



Board Agenda Item 43

DATE: October 31, 2017

TO: Board of Supervisors

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

SUBJECT: Certification of Re-Computed Cancellation Fee for Partial Cancellation of
Agricultural Land Conservation Contract No. 1387 (RLCC No. 892)

RECOMMENDED ACTIONS:

- 1. Adopt Resolution certifying the re-computed Cancellation Fee for partial cancellation of Agricultural Land Conservation Contract 1387 as determined by the County Assessor's Office per Government Code Section 51283.4; and**
- 2. Authorize the Chairman to sign the Certificate of Tentative Cancellation and approve recordation of the Certificate of Cancellation at such time as all Conditions included in the Certificate of Tentative Cancellation have been satisfied.**

Approval of the recommended actions would facilitate removal of 318.18 acres of non-prime agricultural land from the Williamson Act Program. On November 15, 2011, the Board of Supervisors (Board) approved partial cancellation of Agricultural Land Conservation Contract No. 1387 to allow development of a solar facility on the subject parcel. However, the applicant did not pay the Cancellation Fee in a timely manner which resulted in the need to recalculate the cancellation fee. The result of the recalculation is an increase of \$119,375. The subject site is located south of Kamm Avenue between S. Butte and S. Lake Avenues, approximately six miles south of the City of San Joaquin (APN: 040-080-15s).

ALTERNATIVE ACTION:

No alternative action is available if the contract is to be cancelled and the site developed as approved. The re-computed cancellation fee must be certified by the Board to allow a Certificate of Cancellation to be recorded, after the Cancellation Fee is paid.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The applicant paid the County the fee of \$374 to process the certification of the re-computed cancellation fee.

DISCUSSION:

On November 15, 2011, the Board adopted a Resolution authorizing partial cancellation of Agricultural Land Conservation Contract No. 1387 filed by GSNA 6P, LLC (GA Solar), based on the ability to make the Public Interest Findings listed under Government Code Section 51282 (c) and authorized the recordation of a Certificate of Tentative Cancellation and the recordation of a Certificate of Cancellation at such time as all Conditions included in the Certificate of Tentative Cancellation were satisfied.

The Certificate of Tentative Cancellation approved by the Board in 2011, was subject to the following Conditions:

1. The landowner shall obtain the necessary land use entitlements including a Conditional Use Permit to permit a facility for solar electrical power generation.
2. The applicant shall pay the Cancellation Fee in the amount of \$318,125 in order for a Certificate of Cancellation to be issued by the Board of Supervisors. If the Fee is not paid within one year of issuance of the Tentative Certificate of Cancellation, the Fee shall be re-computed by the Assessor and certified by the Board. The Cancellation Fee shall be paid and a Certificate of Cancellation issued prior to issuance of grading or construction permits.

The applicant did not pay the Cancellation Fee in the amount of \$318,125 within one year of issuance of the Certificate of Tentative Cancellation. Therefore, per Government Code Section 51283.4, the Cancellation Fee must be re-computed by the Assessor's office and certified by the Board. Based on the applicant's request, the Assessor's office has re-computed the Cancellation Fee which is in the amount of \$437,500. Per the Assessor's office, the increase of the Cancellation Fee is mainly attributed to the availability of comparable sales of agricultural land for solar electrical generation facilities.

The application to establish the solar facility was originally approved by the Planning Commission on November 3, 2011. On December 17, 2015, the Planning Commission approved the third one-year time extension to the Unclassified Conditional Use Permit (UCUP) Application No. 3291. The approved time extension allows the applicant until November 3, 2016, to complete the project. The Planning Commission may grant up to a maximum of 4 one-one year time extensions.

REFERENCE MATERIAL:

BAI #65, May 24, 2016
BAI #12, November 15, 2011

ATTACHMENTS INCLUDED AND/OR ON FILE:

On File with Clerk - Resolution
On File with Clerk - Certificate of Tentative Cancellation

CAO ANALYST:

John Hays