95354 Portion of Parcel 2: Book <u>008</u> Page <u>024</u> No. <u>066</u>
R. B. Welty & Associates, 521 13th Street, Modesto Assessor's Parcel No. of parcels adjusted: Portion of Parcel 1: Book_008 Page_024 No049 Parcel 3: Book Page No	CA 95354 Portion of Parcel 2: Book 008_ Page 024_ No Parcel 4: Book Page No After Parcel 1: 143.1 +/- Parcel 2: 39.1 +/- Parcel 3:
R. B. Welty & Associates, 521 13th Street, Modesto Assessor's Parcel No. of parcels adjusted: Portion of Parcel 1: Book_008 Page_024 No049 Parcel 3: Book_Page_No Size of all adjusted parcels: Before Parcel 1: 156.9 +/- Parcel 2: 25.4 +/- Parcel 3: Parcel 4:	CA 95354 Portion of Parcel 2: Book 008 Page 024 No. 066 Parcel 4: Book Page No. 066 Parcel 4: Book Page No. 066 Parcel 4: Book Page No. 066 Parcel 1: 008 Page No. 066 Parcel 1: 008 Page No. 066 Parcel 1: 008 Page No. 066 Parcel 1: 143.1 +/- Parcel 1: 143.1 +/- Parcel 2: 39.1 +/- Parcel 3:

How are these parcels currently utilized? Please check appropriate
--

	Residential Agriculture Single Family Row Crop – type Duplex Trees – type Multiple Vines – type Industrial Pasture (irrigated) Other (Specify) Poultry Other (Specify) Other (Specify)
7.	List all structures on properties: There are Turlock Irrigation power line and Don Pedro Transmission
	the location shown on the maps is approximate.
8.	How have these parcels been utilized in the past, if different than current use? <u>N/A</u>
9.	When did current owner(s) acquire the parcel(s)?
	Parcel 1: 03/07/1968 Parcel 2: 02/18/2005 Parcel 3: Parcel 4:
10.	What are the Williamson Act Contract numbers?
	Parcel 1: 74-1555 Parcel 2: 78-3535 Parcel 3: Parcel 4: Parcel 4:
11.	Do the parcels irrigate? □ Yes 🖬 No If yes, how?
12.	Will these parcels continue to irrigate? 🗆 Yes 🗷 No 🛛 If yes, describe any physical changes in the irrigation
	system
13.	Signature of property owner a Caulline Haut Ham JACAUELINE HouRET TRAPAN I Dwner's Signature Owner's Signature Owner's Signature Carclyn, Horvet Jun Owner's Name Printed Owner's Signature Owner's Signature Owner's Signature Owner's Signature Owner's Signature Owner's Signature

Owner's Signature

Owner's Name Printed

6.	How are these	parcels currently	y utilized?	Please	check a	approp	oriate i	uses

	 Residential Single Family Duplex Multiple Commercial Industrial Other (Specify) 		ulture Row Crop – type Trees – type Vines – type Range (unirrigated) Pasture (irrigated) Poultry Dairy r (Specify)	
7.	List all structures on properties:			
	the location shown on the maps			
8.	How have these parcels been ut	ilized in the past, if differe	nt than current use? <u>N/A</u>	
9.	When did current owner(s) acqu	ire the parcel(s)?	** **********************************	
	Parcel 1: Parcel 3:	03/07/1968	Parcel 2: 02/18/200 Parcel 4:	05
10.	What are the Williamson Act Co	ntract numbers?		
	Parcel 1: Parcel 3:	74-1555	Parcel 2:78-3535 Parcel 4:	j
11.	Do the parcels irrigate?	Yes 🔀 No Ifyes	s, how?	
12.	Will these parcels continue to irr			hanges in the irrigation
13.	Signature of property owner(s)	Journe & Lu Owner's Signature	<u>Ulwan</u> <u>ba</u> Owner	nne H. Sullwan s Name Printed
		Owner's Signature	Owner	's Name Printed
		Owner's Signature	Owner	's Name Printed

Owner's Signature

Owner's Name Printed

6.	How are these parcels currently utilized? Please check appropriate uses				
	Residential Agriculture Single Family Row Crop – type Duplex Trees – type Multiple Vines – type				
	Commercial Image (unirrigated) Industrial Pasture (irrigated) Other (Specify) Poultry Dairy Other (Specify)				
7.	List all structures on properties: There are Turlock Irrigation power line and Don Pedro Transmission				
	the location shown on the maps is approximate.				
8.	How have these parcels been utilized in the past, if different than current use? <u>N/A</u>				
9.	When did current owner(s) acquire the parcel(s)?				
	Parcel 1: 03/07/1968 Parcel 2: 02/18/2005 Parcel 3: Parcel 4:				
10.	What are the Williamson Act Contract numbers?				
	Parcel 1: 74-1555 Parcel 2: 78-3535 Parcel 3: Parcel 4:				
11.	Do the parcels irrigate? Yes No If yes, how?				
12. Will these parcels continue to irrigate? Yes No If yes, describe any physical changes in th					
	system				
13.	Signature of property owner(s) January 6. Jackword RANDY 6. RADOVIC	`` (/-			
	Owner's Signature Owner's Name Printed	ich			
	Owner's Signature Owner's Name Printed				
	Owner's Signature Owner's Name Printed				

DEPARTMENT OF PL NING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354 Phone: 209.525.6330 Fax: 209.525.5911



Kaiser Shahbaz R.B. Welty & Associates 521 13th Street Modesto, CA 95354

SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2009-15 HOURET & RADOVICH

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **January 7**, **2010**, and has tentatively approved your request, subject to the attached conditions.

