



Board Agenda Item 43

DATE: December 13, 2016

TO: Board of Supervisors

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

SUBJECT: Simultaneous rescission of Agricultural Land Conservation Contract No. 6495 and entry into new Agricultural Land Conservation Contract No. 8318 (RLCC No. 970)

RECOMMENDED ACTION(S):

Adopt Resolution approving the rescission of Agricultural Land Conservation Contract No. 6495 and simultaneous entry into a new Agricultural Land Conservation Contract No. 8318 pursuant to Government Code Section 51257 of the Land Conservation Act of 1965 (Williamson Act); and authorize recording of new Agricultural Land Conservation Contract following signature by the Chairman.

Approval of the recommended action would accommodate the Applicant's (Cuyler H. Leonard) request to reconfigure the boundary of a contracted parcel resulting from the adjustment of property lines between two contiguous parcels to separate an area containing residences from the farming operation. The subject properties are located on the east side of N. Leonard Avenue, north of E. California Avenue Alignment and south of the E. Butler Avenue Alignment, approximately one mile east of the City of Fresno. (APNs 313-410-10 and 13)

ALTERNATIVE ACTION(S):

Determine the required Findings cannot be made and deny the rescission and re-entry resulting in the need for cancellation of contract on the contracted portion of the adjusted parcel in order to accomplish the proposed property line adjustment.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The applicant paid the County Application fee of \$558 to process the application.

DISCUSSION:

Government Code Section 51257 provides a procedure to accommodate property line adjustments involving contracted lands and to accurately reflect the newly adjusted contracted parcel(s).

The proposed rescission and re-entry application is to accommodate adjustment of property lines between two contiguous parcels changing the configuration of one of the parcels which is under Williamson Act contract. The parcels consist of a 7.54-acre parcel and a 71.89-acre parcel. The adjustment of property lines will result in an equal exchange of land between these two parcels, however, only the 71.89-acre parcel is subject to a Williamson Act Contract. As a result of the lot line adjustment, approximately 7.54 acres of non-contracted land will be included within the boundary of an adjusted parcel with the contracted land (which will be covered by the new contract) and a 7.54-acre adjusted parcel will be created which includes contracted land. These 7.54 acres

within the adjusted parcel will be removed from the contract by the proposed rescission and re-entry. There will be no net increase or decrease in the acreage of land contracted land. Exhibit A shows the configuration of the existing and adjusted parcels. Exhibit B shows the Property Line Adjustment (PLA) Map No. 10-27.

The subject and surrounding properties are designated as Agricultural in the Fresno County General Plan. Exhibit C is a location map of the subject properties. Exhibit D and E depict the existing zoning and land use of the subject and surrounding parcels respectively.

The subject parcels and surrounding properties are located in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District. The reconfigured parcel covered by the new contract meets the requirements of the State and the Fresno County's Interim Guidelines for the parcel size that was adopted by the Board in 2004.

Per Government Code Section 51257, the parties in a Williamson Act contract may mutually agree to rescind an existing contract and simultaneously enter into a new Contract to accommodate a Property Line Adjustment, provided that the Board of Supervisors finds all of the following:

1. The new Contract or Contracts would enforceably restrict the adjusted boundaries for not less than ten years.

The new contract on the approximately 71.89-acre reconfigured parcel will be for the initial term of ten years. Staff believes this finding can be made.

2. There is no net decrease in the amount of the acreage restricted.

There are currently a total of approximately 71.89 acres restricted under Williamson Act Contract. The new contract will include the 7.54-acre non-contracted land and the 7.54 acres of land currently under Williamson Act contract resulting from the Property Line Adjustment will be removed from the contract. As such, the property line adjustment (PLA) application will result in an equal exchange of land between the contiguous parcels. Therefore, there will be no net decrease in the acreage of contracted land. Staff believes this finding can be made.

3. At least 90 percent of the land under the former Contract remains under the new Contract.

As described under item number two above, the new contract covers 71.89 acres of land which is the same acreage covered under the existing contract. Staff believes this finding can be made.

4. After the lot line adjustment, the parcel of land subject to contract will be large enough to sustain its agricultural use.

The resulting reconfigured contracted parcel meets the minimum parcel size required by the State and the County of Fresno and will be capable to sustain its agricultural use. Staff believes this finding can be made.

5. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other contracted lands.

The proposed lot line adjustment will not impact the agricultural operation of the parcel under new contract. Therefore, the long-term productivity of the subject parcel or other contracted lands will not be compromised. Staff believes this finding can be made.

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

The agricultural operations on the adjacent parcels will be unaffected. Staff believes this finding 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 lot that is inconsistent with the General Plan.

The proposed Property Line Adjustment is between two parcels and will result in no additional parcels. Staff believes this finding can be made.

Based on the above discussion, staff believes all of the Findings can be made and recommends approval of the proposed rescission and re-entry.

OTHER REVIEWING AGENCIES:

The Agricultural Land Conservation Committee reviews requests for cancellation of Land Conservation Contracts and the formation of Agricultural Preserves and Farmland Security Zones. The review of rescission and re-entry proposals does not require review by the Agricultural Land Conservation Committee.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits A-E
On file with Clerk - Resolution
On file with Clerk - ALCC No. 8318

CAO ANALYST:

John Hays