



# Board Agenda Item 14

---

DATE: August 5, 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.3853 (RLCC No. 1051 - GSW Farms, LLC.)

RECOMMENDED ACTION(S):

1. **Consider and approve the petition for partial cancellation of Agricultural Land Conservation Contract (ALCC) No. 3853 filed by Melissa White Holtermann on behalf of GSW Farms, LLC. (Applicant), to remove a two-acre portion of a 20-acre parcel from ALCC No. 3853 to allow the two-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. 3853; and**
  - b) **Authorize the Chairman to execute the Certificate of Tentative Cancellation and approve recording of the Certificate of Cancellation when all conditions and contingencies included in the Certificate of Tentative Cancellation have been satisfied.**

**The subject parcel is located on the east side of N. Biola Avenue, approximately 2,000 feet south of W. Ashlan Avenue, which is approximately four miles north of the City of Kerman (APN: 016-110-07) (3488 N. Biola Avenue) (Sup. Dist. 1)**

This petition for partial contract cancellation was filed in conjunction with Variance Application (VA) No. 4138, which proposed the creation of two substandard parcels, a two-acre and an 18-acre parcel from a 20-acre parcel. 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. 1051. This item pertains to a location in District 1.

The appeal of the Planning Commission's denial of VA No. 4138 was considered on the scheduled July 8, 2025 meeting with your Board acting to overturn the Commission's action and approve the VA. In order for the applicant to be able to divide the two-acre portion of the 20-acre parcel, the cancellation of the contract must be approved by your Board.

The County's adopted guidelines for the Williamson Act program set minimum parcel sizes of 20-acres for land classified as Prime. These adopted minimum parcel sizes for soil quality are reflected by the subject parcel's Zone District and Land Use Designation of, AE-20 and Agriculture.

Should your Board determine that all five required cancellation findings listed under Government Code,

Section 51282(b) can be made, the proposed petition can be approved subject to the following conditions:

*The Applicant shall pay the Cancellation Fee in the amount of \$23,125 as determined by the County Assessor and certified by the Board of Supervisors for issuance of a Certificate of Cancellation by the Board of Supervisors. The Cancellation Fee shall be paid, and a Certificate of Cancellation issued prior to recording the map to create the two-acre and 18-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. 3853.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. 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 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 proposed two-acre parcel does not meet the minimum parcel size to be enrolled in the Williamson Act program. Therefore, the applicant has submitted a petition to remove the two-acre portion of the 20-acre parcel from the Williamson Act program through the cancellation process. The remaining 18-acre portion not subject to this application does not meet the 20-acre minimum parcel size requirement to remain under contract and was included in the Notice of Nonrenewal recorded to make Finding 1.

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, Attachment E is the site plan provided for VA 4138, and Attachment F is the Assessor's Memo regarding the cancellation fee.

Although the Planning Commission was unable to make all the required findings for VA No. 4138 at its February 13, 2025 meeting, your Board was able to make the required findings and approved VA 4138 at its July 8, 2025 meeting. In regard to this item, staff was able to make the five required findings as set by Government Code Section 51282(b),

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 the five 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.*

A Notice of Nonrenewal for Williamson Act Contract No. 3853 was accepted by the County Recorder on January 24, 2024, and was assigned Document No. 2024-0006116. Said Nonrenewal is for the 20-acre subject parcel as the two proposed parcels do not meet the minimum parcel size set by Fresno County.

Based on the above discussion, staff is able to recommend making 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 utilized as orchards and for growing row crops under Williamson Act Contract 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 Agricultural 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 is able to recommend making Finding No. 2.

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

Your Board at the regularly scheduled July 8, 2025 meeting determined that VA No. 4138 to authorize a substandard parcel size for the subject property was consistent with the policies and provisions of the County General Plan. As an extension of this determination based on your Board's findings, staff believes that the cancellation for an alternative use is consistent with the provisions of the General Plan.

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

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

The existing 20-acre parcel is located on the east side of N. Biola Avenue, approximately 2,000 feet south of W. Ashlan Avenue, which is approximately four miles North of the City of Kerman. 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 is able to recommend making 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 were available for the alternative use, and staff is able to recommend making Finding No. 5.

#### ENVIRONMENTAL DETERMINATION:

Initial Study (IS) No. 8285 prepared for VA Application No. 4138 addresses potential environmental impacts associated with the cancellation of the contract. The IS was completed and circulated for public review on February 14, 2024.

#### PUBLIC HEARING NOTICE:

Landowners subject to a Williamson Act contract within 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, July 8, 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