

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

DEPT: Planning and Community Development AC

BOARD AGENDA # \*D-3

Urgent  Routine

AGENDA DATE August 7, 2012

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Set a Public Hearing for August 21, 2012 at 6:40 P.M. to Consider Williamson Act Cancellation Application No. 2012-01, Lot Line Adjustment Application No. 2012-12, and a New Williamson Act Contract, Berryhill Vineyards

STAFF RECOMMENDATIONS:

1. Set a public hearing for August 21, 2012 at 6:40 p.m. to consider approval of Williamson Act Cancellation Application No. 2012-01, Lot Line Adjustment Application No. 2012-12, and a new Williamson Act Contract, Berryhill Vineyards.
2. Authorize the Clerk of the Board to publish notice of hearing as required by law.

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2012-413

On motion of Supervisor Withdraw, Seconded by Supervisor De Martini  
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withdraw, De Martini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

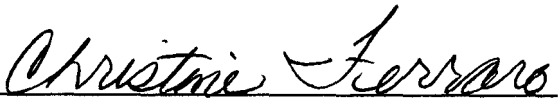
1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**DISCUSSION:**

This is a request to set a public hearing to consider approval of a Williamson Act Cancellation, Lot Line Adjustment Application, and a new Williamson Act Contract. The lot line adjustment request will allow parcel lines of three parcels totaling 34.47 acres to adjust from 1.93, 16.32, and 16.22 acre parcels to 15.75, 1.97 and 16.75 acre parcels (Attachment 1). The parcels are zoned A-2-40 (General Agriculture) and located on E. Taylor Road, west of Central Avenue and east of Bystrum Road, in the Ceres area (APNs: 022-011-018, 023 and 025).

The parcels are covered under two separate Williamson Act Contracts. Contract No. 71-0062 covers the existing 16.32 and 16.22 acre parcels and 71-0182 covers the existing 1.93 acre parcel. The lot line adjustment cannot be approved without cancelling a 1.97 acre portion of Contract No. 71-0062. The proposed 1.97 acre parcel cannot be covered by a new Williamson Act Contract, since it is less than the current 10-acre minimum requirement for enrollment in a Williamson Act Contract. If approved, the 15.75 and 16.75 acre parcels will go into a new Williamson Act Contract.

The purpose of the lot line adjust is so the property lines conform to the agricultural uses of the properties. The proposed 1.93 acre parcel is requested to separate the residence from the existing almond orchard on site. Currently, the 16.32 acre site is owned by one family member (Berryhill Vineyards), but the almond orchard on site is farmed by another family member (William and Triana Berryhill) who also farm the 16.22 acre site.

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

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

**POLICY ISSUES:**

Setting the public hearing to consider the lot line adjustment and Williamson Act cancellation is consistent with the Board's priority of Efficient Delivery of Public Services.

**STAFFING IMPACT:**

There are no staffing impacts associated with this item.

