

RESOURCE MANAGEMENT AGENCY



5961 S. Mooney Blvd
Visalia, CA 93277
559-624-7000
615-3002

Aaron R. Bock
Reed Schenke
Sherman Dix

Economic Development and Planning
Public Works
Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

CANCELLATION OF WILLIAMSON ACT CONTRACT (AGRICULTURAL PRESERVE)

- Application to fulfill condition of approval for
 PLA _____ PPM _____
 PSP _____ Other _____
 Applicant Initiated Application

General Information:

Applicant _____

Mailing Address _____ City _____ State ____ Zip _____

Phone _____ Cell Phone _____ E-Mail _____

Agent (if applicable) _____

Mailing Address _____ City _____ State ____ Zip _____

Phone _____ Cell Phone _____ E-Mail _____

**Note: All Property Owners must sign the attached State Notice of Partial Non-Renewal of Land Conservation Contracts and have their signatures acknowledged by a Notary Public.*

Site Address: _____

Physical Location of Site: _____

Assessor's Parcel No(s): _____

THIS SPACE FOR OFFICE USE ONLY

Project Number – WAC _____

Williamson Act Contract No. _____

Agricultural Preserve No. _____

Filing Fee(s): _____

Total Amount Paid: _____

Date Received: _____

Check No: _____

Receipt Number(s) _____

Received By: _____

PERMIT CENTER HOURS: Monday-Thursday 9:00 a.m. to 4:30 p.m. – Friday 9:00 a.m. to 11:00 a.m.

CANCELLATION APPLICATION

REQUIREMENTS, FEES AND INSTRUCTIONS (Please use dark blue or black ink)

Complete applications for Cancellation of an Agricultural Preserve Contract must be presented in person at or mailed to the following address:

Tulare County Resource Management Agency
Planning and Project Processing Branch
5961 S. Mooney Blvd.
Visalia, CA 93277-9394

THE COMPLETED APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:

- A. The **ENVIRONMENTAL ASSESSMENT QUESTIONNAIRE**, completely filled out with answers to every applicable question.
- B. An up-to-date **TITLE REPORT** that gives the legal description of the subject property and states how title is vested.
- C. An **ASSESSOR'S PARCEL MAP OR PLAT MAP** showing each parcel described in the title report by a read pencil border and the details as to present land use and improvements on the subject property.
- D. Twenty (20) copies of a **SITE PLAN MAP** containing a proposal for the specified alternative use of the land. The site plan map shall contain enough information in order that a complete evaluation may be made of the proposed use by the Resource Management Agency (RMA) staff and other interested public and private agencies. The site plan map shall be clearly and legibly drawn. The size of the sheet shall be appropriate to allow proper review, as determined by the RMA Planning Director. The scale of the map shall be one (1) inch equals one hundred (100) feet or a decimal fraction or a multiple of one hundred (100) feet. The precise information that must be shown on the site plan map is contained on the attached list.
- E. Six (6) copies of a **PRELIMINARY GEOLOGICAL/HYDROLOGICAL REPORT** prepared with the information required in Section 7052.5 of the Ordinance Code of Tulare County. The information to be included in said report is described for the different type of alternative use projects, on the following pages.
- F. A **\$3,116.00 DEPOSIT**. In addition, upon completion of the Planning Division report and before the application is submitted to the Board of Supervisors for action, the Resource Management Agency will be the applicant for the actual cost of processing the application in excess of the \$3,116.00 deposit (**to be billed at \$100.00 per hour**). No action approving the cancellation application can be taken until the total fees for the work is paid to the County of Tulare, unless the Board of Supervisors has previously waived the fee.

Checks are to be made payable to the ***Tulare County Resource Management Agency***.

HOWEVER, no additional fee is required if the property that is the subject of the cancellation application meets all of the following criteria:

- (1) The property is ten (10) acres or less in size; and
- (2) The property contains a residence or mobilehome which has been established in accordance with all applicable building and zoning regulations and which has existed on that property for at least three (3) years; and
- (3) All or a portion of the property has been assessed under Section 428 of the Revenue and Taxation Code for a period of time equivalent to at least one-half of the time during which the Land Conservation Contract has been effective on the property.

Applicants owning property that qualifies under the foregoing shall only be required to pay the \$1,500 initial fee, plus any applicable fees required for the environmental studies and reports under the County's Guidelines for the Implementation of the Environmental Quality Act (CEQA) of 1970, as amended.

- NOTE:**
1. You may secure your title report and your plat map at one of the several Title Companies in the County.
 2. Assessor's maps can be obtained at the Tulare County Assessor's Office, at the County Courthouse in Visalia.

