



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church St., Suite B, Visalia, CA 93291 Phone: (559) 623-0450 FAX: (559) 733-6720

COMMISSIONERS:
*Dennis Townsend, Chair
Rick Feder, Vice-Chair
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Pete Vander Poel
Rudy Mendoza*

March 1, 2023

TO: LAFCO Commissioners and Alternates
FROM: LAFCO Staff
SUBJECT: Corrections to Staff Report for Case 1570-V-458

ALTERNATES:
*Larry Micari
Fred Sheriff
Steve Harrell*

EXECUTIVE OFFICER:
Ben Giuliani

BACKGROUND

In the staff report, it is indicated that the Williamson Act contract on the subject parcel was cancelled by the County. This is not the case. While the County took action to cancel the contract, the applicant did not complete the process and would rather make use of the Certificate of Contract Termination process than be subject to the fees associated with cancelling the contract on the entire property through the County. There were valid protests submitted by the City of Visalia for the initial creation of the Williamson Act contract and the subsequent expansion of the contract area. This allows the contract to be cancelled upon annexation without being subject to fees.

DISCUSSION

The one nuance to this process is that part of the contract area was over one mile outside the existing City limits at that time (map attached). The Williamson Act only allows for the cancellation of areas within a one mile radius of the City limits at the time of protest. In short, the end result will be this:

- 1) 20.52 acres of the land within the WA contract area was within one mile of the City at the time of protest and can make use of the Certificate of Contract Termination upon annexation and not be subject to cancellation fees.
- 2) 2.81 acres of the land was outside of the one mile radius and will remain under contract upon annexation. The land owner will need to pay cancellation fees after annexation to remove this area from the WA contract.

RECOMMENDATION

To accommodate the annexation of the 2.81 acre portion of the WA contract and the Certificate of Contract Termination for the 20.52 acre portion of the contract, the following two findings and a condition of approval to the resolution in the staff report:

Pursuant to GC §56754, the City shall succeed to the rights, duties and powers of the County pursuant to GC §51243 for the portion of the Williamson Act contract (2.81 acres) that is not subject to the Certificate of Contract Termination.

Pursuant to GC §56856.5(d)(1), the City will provide no services during the remaining life of the contract for land uses or activities not allowed under the contract for the portion of the Williamson Act contract that is not subject to the Certificate of Contract Termination.

The City of Visalia shall record a Certificate of Contract Termination for Contract No. 2735 (20.52 ac) pursuant to GC §51243.5(h) with the County Recorder at the same time as the Executive Officer of LAFCO files a Certificate of Completion pursuant to GC §57203. The Certificate of Contract Termination shall include a legal description of the land for which the City terminates the contract.

Ag Preserve 187 / Contract 2735 Protest Map
1 mile radius from January 7, 1969 radius

