Carolyn Geiger applied for a building permit, administrative permit, and Williamson Act consistency review to construct agricultural worker housing on APN 040-080-075. The parcel is part of a subdivision consisting of six parcels, varying from five to seven acres each, which was enrolled in the Williamson Act in 1995 in its current configuration. This configuration no longer complies with Williamson Act program requirements. The Williamson Act Advisory Committee (Committee) reviewed the application on June 3, 2019 and recommended to the Board of Supervisors that issuance of a building permit and an administrative permit for agricultural worker housing are consistent with the Williamson Act, conditioned upon the owner's recordation of a deed restriction limiting the use of the structure to agricultural worker housing. Due to inconsistencies between the building permit application, the property configuration, and current Williamson Act requirements, the Committee further recommended that the owner be required to nonrenew the entire contracted area from the Williamson Act, and to record a deed restriction prohibiting the separate sale of any of the contract parcels until the property exits the Williamson Act.

Fiscal Impact:
None

Personnel Impact:
None

Action Requested:
Determine that the building permit and administrative permit for agricultural worker housing are consistent with the Williamson Act program with the recommended conditions.
MEMORANDUM

DATE: June 3, 2019

TO: Land Conservation (Williamson) Act Advisory Committee

FROM: Claudia Stuart, AICP, Principal Planner

RE: Change to Permitting Requirements for Agricultural Worker Housing: Applicability to Williamson Act Program and to Geiger Project (B19-0528; Administrative Permit for Agricultural Worker Housing; LCA19-0005)

Background

Development Services has recently been made aware of Health and Safety Code Section 17021.6(b) regarding agricultural worker housing (excerpt highlighted below). This section of the Health and Safety Code does not allow local jurisdictions to require a conditional use permit for agricultural worker housing.

Butte County’s zoning ordinance currently requires a conditional use permit for agricultural worker housing in the Agriculture zones, in conflict with State law. Beginning immediately, Development Services will process any future agricultural worker housing requests under an administrative permit. The County will remove the requirement for a conditional use permit, and replace it with an administrative permit in the Zoning Ordinance. Please contact Department Director Tim Snellings at 530.552.3700 with any questions.


(a) The owner of any employee housing who has qualified or intends to qualify for a permit to operate pursuant to this part may invoke this section.

(b) Any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall
include agricultural employees who do not work on the property where the employee housing is located.

Applicability to the Williamson Act Program

Reviews of applications for building permits and administrative permits (i.e., ministerial permits) on Williamson Act lands are conducted at the staff level. For applications on Williamson Act land in agricultural use, staff is guided by Rules 3.A (Uses that Qualify as Primary Agricultural Uses), 3.B (Accessory Uses to Primary Agricultural Uses) and 3.C (Conditionally permitted uses on Williamson Act Land) in these reviews.

In 2007, the Board of Supervisors deemed agricultural worker housing consistent with the Williamson Act under Rule 3.A.13 (Uses that Qualify as Primary Agricultural Uses). However, Rule 3.C of the Williamson Act program requires that conditionally permitted uses on Williamson Act lands must be reviewed by the Williamson Act Advisory Committee for compatibility with the County’s program. Since 2015, the requirement for a use permit to develop agricultural worker housing under Butte County Code section 24-14.G has triggered a consistency review by the Williamson Act Advisory Committee under Rule 3.C.

With future reviews of agricultural worker housing to be conducted administratively, clearances for agricultural worker housing on Williamson Act lands will again be conducted at the staff level. If staff is unclear about the consistency of such an application with the County’s program, staff will forward the review to the Williamson Act Advisory Committee and ultimately the Board of Supervisors under Rule 2.B.2.b:

In cases where the Director of Development Services determines that a compatibility finding is not clear, the Director shall refer the case directly to the LCA Committee. The Committee may make a determination of compatibility or noncompatibility for the proposed application in the form of a recommendation to the Board of Supervisors.

Government Code section 51230.2 does allow certain restrictions on agricultural worker housing on Williamson Act lands. These were reiterated in the County’s former requirements for a use permit for agricultural worker housing, and include:

- A limitation on the size of the area affected;
- A deed restriction that limits the use to agricultural laborer housing facilities.

Staff expects to continue to apply these restrictions in administrative reviews of proposed agricultural worker housing on Williamson Act lands, specifically that:

1. The total area of the parcel affected by the agricultural worker housing use shall be no more than one acre in size;
2. A deed restriction shall be required, limiting the use of the structure to agricultural worker housing as long as the property remains enrolled in the Williamson Act.

Applicability to the Geiger Proposal (B19-0528, Administrative Permit for Agricultural Worker Housing, and LCA19-0005)

A use permit is no longer required for this project, which is now being reviewed as an administrative permit. Agricultural worker housing is deemed a qualifying primary agricultural use on Williamson Act
land under Rule 3.A.13. Nevertheless, staff is referring the proposal to the Williamson Act Advisory Committee for a consistency review for several reasons:

1. Absent the application of appropriate conditions, the proposal appears to conflict with Rule 5.A.5.d of the County’s program, which prohibits issuance of residential building permits on substandard size parcels;
2. The overall property configuration as a residential subdivision comprised of five- to seven-acre lots conflicts with the County’s current Williamson Act program, and needs to be addressed as part of the permitting process.

A consistency review by the Committee is still required to resolve these issues. Staff is, however, revising its recommendation to delete reference to a use permit as follows:

*Staff recommends that the Land Conservation (Williamson) Act Advisory Committee recommend to the Board of Supervisors that building permit B19-0528 and an administrative permit for agricultural worker housing on the subject parcel are consistent with the Williamson Act, conditioned upon 1. Nonrenewal of the entire contracted property from the Williamson Act (Attachment A – Draft Notice of Nonrenewal) and 2. Recordation of a deed restriction for agricultural worker housing (Attachment B – Draft Deed Restriction). The Committee may also wish to discuss whether a deed restriction should be required to prohibit the separate sale of any of the contracted parcels for the remaining time that they are enrolled in the Williamson Act.*

Thank you for your attention to this matter. Please feel free to contact me at cstuart@buttecounty.net or 530.552.3681 with any questions.
Staff recommends that the Land Conservation (Williamson) Act Advisory Committee recommend to the Board of Supervisors that building permit B19-0528 and use permit UP19-0002 (Geiger – APN 040-080-075) are consistent with the Williamson Act, conditioned upon 1. Nonrenewal of the entire contracted property from the Williamson Act (Attachment A – Application for Nonrenewal) and 2. Recordation of a deed restriction for agricultural worker housing (Attachment B – Draft Deed Restriction). The Committee may also wish to discuss whether a deed restriction should be required to prohibit the separate sale of any of the contracted parcels for the remaining time that they are enrolled in the Williamson Act.

SUMMARY

On February 26, 2019 Carolyn Geiger applied for a building permit (B19-0528 – Attachment C) to construct a dwelling on APN 040-080-075. The parcel is part of a larger orchard operation of which six parcels are enrolled in the Williamson Act. Due to inconsistencies between the building permit application, the contracted property configuration and current Williamson Act requirements, staff placed the application on hold and provided the following feedback to the applicant:
1. A use permit application is required to establish agricultural worker housing (UP19-0002 – Attachment D);
2. A Williamson Act consistency review is required for this conditionally permitted use (LCA19-0005 – Attachment E); and
3. The contracted property (a residential subdivision) does not conform to current Williamson Act program requirements, and should be nonrenewed from the Act. The property owner has submitted an application for nonrenewal (LCA19-0006 – Attachment A).

