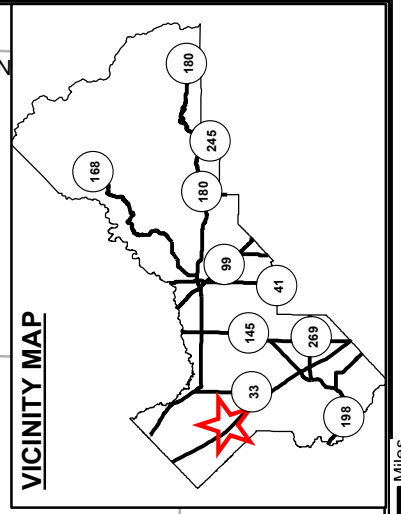
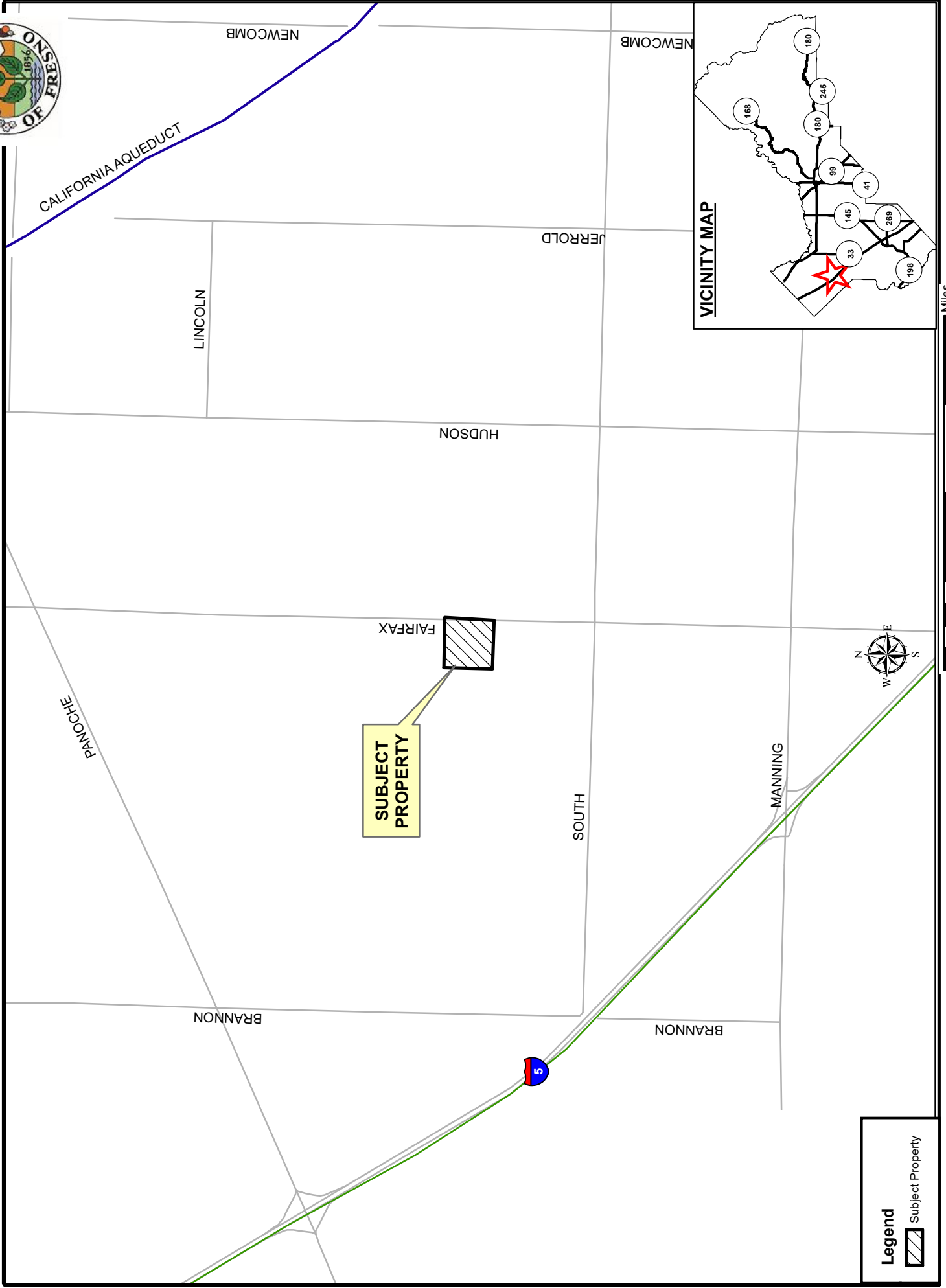


