



Board Agenda Item 8

DATE: July 9, 2024

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. 4826 (RLCC No. 1048 - Great Bigland LP.)

RECOMMENDED ACTION(S):

1. **Consider petition for partial cancellation of Agricultural Land Conservation Contract No. 4826 filed by Dirk Poeschel Land Development Services, Inc. on behalf of Great Bigland LP., to remove a 37.29-acre parcel from the Williamson Act Program to allow the area to be developed as a residential subdivision following annexation of the subject parcel to the City of Clovis; and**
2. **If your Board is able to make all five of the required findings listed under Government Code, Section 51282(b), take the following actions:**
 - a. **Adopt Resolution authorizing partial cancellation of Agricultural Land Conservation Contract No. 4826 for the 37.29-acres; and**
 - b. **Authorize the Chairman to sign the Certificate of Tentative Cancellation for the 37.29 -acres and approve recording the Certificate of Cancellation for the 37.29-acres when all contingencies and conditions included in the Certificate of Tentative Cancellation have been satisfied.**

The subject parcel is located approximately 0.35-miles southeast of the intersection of N. Minnewawa and E. Behymer, adjacent to the boundary limits of the City of Clovis (APN 556-030-16S).

This item was considered by the Agricultural Land Conservation Committee (ALCC) at a public meeting held on June 12, 2024. The ALCC recommended that your Board approve the cancellation petition. The ALCC's recommendation for approval of the petition was based on its ability to make the required five findings listed under Government Code, Section 51282(b). This item pertains to a location in District 5.

This petition for partial cancellation was filed in conjunction with Tract Map 6343 being processed by the City of Clovis to develop the subject parcel as a residential subdivision. The subject parcel identified as Assessor Parcel Number (APN) 556-030-16S is one of several parcels that the City of Clovis plans to annex. The landowner has submitted a cancellation petition to remove the subject parcel from the Williamson Act contract prior to the City of Clovis submitting an annexation application to the Local Agency Formation Commission (LAFCo). The subject parcel is designated for agriculture in the Fresno County General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). The parcel is fallow.

Should your Board determine that all five required cancellation findings listed under Government Code, Section 51282(b) 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 \$1,048,500.00 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 Tract Map Application No. 6343 by the City of Clovis to subdivide the subject parcel into a residential subdivision. If the Cancellation Fee is not paid within one year of issuance of the Tentative Certificate of 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 cancellation of Agricultural Land Conservation Contract No. 4826.

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:

Attachment A is a location map of the subject parcel, Attachment B depicts the zoning classification 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 general site plan provided for Tract Map 6343, and Attachment F is the documentation from the Assessor-recorder's Office regarding the cancellation fee.

In its report to the ALCC (Attachment G), staff informed the committee that they were able to make all of the five required findings listed under Government Code, Section 51282(b).

REQUIRED FINDINGS:

The proposed petition is being processed under the provisions of Government Code Section 51282(b), which allows your Board to grant tentative approval for cancellation of a contract if your Board can make the five 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. 4826 was accepted by the County Recorder on April 29, 2022, and was assigned Document No. 2022-0056293. Said Nonrenewal is for the 37.29-acre parcel subject to this petition.

Based on the above discussion, the Committee 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.*

The proposed alternative use is to annex the subject parcel into the City of Clovis to facilitate Tract Map 6343. The subject parcel is located within the City of Clovis' Sphere of Influence (SOI) and is directly abutting the city limits of the City of Clovis. Parcels that are within a city's SOI are anticipated to be annexed to the city at some point in time and be developed into urban type uses. In the interim, such parcels of land are typically utilized for farming or other agricultural uses until land is annexed to

the city for urban development.

Based on the above discussion, the Committee 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.*

Policy LU-A.1 of the Agricultural and Land Use Element of the General Plan states that the County shall maintain agriculturally designated areas for agricultural use and shall direct urban growth to cities and unincorporated communities.

As noted under Finding number two above, the proposed alternative use is to annex the land that is currently within the City of Clovis' SOI to the city and subsequently develop the parcel into a residential subdivision.

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

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

The existing 37.29-acre parcel is located within the City of Clovis' SOI and the alternative use is to annex the subject parcel to the City of Clovis and develop it as a residential subdivision. As such cancellation of Williamson Act on the subject parcel will not result in discontinuous patterns of urban development.

Based on the above discussion, the Committee 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.*

Department staff generated a list of non-contracted parcels of approximately the same size as the existing 37.29-acre parcel within a five-mile radius of the subject parcel and utilized online tools to determine whether the parcels are for sale. In this case, no non-contracted parcels of similar size were available for sale.

Based on staff's research, none of the non-contracted parcels of similar size within a five-mile radius were available for the alternative use, and the Committee was able to make Finding No. 5.

AGRICULTURAL LAND CONSERVATION COMMITTEE:

As stated above, at the June 12, 2024, meeting, the ALCC received staff's presentation and testimony from the applicant's representative and after deliberation, the ALCC recommended that your Board approve the proposed petition based on the ability to make all the required Five Findings listed under Government Code, Section 51282(b).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The project (development of a residential subdivision) was evaluated under an Environmental Impact Report (EIR) prepared by the City of Clovis and certified on May 13, 2024 (State Clearinghouse No. 2022120483). The EIR document evaluated both the conversion of the subject property to non-agricultural uses and the need to cancel the Williamson Act Contract.

PUBLIC HEARING NOTICE:

Landowners subject to a Williamson Act contract within one mile of the subject parcel were provided notice of both the ALCC meeting and 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