



Community and Economic Development Planning Division

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PLANNING COMMISSION DATE: November 12, 2024

AGENDA ITEM: #2

CZ	#2024-004, -005, & -006	Rezoning of Lands Proposed for Inclusion in Agricultural Preserve and Farmland Security Zone Programs for 2024
APN	Multiple	Applicant/Owner: Multiple
CEQA	EXEMPT	Section 15317

REQUEST:

This application requests the rezoning of lands currently proposed for inclusion in Madera County Agricultural Preserve program for 2025 (contracts with Madera County under the provisions of the Williamson Act) from ARE-20 (Agricultural Rural Exclusive-20 Acre) District to ARE-40 (Agricultural Rural Exclusive-40 Acre) District.

LOCATION:

Please see attached exhibits.

ENVIRONMENTAL ASSESSMENT:

Under the provisions of the California Environmental Quality Act (CEQA), Section 15317 and the Madera County Environmental Guidelines, the County has determined that this project will not have a significant effect on the environment and is exempt from CEQA.

SEE ATTACHED EXHIBITS FOR SITE LOCATIONS

RECOMMENDATION: Adopt a resolution recommending approval of CZ #2024-004, 005, and 006 and approving a related notice of exemption under the California Environmental Quality Act.

GENERAL PLAN DESIGNATION (Exhibit A):

SITE: AE (Agricultural Exclusive), A (Agriculture) Designations

SURROUNDING: AE (Agricultural Exclusive), OS (Open Space), and A (Agriculture) Designations, LI (Light Industrial) Designations

ZONING (Exhibit B):

SITE: ARE-20 (Agricultural Rural Exclusive-20 Acre) District

SURROUNDING: ARE-20 (Agricultural Rural Exclusive-20 Acre), ARE-40 (Agricultural Rural Exclusive-40 Acre), ARE-80 (Agricultural Rural Exclusive-80 Acre), PDD (Planned Development District)

PROPOSED ZONING: ARE-40 (Agricultural Rural Exclusive-40 Acre) District

LAND USE:

SITE: Agricultural

SURROUNDING: Agricultural, Industrial

SIZE OF PROPERTY:

Biscay, Peter parcel: 49.93 acres

Biscay Leon J &
Karen Trustee parcels: 82.67 acres

NB411 Consulting LLC parcel: 40.15 acres

Athwal Investments, L.P.: 58.12 acres

ACCESS: See attached exhibits

PROJECT DESCRIPTION:

A total of 10 parcels have been identified for inclusion in the Agricultural Preserve/Farmland Security Zone (Williamson Act) program for the 2024-2025 year. Six of those parcels need to be rezoned as a condition of approval of the contracts.

ANALYSIS:

The Williamson Act Program is a voluntary program in which the owners of agricultural property enter into contracts with the County which restrict contracted land to an agricultural or open space use for at least nine years for the Ag. Preserve Program and 18 years for the Farmland Security Zone Program in accordance with the implementation of Senate Bill 1265 by the Board of Supervisors.

The program encourages farmland and agricultural preservation in the County while providing economic relief through tax deductions to local farmers and ranchers. The rules and procedures adopted by the Board of Supervisors for Agricultural Preserves/Farmland

Security Zones (Williamson Act) require that properties entering the preserve/zone be zoned for agricultural use. All parcels within an agricultural preserve/farmland security zone shall be zoned or rezoned either Agricultural Rural Exclusive (ARE) – 40 Acre District or Agricultural Exclusive (AEX) – 40 Acre District if the parcels are designated for agricultural or open space use on the County’s General Plan. All parcels within a preserve shall be zoned or rezoned to the Agricultural Rural Exclusive (ARE) – 160 acre district if the parcels are not designated for agricultural or open space use on the County’s General Plan.

A total of six (6) applications (10 parcels) applying for the Williamson Act contracts were initially received by the Planning Division. In reviewing the Agricultural Preserve/Farmland Security Zone applications, the Planning Division determined that of the application requests, three applications would require a rezoning to comply with the zoning and minimum parcel size requirements noted above. Three (3) rezoning applications (6 parcels) were received by the deadline outlined on the 2024-2025 Agricultural Preserve calendar. Table I summarizes the rezonings which are necessary for inclusion in the Agricultural Preserve Program.

