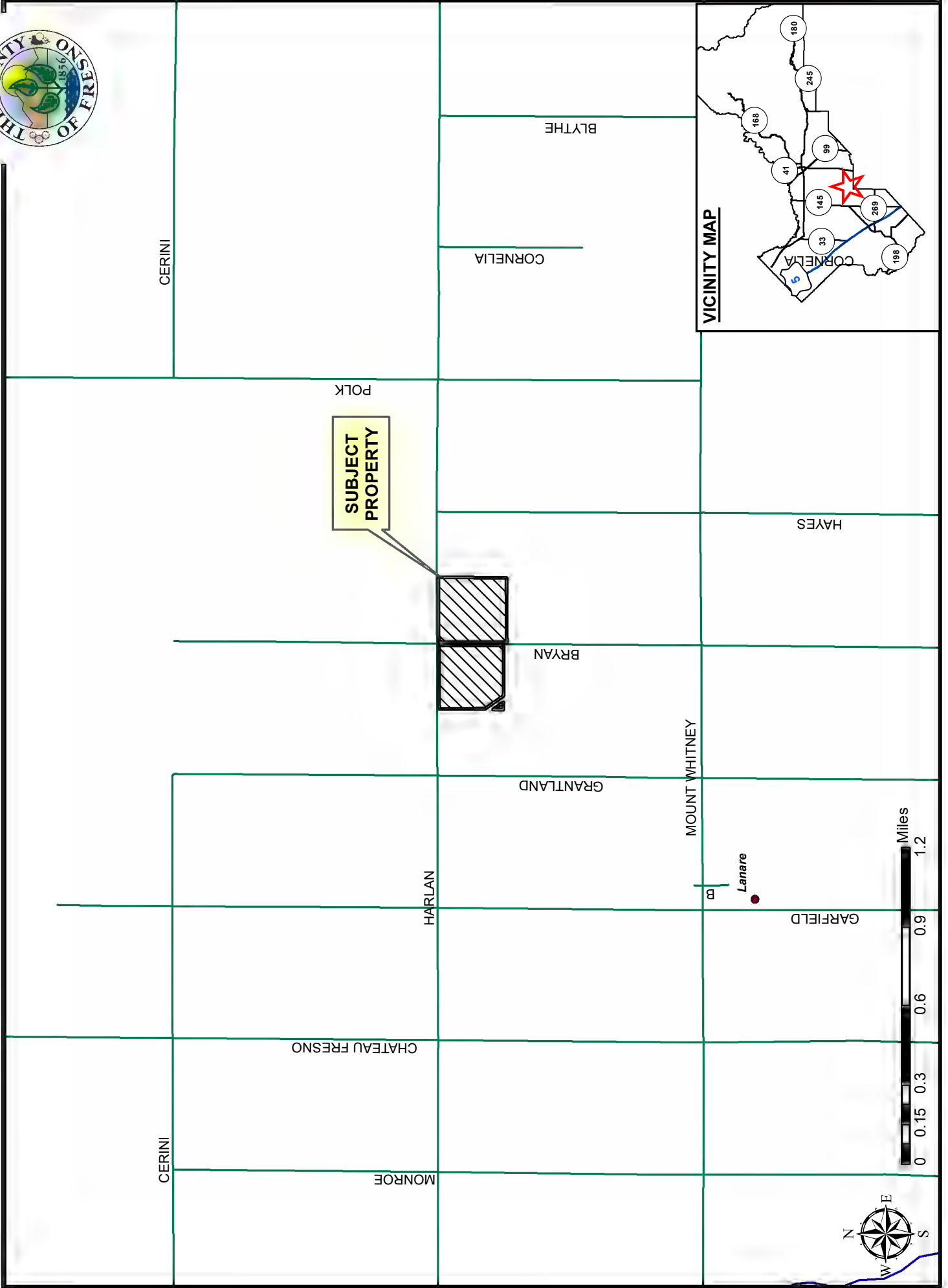
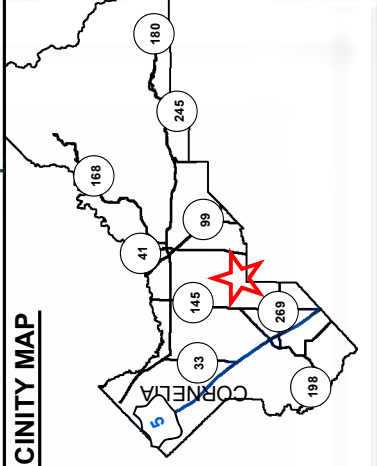