LOCATION MAP

RLCC 1042



Legend

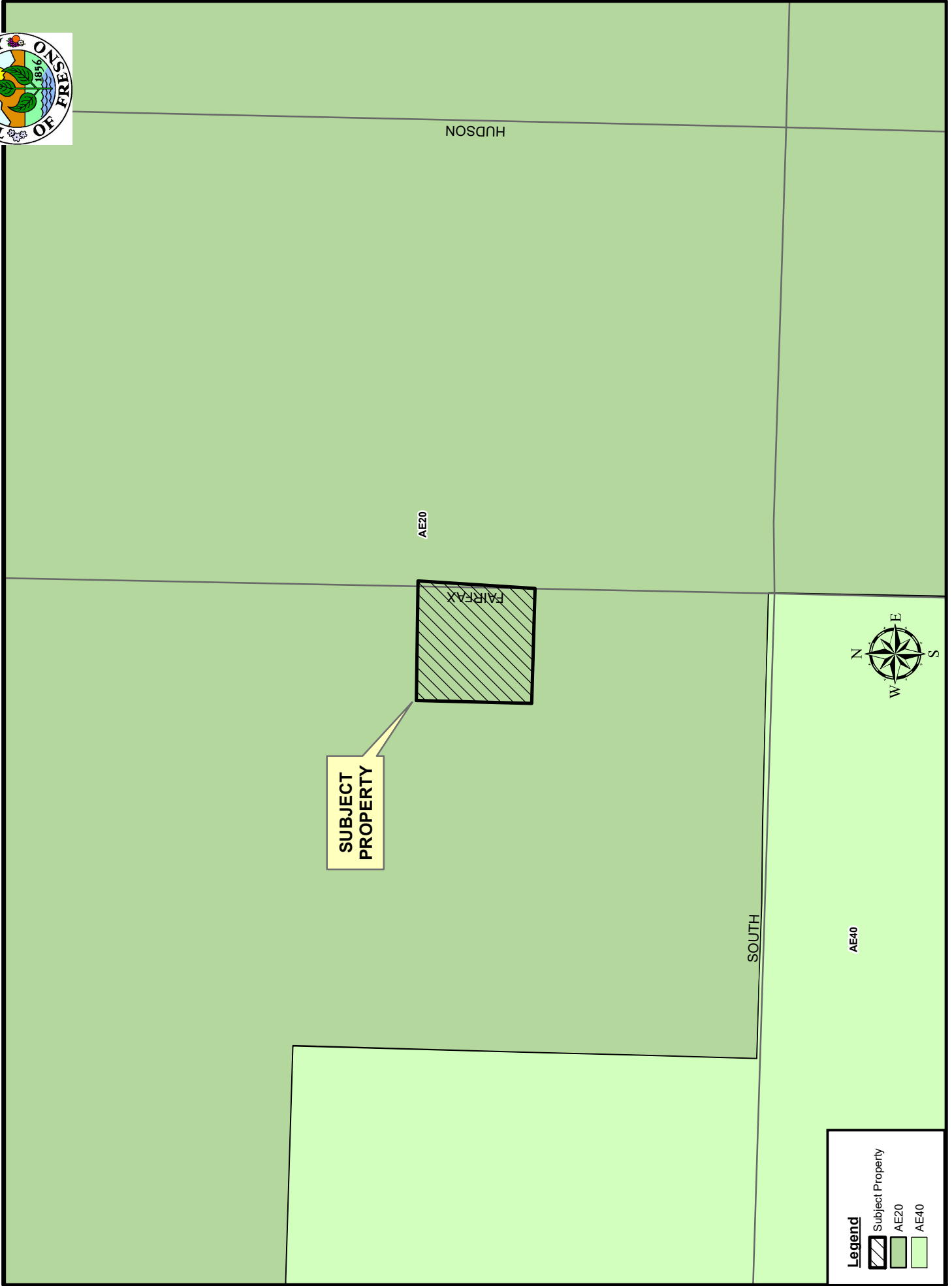
Subject Property



EXISTING ZONING MAP

RLCC 1042

Attachment B



EXISTING LAND USE MAP

RLCC 1042



LEGEND	
FC - FIELD CROP	
ORC - ORCHARD	
V - VACANT	
VIN - VINEYARD	

LEGEND:



Subject Property



Ag Contract Land



Department of Public Works and Planning
Development Services Division

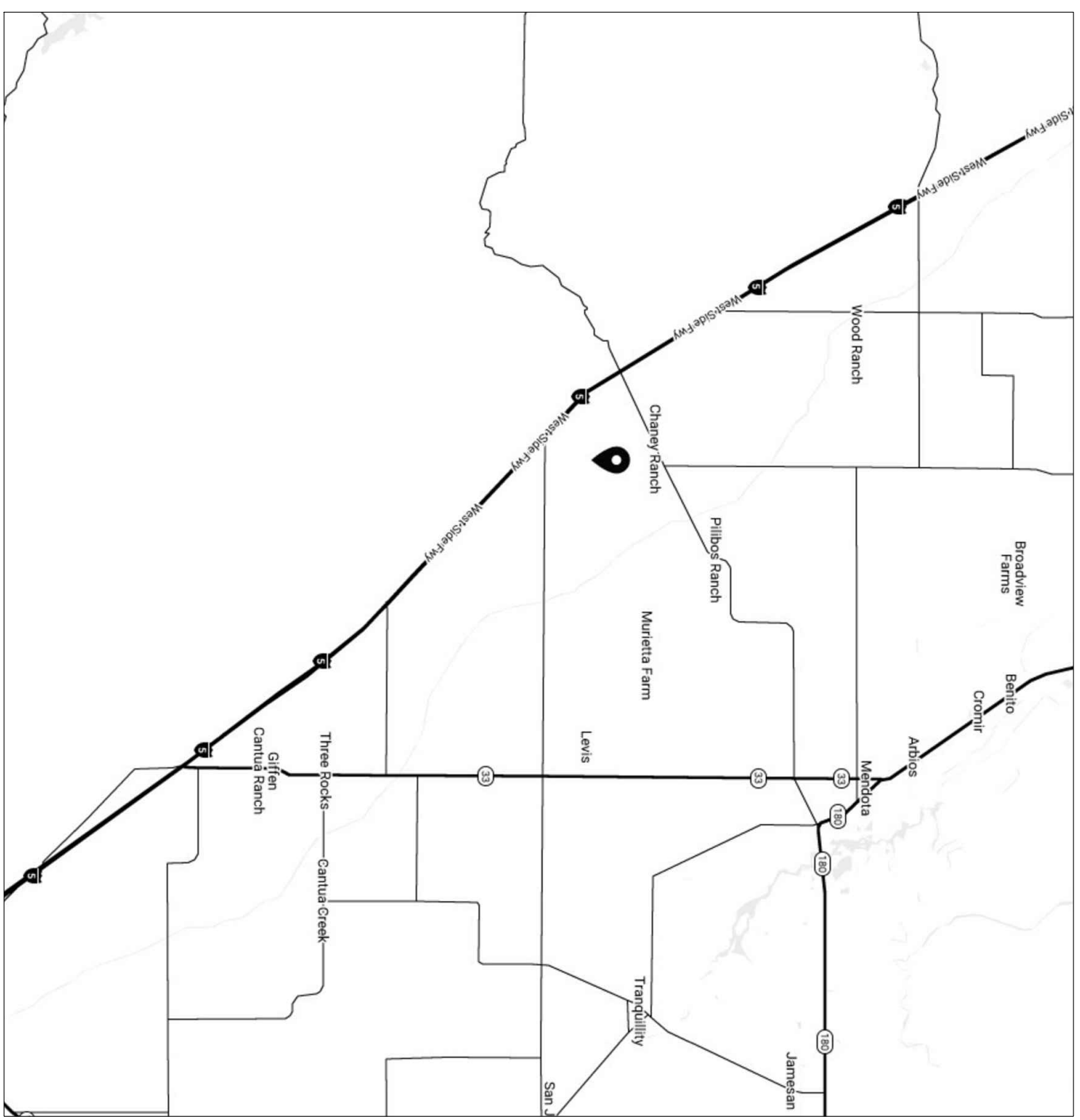
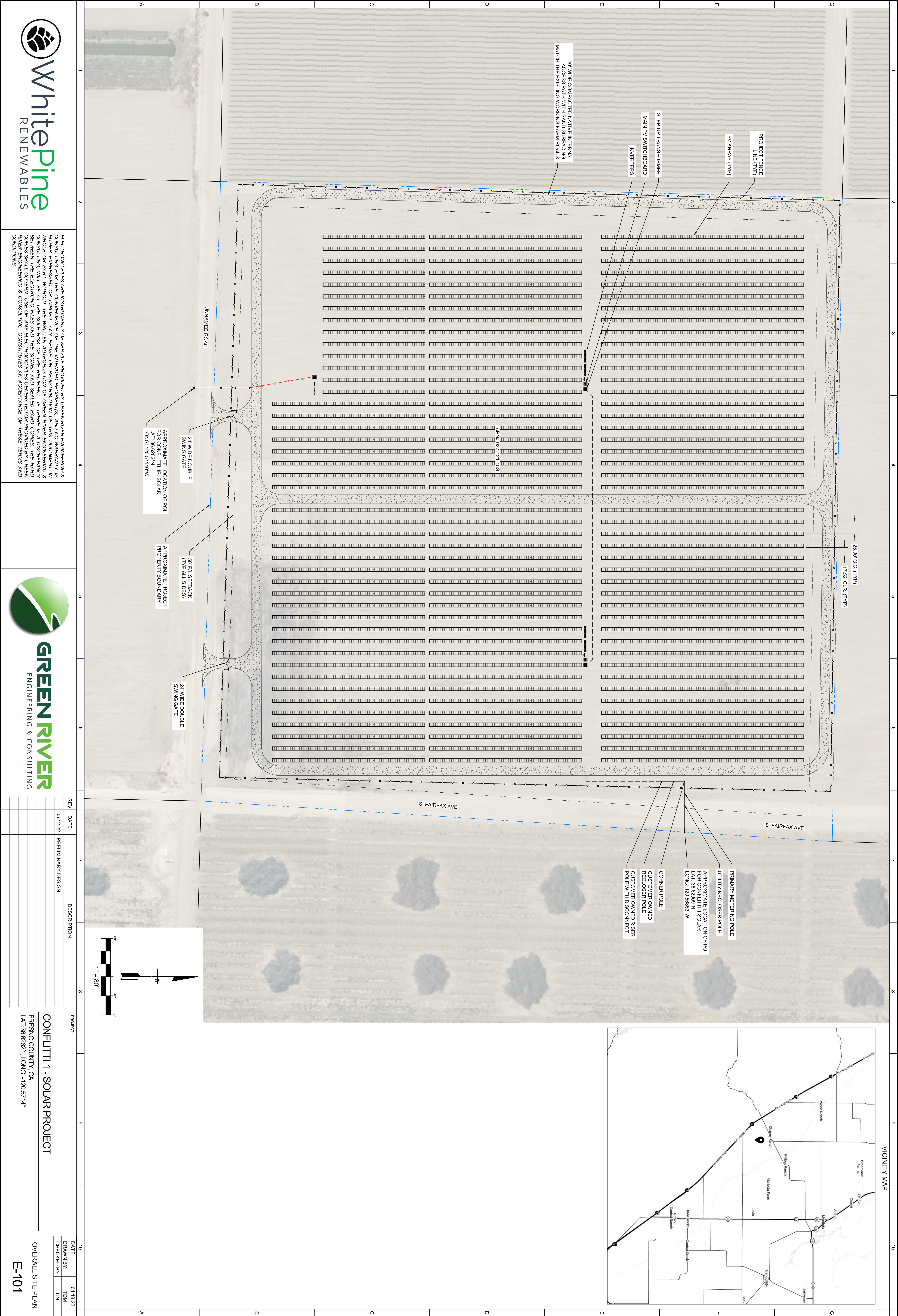


