



STANISLAUS COUNTY
PLANNING & COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400
Modesto, CA 95354

<http://www.stancounty.com/planning/index.shtm>

Phone: (209) 525-6330
Fax: (209) 525-5911

WILLIAMSON ACT LOT LINE ADJUSTMENT

HOW DO I APPLY?

Complete and submit this application/questionnaire form to the Stanislaus County Department of Planning & Community Development. Copies of this application may be obtained in person or on-line at our website, www.stancounty.com You are urged to meet and discuss your application with Planning staff. Pre-application meetings are not required, but are highly recommended.

HOW LONG WILL IT TAKE, FROM THE TIME A COMPLETE APPLICATION HAS BEEN RECEIVED?

The County has 30 days from the filing date to determine whether an application is complete. Applicants will be notified of incomplete applications. No application will be referred to any agency until it is deemed to be complete.

WHAT INFORMATION WILL I NEED TO PROVIDE?

A complete application/questionnaire form including all applicable information listed on the Application Checklist (pages 1-3). You must also provide written evidence to prove to us (and the California State Department of Conservation) that the Lot Line adjustment is being done solely for agricultural purposes, and that any other resulting purpose or use of the land is strictly incidental to the agricultural uses of the property. An example of this is attached to this application.

WHAT IS THE APPLICATION PROCESS?

In order to be eligible for the Williamson Act, the land must be zoned A-2 (General Agriculture) and used as permitted by that zoning district. Applications to rescind and enter into new contracts are completed with your lot line adjustment application. If necessary, we will forward your application to the State Department of Conservation for comment. Once the Lot Line Adjustment is tentatively approved, the entire package is brought before the Board of Supervisors for their approval.

BUILDING AND OTHER PERMITS?

After approval of your application, you may need to obtain a building permit, encroachment permit or other permit from the County and may also be required to obtain Federal or State permits from agencies such as the Department of Fish and Game, Regional Water Quality Control Board or US Army Corps of Engineers. Staff can assist you in identifying these permits.

HOW MUCH WILL IT COST?

Application fee:
A-2 Zone with Williamson Act.....\$1,709.00
(Payable to Stanislaus County by check, cash or credit card.)

APPLICATION CHECKLIST

= Information Included

All Applications:

- Applicant Statement**
Must include written evidence to prove to us (and the California State Department of Conservation) that the Lot Line adjustment is being done solely for agricultural purposes, and that any other resulting purpose or use of the land is strictly incidental to the agricultural uses of the property.
- One copy of the current Grant Deed**
Must include a legal description of the property for which the project is being requested. Please note that the legal description is not the same as the Assessor's Parcel Number (APN).
- Complete Application/Questionnaire Form**
Must be signed by all property owners and the applicant(s).

**Proof of Legal Parcel**

In order to prove the legal status, you must submit one of the following for each parcel involved in the lot line adjustment:

- A Grant Deed recorded prior to 1966. (Exceptions: SMA 66499.34 Permits Granted)
- A Lot from a recorded Subdivision, recorded after 1893. (Exceptions: Old Township maps that were not recorded)
- A Lot created from a recorded Parcel Map. (Exceptions: SMA section 66428 to Government/Utilities)
- A Recorded Certificate of Compliance (issued by: The Department of Public Works)

**Legal Descriptions of Parcels***

The legal descriptions must be prepared, signed, and "wet stamped" by a Civil Engineer (licensed prior to 1982) or a Licensed Land Surveyor in the format listed below:

- "Before" description must be labeled and referred to as Exhibit "A"
- "After" description must be labeled and referred to as Exhibit "B"
- 8-1/2" by 11" map must be labeled and referred to as Exhibit "C"

***Legal Descriptions are optional to submit with application - will be required to finalize Lot Line Adjustment**

**Five (5) copies of a folded lot line adjustment map, 36" x 24" or 26" x 18" (unless otherwise approved)**

The lot line adjustment map itself must contain the following physical data:

- Existing and proposed lot lines
- Sufficient description to define the location, date, north arrow, scale and boundaries. Include an area map and show the full width of all streets bordering the property.
- Name and address of record owner or owners.
- Name and address of persons preparing map.
- Acreage to the nearest tenth of an acre, parcels less than one acre in area may be noted in square feet.
- Location and size of all pipelines, existing irrigation and drainage facilities, irrigation and drainage patterns, existing or proposed water wells, septic tanks and drain (leach) fields, sewer lines and structures used in connection therewith in the immediate vicinity of the lot lines being changed. The map shall also show water table depth, soil types and slope of the land.
- Outline of the existing buildings and mobile homes to remain in place within the subdivision, showing the distance to existing or proposed streets, lots and building lines.
- Tax Assessor's parcel number as shown on the latest County Assessment Roll.