Table I
Ag. Preserve/Farmland Security Zone Rezoning Summary

PROJECT	APPLICANT	PARCEL #	SIZE (acre)	EXISTING ZONE	PROPOSED ZONE
CZ #2024-004	Biscay Peter & Biscay, Leon & Karen Trustee	048-270-004, 048-270-010, & 048-270-011	132.6	ARE-20	ARE-40
CZ #2024-005	NB411 Consulting LLC	031-101-004	40.15	ARE-20	ARE-40
CZ #2024-006	Athwal Investments, L.P.	024-130-014 & 024-130-023	58.12	ARE-20	ARE-40

RECOMMENDATION:

The analysis contained in this report supports approval of the rezonings from ARE-20 (Agricultural Rural Exclusive-20 Acre) to ARE-40 (Agricultural Rural Exclusive-40 Acre) District as identified in Table I of this report.

ATTACHMENTS:

1. Resolution
2. EXHIBIT A, General Plan Maps
3. EXHIBIT B, Zoning Maps

BEFORE
THE PLANNING COMMISSION
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

In the Matter of)	Resolution No.: <u>PCR 2024-</u>
)	
REZONING OF LANDS PROPOSED FOR)	RESOLUTION APPROVING THE
INCLUSION IN AGRICULTURAL)	APPLICATION FOR ZONE CHANGES AND
PRESERVE AND FARMLAND)	APPROVING A RELATED NOTICE OF
SECURITY ZONE PROGRAMS FOR)	EXEMPTION UNDER SECTION 15317 OF
2025 (CZ #2024-004, 005 & 006))	THE CALIFORNIA ENVIRONMENTAL
_____)	QUALITY ACT (CEQA)

WHEREAS, the Planning Commission, at a regular meeting in the Madera County Government Center, 200 West 4th Street, Madera, California, on Tuesday, November 12, 2024, held a duly noticed public hearing to consider the application for Zone Changes #2024-004, 005, and 006; and

WHEREAS, County staff has presented substantial factual information regarding the Zone Changes; and

WHEREAS, the hearing was to consider the application for Zone Changes #2024-004, 005, and 006 from current zoning of ARE-20 (Agricultural, Rural, Exclusive 20 Acre) District to ARE-40 (Agriculture, Rural, Exclusive 40 Acre) District allowing for inclusion in Agricultural Preserve and Farmland Security Zone Programs; and

WHEREAS, the properties (APNs: 048-270-004, 010, 011; 031-101-004; 024-130-014, 023) are zoned ARE-20 (Agricultural, Rural, Exclusive 20 Acre) District; and

WHEREAS, a draft Notice of Exemption under the California Environmental Quality Act (“CEQA”) Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3), Article 19, Section 15317 was also considered; and

WHEREAS, the Planning Commission has considered all public testimony and information presented during the public hearing regarding this item.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds as follows:

1. The proposed use is consistent with the General Plan and any applicable Area Plan or Specific Plan. The General Plan designations for the properties are AE (Agricultural Exclusive) and A (Agricultural), which allow for agricultural uses and limited agricultural uses. The proposed project does not violate the spirit or intent of the Zoning Ordinance. The proposed zone district is ARE-40 (Agriculture, Rural, Exclusive 40 Acre) which allows for a wide range of agricultural and agricultural-related uses. The Zoning and proposed General Plan designations are consistent with the proposed use. The Zone Change will allow for inclusion in the Agricultural Preserve and Farmland Security Zone Program. The Zone Change Applications to change zoning on the subject properties from current zoning to ARE-40 are recommended for approval.

2. That any potentially significant negative impacts to environmental quality and natural resources have been properly evaluated. Under the provisions of CEQA Guidelines, Section 15317, the proposed project is exempt from CEQA by the Open Space Contracts or Easements exemption.

3. The request will not be contrary to the public health, safety, or general welfare of the citizens of Madera County. The project is not contrary to the health, safety, or welfare of the public. The project will adhere to the respective contracts with the County of Madera, which restrict contracted land to agricultural or open space use for at least nine (9) years.

4. The proposed project will not be hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors. There are no hazardous materials anticipated to be used as a matter of this operation. Dust generation from the parcel sites during harvesting, discing, or site preparation events could potentially have negative effects on surrounding properties. However, the activities are temporary in nature and consistent with the activities and current uses of any neighboring property(ies).

