

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

DEPT: Planning and Community Development BOARD AGENDA #: \*D-1

AGENDA DATE: July 18, 2017

**SUBJECT:**

Approval to Rescind A Portion of Williamson Act Contract No. 1972-0629, Located at 15343 Tim Bell Road, East of Dry Creek, West of the Modesto Reservoir; and Approval of a New Contract, or Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0061, Jeffrey and Vicki Lemos

BOARD ACTION AS FOLLOWS:

No. 2017-399

On motion of Supervisor Withrow, Seconded by Supervisor Olsen  
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1)  Approved as recommended
- 2)  Denied
- 3)  Approved as amended
- 4)  Other:

MOTION:

ATTEST: Elizabeth A. King  
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Planning and Community Development  
Urgent  Routine

BOARD AGENDA #: \*D-1

AGENDA DATE: July 18, 2017

AF

CEO CONCURRENCE: \_\_\_\_\_

4/5 Vote Required: Yes  No

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**SUBJECT:**

Approval to Rescind A Portion of Williamson Act Contract No. 1972-0629, Located at 15343 Tim Bell Road, East of Dry Creek, West of the Modesto Reservoir; and Approval of a New Contract, or Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0061, Jeffrey and Vicki Lemos

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**STAFF RECOMMENDATIONS:**

1. Pursuant to Government Code Section 51257, determine that the following seven findings can be made based on the written evidence submitted by the applicant:
  - a. The new contract, or contracts, would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract, or contracts, but for not less than ten years, except as authorized under the County's implementation of Assembly Bill (AB) 1265.
  - b. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
  - c. At least 90 percent of the land under the former contract, or contracts, remains under the new contract, or contracts.
  - d. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Government Code Section 51222.
  - e. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract, or contracts.
  - f. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
  - g. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.

Approval to Rescind A Portion of Williamson Act Contract No. 1972-0629, Located at 15343 Tim Bell Road, East of Dry Creek, West of the Modesto Reservoir; and Approval of a New Contract, or Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0061, Jeffrey and Vicki Lemos

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2. Rescind a portion of Williamson Act Contract No. 1972-0629, located at 15343 Tim Bell Road, east of Dry Creek, west of the Modesto Reservoir (APN: 015-015-086 and a portion of APN: 015-015-085).
3. Approve a new contract, or contracts, pursuant to Lot Line Adjustment Application No. PLN2017-0061, Jeffrey and Vicki Lemos.
4. Authorize the Director of Planning and Community Development to execute a new contract, or contracts, pursuant to Lot Line Adjustment Application No. PLN2017-0061, Jeffrey and Vicki Lemos.

**DISCUSSION:**

The lot line adjustment request includes the adjustment of three parcels (103.2 total acres) to realign an existing driveway from Parcel 1 onto Parcel 2 as well as to align farming practices between all three parcels. An overview of the Lot Line Adjustment application, including property owners, parcel sizes (existing and proposed), Williamson Act Contract information, and current development/use is provided in Attachment 1. Before and after maps of the proposed lot line adjustment are provided in Attachments 2 and 3.

The Williamson Act requires Board of Supervisor action to rescind and simultaneously enter into a new contract, or contracts, reflecting adjusted parcel configurations. Staff has reviewed the Lot Line Adjustment application for compliance with the County's General Plan and all applicable zoning and Williamson Act criteria and determined that the application meets the requirements for approval.

Parcels 1 and 3 (100.3 acres total) are currently enrolled in Williamson Act Contract No. 1972-0629. Parcel 2 is not enrolled in a Williamson Act Contract. If this lot line is approved, Parcels 1 and 2 (100.3 acres total) will be enrolled in a new contract, or contracts.

Pursuant to California Government Code Section 51257, the parties to a contract, or contracts, may mutually agree to rescind the contract, or contracts, and simultaneously re-enter into a new contract, or contracts, provided that the Board of Supervisors finds all of the following:

1. The new contract, or contracts, would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract, or contracts, but for not less than ten years, except as authorized under the County's implementation of AB1265.
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.

Approval to Rescind A Portion of Williamson Act Contract No. 1972-0629, Located at 15343 Tim Bell Road, East of Dry Creek, West of the Modesto Reservoir; and Approval of a New Contract, or Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0061, Jeffrey and Vicki Lemos

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3. At least 90 percent of the land under the former contract, or contracts, remains under the new contract, or contracts.
4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Government Code Section 51222.

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

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

Staff believes all the findings can be made as the proposed lot line adjustment will not increase the number of developable parcels, will not reduce the number of acres covered under contract, or contracts, and will not compromise the continued agricultural use of the parcels. The Applicant's Statement of Findings is provided in Attachment 4.

New Williamson Act Contracts would typically come before the Board of Supervisors once a year, in December; however, because this action is related to a lot line adjustment, it is prudent to act on this action independently of other Williamson Act Contracts. As is the case with all Williamson Act Contracts in Stanislaus County, the new contract, or contracts will be subject to the provisions of AB1265.

**POLICY ISSUE:**

The General Plan Land Use and Agricultural Elements both encourage the use of the Williamson Act to help preserve agriculture as the primary industry of Stanislaus County. The Agricultural Element's policies specifically state that the County shall continue to administer lot line adjustments involving agricultural land, provided the land is properly designed for agricultural purposes without materially decreasing the agricultural use of the site.

**FISCAL IMPACT:**

Costs associated with this item are covered by a Lot Line Adjustment application fee. It is anticipated that there will be no net change in property tax or other revenue, therefore providing no additional fiscal effect.

Approval to Rescind A Portion of Williamson Act Contract No. 1972-0629, Located at 15343 Tim Bell Road, East of Dry Creek, West of the Modesto Reservoir; and Approval of a New Contract, or Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0061, Jeffrey and Vicki Lemos

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**BOARD OF SUPERVISORS' PRIORITY:**

Approval of this action supports the Board's priority of A Strong Agricultural Economy/Heritage by establishing parcels that are consistent with the County General Plan, County Zoning Ordinance, and locally adopted Williamson Act Uniform Rules.

**STAFFING IMPACT:**

Planning and Community Development Department staff is responsible for reviewing all applications, preparing all reports, and attending meetings associated with the proposed Lot Line Adjustment application.

**CONTACT PERSON:**

Angela Freitas, Planning and Community Development Director Telephone: (209) 525-6330

**ATTACHMENT(S):**

1. Williamson Act and Lot Line Adjustment Request Overview
2. Map of Parcels Before the Proposed Lot Line Adjustment
3. Map of Parcels After the Proposed Lot Line Adjustment
4. Applicant's Statement of Findings

Williamson Act & Lot Line Adjustment (LLA) Overview

LLA Parcel No.	Assessors Parcel No. (APN)		Parcel Owners/Applicants	Williamson Contract				Parcel Size (Acres)		Existing Use/Development
	No.	Portion Y/N		Contract No.	Portion Y/N	Acreage		Existing	Proposed	
						Existing	Proposed			
<b>LLA Application No. PLN 2017-0061 -Jeffrey and Vicki Lemos</b>										
1	015-015-085	Y	James and Betty Lemos	1972-0629	Y	59.7	59.5	59.7	59.5	Dairy, Row crops, Single-Family Dwelling and Shop
2	015-015-086	N	Jeffrey and Vicki Lemos	N/A	N/A	-	-	2.9	2.9	Single-Family Dwelling and shop
3	015-015-085	Y	James and Betty Lemos	1972-0629	Y	40.6	40.8	40.6	40.8	Walnut Orchard, Single- Family Dwelling
<b>Total Acreage:</b>						<b>100.3</b>	<b>100.3</b>	<b>103.2</b>	<b>103.2</b>	

