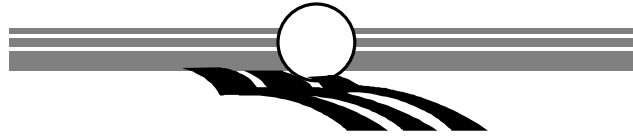


Mayor
Tom Buford
Mayor Pro Tem
John Murray
Councilmembers
John Grego
Ed Martin
John Flourde



CITY of
LEMOORE
CALIFORNIA

**Community and
Economic
Development**
210 Fox Street
Lemoore CA 93245
Phone (559) 924-6740
FAX (559) 924-6743

Item # 3

To: Lemoore City Council
From: Holly Smyth, Chief Planner
Date: April 26, 2006
Subject: Public Hearing – Petition for Cancellation of Williamson Act Land

BACKGROUND:

On behalf of Mardell B. Pedersen and the Pedersen Trusts and Semas Farming, LLC, a Petition for Cancellation of Land Conservation Contract No. 1849 has been filed with the City of Lemoore affecting assessor parcel number's 023-480-014, 023-510-011, 023-510-012, and 023-510-031 on the Westside of State Highway 41 as shown on the attached map.

The original conservation contract was entered into on December 22, 1982, as Document No. 15798 in Book 1249, pages 419-427. A Notice of Partial Non-Renewal of Land Conservation Contract No. 1849, recorded on February 20, 1997 and a Correctory Notice of Partial Non-Renewal of Land Conservation Contract No. 1849 was recently recorded on February 7, 2006. Without processing a cancellation, the contract for these areas would expire from on January 1, 2007.

Government Code Section 51282 states that tentative approval for cancellation may be granted only if the local government makes one of the following findings:

1) Cancellation is consistent with the purposes of the Williamson Act or 2) cancellation is in the public interest. Staff believes that the cancellation would be consistent with the purposes of the Williamson Act and makes the following findings on the required five elements.

1) *A notice of nonrenewal was served back on February 20, 1997.*

2) *Removal of additional adjacent land from agricultural use is unlikely because all adjacent remaining Williamson Act parcels have already filed notices of non-renewal which are subject to Contract No. 1849, on which the enforceable restrictions will expire January 1, 2007 and are within the existing City limits designated for urban development. Non-agricultural/urban developments for subdivisions, commercial or industrial uses can only be accomplished in the City Limits which therefore discourages the need to remove additional contracts from the Williamson Act. Additionally, right-to-farm ordinance are recorded on any subdivision maps which protects normal farming operations adjacent to City limits.*

3) *The alternative use is consistent with the City's General Plan for development into urban residential uses as shown in the General Plan diagram.*

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4) *Discontiguous patterns of urban development will not result* as part of the cancellation as the property is adjacent to the exiting development of West Hills College, existing Bush Street, and proposals for a Walmart, Mangano Homes and Cambridge Lennar projects.

5) *There is no proximate noncontracted land which is available and suitable for the use proposed on the contracted land.* Only one large piece of residential property exists within the City limits in close proximity to the project site which is zoned for single family residential uses and is not under Williamson Act contract. However, a preliminary site plan proposal has been submitted for that property, therefore making no noncontracted land available for the proposed use in close proximity.

Prior to the Council acting on the proposed cancellation, the City must consider the comments of the State Director of Conservation. Attached is a copy of the Director of Conservation's comments which are in line with staff's determination above. Staff also addressed their one concern listed in item #5 above regarding proximate noncontracted land.

Prior to Council determination, the County assessor must determine the "fair market value" of the land subject to the Petition for Cancellation. On November 8, 2005, the City received a copy of the Assessor's office valuation determination on the properties in question. No appeal has been filed by the property owner regarding the assessor determination. Therefore, if Final Cancellation moves forward before the Williamson Act contract expires on January 1, 2007, the property owner would be responsible for paying 12.5% cancellation fee on the assessed valuation to the county treasurer.

Should a Tentative Cancellation be approved, a copy of the Notice of Tentative Cancellation shall be published in a display advertisement over at least an 1/8th page within 30 days of determination decision and a copy of such shall be forward to the State Director of Conservation.

