



County of Fresno

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Legislation Text

File #: 19-0023, **Version:** 1

DATE: February 26, 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. 3726 and 8302 and
Simultaneous Entry into New Agricultural Land Conservation Contract No. 8328

RECOMMENDED ACTION(S):

Adopt Resolution approving the Rescission of Agricultural Land Conservation Contract Nos. 3726 and 8302 and simultaneous entry into new Agricultural Land Conservation Contract No. 8328, pursuant to Government Code, Section 51257; and authorize the recording of new Contract following signature by the Chairman.

The subject properties are located on the north side of E. South Avenue between S. Alta Avenue and S. Navelencia Avenue, approximately two miles northeast of the nearest city limits of the City of Reedley (APNs 373-070-50 and 373-070-87s).

Approval of the recommended action would facilitate a lot line adjustment proposed by the applicant to adjust the property lines between an 18.88-acre parcel and a 39.61-acre parcel resulting in an adjusted 1.42-acre residential parcel and an adjusted 57.07-acre parcel that will continue to be farmed. 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 \$558.00 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. 18-09 proposes to adjust property lines between an 18.88-acre parcel identified as APN 373-070-50 and a 39.61-acre parcel identified as APN 373-070-87s, which would result in an adjusted 1.42-acre residential parcel and an adjusted 57.07-acre agricultural parcel. The 18.86-acre parcel is enrolled in the Program under ALCC No. 3726, and the 39.49-acre parcel is enrolled in the Program under ALCC No. 8302. As a result of the property line adjustment, an approximately 17.44-acre portion of the parcel under ALCC No. 3726 will be within the proposed adjusted 57.07-acre parcel. Because the configuration of the contracted parcels will change as a result of PLA No. 18-09, a Rescission and Simultaneous Entry of the

Williamson Act Contracts is required to reflect the boundaries of the adjusted contracted parcel. Exhibit A shows the Property Line Adjustment (PLA) Map No. 18-09.

As a residential parcel is not eligible to remain in the Program, the applicant previously filed a petition for partial cancellation of ALCC No. 3726 to remove the proposed 1.42-acre residential parcel from the Program. The petition for partial cancellation of ALCC No. 3726 (RLCC 979) was approved by your Board on February 12, 2019.

The subject and surrounding properties 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 properties, Exhibit C depicts the zoning of the subject properties and surrounding area, and Exhibit D depicts the land use of the subject properties and surrounding area.

On September 21, 2017, the Planning Commission denied Variance (VA) Application No. 3998 (5 to 2, with two Commissioners absent), which proposed to allow creation of the 1.42-acre residential parcel.

On November 14, 2017, the applicant appealed the Planning Commission's determination and the Board of Supervisors was able to make the required variance findings and approved VA Application No. 3998.

The adjusted 57.07-acre contracted parcel meets 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 contract on the adjusted parcel will restrict the property 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.*

The Board of Supervisors approved VA Application No. 3998 to allow the applicant to create a 1.42-acre substandard homesite parcel through the PLA process. PLA Application No. 18-09 proposed to adjust property lines between an 18.88-acre parcel enrolled in the Program under Contract No. 3726 and a 39.61-acre parcel enrolled in the Program under Contract No. 8302, resulting in a non-contracted 1.42-acre parcel and a contracted 57.07-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.

VA No. 3998 and PLA No. 18-09 would adjust property lines between an 18.88-acre parcel enrolled in the Program under Contract No. 3726 and a 39.61-acre parcel enrolled in the Program under Contract No. 8302, resulting in a non-contracted 1.42-acre parcel and a contracted 57.07-acre parcel.

Therefore, approximately 98% of the land under the current contracts will remain restricted under the new contract.

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. 18-09 would result in a contracted 57.07-acre parcel, which satisfies the minimum parcel size requirement of the County, and is 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.*

PLA No. 18-09 and the associated Cancellation Petition would reconfigure property lines between an 18.88-acre parcel enrolled in the Program under Contract No. 3726 and a contiguous 39.61-acre parcel enrolled in the Program under Contract No. 8302, resulting in a 1.42-acre non-contracted parcel and a 57.07-acre contracted parcel. Therefore, PLA No. 18-09 will not compromise the long-term agricultural productivity of the subject parcels or any 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 tree fruit cultivation will not change as a result of PLA No. 18-09. 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. 18-09 will not result in a greater number of developable parcels. Further, due to the approval of VA No. 3998, PLA No. 18-09 will not result in 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. 3726 and 8302 and Simultaneous Entry into Williamson Act Contract No. 8328.

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.

REFERENCE MATERIAL:

BAI #11, November 14, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - D
On file with Clerk - Resolution
On file with Clerk - ALCC No. 8328

CAO ANALYST:

Sonia M. De La Rosa