



County of Fresno

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

Legislation Details (With Text)

File #: 19-0860 **Name:** Rescission of Agricultural Land Conservation Contract Nos. 1384 and 2607 and Simultaneous Entry into New Agricultural Land Conservation Contract Nos. 8331 and 8332

On agenda: 8/20/2019 **In control:** Public Works & Planning
Final action: 8/20/2019

Enactment date: **Enactment #:** Resolution No. 19-329

Title: Adopt Resolution approving Rescission of Agricultural Land Conservation Contract Nos. 1384 and 2607 and simultaneous entry into new Agricultural Land Conservation Contract Nos. 8331 and 8332, pursuant to Government Code Section 51257; and authorize recording of new Contracts following signature by the Chairman, subject properties are located on west side of S. Westlawn Avenue, between W. Manning Avenue and W. Kamm Avenue, approximately four miles southwest of unincorporated community of Raisin City

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Exhibits A - E, 3. Resolution No. 19-329, 4. ALCC Nos. 8331 and 8332

Date	Ver.	Action By	Action	Result
8/20/2019	1	Board of Supervisors	Conducted Hearings	Pass

DATE: August 20, 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. 1384 and 2607 and Simultaneous Entry into New Agricultural Land Conservation Contract Nos. 8331 and 8332 (Jalonen Ranches)

RECOMMENDED ACTION(S):

Adopt Resolution approving Rescission of Agricultural Land Conservation Contract Nos. 1384 and 2607 and simultaneous entry into new Agricultural Land Conservation Contract Nos. 8331 and 8332, pursuant to Government Code Section 51257; and authorize recording of new Contracts following signature by the Chairman.

The subject properties are located on the west side of S. Westlawn Avenue, between W. Manning and W. Kamm Avenues, approximately four miles southwest of the unincorporated community of Raisin City (APNs 041-030-40s and 041-030-09s).

Approval of the recommended action would facilitate a lot line adjustment proposed by the Applicant to adjust the property lines between a 145.5-acre parcel and a 175.5-acre parcel resulting in two adjusted 160.5-acre parcels (adjusted Parcels A and B). The Applicant owns both subject parcels and states that the purpose of

the lot line adjustment is to create equally sized farm parcels for business reasons. The subject parcels are used for almond cultivation. 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 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. 18-06 proposes to adjust property lines between a 145.5-acre parcel identified as APN 041-030-40s and a 175.5-acre parcel identified as APN 041-030-09s, which would result in two adjusted 160.5-acre parcels. The 145.5-acre parcel is enrolled in the Program under ALCC No. 1384, and the 175.5-acre parcel is enrolled under ALCC No. 2607. As a result of the proposed property line adjustment, a 15-acre portion of the parcel under ALCC No. 2607 will be removed from the 175.5-acre parcel and added to the 145.5-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. 18-06, 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. 18-06. The parcels are identified as Existing Parcels 1 (APN 041-030-40s) and 2 (APN 041-030-09s), and the resulting adjusted parcels are identified as Proposed Parcels A and B.

The subject parcels are designated as Agricultural in the County General Plan and are located in the AE-20 (Exclusive Agricultural, 20-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 (8331 and 8332).

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 No. 18-06 proposes to adjust property lines between a 145.5-acre parcel enrolled in the Program under Contract No. 1384 and a 175.5-acre parcel enrolled under Contract No. 2607, resulting in two contracted parcels each 160.5 acres in size. 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. 18-06 would result in two contracted parcels each 160.5 acres in size, 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. 18-06 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. 18-06 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 almond cultivation will not change as a result of PLA No. 18-06. 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. 18-06 would adjust property lines between a 145.5-acre parcel and a 175.5-acre parcel, resulting in two 160.5-acre parcels. Therefore, PLA No. 18-06 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. 1384 and 2607 and Simultaneous Entry into Williamson Act Contract Nos. 8331 and 8332.

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. 8331 and 8332

CAO ANALYST:

Sonia M. De La Rosa