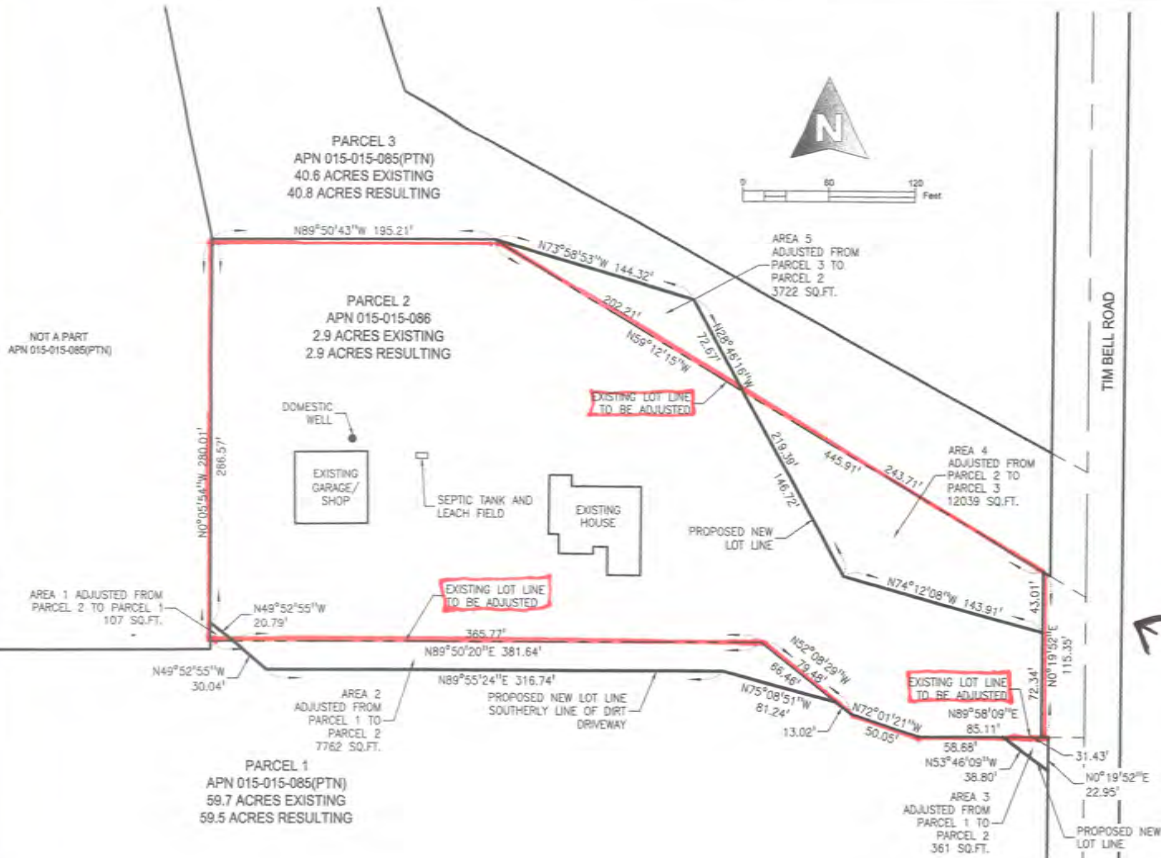
# LOT LINE ADJUSTMENT

BEING A PORTION OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 11 EAST,  
MOUNT DIABLO BASE AND MERIDIAN, STANISLAUS COUNTY, CALIFORNIA

MAY 2017



P.O. BOX 11930  
OAKDALE, CA 95361  
(209)845-2594 office  
(209)845-2555 fax  
www.epicsurveying.com



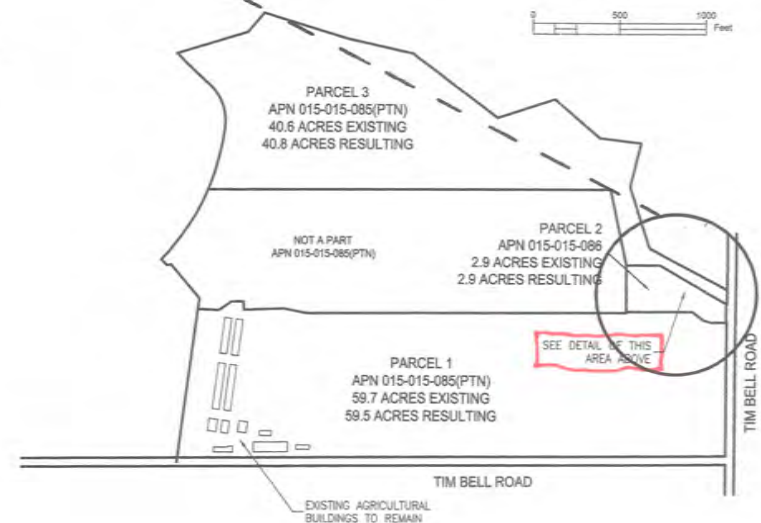
## Before Lot Line Adjustment

**REFERENCES:**

(R1) PARCEL MAP FOR LEMOS, BOOK 57 OF PARCEL MAPS,  
AT PAGE 29, STANISLAUS COUNTY RECORDS.

**NOTES:**

1. ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
2. ALL RECORD INFORMATION SHOWN IS FROM STANISLAUS COUNTY RECORDS.



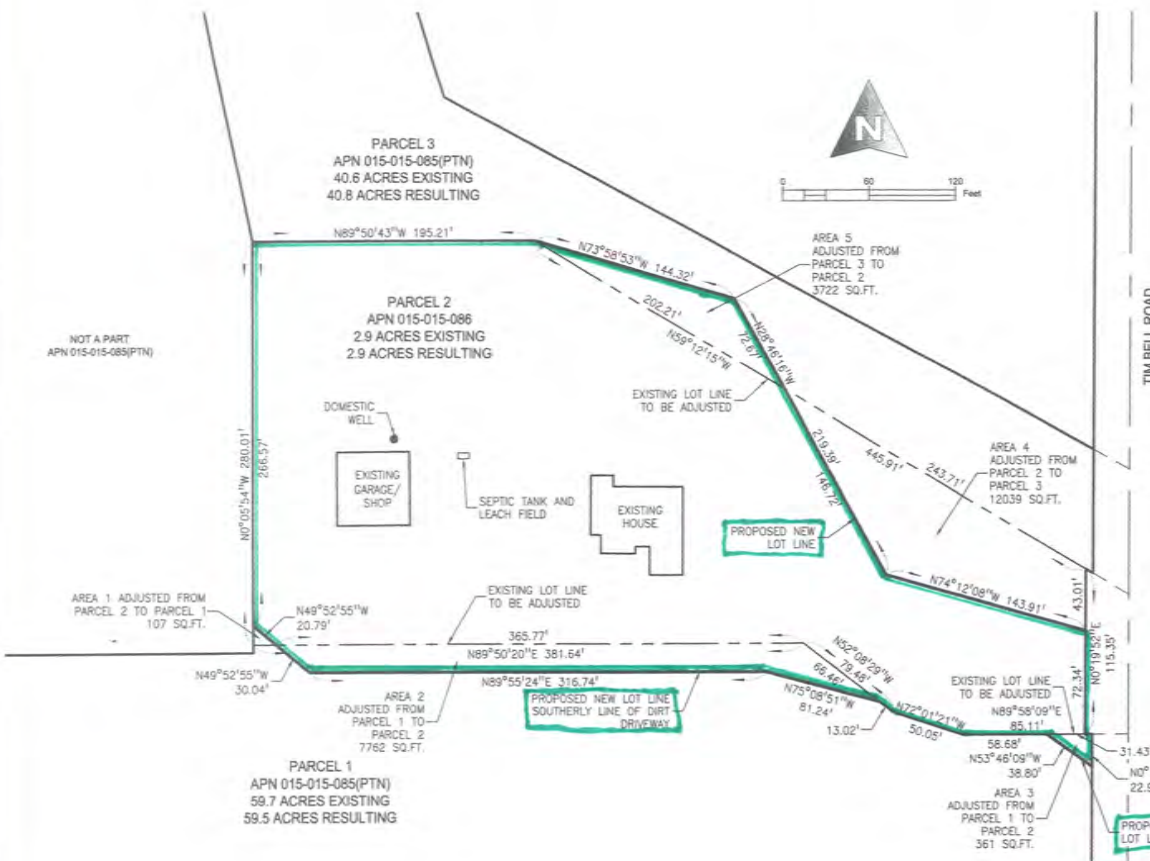
# LOT LINE ADJUSTMENT

BEING A PORTION OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 11 EAST,  
MOUNT DIABLO BASE AND MERIDIAN, STANISLAUS COUNTY, CALIFORNIA

