



Board Agenda Item 48

DATE: April 25, 2017

TO: Board of Supervisors

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

SUBJECT: Revision of Agricultural Land Conservation Contract No. 2583 (RLCC No. 972)

RECOMMENDED ACTION(S):

Adopt resolution authorizing the conveyance of a 10-acre homesite parcel from an existing 95.84-acre parcel subject to Agricultural Land Conservation Contract No. 2583 (RLCC No. 972).

The applicant has submitted a mapping application to allow creation of a 10-acre agricultural homesite exception (Gift Deed) parcel for a family member. This request may be granted on land enrolled in the Williamson Act Program subject to certain provisions stated in the Interim Guidelines and Procedures (Interim Guidelines) adopted by the Board of Supervisors on May 25, 2004. The subject parcel is located on the west side of N. Piedra Road between Trimmer Springs Road and Piedra Road approximately 4.8 miles northeast of the City of Sanger (APN: 333-031-02).

ALTERNATIVE ACTION(S):

Determine that the provisions of the Interim Guidelines cannot be met and deny the creation of a 10-acre agricultural homesite exception (Gift Deed) parcel for a family member.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The applicant paid the County application fee of \$861.

DISCUSSION:

The County's General Plan and Zoning Ordinance allow only one homesite exception (Gift Deed) parcel to be created from an existing parcel which must be at least 20 acres in size, that the lot to be created is intended for use by persons involved in the farming operation and related to the property owner by adoption, blood, or marriage within the 2nd degree of consanguinity, there is only one lot per related person, and there is not more than one gift deed parcel per 20 acres.

Because the subject property is enrolled in the Williamson Act Program, it is subject to the provisions of the 2004 Interim Guidelines. The Interim Guidelines allow the property owners to gift a minimum of ten acres (if designated as Prime soil), in this case to their son and daughter-in-law, so that they can assist in the commercial agricultural operation on the property which consists of a citrus orchard.

The Interim Guidelines recognize that contracted agricultural land is assumed to sustain a commercial agricultural use if the gross acreage of each parcel enrolled in the program is 20 acres in size in the case of prime agricultural land or 40 acres in size in the case of non-prime agricultural land. However, the Interim

Guidelines include a provision for agricultural homesite exception (Gift Deed) parcels subject to certain criteria as follows: 1) the parcel must be at least ten acres, and the total of the two parcels must be at least 20 acres if the soil of the property is classified as Prime soil; 2) the property owner and recipient shall enter into a Joint Management Agreement to jointly use the parcels for commercial agricultural operation; and 3) the property owners shall execute a Declaration, acknowledging that both parcels are and will continue to be used for agricultural purposes for the duration of the contract terms; and any residential structure proposed on the gift parcel must be incidental to the agricultural use of the parcel.

In this case, the request from the owners is to convey a 10-acre parcel from a 95.84-acre parcel as a gift deed parcel to the recipients, Robert Hines, the son of the owners and Alison Hines the daughter-in-law of the owners. Therefore, staff has determined that this request complies with the above criteria. The owners and recipients have signed the required Declaration and Joint Management Agreement. Through these documents, all parties have acknowledged the conditions and penalties associated with the subsequent conveyance of the homesite or remainder parcel to another party.

The subject and surrounding properties are designated Agriculture in the County's General Plan. The subject property is planted in almonds. Exhibit A is a location map of the existing subject and surrounding properties. Exhibit B is a location map showing the proposed gift and remainder parcels. Exhibits C and D show the zoning and land use of the subject site and parcels in the vicinity. Exhibit E is a copy of the map submitted with the mapping application (Pre-Application for Certificate of Compliance) depicting both the gift deed and the remainder parcel.

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 therefore this request is not required to be considered by the Agricultural Land Conservation Committee.

REFERENCE MATERIAL:

BAI #19, May 25, 2004

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits A-E
On file with Clerk - Resolution

CAO ANALYST:

John Hays