Map Prepared by: GS
G:\4360Devs&P\in\GIS\Maps\Landuse\

Attachment D



Attachment E



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REV	DATE	DESCRIPTION
-	05-12-22	PRELIMINARY DESIGN

DATE	04.18.22
DRAWN BY:	TOM
CHECKED BY:	DN
PROJECT	CONFLITTI 1 - SOLAR PROJECT
LOCATION	FRESNO COUNTY, CA
COORDINATES	LAT: 36.6282° , LONG: -120.5714°
OVERALL SITE PLAN	E-101

Attachment F



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Agricultural Land Conservation Committee Staff Report Agenda Item No. 1 March 8, 2023

SUBJECT: Review and make recommendation to the Board of Supervisors regarding petition for **PARTIAL CANCELLATION OF AGRICULTURAL LAND CONSERVATION CONTRACT NO. 1152 (RLCC NO. 1042)** to remove a 40.00-acre parcel from the Williamson Act program to establish a solar electrical generation facility on the subject parcel as the alternative use. The subject parcel contain soil that is classified as "Grade 2-Good" according to the Natural Resources Conservation Service (NRCS) and therefore, meets the definition of "Prime Agricultural Land" per the Government Code Section 51201(c) (1).

LOCATION: The subject parcel is located on the north side of Manning Avenue, between Interstate 5 and Fairfax Avenue, approximately thirteen miles southwest of the nearest city limits of the City of Mendota (APNs 027-121-15s) (Sup. Dist.1).

OWNER/APPLICANT: Hewitson Limited Partnership

REPRESENTATIVE: Quad Knopf, Inc.

STAFF CONTACT: Jordan Walton, Planner
(559) 600-9668

Mohammad Khorsand, Senior Planner
(559) 600-4230

RECOMMENDATION:

Staff does not believe that Findings No. 2 and No. 3 listed under Government Code Section 51282(b) can be made, and therefore recommends that the Agricultural Land Conservation Committee recommend that the Board of Supervisors deny the petition for partial cancellation of Agricultural Land Conservation Contract No. 1152.

BACKGROUND:

The Agricultural Land Conservation Committee reviews petitions for cancellation of Agricultural Land Conservation Contracts for consistency of the petition with the purposes of the Williamson Act, pursuant to Section 51282(b) of the Government Code, and makes a recommendation to the Board of Supervisors to approve or deny the petition.

A petition for partial cancellation of the Williamson Act Contract No.1152 has been submitted for processing to remove a 40-acre parcel of land from the contract to allow the subject 40-acre parcel to be developed into a solar electrical generation facility as the alternative use. The application is identified as RLCC No.1042.