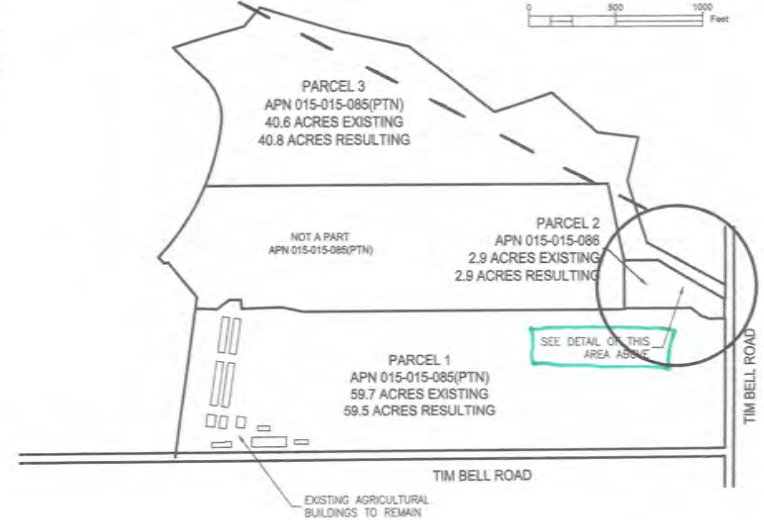
MAY 2017



P.O. BOX 1890  
OAKDALE, CA 95361  
(209)845-2594 office  
(209)845-2555 fax  
www.epicsurveying.com



## After Lot Line Adjustment



**REFERENCES:**

- (R1) PARCEL MAP FOR LEMOS, BOOK 57 OF PARCEL MAPS, AT PAGE 29, STANISLAUS COUNTY RECORDS.

**NOTES:**

1. ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
2. ALL RECORD INFORMATION SHOW IS FROM STANISLAUS COUNTY RECORDS.



## OWNER'S STATEMENT

This project is a lot line adjustment between Parcel 1, a portion of Assessor's Parcel No. 015-015-085 (Parcel 1 on 57-PM-29, 59.7 acres); Parcel 2, Assessor's Parcel No. 015-015-086 (Parcel A on 48-PM-65, 2.9 acres net); and Parcel 3, a portion of Parcel No. 015-015-085 (Remainder on 57-PM-29, 40.6 acres).

The current property line configuration puts the driveway used for access by Parcel 2 partially on the Parcel 1. This driveway has been in this location since the creation of Parcel 2 in June of 2003. The owners of the properties feel it is in their best interest to have the lot line positioned so that Parcel 2 does not have to utilize a portion of Parcel 1 for access to their property. This adjustment would result in an unequal swap of land between Parcels 1 and 2, so the northern boundary of Parcel 2 will be adjusted with Parcel 3 to result in zero net change in the total area under Williamson Act contract.

At the completion of this lot line adjustment, Parcel 1 will have an adjusted area of 59.5 acres, Parcel 2 will remain at 2.9 acres, and Parcel 3 will have an adjusted area of 40.38 acres.

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.

(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.

Parcels 1 and 3 are under Williamson Act contract and will remain so after the adjustment. Parcel 2 is not under Williamson Act contract.

(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 area of land currently under contract is not changing by this lot line adjustment, therefore there is no net decrease in the amount of acreage restricted.

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

After the adjustment, over 99 percent of the original land under the former contract will remain under the new contract.

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

Consistent with Section 51222, Parcels 1 and 3 will be larger than 40 acres both before and after the lot line adjustment.

(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.

Parcels 1 and 3 have been used for agricultural productivity in its current configuration for a long time. The new lot configuration, after adjustment, will recognize the existing driveway location, but will have no impact on the agricultural operations or productivity. Parcels 1 and 3 will continue to operate as they have for years.

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

Parcels 1 and 3, which are currently under contract, 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.

In conclusion, the lot line adjustment is nothing more than the movement of a lot line to recognize an existing driveway which has been located in its current location for many years. As set forth previously, Parcels 1 and 3 will continue to be used for agricultural purposes, and this lot line adjustment will in no way affect the agricultural viability of those parcels.



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2017-0053671-00**

Acct 121-Planning  
Tuesday, JUL 25, 2017 08:32:41  
Ttl Pd \$62.00 Rcpt # 0004000724  
OJC/R2/1-16

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Stanislaus County  
Department of Planning  
and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

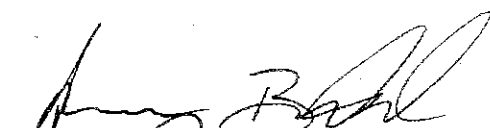
Space Above This Line for Recorder's Use

CERTIFICATE OF LOT LINE ADJUSTMENT

This is to certify that, pursuant to California Government Code Section 66412 (d) and Sections 20.14 and 21.20.060E of the Stanislaus County Code, the Stanislaus County Director of Planning and Community Development on June 21, 2017, approved the lot line adjustment herein described submitted under the name of JEFFREY & VICKI LEMOS Lot Line Adjustment No. PLN2017-0061 was approved to adjust the lines between contiguous parcels whereby the boundary lines of the real property described as Exhibit "A", attached hereto and made a part hereof, will be adjusted to result in parcels described in Exhibit "B" and Exhibit "C", also attached and incorporated herein. The approved lot line adjustment shall not result in the creation of a greater number of parcels than originally existed. The above described lot line adjustment shall be reflected in a deed which shall be recorded as required by Section 66412 (d) of the California Government Code.

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

ANGELA FREITAS, DIRECTOR

By:   
Jeremy Ballard, Assistant Planner  
Stanislaus County Department of Planning  
and Community Development

7/24/17  
Date

116 JC

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

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 Stanislaus )

On July 24, 2017 before me, Kimera L. Hall, Notary Public

Date Here Insert Name and Title of the Officer

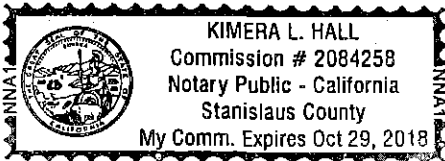
personally appeared Jeremy Ballard

Name(s) of Signer(s)

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 Kimera L. Hall  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Individual  Attorney in Fact
- Trustee  Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Individual  Attorney in Fact
- Trustee  Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



**ACKNOWLEDGMENT**

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 Stanislaus

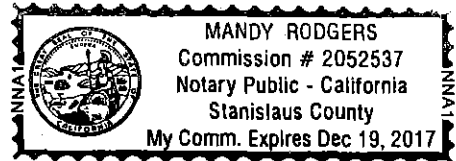
On 6/26/17 before me, Mandy Rodgers, Notary Public  
(insert name and title of the officer)

personally appeared James R. Lemos, Betty J. Lemos, Jeffrey J. Lemos and Vicki L. Lemo 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 Mandy Rodgers (Seal)





**INDIVIDUAL ACKNOWLEDGMENT**

State/Commonwealth of Michigan  
County of Kalamazoo } ss.

On this the 5<sup>th</sup> day of July, 2017, before me,  
Gwen Breece, the undersigned Notary Public,  
Name of Notary Public

personally appeared Stephanie A. McQueen  
Name(s) of Signer(s)

- 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 for the purposes therein stated.

WITNESS my hand and official seal.

**GWEN BREECE**  
Notary Public - Michigan  
Kalamazoo County  
My Commission Expires Nov 28, 2020  
Acting in the County of Kalamazoo

Gwen Breece  
Signature of Notary Public

Gwen Breece

Commission Expires 11.28.2020  
Any Other Required Information  
(Printed Name of Notary, Expiration Date, etc.)