Staff's decision and/or all conditions attached hereto may be appealed to the Planning Commission, in writing, within **ten (10) days** from the date of this notification. The appeal letter addressed to the Planning Commission, must state reasons why the appeal should be granted. If you wish to appeal this decision, a filing fee of \$540.00, payable to the Planning Department, along with a copy of the letter must be delivered to this office by **5:00 p.m.** within **ten days** of the postmark of this letter.

Before a Certificate of Lot Line Adjustment can be recorded, Exhibit "A", describing the property before the adjustment, and an Exhibit "B", describing the property after the change must be attached. These Exhibits must be stamped and signed by a licensed engineer/surveyor. This adjustment shall not result in the creation of a greater number of parcels than originally existed.

A "Certificate of Lot Line Adjustment" form is enclosed for property owner/security holders signatures. After the signatures are secured this form shall be turned into the Planning Department for checking and my signature. When this has been done, you will be notified that the subject form is ready to be recorded.

As stated in the Conditions of Approval a new deed reflecting this lot line adjustment will need to be recorded.

If you have any questions, please contact this department at (209) 525-6330.

Sincerely,

ale Maken

Carole Maben Associate Planner

Enclosure

cc: Trapani Jacqueline Houret et al

Randy G. & Doreen K. Radovich

ATTACHMENT 2

STRIVING TO BE THE BEST COUNTY IN AMERICA

APPLICANT STATEMENT"

Project Description and Landowner Justification

This project is a lot line adjustment between portion of Assessors Parcel No. 008-024-049 (Parcel 1 = 156.9+/-acres) owned by Trapani Jacqueline Houret Et Al and portion of Parcel No. 008-024-066 (Parcel 2 = 25.4+/- acres) owned by Randy G. & Doreen K. Randovich.

As part of the agreement between the two owners, the owner of Parcel 1 will sell that portion of the property lying north of the northerly line of 66-ft wide Yosemite Boulevard to the owner of Parcel 2. Therefore the adjustment was needed to move the lines to include said items within Parcel 1.

At the completion of this lot line adjustment, Parcel 1 will have an adjusted area of 143.1+/- acres net, while the Parcel 2 adjusted acreage will be 39.1+/- acres net. Both Parcels are currently enrolled in the Williamson Act.

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

(1) The new contract or contracts would enforceable 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 10 years.

Neither of the contracts is subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment, both contracts will continue to be in force with the adjusted acreage and effect for a period of at least 10 years.

(2) There is net decrease in the amount of the acreage restricted of 13.8+/- acres net for Parcel 1. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

The land currently under contract Parcel 1 156.9+/- acres. After the lot line adjustment the area will be 143.1+/- acres under revised contract, and will increase 13.8+/- acres for parcel 2.

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

The amount of land changing hands is 8.8% of the area of Parcel 1. As such 91.2% of the land under Parcel 1 of the former contracts will remain within contract. In addition, as set forth above in finding (2), the entire amount of land included within this lot line adjustment will continue to remain under Williamson Act contract.

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

Consistent with Section 51222, Parcel 2 will be 39.1 net acres after the lot line adjustment. Parcel 2 presumed to be large enough to sustain their agricultural use if they are greater than 10 acres in size if prime farmland, but less than 40 acres in the case of non-prime farmland however the area increased after the adjustment. The subject properties are both identified as (none) prime farmland by the Natural Resource Conservation Service Farmland Mapping Program. [Note: if no information is available regarding classification of farmland type, crop valuation data or animal carrying capacity information can be used to verify this requirement.]

(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.

Parcel 1 and 2 has been used for agricultural productivity in their current configuration for a long time. The moving of the lot line to will not add or subtract land from each of the parcels, and both parcels will in no way affect the long term agricultural productivity.

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

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

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

Both parcels currently exist, and after the lot line adjustment will continue to exist. Neither parcels are currently inconsistent with the Stanislaus County General Plan, nor will the resulting be inconsistent with the Stanislaus County General Plan. (Note: If any parcel sizes are smaller than the zoning or Williamson Act allows, it could be considered inconsistent with the General Plan.)

In conclusion, the lot line adjustment is nothing more than the movement of a lot line to sell the portion of Parcels 1 that is located north side of the Road. As set forth previously, the both parcels will continue to be used for agricultural purposes, and this lot line adjustment will in no way affect the agricultural viability of either parcel.



ATTACHMENT 4