This petition has been filed in conjunction with Unclassified Use permit (UCUP) Application No. 3742 and associate Initial Study No. 8320, which proposes to allow development of the subject 40-acre parcel into a solar electrical generation facility. The subject parcel is designated as Agricultural land use in the County General Plan and is classified as AE-20 Zone District (Exclusive Agricultural, 20-acre minimum parcel size).

The Williamson Act Program limits land uses on contracted parcels to commercial agricultural operations, compatible uses adopted by the Board of Supervisors, and certain qualified open space uses. The proposed solar facility is not a permitted or a compatible use on land enrolled in the Williamson Act program in Fresno County. Therefore, the applicant has submitted a petition to remove the 40.00-acre project site from the Williamson Act program through the cancellation process.

The 40.00-acre subject parcel is located on the north side of Manning Ave, between Interstate 5 and Fairfax Avenue, approximately thirteen miles southwest of the nearest city limits of the City of Mendota [see Location Map (Exhibit "A"), Existing Zoning Map (Exhibit "B"), Existing Land Use Map (Exhibit "C"), Aerial Photograph (Exhibit "D"), and proposed CUP Site Plan (Exhibit "E")].

DISCUSSION:

The Williamson Act program is a voluntary program whereby private landowners enter into contract with local governments for the purpose of restricting the use of specific parcels of land to commercial agricultural uses for production of food or fiber. Certain land uses may be determined compatible on land enrolled in the Williamson Act program by the local government having jurisdiction over contracted land. In return, landowners receive property tax assessments that are lower than normal because the assessments are based on farming or qualified open space uses rather than the full unrestricted market value of the land. The purpose of the Williamson Act is to provide an incentive to preserve agricultural land for production of food or fiber, at least for the duration of the contract, which is 10 or 20 years depending on the type of contract.

If a landowner desires to change the use of land that is restricted by a Williamson Act contract to uses other than commercial agricultural uses for production of food or fiber, the landowner can exit the contract by filing a Notice of Non-renewal of the contract on the subject parcel. Under this process, the remaining contract term (nine years in the case of an original term of ten years) is allowed to lapse, with the contract expiring at the end of the term. During the Nonrenewal process, the subject land will still be subject to contract restrictions, and the annual tax assessment increases incrementally each year until it is equivalent to unrestricted market value of the land upon expiration date of the contract. This would allow lands that have been placed under contract to continue to be used for production of food or fiber for the nine-year remainder of the contract term and the landowner will benefit from lower property tax assessments.

A Williamson Act contract cancellation is an option under limited circumstances and conditions and the Statute has provided provisions under which petitions for removal of a contract can be considered by the governing body having jurisdiction over the land. Processing a cancellation petition involves a comprehensive review of the petition to determine if a contract should be cancelled to allow immediate establishment of a proposed alternative use, or if the land should remain in agricultural use until the contract on land for which a non-renewed has been recorded expires. Approval of a cancellation petition is discretionary and requires the payment of a fee by the landowner equal to 12.5 percent of the full market value of the property in question.

The proposed petition is being processed under the provisions of Government Code Section 51282(a), which allows a landowner to petition the Board of Supervisors for cancellation of a contract as to all or any part of a parcel and the Board may grant tentative approval for cancellation of the contract if the Board can make all of the findings listed under Government Code Section 51282(b).

Per Government Code Section 51282(b), cancellation of a contract is consistent with the provisions of the Land Conservation Act of 1965 if the Board can make all the findings listed under said Government Code Section. Staff's evaluation of the proposed petition against the required findings are discussed below:

1. *That the cancellation is for land on which a Notice of Nonrenewal has been served pursuant to Section 51245 of the Government Code.*

On January 31, 2023, an executed Notice of Partial Nonrenewal for Williamson Act Contract No. 5834 was accepted by the County Recorder for the 40.00 acres of land petitioned to be removed from the contract through RLCC No. 1042.

Based on the fact stated above, staff believes that Finding No. 1 can be made.

2. *That the cancellation is not likely to result in the removal of adjacent lands from agricultural use.*

As previously mentioned, the soil of the 40.00-acre parcel is classified as "Grade 2-Good" according to the NRCS and is therefore, meets the definition of "Prime Agricultural Land" under Government Code Section 51201(c) (1).

According to the written response to the five required Cancellation Findings provided by the landowner's representative, no water service has been established with the Westlands Water District for the subject 40-acre parcel. However, according to a letter provided by the Westlands Water District, the subject parcel is eligible to receive water from the district's agricultural water service contract.

The parcels surrounding the subject parcel are designated as Agricultural in the County General Plan, are zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size), and are being actively farmed except for an adjoining parcel to the north and an adjoining parcel to the south of the subject parcel.