Place Notary Seal/Stamp Above

**OPTIONAL**

*This section is required for notarizations performed in Arizona but is optional in other states. Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_



**EXHIBIT A**

**LEGAL DESCRIPTION**

**EXISTING PARCEL 1  
APN 015-015-085 (PORTION)**

Parcel 1 as shown on that certain Parcel Map for Lemos, filed in Book 57 of Parcel Maps, at Page 29, Stanislaus County Records, lying in Section 13, Township 3 South, Range 11 East, Mount Diablo Base and Meridian, in an unincorporated area of Stanislaus County, California.

Containing a total of 59.7 acres, more or less.

Subject to conditions, covenants, restrictions, easements, rights, and rights-of-way of record.



**EXHIBIT A**

**LEGAL DESCRIPTION**

**EXISTING PARCEL 2**

**APN 015-015-086**

Parcel "A" as shown on that certain Parcel Map for Jim and Betty Lemos, filed in Book 48 of Parcel Maps, at Page 65, Stanislaus County Records, lying in Section 13, Township 3 South, Range 11 East, Mount Diablo Base and Meridian, in an unincorporated area of Stanislaus County, California.

Containing a total of 2.9 acres, more or less.

Subject to conditions, covenants, restrictions, easements, rights, and rights-of-way of record.



**EXHIBIT A**

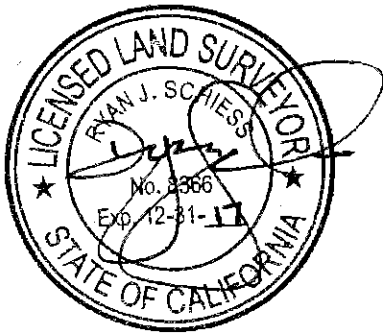
**LEGAL DESCRIPTION**

**EXISTING PARCEL 3  
APN 015-015-085 (PORTION)**

That certain Remainder as shown on that certain Parcel Map for Lemos, filed in Book 57 of Parcel Maps, at Page 29, Stanislaus County Records, lying in Section 13, Township 3 South, Range 11 East, Mount Diablo Base and Meridian, in an unincorporated area of Stanislaus County, California.

Containing a total of 40.6 acres, more or less.

Subject to conditions, covenants, restrictions, easements, rights, and rights-of-way of record.



**EXHIBIT B**

**LEGAL DESCRIPTION**

**PROPOSED PARCEL 1**

Parcel 1 as shown on that certain Parcel Map for Lemos, filed in Book 57 of Parcel Maps, at Page 29, Stanislaus County Records, lying in Section 13, Township 3 South, Range 11 East, Mount Diablo Base and Meridian, in an unincorporated area of Stanislaus County, California.

**TOGETHER WITH**

All that portion of Parcel "A" as shown on that certain Parcel Map for Jim and Betty Lemos, filed in Book 48 of Parcel Maps, at Page 65, Stanislaus County Records, being more particularly described as follows:

COMMENCING at the northwest corner of said Parcel "A", thence, along the west line of said Parcel "A", South 0°05'54" East 266.57 feet, to the POINT OF BEGINNING of this area; thence, South 49°52'55" East 20.79 feet, to a point on the south line of said Parcel "A"; thence, along said south line, South 89°50'20" West 15.87 feet, to the southwest corner of said Parcel "A"; thence, along the west line of said Parcel "A", North 0°05'54" West 13.44 feet, to the point of beginning.

**EXCEPTING THEREFROM**

All that portion of the aforementioned Parcel 1, being more particularly described as follows:

COMMENCING at the northwest corner of the aforementioned Parcel "A"; thence, along the west line of said Parcel "A", South 0°05'54" East 280.01 feet, to the southwest corner of said Parcel "A"; thence, along the south line of said Parcel "A", North 89°50'20" East 15.87 feet, to the POINT OF BEGINNING of this area; thence, continuing along the south line of said Parcel "A", North 89°50'20" East 365.77 feet, to an angle point in said south line; thence, continuing along said south line, South 52°08'29" East 66.46 feet; thence, North 75°08'51" West 81.24 feet; thence South 89°55'24" West 316.74 feet; thence North 49°52'55" West 30.04 feet, to the point of beginning.

**ALSO EXCEPTING THEREFROM**

All that portion of the aforementioned Parcel 1, being more particularly described as follows:

COMMENCING at the northwest corner of the aforementioned Parcel "A"; thence, along the west line of said Parcel "A", South 0°05'54" East 280.01 feet, to the southwest corner of said Parcel "A"; thence, along the south line of said Parcel "A", North 89°50'20" East 381.64 feet, to an angle point in said south line; thence, continuing along said south line, South 52°08'29" East 79.48 feet, to an angle point in said south line; thence, continuing along said south line, South 72°01'21" East 50.05 feet, to an angle point in said south line; thence, continuing along said south line, North 89°58'09" East 58.68 feet, to the POINT OF BEGINNING of this area; thence, continuing along said south line, North 89°58'09" East 31.43 feet, to a point on the west line of Tim Bell Road; thence, along said west

line, South 0°19'52" East 22.95 feet; thence, North 53°46'09" West 38.80 feet, to the point of beginning.

The resulting parcel containing a total of 59.5 acres, more or less.

Subject to conditions, covenants, restrictions, easements, rights, and rights-of-way of record.



**EXHIBIT B**

**LEGAL DESCRIPTION**

**PROPOSED PARCEL 2**

Parcel "A" as shown on that certain Parcel Map for Jim and Betty Lemos, filed in Book 48 of Parcel Maps, at Page 65, Stanislaus County Records, lying in Section 13, Township 3 South, Range 11 East, Mount Diablo Base and Meridian, in an unincorporated area of Stanislaus County, California.

**EXCEPTING THEREFROM**

All that portion of the aforementioned Parcel "A", being more particularly described as follows:

COMMENCING at the northwest corner of said Parcel "A", thence, along the west line of said Parcel "A", South 0°05'54" East 266.57 feet, to the POINT OF BEGINNING of this area; thence, South 49°52'55" East 20.79 feet, to a point on the south line of said Parcel "A"; thence, along said south line, South 89°50'20" West 15.87 feet, to the southwest corner of said Parcel "A"; thence, along the west line of said Parcel "A", North 0°05'54" West 13.44 feet, to the point of beginning.

**ALSO EXCEPTING THEREFROM**

All that portion of the aforementioned Parcel "A", being more particularly described as follows:

COMMENCING at the northwest corner of said Parcel "A", thence, along the north line of said Parcel "A", South 89°50'43" East 195.21 feet; thence, along the northeast line of said Parcel "A", South 59°12'15" East 202.21 feet, to the POINT OF BEGINNING of this area; thence, continuing along the northeast line of said Parcel "A", South 59°12'15" East 243.71 feet to the northeast corner of Parcel "A"; thence, along the east line of said Parcel "A", South 0°19'52" West 43.01 feet; thence North 74°12'08" West 143.91 feet; thence, North 28°46'16" West 146.72 feet, to the point of beginning.

**TOGETHER WITH**

All that portion of Parcel 1 as shown on that certain Parcel Map for Lemos, filed in Book 57 of Parcel Maps, at Page 29, Stanislaus County Records, being more particularly described as follows:

COMMENCING at the northwest corner of the aforementioned Parcel "A"; thence, along the west line of said Parcel "A", South 0°05'54" East 280.01 feet, to the southwest corner of said Parcel "A"; thence, along the south line of said Parcel "A", North 89°50'20" East 15.87 feet, to the POINT OF BEGINNING of this area; thence, continuing along the south line of said Parcel "A", North 89°50'20" East 365.77 feet, to an angle point in said south line; thence, continuing along said south line, South 52°08'29" East 66.46 feet; thence, North 75°08'51" West 81.24 feet; thence South 89°55'24" West 316.74 feet; thence North 49°52'55" West 30.04 feet, to the point of beginning.