LOCATION MAP

RLCC 1025



VICINITY MAP

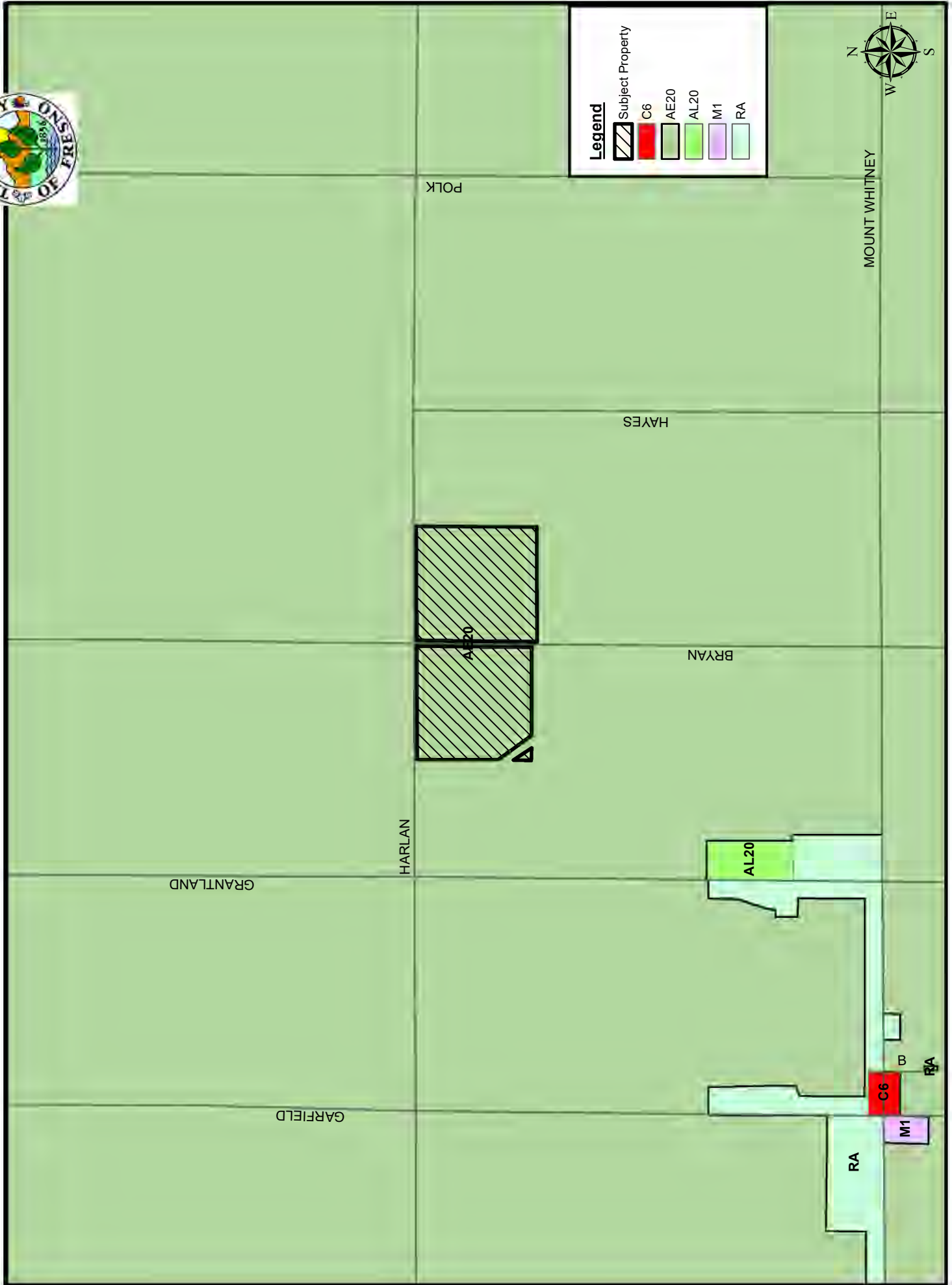


EXISTING ZONING MAP

ATTACHMENT B



RLCC 1025



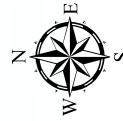


EXISTING LAND USE MAP

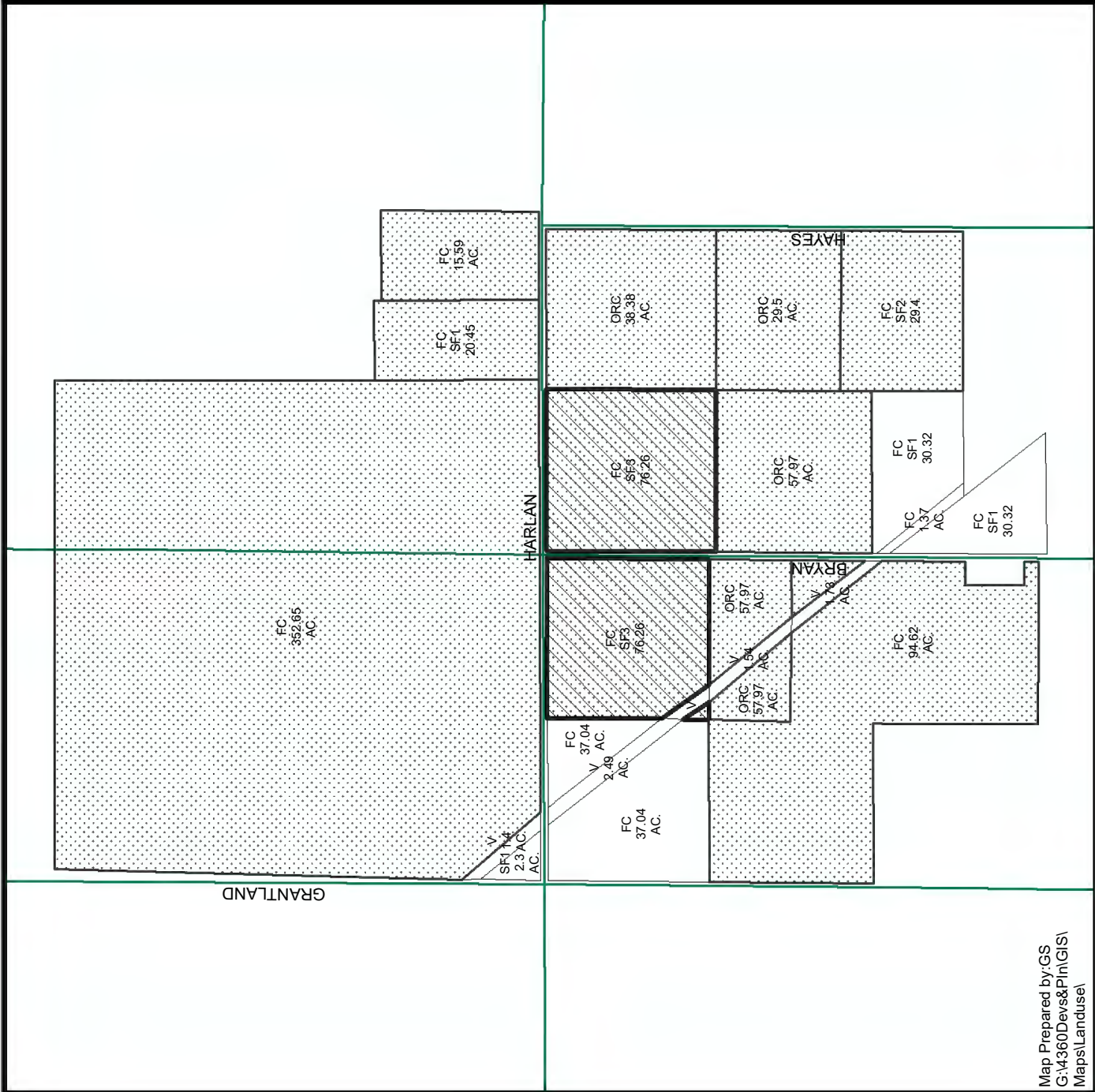
RLCC 1025

LEGEND	
FC - FIELD CROP	
ORC - ORCHARD	
SF# - SINGLE FAMILY RESIDENCE	
V - VACANT	

LEGEND:
 Subject Property
 Ag Contract Land

