County of Fresno

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Legislation Details (With Text)

File #:	17-0335	**Name:**	Partial Cancellation of ALCC No. 7089 (RLCC No. 975) Gabrielson Ranch
		In control:	Public Works & Planning
On agenda:	4/25/2017	**Final action:**	4/25/2017
Enactment date:		**Enactment #:**	Resolution No. 17-258

Title: Adopt Resolution authorizing partial Cancellation of Agricultural Land Conservation Contract No. 7089 filed by Gabrielson Ranch, based on the ability to make the five Consistency Findings listed under Government Code Section 51282 (b); and authorize Chairman to sign Certificate of Tentative Cancellation and approve recordation of Certificate of Cancellation at such time as all conditions included in Certificate of Tentative Cancellation have been satisfied

Sponsors: Mohammad Khorsand

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Exhibits A-E, 3. Resolution No. 17-258, 4. Certificate of Tentative Cancellation

Date	Ver.	Action By	Action	Result
4/25/2017	1	Board of Supervisors	Conducted Hearings	Pass

DATE: April 25, 2017

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. 7089 (RLCC No. 975) - Gabrielson Ranch

RECOMMENDED ACTION(S):

1. **Adopt Resolution authorizing partial Cancellation of Agricultural Land Conservation Contract No. 7089 filed by Gabrielson Ranch, based on the ability to make the five Consistency Findings listed under Government Code Section 51282 (b); 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.**

The applicant has filed a petition for cancellation of Agricultural Land Conservation Contract (ALCC) No. 7089 in conjunction with General Plan Amendment (GPA) Application No. 548 and Amendment Application (Rezone Application) No. 3818. Approval of the recommended actions will remove a 0.45-acre portion of a 38.44-acre parcel with Prime soil classification from the Williamson Act program to allow the expansion of an existing barrel cooperage operation located on an adjacent industrially-zoned parcel.

The subject property is located on the south side of East Central Avenue between South Sunnyside and South Fowler Avenues approximately 2.1 miles north of the City of Fowler. (See Location Map Exhibit A, Zoning Map Exhibit B, Existing Land Use Map Exhibit C, Aerial Image Exhibit D and Site Plan Exhibit E) (APN 331-050-

58).

This item comes to the Board with a recommendation for approval by the Agricultural Land Conservation Committee, subject to the following conditions:

1. The landowner shall obtain the necessary land use approvals, including a General Plan Amendment, a rezone application, and a Property Line Adjustment application.

2. The applicant shall pay the Cancellation Fee in the amount of $2,500 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 recording the Property Line Adjustment map or issuance of any grading or construction permits.

ALTERNATIVE ACTION(S):

Determine that the required findings cannot be made and deny the cancellation.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The applicant paid the County a fee of $3,290 to process the petition.

DISCUSSION:

The applicant, Gabrielson Ranch, has filed a petition for cancellation of Agricultural Land Conservation Contract (ALCC) No. 7089. Approval of the recommended actions will remove a 0.45-acre portion of a 38.44-acre parcel with Prime soil classification from the Williamson Act program to allow the expansion of an existing barrel cooperage operation.

A landowner may petition the Board of Supervisors for cancellation of any contract as to all or any part of the contracted land. The Board may grant tentative approval for cancellation of a contract only if it makes one of the following findings (Government Code Section 51282. (a):

(1) That the cancellation is consistent with the purposes of the Williamson Act.
(2) That the cancellation is in the public interest.

Cancellation of a contract is consistent with the purposes of the Williamson Act if the Board makes all of the five findings listed in Government Code Section 51282. (b).

Staff's analysis of the proposal against the required Findings is as follows:

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

   An executed Notice of Nonrenewal for the 0.45 acres subject to this petition for ALCC No. 7089 was accepted by the County Recorder on October 4, 2016, and was assigned Document No. 2016-0135353.

   Based on the facts 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.

The Applicant has submitted a petition to remove a 0.45-acre portion of a 38.44-acre parcel from the Williamson Act program in order to utilize the area for industrial uses to accommodate expansion of an existing industrial use on adjacent parcels, while the remaining approximately 38 acres will continue to be farmed. The cancellation petition has been submitted because the area subject to the petition will be utilized for industrial uses including humidity control on transient barrel storage prior to shipment and for exterior storage and barrel fabrication. The 0.45-acre area is proposed to be removed from the Williamson Act Program to allow the area to be utilized for industrial uses pending approval of the General Plan Amendment and rezone applications by the Board of Supervisors. The 38-acre portion of the property has been commercially planted for the last 25 years as a vineyard. There is no plan to change the use. The surrounding parcels are subject to Agricultural Land Conservation Contracts.