**ALSO TOGETHER WITH**

All that portion of the aforementioned Parcel 1, being more particularly described as follows:

COMMENCING at the northwest corner of the aforementioned Parcel "A"; thence, along the west line of said Parcel "A", South 0°05'54" East 280.01 feet, to the southwest corner of said Parcel "A"; thence, along the south line of said Parcel "A", North 89°50'20" East 381.64 feet, to an angle point in said south line; thence, continuing along said south line, South 52°08'29" East 79.48 feet, to an angle point in said south line; thence, continuing along said south line, South 72°01'21" east 50.05 feet, to an angle point in said south line; thence, continuing along said south line, North 89°58'09" East 58.68 feet, to the POINT OF BEGINNING of this area; thence, continuing along said south line, North 89°58'09" East 31.43 feet, to a point on the west line of Tim Bell Road; thence, along said west line, South 0°19'52" West 22.95 feet; thence, North 53°46'09" West 38.80 feet, to the point of beginning.

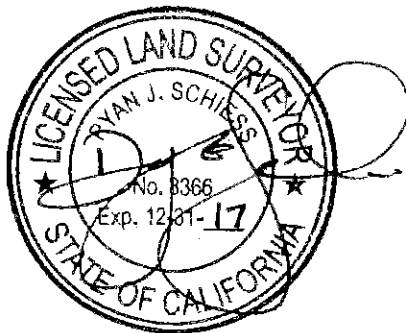
ALSO TOGETHER WITH

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COMMENCING at the northwest corner of the aforementioned Parcel "A", thence, along the north line of said Parcel, South 89°50'43" East 195.21 feet, being the POINT OF DESCRIPTION of this area; thence, South 73°58'53" East 144.32 feet; thence, South 28°46'16" East 72.67 feet, to a point on the northeast line of said Parcel "A"; thence, along said northeast line, North 59°12'15" West 202.21 feet, to the point of beginning.

The resulting parcel containing a total of 2.9 acres, more or less.

Subject to conditions, covenants, restrictions, easements, rights, and rights-of-way of record.



**EXHIBIT B**

**LEGAL DESCRIPTION**

**PROPOSED PARCEL 3**

That certain Remainder as shown on that certain Parcel Map for Lemos, filed in Book 57 of Parcel Maps, at Page 29, Stanislaus County Records, lying in Section 13, Township 3 South, Range 11 East, Mount Diablo Base and Meridian, in an unincorporated area of Stanislaus County, California.

**TOGETHER WITH**

All that portion of Parcel "A" as shown on that certain Parcel Map for Jim and Betty Lemos, filed in Book 48 of Parcel Maps, at Page 65, Stanislaus County Records, more particularly described as follows:

COMMENCING at the northwest corner of said Parcel "A", thence, along the north line of said Parcel "A", South 89°50'43" East 195.21 feet; thence, along the northeast line of said Parcel "A", South 59°12'15" East 202.21 feet, to the POINT OF BEGINNING of this area; thence, continuing along the northeast line of said Parcel "A", South 59°12'15" East 243.71 feet to the northeast corner of Parcel "A"; thence, along the east line of said Parcel "A", South 0°19'52" West 43.01 feet; thence North 74°12'08" West 143.91 feet; thence, North 28°46'16" West 146.72 feet, to the point of beginning.

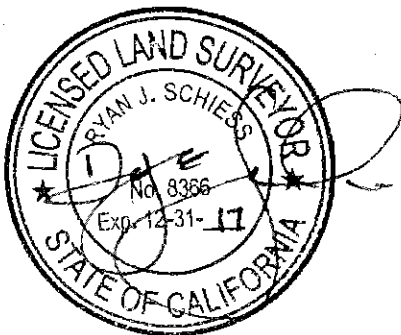
**EXCEPTING THEREFROM**

All that portion of the aforementioned Remainder, more particularly described as follows:

COMMENCING at the northwest corner of the aforementioned Parcel "A", thence, along the north line of said Parcel, South 89°50'43" East 195.21 feet, being the POINT OF DESCRIPTION of this area; thence, South 73°58'53" East 144.32 feet; thence, South 28°46'16" East 72.67 feet, to a point on the northeast line of said Parcel "A"; thence, along said northeast line, North 59°12'15" West 202.21 feet, to the point of beginning.

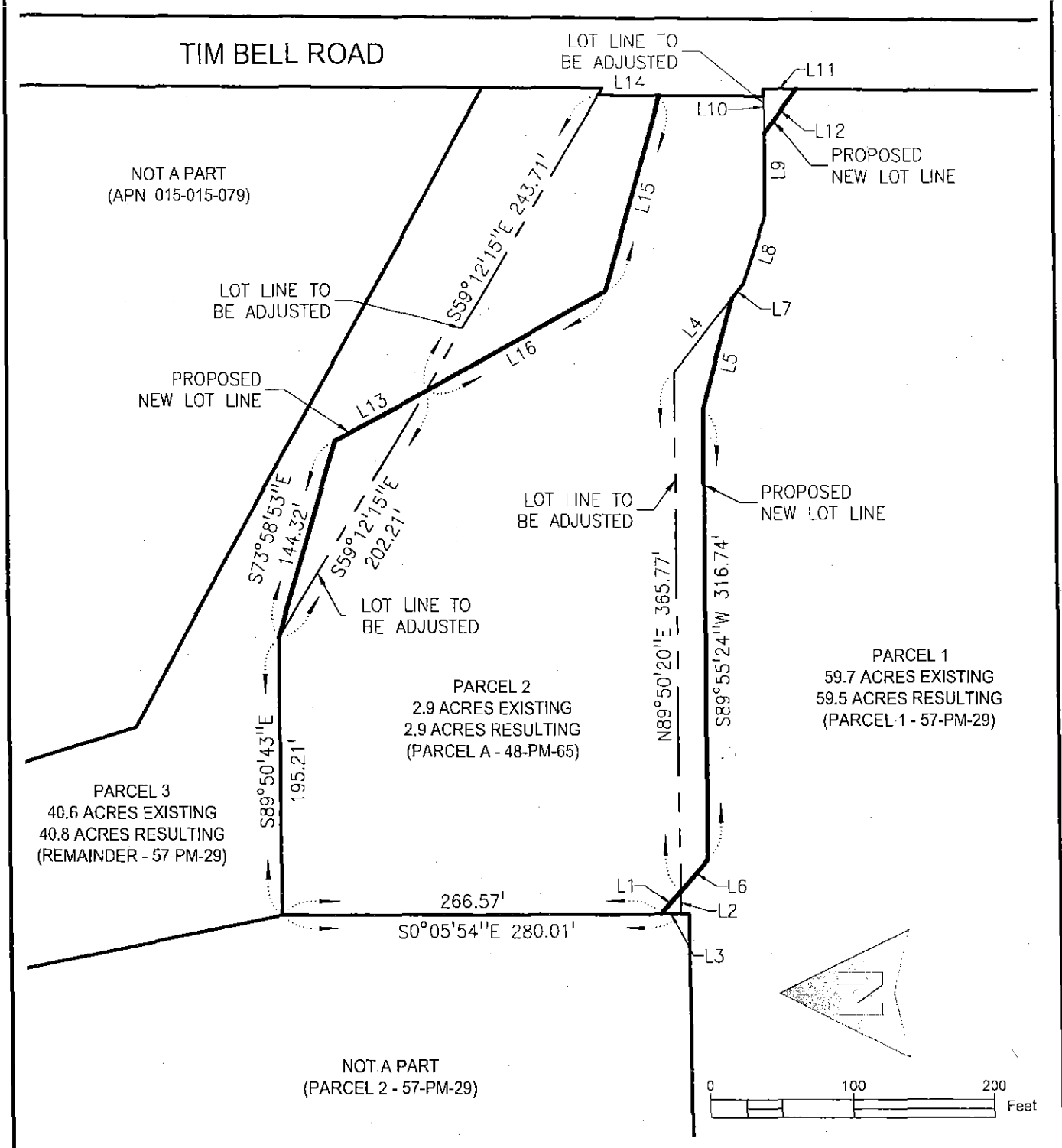
The resulting parcel containing a total of 40.8 acres, more or less.

Subject to conditions, covenants, restrictions, easements, rights, and rights-of-way of record.