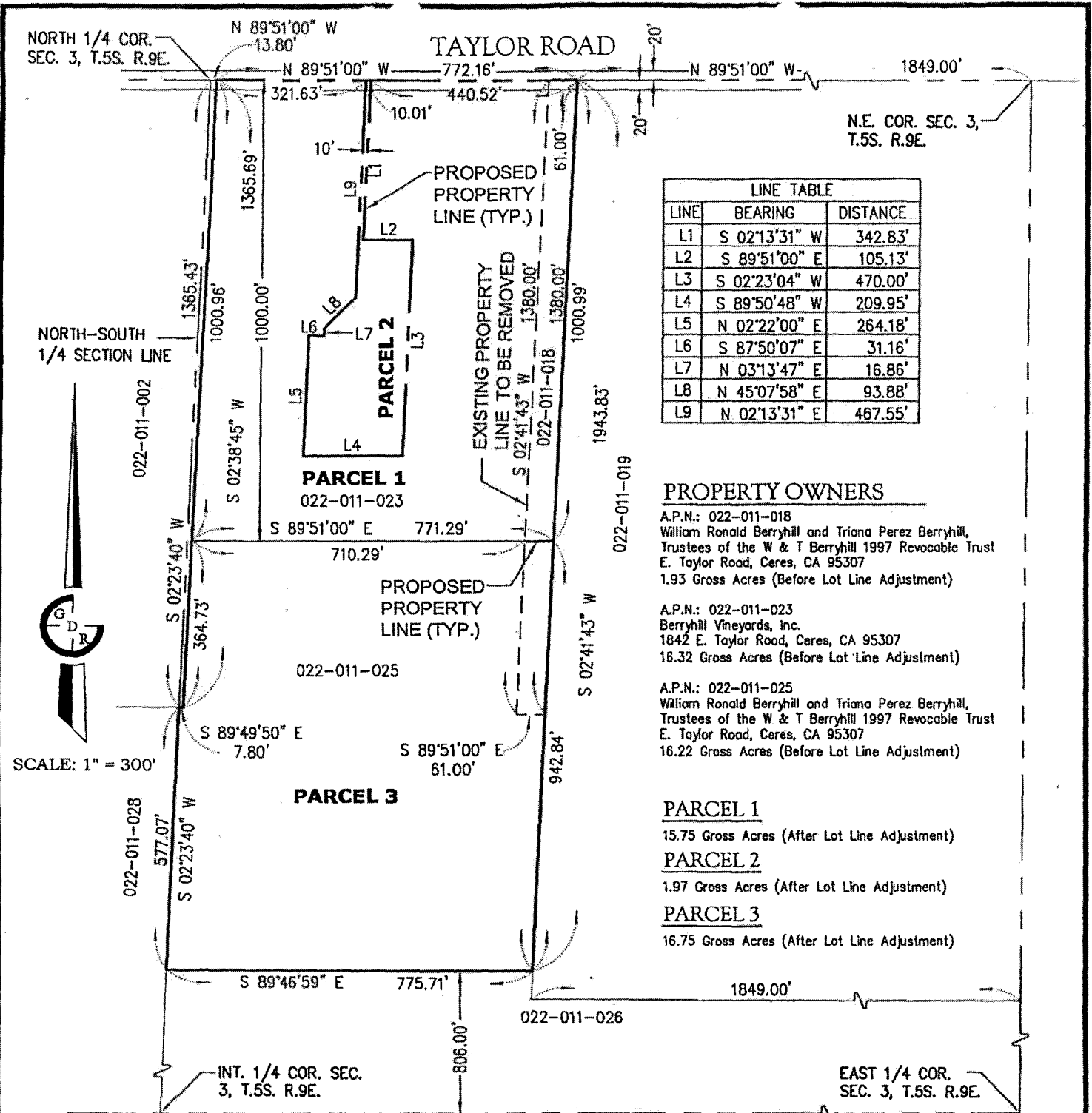
**CONTACT PERSON:**

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

**ATTACHMENT:**

1. Map of Proposed Changes

**ATTACHMENT 1**



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 02°13'31" W	342.83'
L2	S 89°51'00" E	105.13'
L3	S 02°23'04" W	470.00'
L4	S 89°50'48" W	209.95'
L5	N 02°22'00" E	264.18'
L6	S 87°50'07" E	31.16'
L7	N 03°13'47" E	16.86'
L8	N 45°07'58" E	93.88'
L9	N 02°13'31" E	467.55'

**PROPERTY OWNERS**

A.P.N.: 022-011-018  
 William Ronald Berryhill and Triana Perez Berryhill,  
 Trustees of the W & T Berryhill 1997 Revocable Trust  
 E. Taylor Road, Ceres, CA 95307  
 1.93 Gross Acres (Before Lot Line Adjustment)

A.P.N.: 022-011-023  
 Berryhill Vineyards, Inc.  
 1842 E. Taylor Road, Ceres, CA 95307  
 16.32 Gross Acres (Before Lot Line Adjustment)