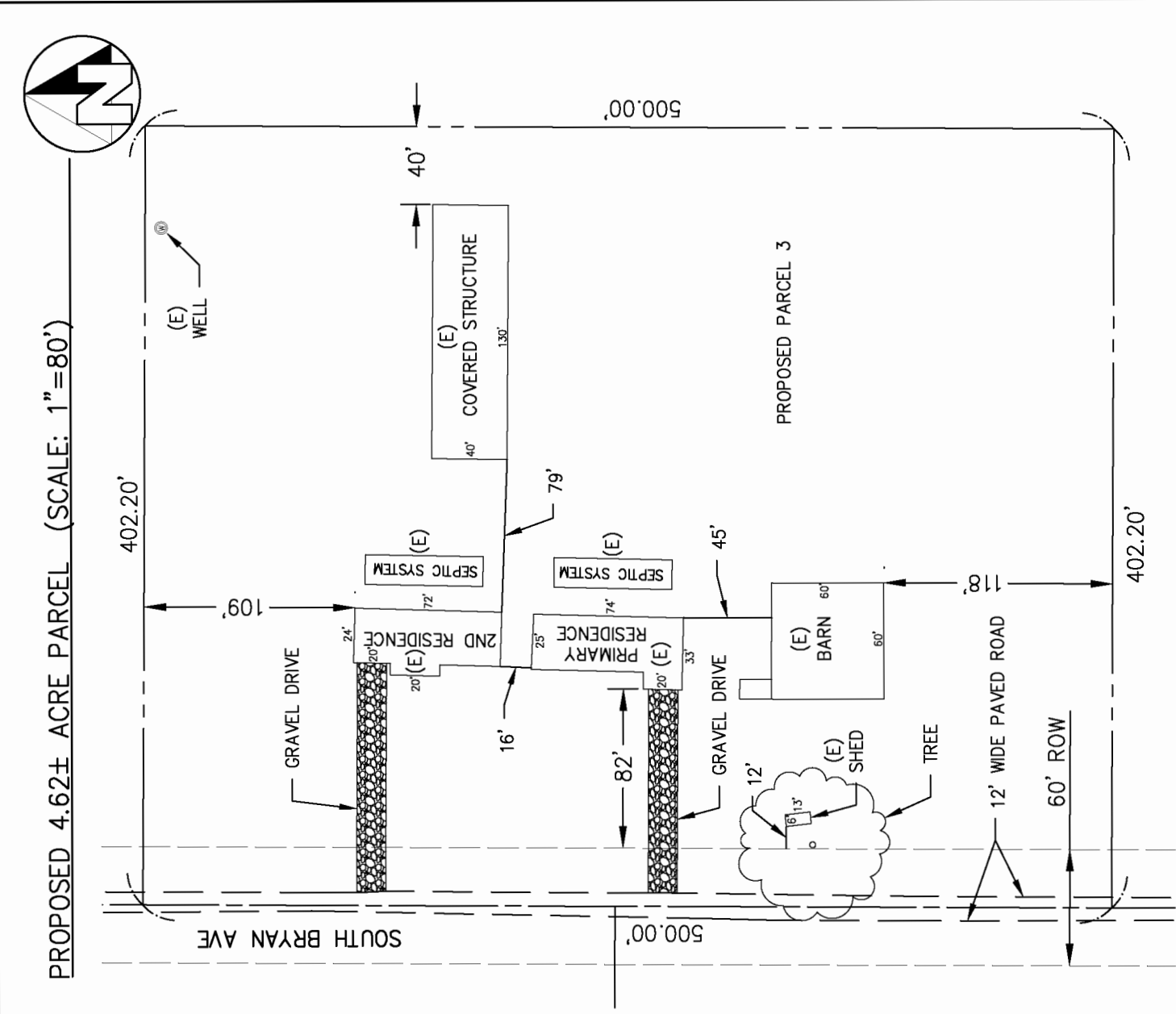
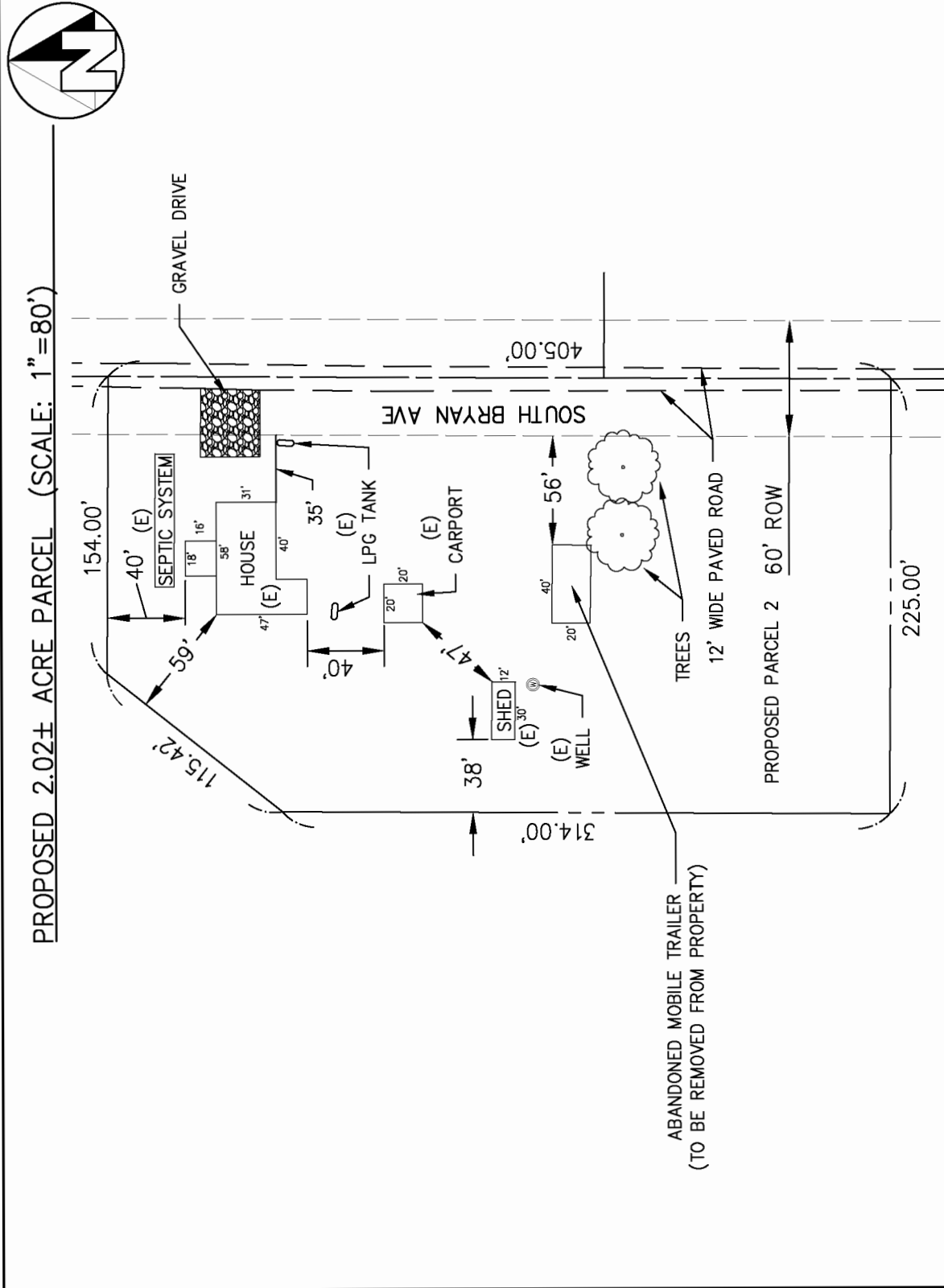


Department of Public Works and Planning
 Development Services Division

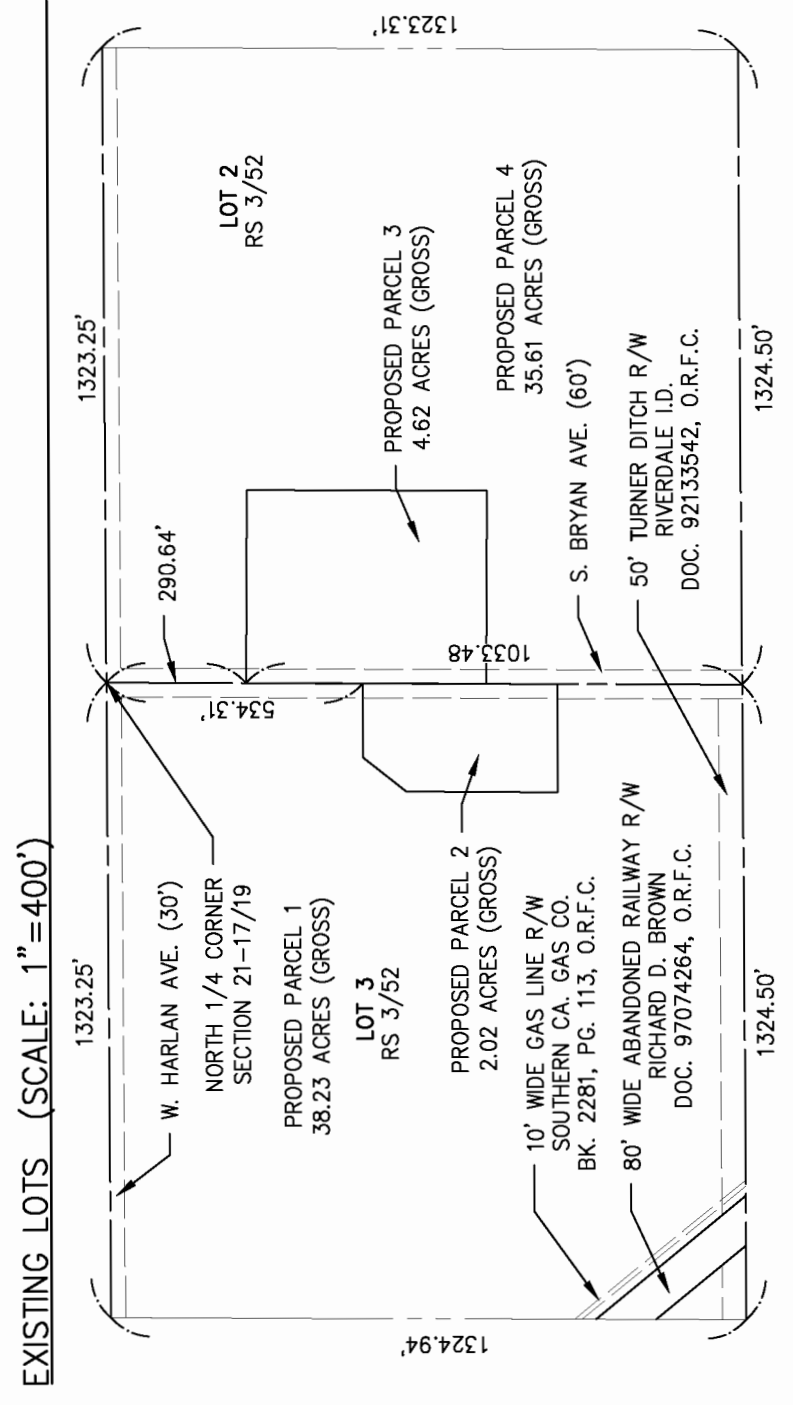


ATTACHMENT D





NOTES
 EXISTING PARCELS (79.89 ACRES GROSS) – LOTS 2&3 OF SUBDIVISION NO. 1 OF THE LANDS OF SUMMIT LAKE INVESTMENTS CO., BOOK 3 OF RECORDS OF SURVEY, PAGE 52, FRESNO COUNTY RECORDS