A reproducible 8-1/2" by 11" copy of the lot line adjustment map.

**Application Fee**

Payable to Stanislaus County in the appropriate amount listed on Page 1.

APPLICATION CHECKLIST MUST BE SUBMITTED WITH APPLICATION QUESTIONNAIRE

*Upon receiving a tentative approval for the lot line adjustment, the applicant will be sent a "Tentative Approval Packet" which will need to be completed and returned to the Planning Department. This packet will include the following:

- One copy of "Uniform Rules, Stanislaus County Agricultural Preserve";
- One copy of the "Stanislaus County Code, Section 21.20, applying to A-2 (General Agricultural) Districts";
- One copy of "Application, California Land Conservation Act of 1965, Stanislaus County";
- One copy of "Notice of Rescission and Simultaneous Re-entry into California Land Conservation Contract";
- One copy of "Fictitious Land Conservation Contract".

Information concerning completion of the application forms, to obtain a copy of the "Tentative Approval Packet" and additional Williamson Act Contract information can be obtained from the Stanislaus County Department of Planning and Community Development.

FOR FURTHER INFORMATION CALL:

Planning Department 525-6330
Assessors Office 525-6461

*The County will review the proposed application for compliance with County Ordinances and the State Subdivision Map Act rules pertaining to lot line changes. If the map is in conformance, it will be sent to interested agencies for their comments. After comments are received, staff will review them and make a final decision. **Staff's decision may be appealed to the Planning Commission within ten (10) days of the decision. The appeal must be in writing, and accompanied by a \$628.00 appeal fee. Please be advised that prior to recording final papers for approved lot line adjustments, you must submit signatures from any and all security holders for the properties involved, agreeing to the application.***



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

Form box containing fields for S, T, R, ZONE, RECEIVED, APPLICATION NO., and RECEIPT NO.

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Form fields for Parcel 1: Name, Address, City, Zip, Phone, Fax Number

Parcel 2

Form fields for Parcel 2: Name, Address, City, Zip, Phone, Fax Number

Parcel 3

Form fields for Parcel 3: Name, Address, City, Zip, Phone, Fax Number

Parcel 4

Form fields for Parcel 4: Name, Address, City, Zip, Phone, Fax Number

2. Name and address of person(s) preparing map:

3. Assessor's Parcel No. of parcels adjusted:

Form fields for Assessor's Parcel No. of parcels adjusted: Parcel 1, 2, 3, 4 with Book, Page, No. fields

4. Size of all adjusted parcels:

Form fields for size of all adjusted parcels: Before and After columns with Parcel 1-4 rows

5. Why are the lot lines being changed? BE SPECIFIC

6. How are these parcels currently utilized? Please check appropriate uses

- | | |
|--|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Agriculture |
| <input type="checkbox"/> Single Family | <input type="checkbox"/> Row Crop – type _____ |
| <input type="checkbox"/> Duplex | <input type="checkbox"/> Trees – type _____ |
| <input type="checkbox"/> Multiple | <input type="checkbox"/> Vines – type _____ |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Range (unirrigated) _____ |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Pasture (irrigated) _____ |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Poultry _____ |
| _____ | <input type="checkbox"/> Dairy _____ |
| _____ | <input type="checkbox"/> Other (Specify) _____ |

7. List all structures on properties: _____

8. How have these parcels been utilized in the past, if different than current use? _____

9. When did current owner(s) acquire the parcel(s)?

Parcel 1: _____

Parcel 2: _____

Parcel 3: _____

Parcel 4: _____

10. What are the Williamson Act Contract numbers?

Parcel 1: _____

Parcel 2: _____

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 the irrigation system. _____

13. Signature of property owner(s) _____

Owner's Signature

Owner's Name Printed

Owner's Signature

Owner's Name Printed

Owner's Signature

Owner's Name Printed

Owner's Signature

Owner's Name Printed

NOTICES TO ALL APPLICANTS:

TECHNICAL STUDIES:

If the project site is on or near a historical site, archaeological site, landfill site, river, floodplain, freeway, railroad, or airport, or if specific environmental impacts are identified throughout the course of the project review, then specific technical studies may be required. Applicants are encouraged to contact the Planning Department at the earliest possible opportunity to determine the possible need and scope of such studies.