BACKGROUND AND ANALYSIS

The building permit and use permit applications are for a parcel (APN 040-080-075) which is part of a larger Williamson Act contract for orchard use (Carolyn C. Geiger – 1995 contract and 1996 Amendment – Attachment F). The property is located along Carolmark Court on the west side of Lott Road, approx. 1.8 miles south of the City of Chico. The orchard operation consists of six enrolled parcels totaling approx. 34.9 gross acres. The parcels range in size from approx. 5-7 acres, and are all owned by Carolyn Geiger or the Carolyn Geiger Living Trust:

<table>
<thead>
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<th>APN</th>
<th>Acres</th>
</tr>
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<tbody>
<tr>
<td>040-080-071</td>
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</tr>
<tr>
<td>040-080-072</td>
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<td>5.1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>34.9</strong></td>
</tr>
</tbody>
</table>

The contracted parcels are part of a seven-lot residential subdivision recorded October 8, 1992 (Attachment G), prior to enrollment of the property in the Williamson Act. The seventh lot in the subdivision is also owned by the applicant and managed as part of the orchard operation, but is not enrolled in the Williamson Act.

County records show that the Williamson Act Advisory Committee was aware of the subdivision when making its recommendation for enrollment of the property to the Board of Supervisors. The property owner included a statement on the application for the Williamson Act contract noting that “I divided it into 5 acre lots so that when urban encroachment no longer allows farming I will not have problems. I plan to continue farming this viable orchard.” The Board of Supervisors approved the contract, which was recorded on March 14, 1995. The property continues to be managed as an orchard.

The original contract stipulated a 5-acre minimum parcel size. The County later determined that the 5-acre minimum parcel size was in error, and an amendment to the contract (Rec. Doc. 96-014019) was recorded on April 16, 1996, increasing the minimum parcel size to 34.22 acres (the total net area of the enrolled parcels after subdivision). Prior to the update of the County's
Williamson Act Rules, such aggregation of parcels to meet minimum parcel size requirements was allowed by the program. Under the County’s interpretation of that time, aggregation allowed the entire contract area to be considered a single “parcel” for the purposes of the Williamson Act.

One residence (10101 Lott Road) currently exists on the contracted property, on APN 040-080-076. The owner proposes to add a 4-bedroom, 2,224-square foot residence on the adjacent lot (APN 040-080-075).

Building Permit B19-0528 and Use Permit UP19-0002

Building permit B19-0528 was submitted on February 26, 2019 for APN 040-080-075. The application is for a 4-bedroom, 2,224-square foot residence located 40 feet from the south side of Carolmark Court, close to the center of the parcel (based on gross parcel area). A residential well would be located 80'-9" southeast of the residence. The septic leach field would be developed on the west side of the residence. According to the property owner, approx. 27 trees would be removed from the orchard in order to develop the residence. A family member who would manage the orchard would live in the dwelling.

Per Butte County Code Section 24-14.G (Agricultural Worker Housing Center), the establishment of agricultural worker housing is subject to approval of a use permit by the County. The property owner has submitted an application for a use permit for agricultural worker housing (UP19-0002).

Section 21-14.G requires that the agricultural worker housing shall be located in an area that will present the least amount of impact to agricultural resources (close to existing access and other structures, and in a location that will present the least amount of disturbance to agricultural resources and operations). The residence shall occupy an area of no more than one acre, and shall be occupied by agricultural employees. Approval of a building permit for agricultural worker housing also requires recordation of a deed restriction:

24-14.G.5. Deed Restriction. Prior to the issuance of a building permit for an agricultural worker housing center, a covenant of restriction to run with the land shall be recorded which specifies that the agricultural worker housing center cannot be sold separately, that the housing shall only be used to house agricultural workers and their families, and that these restrictions shall be binding on successors in ownership.

Based on staff review of the floor plan and site plan for B19-0528, it appears that the new residence, driveway, residential well, and septic field will disturb less than one acre of orchard on APN 040-080-075. Consistent with Section 24-14.G.5, recordation of the deed restriction (Attachment B) is required prior to issuance of building permit B19-0528.

The Planning Commission reviewed the use permit application on May 9, 2019 and approved the project subject to the recommended conditions. Per Rule 2.B.3 of the County’s Williamson Act program, the Planning Commission’s decision is conditional, subject to a final determination by the Board of Supervisors that the Building Permit and Use Permit applications are consistent with the Williamson Act.

WILLIAMSON ACT CONSISTENCY REVIEW (LCA19-0005)

Rule 5.A.5.d of the County’s Williamson Act program prohibits issuance of residential building permits such as B19-0528 on substandard size parcels, but allows an exception for agricultural worker housing if it is sold or leased to a nonprofit or public agency:
No residential buildings shall be erected on parcels that fail to meet the standards for minimum parcel acreage as specified in Table One of Rule 5. An exception for agricultural worker housing shall comply with the provisions of Government Code section 51230.2.

Table One specifies a 20-acre minimum parcel size for enrolled property in orchard use. Section 51230.2 allows subdivision into a substandard-size parcel specifically for agricultural worker housing sold or leased to a nonprofit or public agency. In this instance, however, the property has already been subdivided and the agricultural worker housing would be privately owned.

Assessor’s Office staff has indicated that the County could consider the contracted property as a single “parcel” for the purposes of the current Williamson Act consistency review, similar to the way it was viewed by the County when enrolled in the Act. This “parcel” would be 34 acres in area, meeting Table One minimum parcels size requirements, which could allow approval of the building permit for one additional residence on the entire contracted “parcel” (i.e., property), as agricultural worker housing. However, because the approach of aggregating lots as a single “parcel” is no longer used by the County, staff recommends that the property be nonrenewed from the Act.

Consistency Review - Need and Process

Staff asks the Committee to assess the overall compatibility of the proposed agricultural worker housing (building permit and use permit) with the County’s Williamson Act program. Under Rule 2.B of the County’s Williamson Act program, a use may be allowed on Williamson Act contracted land when the Board of Supervisors determines the use to be compatible with the Williamson Act, per the three principles of compatibility in Section 51238.1(a). Per Rule 2.B.1, the Committee may recommend conditions or mitigations that would be required to make the use compatible with the Act. The Committee’s conclusions shall be reported to the Board of Supervisors as recommendations.

In 2007, the Board of Supervisors deemed agricultural worker housing consistent with the Williamson Act under Rule 3.A.13 (Uses that Qualify as Primary Agricultural Uses). However, Rule 3.C of the Williamson Act program requires that conditionally permitted uses on Williamson Act lands must be reviewed by the Williamson Act Advisory Committee for compatibility with the County’s program. In 2015 the County updated its zoning, requiring a use permit for the establishment of agricultural worker housing per Butte County Code section 24-14.G, and triggering the current Williamson Act consistency review. Per Rule 3.B.C, the Planning Commission’s approval of the use permit is conditional, pending a final determination by the Board of Supervisors that issuance of the use permit is compatible with the Act.

In addition, staff routinely reviews building permit applications on Williamson Act lands for consistency with the County’s program. When compatibility is not clear, staff refers such applications to the Committee for review per Rule 2.B.2.b:

In cases where the Director of Development Services determines that a compatibility finding is not clear, the Director shall refer the case directly to the LCA Committee. The Committee may make a determination of compatibility or noncompatibility for the proposed application in the form of a recommendation to the Board of Supervisors.

