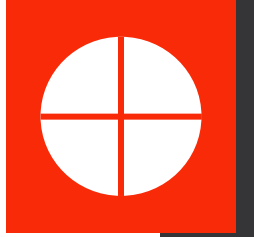


16976 Evans Avenue, Dos Palos, CA 93620

# Partial Williamson Act Cancellation for PCOC No. 3529

July 13, 2021





# Project Overview

- The subject property is a 32.96-acre parcel located near Dos Palos in Fresno County.
- The property is an active, family-owned commercial corn farm.
- There is an existing single-family residence on site that was built by a previous owner(s).
- The current property owners, David Brinkley and Kelly Harman, purchased the property in 2019 and began farming operations shortly thereafter.
- The property owners wish to deed a 1.50-acre portion of the property to convey to their family member. The existing single-family residence is on the 1.50-acre portion of the property.
- In order to facilitate the proposed gift deed, the property owners are petitioning for partial cancellation of ALCC No. 2592 to remove the 1.50-acre portion of the property to allow for the creation of a separate homesite parcel.



Evans Avenue

Proposed  
Gift Deed  
1.50 acres

Shain Avenue

Shain



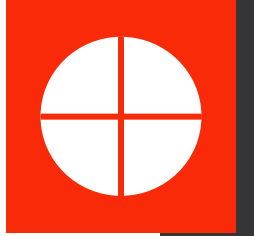




# Williamson Act Cancellation Findings

1. The cancellation is for land on which a Notice of Non-Renewal has been filed.
2. Cancellation is not likely to result in the removal of adjacent lands from agricultural use.
3. Cancellation is for an alternate use that is consistent with the adopted General Plan.
4. Cancellation will not result in discontinuous patterns of urban development.
5. That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

**ALCC was able to make 4 of these 5 findings.**



# Williamson Act Cancellation Findings

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2. Cancellation is not likely to result in the removal of adjacent lands from agricultural use.
- 3. Cancellation is for an alternate use that is consistent with the adopted General Plan.**
4. Cancellation will not result in discontinuous patterns of urban development.
5. That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

ALCC recommendation for denial hinged on not being able to make this finding.



# Williamson Act Cancellation Findings

## *Our Response to Finding No. 3:*

*The proposed alternate use is consistent with the County General Plan.*

- The proposed alternate use is a single-family home **which already exists**. Instead of being part of the 32-acre parcel, it will be parceled out as a gift deed to be separately owned by a family member. **No changes to the use of the land are proposed.**
- In my presentation I will show that the proposed project is consistent with the General Plan policies staff identified and show several additional general plan policies that demonstrate that the proposed gift deed is consistent with the County's General Plan.
- Not all of these policies were presented in the staff report or presentation to the Ag Land Conservation Committee, and we believe this impacted their recommendation.

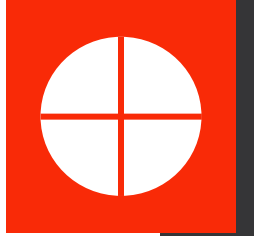


# Williamson Act Cancellation Findings

## *Our Response to Finding No. 3:*

*The proposed alternate use is consistent with the County General Plan.*

1. General Plan policy LU-A.6 states that *“the County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LUA.10, and LU-A.11...”*.
  - The goal of this policy is to preserve farmland and prevent the parcellation of farmland into multiple rural residential lots that lead to the degradation of farmland. **The cancellation will not remove any farmland from active production and will in fact help preserve farmland by allowing the owner to convey a residential parcel to a family member, while maintaining the farm and allowing for future expansion into a different crop.** Thus, this cancellation application is consistent with the general plan because the retention of the existing farmland in active production is consistent with the goals of the General Plan.
  - In addition, this project complies with an exception identified in the general plan (LU-A.9)



# Williamson Act Cancellation Findings

## *Our Response to Finding No. 3:*

*The proposed alternate use is consistent with the County General Plan.*

- General Plan policy LU-A.9: **Allows for the creation of homesite parcels smaller than the minimum parcel size required by Policy LU-A.6**, if the parcel involved in the division is at least 20 acres in size (which this site is), subject to the following criteria (on next slide).