EST. 1968
PROVOST & PRITCHARD
 CONSULTING GROUP
 An Employee Owned Company

VARIANCE AND DRA EXHIBIT
 JAMIE BLEDSOE
 FRESNO COUNTY APN 053-031-03S
 SITE PLAN

SURVEYOR:
 BRYAN W. BOWERS
 DATE: 6-2-21
 JOB NO: 380321001
 SHEET 1 OF 1



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Agricultural Land Conservation Committee Staff Report Agenda Item No. 2 April 20, 2022

SUBJECT: Review and make recommendation to the Board of Supervisors regarding petition for **PARTIAL CANCELLATION OF AGRICULTURAL LAND CONSERVATION CONTRACT NO. 6899 (RLCC NO. 1025)** to remove a 6.64-acre portion of a 79.89-acre (gross) parcel from the Williamson Act program to allow creation of a 4.62-acre parcel and a 2.02-acre parcel through Zone Variance and Parcel Map applications.

LOCATION: The subject parcel is located on the south side of Harlan Avenue and on the east and west sides of S. Bryan Avenue and approximately one-mile northeast of the unincorporated community of Lanare (20141 S. Bryan Avenue) (APN: 053-031-03s) (Sup. Dist. 1).

**OWNER/
APPLICANT:** Walter James Bledsoe and Elizabeth D. Bledsoe

REPRESENTATIVE: Bryan Bowers

STAFF CONTACT: Spencer Wejrowski, Planner
(559) 600-4305

Mohammad Khorsand, Senior Planner
(559) 600-4227

RECOMMENDATION:

Staff does not believe that Findings No. 2 and 3 under Government Code Section 51282(b) can be made, and therefore recommends that the Agricultural Land Conservation Committee recommend that the Board of Supervisors deny the Petition for Partial Cancellation of Agricultural Land Conservation Contract No. 6899.

BACKGROUND:

The Agricultural Land Conservation Committee reviews petitions for cancellation of Agricultural Land Conservation Contracts for consistency of the petition with the purposes of the Williamson Act, pursuant to Section 51282(b) of the Government Code, and makes a recommendation to the Board of Supervisors to approve or deny the petition.

The subject parcel is located on the south side of Harlan Avenue and on the east and west sides of S. Bryan Avenue and approximately one-mile northeast of the unincorporated

community of Lanare [see Location Map (Exhibit "A"), Existing Zoning Map (Exhibit "B"), Existing Land Use Map (Exhibit "C"), and Aerial Photograph (Exhibit "D")].

This Petition for Partial Cancellation was filed in conjunction with Zone Variance (VA) Application No. 4109 to vary from the minimum parcel size of 20 acres in the A-E (Exclusive Agricultural) Zone District and to subsequently subdivide an existing 79.89-acre (gross) parcel into four separate parcels, including a 38.23-acre (gross) parcel, a 35.61-acre (gross) parcel, a 4.62-acre (gross) parcel, and a 2.02-acre (gross) parcel through a Parcel Map application. The subject parcel is located in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and is designated as Agricultural in the General Plan.

The Williamson Act Program limits land uses on contracted parcels to commercial agricultural operations, compatible uses adopted by the Board of Supervisors, and certain qualified open space uses. Further, the County's Williamson Act Guidelines require parcels to have at least 20 acres of prime soil and an active agricultural operation or at least 40 acres of non-prime soil and an active agricultural operation to be eligible for enrollment in the Williamson Act Program. The proposed 4.62-acre parcel and 2.02-acre parcel do not meet the 20-acre minimum parcel size requirement to be eligible to be enrolled in the Williamson Act Program and therefore, the applicants have submitted a petition to remove the two proposed homesite parcels totaling 6.64 acres from the Williamson Act Program through the cancellation process. The proposed 38.23-acre and 35.61-acre parcels are being utilized for the commercial agricultural operation and are eligible to-remain enrolled in the Williamson Act Program.

DISCUSSION:

The Williamson Act program is a voluntary program whereby private landowners enter into contract with local governments for the purpose of restricting the use of specific parcels of land to commercial agricultural uses for production of food or fiber. In return, landowners receive property tax assessments that are lower than the market value of the land because the property tax assessment is based upon farming or qualified open space uses as opposed to full market value of the land. The purpose of the Williamson Act is to provide an incentive to preserve agricultural land for production of food or fiber, at least for the duration of the contract, which is 10 or 20 years depending on the type of contract.

A Williamson Act Contract is an enforceable restriction pursuant to Article 13, Section 8 of the California Constitution and §51252. Williamson Act Contracts are not intended to be cancelled, and in fact, cancellation is reserved for unusual "emergency" situations. Therefore, the nine-year nonrenewal process has been identified as the legally preferred method for terminating a Williamson Act Contract. The Supreme Court of California has stated that cancellation is not appropriate where the objectives served by cancellation could be served by nonrenewal [*Sierra Club v. City of Hayward* (1981) 28 Cal.3d 840, 852-853]. The State Attorney General's Office has opined that cancellation is impermissible "except upon extremely stringent conditions" [62 Ops. Cal. Atty. Gen. 233, 240 (1979)]. The Attorney General has also opined that nonrenewal is the preferred contract termination method, as stated: "If a landowner desires to change the use of his land under contract to uses other than agricultural production and compatible uses, the proper procedure is to give notices of nonrenewal pursuant to Section 51245" [54 Ops. Cal. Atty. Gen 90, 92 (1971)].

Landowners or local governments may exit the contract by filing a Notice of Nonrenewal of the contract. Under this process, the remaining contract term (nine years in the case of an original

term of ten years) is allowed to lapse, with the contract expiring at the end of the term. During the Nonrenewal process, the subject land will still be subject to contract restrictions, and the annual tax assessment increases incrementally each year until it is equivalent to the unrestricted market value of the land at the end of the Nonrenewal period. This would allow lands that have been placed under contract to continue to be used for production of food or fiber for the nine-year remainder of the contract term and the landowner to benefit from lower property tax assessments.

As was mentioned above, cancellation of a contract is reserved for unusual “emergency” situations and the nine-year nonrenewal process has been identified as the legally preferred method for terminating a Williamson Act Contract. To address those unusual “emergency” circumstances, the Statute has provided provisions under which petitions for removal of a parcel from the contract can be considered by the governing body having jurisdiction over the land. Processing a cancellation petition involves a comprehensive review of the petition to determine if a contract should be cancelled to allow establishment of a proposed alternative use, or if the land should remain in agricultural use for the duration of the contract. Approval of a cancellation petition is discretionary and requires the payment of a fee by the landowner equal to 12.5 percent of the full market value of the property in question.

The proposed petition is being processed under the provisions of Government Code Section 51282(a)(1), which allows the Board of Supervisors to grant tentative approval for cancellation of a contract if the Board can make all of the findings listed under Government Code Section 51282(b).

Per Government Code Section 51282(b), cancellation of a contract is consistent with the provisions of the Land Conservation Act of 1965 if the Board can make all of the findings listed under said Government Code Section. Staff’s evaluation of the proposed petition against the required findings are discussed below:

1. *That the cancellation is for land on which a Notice of Nonrenewal has been served pursuant to Section 51245 of the Government Code.*

An executed Notice of Partial Nonrenewal for Williamson Act Contract No. 6899 was accepted by the County Recorder on November 12, 2021 and was assigned Document No. 2021-0187621. Said Nonrenewal is for the proposed 6.64-acre portion of the 79.89-acre parcel associated with this Petition for Partial Cancellation.