Building permit application B19-0528 for a residential building permit on a substandard Williamson Act parcel (less than 10 acres) is concurrently referred to the Committee to review for consistency with the Williamson Act.
Principles of Compatibility

Consistent with Section 51238.1, uses approved on contracted lands shall be consistent with all of the following principles of compatibility:

(1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves
The aggregated 34-acre property is part of a larger orchard operation under the applicant’s ownership. One other residence exists on the contracted property, on neighboring APN -076. The proposed residence, driveway, septic field, and well would remove approx. 27 trees from the orchard operation, and result in a total residential area on the contracted property that staff estimates at less than one acre. Over 30 acres of the contracted property would remain in orchard use. Properties surrounding the Geiger contract are largely subdivided into parcels smaller than 20 acres (many are roughly 5 acres), and developed with small-scale orchards and residences. The nearest Williamson Act property is on the west side of Butte Creek.

Given the overall size of the contracted property (34 acres), the limited extent of the combined existing and proposed development, and the lack of other Williamson Act parcels nearby on the same side of Butte Creek, staff concludes that the addition of a residence to the property will not significantly compromise its long-term productivity as an orchard operation, nor displace nor impair those operations, nor result in the removal of adjacent contracted land from agricultural use.

Butte County Code Section 24-12.G.5 requires recordation of a deed restriction prior to issuance of a building permit for agricultural worker housing. The restriction runs with the land and specifies that the agricultural worker housing cannot be sold separately, shall be used only to house agricultural workers and their families, and is binding on successors in ownership. Such a deed restriction (Attachment B) shall be in effect as long as the property is enrolled in the Williamson Act.

In order to resolve the long-term inconsistencies between the current Williamson Act program and the property’s configuration as a recorded residential subdivision consisting of substandard size lots, staff recommends that a Notice of Nonrenewal (Attachment A) be recorded for the entire contract prior to issuance of the building permit. In addition, in order to ensure that the building permit is consistent with the Act, the Committee may wish to discuss and potentially recommend to the Board that the applicant record a deed restriction prohibiting the separate sale of any of the contracted parcels as long as the property remains in the Act. In its Williamson Act consistency review of a similar 2015 application to build a home on a substandard-sized lot (11.1 acres) enrolled in the Williamson Act (Konyon LCA15-0005), the County conditioned its approval upon recordation of a deed restriction prohibiting the separate sale of the substandard lot out of the larger contract.

The Committee may wish to discuss whether a similar restriction should be required as part of the current consistency review. Such a restriction (Attachment H – Sample Deed Restriction Prohibiting Separate Sale) would prohibit the separate sale of any of the Williamson Act parcels in the Geiger contract as long as they remain in the Act. With the application of these conditions, staff recommends that Building Permit B19-0528 and Use Permit UP19-0002 are compatible with the Williamson Act.

Consistency with General Plan and Zoning

Butte County’s Williamson Act program must be consistent with its General Plan and zoning. The Butte County General Plan Agriculture Element directs that the County shall continue to establish and maintain Williamson Act contracts:
• AG-P1.3 Continue to work with landowners in establishing new and maintaining existing Williamson Act contracts.

Relevant standards in Butte County zoning include:

• Article 4 Section 24-13, Table 24-13.1, which prohibits second units and accessory dwellings on Williamson Act parcels.

Per Table 24-13.1, agricultural worker housing centers such as the one currently proposed may be allowed subject to issuance of a use permit.

• Article 17, which requires a 300-foot setback for residential development on all lands zoned for agriculture or within 300 feet of agricultural zones.

Per section 24-83, the 300-foot distance may be adjusted based upon the Agricultural Buffer Guidelines as adopted by the Board of Supervisors on December 16, 2008 (and as amended) or an Unusual Circumstances Review in Section 24-84 (Exceptions to Agricultural Buffer Setback).

Staff from the Agricultural Commissioner’s Office reviewed building permit application B19-0528 on February 28, 2019 and cleared the proposed setbacks for the residence, without recommending other conditions: “Parcel size will not support a standard Ag buffer. Site has pre-existing infrastructure. Proposed placement of the building appears to be appropriate. No other conditions or mitigating measures.” Per Butte County code section 24-84.1, “Within Agriculture zones, Agricultural Worker Housing Centers, as defined under this chapter, shall not be subject to the Agricultural Buffer Setback.” Therefore, this requirement does not apply to the current Williamson Act consistency review.

Rule 5.B.6 (New Contract Required Upon Granting of Entitlements)

Per Rule 5.B.6 of the County’s program, in granting a use permit the County reserves the right to require rescission and/or signature of a new or amended contract:

In granting any of the following discretionary entitlements, the County reserves the right to require rescission of the current Williamson Act contract and/or signature of a new or amended contract which incorporates all Butte County Williamson Act rules and procedures in force at the time:

a. Tentative Parcel Map
b. Tentative Subdivision Map
c. Use Permit
d. Lot Line Adjustment
e. Merger of Parcels

The current applications are a building permit and use permit with no changes to the property boundaries. Staff is recommending that the owner be required to nonrenew the property from the Williamson Act in order to resolve inconsistencies between the property’s configuration and the County’s current Williamson Act program. Because the property has already been nonrenewed and no parcel boundaries are being changed, staff concludes that there is no need to require rescission and amendment of the contract.

Based on the above analysis, staff concludes that the proposed agricultural worker housing is consistent with the County’s Williamson Act program, conditioned upon 1. Nonrenewal of the entire contracted property from the Williamson Act (LCA19-0006 – Attachment A) and 2. Recordation of a deed restriction for agricultural worker housing prior to approval of the building permit or use permit applications. The Committee may also wish to discuss whether a deed
restriction should be applied restricting the separate sale of any of the contracted parcels for the remaining time that they are enrolled in the Williamson Act.

Please feel free to contact me at cstuart@buttecounty.net or 503.552.3681 with any questions, or for further information.

ATTACHMENTS

A. Application for Nonrenewal LCA19-0006
B. Draft Deed Restriction for Agricultural Worker Housing
C. Building Permit Plans B19-0528
D. Use Permit Application UP19-0002
E. Application for Williamson Act Consistency Review LCA19-0005
F. Carolyn C. Geiger – 1995 Contract and 1996 Amendment
G. Geiger Subdivision Map
H. Sample Deed Restriction Prohibiting Separate Sale
Land Conservation (Williamson) Act Contract
Non-Renewal Application

Date: 3-24-2019
Current Landowner Name: Carolyn Geiger, Trustee of the Carolyn Geiger Living Trust dated December 14, 2004
Mailing Address: PO BOX 515
City: Durham State: CA Zip Code: 95938
Telephone Number: 530-519-2709 Fax: ( )
Alternate Phone Number: 530-590-9198 Email Address: Durhamstrick@gmail.com

List of ALL Current Owners of property to be non-renewed (all owners will need to sign the Notice of Non-Renewal):
Carolyn Geiger

Signature of Applicant X Carolyn Geiger Date 3-24-19

THIS PORTION FOR STAFF USE ONLY:
Based on verification of the information in this application, the Development Services Department prepares the final conforming Notice of Nonrenewal form and mails it to the landowner(s/applicant(s) for notarized signatures.

