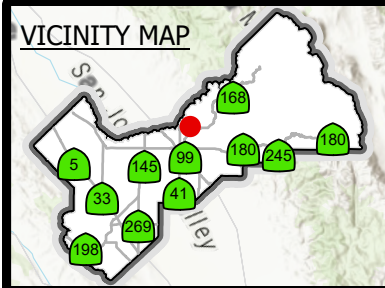
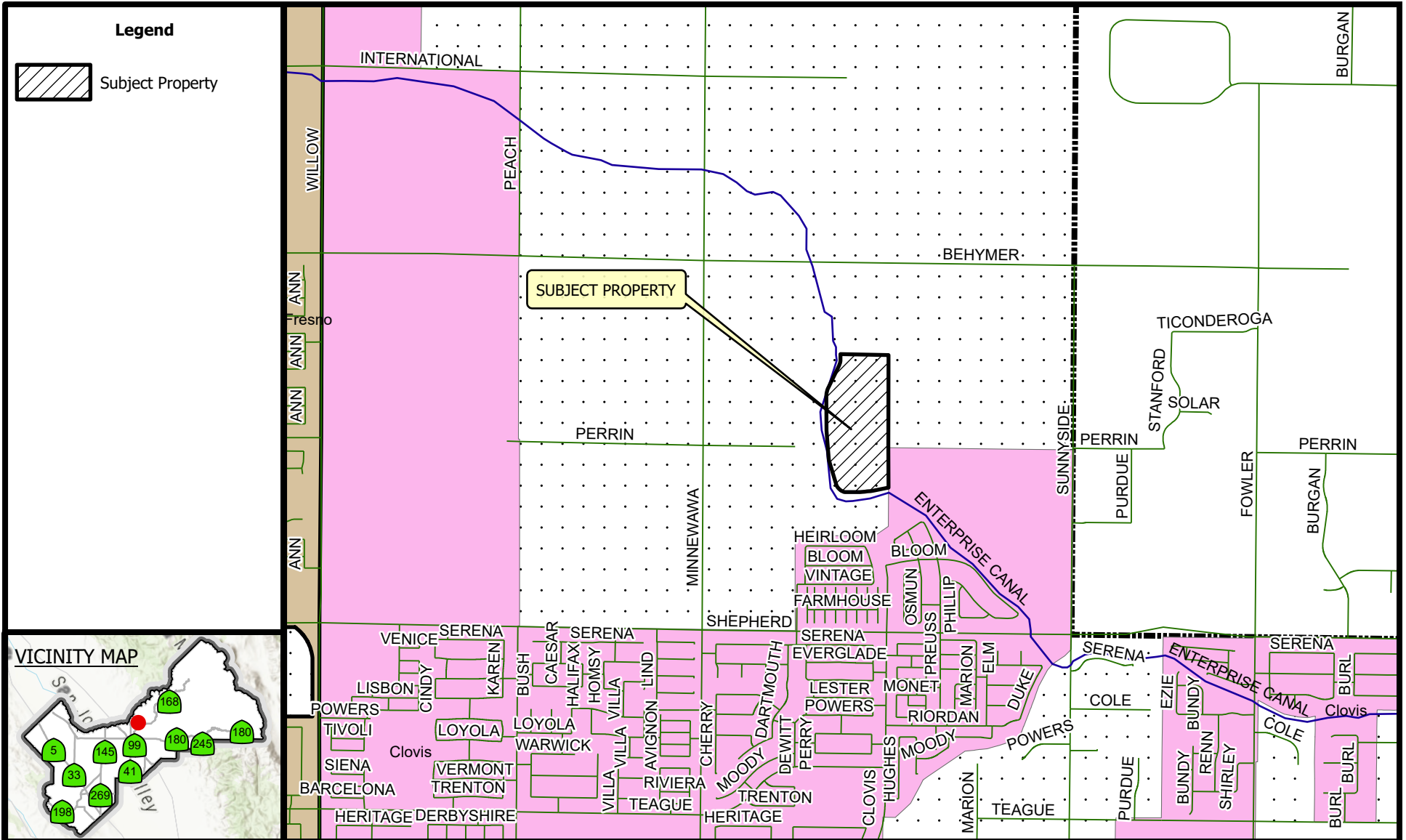