NOTE:  
SEE SHEET 2 FOR LINE DATA TABLE.



PARCEL 3  
40.6 ACRES EXISTING  
40.8 ACRES RESULTING  
(REMAINDER - 57-PM-29)

PARCEL 2  
2.9 ACRES EXISTING  
2.9 ACRES RESULTING  
(PARCEL A - 48-PM-65)

PARCEL 1  
59.7 ACRES EXISTING  
59.5 ACRES RESULTING  
(PARCEL 1 - 57-PM-29)

TIM BELL ROAD

NOT A PART  
(APN 015-015-079)

NOT A PART  
(PARCEL 2 - 57-PM-29)



P.O. Box 11930  
Oakdale, CA  
95361  
(209) 845-2594 office  
(209) 845-2555 fax  
epicsurveying.com

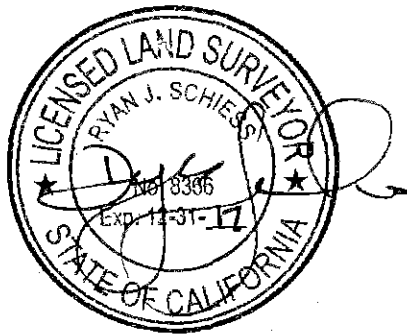
**EXHIBIT C**  
LOT LINE ADJUSTMENT  
for:  
**LEMONS PROPERTY**  
STANISLAUS COUNTY, CALIFORNIA

JUNE 2017
RJS
SHEET
1 OF 2

FOR ILLUSTRATIVE PURPOSES ONLY

EXHIBIT C

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S49°52'55"E	20.79'
L2	S89°50'20"W	15.87'
L3	N0°05'54"W	13.44'
L4	S52°08'29"E	66.46'
L5	N75°08'51"W	81.24'
L6	N49°52'55"W	30.04'
L7	S52°08'29"E	13.02'
L8	S72°01'21"E	50.05'
L9	N89°58'09"E	58.68'
L10	N89°58'09"E	31.43'
L11	S0°19'52"W	22.95'
L12	N53°46'09"W	38.80'
L13	S28°46'16"E	72.67'
L14	S0°19'52"W	43.01'
L15	N74°12'08"W	143.91'
L16	N28°46'16"W	146.72'



P.O. Box 11930  
 Oakdale, CA  
 95361  
 (209) 845-2594 office  
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 epicsurveying.com

**EXHIBIT C**

LOT LINE ADJUSTMENT  
 for:

**LEMOS PROPERTY**  
 STANISLAUS COUNTY, CALIFORNIA

JUNE 2017

RJS  
 SHEET

2 OF 2

FOR ILLUSTRATIVE PURPOSES ONLY

THIS SPACE FOR RECORDER ONLY

RECORDING REQUESTED BY  
STANISLAUS COUNTY BOARD OF  
SUPERVISORS

WHEN RECORDED RETURN TO  
STANISLAUS COUNTY PLANNING  
DEPARTMENT 1010 10<sup>TH</sup> Street, Suite 3400  
Modesto, CA 95354

NOTICE OF RESCISSION AND  
SIMULTANEOUS RE-ENTRY INTO  
CALIFORNIA LAND CONSERVATION  
CONTRACT NO. 2017-0020



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2017-0053673-00**  
Acct 121-Planning:  
Tuesday, JUL 25, 2017 08:33:03  
Ttl Pd \$0.00 Rcpt # 0004000726  
OJC/R2/2-16

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into July 18, 2017, by and between the County of Stanislaus, a political subdivision of the State of California, hereinafter referred to as "County" and the undersigned landowners or the successors thereof, hereinafter referred to as "Owner" as follows:

The recitals and paragraphs 1 through 14, inclusive, of a certain Fictitious California Land Conservation Contract, recorded on February 1, 1979, as Instrument Number 48604, Book 3151, Page 132, in the Office of Recorder of the County of Stanislaus, State of California, are incorporated herein as if specifically set forth.

- (15) Owner and holders of security interests designate the following persons as the Agent for Notice to receive any and all notices and communications from County during the life of the Contract. Owner will notify County in writing of any change of designated persons or change of address for him.

DESIGNATED AGENT: JAMES R. & BETTY LEMOS  
15343 TIM BELL ROAD  
WATERFORD, CA 95386

- (16) Owner desires to place the following parcels of real property under Contract:

ASSESSORS PARCEL NUMBER	ACREAGE	SITUS ADDRESS (If none, please provide Legal Description)
015-015-085 (Portion of)	59.5	15343 Tim Bell Rd, Waterford, CA 95386
015-015-085 (Portion of)	40.8	15343 Tim Bell Rd, Waterford, CA 95386

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2017-399, relating to Lot Line Adjustment No. PLN2017-0061 as authorized by Govt. Code § 51257, California Land Conservation Contract No. 1972-0629 which encumbered the parcel described in Exhibit A is rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

16JC

**NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT- Page 2**

- (18) The effective date of this Contract shall be date of recording.
- (19) Uses on the subject property are limited to those specifically described in Chapter 21.20 of the Stanislaus County Code - General Agriculture District (A-2), as effective each year upon renewal of the contract, which is herein incorporated by reference.

IN WITNESS WHEREOF, the parties hereto have executed the within Contract the day and year first above written.

**OWNERS:**

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
James R Lemos	<i>James R Lemos</i>	6/26/17	Waterford
Betty J Lemos	<i>Betty J Lemos</i>	6/26/17	Waterford

**SECURITY HOLDERS:**

**OWNERS:**


NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)

**EXHIBITS:**

- (A) Legal description of Parcel covered under old contract
- (B) Legal description of newly configured Parcel covered under new contract
- (C) Board of Supervisors Action Item approving referenced rescission and new contract

COUNTY: Stanislaus County

7.24.2017  
Dated

  
Chairman, Board of Supervisors  
Angela Freitas for Vito Chiesa

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

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 Stanislaus )

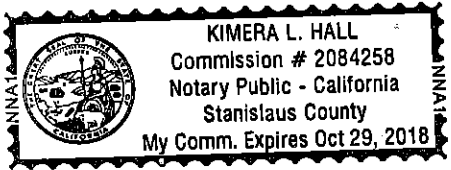
On July 24, 2017 before me, Kimera L. Hall, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Angela Freitas  
Name(s) of Signer(s)

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 Kimera L. Hall  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_  
Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

**ACKNOWLEDGMENT**

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 Stanislaus

On 6/20/17 before me, Mandy Rodgers, Notary Public  
(insert name and title of the officer)

personally appeared James R. Lemos and Betty J. Lemos  
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 Mandy Rodgers (Seal)

**EXHIBIT A**

**LEGAL DESCRIPTION**

**EXISTING PARCEL 1  
APN 015-015-085 (PORTION)**

Parcel 1 as shown on that certain Parcel Map for Lemos, filed in Book 57 of Parcel Maps, at Page 29, Stanislaus County Records, lying in Section 13, Township 3 South, Range 11 East, Mount Diablo Base and Meridian, in an unincorporated area of Stanislaus County, California.

Containing a total of 59.7 acres, more or less.

Subject to conditions, covenants, restrictions, easements, rights, and rights-of-way of record.

---



**EXHIBIT A**

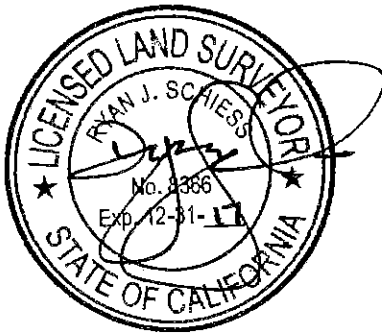
**LEGAL DESCRIPTION**

**EXISTING PARCEL 3  
APN 015-015-085 (PORTION)**

That certain Remainder as shown on that certain Parcel Map for Lemos, filed in Book 57 of Parcel Maps, at Page 29, Stanislaus County Records, lying in Section 13, Township 3 South, Range 11 East, Mount Diablo Base and Meridian, in an unincorporated area of Stanislaus County, California.