The subject 40-acre parcel has soil that is qualified as "Prime" and is eligible to receive irrigation water from the Westlands agricultural water service contract and therefore, the

subject parcel is capable of being actively farmed, similar to the surrounding parcels. According to Government Code Section 51282(d), lack of landowner's interest in utilizing the subject for agricultural use is not a sufficient reason for cancellation of the contract on a parcel.

Utility scale solar facilities are uses that are unrelated to farming and other agricultural uses that are allowed in the rural areas of the County that are designated and zoned for agricultural uses. As such, the proposed solar electrical generation facility is not a compatible use in an area of the County that is designated and zoned for intensive farming operations and other agricultural uses. This land use incompatibility could result in cease of farming operation on the surrounding parcels.

Based on the above discussion, staff believes the cancellation of the contract on the subject parcel could result in the removal of adjacent lands from agricultural use, and therefore, Fining No. 2 cannot be made.

3. *That the cancellation is for an alternative use that is consistent with the provisions of the County General Plan.*

The subject parcel is designated as Agricultural in the County General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). The Agricultural and Land Use Element of the County General Plan sets goals and policies promoting long-term conservation of productive agricultural lands.

Goal LU-A. of the Agricultural and Land Use Element of the County General Plan promotes the long-term conservation of productive and potentially- productive agricultural lands and to accommodate agricultural-support services and agriculturally related activities that support the viability of agriculture and further the County's economic development goals.

General Plan Policy LU-A.12 states that in adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.

Development of the subject parcel into a photovoltaic solar electrical generation facility would allow encroachment of an incompatible use in an area designated and zoned for intensive farming and other agricultural related uses. Therefore, the proposed petition in not consistent with this policy.

General Plan Policy LU-A.16 promotes the use of agricultural land preservation programs such as land trusts; conservation easements; Williamson Act contracts; the California Farmland Conservancy Program Fund; transfer of development rights, etc. to improve the competitive capabilities of farms and ranches, thereby ensuring long-term conservation of viable agricultural operations.

The proposed petition is to remove a 40-acre parcel of land that has been enrolled in the Williamson Act since 1970 from the program to develop the parcel

into a photovoltaic solar generation facility. The 40-acre site has Prime soil and has irrigation water available to it to farm the land.

As previously stated, per Government Code Section 51282(d)., lack of landowner's interest in utilizing the subject parcel for agricultural use is not a sufficient reason for cancellation of the contract on a parcel of land. If the landowner is not interested in farming the subject parcel, the parcel could be sold to an individual who is willing to farm the land.

Based on the above discussion, staff believes the proposed alternative use is not consistent with the County General Plan Goal LU-A. and policies LU-A.12 and LU-A.16 and therefore, Finding No. 3 cannot be made.

4. *That the cancellation will not result in discontinuous patterns of urban development.*

The existing 40.00-acre parcel is located approximately thirteen miles southwest of the nearest city limits of the City of Mendota. The proposed petition to remove the subject 40-acre parcel from the Williamson Act contract to develop the site into a photovoltaic solar electrical generation facility will not result in a *discontinuous* pattern of urban development.

Based on the above discussion, staff believes Finding No. 4 can be made.

5. *That there is no proximate non-contracted land that is both available and suitable for the use to which it is proposed that the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.*

Staff generated a list of non-contracted parcels approximately 40.00 acres in size located within a 5-mile radius of the subject parcel and utilized online tools to determine whether the parcels are for sale. In this case, none of the approximately 40.00-acre parcels were for sale.

Based on staff's research, none of the non-contracted parcels of similar size were available for the alternative use, and therefore Finding No. 5 can be made.

ENVIRONMENTAL DETERMINATION:

Initial Study (IS) No. 8320 prepared for UCUP No. 3742 addresses the potential environmental impacts associated with the cancellation of the Williamson Act contract on the subject parcel. The IS has been completed and was circulated for agency review on June 20, 2022 and is provided to the Committee with this staff report.

OTHER REVIEWING AGENCIES:

County staff sent the proposed cancellation petition to the County Assessor's office for determination of the Cancellation Fee for the 40.00 acres subject to the proposed petition. The Cancellation Fee as determined by the Assessor's office is \$43,750.

