



Referral Early Consultation

Date: November 17, 2016

To: Distribution List (See Attachment A)

From: Kristin Doud, Associate Planner, Planning and Community Development

Subject: WILLIAMSON ACT CANCELLATION AND PARCEL MAP APPLICATION NO. PLN2016-0108 – BEACHLER - RUMBLE

Respond By: December 5, 2016

******PLEASE REVIEW REFERRAL PROCESS POLICY******

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

Applicant: Darin Beachler

Project Location: 3780 Ladd Road, on the southeast corner of Ladd and Stoddard Roads in Salida, north of the city of Modesto and south of the Stanislaus River.

APN: 003-021-020 (formerly 003-021-016)

Williamson Act Contract: 1971-0064

General Plan: SCPPI (Salida Community Plan - Planned Industrial)

Current Zoning: SCP PI (Salida Community Plan - Planned Industrial)

Project Description: Request to cancel a 4.06 acre portion of Williamson Act contract No. 1971-0064, to allow the creation of a 4.06 acre parcel (currently operating a custom ripping and leveling agricultural services business under Use Permit No. PLN2015-0086) and a 36.23 acre remainder (currently improved with a single family dwelling, detached agricultural storage barn, row crops, and almond orchard), from a 40.29 gross acre parcel in the Salida Community Plan – Planned Industrial Zoning District. Although the property is zoned Salida Community Plan Planned

Industrial, the project is being processed under the A-2 Zoning Ordinance (Chapter 21.20) due to its Williamson Act Contract. In accordance with the A-2 zoning ordinance the minimum allowable area for creation of a parcel in the A-2 zoning district shall be three (3), five (5), ten (10), twenty, forty (24), or one hundred sixty (160) acres, unless a parcel is operating under a use permit. When a property is operating under a use permit, it may be exempted from the minimum parcel size requirement provided that it exhibits size, location, and orientation characteristics which are supportive of the use without detriment to other agricultural usage in the vicinity. If approved, all conditions of approval from Use Permit No. PLN2015-0086 would remain effective on the 4.06 acre parcel. A non-renewal has been filed for the entire 40.29 gross acre parcel. The 36.23 acre remainder will be re-entered into the Williamson Act with the 2017 applications, which if approved will become effective January 1, 2018.

Full document with attachments available for viewing at:
<http://www.stancounty.com/planning/pl/act-projects.shtm>

**WILLIAMSON ACT CANCELLATION AND PARCEL MAP APPLICATION NO. PLN2016-0108 –
BEACHLER - RUMBLE**

Attachment A
Distribution List

X	CA DEPT OF CONSERVATION Land Resources		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION	X	STAN CO ERC
	CEMETERY DISTRICT	X	STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
	CITY OF:		STAN CO PARKS & RECREATION
X	COMMUNITY SERVICES/SANITARY DIST: SALIDA	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	X	STAN CO SHERIFF
X	FIRE PROTECTION DIST: SALIDA FIRE	X	STAN CO SUPERVISOR DIST #3: SUPERVISOR TERRY WITHROW
	HOSPITAL DIST:	X	STAN COUNTY COUNSEL
X	IRRIGATION DIST: MODESTO IRRIGATION DISTRICT		StanCOG
X	MOSQUITO DIST: EASTSIDE	X	STANISLAUS FIRE PREVENTION BUREAU
X	MOUNTIAN VALLEY EMERGENCY MEDICAL SERVICES	X	STANISLAUS LAFCO
X	MUNICIPAL ADVISORY COUNCIL: SALIDA		SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
X	PACIFIC GAS & ELECTRIC	X	TELEPHONE COMPANY: AT&T
	POSTMASTER:		TRIBAL CONTACTS (CA Government Code §65352.3)
	RAILROAD:	X	TRIBAL CONTACT – Torres Martinez Desert Cahuilla Indians (All)
X	SAN JOAQUIN VALLEY APCD		US ARMY CORPS OF ENGINEERS
X	SCHOOL DIST 1: SALIDA UNION	X	US FISH & WILDLIFE
X	SCHOOL DIST 2: MODESTO CITY SCHOOL DISTRICT	X	US MILITARY (SB 1462) (7 agencies)
	STAN ALLIANCE		USDA NRCS
X	STAN CO AG COMMISSIONER		WATER DIST:
	TUOLUMNE RIVER TRUST		

STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

SUBJECT: WILLIAMSON ACT CANCELLATION AND PARCEL MAP APPLICATION NO.
PLN2016-0108

Based on this agencies particular field(s) of expertise, it is our position the above described project:

- _____ Will not have a significant effect on the environment.
_____ May have a significant effect on the environment.
_____ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

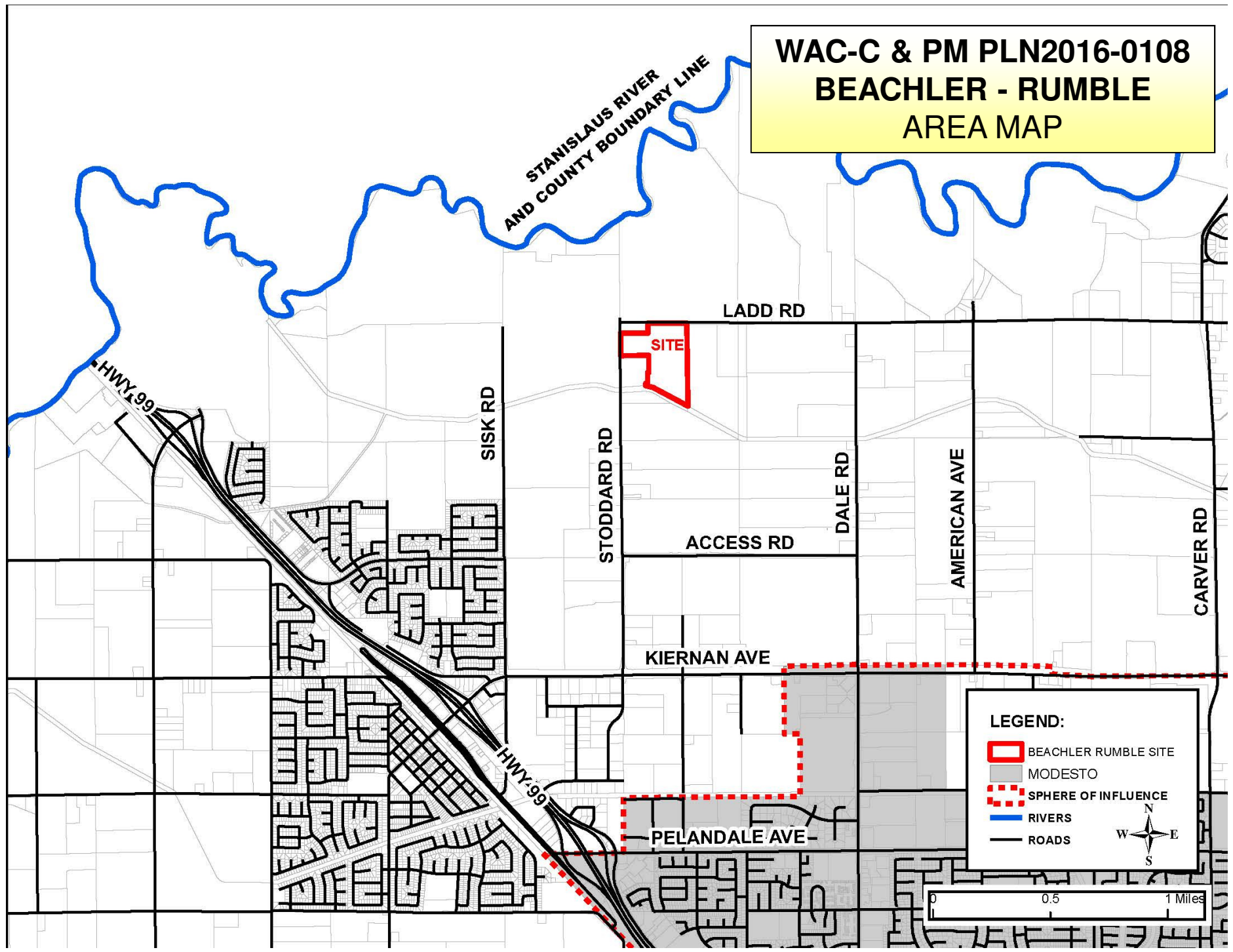
- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

Response prepared by:




Name	Title	Date
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WAC-C & PM PLN2016-0108
BEACHLER - RUMBLE
AREA MAP















**WAC-C & PM PLN2016-0108
BEACHLER - RUMBLE
GENERAL PLAN MAP**

LEGEND:

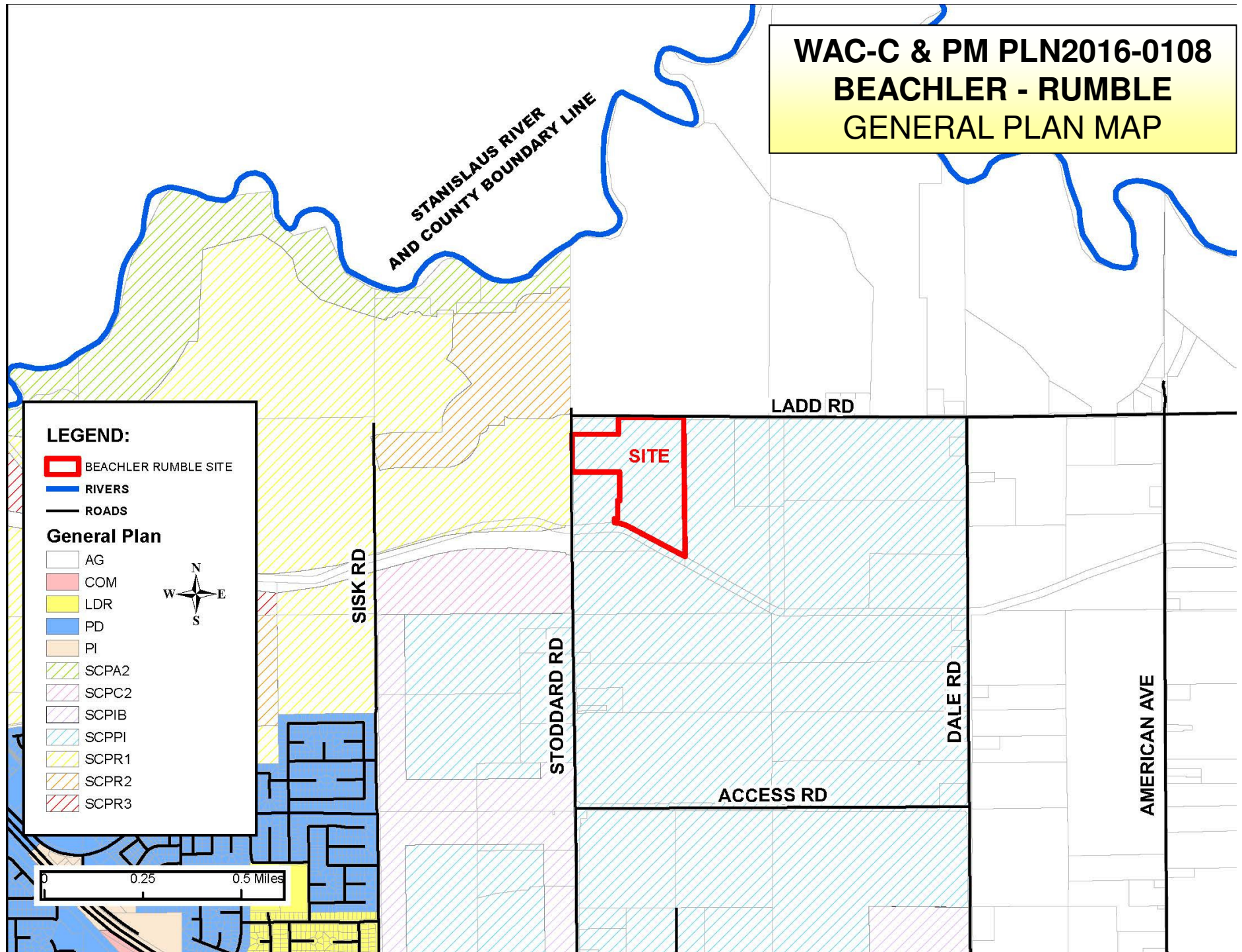
-  BEACHLER RUMBLE SITE
-  RIVERS
-  ROADS

General Plan

-  AG
-  COM
-  LDR
-  PD
-  PI
-  SCPA2
-  SCPC2
-  SCPIB
-  SCPP1
-  SCPR1
-  SCPR2
-  SCPR3






0 0.25 0.5 Miles

















WAC-C & PM PLN2016-0108 BEACHLER - RUMBLE ZONING MAP

LEGEND:

-  BEACHLER RUMBLE SITE
-  RIVERS
-  ROADS

Zoning Designation

-  GENERAL AG 10 ACRE
-  GENERAL AG 40 ACRE
-  C-2
-  P-D
-  P-I
-  R-1
-  SCP-A-2
-  SCP-C-2
-  SCP-IBP
-  SCP-PI
-  SCP-R-1
-  SCP-R-1-ST
-  SCP-R-2
-  SCP-R-3



0 0.25 0.5 Miles

STANISLAUS RIVER
AND COUNTY BOUNDARY LINE

LADD RD

SITE

SISK RD

STODDARD RD

ACCESS RD

DALE RD

AMERICAN AVE



WAC-C & PM PLN2016-0108
BEACHLER - RUMBLE
2015 AERIAL

LADD RD

STODDARD RD

SITE

LEGEND:

-  BEACHLER RUMBLE SITE
 ROADS



0 250 500 Feet



APPLICATION QUESTIONNAIRE

Please Check all applicable boxes

APPLICATION FOR:

Staff is available to assist you with determining which applications are necessary

- | | |
|---|---|
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Subdivision Map |
| <input type="checkbox"/> Rezone | <input checked="" type="checkbox"/> Parcel Map |
| <input type="checkbox"/> Use Permit | <input type="checkbox"/> Exception |
| <input type="checkbox"/> Variance | <input checked="" type="checkbox"/> Williamson Act Cancellation |
| <input type="checkbox"/> Historic Site Permit | <input type="checkbox"/> Other _____ |

PLANNING STAFF USE ONLY:

Application No(s): WAC RM PLN 2016-0108

Date: 10/25/16

S 26 T 2 R 8

GP Designation: SCP-PI

Zoning: SCP-PI

Fee: \$

Receipt No. _____

Received By: LCD

Notes: _____

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

PROJECT INFORMATION

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

***Please note:** A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).

Cancellation of approximately 4.06 acres of the larger original 55-acre contract, and the creation of a 4.06 acre parcel and a 36.23 acre remainder for APN 003-021-020. The 4.06 acre parcel has a Use Permit for Rumble Agricultural Services approved March 17, 2016.

PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10th Street – 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 003 Page 021 Parcel 020

Additional parcel numbers: _____

**Project Site Address
or Physical Location:** _____

Property Area: Acres: 4.06 or Square feet: _____

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

Almonds / Open Land

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

Existing General Plan & Zoning: SCPPI / SCP-PI

Proposed General Plan & Zoning: Same
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: Agriculture.

West: Agriculture.

North: Agriculture.

South: Commercial.

WILLIAMSON ACT CONTRACT:

Yes ☒ No ☐

Is the property currently under a Williamson Act Contract?

Contract Number: 71-64

If yes, has a Notice of Non-Renewal been filed?

Date Filed: _____

Yes ☒ No ☐

Do you propose to cancel any portion of the Contract?

Yes ☐ No ☒

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: _____

SITE CHARACTERISTICS: (Check one or more)

Flat ☒

Rolling ☐

Steep ☐

VEGETATION: What kind of plants are growing on your property? (Check one or more)

Field crops ☒

Orchard ☒

Pasture/Grassland ☐

Scattered trees ☐

Shrubs ☐

Woodland ☐

River/Riparian ☐

Other ☐

Explain Other: _____

Yes ☐ No ☒

Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

GRADING:

Yes ☐ No ☒

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) _____

STREAMS, LAKES, & PONDS:

Yes ☐ No ☒

Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes ☐ No ☒

Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) _____

Yes ☐ No ☒

Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes ☐ No ☒

Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.

STRUCTURES:

- Yes ☒ No ☐ Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)
- Yes ☐ No ☒ Will structures be moved or demolished? (If yes, indicate on plot plan.)
- Yes ☒ No ☐ Do you plan to build new structures? (If yes, show location and size on plot plan.)
- Yes ☐ No ☒ Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) _____

PROJECT SITE COVERAGE:

Existing Building Coverage: Apx. 11,000 Sq. Ft. Landscaped Area: _____ Sq. Ft.

Proposed Building Coverage: Apx. 22,000 Sq. Ft. Paved Surface Area: _____ Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) _____

See Use Permit approved March 17, 2016

Number of floors for each building: 1

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) _____

Approx. 30 feet.

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) _____

Same.

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) _____

Concrete and Gravel.

