



Board Agenda Item 10

DATE: January 28, 2025

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Partial Cancellation of Agricultural Land Conservation Contract No. 162 (RLCC No. 1052 - James Heisdorf)

RECOMMENDED ACTION(S):

1. **Consider and approve petition for partial cancellation of Agricultural Land Conservation Contract (Williamson Act Contract) No. 162 filed by James Heisdorf (Applicant), to remove a 60-acre portion of a 123-acre parcel from the Williamson Act Contract to allow the 60-acres to be developed into three separate 20-acre parcels for residential development; and**
2. **If your Board is able to make all five required findings listed under Government Code Section 51282(b), take the following actions:**
 - a) **Adopt the Negative Declaration prepared for Initial Study No. 8239;**
 - b) **Adopt and authorize the Chairman to execute Resolution authorizing partial cancellation of Agricultural Land Conservation Contract No. 162; and**
 - c) **Authorize the Chairman to execute the Certificate of Tentative Cancellation and approve recording the Certificate of Cancellation when all contingencies and conditions included in the Certificate of Tentative Cancellation have been satisfied.**

The subject parcel is located on the north side of Millerton Road, 1.21-miles east of Auberry Road, approximately 6.8-miles east of the community of Friant. (APN: 138-061-16) (10836 Millerton Rd.) (Sup. Dist. 5).

This petition for partial contract cancellation was filed in conjunction with Variance Application (VA) No. 4142 and associated Initial Study No. 8239, which proposes to allow the creation of three 20-acre substandard parcels from a 123-acre parcel for residential use. The subject parcel is located in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District and is designated as Eastside Rangeland in the Fresno County adopted Sierra North Regional Plan. The petition is assigned Revision to Land Conservation Contract (RLCC) No. 1052. This item pertains to a location in District 5.

VA No. 4142 was approved by the Planning Commission at their regularly scheduled November 14, 2024 meeting. In order for the applicant to be able to divide the 60-acre portion of the 123-acre parcel, the cancellation of the contract must be approved by your Board.

The County's adopted guidelines for the Williamson Act program set minimum parcel sizes of 40-acres for land classified as Non-Prime. These adopted minimum parcel sizes for soil quality are reflected by the subject parcel's Zone District and Land Use Designation of, AE-40 and Eastside Rangeland. The

designation of Eastside Rangeland is for land that is primarily used for grazing and similar agricultural uses that require parcels that are 40-acres or larger in size.

Should your Board determine that all five required cancellation findings can be made, the proposed petition can be approved subject to the following condition:

The Applicant shall pay the Cancellation Fee in the amount of \$56,250.00 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 approval of the Parcel Map to create the three proposed 20-acre parcels. If the Cancellation Fee is not paid within one year of issuance of the Certificate of Tentative Cancellation, the Cancellation Fee must be re-computed by the Assessor's Office and re-certified by the Board of Supervisors.

ALTERNATIVE ACTION(S):

If your Board determines that any of the required findings cannot be made, your Board must deny the partial cancellation of Agricultural Land Conservation Contract No. 162.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The applicant paid the application fee of \$3,290.00 for the cost of processing the cancellation petition.

DISCUSSION:

The Williamson Act program limits land uses on contracted parcels to commercial agricultural operations and certain compatible uses adopted by the Board of Supervisors. The County's Williamson Act Guidelines require parcels to have at least 20 acres of prime soil and an active agricultural operation or at least 40 acres of non-prime soil and an active agricultural operation to be eligible to remain enrolled in the Williamson Act program. The three proposed 20-acre parcels do not meet the minimum parcel size for parcels with soil designated as non-prime to be enrolled in the Williamson Act program. Therefore, the applicant has submitted a petition to remove the 60-acre portion of the 123-acre parcel from the Williamson Act program through the cancellation process.

Attachment A is a location map of the subject parcel, Attachment B depicts the zoning of the subject parcel and surrounding area, Attachment C depicts the existing land use of the subject parcel and surrounding parcels, Attachment D is an aerial photograph of the subject parcel, Attachment E is the site plan provided for VA No. 4142, and Attachment F is the Assessor Memo regarding the cancellation fee.

Although staff was unable to make all the required findings for VA No. 4142 at its November 14, 2024 Planning Commission meeting, the Planning Commission was able to make the required findings and approved VA 4142. In regards to this item, and based in part on the Commission's approval of VA 4142, staff is able to make all five required findings as set forth by Government Code Section 51282(b).

REQUIRED FINDINGS:

The proposed petition is being processed under the provisions of Government Code Sections 51282(a)(1) and 51282(b), which allows your Board to grant tentative approval for cancellation of a contract if your Board can make all of the findings listed under Government Code, Section 51282(b).

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

An executed Notice of Nonrenewal for Williamson Act Contract No. 162 was accepted by the County Recorder on May 20, 2024, and was assigned Document No. 2024-0044487. Said Nonrenewal is for the 60-acres associated with RLCC 1052.

Based on the above discussion, staff was able to make Finding No. 1.

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

Adjacent parcels to the east and west are utilized as grazing land and are under Williamson Act Contract and would need to submit for and receive approval of a variance to establish a substandard parcel size as was authorized with the subject application. Parcels adjacent to the north and south are designated as Low Density Residential in the County adopted Sierra North Regional Plan and are not used for any agricultural uses. As such this petition is unlikely to result in the removal of adjacent lands from agricultural use.

Based on the above discussion staff was able to make Finding No. 2.

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

The Planning Commission at their November 14, 2024, meeting determined that VA No. 4142 to authorize a substandard parcel size for the subject property was consistent with the policies and provisions of the County General Plan. As an extension of this determination based on the Commission's findings, staff believes that the cancellation for an alternative use is consistent with the provisions of the General Plan.

Based on the discussion above, staff was able to make Finding No. 3.

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

The existing 123-acre parcel is located on the north side of Millerton Rd., 1.21-miles east of Auberry Rd. and 6.8-miles east from the community of Friant. The proposal to create three substandard parcels in and of itself does not constitute a pattern of discontinuous urban development.

Based on the above discussion, staff was able to make Finding No. 4.

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.*

County staff generated a list of non-contracted parcels of approximately the same size as the proposed substandard parcels and 60-acre cancellation area located within a five-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 same size parcels within a five-mile radius were available for sale.

Based on the discussion above, staff was able to make Finding No. 5

ENVIRONMENTAL DETERMINATION:

Initial Study (IS) No. 8239 prepared for VA Application No. 4142 addresses potential environmental impacts associated with the cancellation of the contract. The IS was completed and circulated for public review on October 8, 2024, and is included in the agenda packet as Attachment "G" along with the draft Negative Declaration.

PUBLIC HEARING NOTICE:

Landowners subject to a Williamson Act contract within one-mile of the subject parcel were provided notice of today's hearing per Government Code Section 51284. The notice was also published in the Fresno Business Journal, which is a newspaper of general circulation.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - G

On file with Clerk - Resolution

On file with Clerk - Certificate of Tentative Cancellation

CAO ANALYST:

Salvador Espino