CONCLUSION:

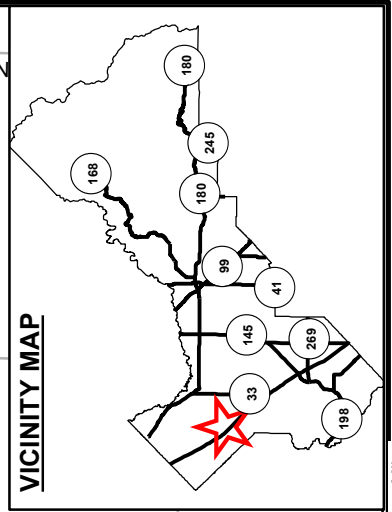
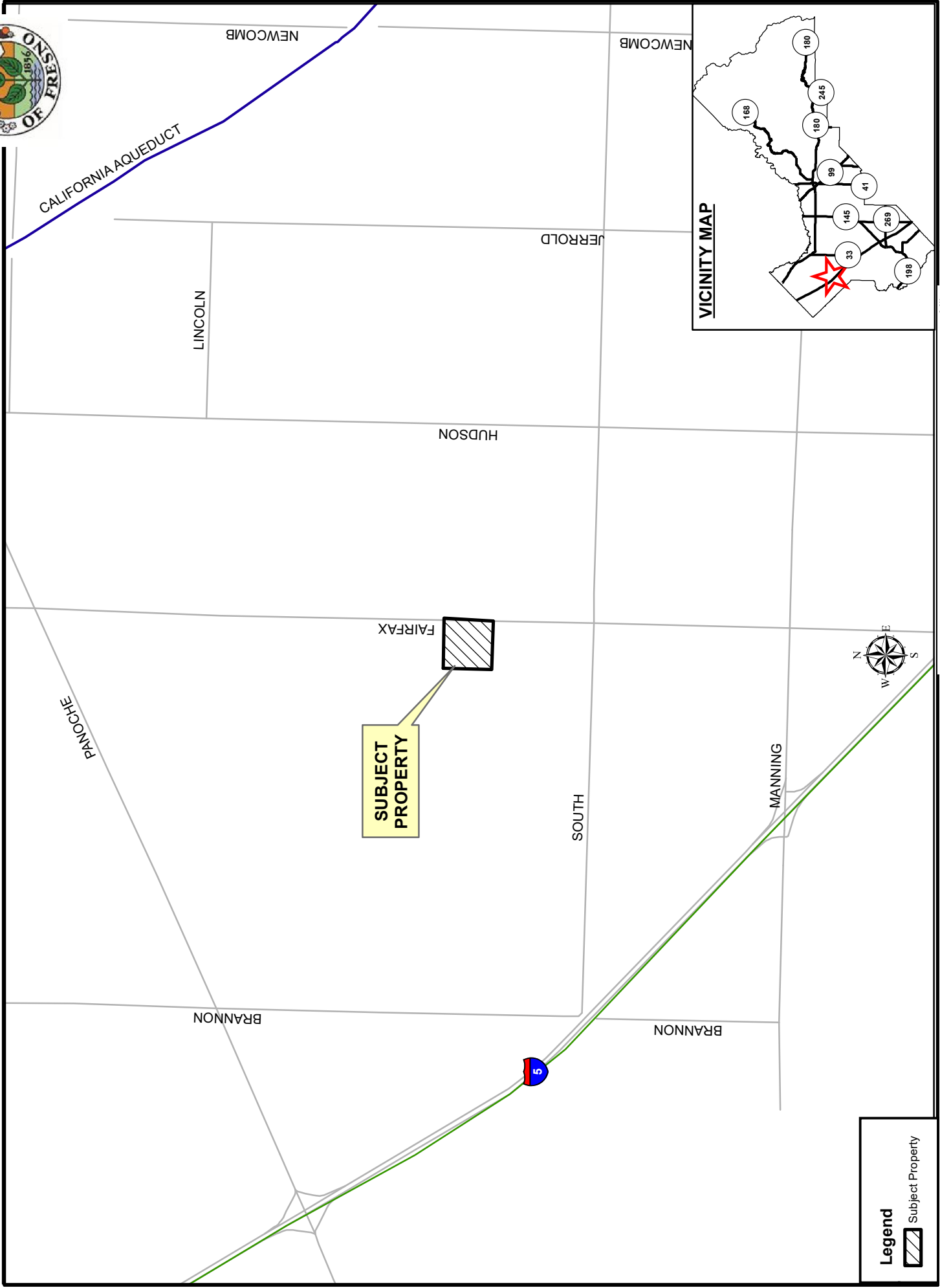
Based upon staff's analysis of the proposed cancellation petition against the Findings listed under Government Code Section 51282(b), staff does not believe that Findings No. 2 and No. 3 can be made and therefore, recommends that the Agricultural Land Conservation Committee recommend that the Board of Supervisors deny the petition for partial cancellation of Agricultural Land Conservation Contract No. 1152.