Based on the fact stated above, staff believes that Finding No. 1 can be made.

2. *That the cancellation is not likely to result in the removal of adjacent lands from agricultural use.*

The existing 79.89-acre parcel contains soils classified as Prime Farmland and Farmland of Statewide Importance on the California Department of Conservation Important Farmland Map. The current property owners acquired the existing 79.89-acre parcel on October 29, 2020 and planted the property with pistachio trees. The neighboring parcels are designated as Agricultural in the County General Plan, are zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size), and are actively farmed.

With respect to Finding No. 2, approval of the proposed Petition would allow creation of a 4.62-acre and a 2.02-acre homesite parcels through approval of a Zone Variance and a Parcel Map process. The owners of the two homesite parcels could subsequently apply for a second residential unit on each parcel through a Director Review and Approval (DRA). This may result in creation of four residential units on the proposed homesite parcels that will most likely be occupied by persons who are not involved in agricultural operations. Also, the owners of the 38.23-acre parcel and the 35.61-acre parcel can each build a house on the resulting parcels.

Non-farmers who will reside on substandard agricultural parcels are not tolerant of the inconveniences that are associated with agricultural uses including dust, application of pesticides and herbicides, odors and flies generated by animal confinement facilities, such as dairies, feedlots, poultry operations, and other similar uses that by the nature of the operation require a location in a sparsely populated area found in agricultural areas of the County.

The residential use of these homesite parcels will create incompatibility between agricultural and residential uses in an area of the county that is designated and zoned for intensive agricultural uses and could result in the removal of adjacent lands from agricultural operations due to restrictions placed on agricultural operations.

Moreover, allowing cancellation of Williamson Act contract to create homesite parcels may set a precedent for other landowners to create similar residential parcels in the area, which will compound the incompatibility between the agricultural and residential use of lands in an area of the County designated and used for agricultural operations.

Based on the above discussion, staff believes approval of the proposed Petition may result in the removal of adjacent lands from agricultural use, and therefore Finding No. 2 cannot be made.

3. *That the cancellation is for an alternative use that is consistent with the provisions of the County General Plan.*

The existing 79.89-acre parcel is designated as Agricultural in the County General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). The Agriculture and Land Use Element of the General Plan sets goals and policies promoting long-term conservation of productive agricultural lands. General Plan Policy LU-A.1 states that the County shall maintain agriculturally designated areas for agricultural use and shall direct urban growth to cities and unincorporated communities. General Plan Policy LU-A.6 states that the County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated as Agricultural. General Plan Policy LU-A.7 states that the County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that such parcels would be less viable economic farming units and the resultant increase in residential density would increase the potential for conflict with normal agricultural practices on adjacent parcels. General Plan Policy LU-A.12 requires protection of agricultural activities from encroachment of incompatible uses. General Plan Policy LU-A.13 states that the County shall protect agricultural operations from conflicts with non-agricultural uses.

This project entails the creation of a 4.62-acre parcel and a 2.02-acre parcel from an existing 79.89-acre parcel to be used as separate homesites. As was stated under Finding number two, owners of the two homesite parcels are allowed to build a house on each parcel and subsequently apply for a second residence on each parcel through a Director Review and Approval (DRA). Approval of this Petition could result in four residential units on the proposed homesite parcels that will most likely be occupied by persons who are not involved in agricultural operations. Staff believes the residential use of the proposed parcels is not compatible with the agricultural land use designation and the AE (Exclusive Agricultural) zoning classification and the existing land uses of the surrounding parcels. Areas of the County that are designated and zoned for agricultural uses are to accommodate the production of food and fiber and those uses that due to the nature of the use require location in rural areas of the County that are sparsely populated such as cattle feed lots, dairies, poultry operations and other similar uses that cannot be established within the boundaries of the cities or the unincorporated communities in Fresno County. The County includes several unincorporated communities that are planned for residential, commercial, industrial, and institutional uses which are suitable locations for those who wish to live in the unincorporated areas without negatively impacting farming and other agriculturally related uses.

Based on the above discussion, staff believes that the proposed alternative use is not consistent with the Fresno County General Plan polices, and therefore believes Finding No. 3 cannot be made.

4. *That the cancellation will not result in discontinuous patterns of urban development.*

With respect to this finding, the subject property is located approximately one mile northeast of the unincorporated community of Lanare and the proposal in and of itself does not appear to result in a discontinuous pattern of urban development near the unincorporated community of Lanare.

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

5. *That there is no proximate non-contracted land that is both available and suitable for the use to which it is proposed that 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.*

Department staff generated a map and list of non-contracted parcels approximately 4.62 acres and 2.02 acres in size located within a 5-mile radius of the existing parcel and sent letters to the owners of these non-contracted parcels requesting that said owners notify Department staff if their parcels are for sale. Staff was contacted by three property owners about the availability of their parcels for the alternative use.

The applicant contacted all three interested property owners by email on January 20. On January 26, the applicant informed staff that the first property owner, Jeanne Case, does not have an existing residence on her property. Therefore, the parcel is not suitable for the applicant because the development of a new residence would be cost-prohibitive for the applicant.

On February 8, the applicant informed staff that the second property owner, Jim Staley, did not respond to the email inquiry sent out by the applicant on January 20. The applicant informed staff that a follow up email was sent to Mr. Staley and did not receive a response. The applicant also informed staff that the third property owner, Rick Schultz, did not respond to the email inquiries from January 20 and February 8. On February 9, Mr. Schultz left a voicemail for the applicant expressing that they are no longer interested in selling their property.

Based on the discussion above, it appears that there is no non-contracted parcel that is available and suitable to accommodate the applicant's proposed alternative use.

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

OTHER REVIEWING AGENCIES:

As of January 1, 2001, Government Code Section 51284.1(a) requires notification to be provided from the County to the Director of the State Department of Conservation (the Director) once a cancellation petition has been accepted as complete. Under Government Code Section 51284.1(c), the Director's comments, if provided, are required to be considered by the Board of Supervisors before acting on the proposed cancellation.

The petition was forwarded to the California Department of Conservation (DOC) on November 12, 2021. Staff allows at least 30 days for the DOC to provide comments. In this case, the DOC has not provided comments regarding the petition.