Attachment A

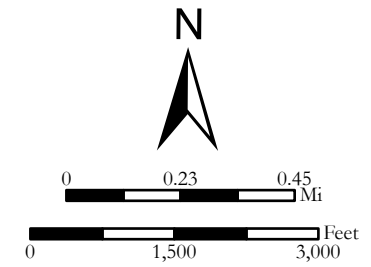


LOCATION MAP

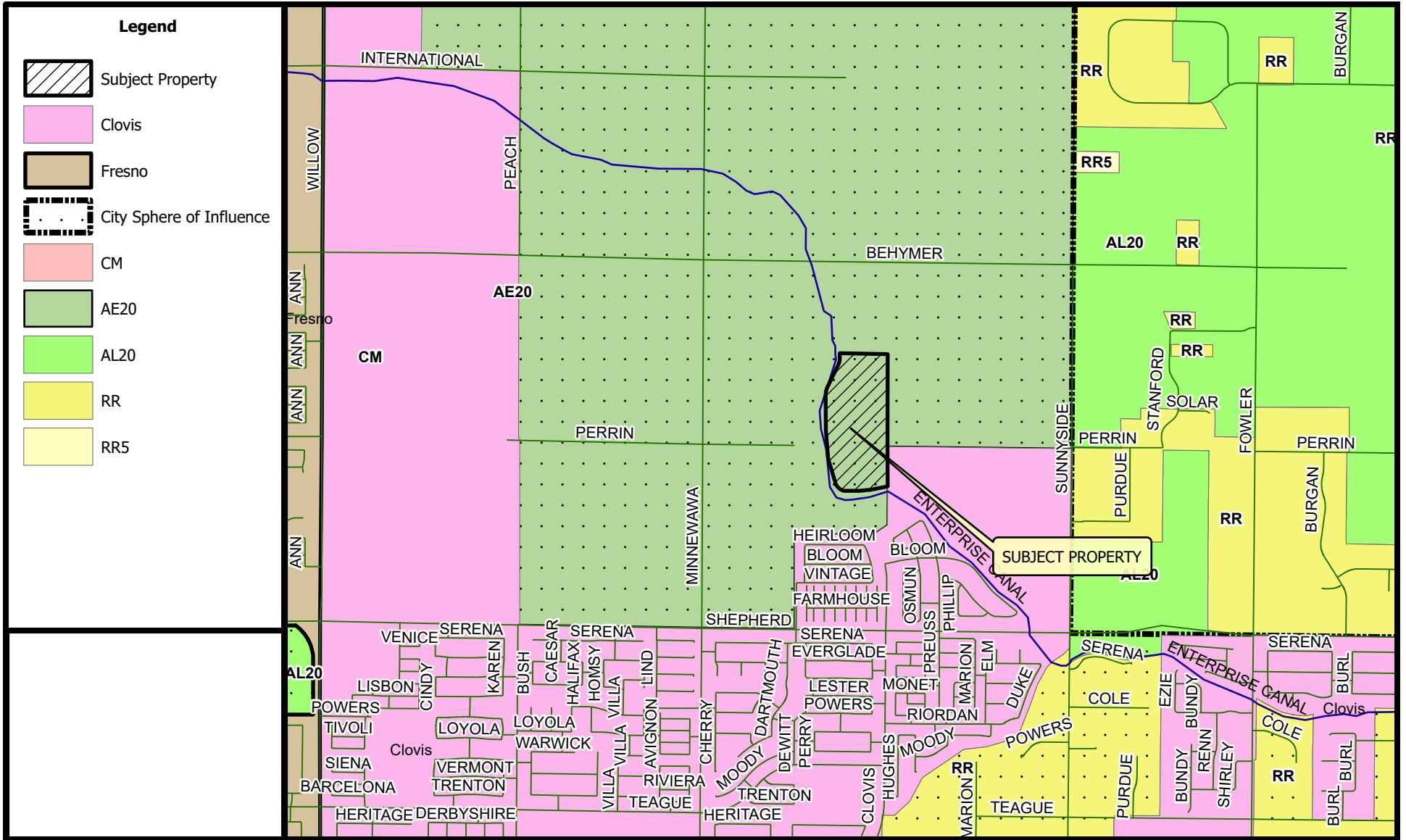
RLCC 1048

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
Person Prepared by : chuang
On Date : 3/21/2024