Check List:

<table>
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<th>Item</th>
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<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>List of APNs to be Non-Renewed (Exhibit “A”)</td>
<td>Yes</td>
<td>SEE BELOW</td>
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<tr>
<td>Maps/Legal Descriptions of APNs (Exhibit “B”)</td>
<td></td>
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| Non-Renewal Accepted:                                               |          | Non-Renewal No.  
| Contract Name.                                                      |          |          |

040-080-071
040-080-072
040-080-073
040-080-074
040-080-075
040-080-076
AGRICULTURAL WORKER HOUSING CENTER 
DEED RESTRICTION

I. WHEREAS, on this [DATE], CAROLYN C. GEIGER, hereinafter referred to as Owner(s), is the record owner of the following real property APN: 040-080-075 and as further set forth in Exhibit “A” attached hereto and hereby incorporated by reference, hereinafter referred to as “the subject property”; and

II. WHEREAS, the subject property is part of a Land Conservation Agreement, entered into on February 14, 1995, by Carolyn C. Geiger in accordance with the provisions of the Butte County Code and the Land Conservation Act; and

III. WHEREAS, Use Permit UP19-0002 and Building Permit B19-0528 were applied for on 03/27/2019 and 02/26/2019, respectively, by the owner in accordance with the provisions of the Butte County Code; and

IV. WHEREAS, the use allowed by Use Permit UP19-0002 has been reviewed and approved as an Agricultural Worker Housing Center; and

V. WHEREAS, Section 24-14G (Agricultural Worker Housing Center) of the Butte County Zoning Ordinance, prior to the issuance of a building permit for an agricultural worker housing center, requires recordation of a covenant of restriction to run with the land which specifies that the agricultural worker housing center cannot be sold separately, that the housing shall only be used to house agricultural workers and their families, and that these restrictions shall be binding on successors in ownership; and

VI. WHEREAS, the Land Conservation (Williamson) Act Advisory Committee recommended on June 3, 2019, and the Board of Supervisors determined on [DATE]
2019 that this restriction shall run with the land as long as the property remains in the Williamson Act, and shall expire upon the date the subject property exits the Williamson Act; and

VII. WHEREAS, it is intended that this Agricultural Worker Housing Center Deed Restriction shall constitute an enforceable restriction and remain in effect until a change in use or law has occurred, either of which change allows the use otherwise restricted herein to be conducted on the real property described herein. Under either circumstance allowing such change in use, Owner shall be entitled to have this Agricultural Worker Housing Center Deed Restriction rescinded by the execution of a subsequent document entitled Rescission of Agricultural Worker Housing Center Deed Restriction by the Director of Development Services;

NOW, THEREFORE, with the issuance of Use Permit UP19-0002 to Owner by Butte County, Owner hereby affirms Owner’s desire to develop an agricultural worker housing center, which establishes occupancy restrictions on the dwelling. The undersigned Owner, for himself/herself and for his/her heirs, assigns, and successors in interest, acknowledges and agrees to the restrictions. The subject agricultural worker housing center cannot be sold separately and shall be used only to house agricultural workers and their families.

This deed restriction and notice of occupancy restrictions shall remain in full force and effect during the period that this permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by this permit, or any modification of this development, remains in existence in or upon any part of, and thereby confers benefit upon, the subject property described herein, and to that extent, this deed restriction is hereby acknowledged and agreed to by Owner to restrict the use to an agricultural worker housing center and shall be binding on Owner and all his/her assigns or successors in interest.

This document shall be recorded and returned to the Butte County Department of Development Services, Building Division prior to the issuance of Building Permit B19-0528, consistent with the requirements of 24-14.G. of Butte County Code.

DATE: _______________________________________, 20__________

Peter Calarco
Assistant Director ______.
Owner Signature: ______________________________
Carolyn C. Geiger
**NOTE TO NOTARY PUBLIC:** If you are notarizing the signatures of persons, signing on behalf of a corporation, partnership, trust, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Public Law Book.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )
) SS.
COUNTY OF BUTTE )

On ______________________ before me, __________________________, Notary Public, personally appeared ______________________________________________

_________________________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_______________________________________
Signature

(Seal)
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )
COUNTY OF BUTTE ) SS.

On ________________________ before me, __________________________, Notary Public, personally appeared ______________________________________________
________________________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_______________________________________
Signature

(Seal)
This is to certify that the Deed Restriction set forth above is hereby acknowledged by the Director of the Department of Development Services and that Butte County consents to its recordation thereof.

Dated: _______________________________

_____________________________________

Peter Calarco, Assistant Director
Department Development Services

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )
COUNTY OF BUTTE )

On ______________________ before me, __________________________, Notary Public, personally appeared ______________________________________________

_________________________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_______________________________________

Signature

(Seal)
EXHIBIT A

The property of the Owner hereinabove referred to and to which the provisions of this Agricultural Worker Housing Center Deed Restriction apply is situated in the County of Butte, State of California and is particularly described as follows:

PARCEL I:

LOT 6, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "GEIGER SUBDIVISION", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON OCTOBER 8, 1992, IN BOOK 126 OF MAPS, AT PAGE(S) 55, 56 AND 57.

PARCEL II:

A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES 60.00 FEET IN WIDTH OVER LOTS 1, 2, 3, 4, 5, AND 7, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "GEIGER SUBDIVISION", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON OCTOBER 8, 1992, IN BOOK 126 OF MAPS, AT PAGE(S) 55, 56 AND 57.

PARCEL III:

A NON-EXCLUSIVE EASEMENT FOR WELL, WATER LINES, PUBLIC UTILITIES AND ALL OTHER APPURTENANT FACILITIES, FOR THE PURPOSE OF EXTRACTING AND TRANSPORTING WATER, TOGETHER WITH THE RIGHT TO ENTER AND MAINTAIN, OVER, ON AND UNDER THAT CERTAIN 15.00 FOOT STRIP, OVER LOT 7, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "GEIGER SUBDIVISION", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON OCTOBER 8, 1992, IN BOOK 126 OF MAPS, AT PAGE(S) 55, 56 AND 57.

APN: 040-080-075
Butte County Department of Development Services
TIM SNELLINGS, DIRECTOR | PETE CALARCO, ASSISTANT DIRECTOR
7 County Center Drive
Oroville, CA 95965
530.532.3701 Telephone
530.538.7785 Facsimile

PROJECT INFORMATION

APPLICANT'S NAME: (If applicant is different from owner an affidavit is required.)
Carolyn Geiger

ADDRESS: STREET, CITY, STATE, & ZIP CODE
Carolmark Ct, Durham, CA 95938

E-MAIL: durhamstricks@comcast.net

ASSESSOR'S PARCEL NUMBER: 040-060-075

TELEPHONE: (530) 534-9378

FAX: 

Carolyn Geiger, Trustee of the Carolyn Geiger Living Trust

ADDRESS: STREET, CITY, STATE, & ZIP CODE
PO Box 515 Durham CA 95938

PROPERTY INFORMATION

NAME OF PROPOSED PROJECT (if any)

SITE SIZE (in square feet or acres) 5.15 acres

LOCATION OF PROJECT (major cross streets and address, if any)
Lott Rd a Carolmark Ct Durham, CA

ZONE

GENERAL PLAN

EXISTING LAND USE

PROPOSED LAND USE

EXISTING STRUCTURES (square feet)

PROPOSED STRUCTURES (square feet)
2,224 sq. ft.

UNDER WILLIAMSON ACT CONTRACT

YES □ NO □

PROPERTY IS OR PROPOSED TO BE SEWERED

PROPERTY IS OR PROPOSED TO BE ON SEPTIC

APPLICATION TYPE

☐ ADMINISTRATIVE PERMIT
☐ LEGAL LOT DETERMINATION
☐ CONDITIONAL USE PERMIT
☐ MINOR USE PERMIT
☐ COMMUNICATIONS FACILITY U/M/P
☐ VARIANCE
☐ MINOR VARIANCE
☐ LOT LINE ADJUSTMENT
☐ CERTIFICATE OF MERGER

HUTTE COUNTY

MAR 26 2019

DEVELOPMENT SERVICES

PROJECT DESCRIPTION

FULL DESCRIPTION OF PROPOSED PROJECT (Attach necessary sheets. If this application is for a land division, describe the number and size of parcels.)

