County of Fresno

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Legislation Details (With Text)

File #:	21-0856	**Name:**	Rescission of Agricultural Land Conservation Contract Nos. 1334 and 5961 and Simultaneous Entry into new Agricultural Land Conservation Contract Nos. 8338 and 8339 (RLCC No. 1018)
		In control:	Public Works & Planning
On agenda:	10/19/2021	**Final action:**	10/19/2021
Enactment date:		**Enactment #:**	Resolution No. 21-302

Title: Adopt a Resolution authorizing Rescission of Agricultural Land Conservation Contract Nos. 1773 and 1785 and Simultaneous Entry into new Agricultural Land Conservation Contract Nos. 8336 and 8337, pursuant to Government Code Section 51254; and authorize Chairman to execute new Agricultural Land Conservation Contracts and allow for recordation of new Contracts following signature by Chairman

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Attachments A - F, 3. Resolution No. 21-302, 4. ALCC No. 8336, 5. ALCC No. 8337

Date	Ver.	Action By	Action	Result
10/19/2021	1	Board of Supervisors	Consent Agenda be approved	Pass

DATE: October 19, 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. 1019 to rescind Agricultural Land Conservation Contract Nos. 1773 and 1785 and Simultaneous Entry into New Agricultural Land Conservation Contract Nos. 8336 and 8337 (Calico Farms and E. Kalofonou, LLC)

RECOMMENDED ACTION:

1. **Adopt a Resolution authorizing Rescission of Agricultural Land Conservation Contract Nos. 1773 and 1785 and Simultaneous Entry into new Agricultural Land Conservation Contract Nos. 8336 and 8337, pursuant to Government Code Section 51254; and**

2. **Authorize the Chairman to execute the new Agricultural Land Conservation Contracts and allow for recordation of the new Contracts following signature by the Chairman.**

The applicants, Calico Farms and E. Kalofonou, LLC, filed this request for Rescission and Reentry in conjunction with Voluntary Merger (VM) No. 2096 and VM No. 2097, which created a 69.55-acre (gross) parcel and a 151.61-acre (gross) parcel, respectively, by merging multiple contracted lots within a 221.16-acre (gross) property identified as Assessor Parcel Number (APN) 019-200-82s.

The VM No. 2096 merged Lot Nos. 65 through 72 and Lot Nos. 89 through 94 within the 221.16-acre (gross)

parcel, which are enrolled in the Williamson Act program under Contract No. 1773, to form the 69.55-acre (gross) parcel. The VM No. 2097 merged Lot Nos. 1 through 7 and Lot Nos. 25 through 32 within the 221.16-acre (gross) parcel, which are enrolled in the Williamson Act program under Contract No. 1785, and also merged Lot Nos. 33 through 40 and Lot Nos. 57 through 64 within the 221.16-acre (gross) parcel, which are enrolled in the Williamson Act program under Contract No. 1773, to form the 151.61-acre (gross) parcel.

The proposed Rescission and Reentry would rescind the existing Williamson Act contracts and simultaneously place the 69.55-acre (gross) parcel under new Agricultural Land Conservation Contract No. 8336 and place the 151.61-acre (gross) parcel under new Agricultural Land Conservation Contract No. 8337.

The subject parcels are located on the south side of Central Avenue, between Lyon Avenue and Washoe Avenue, approximately five miles southwest of the nearest city limits of the City of Mendota (APN 019-200-82s). This item pertains to a location in District 1.

ALTERNATIVE ACTION:

Your Board may determine that the proposed Rescission and Reentry does not meet the provisions of the California Land Conservation Act of 1965, the Fresno County Williamson Act Guidelines adopted by the Board in 2004, and/or Government Code Section 51254 and deny the request.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The applicants paid the application fee of $742.00 for the cost of processing the Rescission and Reentry application.

DISCUSSION:

On February 11, 2021, the Mapping Unit of the Department of Public Works and Planning approved VM No. 2096 to merge Lot Nos. 65 through 72 and Lot Nos. 89 through 94 of the Subdivision of Section 32, Township 14 South, Range 14 East to create a 69.55-acre (gross) parcel. Also, on February 11, 2021, the Mapping Unit approved VM No. 2097 to merge Lot Nos. 1 through 7, Lot Nos. 25 through 40, and Lot Nos. 57 through 64 of the Subdivision of Section 32, Township 14 South, Range 14 East to create a 151.61-acre (gross) parcel.

As previously stated, Lot Nos. 33 through 40 and Lot Nos. 57 through 72 and Lot Nos. 89 through 94 of the Subdivision of Section 32, Township 14 South, Range 14 East are enrolled in the Williamson Act program under Contract No. 1773. Further, Lot Nos. 1 through 7 and Lot Nos. 25 through 32 of the Subdivision of Section 32, Township 14 South, Range 14 East are enrolled in the Williamson Act program under Contract No. 1785. Therefore, the 69.55-acre (gross) parcel and the 151.61-acre (gross) parcel are each enrolled in the Williamson Act Program under multiple contracts and the proposed Rescission and Reentry is necessary to rescind the existing Williamson Act contracts and simultaneously place each of the new parcels under two new contracts.

Government Code Section 51254 allows parties to a Williamson Act Contract, upon their mutual agreement, to rescind a contract in order to simultaneously enter into a new contract, provided that the new contract would restrict the same property for an initial term at least as long as the unexpired term of the contract being so rescinded, but not less than 10 years. As was stated above, this Rescission and Reentry rescinds the existing Williamson Act contracts and simultaneously places the new parcels under two new contracts.

Attachment A is a location map of the 221.16-acre (gross) property, Attachment B depicts the zoning of the 221.16-acre (gross) property and surrounding area, Attachment C depicts the existing land use of the 221.16-acre (gross) property and surrounding area, Attachment D is a copy of the map approved for VM No. 2096, Attachment E is a copy of the map approved for VM No. 2097, and Attachment F is an aerial photograph of the existing 221.16-acre (gross) property depicting the existing Williamson Act contracts, the new Williamson Act

Contracts, the merged 69.55-acre (gross) parcel, and the merged 151.61-acre (gross) parcel.

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 Clerk - Resolution
On file with Clerk - ALCC No. 8336
On file with Clerk - ALCC No. 8337

CAO ANALYST:

Ron Alexander