

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF TENTATIVE)
CANCELLATION OF LAND)
CONSERVATION CONTRACT NO. 1853)

RESOLUTION NO. 01-081

Re: CDBG APPLICATION

WHEREAS, John and Sally Oliveira are the present owners of property identified as Assessor's Parcel Number 024-190-065; and

WHEREAS, said parcel is located within Agricultural Preserve No. 712/83 and subject to Land Conservation Contract No. 1853; and

WHEREAS, on May 30, 2001, the owners filed a petition to cancel a portion of Land Conservation Contract No. 1853 for said property; and

WHEREAS, on July 2, 2001, a Notice of Partial Non-Renewal of Land Conservation Contract No. 1853 was recorded for said parcel; and

WHEREAS, pursuant to California Government Code Section 51284, this Board of Supervisors held a public hearing on July 31, 2001, where evidence was received from Kings County Staff, the applicant and interested persons in attendance; and

WHEREAS, pursuant to Government Code Section 51283, the County Assessor has certified to this Board the cancellation valuation of such property for the purpose of determining the cancellation fee.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Board finds that the cancellation of Land Conservation Contract No. 1853 is in the public interest and makes the following sub-findings:
 - a) Other public concerns substantially outweigh the objectives of Title 5, Division 1, Part 1, Chapter 7 of the California Government Code beginning with Section 51200.

Evidence: The purpose of the cancellation is to allow GWF Power Systems to construct an electrical generation plant. At this time, the State of California is facing a severe electricity shortage and the Governor has declared a statewide emergency. The state is interested in the construction of as many generation facilities as possible. This parcel is contiguous to a Pacific Gas and Electric substation and is a logical place to construct such a facility.

The Board finds that public concerns substantially outweigh the objectives of the Williamson Act because it is in the public interest to allow the construction of an electrical generation facility at this particular location.

b) There is no proximate non-contracted land which is both available and suitable for the use to which it is proposed 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.

Evidence: The parcel is located on the east side of 25th Avenue south of Highway 198. There is a non-contracted parcel near the site but it is located approximately a quarter mile east of the Pacific Gas & Electric sub-station. The power generation facility will need to be located adjacent to the sub-station in order to distribute power to the system.

2. The Board also makes the following findings:

a) The landowner's petition shall be accompanied by a proposal for a specific alternative use of the land. The proposal for the specific alternative use shall list those governmental agencies known by the landowner to have permit authority related to the proposed alternative use.

Evidence: The alternative use proposed is to develop the parcel into an electrical generation plant. The lead agency for the application is the California Energy Commission. The only action Kings County is required to take is to cancel the Williamson Act contract and complete a parcel split. No other governmental agencies are known to have permit authority over this project.

3. Based upon the above findings, this Board of Supervisors hereby consents to and tentatively approves the cancellation of a portion of Land Conservation Contract No.1853, affecting a portion of the parcel known as Assessor's Parcel Number 024-190-065.

4. Based upon the cancellation valuation of the property determined by the County Board of Supervisors under Government Code Section 51203 and the evidence in the record, this Board determines and certifies to the County Auditor that the cancellation value of the parcel is \$250,000 and the cancellation fee is \$31,250. The cancellation fee shall be paid to the County Treasurer within one year of the recording of the Certificate of Tentative Cancellation of a portion of Land Conservation Contract No. 1853. The fee shall be paid before the Clerk of the Board records the final Certificate of Cancellation.

5. The owner shall also pay all cancellation processing fees to the County before the Clerk of the Board records the final Certificate of Cancellation.

6. Before the final cancellation is recorded the Kings County Board of Supervisors must review and certify as a responsible agency the final California Environmental Quality Act document prepared by the California Energy Commission.

7. The Clerk to the Board is hereby directed to record in the office of the Recorder of the County of Kings a Certificate of Tentative Cancellation as required by the provisions of California Government Code Section 51283.4, said certificate to include the conditions and contingencies found by this Board to be appropriate herein above.

The foregoing Resolution was approved on a motion by Supervisor Neves, seconded by Supervisor Rachford, at a regular meeting of the Kings County Board of Supervisors, held on the 31st day of July, 2001, by the following roll call vote:

AYES: Neves, Rachford, Barba, Taylor, Oliveira – Aye.
NOES: None.
ABSENT: None.
ABSTAIN: None.

/s/ Tony Oliveira
Tony Oliveira, Chairman

WITNESS my hand and seal this 31st day of July, 2001.

/s/ Rose Martinez
Clerk of Said Board of Supervisors

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STATE OF CALIFORNIA,) ss.
COUNTY OF KINGS)

I, ROSE MARTINEZ, Clerk of the Board of Supervisors of said County and State, do hereby certify the foregoing to be a full, true and correct copy of the original thereof on file in my office.

Witness my hand and Seal of said Board, this 31ST day of JULY 2001

ROSE MARTINEZ
Clerk of the Board of Supervisors

By [Signature] Deputy Clerk