UTILITIES AND IRRIGATION FACILITIES:

Yes ☒ No ☐ Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: <u>MID</u>	Sewer*: <u>Private septic.</u>
Telephone: <u>AT&T</u>	Gas/Propane: <u>N/A</u>
Water**: <u>Private well.</u>	Irrigation: <u>MID</u>

***Please Note:** A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.

****Please Note:** A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

No.

Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes ☐ No ☒ Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes ☐ No ☒ Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes ☐ No ☒ Does the project require extension of utilities? (If yes, show location and size on plot plan.)

AFFORDABLE HOUSING/SENIOR:

Yes ☐ No ☒ Will the project include affordable or senior housing provisions? (If yes, please explain)

RESIDENTIAL PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: 0 Total Dwelling Units: 0 Total Acreage: 0

Net Density per Acre: N/A Gross Density per Acre: N/A

<i>(complete if applicable)</i>	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	<u></u>	<u></u>	<u></u>	<u></u>
Acreage:	<u></u>	<u></u>	<u></u>	<u></u>

COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): Approx. 11,000 square feet existing, and approx. 11,000 square feet future expansion, per approved Use Permit.

Type of use(s): Agricultural.

Days and hours of operation: 7:00 AM to 4:00 PM, Monday through Friday.

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: No.

Occupancy/capacity of building: _____

Number of employees: (Maximum Shift): 30 (Minimum Shift): N/A

Estimated number of daily customers/visitors on site at peak time: 1 to 5.

Other occupants: N/A

Estimated number of truck deliveries/loadings per day: 1 to 3.

Estimated hours of truck deliveries/loadings per day: 7:00 AM to 4:00 PM.

Estimated percentage of traffic to be generated by trucks: _____

Estimated number of railroad deliveries/loadings per day: N/A

Square footage of:

Office area: Approx. 1,000 sq ft.

Warehouse area: 10,000 sq ft.

Sales area: _____

Storage area: _____

Loading area: _____

Manufacturing area: _____

Other: (explain type of area) _____

Yes ☐ No ☒ Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

ROAD AND ACCESS INFORMATION:

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Stoddard Road.

- Yes ☐ No ☒ Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)
- Yes ☐ No ☒ Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)
- Yes ☐ No ☒ Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.

STORM DRAINAGE:

How will your project handle storm water runoff? (Check one) ☐ Drainage Basin ☐ Direct Discharge ☐ Overland

☒ Other: (please explain) On-site.

If direct discharge is proposed, what specific waterway are you proposing to discharge to? N/A

Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.

EROSION CONTROL:

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

No grading proposed at this time.

Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.

ADDITIONAL INFORMATION:

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

See Draft Cancellation Findings.

DRAFT FINDINGS

The following are excerpts from Government Code §51282 which include the required findings for tentative cancellation of a Williamson Act Contract. Section 51282 actually provides two alternative findings for cancellation of the contract. One is that "the cancellation is consistent with the purposes of this chapter" and the second is that the "cancellation is in the public interest". Each of these findings has a subset of additional questions which must be answered and findings which must be made. Proposed findings under each of these sections are set forth in the balance of this Exhibit.

Government Code §51282(a)(1) finding "[t]hat the cancellation is consistent with the purposes of this chapter"

(b) For purposes of paragraph (1) of subdivision (a) cancellation of a contract shall be consistent with the purposes of this chapter only if the board or council makes all of the following findings:

(1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.

A notice of nonrenewal has been filed.

(2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

The project involves the cancellation of 4.06 acres of a Williamson Act contract, leaving the remaining 36.23 acres of the contract in place. The 4.06 acres proposed for cancellation is occupied by the Rumble Agricultural Services business. This business is permitted on the property and has obtained a Use Permit from Stanislaus County. The property provides agricultural services, and is a Tier 2 use under the Stanislaus County zoning code. The County Code allows property with a Use Permit to be parceled off from the larger remainder parcel. Creating a parcel allows sale, lease or financing separate from the remainder parcel, which is currently utilized to grow almonds and alfalfa. The remainder parcel is of adequate size to remain in the Williamson Act, as it is greater than 10 acres in size and is considered "prime" agricultural soils. The parcel being created is under 10 acres in size, and therefore does not qualify to remain in the Williamson Act. The 4.06-acre site is graveled and developed with a large metal building, office and facilities (see attached aerial map). As an agricultural use, the project site is appropriate in the agricultural zone and has no impacts on adjacent properties. Cancelling the contract will not change anything at the site other than allow the creation of a parcel for the business, so the cancellation would not result in the removal of any adjacent lands from agricultural use.