DEED RESTRICTIONS AND COVENANTS, CONDITIONS AND RESTRICTIONS (CC&RS):

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs) or a variety of private easements or other deed restrictions which may restrict the property's use and development. These deed restrictions are private agreements and are **NOT** enforced by the County of Stanislaus. Consequently, development standards specified in such deed restrictions are **NOT** considered by the County when granting permits.

You are advised to determine if the property is subject to deed restrictions and if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

ACKNOWLEDGMENTS/AUTHORIZATIONS:

CULTURAL RESOURCES REVIEW

The County of Stanislaus may refer this application to the Stanislaus State University Archaeological Information Center to determine whether an Initial Study (Environmental Analysis) addressing cultural resources will need to be conducted by a cultural resource consultant. Should this referral occur, the applicant(s) understand that further study by a cultural resources consultant may be required. If further study is required, the applicant(s) will be responsible for any additional costs. The applicant(s) signature on this application form signifies an acknowledgement that this statement has been read and understood.

STREAMBED ALTERATION AGREEMENT AND U.S. ARMY CORPS OF ENGINEERS JURISDICTION

Prior to the commencement of any grading and/or construction activities on the property in question, that are based upon entitlements conferred by Stanislaus County permit approval(s), the applicant should consult with the California Department of Fish & Game (DFG) to determine whether or not a Streambed Alteration Agreement [§1603, CA Fish & Game Code] is required. The applicant should also consult with the U.S. Army Corps of Engineers to determine whether or not a permit is required for these activities pursuant to Section 404 of the Clean Water Act. The applicant(s) signature on this application form signifies an acknowledgement that this statement has been read and understood.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - STORM WATER PERMIT REQUIREMENTS

Storm water discharges associated with construction activity are a potentially significant source of pollutants. The most common pollutant associated with construction is sediment. Sediment and other construction related wastes can degrade water quality in creeks, rivers, lakes, and other water bodies. In 1992, the State Water Resources Control Board adopted a statewide General Permit for all storm water discharges associated with construction activity that disturbs five or more acres of land. Effective March 10, 2003, all construction sites disturbing one or more acres of land will be required to obtain permit coverage. The General Permit is intended to ensure that construction activity does not impact water quality.

You need to obtain General Permit coverage if storm water discharges from your site and either of the following apply:

- Construction activities result in one or more acres of land disturbance, including clearing, grading, excavating, staging areas, and stockpiles or;
- The project is part of a larger common plan of development or sale (e.g., subdivisions, group of lots with or without a homeowner’s association, some lot line adjustments) that result in one or more acres of land disturbance.

It is the applicants responsibility to obtain any necessary permit directly from the California Regional Water Quality Control Board. The applicant(s) signature on this application form signifies an acknowledgment that this statement has been read and understood.

STATE OF CALIFORNIA HAZARDOUS WASTE AND SUBSTANCES SITES LIST (C.G.C. § 65962.5)

Pursuant to California Government Code Section 65962.5(e), before a local agency accepts as complete an application for any development project, the applicant shall consult the latest State of California Hazardous Waste and Substances Sites List on file with the Planning Department and submit a signed statement indicating whether the project is located on a site which is included on the List. The List may be obtained on the California State Department of Toxic Substances Control web site:

(<http://www.envirostor.dtsc.ca.gov/public>).

The applicant(s) signature on this application form signifies that they have consulted the latest State of California Hazardous Waste and Substances List on file with the Planning Department, and have determined that the project site is or is not included on the List.