Build 1 residential structure for Ag Employee housing.

OWNER CERTIFICATION

I CERTIFY THAT I AM PRESENTLY THE LEGAL OWNER OR THE AUTHORIZED AGENT OF THE OWNER OF THE ABOVE DESCRIBED PROPERTY. FURTHER, I ACKNOWLEDGE THE FILING OF THIS APPLICATION AND CERTIFY THAT ALL OF THE ABOVE INFORMATION IS TRUE AND ACCURATE. (If an agent is to be authorized, execute an affidavit of authorization and include the affidavit with this application.)

DATE: 3-24-19
SIGNATURE: Carolyn Geiger
APPLICATION FOR LAND CONSERVATION ACT
CONTRACT AGREEMENT OR AMENDMENT

NAME: Carolyn Geiger, Trustee of the Carolyn Geiger Living Trust dated December 14, 2004
PHONE: 530-670-9378
EMAIL ADDRESS: durhamstricks@comcast.net
MAILING ADDRESS: PO Box 515
Durham, CA 95938

ASSessor PARCEL NO. NO. OF RESIDENTIAL STRUCTURES ACREAGE
040-080-071 0 5.15
040-080-072 0 5.30
040-080-073 0 7.05
040-080-074 0 7.03
040-080-075 0 5.15
040-080-076 1 5.10
TOTAL: 34.78

APPLICATION MUST INCLUDE THE FOLLOWING:

1. Preliminary Title Report describing each parcel or parcels on the tax roll and the ownership. Title Report shall be not more than six (6) months old with plat maps attached.

2. An application fee of $2,256.20. Any additional review required will be billed at an hourly rate of $187.44. Please make checks out to “Butte County Treasurer.”

3. Applications must be submitted to the Department of Development Services on or before September 15th for the contract to become effective the following year.

PROPERTY INFORMATION
How long have you owned the land? 16 years
Was the property acquired during the last 5 years? Yes ___ No X
Is the land listed for sale at the present time? no
Are there any known mineral deposits on the land? no

If the answer is yes:
1. List the minerals ________________________________

2. If ownership is not the same as property owner, who owns the mineral rights?

LAND USE (Indicate if proposed contract use differs from present use):

1. **ORCHARD** (vineyards, orchards, etc.; 20-acre minimum parcel size):
   
   Description of use __________________________ Acreage __________
   
   __________________________
   
   __________________________
   
   TOTAL: __________

2. **FIELD CROPS, IRRIGATED PASTURE OR IRRIGATED RICE** (80-acre min. parcel size):
   
   Description of use __________________________ Acreage __________
   
   __________________________
   
   __________________________
   
   TOTAL: __________

3. **DRY LAND GRAZING** (160-acre minimum parcel size):
   
   Description of use __________________________ Acreage __________
   
   __________________________
   
   __________________________
   
   TOTAL: __________

4. **OPEN SPACE** (wildlife habitat, managed wetlands, etc.; 80-acre minimum parcel size)
   
   Description of use __________________________ Acreage __________
   
   __________________________
   
   __________________________
   
   TOTAL: __________
Land is being used by:  Owner  X  Leased  ______________  (Check one)
If being grazed, what is the average animal carrying capacity per acre?  ______________
What is the average number of animals being grazed on the property per year?  ______________

5. List all other uses on the property (attach additional sheets as necessary):

________________________________________
________________________________________

6. List all built structures on the property (attach additional sheets as necessary):
   CAD-070-016:  1-residential structure.
   1-Outbuilding - Shed

7. Other information or explanation to support application:

________________________________________
________________________________________

The above statements are certified by the undersigned owners of the property listed on page one of this application to be complete, true and correct.

DATE:  3-24-19  Signature  Carolyn C. George  (Owner)

DATE:  __________________ Signature  __________________  (Owner)

DATE:  __________________ Signature  __________________  (Owner)

Conservation Easements: None known by owner.
AMENDMENT TO LAND CONSERVATION ACT AGREEMENT

Reference is hereby made to that certain Land Conservation Agreement entered into by and between the County of Butte, hereinafter referred to as "County", and Carolyn C. Geiger dated March 14, 1995 and duly recorded in the official records of Butte County under Butte County Recorder's Serial Number 95-008132.

Carolyn C. Geiger, hereinafter referred to as "Owner", to property subject to said Land Conservation Agreement and described in Exhibit A attached hereto and incorporated herein by this reference.

County and Owner wish to and do hereby amend the above referenced Land Conservation Agreement as it relates to the property described in Exhibit A attached hereto by amending paragraph Ninth to provide as follows:

"Ninth: The Owner agrees that he, his successors, and assigns, shall not divide by sale or gift the property which is the subject of this agreement into a parcel under separate ownership having less than 34.22 acres."

DATED: APR 09 1996

COUNTY OF BUTTE

By: ED MCLAUGHLIN, CHAIRMAN
Butte County Board of Supervisors

ATTEST:

JOHN BLACKLOCK
Administrative Officer and
Clerk of the Board

DATED: MAR 28 1996

APPROVED AS TO FORM:
SUSAN MINASIAN
Butte County Counsel

By: 2/15/96

OWNER:

CAROLYN C. GEIGER

By: 2/15/96
State of California
County of Sonoma


☐ personally known to me - OR - ☑ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they-executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

________________________
Signature of Notary

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☑ INDIVIDUAL
☐ CORPORATE OFFICER

☐ PARTNER(S)
☐ LIMITED
☐ GENERAL

☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

Amendment to Land Conveyance

TITLE OR TYPE OF DOCUMENT

2/15/96

NUMBER OF PAGES

DATE OF DOCUMENT

YES

SIGNER(S) OTHER THAN NAMED ABOVE
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA
County of BUTTE

On April 9, 1996 before me, Carol Roach, Notary Public
personally appeared Ed McLaughlin

☐ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☒ OTHER: Chair, Board of Supervisors

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)
County of Butte, a political entity

DESCRIPTION OF ATTACHED DOCUMENT

AMENDMENT TO LAND CONSERVATION AGREEMENT - CAROLYN C. GEIGER

TITLE OR TYPE OF DOCUMENT

☐ NUMBER OF PAGES

April 9, 1996
DATE OF DOCUMENT

Carolyn C. Geiger
SIGNER(S) OTHER THAN NAMED ABOVE

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CLTA GUARANTEE
FORM NO. 12

EXHIBIT "A"

SHORT FORM LOT BOOK GUARANTEE

THE ASSURANCES REFERRED TO ON THE FACE PAGE ARE:

THAT, ACCORDING TO THE COMPANY’S PROPERTY RECORDS RELATIVE TO THE FOLLOWING DESCRIBED REAL PROPERTY (BUT WITHOUT EXAMINATION OF THOSE COMPANY RECORDS MAINTAINED AND INDEXED BY NAME):

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF BUTTE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 2 THRU 7, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "GEIGER SUBDIVISION", WHICH MAP WAS RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON OCTOBER 8, 1992, IN BOOK 126 OF MAPS, AT PAGE(S) 55, 56 AND 57.

A. THE LAST RECORDED INSTRUMENT PURPORTING TO TRANSFER TITLE TO SAID REAL PROPERTY IS:


* * * * *

JM:LRH JANUARY 5, 1994
LAND CONSERVATION AGREEMENT

THIS AGREEMENT, made and entered into this 14th day of February, 1995 by and between Carolyn C. Geiger

hereinafter referred to as "Owner", and the County of Butte, a political subdivision of the State of California, hereinafter referred to as "County".

