

RESOLUTION NO. 2023-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, AUTHORIZING THE EXECUTION OF A CERTIFICATE OF CANCELLATION OF LAND CONSERVATION CONTRACT NO. 2735, COVERING APPROXIMATELY 2.36 ACRES, LOCATED ON THE NORTH SIDE OF FERGUSON AVENUE, SITUATED APPROXIMATELY 1,288 FEET NORTH OF FERGUSON AVENUE AND 789 FEET WEST OF DEMAREE STREET, WITHIN THE CITY OF VISALIA (APN: 077-190-007)

WHEREAS, a request was made for the cancellation of Williamson Act Land Conservation Contract No. 2735, covering approximately 2.36 acres of land containing an orchard and designated for single-family residential use, located on the north side of Ferguson Avenue, situated approximately 1,288 feet north of Ferguson Avenue and 789 feet west of Demaree Street, within the City of Visalia, as depicted in a map and legal description submitted with said request. The request was made by D.R. Horton for property owned by Keri Lea Cochran (SCSR TR); and

WHEREAS, the subject property is within Agricultural Preserve No. 187, established pursuant to the Williamson Act (California Government Code Section 51200 et seq.) and is subject to Land Conservation Contract No. 2735; and

WHEREAS, the Agricultural Preserve No. 187 and Land Conservation Contract No. 2735 were established and entered into between the County of Tulare and property owner in 1969; and

WHEREAS, the City of Visalia protested the establishment of the Land Conservation Contract in association with Agricultural Preserve No. 187 by a letter to the Tulare County Board of Supervisors dated January 7, 1969 and the passage of Resolution No. 686; and

WHEREAS, on May 14, 2015 the property owner at the time served a Notice of Nonrenewal for the entire area contained under said Contract to the City of Visalia; and

WHEREAS, in 2022 the project applicant initiated a Williamson Act Land Contract Cancellation with the County of Tulare and the Tulare County Board of Supervisors authorized issuance of a Certificate of Tentative Cancellation for the entire 23.7-acre parcel on August 2, 2022 based on certain findings and conditions; however upon annexation of the site by the City of Visalia, it succeeded to the "rights, duties, and powers" previously held by Tulare County which included the processing of the Contract Cancellation; and

WHEREAS, Initial Study No. 2022-04 was prepared by the City of Visalia which disclosed that no significant environmental impacts would result from this project with the inclusion of mitigation measures; and

WHEREAS, evidence has now been presented to the City of Visalia that all conditions of said tentative cancellation issued by the County of Tulare have been met, including the payment of the cancellation fee that was re-computed following the cancellation of 21.34 acres of Conservation Contract No. 2735 that was successfully protested by the City of Visalia on January 7, 1969 and therefore not subject to cancellation fees.

NOW, THEREFORE, BE IT RESOLVED that a Mitigated Negative Declaration was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines, and was previously adopted for the project that included the alternative land use.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia authorizes the execution of a Certificate of Cancellation for Land Conservation Contract No. 2735 on the subject property, in accordance with the terms of this resolution under the provisions of Sections 51280 through 51287 of the State Government Code.