Containing a total of 40.6 acres, more or less.

Subject to conditions, covenants, restrictions, easements, rights, and rights-of-way of record.





**EXHIBIT B**

**LEGAL DESCRIPTION**

**PROPOSED PARCEL 1**

Parcel 1 as shown on that certain Parcel Map for Lemos, filed in Book 57 of Parcel Maps, at Page 29, Stanislaus County Records, lying in Section 13, Township 3 South, Range 11 East, Mount Diablo Base and Meridian, in an unincorporated area of Stanislaus County, California.

**TOGETHER WITH**

All that portion of Parcel "A" as shown on that certain Parcel Map for Jim and Betty Lemos, filed in Book 48 of Parcel Maps, at Page 65, Stanislaus County Records, being more particularly described as follows:

COMMENCING at the northwest corner of said Parcel "A", thence, along the west line of said Parcel "A", South 0°05'54" East 266.57 feet, to the POINT OF BEGINNING of this area; thence, South 49°52'55" East 20.79 feet, to a point on the south line of said Parcel "A"; thence, along said south line, South 89°50'20" West 15.87 feet, to the southwest corner of said Parcel "A"; thence, along the west line of said Parcel "A", North 0°05'54" West 13.44 feet, to the point of beginning.

**EXCEPTING THEREFROM**

All that portion of the aforementioned Parcel 1, being more particularly described as follows:

COMMENCING at the northwest corner of the aforementioned Parcel "A"; thence, along the west line of said Parcel "A", South 0°05'54" East 280.01 feet, to the southwest corner of said Parcel "A"; thence, along the south line of said Parcel "A", North 89°50'20" East 15.87 feet, to the POINT OF BEGINNING of this area; thence, continuing along the south line of said Parcel "A", North 89°50'20" East 365.77 feet, to an angle point in said south line; thence, continuing along said south line, South 52°08'29" East 66.46 feet; thence, North 75°08'51" West 81.24 feet; thence South 89°55'24" West 316.74 feet; thence North 49°52'55" West 30.04 feet, to the point of beginning.

**ALSO EXCEPTING THEREFROM**

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line, South 0°19'52" East 22.95 feet; thence, North 53°46'09" West 38.80 feet, to the point of beginning.

The resulting parcel containing a total of 59.5 acres, more or less.

Subject to conditions, covenants, restrictions, easements, rights, and rights-of-way of record.



**EXHIBIT B**

**LEGAL DESCRIPTION**

**PROPOSED PARCEL 3**

That certain Remainder as shown on that certain Parcel Map for Lemos, filed in Book 57 of Parcel Maps, at Page 29, Stanislaus County Records, lying in Section 13, Township 3 South, Range 11 East, Mount Diablo Base and Meridian, in an unincorporated area of Stanislaus County, California.

**TOGETHER WITH**

All that portion of Parcel "A" as shown on that certain Parcel Map for Jim and Betty Lemos, filed in Book 48 of Parcel Maps, at Page 65, Stanislaus County Records, more particularly described as follows:

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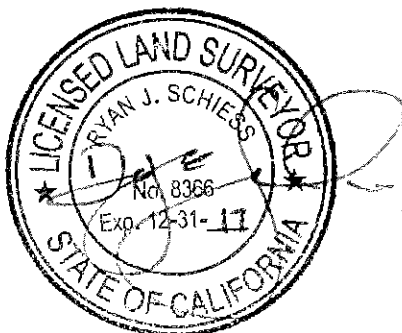
**EXCEPTING THEREFROM**

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The resulting parcel containing a total of 40.8 acres, more or less.

Subject to conditions, covenants, restrictions, easements, rights, and rights-of-way of record.



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

DEPT: Planning and Community Development BOARD AGENDA #: \*D-1

AGENDA DATE: July 18, 2017

**SUBJECT:**

Approval to Rescind A Portion of Williamson Act Contract No. 1972-0629, Located at 15343 Tim Bell Road, East of Dry Creek, West of the Modesto Reservoir; and Approval of a New Contract, or Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0061, Jeffrey and Vicki Lemos

**BOARD ACTION AS FOLLOWS:**

No. 2017-399

On motion of Supervisor Withrow, Seconded by Supervisor Olsen  
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ELIZABETH A. KING

Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By Kelly Rodriguez

ATTEST: Elizabeth A. King  
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

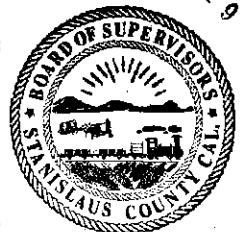


EXHIBIT C

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Planning and Community Development  
Urgent  Routine

BOARD AGENDA #: \*D-1

AGENDA DATE: July 18, 2017

AF

CEO CONCURRENCE: \_\_\_\_\_

4/5 Vote Required: Yes  No

---

**SUBJECT:**

Approval to Rescind A Portion of Williamson Act Contract No. 1972-0629, Located at 15343 Tim Bell Road, East of Dry Creek, West of the Modesto Reservoir; and Approval of a New Contract, or Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0061, Jeffrey and Vicki Lemos

---

**STAFF RECOMMENDATIONS:**

1. Pursuant to Government Code Section 51257, determine that the following seven findings can be made based on the written evidence submitted by the applicant:
  - a. The new contract, or contracts, would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract, or contracts, but for not less than ten years, except as authorized under the County's implementation of Assembly Bill (AB) 1265.
  - b. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
  - c. At least 90 percent of the land under the former contract, or contracts, remains under the new contract, or contracts.
  - d. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Government Code Section 51222.
  - e. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract, or contracts.
  - f. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
  - g. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.

Approval to Rescind A Portion of Williamson Act Contract No. 1972-0629, Located at 15343 Tim Bell Road, East of Dry Creek, West of the Modesto Reservoir; and Approval of a New Contract, or Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0061, Jeffrey and Vicki Lemos

---

2. Rescind a portion of Williamson Act Contract No. 1972-0629, located at 15343 Tim Bell Road, east of Dry Creek, west of the Modesto Reservoir (APN: 015-015-086 and a portion of APN: 015-015-085).
3. Approve a new contract, or contracts, pursuant to Lot Line Adjustment Application No. PLN2017-0061, Jeffrey and Vicki Lemos.
4. Authorize the Director of Planning and Community Development to execute a new contract, or contracts, pursuant to Lot Line Adjustment Application No. PLN2017-0061, Jeffrey and Vicki Lemos.

#### **DISCUSSION:**

The lot line adjustment request includes the adjustment of three parcels (103.2 total acres) to realign an existing driveway from Parcel 1 onto Parcel 2 as well as to align farming practices between all three parcels. An overview of the Lot Line Adjustment application, including property owners, parcel sizes (existing and proposed), Williamson Act Contract information, and current development/use is provided in Attachment 1. Before and after maps of the proposed lot line adjustment are provided in Attachments 2 and 3.

The Williamson Act requires Board of Supervisor action to rescind and simultaneously enter into a new contract, or contracts, reflecting adjusted parcel configurations. Staff has reviewed the Lot Line Adjustment application for compliance with the County's General Plan and all applicable zoning and Williamson Act criteria and determined that the application meets the requirements for approval.

Parcels 1 and 3 (100.3 acres total) are currently enrolled in Williamson Act Contract No. 1972-0629. Parcel 2 is not enrolled in a Williamson Act Contract. If this lot line is approved, Parcels 1 and 2 (100.3 acres total) will be enrolled in a new contract, or contracts.

Pursuant to California Government Code Section 51257, the parties to a contract, or contracts, may mutually agree to rescind the contract, or contracts, and simultaneously re-enter into a new contract, or contracts, provided that the Board of Supervisors finds all of the following:

1. The new contract, or contracts, would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract, or contracts, but for not less than ten years, except as authorized under the County's implementation of AB1265.
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.