WITNESSETH

WHEREAS, Owner possesses certain real property hereinafter described located within County; and

WHEREAS, said property is devoted to agricultural uses; and

WHEREAS, said property is located within the AGRICULTURAL PRESERVE NO. 2 heretofore established by the County; and

WHEREAS, both Owner and County desire to limit the use of said property to agricultural, related, and compatible uses in order to preserve a maximum amount of agricultural land, to conserve the State's economic resources, to maintain the agricultural economy, and assure a food supply for future residents, to discourage premature and unnecessary conversion of agricultural land to urban uses, recognizing that such land has public value as open space and constitutes an important physical, social, aesthetic, and economic asset to the County; and

WHEREAS, the placement of said property in an agricultural preserve and the execution and approval of this Agreement is a determination that the highest and best use of said property during the term of this Agreement or any renewal thereof is for agricultural uses;

NOW, THEREFORE, both Owner and County in consideration of the mutual promises, covenants, and conditions herein contained and the substantial public
California Land Conservation Act of 1965 as amended (Chapter 7 of Part 1 of Division 1 of Title 5 of the Government Code of California commencing with Section 51200), including Article 3 of said Act entitled "Contracts".

SECOND: During the term of this Agreement, or any renewal thereof, the said property shall not be used for any purpose other than agricultural uses for producing agricultural commodities for commercial purposes, uses related to such purposes and uses compatible for such purposes, which uses are set forth in Exhibit "A" attached hereto and incorporated herein by reference.

THIRD: The Board of Supervisors of County may from time to time and during the term of the Agreement or any extensions thereof, by resolution, add to those compatible uses authorized in the resolution establishing the preserve within which the land is located; provided however, said Board shall not eliminate, without the written consent of Owner, a compatible use during the term of this Agreement or any renewals thereof. The provisions of this Agreement and any resolution supplementing the uses listed in Exhibit "A" is not intended to limit or supersede the planning and zoning powers of the County.

FOURTH: In the event all or a part of the land subject to this Agreement is taken in an action in eminent domain or is acquired in lieu of eminent domain for a public improvement, this Agreement shall be null and void for the land or interest in the land actually taken, but shall remain in full force and effect as to the remainder of the land or interest in the land not so taken or acquired. The date an action in eminent domain is filed shall be the date this Agreement is deemed null and void as to any land or interest in land subject to the Agreement which is taken by eminent domain.

FIFTH: This Agreement shall be effective as of the day and year first above written and shall remain in effect for a period of ten (10) years therefrom. This Agreement shall be automatically renewed on the first day of January of each year for a period of ten (10) years from the date of said renewal, unless notice of non-renewal is given as provided in Section 51245 of the Government Code of California.

SIXTH: The Owner understands that he is not entitled to any public funds by reason of the execution of this Agreement or any renewal thereof although the use
Owner, the Board of Supervisors of County, under the provisions of Government Code Section 51282, finds: (a) that cancellation is consistent with the purposes of the Land Conservation Act of 1965; and (b) that cancellation is in the public interest. Upon cancellation, Owner shall pay to County a cancellation fee determined and certified by the Board of Supervisors of County in accordance with the provisions of Government Code Section 51283. Said cancellation fee may not be waived except as provided in Government Code Section 51283 and shall be a lien upon the property described herein until paid.

EIGHTH: Owner agrees, during the term of this Agreement, to provide County, upon written request, with information relative to the income and expenses derived from and incurred in connection with the use of the land subject to the Agreement for agricultural and related and compatible uses.

NINTH: The Owner agrees that he, his successors, and assigns shall not divide by sale or gift the property which is the subject of this Agreement into a parcel under separate ownership having less than 5 acres.

TENTH: This Agreement shall run with the land described herein and shall be binding upon the heirs, successors, and assigns of the Owner and County.

ELEVENTH: In the event of forced sale of lands subject hereto for the settlement of a tax lien, this Agreement is null and void as to such land actually sold for that purpose. No penalty as provided for in Paragraph Seventh shall be charged for a cancellation under this paragraph.

TWELFTH: This Agreement shall be cancelled without payments or public hearing if it is replaced by any other enforceable restriction authorized by Article XXVIII of the California Constitution or whenever there is no operative legislation implementing said Article with respect to assessment practices.

THIRTEENTH: The property of the Owner hereinabove referred to and to which the provisions of the Agreement apply is situated in the County of Butte, State of California and is particularly described as follows:
Agreement the day and year above written.

COUNTY OF BUTTE

By Ed McDougall
Chairman of the Butte
County Board of Supervisors
FEB 14 1995

ATTEST:

Officer and Clerk of the Board

By [Signature]
Deputy Clerk

11-30-94
Date of Execution

OWNERS(S)

[Signature]

Date of Execution
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA
County of SONOMA

On 11-30-94 before me, MICHAEL F. TOMASINI, NOTARY PUBLIC
personally appeared CAROLYN C.GELLER
personally known to me - OR - ☑ proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) is/are
subscribed to the within instrument and
acknowledged to me that he/she/they executed
the same in his/her/their authorized
capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s),
or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS my hand and official seal.

MICHAEL F. TOMASINI
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER
☑ INDIVIDUAL
☐ CORPORATE OFFICER

☐ PARTNER(S)
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

DESCRIPTION OF ATTACHED DOCUMENT

A000 CONSERVATION

TITLE OR TYPE OF DOCUMENT

6

NUMBER OF PAGES

11-30-94

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Butte

On March 6, 1995 before me, Carol Roach, Notary Public, personally appeared Ed McLaughlin.

☑ personally known to me. OR ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER
☐ PARTNER(S)
☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: Political Entity

DESCRIPTION OF ATTACHED DOCUMENT

LAND CONSERVATION AGREEMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

February 14, 1995

DATE OF DOCUMENT

Carolyn C. Geiger
SIGNER(S) OTHER THAN NAMED ABOVE

County of Butte

©1993 NATIONAL NOTARY ASSOCIATION • 8236 Remmet Ave., P.O. Box 7184 • Canoga Park, CA 91309-7184
SHORT FORM LOT BOOK GUARANTEE

THE ASSURANCES REFERRED TO ON THE FACE PAGE ARE:

THAT, ACCORDING TO THE COMPANY'S PROPERTY RECORDS RELATIVE TO THE FOLLOWING DESCRIBED REAL PROPERTY (BUT WITHOUT EXAMINATION OF THOSE COMPANY RECORDS MAINTAINED AND INDEXED BY NAME):

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF BUTTE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 2 THRU 7, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "GEIGER SUBDIVISION", WHICH MAP WAS RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON OCTOBER 8, 1992, IN BOOK 126 OF MAPS, AT PAGE(S) 55, 56 AND 57.

A. THE LAST RECORDED INSTRUMENT PURPORTING TO TRANSFER TITLE TO SAID REAL PROPERTY IS:


* * * * *

JM:LRH JANUARY 5, 1994
1. Single family dwelling(s), as provided in Sections C-1, C-2, or C-3 of Resolution 68-7, as follows:

A. **Contract or agreement of horticulture type cultivation**: The uses permitted for residential shall be one (1) family dwelling for the use of an owner or manager within the agricultural preserve or a person employed on said land; but not exceeding one (1) dwelling for each parcel of not less than ten (10) acres.

OR

B. **Contract or agreement of field crops type of cultivation or for irrigated pastures**: The uses permitted for residential shall be one (1) family dwelling for the use of an owner or manager within the agricultural preserve or a person employed on said land; but not exceeding one (1) dwelling for each parcel of not less than forty (40) acres.