Because the existing Williamson Act contract on the subject property expires in less than three years, a Tentative Map or a Parcel Map would not be subject to Section 66474.4 of the Subdivision Map Act per section 66474.4(e)(2).

Budget Impact:

None.

Recommendation:

Based on staff's findings above, the Council should pass the attached Resolution #2006-16 approving the Tentative Cancellation of a portion of Land Conservation Contract No. 1849 affecting assessor parcel number's 023-480-014, 023-510-011, 023-510-012, and 023-510-031.

RECORDING REQUESTED BY:

**City Clerk
City of Lemoore
119 Fox Street
Lemoore, CA 93245**

Per Government Code 6103 – No Fee

RESOLUTION NO. 2006-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE
NOTICE OF TENTATIVE CANCELLATION**
of a portion of Land Conservation Contract No. 1849 effecting
APN's 023-480-014, 023-510-011, 023-510-012, and 023-510-031.

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on May 2, 2006, at 7:30 p.m. on said day, it was moved by Councilmember _____, seconded by Councilmember _____ and carried that the following Resolution be adopted:

WHEREAS, Mardell B. Pedersen and the Pedersen Trusts and Semas Farming, LLC, are the current owners of the property identified as Assessor's Parcel Number's 023-480-014, 023-510-011, 023-510-012, and 023-510-031 located west of State Highway 41 within the City Limits as described on the attached map labeled Exhibit A.

WHEREAS, a Petition for Cancellation of a portion of Land Conservation Contract No. 1849 has been filed with the City of Lemoore on the above parcels (as described in Exhibit B); and

WHEREAS, the original conservation contract was entered into on December 22, 1982, as Document No. 15798 in Book 1249, pages 419-427.

WHEREAS, a Notice of Partial Non-Renewal of Land Conservation Contract No. 1849, recorded on February 20, 1997 and a Correctory Notice of Partial Non-Renewal of Land Conservation Contract No. 1849 was recently recorded on February 7, 2006 which means that all the project area's contract expires on January 1, 2007.

WHEREAS, an Environmental Impact Report was adopted in 1997 and certified when the City annexed approximately 1,400 on the Westside of Highway 41 and included an evaluation of the Williamson Act land contract 1849.

WHEREAS, pursuant to California Government Code Section 51284, the Lemoore City Council held a public hearing on May 2, 2006, where evidence was received from City staff and the public; and

WHEREAS, pursuant to Government Code Section 51283, the County Assessor has certified to the City of Lemoore the cancellation valuation of such property for the purpose of determining the cancellation fee should a Final Cancellation move forward; and

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NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council of the City of Lemoore previously evaluated the impact of converted vacant and agricultural lands to urban uses when they annexed 1,400 acres of property West of Highway 41 and certified a Final EIR on June 3, 1997 (which is on file with the City of Lemoore Planning Department). Impacts to farmland resources were lessened with mitigation measures but not to a level of insignificance. However, the farmland that was annexed did not include areas designated as "Prime Farmland", directed development away from prime farmland (therefore reducing the pressures to convert prime farmland), and an overriding benefit was adopted for the EIR. Mitigation measures to lessen the impacts to farmland included:
 - a. Average residential development densities for all areas zoned residential shall be as per zoning designations given.
 - b. Buffers from agricultural land would be provided between the urban and farm areas if needed by farmland property owners.
 - c. All Westside farmland not subject to immediate development would be reserved for agricultural uses for the longest feasible time prior to its development.
 - d. The Kings County Right to Farm Ordinance would be implemented.
 - e. Officials of the West Hills Community College would endeavor to include courses and/or research programs that work to implement agriculture and natural resources policies.
 - f. No Westside parcels of land that were larger than two acres and in agricultural use, but not enforceably restricted, would not be included in the Redevelopment Project Area unless certain findings could be made.

The City Council concurs that the original Final EIR determination for any property of the Westside of Highway 41 is still valid for this project.

2. The City Council finds that the cancellation of Land Conservation Contract No. 1849 is consistent with the purposes of the Williamson Act based on the following issues:
 - a. A notice of nonrenewal was served.

Evidence: A Notice of Partial Non-Renewal of Land Conservation Contract No. 1849, recorded on February 20, 1997 and a Correctory Notice of Partial Non-Renewal of Land Conservation Contract No. 1849 was filed on February 7, 2006.
 - b. Removal of additional adjacent land from agricultural use is unlikely.