Date of List consulted: _____

Source of the listing: _____

(To be completed only if the site is included on the List)

INDEMNIFICATION:

In consideration of the County's processing and consideration of this application for approval of the land use project being applied for (the "Project"), and the related California Environmental Quality Act (CEQA) consideration by the County, the Owner and Applicant, jointly and severally, agree to indemnify the County of Stanislaus ("County") from liability or loss connected with the Project approvals as follows:

1. The Owner and Applicant shall defend, indemnify and hold harmless the County and its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers or employees to attack, set aside, void, or annul the Project or any prior or subsequent development approvals regarding the Project or Project condition imposed by the County or any of its agencies, departments, commissions, agents, officers or employees concerning the said Project, or to impose personal liability against such agents, officers or employees resulting from their involvement in the Project, including any claim for private attorney general fees claimed by or awarded to any party from County.

The obligations of the Owner and Applicant under this Indemnification shall apply regardless of whether any permits or entitlements are issued.

2. The County will promptly notify Owner and Applicant of any such claim, action, or proceeding that is or may be subject to this Indemnification and, will cooperate fully in the defense.
3. The County may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the County defends the claim, actions, or proceeding in good faith. To the extent that County uses any of its resources responding to such claim, action, or proceeding, Owner and Applicant will reimburse County upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at their regular rate for external or non-County agencies, and any other direct or indirect cost associated with responding to the claim, action, or proceedings.
4. The Owner and Applicant shall not be required to pay or perform any settlement by the County of such claim, action or proceeding unless the settlement is approved in writing by Owner and Applicant, which approval shall not be unreasonably withheld.
5. The Owner and Applicant shall pay all court ordered costs and attorney fees.
6. This Indemnification represents the complete understanding between the Owner and Applicant and the County with respect to matters set forth herein.

IN WITNESS WHEREOF, by their signature below, the Owner and Applicant hereby acknowledge that they have read, understand and agree to perform their obligations under this Indemnification.

(Attach additional sheets as necessary)

ASSESSOR'S INFORMATION WAIVER

The property owner(s) signature on this application authorizes the Stanislaus County Assessor's Office to make information relating to the current owners assessed value and pursuant to R&T Code Sec. 408, available to the Stanislaus County Department of Planning and Community Development

PROPERTY OWNER/APPLICANT SIGNATURE

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the County. I hereby certify that I have read and fully understand all the information required in this application form including:

- 1. The Notices to All Applicants
- 2. Acknowledgments/Authorizations
- 3. The Indemnification

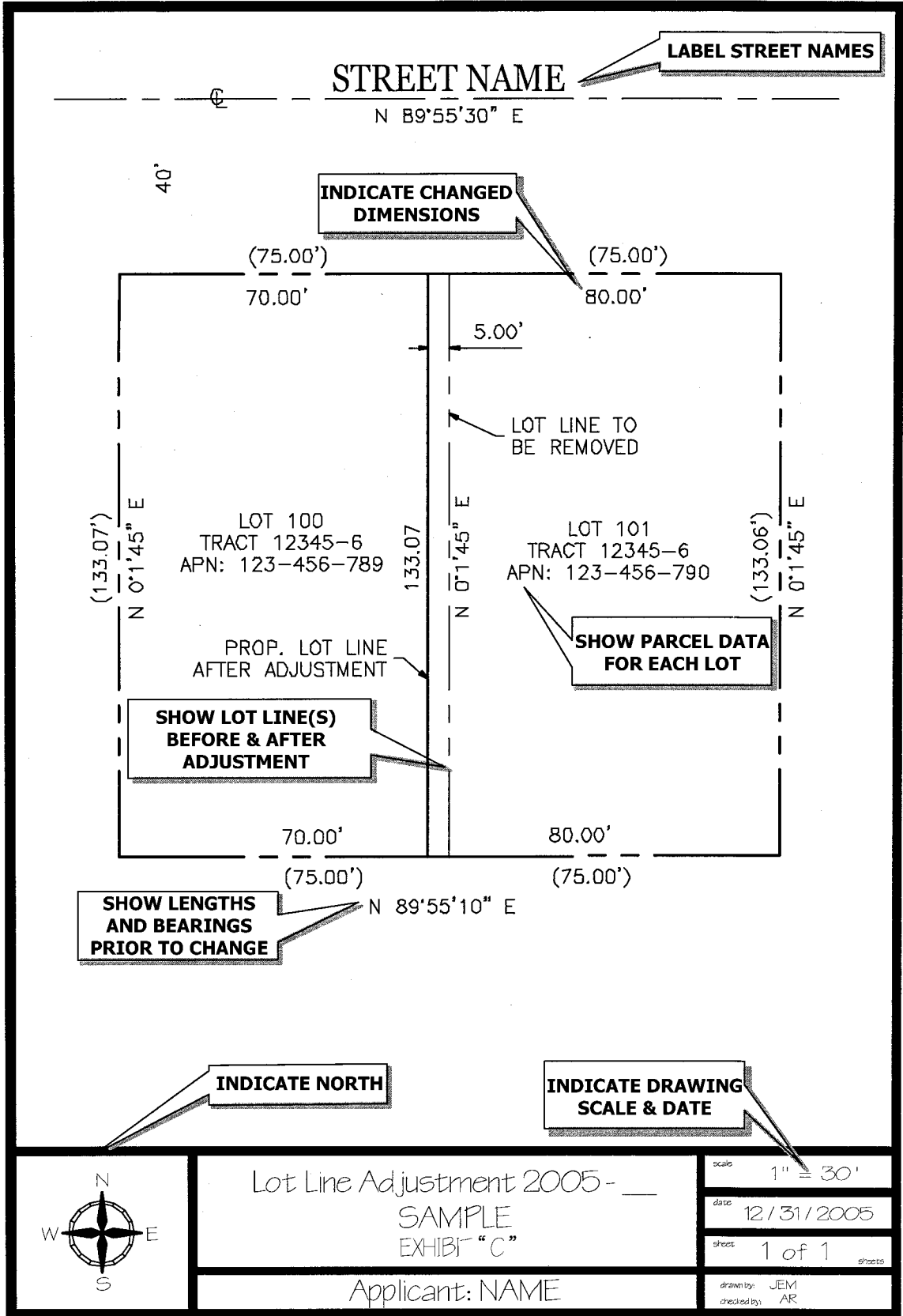
Property Owner(s): (Attach additional sheets as necessary)