(3) That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.

As set forth previously, the site is being operated as a Tier 2 agricultural use (an agricultural services establishment) and has acquired all appropriate permits to operate at this location. As such, the project is consistent with the County General Plan.

(4) That cancellation will not result in discontinuous patterns of urban development.

The project site is located in Stanislaus County. A Tier 2 agricultural use is operated on the project site, and such use has been determined appropriate in the agricultural zone. The existing business on the property has acquired all necessary permits to operate. The project only allows the creation of a new parcel over the site. The existing use is not considered an urban use and therefore the creation of a new parcel over the existing use will not result in a discontinuous pattern of urban development.

(5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

While only one of the two findings in finding #5 is required to be made, both findings are appropriate.

First, the existing use is permitted on contracted land. The reason for the request is solely to allow the creation of a new parcel over the permitted use. The use has already taken the 4.06 acre parcel out of agricultural production, so the creation of a new parcel will allow the business to continue to operate, but also allow it to avail itself of individual financing or ownership. As set forth previously, the cancellation request only allows the creation of a separate parcel, and the remainder parcel will remain in the Williamson Act.

The County has already determined the use of the property is appropriate, so the finding that there is no proximate noncontracted land which is both available and suitable for the use which the contracted land is proposed to be put can easily be made.

As to the second part of finding #5, and as discussed under item #4, the development of this contracted land will provide for a contiguous pattern of urban development. The project site is located in Stanislaus County. A Tier 2 agricultural use is operated on the project site, and such use has been determined appropriate in the agricultural zone. The existing business on the property has acquired all necessary permits to operate. The project only allows the creation of a new parcel over the site. The existing use is not considered an urban use and therefore the creation of a new parcel over the existing use will not result in a discontinuous pattern of urban development.

Government Code §S1282(a)(2) finding "[t]hat cancellation is in the public interest"

(c) For purposes of paragraph (2) of subdivision (a) cancellation of a contract shall be in the public interest only if the councilor board makes the following findings:

(1) that other public concerns substantially outweigh the objectives of this chapter; and

The County of Stanislaus has determined that public concerns substantially outweigh the objectives of this chapter. The County has performed all necessary environmental review, and granted a Use Permit for the business operating on the project site. The subject of this cancellation request is the creation of a new parcel over the business site.

The County finds that the allowing the business to be located on its own parcel has benefits such as allowing individual ownership separate from the larger remainder parcel, and allowing financing of the property to only affect the business site and avoid encumbering the larger agricultural operation on the remainder parcel.

The use will operate regardless of the cancellation, but will not be able to avail itself of all business financing and separate utility that a typical business would, without being on a separate parcel. The business provides agricultural services and its viability is important to the County. The business exists, and no additional effects on agriculture will result from allowing the new parcel to be created.

As such, the County therefore finds that public concerns substantially outweigh the objectives of the chapter to keep this property under contract.

(2) that there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

While only one of the two findings in finding #2 is required to be made, both findings are appropriate.

First, the existing use is permitted on contracted land. The reason for the request is solely to allow the creation of a parcel over the permitted use. The use has already taken the 4.06 acre parcel out of agricultural production, so the creation of a parcel will allow the business to continue to operate, but also allow it to avail itself of individual financing or ownership. As set forth previously, the cancellation request only allows the creation of a separate parcel, and the remainder parcel will remain in the Williamson Act.

The County has already determined the use of the property is appropriate, so the finding that there is no proximate noncontracted land which is both available and suitable for the use which the contracted land is proposed to be put can easily be made.

As to the second part finding #5, and as discussed under item #4, the development of this contracted land will provide for a contiguous pattern of urban development. The project site is located in Stanislaus County. A Tier 2 agricultural use is operated in the project site, and such use has been determined appropriate in the agricultural zone. The existing business on the property has acquired all necessary permits to operate. The project only allows the creation of a new parcel over the site. The existing use is not considered an urban use and therefore the creation of a new parcel over the existing use will not result in a discontinuous pattern of urban development.

APPLICATION NO. 71-64RECORDED AT REQUEST OF:
Stanislaus County
Board of SupervisorsWHEN RECORDED RETURN TO:
Stanislaus County
Planning Department

DE BUREAU GE. US AL.

