

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE May 4, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing for May 25, 2010 at 9:05 A.M. to Consider Approval of Lot Line Adjustment Application No. 2009-13 and Williamson Act Cancellation No. 2009-02, Lindskoog

STAFF RECOMMENDATIONS:

1. Set a public hearing for May 25, 2010 at 9:05 a.m. to consider approval of Lot Line Adjustment Application No. 2009-13 and Williamson Act Cancellation No. 2009-02, Lindskoog.
2. Authorize the Clerk of the Board to publish notice of hearing as required by law.

FISCAL IMPACT:

There is a nominal fiscal impact associated with setting the public hearing for mandatory newspaper publishing and notification of property owners my mail. These expenses are covered by a portion of the application fee.

BOARD ACTION AS FOLLOWS:

No. 2010-274

On motion of Supervisor O'Brien, Seconded by Supervisor DeMartini
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, DeMartini, and Vice Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: Grover

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

This is a request to cancel a portion of Williamson Act Contract No. 76-2390 and a request for a lot line adjustment to allow the parcel lines to adjust from .50 and 11.7 acre parcels to a 1.1 and 11.1 acre parcels. The Williamson Act Contract Cancellation application is only for the 1.1 acre parcel since it is less than the 10 acre minimum requirement to be enrolled in a Williamson Act Contract. The parcels are both zoned A-2-40 (General Agriculture) and located on the west side of Saylor Road north of the Saylor/Grayson intersection (APNs: 045-012-042 and 043).

The lot line adjustment cannot be approved without a cancellation of a portion (1.1 acres) of the Williamson Act contract. The project site consists of 12.2 acre with one single-family dwelling and some accessory structures. The home site is currently on a 0.5 acre parcel. The shop building is just south of the home, but it is legally on a different parcel. The property owners wish to adjust the lot lines to include the shop building with the existing home. Today's minimum lot size standards requires one (1) acre when a home is being served by both private well and septic. In March, staff received a letter from the Department of Conservation stating they have no objection to the cancellation of the Williamson Act contract if the Board of Supervisors can make the required findings.

In order for a Williamson Act contract to be canceled, the Board of Supervisors must hold a public hearing on the request and make the necessary findings as required by state law, the County's Williamson Act Uniform Rules, and the contract itself.

This item requests to set the date and time for a public hearing on the proposed contract cancellation.

POLICY ISSUES:

Setting the public hearing to consider the lot line adjustment and Williamson Act Cancellation is consistent with the Board's priority of efficient delivery of services.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

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



CLERK OF THE BOARD OF SUPERVISORS

Christine Ferraro Tallman

1010 Tenth Street, Suite 6700, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

**NOTICE OF PUBLIC HEARING
LOT LINE ADJUSTMENT APPLICATION NO. 2009-13,
WILLIAMSON ACT CONTRACT CANCELLATION APPLICATION
NO. 2009-02 LINDSKOOG**

NOTICE IS HEREBY GIVEN that on May 25, 2010, at 9:05 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider approving a request to adjust parcel lines from 0.5 and 11.7 acres to 1.1 and 11.1 acres. There is a Williamson Act Contract Cancellation application for the 1.1 acre parcel since it is less than the 10 acre minimum requirement to be enrolled in a Williamson Act Contract. The property is zoned A-2-40 (General Agriculture) and is located at 4901 Saylor Road, in the Denair area. The project is CEQA exempt.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: May 4, 2010

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California

BY:

Elizabeth A. King, Assistant Clerk



BOARD OF SUPERVISORS

2010 MAY 17 P 12: 29

May 14, 2010

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, May 25, 2010**, starting at **9:05 A.M.** in the Joint Chambers, 1010 10th Street, Basement Level, Modesto, California, to consider the following:

LOT LINE ADJUSTMENT APPLICATION NO. 2009-13 AND WILLIAMSON ACT CONTRACT CANCELLATION APPLICATION NO. 2009-02 - LINDSKOOG -
Request to cancel a portion of Williamson Act Contract No. 76-2390 and to adjust the lot lines of one .50 and one 11.7 acre parcel to create one 1.1 and one 11.1 acre parcel in the A-2-40 (General Agriculture) zoning district. The Williamson Act Contract Cancellation application applies to the proposed 1.1 acre parcel. The site is located at 4901 Saylor Road, on the northwest corner of the Saylor & Grayson Roads intersection, in the Denair area.

The property is further identified as Assessor's Parcel Nos. 045-012-042 & 045-012-043

This project is exempt from CEQA.

At the above noticed time and place, all interested persons will be given an opportunity to speak.

Materials submitted to the Board of Supervisors for consideration (i.e., photos, slides, petitions, letters, etc.) will be retained by the County and cannot be returned.