Attachment B

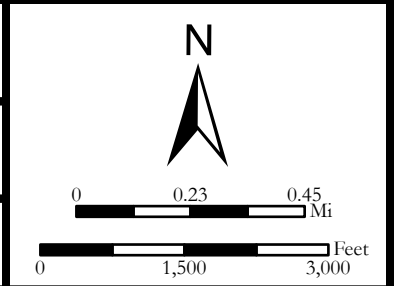


Existing Zoning Map

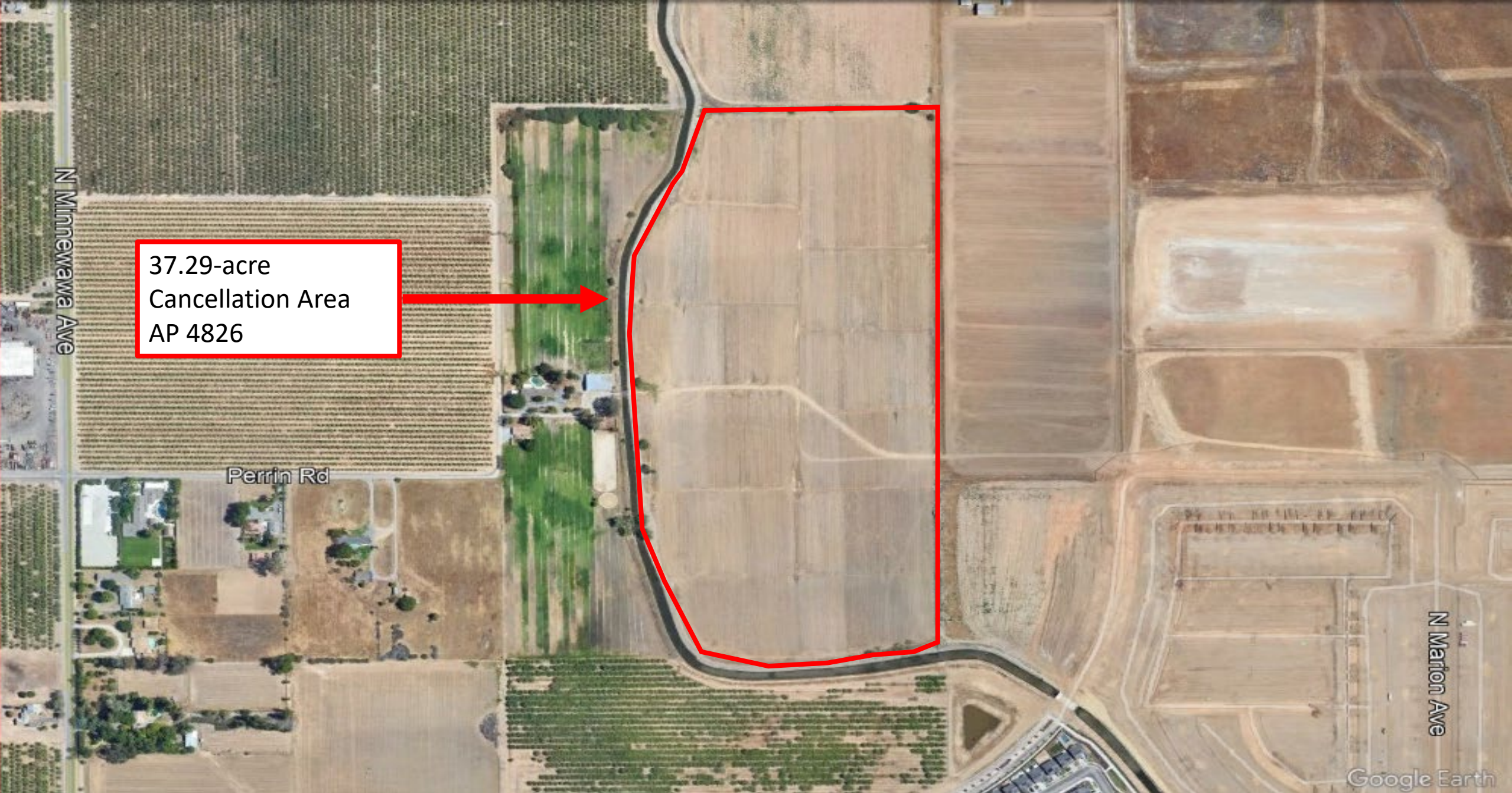
RLCC 1048
STR 20 - 12S / 21E

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
Person Prepared by : chuang
On Date : 3/21/2024



