



County of Fresno

Hall of Records, Rm. 301
2281 Tulare Street
Fresno, California
93721-2198

Legislation Text

File #: 21-1003, **Version:** 1

DATE: November 16, 2021

TO: Board of Supervisors

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

SUBJECT: Revision of Agricultural Land Conservation Contract (RLCC) No. 1020 to rescind Agricultural Land Conservation Contract Nos. 365, 1835, 1945, 1946, 4210 and 4215 and Simultaneous Entry into New Agricultural Land Conservation Contract Nos. 8340 and 8341 (Rusty Rose, LLC and Gonye Family Farms, LLC)

RECOMMENDED ACTION:

Adopt a Resolution authorizing Rescission of Agricultural Land Conservation Contract (ALCC) Nos. 365, 1835, 1945, 1946, 4210 and 4215 and Simultaneous Entry into new ALCC Nos. 8340 and 8341, and making the findings required by Government Code Section 51257; and authorize Chairman to execute the new Contract Nos. 8340 and 8341 and allow for recordation of the new Contracts following signature by Chairman.

The subject parcels are located on the north side of Mount Whitney Avenue, between the California Aqueduct and Calaveras Avenue, approximately four miles southeast of the unincorporated community of Cantua Creek.

The applicants, Rusty Rose, LLC and Gonye Family Farms, LLC, filed this request for Rescission and Reentry of ALCC Nos. 365, 1835, 1945, 1946, 4210 and 4215 in conjunction with Property Line Adjustment (PLA) No. 20-37, which merged 16 parcels subject to different ALCCs resulting in an adjusted 189.54-acre parcel (Adjusted Parcel A) and an adjusted 302.13-acre parcel (Adjusted Parcel B).

The proposed Rescission and Reentry would rescind the existing Contracts and simultaneously place the adjusted 189.54-acre parcel (Adjusted Parcel A) under a new Contract No. 8340 and place the adjusted 302.13-acre parcel (Adjusted Parcel B) under a new Contract No. 8341. This item pertains to a location in District 1.

ALTERNATIVE ACTION:

Your Board may determine that the findings required by Government Code Section 51257 cannot be made, or that the proposed Rescission and Reentry does not meet other provisions of either the California Land Conservation Act of 1965 and/or the Fresno County Williamson Act Guidelines adopted by the Board in 2004, and on such basis deny the request.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The applicants paid the application fee of \$1,478.00 for the cost of processing the Rescission and Reentry application.

DISCUSSION:

Government Code Section 51257 provides a procedure to accommodate property line adjustments on lands enrolled in the Williamson Act Program to reflect the boundary of adjusted contracted parcels resulting from adjusting property lines between existing contracted parcels.

On January 25, 2021, the Department of Public Works and Planning approved PLA No. 20-37 which merged five individual parcels resulting in an adjusted 189.54-acre parcel (Adjusted Parcel A). Further, PLA No. 20-37 also merged 11 individual parcels resulting in an adjusted 302.13-acre parcel (Adjusted Parcel B). The subject parcels are located on the north side of Mount Whitney Avenue, between the California Aqueduct and Calaveras Avenue, approximately four miles southeast of the unincorporated community of Cantua Creek.

The existing parcels mentioned above are under various Contracts (365, 1835, 1945, 1946, 4210 and 4215). Because the adjusted 189.54-acre parcel (Adjusted Parcel A) and the adjusted 302.13-acre parcel (Adjusted Parcel B) merged parcels that are under multiple contracts, the proposed Rescission and Reentry is necessary to rescind the existing Williamson Act contracts and simultaneously place each of the new adjusted parcels under a new contract.

Attachment A is a location map of the subject parcels, Attachment B depicts the zoning of the subject parcels and surrounding area, Attachment C depicts the existing land use of the subject parcels and surrounding area, Attachment D are the Assessor's Parcel Maps for the subject parcels, Attachment E is a copy of the map approved for PLA No. 20-37, and Attachment F is an aerial photograph of the subject parcels depicting the new Williamson Act contracts, the adjusted 189.54-acre parcel (Adjusted Parcel A) and the adjusted 302.13-acre parcel (Adjusted Parcel B).

