

AFTER RECORDING,
RETURN TO STOP #214
DEV. SERV. / POLICY PLANNING UNIT
Attn: John Adams

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

IN THE MATTER OF)
AGRICULTURAL LAND)
CONSERVATION CONTRACT)
NO. 7089

RESOLUTION APPROVING PARTIAL
CANCELLATION OF AGRICULTURAL
LAND CONSERVATION CONTRACT NO.
7089 (RLCC NO. 975)

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 7089 was entered into between Randy Castiglione and Donna Castiglione and the County of Fresno, recorded on February 24, 1984, as Instrument Number 84018217 in the Official Records of Fresno County, California, and

WHEREAS, ALCC No. 7089 was succeeded to by Gabrielson Ranch, a California General Partnership; and

WHEREAS, Gabrielson Ranch (Applicant) has submitted a petition to the Board of Supervisors to remove an approximately 0.45-acre portion of a 38.44-acre parcel subject to the Contract to allow the expansion of an existing barrel cooperage operation; and

WHEREAS, the Applicant proposes to cancel a 0.45-acre portion of the property in order to utilize the area for industrial uses, while the remaining approximately 38 acres will continue to be farmed; and

WHEREAS, the current industrial use on the 0.45-acre portion of the parcel is inconsistent with the Agricultural land use designation and AE-20 Zone District; and

WHEREAS, the Applicant has submitted applications to change the land use

1 designation of the 0.45-acre portion of the parcel from Agricultural to Limited
2 Industrial and to change the zoning from AE-20 to M-1 (Light Manufacturing District);
3 and

4 WHEREAS, the use of the subject parcel for industrial uses will be consistent
5 with the General Plan once the proposed changes in the land use designation and
6 zoning of the area is approved; and

7 WHEREAS, Cancellation of the contract is required on a 0.45-acre portion of
8 the parcel that will be utilized for industrial uses; and

9 WHEREAS, the Agricultural Land Conservation Committee, at a public hearing
10 held on December 7, 2016, considered the petition and the public testimony and
11 recommended approval of the cancellation petition to the Board of Supervisors; and

12 WHEREAS, the Board of Supervisors considered the petition at a duly noticed
13 public hearing held on April 25, 2017, and at the conclusion of the public hearing
14 approved the petition based on its ability to make the five Consistency Findings listed
15 under Section 51282(b) of the Government Code as follows:

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

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

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

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

24 5. That there is no proximate, non-contracted land which is both available
25 and suitable for the use to which it is proposed that the contracted land be put, or that
26 development of the contracted land would provide more contiguous patterns of urban
27 development than development of proximate non-contracted land; and
28

1 WHEREAS, in accordance with Section 51283(b) of the Government Code,
2 the County Assessor has certified the cancellation valuation to this Board for
3 determination of the Cancellation Fee; and

4 WHEREAS, this Board has determined the Cancellation Fee to be in the
5 amount of \$2,500.00; and

6 WHEREAS, in accordance with Section 51284.1(d) of the Government Code,
7 the petition was forwarded to the Department of Conservation (Department) on
8 October 7, 2016; and

9 WHEREAS, staff did not receive comment from the Department to be
10 considered by the Board.

11 NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby
12 finds that all of the Consistency Findings listed under Section 51282(b) of the
13 Government Code can be made for this cancellation of said Contract as to an
14 approximately 0.45-acre portion of a 38.44-acre parcel from ALCC No. 7089; and

15 BE IT FURTHER RESOLVED, that the cancellation of this Contract be and is
16 hereby approved for an approximately 0.45-acre portion of a 38.44-acre parcel from
17 ALCC No. 7089 as described on the attached legal description (Exhibit "A"), subject
18 to the following conditions:

19 1. The landowner shall obtain the necessary land use approvals, including a
20 General Plan Amendment, a zone change application, and a Property Line
21 Adjustment application; and

22 2. The applicant shall pay the Cancellation Fee in the amount of \$2,500.00 as
23 determined by the County Assessor and certified by the Board of Supervisors for
24 issuance of a Certificate of Cancellation by the Board. The Cancellation Fee shall be
25 paid and a Certificate of Cancellation issued prior to recording the Property Line
26 Adjustment or issuance of any grading or construction permits; and

27 ///

28 ///

1 BE IT FURTHER RESOLVED, that the Chair is authorized to execute a
2 Certificate of Tentative Cancellation, and upon satisfaction of Conditions of Approval
3 stated above to execute a Certificate of Cancellation of ALCC No. 7089.

4
5 AYES: Supervisors Borgeas, Magsig, Mendes, Pacheco, Quintero

6 NOES: None

7 ABSENT: None

8
9 

10 _____
11 Brian Pacheco, Chairman
Board of Supervisors

12 ATTEST:
13 Bernice E. Seidel, Clerk
Board of Supervisors

14
15 By  _____
16 Deputy

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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

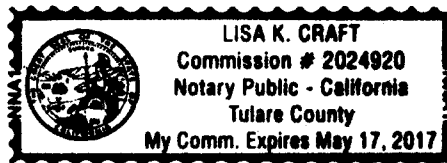
County of Fresno

On April 25, 2011 before me, Lisa K. Craft Notary Public
(insert name and title of the officer)

personally appeared Brian Pacheco,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in
his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Lisa K. Craft (Seal)

EXHIBIT 'A'
Legal Description for Rezone from AE-20 to M-1

That portion of Parcel 2 of Parcel Map No. 4530 according to the map thereof filed in Book 30 of Parcel Maps at Page 30, Fresno County Records.

Beginning at the southwest corner of Parcel 2 of Parcel Map 7465 according to the map thereof filed in Book 55 of Parcel Maps at Page 100, Fresno County Records;

Thence along the south line of said Parcel Map 7465, North 89°59'03" East, a distance of 95.18 feet;

Thence at a right angle, South 00°00'57" East, a distance of 134.00 feet;

Thence parallel with said south line, South 89°59'03" West, a distance of 147.00 feet;

Thence at a right angle, North 00°00'57" West, a distance of 134.00 feet to the south line of said Parcel Map 7465;

Thence along said south line, North 89°59'03" East, a distance of 51.82 feet to the Point of Beginning.