Attachment D



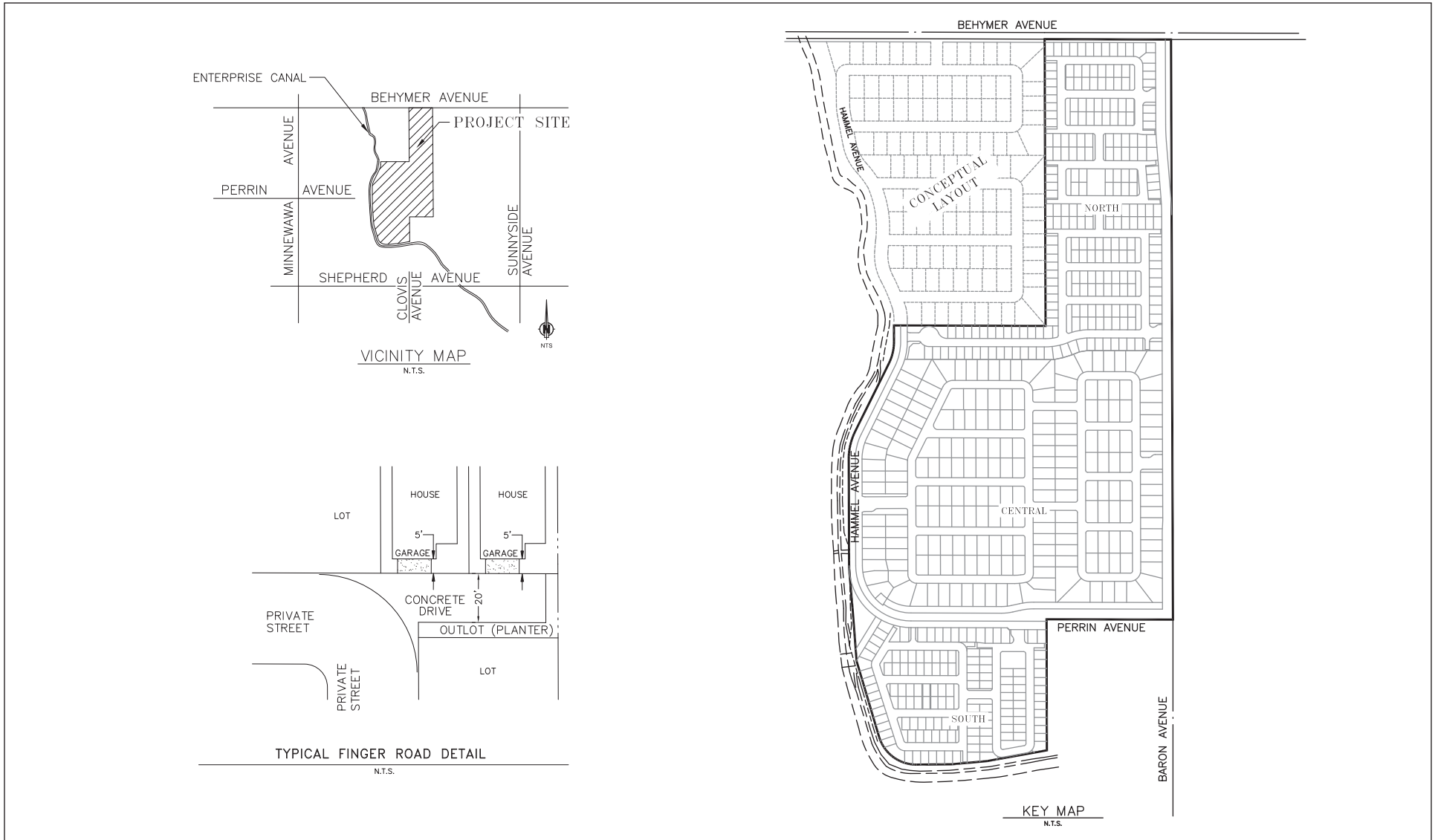
N Minnewawa Ave

37.29-acre
Cancellation Area
AP 4826

Perrin Rd

N Marion Ave

Attachment E



LSA



NOT TO SCALE

FIGURE 3-3

SOURCE: Harbor & Associates, January 2022

\\CIT2201\G\Fig 3-3_General Site Plan.ai (4/14/2022)

Tract Map 6343
General Site Plan

Attachment F



MEMORANDUM

Fresno County Assessor's Office

DATE: April 15, 2024
TO: Fresno County Board of Supervisors
FROM: Paul Dictos, Assessor/Recorder
SUBJECT: Cancellation Fees for a portion of ALCC # 4826

Paul Dictos 4/16/24

Pursuant to Section 51283 (a) of the Government Code, the cancellation valuation of 37.28 acres, described in Exhibit A and further identified as a portion of Assessor's Parcel Number 556-030-14S, is hereby certified to be \$8,388,000.

The cancellation fees, as specified under Section 51283 (b) of the Government Code, would be twelve and one half percent of this figure, or \$1,048,500.

Attachment

Attachment F

EXHIBIT "A"

LEGAL DESCRIPTION FOR A PORTION OF LAND CONSERVATION CONTRACT No. 4826 CANCELLATION

(portion) APN 556-030-14S

A portion of Parcel 1, as described in the Deed, recorded on September 03, 2020, as Document No. 2020-0116820, Official Records Fresno County, situated in the North half of the Northeast quarter of the Southeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 20, Township 12 South, Range 21 East, Mount Diablo Base & Meridian, in the County of Fresno, State of California, according to the official plat thereof, more particularly described as follows:

BEGINNING at the Northeast corner of the Southeast quarter of the Northwest quarter of said Section 20; thence South $00^{\circ}11'32''$ East, along the East line of the Southeast quarter of the Northwest quarter of said Section 20, a distance of 1323.85 feet, to the Center quarter of said Section 20; thence South $00^{\circ}08'35''$ East, along the East line of the Southwest quarter of said Section 20, a distance of 591.29 feet; thence leaving last said East line, South $79^{\circ}46'00''$ West, a distance of 272.20 feet; thence South $84^{\circ}46'13''$ West, a distance of 159.90 feet; thence South $89^{\circ}25'15''$ West, a distance of 159.93 feet, to the beginning of a tangent curve, concave Northeasterly; thence Northwesterly along the arc of said curve, with a radius of 175.00 feet, through a central angle of $74^{\circ}01'42''$, an arc distance of 226.11 feet; thence North $16^{\circ}33'03''$ West, a distance of 355.48 feet; thence North $04^{\circ}28'27''$ West, a distance of 241.23; thence North $04^{\circ}53'18''$ West 180.24 feet; thence North $00^{\circ}11'32''$ West, a distance of 492.40 feet, to the beginning of a tangent curve, concave Southeasterly; thence Northeasterly along the arc of last said curve, with a radius of 280.00 feet, through a central angle of $26^{\circ}33'24''$, an arc distance of 129.78 feet; thence North $26^{\circ}21'51''$ East, a distance of 342.65 feet, to the beginning of a tangent curve, concave Northwesterly; thence Northeasterly along the arc of last said curve, with radius of 220.00 feet, through a central angle of $26^{\circ}33'24''$, an arc distance of 101.97 feet; thence North $00^{\circ}11'32''$ West, a distance of 72.67 feet, to a point on the North line of the Southeast quarter of the Northwest quarter of said Section 20; thence South $89^{\circ}49'32''$ East, along said North line, a distance of 683.80 feet and the **POINT OF BEGINNING;**

Containing 37.289 acres, more or less.