Based on the discussion above, staff does not believe that removal of the 0.45-acre portion of the parcel from Contract restrictions will result in removal of adjacent land from farming; therefore, staff believes this Finding can be made.

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

   The entire 38.44-acre parcel is designated as Agricultural in the General Plan and is zoned AE-20 (Exclusive Agriculture, 20-acre minimum parcel size). The Agricultural and Land Use Element of the General Plan sets goals and policies promoting long term conservation of productive agricultural lands.

   As indicated above in Finding No. 2, the Applicant proposes to remove a 0.45-acre portion of the property from the Williamson Act contract in order to utilize the area for industrial uses, while the remaining approximately 38 acres will continue to be farmed. The proposed industrial use on the 0.45-acre portion of the parcel is inconsistent with the Agricultural land use designation and AE-20 Zone District. However, the applicant has submitted applications to change the land use designation of the 0.45-acre portion of the parcel from Agricultural to Limited Industrial and to change the zoning from AE-20 to M-1 (Light Manufacturing District). The use of the subject parcel for industrial uses will be consistent with the General Plan once the proposed change in the land use designation and zoning of the area is approved. Cancellation of the contract on a 0.45-acre portion of the parcel that will be used for industrial uses is required.

   Although the subject parcel contains Prime soil, the 0.45-acre parcel subject to this petition is a small area and contains an existing metal building. Additionally, the applicant's search for a parcel of a comparable size concluded that parcels of comparable sizes with an industrial designation and zoning in the vicinity of the subject parcel do not exist.

   Based on these facts, staff believes that the proposed alternate use is not inconsistent with the County General Plan policies for protection of agricultural resources and therefore, believes Finding No. 3 can be made.

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

   The removal of the 0.45-acre portion of the 38.44-acre parcel will not result in any discontiguous patterns of urban development, should the proposed cancellation be approved. The subject parcel is located in an agricultural area of the County and will have no impact on urban development patterns. Surrounding properties consist of orchards and other farming operations.

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

5. That there is no proximate, non-contracted land which is both available and suitable to accommodate

the use or the development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

The applicant has indicated that there are no non-contracted parcels of similar size in the vicinity of the Barrels Unlimited industrial site that is available and suitable to be utilized for the manufacturing operation. The subject parcel is currently developed with a metal building, pavement, septic system and a chain-link fence surrounding the building for security. The applicant intends to use the existing building for humidity control on transient barrel storage prior to shipment and submitted applications to change the land use designation of the 0.45-acre portion of the parcel from Agricultural to Limited Industrial and to change the zoning from AE-20 to M-1 (Light Manufacturing District) to accommodate the change in use from agricultural to industrial.

Based on the information provided by the applicant, staff believes Finding No. 5 can be made.

The Department of Conservation and all contracted landowners within one-mile of the subject property were noticed and notice for today's hearing was published as required.

ENVIRONMENTAL DETERMINATION:

An Initial Study (IS) (No. 7151) was prepared for GPA Application No. 548 and Rezone Application No. 3818 by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA), to allow the expansion of an existing barrel cooperage operation. The IS included analysis regarding the proposed cancellation petition. Based on the IS conclusion, staff determined that there will be no significant impact on the environment and a Negative Declaration was issued and circulated according to CEQA. At the Planning Commission hearing of February 16, 2017, the Planning Commission recommended adoption of the Negative Declaration.

OTHER REVIEWING AGENCIES:

As of January 1, 2001, Government Code Section 51284.1(a) requires notification to be provided by the County to the Director of the State Department of Conservation (DOC Director) once a cancellation petition has been accepted as complete. Under Government Code Section 51284.1(c), the Director's comments, if provided, is required to be considered by the Board of Supervisors before acting on the proposed cancellation.

The petition was forwarded to the Department of Conservation (Department) on October 7, 2016. Staff allows at least 30-days for the Department to provide comment. However, staff did not receive comments from the Department to be considered by the Board.

AGRICULTURAL LAND CONSERVATION COMMITTEE RECOMMENDATION:

The Agricultural Land Conservation Committee (ALCC) reviews petitions for cancellation of Williamson Act Contracts and provides recommendations to the Board. At its December 7, 2016 hearing, the ALCC unanimously voted to forward the petition to the Board with a recommendation for approval of the petition subject to the Conditions listed on page one of this Agenda Item.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits A - E
On file with Clerk - Resolution
On file with Clerk - Certificate of Tentative Cancellation

CAO ANALYST:

John Hays