DEC 7 70

THIS SPACE FOR RECORDER ONLY

RECORDED AT <u>3:40</u> BY Lloyd R. Brouillard OFFICE RECORDS STAN- ISLAUS CO. CALIF. STEVE R. NELSON, RECORDER BY <u>[Signature]</u> ASS. RECORDER	NOFEE
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CALIFORNIA LAND CONSERVATION CONTRACT NO. 71-64

THIS CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into this 9 day of DECEMBER, 1970, 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:

WHEREAS, Owner is the legal owner of certain real property, herein referred to as the subject property, situate in the County of Stanislaus, State of California; and

WHEREAS, the subject property is presently devoted to agricultural and compatible uses; and

WHEREAS, subject property is located in an agricultural preserve heretofore established by County by Resolution dated October 20, 1970; and

WHEREAS, both Owner and County desire to limit the use of subject property to agricultural and compatible uses in order to discourage premature and unnecessary conversion of such land from agricultural uses, recognizing that such land has definite public value as open space, that the preservation of such land in agricultural production constitutes an important physical, social, esthetic, and economic asset to the County to maintain the agricultural economy of County and the State of California, and that the common interest is served by encouraging and making feasible the orderly expansion of development of the urban and commercial sectors of the County to avoid the disproportionate expense involved in providing municipal services to scattered development; and

WHEREAS, both Owner and County intend that the Contract is and shall continue to be through its initial term and any extension thereof an enforceable restriction within the meaning and for the purposes of Article XXVIII of the California Constitution and thereby qualify as an enforceable restriction as defined in Revenue and Taxation Code Section 422;

NOW, THEREFORE, the parties, in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

- (1) The Contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code, commencing with Section 51200), hereinafter referred to as the Act, as such Act has been amended or may hereafter be

- (15) Owner and holders of security interests designate the following person 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 person or change of address for him:

DESIGNATED AGENT:

John C. DeBoer

MAILING ADDRESS:

6224 5967 Hinds Road
Oakdale, CALIFORNIA 95361

- (16) I desire to place the following parcels of real property under Contract:

ASSESSMENT NO.	ACREAGE	ZONING	SITUS ADDRESS
CC3-0417-002	55.03	A-2-10	SE corner Holden + Fall Rd

(List the Assessment Number and Acreage for each parcel of property to be included under the Contract. Also, attach to this application a copy of the Assessor's Map for each parcel.)

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)
John C. DeBoer	<u>J. C. DeBoer</u>	11/30/70	Modesto

41088 DEC 9 70

SECURITY HOLDERS:

NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)

SEAL IMPRESSED

COUNTY:

DEC 8 - 1970

Dated

Frank Paul
Chairman, Board of Supervisors

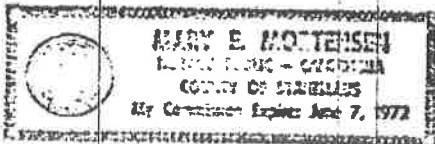
(Staple notary certificates here)

STATE OF CALIFORNIA
COUNTY OF STANISLAUS

} ss.

On this 30th day of November In the year one thousand nine hundred and Seventy
before me, Mary E. Mortensen

a Notary Public in and for the County of Stanislaus,
State of California, residing therein, duly commissioned and sworn, personally appeared
John C. de Boer



known to me to be the person whose name is subscribed to the within instrument
and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official
seal in the county of Stanislaus the day and year in this certificate first above written.

Mary E. Mortensen

Notary Public in and for the County of Stanislaus, State of California

My Commission Expires 6-7-72

L. M. Meritt Co. - Stanislaus, Acknowledgment - General

41088 DEC 9 70

41088 DEC 9 70

DATE Dec. 8, 1970

TO: BOARD OF SUPERVISORS

FROM: STANISLAUS COUNTY PLANNING COMMISSION
Martin L. Schueller, Director

SUBJECT: APPLICATION FOR CONTRACT--LAND CONSERVATION ACT

The following application to establish an Open Space Contract, as provided by the Land Conservation Act of 1965, has been received and is found to comply in all respects with the requirements of the Uniform Rules adopted and recorded by your Board:

Contract No. 71-64

Assessor Parcel No. ~~36XXXXX000000~~

6 01 003-0417-002

School District _____ Supervisorial District 3

Applicant John C. DeLoer or Agent _____

Address 5967 Hinds Rd

Oakhdale 95361

Total Acres Applied for 55.03 Zoning A-2-10