



Board Agenda Item 46

DATE: May 3, 2022

TO: Board of Supervisors

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

SUBJECT: Revision of Agricultural Land Conservation Contract (RLCC) No. 1027 to Rescind Agricultural Land Conservation Contract Nos. 226 and 3446 and Simultaneous Entry into New Agricultural Land Conservation Contract Nos. 8342, 8343, and 8344 (Circle G II, L.P., a California Limited Partnership)

RECOMMENDED ACTION:

- 1. Adopt Resolution authorizing Rescission of Agricultural Land Conservation Contract Nos. 226 and 3446 and Simultaneous Entry into new Agricultural Land Conservation Contract Nos. 8342, 8343, and 8344, and making the findings required by Government Code Section 51257; and**
- 2. Authorize the Chairman to execute the new Agricultural Land Conservation Contracts and allow for recordation of the new Contracts following signature by the Chairman.**

The subject parcels are located on the east side of N. Newcomb Avenue, between Valeria Avenue to the North, W. Oxalis Avenue to the South, and five miles Northwest of the nearest city limits of the City of Firebaugh (APN 007-061-22s).

Approval of the recommended actions would facilitate Property Line Adjustment (PLA) Application No. 21-32 proposed by the applicants to adjust the property lines between a 175.66-acre parcel, identified as APNs 003-100-37s and 001-220-08s, a 36.73-acre parcel, identified as APN 003-100-04, and a 56.12-acre parcel, identified as APN 003-100-08, resulting in an adjusted 67.18-acre parcel (Adjusted Parcel A), a 98.84-acre parcel (Adjusted Parcel B), and a 102.48-acre parcel (Adjusted Parcel C). The property owner has stated that the purpose of the PLA is a better site configuration based on the field roads. According to the applicant, the total combined 268.5 acres of all affected parcels are planted with orchards. This item pertains to a location in District 1.

ALTERNATIVE ACTION:

Your Board may determine that the findings required by Government Code Section 51257 cannot be made and deny the Rescission and Re-entry.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The applicants paid the County a fee of \$742 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 the boundary of adjusted parcels resulting from a PLA between contracted parcels.

PLA No. 21-32 involves adjusting property lines between a 175.66-acre existing parcel, identified as APNs 003-100-37s and 001-220-08s, a 36.73-acre existing parcel, identified as APN 003-100-04, and a 56.12-acre existing parcel, identified as APN 003-100-08, resulting in a 67.18-acre Adjusted Parcel A, a 98.84-acre Adjusted Parcel B, and a 102.48-acre Adjusted Parcel C. The existing 175.66-acre parcel is enrolled in the Program under ALCC No. 3446. The existing 36.73-acre parcel and 56.12-acre parcel are enrolled in the Program under ALCC No. 226. As a result of the PLA, the configuration of the contracted parcels will change. Therefore, a Rescission and Simultaneous Entry of the Williamson Act Contracts is required to reflect the adjusted boundaries of the contracted parcels.

The subject parcels are designated as Agricultural in the County General Plan and are located in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Attached Exhibit A is the tentative PLA 21-32, Exhibit B is the location map of the subject parcels, Exhibit C depicts the zoning of the subject parcels and surrounding area, and Exhibit D depicts the existing land uses of the subject parcels and surrounding parcels.

The adjusted boundaries of the contracted parcels meet the requirements of the California Land Conservation Act of 1965 and Fresno County's Williamson Act Guidelines for parcel size.

To facilitate the property line adjustment between parcels that are under a Williamson Act contract, per Government Code Section 51257, parties to a Williamson Act Contract may agree to rescind the existing contract or contracts and simultaneously enter into a new contract or contracts to accurately reflect the boundary of the adjusted contracted parcels, 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 properties for an initial period of 10 years.

Based on the statement above, Department of Public Works and Planning staff (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. 21-32 involves adjusting property lines between a 175.66-acre parcel enrolled in the Program under Contract No. 3446, a 36.73-acre parcel enrolled in the Program under Contract No. 226, and a 56.12-acre parcel enrolled in the Program under Contract No. 226, resulting in a contracted 67.18-acre parcel, a contracted 98.84-acre parcel, and a contracted 102.48-acre parcel. There will be no decrease in the total acreage of contracted land.

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

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

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, 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. 21-32 would result in a contracted 67.18-acre parcel, a contracted 98.84-acre parcel, and a contracted 102.48-acre parcel, which satisfy the minimum parcel size requirements of the State and the County and are capable of sustaining commercial agricultural uses.

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

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

PLA No. 21-32 is to adjust the property lines between three contiguous parcels with the entire acreage of existing contracted land covered by the new contracts. There is no proposed change in use with respect to the resulting parcels. As such, PLA No. 21-32 will not compromise the long-term agricultural productivity of the subject parcels or any other surrounding contracted lands.

Based on the statement above, 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 parcels is orchards, which will not change as a result of PLA No. 21-32. Therefore, the PLA is not likely to result in the removal of adjacent land from agricultural use.

Based on the statement above, 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. 21-32 would adjust property lines between an existing 175.66-acre parcel, an existing 36.73-acre parcel, and an existing 56.12-acre parcel, resulting in an adjusted 67.18-acre parcel, an adjusted 98.84-acre parcel, and an adjusted 102.48-acre parcel. Therefore, PLA No. 21-32 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, staff believes Finding No. 7 can be made.

CONCLUSION:

Based on the above discussion, staff believes all of the findings required by Government Code Section 51257 can be made.

ENVIRONMENTAL REVIEW:

This application is not subject to CEQA per Title 14 California Code of Regulations Section 15060(c)(2), as the activity will not result in a direct or reasonably foreseeable indirect physical change to the environment.

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 applications do not require a review by the Committee.

The Rescission and Simultaneous Entry applications do not require review by the State Department of Conservation

PUBLIC HEARING NOTICE:

Because this application only involves Rescission of existing Williamson Act contracts and entering into new contracts that will cover the same acreage of land, there will be no impact on any of the adjacent lands and therefore, the public hearing notice is not necessary.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - D

On file with Clerk - Resolution

On file with Clerk - ALCC No. 8342

On file with Clerk - ALCC No. 8343

On file with Clerk - ALCC No. 8344

CAO ANALYST:

Ron Alexander