



County of Fresno

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Legislation Details (With Text)

File #: 19-0081 **Name:** Rescission of Agricultural Land Conservation Contract Nos. 149 and 7745 and Simultaneous Entry into New Agricultural Land Conservation Contract Nos. 8329 and 8330

On agenda: 4/9/2019 **In control:** Public Works & Planning
Final action: 4/9/2019

Enactment date: **Enactment #:** Resolution No. 19-120

Title: Adopt Resolution approving Rescission of Agricultural Land Conservation Contract Nos. 149 and 7745 and simultaneous entry into new Agricultural Land Conservation Contract Nos. 8329 and 8330, pursuant to Government Code Section 51257; and authorize recording of new Contracts following signature by Chairman, subject properties are located on north side of Nicholas Road between State Route 168 and Tollhouse Road, approximately four miles southeast of unincorporated community of Prather

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Exhibits A - E, 3. Resolution No. 19-120, 4. ALCC 8329 and 8330

Date	Ver.	Action By	Action	Result
4/9/2019	1	Board of Supervisors	Conducted Hearings	Pass

DATE: April 9, 2019

TO: Board of Supervisors

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

SUBJECT: Rescission of Agricultural Land Conservation Contract Nos. 149 and 7745 and Simultaneous Entry into New Agricultural Land Conservation Contract Nos. 8329 and 8330

RECOMMENDED ACTION(S):

Adopt Resolution approving the Rescission of Agricultural Land Conservation Contract Nos. 149 and 7745 and simultaneous entry into new Agricultural Land Conservation Contract Nos. 8329 and 8330, pursuant to Government Code Section 51257; and authorize the recording of new Contracts following signature by the Chairman.

The subject properties are located on the north side of Nicholas Road between State Route 168 (Morgan Canyon Road) and Tollhouse Road, approximately four miles southeast of the unincorporated community of Prather (APNs 138-042-59 and 138-042-62).

Approval of the recommended action would facilitate a lot line adjustment proposed by the applicant to adjust the property lines between a 37.14-acre parcel and a 37.24-acre parcel resulting in an adjusted 37.14-acre parcel (adjusted Parcel A) and an adjusted 37.24-acre parcel (adjusted Parcel B), an equal exchange of land. The applicant states that the purpose of the lot line adjustment is to align property lines with existing cattle

fences and to locate an existing in-ground swimming pool on the 37.14-acre parcel currently bisected by the existing property line. The two subject parcels are used for cattle grazing. This item was filed by McPheeters & Associates on behalf of the property owners Gary and Tawny Noreen Pamplin and Shirley May Weldon, Trustee of The Shirley May Weldon Trust. This item pertains to a location in District 5.

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 action. The applicant 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 accurately reflect newly adjusted contracted parcels.

Property Line Adjustment (PLA) No. 15-23 proposes to adjust property lines between a 37.14-acre parcel identified as APN 138-042-59 and a 37.24-acre parcel identified as APN 138-042-62, which would result in an adjusted 37.14-acre parcel and an adjusted 37.24-acre parcel, an equal exchange of land. The 37.14-acre parcel is enrolled in the Program under ALCC No. 149, and the 37.24-acre parcel is enrolled in the Program under ALCC No. 7745. As a result of the proposed property line adjustment, a 3,920 square-foot portion of the parcel under ALCC No. 149 will be within the proposed adjusted 37.24-acre parcel, and a 3,920 square-foot portion of the parcel under ALCC No. 7745 will be within the proposed adjusted 37.14-acre parcel. There will be no net increase or decrease in the acreage of contracted land. Because the configuration of the contracted parcels will change as a result of PLA No. 15-23, 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. 15-23. The parcels are identified as Existing Parcels 1 and 2, and the resulting adjusted parcels are identified as Proposed Parcels A and B.

The 37.14-acre parcel is designated as Eastside Rangeland in the Sierra-North Regional Plan, and is located in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. The 37.24-acre parcel is designated as Specific Plan Reserve Area in the Sierra-North Regional Plan, and is located in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District. Exhibit B is a location map of the subject property, Exhibit C depicts the zoning of the subject property and surrounding area, Exhibit D depicts the land use of the subject property and surrounding area, and Exhibit E depicts the approximate boundaries of the revised contracts with the adjusted property line.

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.

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 Application No. 15-23 proposes to adjust property lines between a 37.14-acre parcel enrolled in the Program under Contract No. 149 and a 37.24-acre parcel enrolled in the Program under Contract No. 7745, resulting in a contracted 37.14-acre parcel and a contracted 37.24-acre parcel. There will be no net increase or decrease in the 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. 15-23 would result in an equal exchange of land between a legal non-conforming contracted 37.14-acre parcel and a legal non-conforming contracted 37.24-acre parcel resulting in adjusted parcels of the same size. Therefore, the adjusted parcels are capable of sustaining the use of subject parcels for grazing cattle.

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. 15-23 would reconfigure property lines between two contiguous parcels with the entire acreage of existing contracted land covered by the new contracts. As such, PLA No. 15-23 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 properties for cattle grazing will not change as a result of PLA No. 15-23. 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. 15-23 would result in an equal exchange of land between a legal non-conforming 37.14-acre parcel and a legal non-conforming 37.24-acre parcel. Therefore, PLA No. 15-23 will not result in a greater number of developable parcels or an adjusted parcel that is inconsistent with the Sierra-North Regional 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. 149 and 7745 and Simultaneous Entry into Williamson Act Contract Nos. 8329 and 8330.

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. 8329 and 8330

CAO ANALYST:

Sonia M. De La Rosa