OR

C. **Contract or agreement of commercial timber type cultivation or land for grazing**: The uses permitted for residential shall be one (1) family dwelling for the use of an owner or manager within the agricultural preserve or a person employed on said land; but not exceeding one (1) dwelling for each parcel of not less than one hundred sixty (160) acres.

Provided, however, that variances may be recommended by the committee to the Board of Supervisors in cases of hardship.

2. General farming, horticulture, commercial livestock, commercial poultry production, warehousing, and storage.

3. Accessory buildings and uses pertinent to the permitted uses including agricultural processing plants.

4. Housing facilities (including trailers) to accommodate only agricultural employees and their families employed by the owner or operator of the premises and provided further that such housing facilities shall be considered accessory to the main building.

5. A stand or a display for sale of agricultural commodities produced on the premises. Sale of products produced off the premises provided that the sale of such products is incidental and secondary to the sale of agricultural products produced on the premises.

6. Compatible uses:

   A. The drilling for hydrocarbons, including the installation and use of such equipment, structures, and facilities as are necessary or convenient.

   B. Public utility and public services, including structures, uses, and building.

   C. Airport or aircraft landing facilities.

   D. Farm labor camps.

   E. Any other use determined to be a compatible use in all agricultural preserves by the Board of Supervisors after public hearing on ten (10) days public notice and such other notice as may be specified.
F. Churches

7. Other uses:

A. Sand and gravel operations, subject to the securing of a use permit approved by the County.

B. Mines, mineral extraction, and quarries in Agricultural Preserves Number 7, 8, and 9.

C. Storage reservoirs and irrigation areas.
EXHIBIT "A"

SHORT FORM LOT BOOK GUARANTEE

THE ASSURANCES REFERRED TO ON THE FACE PAGE ARE:

THAT, ACCORDING TO THE COMPANY'S PROPERTY RECORDS RELATIVE TO THE
FOLLOWING DESCRIBED REAL PROPERTY (BUT WITHOUT EXAMINATION OF THOSE
COMPANY RECORDS MAINTAINED AND INDEXED BY NAME):

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF BUTTE,
STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 2 THRU 7, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "GEIGER
SUBDIVISION", WHICH MAP WAS RECORDED IN THE OFFICE OF THE RECORDER
OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON OCTOBER 8, 1992, IN
BOOK 126 OF MAPS, AT PAGE(S) 55, 56 AND 57.

A. THE LAST RECORDED INSTRUMENT PURPORTING TO TRANSFER TITLE
TO SAID REAL PROPERTY IS:

CAROLYN CHRISTINE GEIGER, AN UNMARRIED WOMAN, BY DEEDS
RECORDED JUNE 16, 1992, UNDER BUTTE COUNTY RECORDER'S
SERIAL NO. 92-26409, AND OCTOBER 8, 1992, UNDER BUTTE
COUNTY RECORDER'S SERIAL NO. 92-46130.

* * * * * *

JM:LRH JANUARY 5, 1994
OWNER'S STATEMENT

I, Carol Christine Geiger, owner of the land shown on the attached map, and Northern California Federal Land Bank Association, a trustee under the Deed of Trust recorded March 25, 1977 in Book 555, Page 426 of Official Records and Northern California Production Credit Association, as trustee under Deed of Trust recorded December 30, 1980, under Butte County Recorder's Serial Number 59-61-09, do hereby state that we are the only persons whose consent is necessary to pass title to the land and we consent to the preparation and recording of said map as shown within the border lines.

We hereby offer to dedicate and do dedicate for specific purposes the following:

1. Estuaries for light and air over the area shown between the front line and line of the streets designated as "Light and Air Line" and to be kept open and free of buildings.

2. Estuaries for public utilities purposes including electric, gas, telephone, cable television, water and drainage, sewer, and under these streets of land shown as "Public Utility" in the location and of the width shown, along with the right of ways and cur tilies as necessary within said estuaries.

CARLSBAD COURT - (Stated): This portion of the noted map is hereby offered for dedication to the County of Butte.

The portion of the noted map is hereby offered for dedication to the County of Butte, in the form shown.

Carol Christine Geiger
Northern California Federal Land Bank Association, trustee

Northern California Production Credit Association

STATE OF CALIFORNIA
COUNTY OF BUTTE

On June 29, 1992, before me, Gordon L. Shields, personally appearing, Carol Christine Geiger, personally appearing, and the Board of Supervisors of the County of Butte, personally appearing, did make and execute this instrument in the presence of the person who executed the within instrument, in the presence of the person who executed the within instrument, in the presence of the person who executed the within instrument, and witnessed by the person who executed the within instrument.

WITNESS

STATE OF CALIFORNIA
COUNTY OF BUTTE

On June 29, 1992, before me, the undersigned, a Public Officer, in and for said State and County, personally appearing, and the Board of Supervisors of the County of Butte, personally appearing, did make and execute this instrument in the presence of the person who executed the within instrument, in the presence of the person who executed the within instrument, and witnessed by the person who executed the within instrument.

WITNESS

STATE OF CALIFORNIA
COUNTY OF BUTTE

On June 29, 1992, before me, the undersigned, a Public Officer, in and for said State and County, personally appearing, and the Board of Supervisors of the County of Butte, personally appearing, did make and execute this instrument in the presence of the person who executed the within instrument, in the presence of the person who executed the within instrument, and witnessed by the person who executed the within instrument.

WITNESS

SURVEYOR'S STATEMENT

I, Gordon L. Shields, hereby state that I am a Licensed Land Surveyor of the State of California, and that this map of Geiger Subdivision correctly represents a survey made under my supervision in April 1992, that it is true and complete as shown, that the monuments shown herein exist and are one of the corner and survey the positions shown and are sufficient to enable the survey to be reerected.

Gordon L. Shields
Registration Expires: 6/24/96

RECORDERS CERTIFICATE

Filed this 29th day of June, 1992, at 5:11 PM in Bk. 125, p. 2707, in the Office of the Recorder of Butte County, California.

BUTTE COUNTY RECORDER

GEIGER SUBDIVISION

A PORTION OF LOTS 8, 9, 11 AND 12 OF THE REVISED MAP OF THE ACKERMAN FIRST SUB. (2 M. 193), SECTION 17, T. 11 N., R. 2 E., M. D., BUTTE COUNTY, CALIFORNIA

SIERRA WEST SURVEYING

5437 BLACK OLIVE DR. (916) 877-6555

PARADISE, CALIFORNIA

Sheet 1 of 3
The additional map sheet is for informational purposes only, describing conditions as of the date of filing and is not intended to affect record title interest.

A survey section drawn from the F.S.A., Final Map, through the Geiger Subdivision indicates the elevation of the 100-year flood plain to be 181.00 feet (55.20 meters). A Flood Plane Elevation is established at or above 182.00 feet per Engineer's letter dated May 24, 1990 on file at Butte County Dept. of Public Works, Dunsmuir, Ca.

Preserve development plans for roadway improvements and utility poles, as well as access to any fresh or septic, prior to issuance of building permit.

Due to average dispersed development standards in effect at time of approval. Parent's home is limited to one single family residence per person to be served by septic tank systems.