Approval to Rescind A Portion of Williamson Act Contract No. 1972-0629, Located at 15343 Tim Bell Road, East of Dry Creek, West of the Modesto Reservoir; and Approval of a New Contract, or Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0061, Jeffrey and Vicki Lemos

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3. At least 90 percent of the land under the former contract, or contracts, remains under the new contract, or contracts.
4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Government Code Section 51222.

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

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

Staff believes all the findings can be made as the proposed lot line adjustment will not increase the number of developable parcels, will not reduce the number of acres covered under contract, or contracts, and will not compromise the continued agricultural use of the parcels. The Applicant's Statement of Findings is provided in Attachment 4.

New Williamson Act Contracts would typically come before the Board of Supervisors once a year, in December; however, because this action is related to a lot line adjustment, it is prudent to act on this action independently of other Williamson Act Contracts. As is the case with all Williamson Act Contracts in Stanislaus County, the new contract, or contracts will be subject to the provisions of AB1265.

#### **POLICY ISSUE:**

The General Plan Land Use and Agricultural Elements both encourage the use of the Williamson Act to help preserve agriculture as the primary industry of Stanislaus County. The Agricultural Element's policies specifically state that the County shall continue to administer lot line adjustments involving agricultural land, provided the land is properly designed for agricultural purposes without materially decreasing the agricultural use of the site.

#### **FISCAL IMPACT:**

Costs associated with this item are covered by a Lot Line Adjustment application fee. It is anticipated that there will be no net change in property tax or other revenue, therefore providing no additional fiscal effect.

Approval to Rescind A Portion of Williamson Act Contract No. 1972-0629, Located at 15343 Tim Bell Road, East of Dry Creek, West of the Modesto Reservoir; and Approval of a New Contract, or Contracts, Pursuant to Lot Line Adjustment Application No. PLN2017-0061, Jeffrey and Vicki Lemos

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**BOARD OF SUPERVISORS' PRIORITY:**

Approval of this action supports the Board's priority of A Strong Agricultural Economy/Heritage by establishing parcels that are consistent with the County General Plan, County Zoning Ordinance, and locally adopted Williamson Act Uniform Rules.

**STAFFING IMPACT:**

Planning and Community Development Department staff is responsible for reviewing all applications, preparing all reports, and attending meetings associated with the proposed Lot Line Adjustment application.

**CONTACT PERSON:**

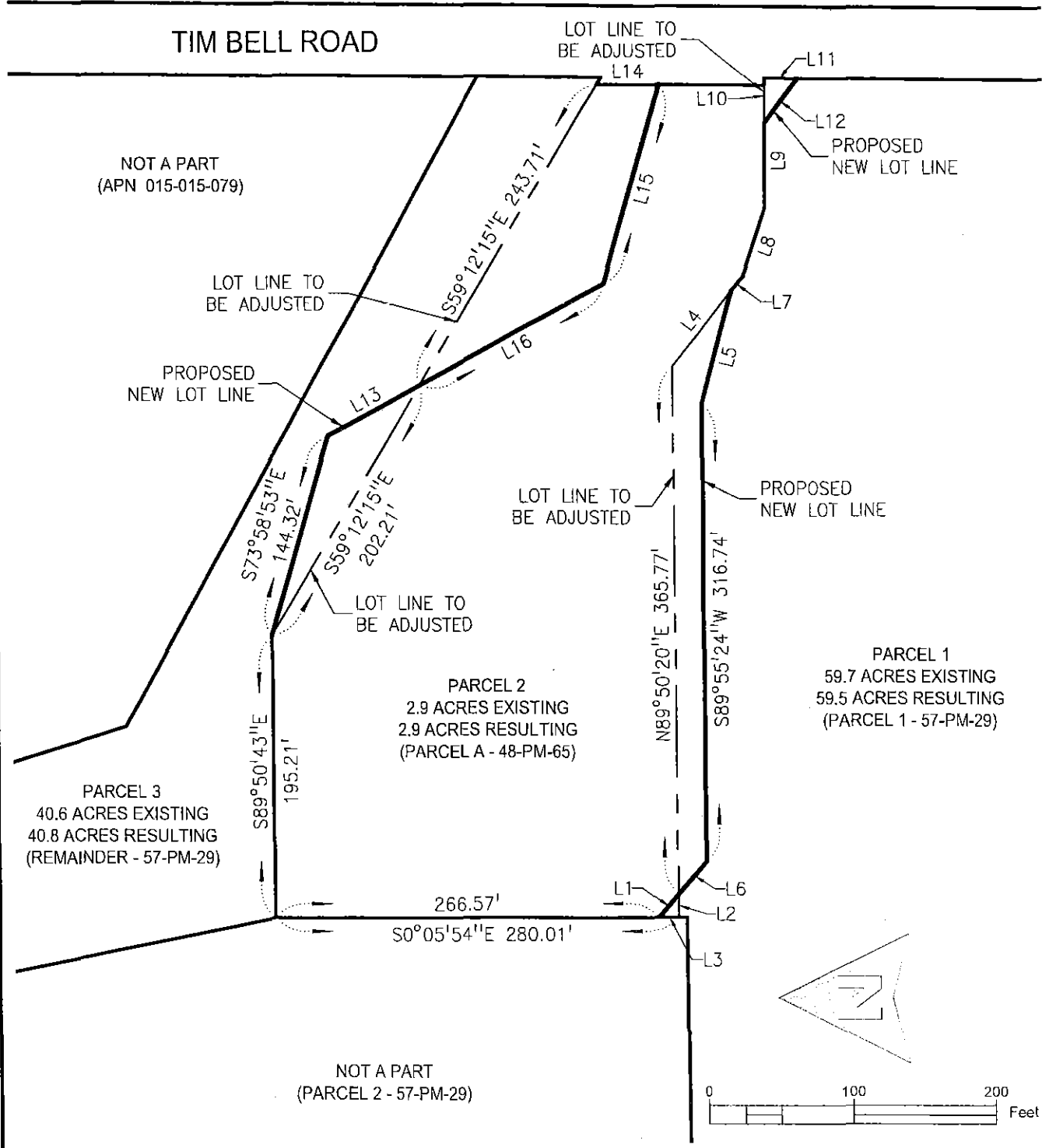
Angela Freitas, Planning and Community Development Director Telephone: (209) 525-6330

**ATTACHMENT(S):**

1. Williamson Act and Lot Line Adjustment Request Overview
2. Map of Parcels Before the Proposed Lot Line Adjustment
3. Map of Parcels After the Proposed Lot Line Adjustment
4. Applicant's Statement of Findings



NOTE:  
SEE SHEET 2 FOR LINE DATA TABLE.



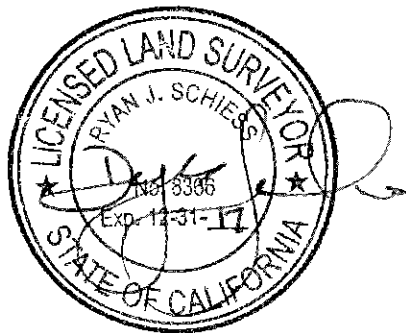
P.O. Box 11930  
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**EXHIBIT C**  
LOT LINE ADJUSTMENT  
for  
**LEMOS PROPERTY**  
STANISLAUS COUNTY, CALIFORNIA

JUNE 2017  
RJS  
SHEET  
**1 OF 2**

FOR ILLUSTRATIVE PURPOSES ONLY

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S49°52'55"E	20.79'
L2	S89°50'20"W	15.87'
L3	N0°05'54"W	13.44'
L4	S52°08'29"E	66.46'
L5	N75°08'51"W	81.24'
L6	N49°52'55"W	30.04'
L7	S52°08'29"E	13.02'
L8	S72°01'21"E	50.05'
L9	N89°58'09"E	58.68'
L10	N89°58'09"E	31.43'
L11	S0°19'52"W	22.95'
L12	N53°46'09"W	38.80'
L13	S28°46'16"E	72.67'
L14	S0°19'52"W	43.01'
L15	N74°12'08"W	143.91'
L16	N28°46'16"W	146.72'



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**EXHIBIT C**

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 STANISLAUS COUNTY, CALIFORNIA

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SHEET

2 OF 2

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