REQUIREMENTS FOR SITE PLAN MAPS

If the proposed alternative use **is a Subdivision or Parcel Map**, the site plan map shall indicate clearly, and with full dimensions, the following information:

1. Location of proposed subdivision with reference to section, township, and range.
2. Names and addresses of record owner and subdivider.
3. Name and address of person who prepared the map.
4. Date of preparation.
5. North Point.
6. Scale and graphic scale.
7. Boundaries of the proposed subdivision or parcel map.
8. Locations of streets, alleys and pedestrianways within the proposed subdivision.
9. Names and locations of streets and alleys adjacent to the proposed subdivision.

10. Suggested locations of street extensions and street connections in surrounding unsubdivided properties.
11. Approximate grades of all streets or parts of streets exceeding six percent (6%).
12. Lot lines and approximate dimensions.
13. Locations of proposed public areas.
14. Locations of permanent physical features affecting the design of the proposed subdivision, including any hazardous areas as specified in Section 7042 of the Subdivision Ordinance.
15. The specific use intended for each lot in the subdivision.
16. Approximate contour lines if necessary to illustrate the influence of topographic conditions on the design of the subdivision. An aerial photograph or topographic model of the property may be submitted in lieu of indicating contour lines on the preliminary map.
17. Locations and names of watercourses, locations of flood lines, and location of areas subject to ponding of surface water.
18. A tentative drainage plan indicating provisions for drainage and storm water control and, for any area which is located within flood lines, the proposed method of flood protection.
19. Proposed fire protection facilities.

If the proposed alternative use is **not** a Subdivision, the site plan map shall indicate clearly and with full dimensions the following information:

1. Location of the proposed project with reference to section, township, and range.
2. Name and address of record owner and application.
3. Name and address of person who prepared the site plan.
4. Date of preparation.
5. North point and scale.
6. Approximate lot dimensions.
7. General locations of existing and proposed buildings and proposed uses.
8. Off-street parking areas and internal circulation patterns.
9. Location of proposed signs, if any.
10. Preliminary drainage plan.

11. Proposed landscaping area.
12. Proposed location of utilities, sewage disposal systems, and domestic water supply systems.
13. Approximate contour lines if necessary to illustrate the influence of topographic conditions on the design of the project. An aerial photograph or topographic model of the property may be submitted in lieu of indicating contour lines on the site plan map.
14. Locations and names of water courses and areas subject to flooding or ponding of surface water.
15. The proposed method of flood protection for any area subject to flooding or ponding of surface water.
16. Locations of proposed public areas.
17. Approximate grades of all streets or parts of streets exceeding six percent (6%).
18. Proposed fire protection facilities.

REQUIREMENTS FOR A PRELIMINARY GEOLOGICAL-HYDROLOGICAL REPORT

The preliminary geological-hydrological report must be prepared by a registered civil engineer or a registered geologist and shall contain a general analysis of the following factors with regard to the site.

1. Geological structure of the property, including the identification of all potential geological hazards which can be ascertained.
2. A general report on the several matters that would be covered in more detail in a final geological-hydrological report pursuant to Section 7063.2 of the Ordinance Code, including but not limited to:
 - a. All Proposed grading including the effects of grading on the site and adjoining properties.
 - b. Correction of geological hazards.
 - c. Effects of drainage on adjoining properties.
 - d. Location of any existing wells on the property.
 - e. If individual sewage disposal systems are to be used, the report shall include recommendations for the location and type of system, based upon the geological and soil analysis contained in the report.
3. Stability of soil for cuts and fills.

4. Seismicity.
5. Probability of a permanent ground water supply on the property adequate to supply the anticipated needs of the proposed alternative use.
6. Potential erosion and sedimentation problems and recommendations for solution.

Other special factors deemed to be pertinent to the proposed alternative use by the person preparing the report.

If the RMA Planning Director determines that sufficient current information is already available with regard to any or all of the matters to be covered in a preliminary geological-hydrological report, he may waive a report on such matters.

TO THE TULARE COUNTY RESOURCE MANAGEMENT AGENCY:

SECTION 1. **REQUEST:** We, the undersigned, owners or authorized agents of the real property herein described below our respective names, hereby request the Tulare County Board of Supervisors to hold a public hearing for the purpose of canceling an Agricultural Preserve Contract pursuant to the provisions set forth in Section 51282 of the Government Code.

Owner(s) _____

Address _____

_____ Phone(s) _____

Owner(s) _____

Address _____

_____ Phone(s) _____

Section 2. **OWNERSHIP:** If title to the land is other than a single, a joint or multiple ownership, please use the following space to state precisely in what manner the title of the land involved is recorded (i.e., partnership, corporation, trust, estate, etc.), you may wish to consult legal counsel concerning the preparation of this section

Name of corporation, trust, etc. _____

Section 3. **DESCRIPTION OF LAND:** Use the following space to describe all parcels of land for which contract cancellation has been proposed. Only Assessor's Parcel Numbers (APN) may be used to describe the land. Assessor's Parcel Numbers may be obtained either from the Assessor's Office (at the County Courthouse) or from your tax statements.