A.P.N.: 022-011-025  
 William Ronald Berryhill and Triana Perez Berryhill,  
 Trustees of the W & T Berryhill 1997 Revocable Trust  
 E. Taylor Road, Ceres, CA 95307  
 16.22 Gross Acres (Before Lot Line Adjustment)

- PARCEL 1**  
15.75 Gross Acres (After Lot Line Adjustment)
- PARCEL 2**  
1.97 Gross Acres (After Lot Line Adjustment)
- PARCEL 3**  
16.75 Gross Acres (After Lot Line Adjustment)

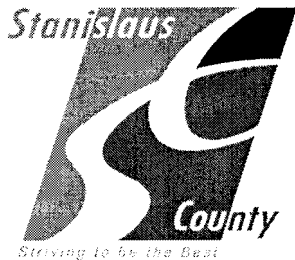


**GDR ENGINEERING, Inc.**  
 ENGINEERING/SURVEYING/PLANNING  
 3525 MITCHELL ROAD, SUITE G CERES, CA 95307  
 TELEPHONE: (209) 538-3360 FAX: (209) 538-7310  
 E-MAIL: gdr@engr@gdrengr.com

**EXHIBIT "C"**  
**LOT LINE ADJUSTMENT**

**A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 9 EAST, M. D. B. & M.**

3-22-2012



CLERK OF THE BOARD OF SUPERVISORS

*Christine Ferraro Tallman*

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

**NOTICE OF PUBLIC HEARING FOR  
WILLIAMSON ACT CANCELLATION APPLICATION NO. 2012-01,  
LOT LINE ADJUSTMENT APPLICATION NO. 2012-12,  
AND A NEW WILLIAMSON ACT CONTRACT  
BERRYHILL VINEYARDS**

NOTICE IS HEREBY GIVEN that on August 21, 2012, at 6:40 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider approving a request to adjust parcel lines from 1.93, 16.32, and 16.22 acre parcels to 15.75, 1.97 and 16.75 acre parcels. There is a Williamson Act Contract Cancellation application for the 1.97 acre parcel since it is less than the 10-acre minimum requirement to be enrolled in a Williamson Act Contract. The property is zoned A-2-40 (General Agriculture) and is located on E. Taylor Road, west of Central Avenue and east of Bystrum Road, in the Ceres area, (APNs: 022-011-018, 023 and 025). The project is CEQA Exempt.

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

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: August 7, 2012

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

BY:

\_\_\_\_\_  
Elizabeth A. King, Assistant Clerk

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

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

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

Aug 11, 2012

NOTICE OF PUBLIC HEARING FOR WILLIAMSON ACT CANCELLATION APPLICATION NO. 2012-01, LOT LINE ADJUSTMENT APPLICATION NO. 2012-12, AND A NEW WILLIAMSON ACT CONTRACT BERRYHILL VINEYARDS

NOTICE IS HEREBY GIVEN that on August 21, 2012, at 6:40 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider approving a request to adjust parcel lines from 1.93, 16.32, and 16.22 acre parcels to 15.75, 1.97 and 16.75 acre parcels. There is a Williamson Act Contract Cancellation application for the 1.97 acre parcel since it is less than the 10-acre minimum requirement to be enrolled in a Williamson Act Contract. The property is zoned A-2-40 (General Agriculture) and is located on E. Taylor Road, west of Central Avenue and east of Bystrum Road, in the Ceres area, (APNs: 022-011-018, 023 and 025). The project is CEQA Exempt.

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

BY ORDER OF THE BOARD OF SUPERVISORS. DATED: August 7, 2012.  
ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California.  
BY: Elizabeth A. King, Asst. Clerk.  
Pub Dates Aug 11, 2012

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

**MODESTO, California** on

August 11th, 2012

(By Electronic Facsimile Signature)

Marie Hickman