1. **The minimum lot size shall be sixty thousand (60,000) square feet of gross area, except that a lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the lot be less than one (1) gross acre; and**
  
2. **One of the following conditions exists:**
  - a. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or
  - b. The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, there is only one (1) lot per related person, and there is no more than one (1) gift lot per twenty (20) acres; or**
  - c. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes.

**The applicant has verified in a written and signed statement that the daughter of the family, who will own the gift deed parcel, will be actively involved in the farming operation when the family goes from corn to an almond operation next year.**

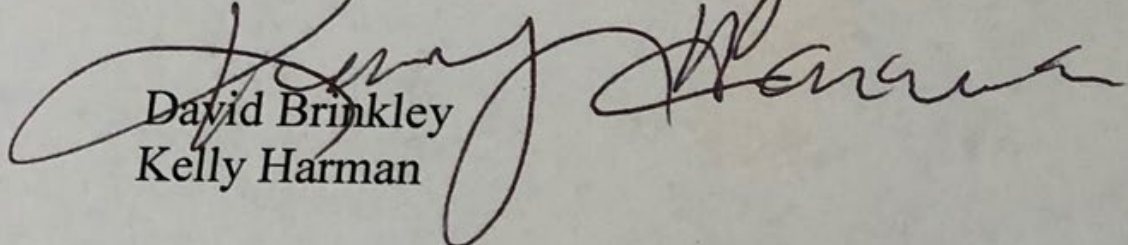
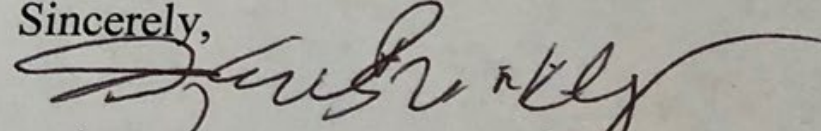
**This gift deed allowance is also memorialized in the municipal code (Section 816.5.A.2.b.2) and written verification of involvement in the farming operation is required.**

Fresno County

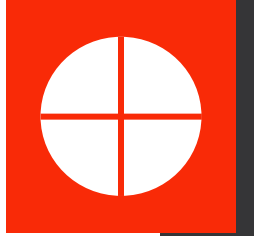
Dear ladies and gentlemen:

With concerns to the parceling of the home at 15976 Evans Dos Palos CA currently our daughter Brooke and her husband David Buie reside there. They own their own custom Harobed business that is ran from the residence. Currently the ground is farmed by us which we have corn in now. Next year we will be planting almond trees. At that time The Buies will also take partnership with us on the almonds.

Sincerely,



David Brinkley  
Kelly Harman



# Williamson Act Cancellation Findings

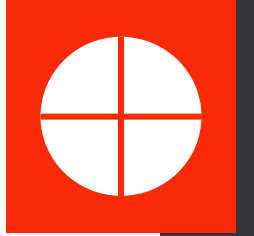
## *Our Response to Finding No. 3:*

*The proposed alternate use is consistent with the County General Plan.*

- General Plan policy LU-A.12: *In adopting land uses policies, regulations and programs, the County shall seek to protect agricultural activities from **encroachment of incompatible land uses.***

The cancellation and resulting 1.5-acre gift deed parcel will not result in an encroachment of incompatible uses because **the home on the site already exists.**





# Williamson Act Cancellation Findings

## *Our Response to Finding No. 3:*

*The proposed alternate use is consistent with the County General Plan.*

- General Plan policy LU-A.13: *The County shall protect agricultural operations from conflicts with nonagricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.*

The cancellation and resulting 1.5-acre gift deed parcel will not remove any existing buffers because **the home on the site already exists**. The existing homesite is also consistent with the rural residential pattern in the area (as shown on next slide). In addition, the owners of the gift deed homesite will be part of the agricultural operations, as previously discussed, so this is not a non-agricultural use.