Signature(s)	Print Name	Date

Applicant(s): (If different from above)

Signature(s)	Print Name	Date

EXAMPLE OF EXHIBIT "C"



EXAMPLE OF "APPLICANT STATEMENT"

EXAMPLE

Project Description and Landowner Justification

This project is a lot line adjustment between Assessors Parcel No. _____ (____ acres) owned by Owner 1 and Parcel No. _____ (____ acres) owned by Owner 2.

[Describe REASONS FOR LOT LINE ADJUSTMENT HERE] For Example: As part of the survey work it was discovered that an existing and long-standing fence between the parcels included 1.4 acres of the Owner 1 property within the area of Owner 2 Parcel. This 1.4 acres has been farmed for many years by Owner 2. Owner 1 and Owner 2 have met and determined that lot line between their properties should occur to recognize this fence location.

[Other reasons can be appropriate, such as agricultural financing, irrigation or crop patterns, or other agricultural related reasons. Please contact the Planning Department if you have any questions]

At the completion of this lot line adjustment, Parcel 1 will have an adjusted area of _____ acres, while the Parcel 2 adjusted acreage will be _____ acres. 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 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.

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

The land currently under contract is _____ acres. After the lot line adjustment, all _____ acres will remain under contract.

(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 less than 4% of the area of the smallest parcel. As such, more than 90% of the land under each of the former contracts will remain within each 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.

EXAMPLE OF “APPLICANT STATEMENT” (continued)

(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, both parcels will be larger than 40 (or 10) acres both before and after the lot line adjustment. Parcels are presumed to be large enough to sustain their agricultural use if they are greater than 10 acres in size if prime farmland, or greater than 40 acres in the case of non-prime farmland. The subject properties are both identified as (non)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.

Both of these parcels have been used for agricultural productivity in their current configuration for a long time. The new lot configuration, after adjustment, will recognize an existing fence location. The moving of the lot line to add 1.4 acres to an existing _____ acre parcel and remove 1.4 acres from _____ acre parcel will in no way affect the long term agricultural productivity of either of the parcels. This is especially true since the fence has existed in this location for many years.

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

The 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.

The two parcels currently exist, and after the lot line adjustment two parcels will continue to exist. Neither parcel is currently inconsistent with the Stanislaus County General Plan, nor will the resulting parcels 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 recognize an existing fence line which has been located in its current location for many years. As set forth previously, the properties will continue to be used for agricultural purposes, and this lot line adjustment will in no way affect the agricultural viability of either parcel.