

16-1223

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF)
AGRICULTURAL LAND)
CONSERVATION CONTRACT)
NO. 5204

RESOLUTION APPROVING PARTIAL
CANCELLATION OF AGRICULTURAL
LAND CONSERVATION CONTRACT NO.
5204 (RLCC NO. 974)

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 5204 was entered into between John N. Muniz and Rose R. Muniz and the County of Fresno, recorded on February 21, 1973, as Instrument Number 16728, Book 6130, Pages 200 to 202 in the Official Records of Fresno County, California, and

WHEREAS, Eriksson LLC has submitted a petition to the Board of Supervisors to remove an approximately 40.20-acre parcel subject to the Contract for establishment of a commercial pistachio huller and processing facility as the alternate use; and

WHEREAS, the Planning Commission has approved a Conditional Use Permit application (CUP No. 3505) to allow establishment of a commercial pistachio huller and processing facility as the alternate use on a 40.20-acre parcel in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District; and

WHEREAS, the Agricultural Land Conservation Committee, at a public hearing held on July 6, 2016, considered the petition and recommended approval of the cancellation petition to the Board of Supervisors; and

WHEREAS, the Board of Supervisors considered the petition at a public hearing held on October 11, 2016, and at the conclusion of the public hearing

1 approved the petition based on its ability to make the five Consistency Findings listed
2 under Section 51282(b) of the Government Code as follows:

3 1. That the cancellation is for land on which a Notice of Nonrenewal has
4 been recorded; pursuant to Section 51245 of the Government Code; and

5 2. That the cancellation is not likely to result in the removal of adjacent
6 lands from agricultural use; and

7 3. That the cancellation is for an alternate use that is consistent with the
8 provisions of the County General Plan; and

9 4. That the cancellation will not result in discontinuous patterns of urban
10 development; and

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

15 WHEREAS, in accordance with Section 51283(b) of the Government Code,
16 the County Assessor has certified the valuation of land subject to this cancellation
17 petition to this Board for determination of the Cancellation Fee; and

18 WHEREAS, this Board has certified the Cancellation Fee to be in the amount
19 of \$70,000.00; and

20 WHEREAS, in accordance with Section 51284.1(d) of the Government Code,
21 the Board has considered the comments of the Department of Conservation ("DOC")
22 submitted in a letter dated June 7, 2016, pertinent to this petition.

23 NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors
24 hereby finds that all of the Consistency Findings listed under Section 51282(b) of the
25 Government Code can be made for this cancellation of said Contract as to a 40.20-
26 acre parcel under ALCC No. 5204; and

27 BE IT FURTHER RESOLVED, that the cancellation of this Contract be and is
28 hereby approved for a 40.20-acre parcel from ALCC No. 5204 as described on the

1 attached legal description (Exhibit "A"), subject to the following conditions:

2 1. The landowner shall obtain the necessary land use approvals, including
3 a Conditional Use Permit (CUP) to establish the proposed pistachio huller and
4 processing facility on the subject property.

5 2. The applicant shall pay the Cancellation Fee in the amount of \$70,000
6 as determined by the County Assessor and certified by the Board of Supervisors for
7 issuance of a Certificate of Cancellation by the Board. If the Fee is not paid within
8 one year of issuance of the Tentative Certificate of Cancellation, the Fee shall be
9 recomputed by the Assessor's Office and certified by the Board of Supervisors. The
10 Cancellation Fee shall be paid and a Certificate of Cancellation issued prior to
11 commencement of the CUP including issuance of any grading or construction
12 permits.

13 BE IT FURTHER RESOLVED, that the Chair is authorized to execute a
14 Certificate of Tentative Cancellation, and upon satisfaction of Conditions of Approval
15 stated above to execute a Certificate of Cancellation of ALCC No. 5204.

1 THE FOREGOING was passed and adopted by the following vote of the
2 Board of Supervisors of the County of Fresno this 11th day of October, 2016, to-wit:

3 AYES: Supervisors Borgeas, Mendes, Pacheco, Perea, Poochigian,

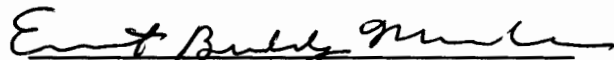
4 NOES: None

5 ABSENT: None

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Ernest Buddy Mendes
CHAIRMAN, Board of Supervisors

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ATTEST:

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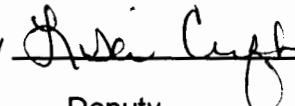
BERNICE E. SEIDEL

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Clerk, Board of Supervisors

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By 
Deputy

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Agenda Item #8

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Resolution No. 16-402

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