<u>APN</u>	<u>ACREAGE</u>	<u>APN</u>	<u>ACREAGE</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

NOTE: If more space is needed for any of the above or below items, attach separate sheets at the end of this form.

SECTION 4. **EXISTING USES:** Please use the following spaces to list the various land uses that exist on the property for which the cancellation is proposed. In addition, the general locations of said land uses shall be noted on Assessor's Parcel Map(s) that must be included with this application.

<u>LAND USE</u>	<u>ACREAGE</u>
a. Citrus orchard	_____
b. Orchard (non-citrus) (_____)	_____
c. Vineyard	_____
d. Field Crops	_____
e. Grazing	_____
f. Dairy	_____
g. Homesite	_____
h. Non-agricultural uses (_____)	_____
i. Other (_____)	_____

SECTION 5. **USE: PARTIAL CANCELLATION:** If this application pertains only to a **portion** of the property that is subject to the contract, please use the following space to describe the existing and proposed land uses (if any) on the balance of the property for which cancellation is not proposed.

SECTION 6. **PROPOSED ALTERNATIVE USE:** The landowner must include in this application a proposal for a specified alternative use of the land that is proposed for contract cancellation. Please use the following space to fully describe the proposed use.

SECTION 7. **PERMIT AUTHORITY:** Use the following space to list those governmental agencies known by the landowner to have permit authority related to the proposed alternative use.

SECTION 8. **MANDATORY FINDINGS:** Section 51282 of the California Government Code states that the landowner may petition the Board of Supervisors for cancellation of any contract as to all or any part of the subject land. **The Board of Supervisors may approve the cancellation of the contract only if they find:**

- a. that the cancellation is consistent with purposes of the Williamson Act; OR
- b. that the cancellation is in the public interest.

IN ORDER TO ASSIST THE BOARD IN MAKING FINDINGS, PLEASE ANSWER THE FOLLOWING QUESTIONS TO EITHER 8(a) OR 8 (b) –

8(a) Cancellation is Consistent with Purposes of Williamson Act

The following are Mandatory Findings set forth under Government Code Section 51282.b that must be made to satisfy consistency findings:

(1) Is the cancellation for land on which a Notice of Nonrenewal has been served pursuant to Section 51245 of the Act? If this Notice was filed with Tulare County, indicate its effective date; otherwise, if none was previously filed, a Notice of Nonrenewal (along with its filing fee) must be submitted to the RMA at least by the time that this Cancellation application is filed.

(2) Is cancellation likely to result in the removal of adjacent lands from agricultural uses? Explain:

(3) Is cancellation for an alternative use which is consistent with the applicable provisions of the General Plan? Explain:

(4) Will cancellation result in discontinuous patterns of urban development? Explain:

(5) Is there any proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or will development of the contracted land provide more contiguous patterns of urban development than development of proximate noncontracted land? Explain:

NOTE: As used above, “proximate, noncontracted land” means land not restricted by contract, which is sufficiently close to land which is so restricted that it can serve as a practical alternative for the use which is proposed for the restricted land. As used above, “suitable” for the proposed use means that the salient features of the proposed use can be served by land not restricted by contract pursuant to the Act. Such non-restricted land may be a single parcel or may be a combination of contiguous or discontinuous parcels. The uneconomic character of an existing agricultural use shall not in itself be sufficient reason for cancellation of the

contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

8(b) Cancellation is in the Public Interest

The following are Mandatory findings set forth under Government Code Section 51282.c that must be made to satisfy Public Interest findings (attach additional sheets of papers if necessary):

(1) What public concerns substantially outweigh the objectives of the Williamson act and support the cancellation request?

(2) Is there any proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or will development of the contracted land would noncontracted land? Explain:

NOTE: As used above, “proximate, noncontracted land” means land not restricted by contract, which is sufficiently close to land which is so restricted that it can be serve as a practical alternative for the use which is proposed for the restricted land. As used above, “suitable” for the proposed use means that the salient features of the proposed use can be served by land not restricted by contract pursuant to the Act. Such non-restricted land may be a single parcel or may be a combination of contiguous or discontinuous parcels.

SECTION 9. APPLICANT'S DECLARATION:

I, (We), the undersign, say:

I am (We are) the owner(s) of the property involved in this application, and I (we) have completed this application, and all other documents and maps required hereby, to the best of my (our) ability, and the statements and information heretofore referred to are, in all respects, true and correct to the best of my (our) knowledge and belief.

I, (We) declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20____, at _____, California, by:

_____	_____
_____	_____
_____	_____
(Printed Names)	(Signatures)

Executed on _____, 20____, at _____, California, by:

_____	_____
_____	_____
_____	_____
(Printed Names)	(Signatures)