3/30/2022



Attachment G

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Agricultural Land Conservation Committee Staff Report Agenda Item No. 2 June 12, 2024

SUBJECT: Review and make recommendation to the Board of Supervisors regarding petition for **PARTIAL CANCELLATION OF AGRICULTURAL LAND CONSERVATION CONTRACT NO. 4826 (RLCC NO. 1048)** to remove a 37.29-acre parcel from the Williamson Act program to allow the 37.29-acres to be developed into a residential subdivision following annexation of the subject parcel to the City of Clovis.

LOCATION: The subject parcel is located approximately 0.35-miles southeast of the intersection of North Minnewawa and East Behymer, adjacent to the boundary limits of the City of Clovis (APN 556-030-16S) (Sup. Dist. 5).

OWNER/APPLICANT: Great Bigland LP

REPRESENTATIVE: Dirk Poeschel Land Development Services, Inc.

STAFF CONTACT: Alexander Pretzer, Planner
(559) 600-4205

Mohammad Khorsand, Senior Planner
(559) 600-4230

RECOMMENDATION:

Staff believes the required findings under Government Code Section 51282(b) can be made, and therefore, recommends that the Agricultural Land Conservation Committee recommend that the Board of Supervisors approve the petition for partial cancellation of Agricultural Land Conservation Contract No. 4826.

BACKGROUND:

The Agricultural Land Conservation Committee reviews petitions for cancellation of Agricultural Land Conservation Contracts for consistency of the petition with the purposes of the Williamson Act, pursuant to Section 51282(b) of the Government Code, and makes a recommendation to the Board of Supervisors to approve or deny the petition.

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 into a residential subdivision. The subject parcel identified as APN 556-030-16S in one of several parcels that the City of Clovis

DEVELOPMENT SERVICES AND CAPITAL PROJECTS DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200

The County of Fresno is an Equal Employment Opportunity Employer

Attachment G

ALCC Agenda Item No. 2

June 12, 2024

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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 as Agricultural in the Fresno County General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). The subject parcel is fallow. The petition is assigned Revision to Land Conservation Contract (RLCC) No. 1048.

The Williamson Act Program limits land uses on contracted parcels to commercial agricultural operations and certain compatible uses adopted by the Board of Supervisors. The County's Williamson Act Interim Guidelines requires parcels to have at least 20 acres of prime soil and an active agricultural operation or at least 40 acres of non-prime soil and an active agricultural operation to be eligible to remain enrolled in the Williamson Act program. The annexation and subsequent development of the subject parcel into a residential subdivision is not a compatible use of Williamson Act contracted land and therefore, the applicant has submitted a petition to remove the 37.29-acre parcel from the Williamson Act program through the cancellation process.

The subject 37.29-acre parcel is located approximately 0.35-miles southeast of the intersection of North Minnewawa and East Behymer, adjacent to the boundary limits of the City of Clovis (APN 556-030-14S) (Sup. Dist. 5). [see Location Map (Exhibit "A"), Existing Zoning Map (Exhibit "B"), Existing Land Use Map (Exhibit "C"), Aerial Photograph (Exhibit "D"), and Proposed General Site Plan (Exhibit "E")].

DISCUSSION:

The Williamson Act program is a voluntary program whereby private landowners enter into a contract with the local governments for the purpose of restricting the use of specific parcels of land to commercial agricultural uses for production of food or fiber. Certain uses that are secondary to a commercial agricultural use may be determined compatible on land enrolled in the Williamson Act program by the local government having jurisdiction over contracted land. In return, landowners receive property tax assessments that are lower than normal because the assessments are based on the agricultural use of the land rather than the full unrestricted market value of the land. The purpose of the Williamson Act is to provide an incentive to preserve agricultural land for production of food or fiber, at least for the duration of the contract, which is 10 or 20 years depending on the type of contract.

If a landowner desires to change the use of land that is restricted by a Williamson Act contract to uses other than commercial agricultural uses for production of food or fiber, the landowner can file a notice of contract nonrenewal which allows the contract to expire at the end of the nine-year nonrenewal period. During the nine-year nonrenewal period, the subject land will still be subject to contract restrictions, and the annual tax assessment increases incrementally each year until it is equivalent to unrestricted market value of the land upon expiration date of the contract. This would allow lands that have been placed under contract to continue to be used for production of food or fiber for the nine-year remainder of the contract term and the landowner will benefit from lower property tax assessment.