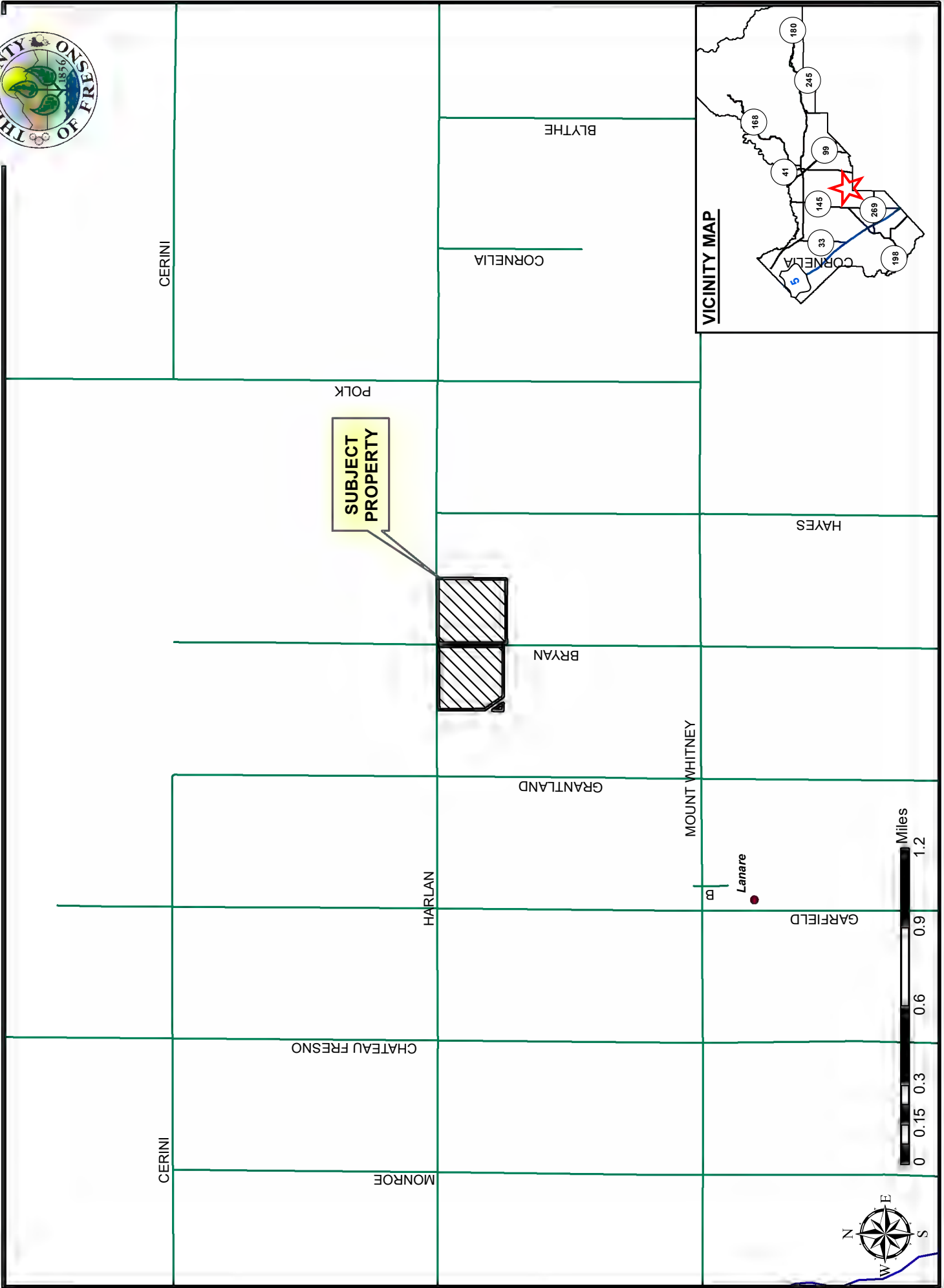
CONCLUSION:

Based upon staff's analysis of the proposed alternative use against the consistency Findings listed under Government Code Section 51282(b), staff does not believe that Findings No. 2 and 3 can be made and therefore, recommends that the Agricultural Land Conservation Committee recommend that the Board of Supervisors deny the petition for partial cancellation of Agricultural Land Conservation Contract No. 6899.

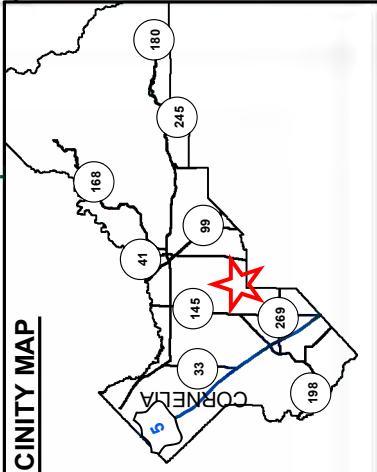
However, if the Committee believes that the required Findings can be made, the Committee needs to articulate how Findings No. 2 and No. 3 can be made and may recommend that the Board of Supervisors approve the partial cancellation of Agricultural Land Conservation Contract No. 6899, subject to the following conditions:

1. The landowners shall obtain the required land use approvals to create the proposed 4.62-acre parcel and the 2.02-acre parcel.
2. The applicant shall pay the Cancellation Fee in the amount of \$18,750 as determined by the County Assessor and certified by the Board of Supervisors for issuance of a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid, and a Certificate of Cancellation issued prior to recording of the Parcel Map.

LOCATION MAP

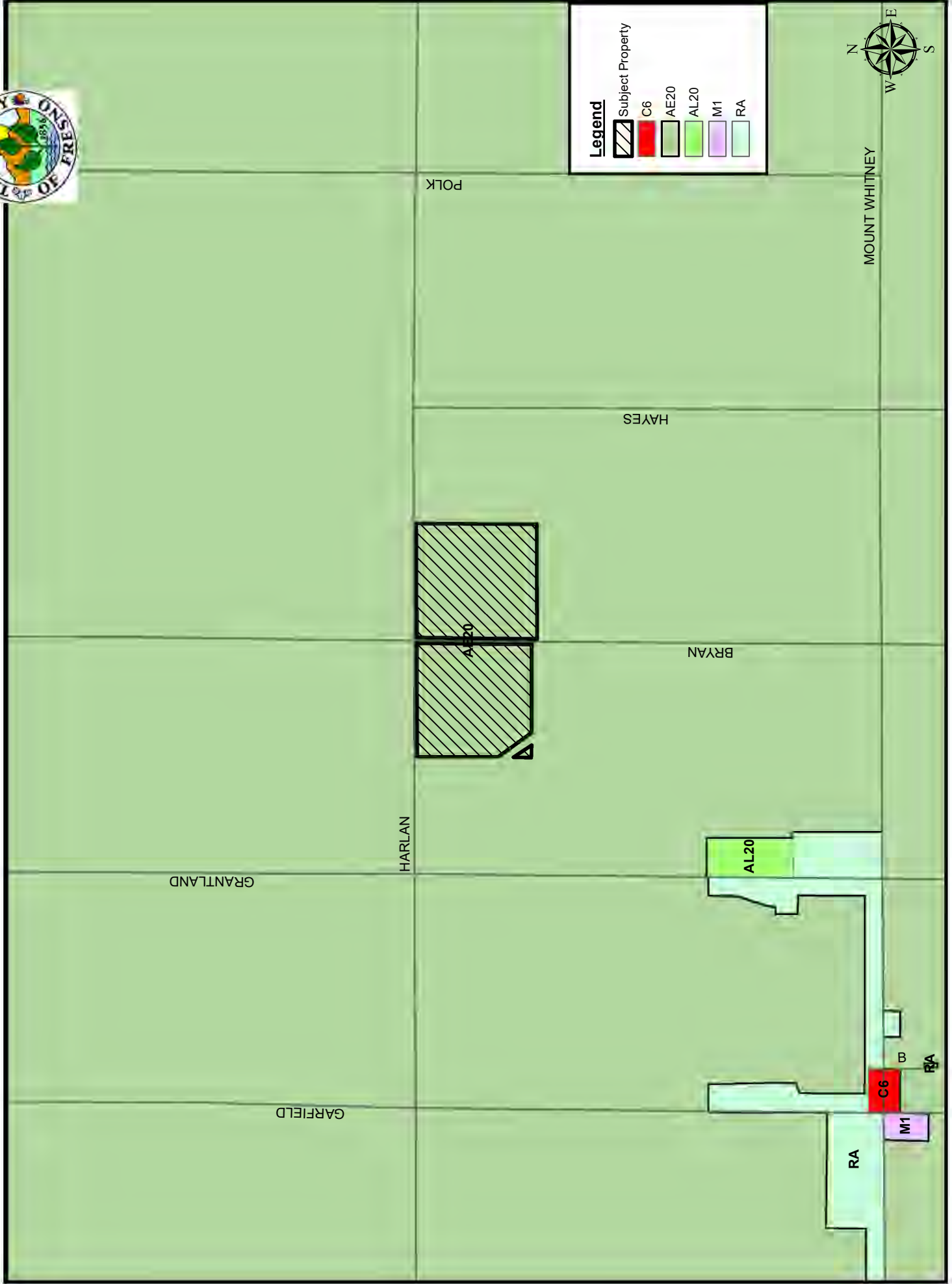


VICINITY MAP



EXISTING ZONING MAP

RLCC 1025



Legend

- Subject Property (hatched box)
- C6 (red box)
- AE20 (light green box)
- AL20 (medium green box)
- M1 (purple box)
- RA (light blue box)