However, if the Committee believes that all of the required Findings under Government Code Section 51282(b) can be made, the Committee needs to articulate how Findings No. 2 and No. 3 can be made and may recommend that the Board of Supervisors approve the cancellation of Agricultural Land Conservation Contract No. 1152, subject to the following conditions:


1. The landowner shall obtain the necessary land use approvals, including Unclassified Conditional Use Permit No. 3742, to construct and operate a photovoltaic solar electrical generation facility on the subject parcel.
2. The applicant shall pay the Cancellation Fee in the amount of \$43,750.00 as determined by the County Assessor and certified by the Board of Supervisors for issuance of a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid, and a Certificate of Cancellation issued prior to issuance of any grading or building permit for the photovoltaic electrical generation facility. If the Cancellation Fee is not paid within one year of issuance of the Tentative Certificate of Cancellation, the Cancellation Fee must be re-computed by the Assessor's Office and re-certified by the Board of Supervisors

LOCATION MAP

RLCC 1042



Legend

 Subject Property

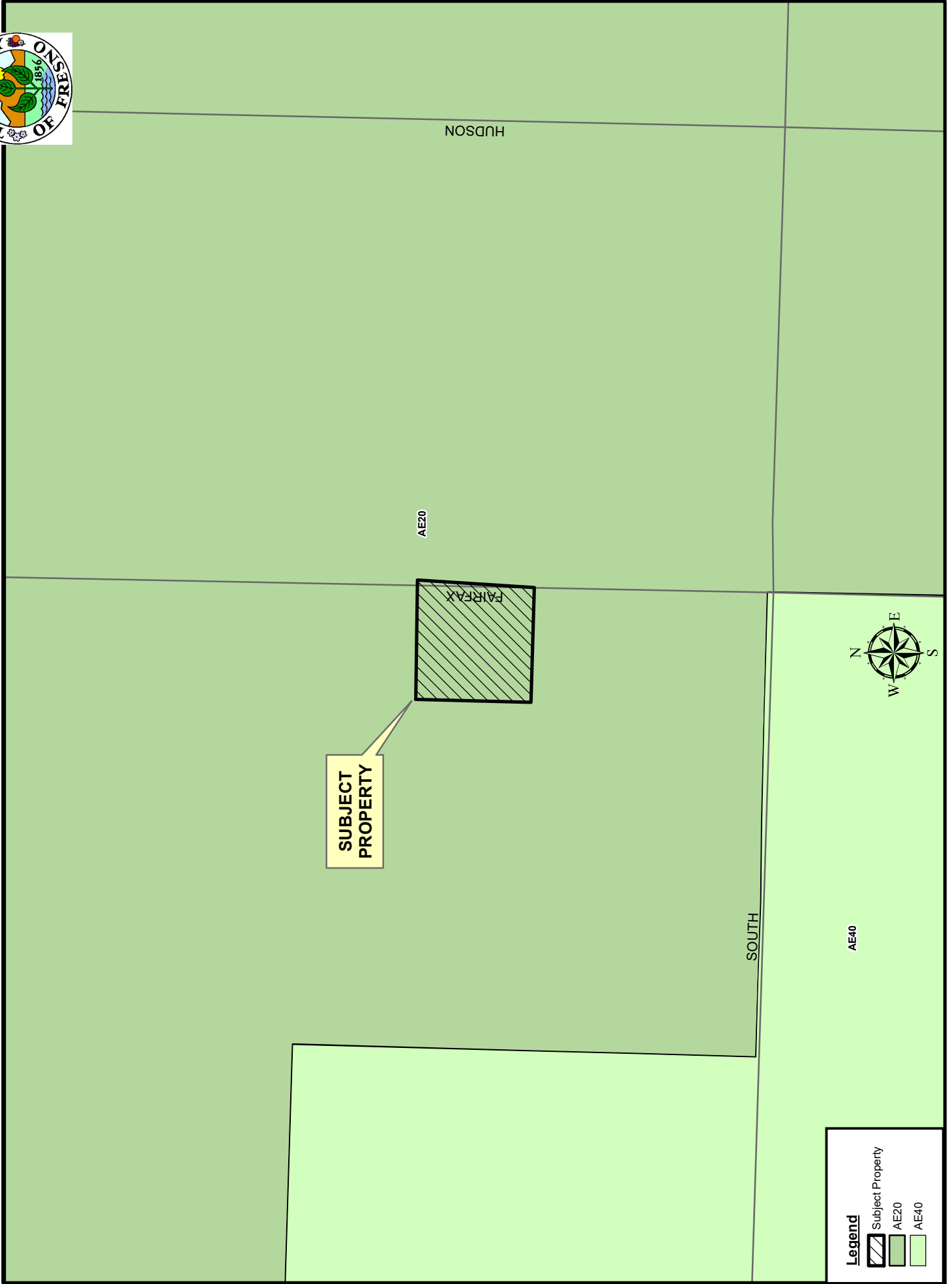


EXISTING ZONING MAP

RLCC 1042



Exhibit "B"



EXISTING LAND USE MAP

RLCC 1042



LEGEND	
FC - FIELD CROP	
ORC - ORCHARD	
V - VACANT	
VIN - VINEYARD	

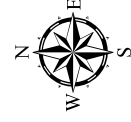
LEGEND:



Subject Property



Ag Contract Land



Department of Public Works and Planning
Development Services Division



Exhibit "D"



Exhibit "E"

