



# County of Fresno

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## Legislation Details (With Text)

<b>File #:</b>	16-1140	<b>Name:</b>	Simultaneous Rescission of Agricultural Land	
		<b>In control:</b>	Public Works & Planning	
<b>On agenda:</b>	8/23/2016	<b>Final action:</b>	8/23/2016	
<b>Enactment date:</b>		<b>Enactment #:</b>	Resolution No. 16-345, Agreement No. 16-542	
<b>Title:</b>	Adopt Resolution approving simultaneous recession of Agricultural Land Conservation Contract Nos. 40 and 6539 and entry into a new Agricultural Land Conservation Contract No. 8322 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			
<b>Sponsors:</b>	Mohammad Khorsand			
<b>Indexes:</b>				
<b>Code sections:</b>				
<b>Attachments:</b>	1. Agenda Item, 2. Exhibits A-E, 3. Resolution No. 16-345, 4. Agreement A-16-542 ALCC No. 8322			
<b>Date</b>	<b>Ver.</b>	<b>Action By</b>	<b>Action</b>	<b>Result</b>
8/23/2016	1	Board of Supervisors	Conducted Hearings	Pass
<b>DATE:</b>	August 23, 2016			
<b>TO:</b>	Board of Supervisors			
<b>SUBMITTED BY:</b>	Steven E. White, Director Department of Public Works and Planning			
<b>SUBJECT:</b>	Revision of Agricultural Land Conservation Contract Nos. 40 and 6539 by rescinding the existing contracts and entering into new Agricultural Land Conservation Contract No. 8322 (RLCC 978)			

### RECOMMENDED ACTION(S):

**Adopt Resolution approving the simultaneous recession of Agricultural Land Conservation Contract Nos. 40 and 6539 and entry into a new Agricultural Land Conservation Contract No. 8322 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 a request by Astone Properties LLC to reconfigure Contract boundaries resulting from adjustment of lot lines between two parcels. The reason for the lot line adjustment is to contain all of the improvements related to an existing liquefied propane gas distribution facility within the boundary of a parcel. No increase or decrease in the amount of contracted acreage will occur if approved. The subject properties are located on the west side of Morgan Canyon Road (SR 168) between Old Millerton Road and Auberry Road approximately 19 miles northeast of the City of Clovis (SUP. DIST.: 5) (APNs 138-360-36 and 43).

### ALTERNATIVE ACTION(S):

Deny the proposed contract revisions and require the nonrenewal of the subject 0.17-acre area of Agricultural Land Conservation Contract (ALCC) Nos. 40 and 6539 on an approximately 142.67-acre parcel known as

APN 138-360-43.

FISCAL IMPACT:

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

DISCUSSION:

Government Code Section 51257 provides a procedure to accommodate property line adjustments on contracted lands to allow Williamson Act contracts accurately reflect the newly adjusted contracted parcels.

The parcels involved in this Property Line Adjustment (PLA) consist of a 1.57-acre parcel and a 142.67-acre parcel. This PLA is an equal exchange of land between these two parcels. However, only the 142.67-acre parcel is subject to Williamson Act Contracts. As a result of the lot line adjustment, approximately 0.17 acre of non-contracted land will be included within the boundary of an adjusted parcel with contracted land and 0.17 acre of contracted land will be included within the boundary of the adjusted parcel with non-contracted land. The 0.17-acre contracted land that is included within the boundary of the 1.57-acre adjusted parcel with non-contracted land is being non-renewed and the 0.17-acre of non-contracted land that is being included within the boundary of the adjusted parcel with contracted land is included in the new contract. As a result there will be no net increase or decrease in the acreage of land subject to Williamson Act Contract (see Exhibit A).

The subject and surrounding properties are designated for Agricultural use in the General Plan. Exhibit B is a location map of the subject properties. Exhibits C and D depict the existing zoning and land use of the subject and surrounding parcels respectively. Exhibit E depicts the boundaries of existing and adjusted parcels.

The subject parcels and surrounding properties are located in the AE-40 (Exclusive Agriculture, 40-acre minimum parcel size) Zone District. The adjusted boundary of the contracted parcel meets the requirements of the California Land Conservation Act of 1965 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 the contract and simultaneously enter into a new Contract, provided that the Board of Supervisors finds all of the following:

1. The new contract would enforceably restrict the property for an initial term of no less than 10 years.

The new contract on the adjusted approximately 142.67-acre parcel will be for 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 142.67 acres restricted under Williamson Act Contracts. The PLA application involves an equal exchange of land between the subject parcels. As was noted above, the non-contracted land that will be included within the boundary of the parcel with contracted parcel will be under the new contract and the contracted land that will be included within the adjusted parcel with non-contracted land is being non-renewed. Therefore, there is no reduction in the acreage of contracted land. Staff believes this finding can be made.

3. At least 90 percent of land under the former contract remains under the new contract.  
The property line adjustment is an equal exchange of land.

As described under item number two above, the entire acreage of land under the previous contract is

included in the new contract. Staff believes this finding can be made.

4. After the Property Line Adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.

The adjusted parcel which includes the contracted land is 142.67 acres which meets the minimum parcel size required by the State and the County of Fresno and is capable to sustain a commercial agricultural use. Staff believes this finding can be made.

5. The Property Line Adjustment would not compromise the long-term agricultural productivity of the parcel or of other contracted lands.

The PLA reconfigures parcel lines between two contiguous parcels with the entire acreage of contracted land being covered by the new contract. Therefore, this PLA will not compromise the long-term agricultural productivity of the contracted parcel or other contracted parcels. Staff believes this finding can be made.

6. The Property Line Adjustment is not likely to result in the removal of adjacent land from agricultural use.

The use of the subject parcels will not change as a result of this PLA. Therefore, the PLA is not likely to result in the removal of adjacent land from agricultural use. Staff believes this finding can be made

7. The property 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.

The PLA will not result in a greater number of developable parcels or an adjusted parcel that is inconsistent with the General Plan. Staff believes this finding can be made

Based on the above discussion, staff believes all of the Findings under Government Code Section 51257 can be made and recommends that the Board approve the Rescission and Re-entry.

#### OTHER REVIEWING AGENCIES:

The Agricultural Land Conservation Committee (ALCC) 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 re-entry proposals does not require a review by the ALCC.

#### ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits A - E  
On file with Clerk - Resolution  
On file with Clerk - ALCC No. 8322

#### CAO ANALYST:

John Hays