



Board Agenda Item 7

DATE: May 12, 2020

TO: Board of Supervisors

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

SUBJECT: Rescission of Agricultural Land Conservation Contract Nos. 6393 and 3825 and Simultaneous Entry into New Agricultural Land Conservation Contract Nos. 8333 and 8334 (The Ernest and Leslie Mendes Living Trust, Freitas Farms I and Westside Ranch)

RECOMMENDED ACTION(S):

- 1. Adopt Resolution approving Rescission of Agricultural Land Conservation Contract Nos. 6393 and 3825 and simultaneous entry into new Agricultural Land Conservation Contract Nos. 8333 and 8334, pursuant to Government Code Section 51257; and**
- 2. Authorize the recording of new Contracts following signature by the Vice-Chairman.**

The subject properties are located on the north side of W. Oakland Avenue, between S. Bishop Avenue and S. Jameson Avenue, approximately eight miles southeast of unincorporated community of Five Points (APNs 060-130-14 and 060-130-15s).

Approval of the recommended actions would facilitate a lot line adjustment proposed by the Applicants to adjust the property lines between a 153.9-acre parcel and a 158.19-acre parcel resulting in an adjusted 155.75-acre parcel (adjusted Parcel 2) and an adjusted 156.34-acre parcel (adjusted Parcel 1). The Applicants state that the purpose of the lot line adjustment is to align property lines with an existing private interior road currently located on the existing 158.19-acre parcel. The existing 153.9-acre parcel is used to cultivate row crops and the existing 158.19-acre parcel contains a pistachio orchard. This item pertains to a location in District 4.

ALTERNATIVE ACTION(S):

Your Board may determine that the required findings 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 reflect newly adjusted contracted parcels.

Property Line Adjustment (PLA) No. 15-29 involved adjusting property lines between a 153.9-acre parcel identified as APN 060-130-14 and a 158.19-acre parcel identified as APN 060-130-15s, which resulted in an adjusted 155.75-acre parcel and an adjusted 156.34-acre parcel. The 153.9-acre parcel is enrolled in the Program under ALCC No. 6393, and the 158.19-acre parcel is enrolled in the Program under ALCC No. 3825. As a result of the property line adjustment, a 1.85-acre portion of the parcel under ALCC No. 3825 will be removed from the 158.19-acre parcel and added to the 153.9-acre parcel. There will be no net increase or decrease in the acreage of contracted land. Because the configuration of the contracted parcels has changed as a result of PLA No. 15-29, a Rescission and Simultaneous Entry of the Williamson Act Contracts is required to reflect the boundaries of the adjusted contracted parcels. Exhibit A shows the Property Line Adjustment (PLA) Map No. 15-29, which identifies the parcels as Parcel 1 (APN 060-130-15s) and Parcel 2 (APN 060-130-14).

The subject parcels are designated as Agricultural in the County General Plan and are located in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. Exhibit B is a location map of the subject parcels, Exhibit C depicts the zoning of the subject parcels and surrounding area, Exhibit D depicts the land use of the subject parcels and surrounding area, and Exhibit E depicts the approximate boundaries of the new Contracts (8333 and 8334).

The adjusted boundaries of the contracted parcels meet the requirements of the California Land Conservation Act of 1965 and Fresno County's Interim Williamson Act Guidelines for parcel size adopted by the Board of Supervisors in 2004.

To accommodate the lot line adjustment between parcels under a Williamson Act contract, per Government Code Section 51257, parties to a Williamson Act Contract(s) may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts, 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 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. 15-29 involved adjusting property lines between a 153.9-acre parcel enrolled in the Program under Contract No. 6393 and a 158.19-acre parcel enrolled under Contract No. 3825, resulting in a contracted 155.75-acre parcel and a contracted 156.34-acre parcel. There will be no decrease in the total acreage of contracted land.

Based on the facts stated above, Department 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, Department 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. 15-29 would result in a contracted 155.75-acre parcel and a contracted 156.34-acre parcel, which satisfy the minimum parcel size requirement of the County and are capable of sustaining commercial agricultural use.

Based on the statement above, Department 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. 15-29 reconfigured property lines between two contiguous parcels with the entire acreage of existing contracted land covered by the new contracts. As such, PLA No. 15-29 will not compromise the long-term agricultural productivity of the subject parcels or any other surrounding contracted lands.

Based on the statement above, Department 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 for row crop cultivation and a pistachio orchard will not change as a result of PLA No. 15-29. Therefore, the PLA is not likely to result in the removal of adjacent land from agricultural use.

Based on the statement above, Department 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. 15-29 would adjust property lines between a 153.9-acre parcel and a 158.19-acre parcel, resulting in an adjusted 155.75-acre parcel and an adjusted 156.34-acre parcel. Therefore, PLA No. 15-29 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, Department staff believes Finding No. 7 can be made.

Based on the above discussion, Department staff believes all of the findings under Government Code Section 51257 can be made and recommends that your Board approve the Rescission of Williamson Act Contract Nos. 6393 and 3825 and Simultaneous Entry into Williamson Act Contract Nos. 8333 and 8334 to reflect the boundaries of adjusted contracted parcels.

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 proposals do not require a review by the Committee.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits A - E

On file with Clerk - Resolution

On file with Clerk - ALCC Nos. 8333 and 8334

CAO ANALYST:

Debbie Paolinelli