EXISTING LAND USE MAP



LEGEND	
[Pattern]	FC - FIELD CROP
[Pattern]	ORC - ORCHARD
[Pattern]	SF# - SINGLE FAMILY RESIDENCE
[Pattern]	V - VACANT

LEGEND:

[Hatched Box] Subject Property

[Dotted Box] Ag Contract Land



Department of Public Works and Planning
Development Services Division

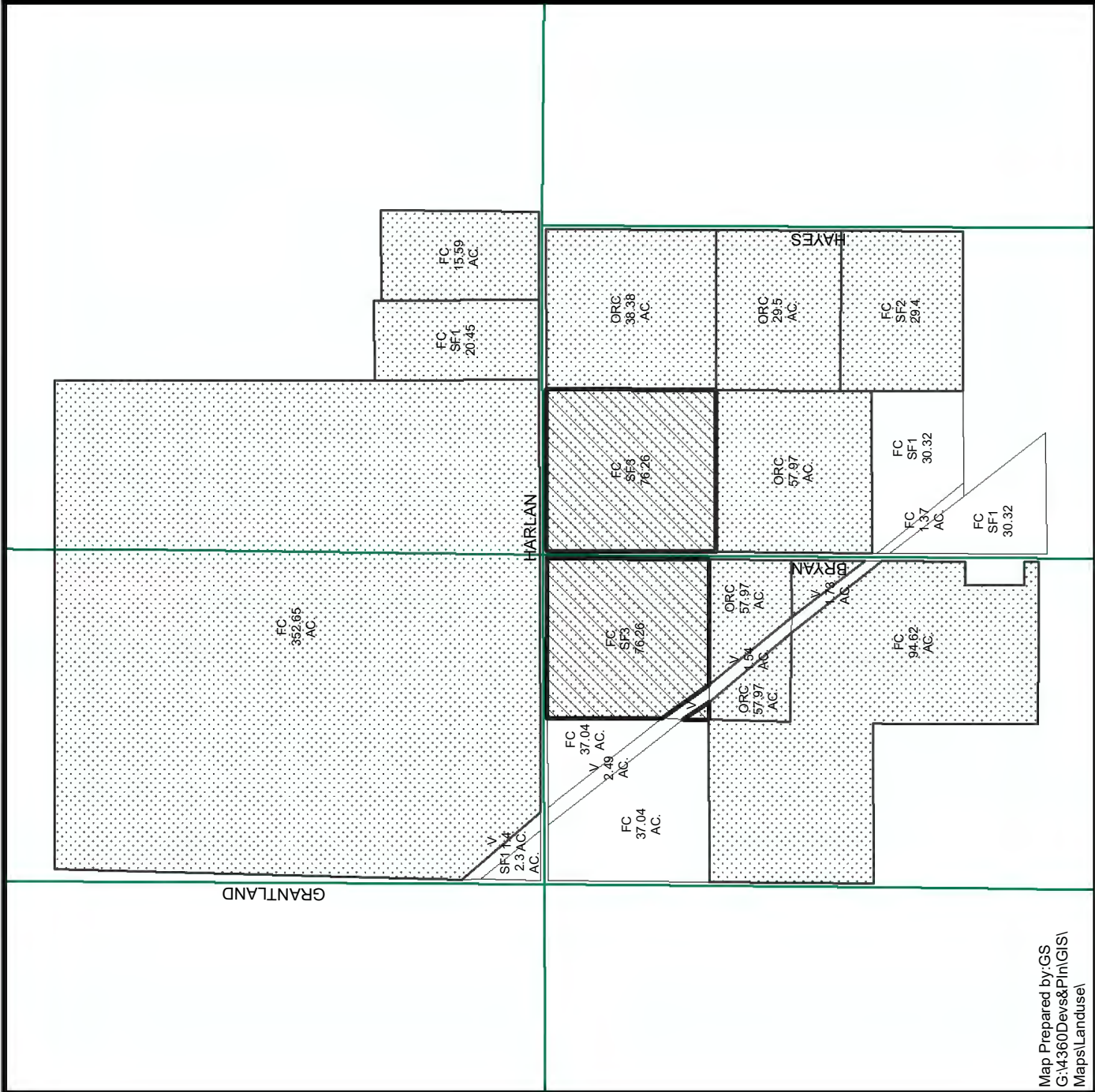
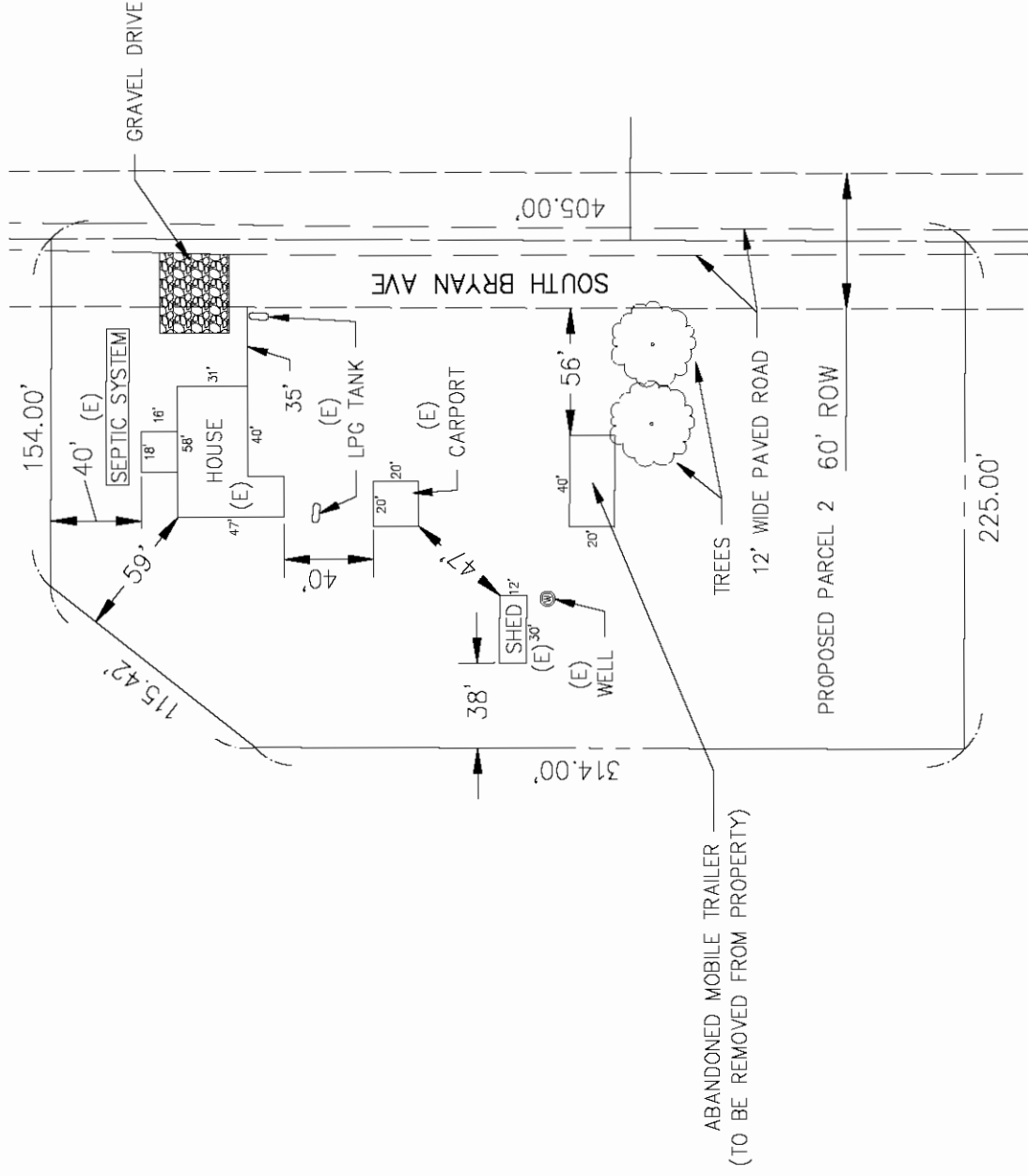