To accommodate property line adjustments between parcels under Williamson Act contract, per Government Code Section 51257, parties to Williamson Act contracts may mutually agree to rescind the contracts and simultaneously enter into new contracts, provided that the Board of Supervisors finds all of the following:

1. *The new 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 contracts, but for not less than 10 years.*

The new contracts on the adjusted parcels A and B will restrict the adjusted parcels for an initial period of 10 years. Based on the statement above, 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. 20-37 merged a 22.18-acre parcel enrolled in the Williamson Act Program under Contract No. 1946, a 73.35-acre parcel enrolled in the Williamson Act Program under Contract No. 1945, a 10.00-acre parcel enrolled in the Williamson Act Program under Contract No. 365, an 81.89-acre parcel enrolled in the Williamson Act Program under Contract No. 365 and a 5.00-acre parcel enrolled in the Williamson Act Program under Contract No. 365, resulting in an adjusted 189.54-acre parcel (Adjusted Parcel A) that will be covered by the new Contract No. 8340.

Further, PLA No. 20-37 also merged three 5.00-acre parcels enrolled in the Williamson Act Program under Contract No. 365, a 60.85-acre parcel enrolled in the Williamson Act Program under Contract No. 1946, an 86.65-acre parcel enrolled in the Williamson Act Program under Contract No. 1945, another 5.00-acre parcel enrolled in the Williamson Act Program under Contract No. 4215, a 4.70-acre parcel enrolled in the Williamson Act Program under Contract No. 1835, a 10.00-acre parcel enrolled in the Williamson Act Program under Contract No. 4210, a 2.50-acre parcel enrolled in the Williamson Act Program under

Contract No. 365, a 94.40-acre parcel enrolled in the Williamson Act Program under Contract No. 365 and a 23.34-acre parcel enrolled in the Williamson Act Program under Contract No. 365, resulting in an adjusted 302.13-acre parcel (Adjusted Parcel B) that will be covered by the new Contract No. 8341.

The 189.54-acre parcel (Adjusted Parcel A) and the 302.13-acre parcel (Adjusted Parcel B) resulting from PLA No. 20-37 include all the existing parcels that are currently covered by various individual contracts. Therefore, there will be no decrease in the total acreage of contracted land.

Based on the statement above, staff believes Finding No. 2 can be made.

3. *At least 90 percent of the land under the former contracts remains under the new 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, 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. 20-37 resulted in a contracted 189.54-acre parcel (Adjusted Parcel A) and a contracted 302.13-acre parcel (Adjusted Parcel B), which satisfy the minimum parcel size requirements of the State and the County and are capable of sustaining commercial agricultural use.

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

5. *The lot line adjustment would not compromise the long-term agricultural productivity of the parcels or other agricultural lands subject to contract.*

PLA No. 20-37 reconfigured property lines between 16 contiguous parcels with the entire acreage of existing contracted land covered by the new contracts. As such, PLA No. 20-37 did not compromise the long-term agricultural productivity of the subject parcels or any other surrounding contracted lands.

Based on the statement above, 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 will not change as a result of PLA No. 20-37. Therefore, the PLA is not likely to result in the removal of adjacent land from agricultural use.

Based on the statement above, 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. 20-37 reconfigured property lines between 16 contiguous parcels resulting in an adjusted 189.54-acre parcel (Adjusted Parcel A) and an adjusted 302.13-acre parcel (Adjusted Parcel B). Therefore, PLA No. 20-37 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, staff believes Finding No. 7 can be made.

CONCLUSION:

Based on the above discussion, staff believes all of the findings required by Government Code Section 51257 can be made.

ENVIRONMENTAL REVIEW:

This application is not subject to CEQA per Section 15060 (C) (2) as the activity will not result in a direct or reasonably foreseeable indirect physical change to the environment.

OTHER REVIEWING AGENCIES:

The Agricultural Land Conservation Committee reviews requests for placing land under Land Conservation Contract and cancellation of existing contracts. The review of Rescission and Simultaneous Entry applications do not require a review by the Committee.

PUBLIC HEARING NOTICE:

Because this application only involves Rescission of existing Williamson Act Contracts and entering into new Contracts that will cover the same acreage of land, there will be no impact on any of the adjacent lands and therefore, the public hearing notice is not necessary.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - F
On file with the Clerk - Resolution
On file with the Clerk - ALCC No. 8340
On file with the Clerk - ALCC No. 8341

CAO ANALYST:

Ron Alexander