



Board Agenda Item 52

DATE: February 26, 2019

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Rescission of Agricultural Land Conservation Contract No. 7117 and Simultaneous Entry into New Agricultural Land Conservation Contract Nos. 8326 and 8327

RECOMMENDED ACTION(S):

Adopt Resolution approving the Rescission of Agricultural Land Conservation Contract No. 7117 and simultaneous entry into new Agricultural Land Conservation Contract Nos. 8326 and 8327, pursuant to Government Code Section 51257; and authorize the recording of new Contracts following signature by the Chairman.

The subject properties are located on the south side of Mt. Whitney Avenue between Bishop and Dickenson Avenues, approximately three miles west of the unincorporated community of Lanare (APNs 050-150-63s and 050-150-87s).

Approval of the recommended action would facilitate a lot line adjustment proposed by the applicant to adjust the property lines between a 605.21-acre parcel and a 79.93-acre parcel resulting in adjusted parcel sizes of 402.11 acres and 283.03 acres. The applicant states that the purpose of the lot line adjustment is to facilitate the agricultural management and investment interests of the existing and proposed agricultural use.

ALTERNATIVE ACTION(S):

Your Board may determine that the required findings cannot be made and deny the Rescission and Re-entry.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The applicant paid the County a fee of \$742.00 to process the application.

DISCUSSION:

Government Code Section 51257 provides a procedure to accommodate property line adjustments on lands enrolled in the Williamson Act Program (Program) to accurately reflect newly adjusted contracted parcels.

Property Line Adjustment (PLA) No. 18-19 proposes to adjust property lines between a 605.21-acre parcel identified as APN 050-150-87s and a 79.93-acre parcel identified as APN 050-150-63s, which would result in an adjusted 402.11-acre parcel and an adjusted 283.03-acre parcel. The 605.21-acre parcel is enrolled in the Program under Contract No. 7117 and the 79.93-acre is not enrolled in the Program. As a result of the proposed property line adjustment, the adjusted 402.11-acre parcel (Adjusted Parcel A) will include

approximately 79.93 acres of non-contracted land and approximately 322.18 acres of contracted land to be covered by the new Agricultural Land Conservation Contract No. 8326. The entire adjusted 283.03-acre parcel (Adjusted Parcel B) will be enrolled in new Agricultural Land Conservation Contract No. 8327. There will be no net increase or decrease in the acreage of land currently under contract. Because the configuration of the contracted parcels will change as a result of PLA No. 18-19, a Rescission and Simultaneous Entry of the Williamson Act Contracts is required to reflect the boundaries of the adjusted contracted parcels. Exhibit A shows the Property Line Adjustment Map No. 18-19. The existing parcels are identified as Parcels 1 and 2, and the resulting adjusted parcels are identified as Adjusted Parcels A and B.

The subject and surrounding properties are designated as Agricultural in the Fresno County General Plan, and are located in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. Exhibit B is a location map of the subject properties, Exhibit C depicts the zoning of the subject properties and surrounding area, and Exhibit D depicts the land use designation of the subject properties and surrounding area.

The adjusted boundaries of the contracted parcels meet the parcel size requirements of the California Land Conservation Act of 1965 and Fresno County's Interim Williamson Act Guidelines adopted by the Board of Supervisors in 2004.

Per Government Code Section 51257, parties to a Williamson Act Contract(s) may mutually agree to rescind the Contract(s) and simultaneously enter into new Contract(s), 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 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 10 years.*

The new contracts on the adjusted parcels will restrict the land for an initial period of 10 years.

Based on the statement above, Department of Public Works and Planning staff believes Finding No. 1 can be made.

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.*

PLA No. 18-19 proposes to adjust property lines between a 605.21-acre parcel enrolled in the Williamson Act Program under Contract No. 7117 and a non-contracted 79.93-acre parcel. The PLA will result in a 283.03-acre adjusted parcel all of which is under contract and a 402.11-acre parcel of which 322.18 acres is under contract and 79.93 acres is not under contract. However, there will be no net increase or decrease in the acreage of land currently under contract.

Based on the facts stated above, Department staff believes Finding No. 2 can be made.

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

Per discussion under Finding No. 2, the entire acreage of land under existing contracts will be covered by the new contracts.

Based on the statement above, Department staff believes Finding No. 3 can be made.

4. *After the lot line adjustment, the parcels of land subject to Contract will be large enough to sustain their agricultural use.*

PLA No. 18-19 would result in a contracted 283.03-acre parcel and a 402.11-acre parcel of which 322.18 acres is under contract and 79.93 acres is not under contract. The resulting adjusted parcels meet the minimum parcel size requirement of State and the County, and are capable of sustaining commercial agricultural use.

Based on the statement above, Department staff believes Finding No. 4 can be made.

5. *The lot line adjustment would not compromise the long-term agricultural productivity of the contracted parcel(s) or other agricultural lands subject to contract.*

PLA No. 18-19 would reconfigure property lines between two contiguous parcels with the entire acreage of existing contracted land covered by the new contracts. As such, PLA No. 18-19 will not compromise the long-term agricultural productivity of the subject parcels or any contracted lands.

Based on the statement above, Department staff believes Finding No. 5 can be made.

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

The existing commercial agricultural use of the subject properties for row crops and nut trees will not change as a result of PLA No. 18-19. As such, the PLA will not likely result in the removal of adjacent land from agricultural use.

Based on the statement above, Department staff believes Finding No. 6 can be made.

7. *The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted parcel that is inconsistent with the General Plan.*

PLA No. 18-19 will not result in a greater number of developable parcels or an adjusted parcel that is inconsistent with the General Plan.

Based on the statement above, Department staff believes Finding No. 7 can be made.

Based on the above discussion, Department staff believes all of the findings under Government Code Section 51257 can be made and recommends that your Board approve the Rescission of Williamson Act Contract No. 7117 and Simultaneous Entry into Williamson Act Contract Nos. 8326 and 8327.

OTHER REVIEWING AGENCIES:

The Agricultural Land Conservation Committee reviews requests for cancellation of Land Conservation Contracts and the formation of, or expansion of, Agricultural Preserves and Farmland Security Zones. The review of Rescission and Simultaneous Entry proposals do not require a review by the Committee.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits A - D
On file with Clerk - Resolution
On file with Clerk - ALCC No. 8326
On file with Clerk - ALCC No. 8327

CAO ANALYST:

Sonia M. De La Rosa