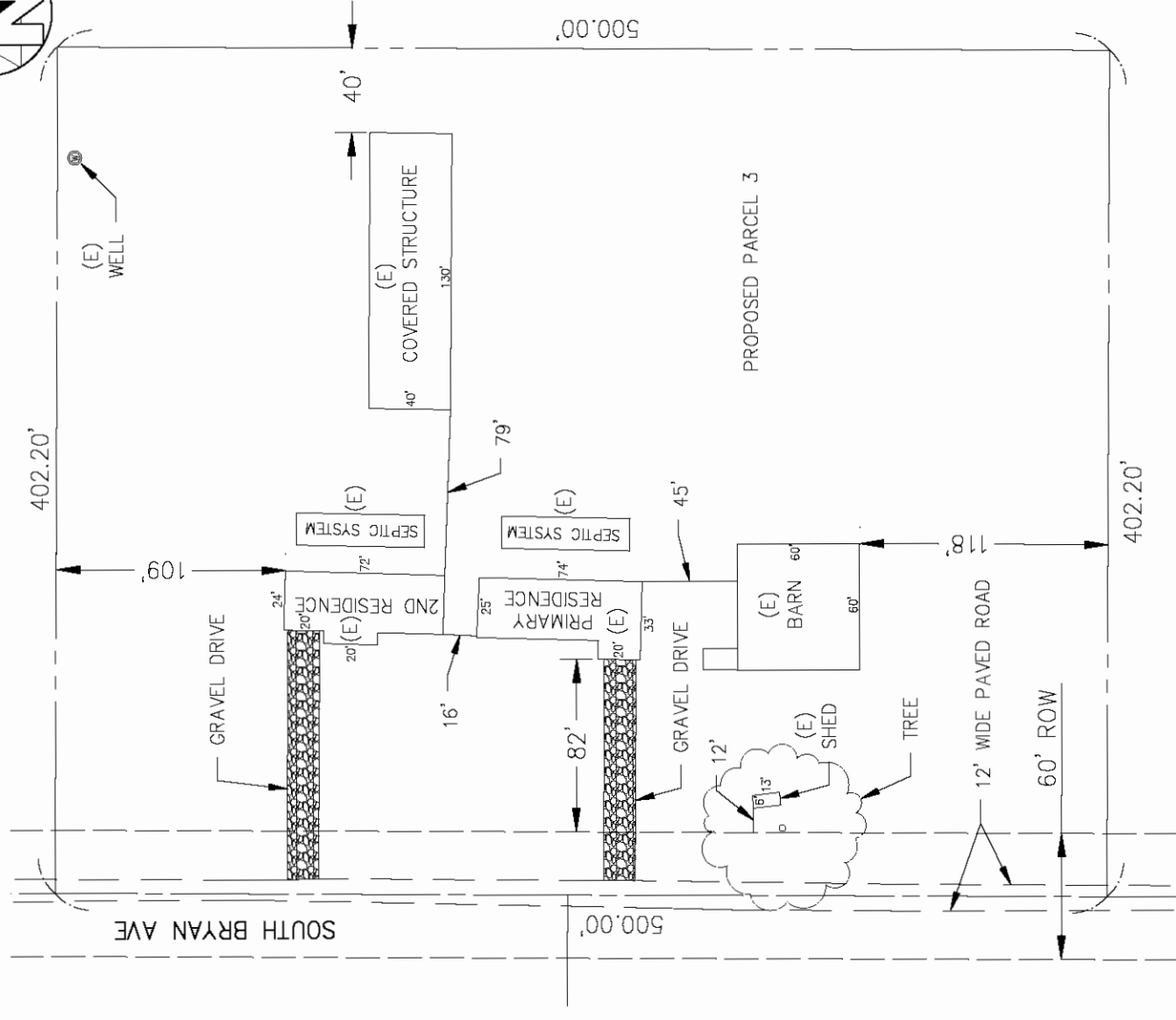
Exhibit D: Aerial Map



PROPOSED 2.02± ACRE PARCEL (SCALE: 1"=80')

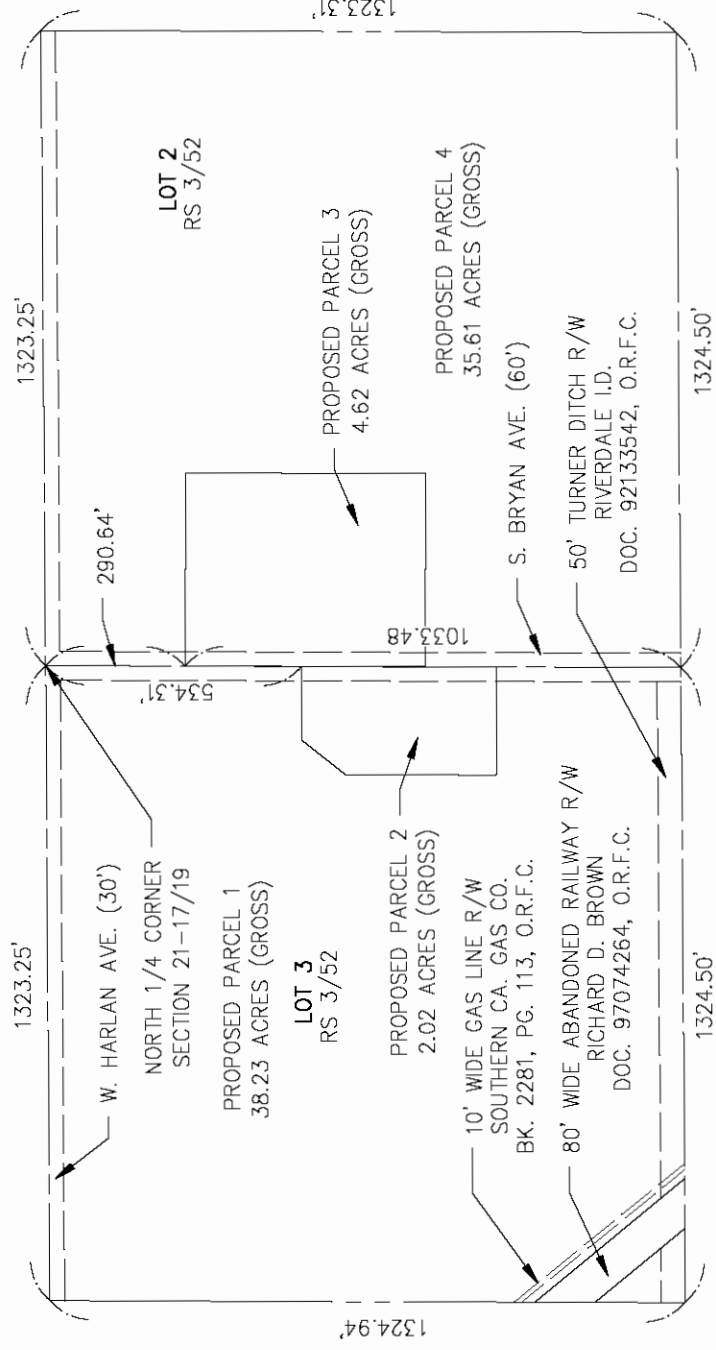


PROPOSED 4.62± ACRE PARCEL (SCALE: 1"=80')



NOTES
 EXISTING PARCELS (79.89 ACRES GROSS) – LOTS 2&3 OF SUBDIVISION NO. 1 OF THE LANDS OF SUMMIT LAKE INVESTMENTS CO., BOOK 3 OF RECORDS OF SURVEY, PAGE 52, FRESNO COUNTY RECORDS

EXISTING LOTS (SCALE: 1"=400')



VARIANCE AND DRA EXHIBIT

JAMIE BLEDSOE

FRESNO COUNTY APN 053-031-03S

SITE PLAN

SURVEYOR:
BRYAN W. BOWERS

DATE: 6-2-21

JOB NO: 380321001

SHEET 1 OF 1