GEIGER SUBDIVISION

A PORTION OF LOTS B, 9, 11 AND 12 OF THE REVISED
MAP OF THE ACKERMAN FIRST SUB. (2 M. 193),
SECTION 17, T. 21 N., R. 2 E., M. D. M.,
BUTTE COUNTY,
CALIFORNIA

Sierra West Surveying
5437 Black Olive Dr. (916) 377-6252
Paradise, California
95969
Sheet 3 of 3
DEED RESTRICTION

The undersigned, ________________, do hereby declare as follows:

I. WHEREAS, on this ____________[DATE]______________, ________________, hereinafter referred to as OWNER, are the owners of record of the following real property: [Address] (APN ___-___-___); and

II. WHEREAS, APN ___-___-___ is part of a Land Conservation Agreement, entered into on [MONTH DAY YEAR], by __________________________ in accordance with the provisions of the Butte County Code and the Land Conservation Act; and

III. WHEREAS, OWNER applied for a [PERMIT] to ___________________________; and

IV. WHEREAS, a description of the subject property is set forth in Exhibit “A” attached hereto and hereby incorporated by reference, hereinafter referred to as the “Property”; and

V. WHEREAS, Rule 5.A.5.a of the Butte County Williamson Act Rules and Procedures prohibits the sale or transfer of enrolled parcels that do not meet or exceed minimum lot sizes established by the applicable base Butte County zoning district; and

VI. WHEREAS, Rule 5.A.5.a of the Butte County Williamson Act Rules and Procedures further limits issuance of home building permits on parcels that do not meet or exceed minimum lot sizes established under the applicable base Butte County zoning district; and
VII. WHEREAS, the applicable base Butte County zoning district is AG-__, which requires an __-acre minimum parcel size; and

VIII. WHEREAS, the Property comprised of adjusted APN ___-___-___ is only ____ acres, which does not meet this minimum parcel size.

NOW, THEREFORE, the undersigned OWNER agrees that they and their successors and assigns shall not sell or transfer ownership of the Property comprised of APN ___-___-___, other than to an owner of another parcel which is also part of the [MONTH DAY YEAR] [CONTRACT NAME] Land Conservation Agreement, and only where the other parcel meets minimum parcel size requirements under the Butte County Williamson Act program.

OWNER further agrees that they and their successors and assigns shall not be issued additional home building permits, other than for replacement, repair, health, or safety, on the Property comprised of APN ___-___-___. The undersigned OWNER, for themselves and for their heirs, assigns, and successors in interest, acknowledges and agrees to the restrictions.

This deed restriction shall remain in full force and effect until the Property comprised of adjusted APN ___-___-___ either 1) is no longer under a Land Conservation Agreement or 2) has been merged with another parcel or otherwise modified so as to meet the minimum acreage requirements of the Butte County Williamson Act program; or 3) has been sold to the owner of another parcel which is also part of the applicable Williamson Act contract and which meets minimum parcel size requirements under the Butte County Williamson Act program.

This document shall be recorded and returned to the Butte County Department of Development Services, Planning Division.

DATE: ________________________________, 20__________

Owner Signature: ________________________________
Owner Signature: _______________________________
NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons, signing on behalf of a corporation, partnership, trust, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Public Law Book.

STATE OF CALIFORNIA )
COUNTY OF BUTTE ) SS.

On ________________________ before me, __________________________, Notary Public, personally appeared ______________________________________________
_________________________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_______________________________________
Signature

(Seal)
STATE OF CALIFORNIA )
COUNTY OF BUTTE ) SS.

On ________________________ before me, __________________________, Notary Public, personally appeared ______________________________________________
________________________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_______________________________________
Signature

(Seal)
LEGAL DESCRIPTION

END OF DESCRIPTION
DEED RESTRICTION

The undersigned, Carolyn C. Geiger, Individual and Trustee of the Carolyn C. Geiger Living Trust does hereby declare as follows:

I. WHEREAS, on this June 7, 2019, Carolyn C. Geiger, hereinafter referred to as OWNER, is the owner of record of the following real property: 10101 Lott Road and APNs 040-080-071, 040-080-072, 040-080-073, 040-080-074, 040-080-075, 040-080-076; and

II. WHEREAS, APNs 040-080-071, 040-080-072, 040-080-073, 040-080-074, 040-080-075, 040-080-076 are part of a Land Conservation Agreement, entered into on March 6, 1995 by Carolyn C. Geiger in accordance with the provisions of the Butte County Code and the Land Conservation Act; and

III. WHEREAS, OWNER applied for Building Permit B19-0528 to develop agricultural worker housing on the property; and

IV. WHEREAS, a description of the subject property is set forth in Exhibit “A” attached hereto and hereby incorporated by reference, hereinafter referred to as the “Property”; and

V. WHEREAS, Rule 5.A.5.a of the Butte County Williamson Act Rules and Procedures prohibits the sale or transfer of enrolled parcels that do not meet or exceed minimum lot sizes established by the applicable base Butte County zoning district; and

VI. WHEREAS, Rule 5.A.5.a of the Butte County Williamson Act Rules and Procedures further limits issuance of home building permits on parcels that do not meet
or exceed minimum lot sizes established under the applicable base Butte County zoning district; and

VII. WHEREAS, the applicable base Butte County zoning district is AG-20, which requires a 20-acre minimum parcel size; and

VIII. WHEREAS, the parcels comprising APNs 040-080-071, 040-080-072, 040-080-073, 040-080-074, 040-080-075, 040-080-076 are only approx. five (5) to approx.. seven (7) acres, which does not meet this minimum parcel size.

NOW, THEREFORE, the undersigned OWNER agrees that they and their successors and assigns shall not sell or transfer ownership of the Property comprised of APNs 040-080-071, 040-080-072, 040-080-073, 040-080-074, 040-080-075, 040-080-076, other than to an owner of another parcel which is also part of the March 6, 1995 by Carolyn C. Geiger Land Conservation Agreement, and only where the other parcel meets minimum parcel size requirements under the Butte County Williamson Act program.

OWNER further agrees that they and their successors and assigns shall not be issued additional home building permits, other than for replacement, repair, health, or safety, on the Property comprised of APNs 040-080-071, 040-080-072, 040-080-073, 040-080-074, 040-080-075, 040-080-076. The undersigned OWNER, for themselves and for their heirs, assigns, and successors in interest, acknowledges and agrees to the restrictions.

This deed restriction shall remain in full force and effect until the Property comprised of APNs 040-080-071, 040-080-072, 040-080-073, 040-080-074, 040-080-075, 040-080-076 either 1) is no longer under a Land Conservation Agreement or 2) has been merged with another parcel or otherwise modified so as to meet the minimum acreage requirements of the Butte County Williamson Act program; or 3) has been sold to the owner of another parcel which is also part of the applicable Williamson Act contract and which meets minimum parcel size requirements under the Butte County Williamson Act program.
This document shall be recorded and returned to the Butte County Department of Development Services, Planning Division.

DATE: _________________________________, 20________

Owner Signature: ______________________________________
Carolyn C. Geiger, Individual and Trustee of the Carolyn C. Geiger Living Trust
NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons, signing on behalf of a corporation, partnership, trust, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Public Law Book.

STATE OF CALIFORNIA )
COUNTY OF BUTTE ) SS.

On ________________________ before me, __________________________, Notary Public, personally appeared ______________________________________________
_________________________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_______________________________________
Signature

(Seal)
STATE OF CALIFORNIA )
COUNTY OF BUTTE ) SS.

On ______________________ before me, __________________________, Notary Public, personally appeared ______________________________________________ ____________________________________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_______________________________________
Signature

(Seal)
EXHIBIT “A”

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF BUTTE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 2 THRU 7, AS SHOWN ON THAT CERTAIN MAP ENTITLED, “GEIGER SUBDIVISION”, WHICH MAP WAS RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON OCTOBER 8, 1992, IN BOOK 126 OF MAPS, AT PAGE(S) 55, 56 AND 57.

APNs 040-080-071, 040-080-072, 040-080-073, 040-080-074, 040-080-075, 040-080-076

END OF DESCRIPTION