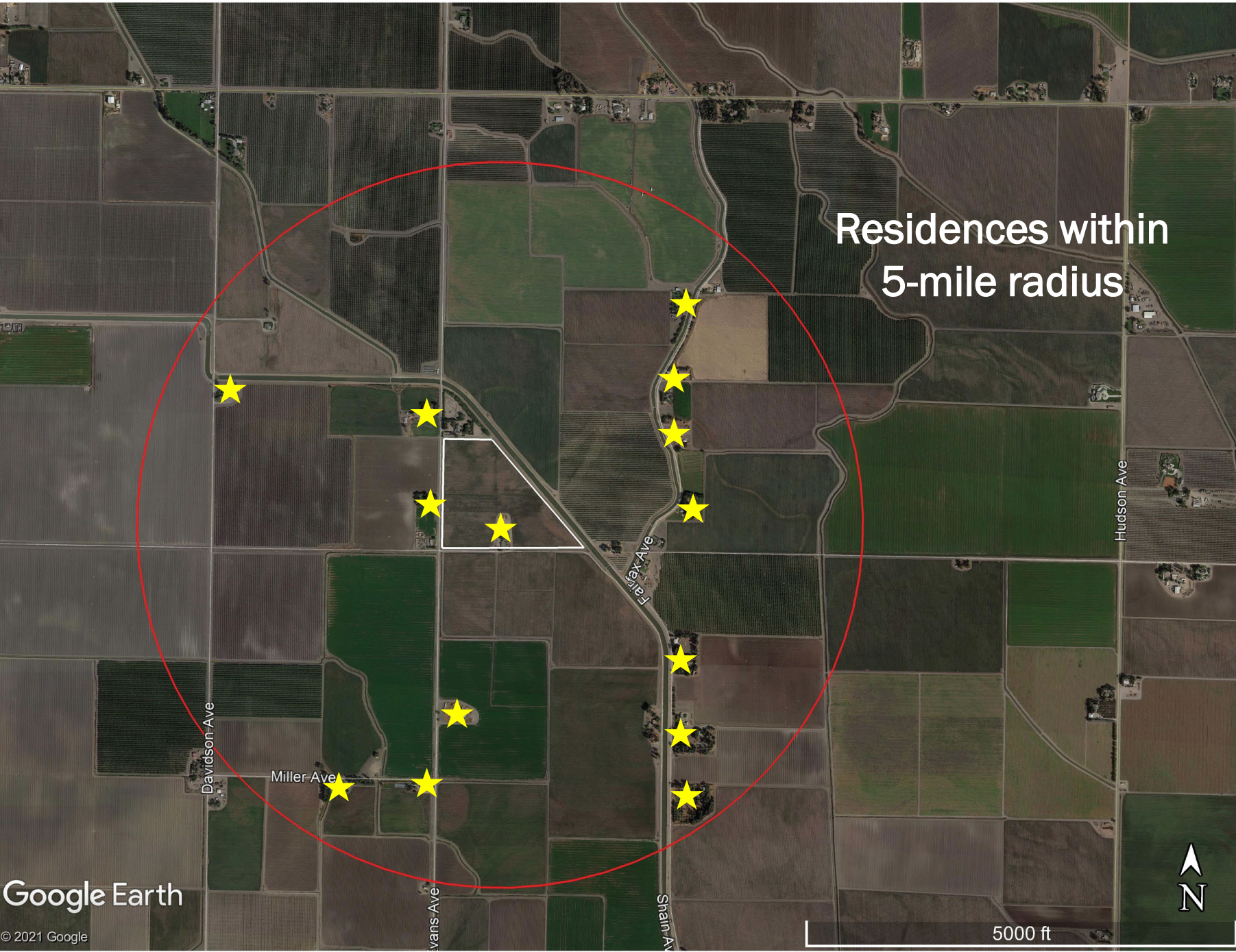
Residences within  
5-mile radius

Google Earth

© 2021 Google



5000 ft





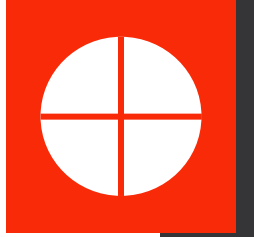
# Conclusion

The Partial Williamson Act Contract Cancellation and related gift deed will not result in any new development. The project is allowed by the Zoning Ordinance and the General Plan and complies with gift deed requirements. Allowing the property owner to gift deed an existing home to their family member will not result in physical changes to the site or result in adjacent farmland to be converted to non-agricultural uses.