Evidence: All adjacent remaining Williamson Act parcels have filed notices of non-renewal which are subject to Contract No. 1849, on which the enforceable restrictions will expire January 1, 2007 and are within the existing City limits designated for urban development. Non-agricultural developments for subdivisions, commercial or industrial uses can only be accomplished in the City Limits which therefore discourages the need to remove additional contracts from the Williamson Act.
 - c. The alternative use is consistent with the City's General Plan.

Evidence: The subject properties for cancellation are already designated for urban residential development and are proposed project is for residential uses, thereby being consistent with the General Plan diagram.
 - d. Discontiguous patterns of urban development will not result.

Evidence: The subject property is adjacent to the exiting development of West Hills College, existing Bush Street, and draft proposals that we are reviewing for the Walmart, Mangano and Cambridge Lennar projects.

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- e. There is no proximate noncontracted land which is available and suitable for the use proposed on the contracted land.

Evidence: The proposed cancellation area has submitted applications for developing residential subdivisions greater than 50 acres. Only one large piece of residential property exists within the City limits that is zoned for single family residential uses and is not under Williamson Act contract; however, a preliminary site plan proposal has been submitted for this one piece of property, therefore making no non-contracted land available / suitable for the proposed residential use.

3. Based upon the cancellation valuation of the property determined by the Kings County Assessor's office, the Lemoore City Council determines and certifies to the County Auditor that the cancellation values of the subject property and cancellation fees include the following:

| <u>APN#</u> | <u>Assessed Value</u> | <u>Cancellation Fee</u> |
|-------------|-----------------------|-------------------------|
| 023-480-014 | \$933,960 | \$116,745 |
| 023-510-011 | \$837,210 | \$104,652 |
| 023-510-012 | \$2,292,177 | \$286,522 |
| 023-510-031 | \$5,905,888 | \$738,236 |

The land owner shall notify the City when it has satisfied the conditions and contingencies enumerated in this certificate of tentative cancellation. Certificate of Cancellation shall be issued and recorded by the City at the time that the cancellation fees above are paid. The above fee assessments are good for one-year from the date this resolution/notice is recorded (fees will need to be recomputed otherwise).

Property owners are only subject to the above fees should a Final Cancellation be done prior to the expiration of the notice of non-renewal.

4. The legal description of the portion of Contract 1878 being cancelled is included in Exhibit B.
5. The Clerk of the City is hereby directed to record this Resolution / Tentative Cancellation Notice as required by the provisions of the California Government Code Section 51283.4.

Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on the 2nd day of May, 2006, by the following vote:

**AYES:
NOES:
ABSTAINING:
ABSENT:**

APPROVED:

Thomas E. Buford, Mayor

ATTEST:

Nanci C.O. Lima, City Clerk

EXHIBIT B
Legal Description of properties petitioning for
Cancellation of Williamson Act Land
tied to A Notice of Partial Non-Renewal of
Land Conservation Contract No. 1849 (Pedersen Property)

Parcel 1:

All that territory lying South of the private road in the South half of Section 5, Township 19 South, Range 20 East, Mount Diablo Base and Meridian (M.D.B. & M.), excepting the east 26 acres of said section.

Was previously APN #022-090-010

Parcel 2:

All that territory lying South of the Railroad right-of-way in the East half of Section 7, Township 19 South, Range 20 East, M.D.B. & M.

Was previously APN #022-150-004

Parcel 6:

The Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section 9, Township 19 South, Range 20 East, M.D.B. & M., less the South 1557.21 feet.

Was previously APA #022-161-041

Parcel 7:

The South 1557.21 feet of the Southwest quarter of Section 9, Township 19 South, Range 20 East, M.D.B. & M., lying West of Cimmaron Park Unit No. 1, Tract 173 and West of the following line: Beginning at the Southwest corner of lot 95 of aforesaid Tract 173; thence South 40'42" along line parallel with East line of Southwest quarter to the South line of Section.

Was previously APN#022-161-043

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)

I, Nanci C.O. Lima, City Clerk of the City of Lemoore, do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on May 2, 2006.

DATED: _____, 2006

Nanci C.O. Lima, City Clerk