5. The proposed project will not, for any reason, cause a substantial, adverse effect upon the property values and general desirability of the properties or the area. The project and surrounding area are located within an agricultural land use designation. The proposed operation of the project is consistent with the land use designation and the surrounding activities will not have an adverse effect upon the property values and general desirability of the surrounding properties.

6. As a result of Findings 1-5, the Zoning Changes are approved.

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The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held before the Madera County Planning Commission on this _____ day of _____ 2024 by the following vote:

COMMISSIONER MILES-MATTINGLY VOTED: _____
COMMISSIONER DAL CERRO VOTED: _____
COMMISSIONER BURDETTE VOTED: _____
COMMISSIONER PALMER VOTED: _____
COMMISSIONER ESTRADA VOTED: _____

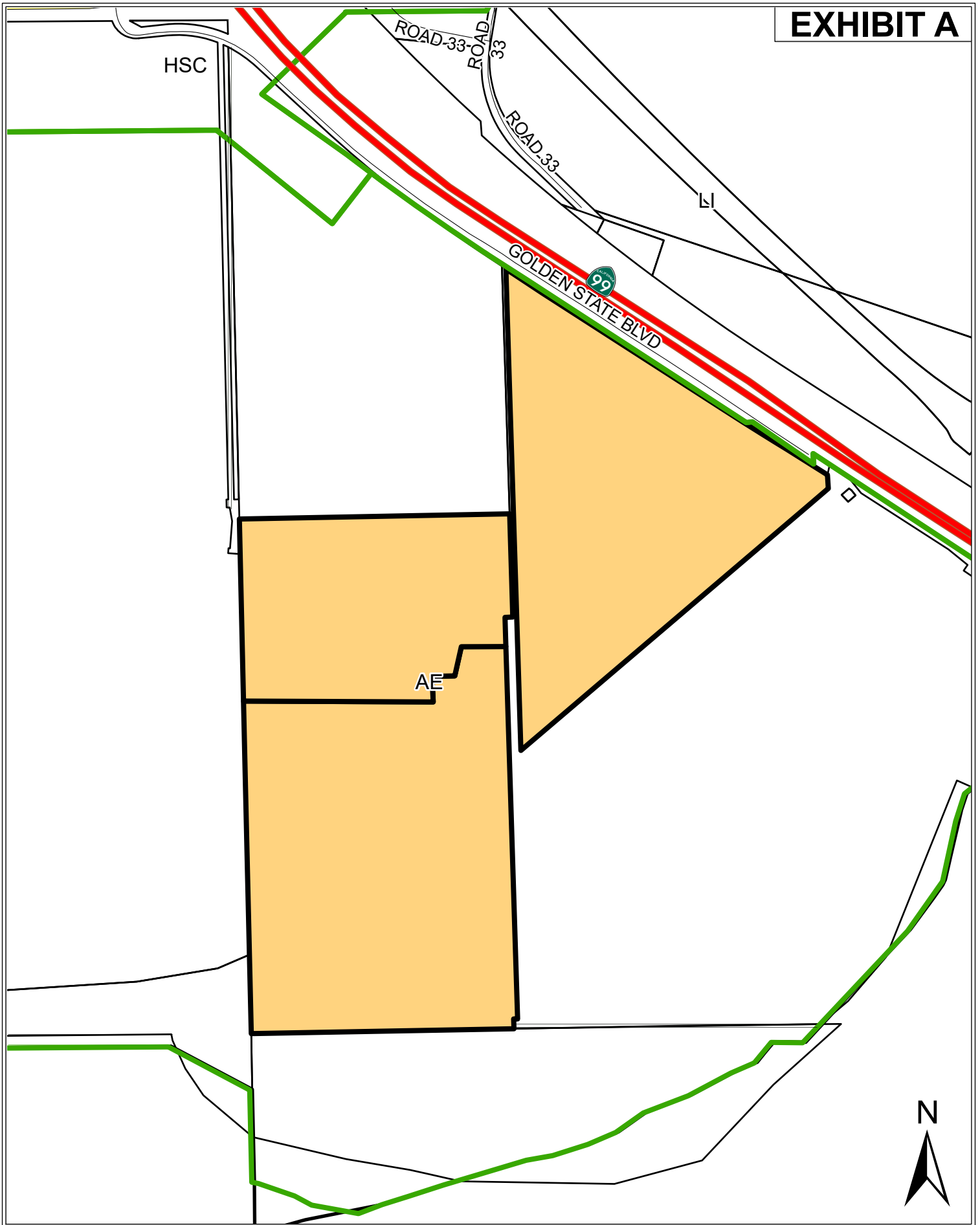
Tom Burdette, Chairperson

ATTEST:

Secretary of the Planning Commission

Approved as to Legal Form:
COUNTY COUNSEL

By: _____



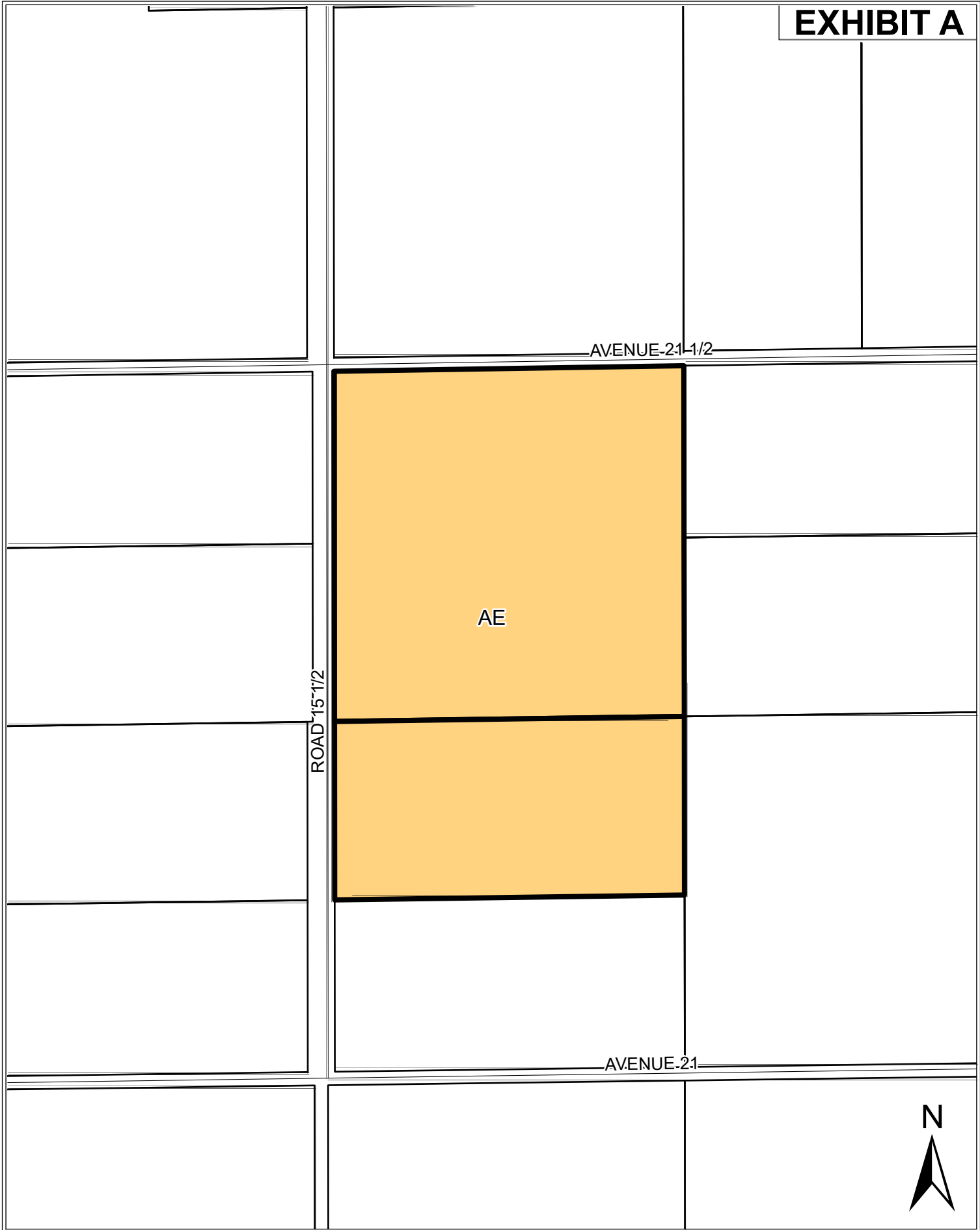
AVENUE 20 1/2

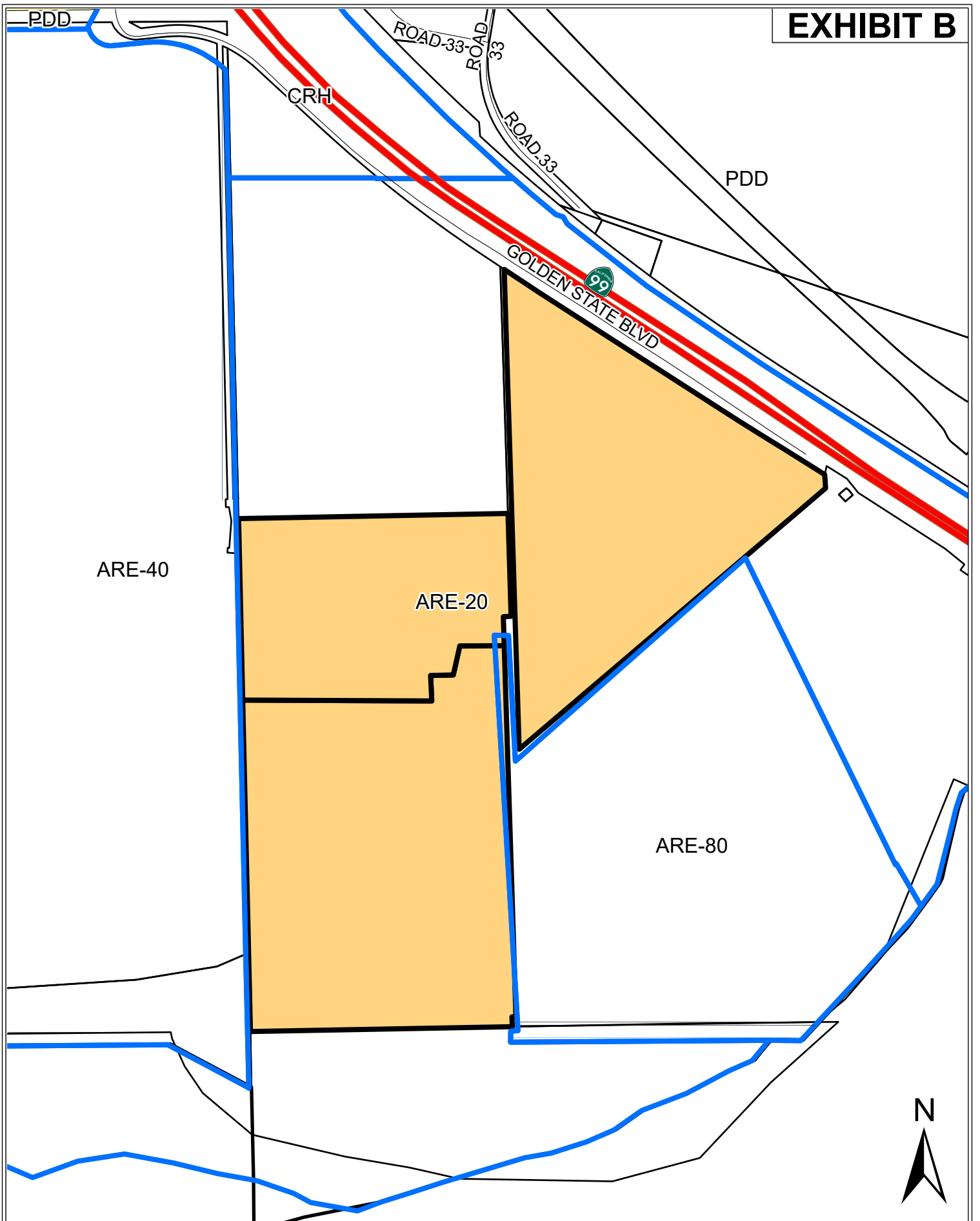
A

ROAD 27 1/2

AE







ARE-20

ARE-40

ARE-20

AVENUE 20 1/2

MHA
ARE-40

MHA
ARE-20

ROAD 27 1/2

MHA
ARE-40



ARE-40

AVENUE-21-1/2

ARE-20

ROAD 15 1/2

AVENUE-21

OS

ARE-40