In addition, as shown, the proposed cancellation is consistent with the General Plan.







# Williamson Act Cancellation Findings

## *Our Response to Finding No. 2:*

*The proposed partial cancellation will not result in removal of adjacent lands from agricultural use.*

1. The gift deed process will ensure the occupants are involved in the agricultural operations.
2. The residential dwelling unit already exists onsite.
3. Residential uses are already a part of the surrounding agricultural community.

# THE BUSINESS JOURNAL

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P.O. Box 126  
Fresno, CA 93707  
Telephone (559) 490-3400

(Space Below for use of County Clerk only)

## IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

### NOTICE OF PUBLIC HEARING

to consider petition for PARTIAL CANCELLATION OF AGRICULTURAL LAND CONSERVATION CONTRACT NO. 2592 (RLCC NO. 1017)

DATE OF PUBLIC HEARING:  
JULY 13, 2021

### DECLARATION OF PUBLICATION (2015.5 C.C.P.)

### MISC. NOTICE

### STATE OF CALIFORNIA

#### COUNTY OF FRESNO

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 entitled matter. I am the principal clerk of **THE BUSINESS JOURNAL** published in the city of Fresno, County of Fresno, State of California, Monday, Wednesday, Friday, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of March 4, 1911, in Action No.14315; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

JUNE 30, 2021

**NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN THAT the Board of Supervisors ("Board") of the County of Fresno ("County") will hold a public hearing on July 13, 2021 in the Board Chambers, Hall of Records, Third Floor, 2281 Tulare Street, Fresno, California, 93721, to consider petition for PARTIAL CANCELLATION OF AGRICULTURAL LAND CONSERVATION CONTRACT NO. 2592 (RLCC NO. 1017) to remove a 1.50-acre portion of a 32.96-acre parcel from the Williamson Act program to allow the 1.50 acres to be created as a separate homesite parcel. The subject parcel is located on the north side of Shain Avenue between Evans Avenue and Fairfax Avenue, approximately two and a half miles southeast of the nearest city limits of the City of Dos Palos (15976 Evans Avenue) (Sup. Dist. 1) (APN 001-280-14). A copy of the Board agenda materials, including the RLCC No. 1017 staff report, will be made available for public review, commencing on or about the Wednesday immediately before the applicable Board public hearing date at the office of the Clerk of the Board of Supervisors ("Clerk"), at the above address for the Board Chambers, on County business days between the hours of 8:00 AM and 5:00 PM, and on the County's Internet web site at <https://fresnocounty.legistar.com/>

**Calendar.aspx**  
Anyone may attend the public hearing and meeting of the Board and make any oral or written presentations at that time. In addition, if you wish to submit any written comments to the Board on this matter in advance of the hearing you may deliver those comments either personally or by mail, to the Clerk at the above address. If you wish to present any such written comments to the Board, you are encouraged to do so sufficiently in advance of the public hearing so that County staff and the Board can have enough time to take your comments into consideration in advance of the Board hearing. If you have any questions concerning this notice, please contact Derek Chambers, Department of Public Works and Planning, at (559) 600-4205, email [dchambers@fresnocountyca.gov](mailto:dchambers@fresnocountyca.gov).  
Bernice E. Seidel,  
Clerk of the Board of Supervisors  
County of Fresno  
Date: June 30, 2021  
06/30/2021

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Fresno, California,

JUNE 30, 2021

ON .....

