



Board Agenda Item 57

DATE: July 9, 2024

TO: Board of Supervisors

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

SUBJECT: Revision of Agricultural Land Conservation Contract (RLCC) No. 1057 to rescind Agricultural Land Conservation Contract Nos. 3044, 3045, and 3046 and Simultaneous Entry into New Agricultural Land Conservation Contract No. 8349 (Four W Farms LLC a California Limited Liability Company)

RECOMMENDED ACTION(S):

Adopt Resolution approving rescission of Agricultural Land Conservation Contract (ALCC) Numbers 3044, 3045, and 3046 and simultaneous entry into new ALCC Number 8349, based upon mutual agreement of the parties of the contract pursuant to Government Code Section 51254, and approving and authorizing the Chairman to execute the Rescission and Simultaneous Entry into New Land Conservation Contract for Contract Number 8349 on behalf of the County; the Clerk of the Board of Supervisors shall cause a certified copy of this resolution to be recorded together with recordation of the fully-executed Rescission and Simultaneous Entry into New Land Conservation Contract for Contract Number 8349 in the Office of the County Recorder for the County of Fresno.

The subject 314.55-acre (± gross) parcel is generally located at W. Conejo Avenue and S. Dickenson Avenue between W. Kamm Avenue and W. Elkhorn Avenue approximately six miles southwest of the nearest boundary of the community of Caruthers (APN 041-110-57S).

Approval of the recommended action would facilitate Tentative Parcel Map Waiver (TPMW) Application No. 22-17 filed by the applicants to allow the creation of seven (7) parcels from an existing 314.55-acre (± gross) parcel identified as APN 041-110-57S. This item pertains to a location in District 4.

ALTERNATIVE ACTION(S):

Your Board may choose not to approve the recommended action.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The applicant paid the application fee of \$558.00 for the cost of processing the Rescission and Re-Entry application.

DISCUSSION:

Government Code Section 51254 provides a procedure to, upon mutual agreement of the parties, rescind a contract in order to simultaneously enter into a new contract pursuant to Chapter 7. Agricultural Land of the States Government Code, which new contract would enforceably restrict the same property for an initial

term at least as long as the unexpired term of the contract(s) being rescinded but not less than ten (10) years. Such action may be taken notwithstanding the prior serving of a notice of nonrenewal relative to the former contract.

The subject parcel is currently enrolled in the Williamson Act program under three Williamson Act Contracts ALCC Nos. 3044, 3045, and 3046. The rescission of existing ALCC Nos. 3044, 3045, and 3046 and simultaneous execution of new ALCC No. 8349 is required to ensure the new contract reflects the acreage of the proposed parcels.

County records indicate that there are no Notices of Nonrenewal that have been recorded for ALCC Nos. 3044, 3045, and 3046.

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, and Attachment E is the site plan provided for TPMW No. 22-17.

REQUIRED FINDINGS:

The proposed petition is being processed under the provisions of Government Code Section 51254. There are no findings that must be made to rescind the existing contracts and simultaneously enter into a new contract.

AGRICULTURAL LAND CONSERVATION COMMITTEE:

The Agricultural Land Conservation Committee reviews requests for placing land under Land Conservation Contract and cancellation of existing contracts. Rescission and Simultaneous Entry applications do not require a review by the Committee.

ENVIRONMENTAL DETERMINATION:

This application is not subject to CEQA per Title 14 California Code of Regulations Section 15060(c)(2), as the activity will not result in a direct or reasonably foreseeable indirect physical change to the environment.

PUBLIC HEARING NOTICE:

Because this application only involves Rescission of existing Williamson Act Contracts and entering into a new Contract that will cover the same acreage of land, there will be no impact on any of the adjacent lands and therefore, a public hearing notice is not necessary.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - E
On file with Clerk - Resolution
On file with Clerk - ALCC No. 8349

CAO ANALYST:

Salvador Espino