If you challenge the above item in court, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors, at or prior to, the public hearing.

For further information, please call (209) 525-6330, or email: planning@mail.co.stanislaus.ca.us.

PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

I declare that: I am employed in the County of Stanislaus, California.

I am over the age of eighteen years and not a party to the within entitled cause; my business address is:

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


On May 14, 2010, I served the attached Notice of Public Hearing:
(Date)

LOT LINE ADJUSTMENT APPLICATION NO. 2009-13 AND WILLIAMSON ACT CONTRACT CANCELLATION APPLICATION NO. 2009-02 - LINDSKOOG on the parties listed below in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Modesto, California, addressed as follows:

SEE ATTACHED LIST

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on May 14, 2010, at Modesto, California.
(Date)

Crystal D Rein
(Type or print name)


Signature

**LOT LINE ADJUSTMENT APPLICATION NO. 2009-13 AND WILLIAMSON ACT CONTRACT
CANCELLATION APPLICATION NO. 2009-02 - LINDSKOOG**

Attachment A

Distribution List

X	AGRICULTURE COMMISSIONER	X	NATURAL RESOURCES CONSERVATION
	AIRPORT LAND USE COMMISSION	X	PACIFIC GAS & ELECTRIC
	ALLIANCE	X	PARKS & FACILITIES
	ANIMAL SERVICES	X	POSTMASTER: DENAIR
X	BUILDING PERMITS DIVISION - STEVE TREAT	X	PUBLIC WORKS - ANGIE HALVERSON JUDY LINDSAY - DRAINAGE BILL CARDOZA - MORGAN RD TRAFFIC
	CAL TRANS DISTRICT 10		PUBLIC WORKS - TRANSPORTATION
	CEMETERY DISTRICT		RAILROAD
	CENTRAL VALLEY FLOOD PROTECTION		REDEVELOPMENT
X	CHIEF EXECUTIVE OFFICE	X	REGIONAL WATER QUALITY CONTROL
	CITY OF:		RISK MANAGEMENT
	COMMUNITY SERVICES AGENCY (CSA)	X	SAN JOAQUIN VALLEY APCD
	COMMUNITY SERVICES / SANITARY DIST	X	SCHOOL DIST 1: HUGHSON
X	COOPERATIVE EXTENSION		SCHOOL DIST 2:
X	CORPS OF ENGINEERS	X	SHERIFF
X	COUNTY COUNSEL	X	StanCOG
	COUNTY OF:	X	STAN CO ERC
X	DEPARTMENT OF CONSERVATION Land Resources (cert.)	X	STAN CO FARM BUREAU
	DEPT OF FORESTRY	X	STANISLAUS FIRE PREVENTION BUREAU
X	ENVIRONMENTAL RESOURCES		STATE CLEARINGHOUSE
X	FIRE PROTECTION DIST: HUGHSON		STATE LANDS COMMISSION
X	FISH & GAME	X	SUPERVISOR DIST 2: CHIESA
X	HAZARDOUS MATERIALS		SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
	HOSPITAL DIST:	X	TELEPHONE COMPANY: AT&T
X	IRRIGATION DIST: TURLOCK		TRIBAL CONTACTS
X	LAFCO		TUOLUMNE RIVER TRUST
X	MOSQUITO DIST: TURLOCK		UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	US FISH & WILDLIFE
	MUNICIPAL ADVISORY COUNCIL:		WATER DIST:

LINDSKOOG
WAC 2009-02, LLA 2009-13
APN 045-012-042 & 045-012-043

LANDOWNER NOTIFICATION AREA

MAY 7, 2010

1013 0 1013 2026 Feet



This map is for display purposes only.



Map printed: 5/7/2010



**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

May 15, 2010

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

May 17th, 2010

(Signature)

Marie Dieckman

**NOTICE OF PUBLIC HEARING
FOR LOT LINE ADJUSTMENT
APPLICATION NO. 2009-13,
WILLIAMSON ACT CONTRACT
CANCELLATION APPLICATION
NO. 2009-02 LINDSKOOG**

NOTICE IS HEREBY GIVEN that on May 25, 2010, at 9:05 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider approving a request to adjust parcel lines from 0.5 and 11.7 acres to 1.1 and 11.1 acres. There is a Williamson Act Contract Cancellation application for the 1.1 acre parcel since it is less than the 10 acre minimum requirement to be enrolled in a Williamson Act Contract. The property is zoned A-2-40 (General Agriculture) and is located at 4901 Saylor Road, in the Denair area. The project is CEQA exempt. NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: May 4, 2010. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk
Pub Dates May 15, 2010