



Board Agenda Item 13

DATE: November 18, 2025

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. 2809 (RLCC No. 1054 - Colin Kawano)

RECOMMENDED ACTION(S):

1. **Deny petition for partial cancellation of Agricultural Land Conservation Contract (ALCC) No. 2809 filed by Orlando Ramirez on behalf of Colin Kawano (Applicant), to remove a 1.27-acre portion of a 39.38-acre parcel from the Williamson Act Contract to allow the 1.27-acres to be created as a separate parcel for residential use; and**
2. **If your Board is able to make all five required findings listed under Government Code, Section 51282(b), take the following actions:**
 - a) **Adopt and authorize the Chairman to execute Resolution authorizing partial cancellation of ALCC No. 2809; and**
 - b) **Authorize the Chairman to execute the Certificate of Tentative Cancellation and approve recording the Certificate of Cancellation when all contingencies and conditions included in the Certificate of Tentative Cancellation have been satisfied.**

The subject parcel is located approximately 0.25 miles east of the intersection of S. DeWolf Avenue and E. Caruthers Avenue, along E. Caruthers Avenue, approximately one mile southwest of the City of Selma (APN: 385-102-33S) (8420 E. Caruthers Avenue) (Sup. Dist. 4).

This petition for partial contract cancellation was filed in conjunction with Variance Application (VA) No. 4156 and associated Initial Study (IS) No. 8482, which proposes to allow the creation of one 1.27-acre substandard parcel from a 39.38-acre parcel for residential use. The subject parcel is located in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and is designated as Agricultural in the County General Plan. The petition is assigned Revision to Land Conservation Contract (RLCC) No. 1054. This item pertains to a location in District 4.

Should your Board determine that all five required cancellation findings 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 \$13,750 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 Parcel Map to create the proposed 1.27-acre parcels. If the Cancellation Fee is not

paid within one year of issuance of the Certificate of Tentative 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 partial cancellation of ALCC No. 2809.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The applicant paid the application fee of \$3,290 for the cost of processing the cancellation petition.

DISCUSSION:

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 Guidelines require parcels to have at least 20 acres of prime soil and an active commercial agricultural operation or at least 40 acres of non-prime soil and an active commercial agricultural operation to be eligible to remain enrolled in the Williamson Act program. The proposed 1.27-acre parcel does not meet the minimum parcel size for parcels to be enrolled in the Williamson Act program. Therefore, the applicant has submitted a petition to remove the 1.27-acre portion of the 39.38-acre parcel from the Williamson Act program through the cancellation process.

Attachment A is a location map of the subject parcel, Attachment B depicts the zoning of the subject parcel and surrounding area, Attachment C depicts the existing land use of the subject parcel and surrounding parcels, Attachment D is the site plan provided for VA No. 4156, Attachment E is an aerial photograph of the subject parcel and Attachment F is the Assessor Memo regarding the cancellation fee.

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 all of the 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. 2809 was accepted by the County Recorder on September 5, 2024, and was assigned Document No. 2024-0080700. Said Nonrenewal is for the 1.27-acres associated with RLCC 1054.

Based on the above discussion, staff 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.*

Adjacent parcels surrounding the subject parcel are orchards and vineyards under Williamson Act contracts and would need to submit for and receive approval of a Variance to establish a substandard parcel size as was authorized with the subject application. The surrounding parcels are designated as Agriculture in the General Plan and are actively used for agriculture. As such this petition is unlikely to result in the removal of adjacent lands from agricultural use.

Based on the above discussion, staff 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.*

The existing property is designated Agriculture within the County of Fresno's General Plan and is located in the AE-20 Zone District. While the existing use and parcel is consistent with the General Plan, the proposed 1.27-acre parcel would conflict with General Plan Policy LU-A.6 which states:

The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9 and LU-A.10. The County may require parcels larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.

Based on these facts, staff does not consider the proposed parcel to be consistent with this Policy. Although there are exceptions to the 20-acre minimum parcel size subject to certain criteria, in this instance, the request did not meet the criteria for creating a substandard parcel. Staff's inability to make the General Plan consistency finding was also reflected in the recommendation for Variance Application No. 4156.

Based on the above discussion, staff is unable to recommend making Finding No. 3.

If your Board is able to make the General Plan consistency finding for Variance Application No. 4156 which authorized the substandard parcel size, and determines that the subject property is consistent with the policies and provisions of the County General Plan, as an extension of this determination based on your Board's findings, your Board may also determine the cancellation for an alternative use is consistent with the provisions of the County's General Plan.

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

The existing 39.38-acre parcel is located on the north side of E. Caruthers Avenue, approximately 0.25-miles east from the intersection with south De Wolf Avenue, approximately 0.9-miles south of the City of Selma. The proposal to create a substandard parcel in and of itself does not constitute a pattern of discontinuous urban development.

Based on the above discussion, staff 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.*

County staff generated a list of non-contracted parcels of approximately the same size as the proposed substandard parcel located within a five-mile radius of the subject parcel and utilized online tools to determine whether the parcels are for sale. In this case, none of the approximately same size parcels within a five-mile radius were available for sale.

Based on staff's research, none of the non-contracted parcels of similar size within a five-mile radius was available for the alternative use, and therefore Finding No. 5 can be made.

Should your Board be able to make all five of the required cancellation findings as listed above, it would be appropriate to make a motion as outlined in Recommended Action No. 2 and approve the petition for partial cancellation of Agricultural Land Conservation Contract (ALCC) No. 2809.

ENVIRONMENTAL DETERMINATION:

IS No. 8482 prepared for VA No. 4156 addresses potential environmental impacts associated with the

cancellation of the contract. The IS was completed and circulated for public review on June 13, 2025.

PUBLIC HEARING NOTICE:

Landowners subject to a Williamson Act contract within a one mile of the subject parcel were provided notice of 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.

REFERENCE MATERIAL:

BAI #12, November 18, 2025

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A-F

On file with Clerk - Resolution

On file with Clerk - Certificate of Tentative Cancellation

CAO ANALYST:

Maria Valencia