



County of Fresno

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Legislation Text

File #: 16-1744, **Version:** 1

DATE: February 28, 2017

TO: Board of Supervisors

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

SUBJECT: Revision of Agricultural Land Conservation Contract Nos. 2912 and 8147 by rescinding the existing contracts and entering into new Agricultural Land Conservation Contract Nos. 8319 and 8320 (RLCC 971) (Applicant: Joshua Lehrman)

RECOMMENDED ACTION(S):

Adopt Resolution approving the simultaneous rescission of Agricultural Land Conservation Contract Nos. 2912 and 8147 and entry into new Agricultural Land Conservation Contract Nos. 8319 and 8320 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 the applicant to reconfigure Contract boundaries resulting from the adjustment of property lines between two parcels with no net increase or decrease in the amount of contracted acreage. Property Line Adjustment (PLA) No. 15-13 was filed to facilitate the adjustment of property lines between two adjacent parcels to improve the owners ability to farm the parcels by aligning property lines with an existing irrigation ditch on the property. The subject properties are located on the southeast corner of Floral and Smith Avenues approximately 1.5 miles west of the City of Reedley (APNs 393-051-33 and 01).

ALTERNATIVE ACTION(S):

Determine the required Findings cannot be made and deny the rescission and re-entry resulting in the need for cancellation of contract on the contracted portion of the adjusted parcel in order to accomplish the proposed property line adjustment.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The applicant paid the County Application fee of \$742 to process the application.

DISCUSSION:

Government Code Section 51257 provides a procedure to accommodate property line adjustments involving contracted lands and to accurately reflect the newly adjusted contracted parcel(s).

The proposed rescission and re-entry application is to accommodate adjustment of property lines between two contiguous parcels under Williamson Act contract. The parcels consist of a 27.38-acre parcel and a 26.81-acre parcel. The adjustment of the property lines between the two parcels will result in an approximately 30.00-acre

adjusted Parcel A and an approximately 24.39-acre adjusted Parcel B. The new Williamson Act Contracts will cover both of the adjusted parcels. There will be no net increase or decrease in the total acreage of land subject to Williamson Act Contract. Exhibit A shows the configuration of the existing parcels and Exhibit B shows the configuration of the adjusted parcels. Exhibit F shows the Property Line Adjustment (PLA) Map No. 15-13.

The subject and surrounding properties are designated as Agriculture in the General Plan. The subject parcels and surrounding properties are located in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District. The adjusted Contract boundaries meet 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. Exhibit C is a location map of the subject properties. Exhibits D and E depict the existing zoning and land use of the subject and surrounding parcels respectively.

Per Government Code Section 51257, the parties in the 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 or contracts would enforceably restrict the adjusted boundaries of the parcel 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 be for ten years. Staff believes this finding can be made.

2. There is no net decrease in the amount of acreage restricted.

There are currently a total of approximately 54 acres restricted under Williamson Act Contracts. The proposed PLA will result in two adjusted parcels with a total acreage of approximately 54 acres. Therefore, there will be no net decrease in the amount of land currently under Williamson Act Contract. Staff believes this finding can be made.

3. At least 90 percent of land under the former contract remains under the new contract.

The entire approximately 54 acres currently subject to ALCC Nos. 2912 and 8147 will be included in new ALCC Contract Nos. 8319 and 8320. Therefore, 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 parcels meet the minimum parcel size required by the State and County of Fresno and are capable of sustaining their 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 proposed adjustment will reconfigure parcel boundaries between contiguous parcels and will not compromise their long-term agricultural use. Therefore, 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 agricultural operations on the adjacent parcels will be unaffected. Therefore, this finding can be made.

7. The property line adjustment does not result in a greater number of developable parcels than existed proper 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 (RLCC 971).

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 - F
On file with Clerk - Resolution
On file with Clerk - ALCC No. 8319
On file with Clerk - ALCC No. 8320

CAO ANALYST:

John Hays