Cancellation of a Williamson Act contract is an option under limited circumstances and conditions and the state law has provisions under which petitions for removal of a contract can be considered by the governing body having jurisdiction over the land. Processing a

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cancellation petition involves a comprehensive review of the petition to determine if a contract should be cancelled to allow the immediate establishment of a proposed alternative use, or if the land should remain in agricultural use until the contract on land for which a nonrenewal has been recorded expires. Approval of a cancellation petition is discretionary and requires the payment of a fee by the landowner equal to 12.5 percent of the full market value of the property to be removed from the contract.

Per Government Code 51282(a), a landowner may petition the Board of Supervisors for cancellation of a contract as to all or any part of a parcel. The Board may grant tentative approval for cancellation of the contract if the Board can make all of the findings listed under Government Code Section 51282(b).

Per Government Code Section 51282(b), cancellation of a contract is consistent with the provisions of the Land Conservation Act of 1965 if the Board can make all of the findings listed under said Government Code Section. Staff's evaluation of the proposed petition against the required findings are discussed below:

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 fact 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 soil of the subject 37.29-acre parcel is classified as Non-Prime according to the National Resources Conservation Service. The subject parcel has historically been utilized as a pasture and farmed primarily growing lemon grass and strawberries. The 37.29-acre parcel has been fallow for over a year in anticipation of annexing the land to the City of Clovis and subsequent development of the land into a residential subdivision as the alternative use. The subject parcel and the surrounding parcels to the North and East are designated as Agricultural in the County General Plan, are zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size), and are being actively farmed. The parcels that are located to the East and South are within the city limits of the City of Clovis.

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's 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 may be developed into urban type uses. In the meantime, such parcels of land are typically utilized for farming or other agricultural uses until land is annexed to the city for be developed for urban type development.

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Based on the above discussion, staff believes it is unlikely the proposed cancellation would result in the removal of adjacent lands from agricultural uses and therefore, Finding No. 2 can be made.

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

The existing 37.29-acre parcel is designated as Agricultural in the County General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). The Agricultural and Land Use Element of the General Plan sets goals and policies promoting the long-term conservation of productive agricultural lands.

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 with the City of Clovis' SOI to the city and subsequently develop the parcel into a residential subdivision.

Staff believes that the proposed alternative use to annex a parcel that is currently within the City of Clovis' SOI and develop the subject parcel into a residential subdivision, is consistent with the General Plan policy to direct urban growth to cities and unincorporated communities and therefore, Finding No. 3 can be made.

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.

The proposal to annex and subdivide the subject parcel is consistent with the City of Clovis's pattern of urban development.

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

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.*

County staff generated a list of non-contracted parcels of approximately the same size as the existing 37.29-acre parcel within a 5-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, there were no available non-contracted parcels of similar size within a 5-mile radius available and suitable for the alternative use. Therefore, staff believes Finding No. 5 can be made.

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ENVIRONMENTAL DETERMINATION:

An Environmental Impact Report (EIR) (State Clearinghouse No. 2022120483) has been prepared for the City of Clovis to address the potential impacts of the proposed annexation including the removal of the subject parcel from the Williamson Act contract to develop the subject parcel into a residential subdivision (Tract Map Application No. 6343). The Clovis City Council certified the EIR during their regularly scheduled May 20, 2024 meeting. The EIR is included with this staff report as reference material.

OTHER REVIEWING AGENCIES:

County staff sent the proposed cancellation petition to the County Assessor's office for determination of the Cancellation Fee for the 37.29 acres subject to the proposed petition. The Cancellation Fee as determined by the Assessor's office is \$1,048,500.00. [See Assessor Memo (Exhibit F)].

CONCLUSION:

Based upon staff's analysis of the proposed alternative use against the consistency Findings listed under Government Code Section 51282(b), staff believes that all five required findings can be made and therefore, recommends that the Agricultural Land Conservation Committee recommend that the Board of Supervisors approve the petition for partial cancellation of Agricultural Land Conservation Contract No. 4826 subject to the following conditions:

1. 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.

However, if the Committee believes that any of the required Findings cannot be made, the Committee must recommend that the Board of Supervisors deny the partial cancellation of Agricultural Land Conservation Contract No. 4826.