



Board Agenda Item 12

DATE: December 9, 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. 8262 (RLCC No. 1069 Craig and Michelle Sorensen)

RECOMMENDED ACTION(S):

1. **Consider and approve petition for partial cancellation of Agricultural Land Conservation Contract No. 8262 filed by Craig and Michelle Sorensen, to remove a 2.02-acre portion of a 30.03-acre parcel from the Williamson Act contract to allow the creation of a 2.02-acre homesite exception 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 the Negative Declaration prepared for Initial Study No. 8660; and**
 - b) **Adopt and authorize the Chairman to execute Resolution authorizing partial cancellation of ALCC No. 8262; and**
 - c) **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 along E. American Avenue approximately one-half mile south of the nearest boundary of the City of Sanger, (APN 332-071-61) (Sup. Dist. 4).

This petition for partial cancellation of contract No. 8262 was filed in conjunction with Pre-Application for Certificate of Compliance (PCOC) Application No. 3592 proposing to allow the creation of a 2.02-acre homesite exception parcel from a 30.03-acre parcel enrolled in the Williamson Act Program. This item pertains to a location in District 4.

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 Fresno County General Plan. Section 822.3.080(F) of the Fresno County Zoning Ordinance states that homesite exception parcels less than the minimum acreage indicated by the district acreage designation, but not greater than 2.5 gross acres, may be permitted in the Exclusive Agricultural Zone District, if the proposed parcel meets certain criteria as defined in the Zoning Ordinance. One of the criterion is that the parcel is intended as a conveyance or devise exclusively for use by a person related to the owner by adoption, blood, or marriage within the second degree of consanguinity and only for persons involved in the farming operation of the entire parcel; the existing lot before division contains a minimum of twenty (20) gross acres; there is only one (1) lot per related person, or per related married couple, and there is no more than one lot per each twenty (20) gross acres. Since homesite exception parcels of 2.5 acres or less are created as separate parcels, they do not meet the minimum

parcel size to remain enrolled in the Williamson Act program.

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 \$27,500 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 2.02-acre and 28.01-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. 8262.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The applicant paid the application fee of \$3,490.36 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 2.02-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 2.02-acre portion of the 30.03-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 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 the site plan provided for PCOC No. 3592, Attachment E is an aerial photograph of the subject parcel, and Attachment F is the Assessor's 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 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. 8262 was accepted by the County Recorder on May 13, 2025, and was assigned Document No. 2025-0046174. Said Nonrenewal is for the 2.02-acre area subject to cancellation.

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.*

The subject parcel and the surrounding parcels 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.

Areas of the County that are outside of cities and unincorporated communities are primarily designated and zoned to accommodate farming and certain other land uses such as dairies, feedlots and poultry facilities that necessitate such operations to be located in sparsely populated areas of the County due to creation of dust, odor, flies as well as the need for application of herbicides and pesticides as part of the farming operation.

The proposed alternative use is to split a 2.02-acre portion of the 30.03-acre subject parcel as a separate homesite exception/gift deed parcel for occupancy of a person related to the owner of the parcel by blood or by adoption. As mentioned above, the parcel is in an area of the County that is designated as Agricultural and Zoned AE-20.

Homesite exception parcels for the occupancy of a person who is related to the landowner by blood or adoption and will be involved in the commercial farming operation of the parcel requires a "Declaration of Intent and Acknowledgment of Penalty for Unlawful Conveyance" (Declaration) to be recorded which limits occupancy of a gift-deed/homesite exception parcel to a blood relative of the landowner who is involved with the farming of the parcel and prohibits conveyance of the gift-deed/homesite exception parcel to a third party. Staff notes, that in limited circumstances the owners of homesite exception/gift deed parcels can petition the County for a release from the Declaration. The granting of any requests for release is discretionary on the County's part.

In this case, the recipient of the homesite exception parcel is the daughter of the property owner and according to the landowner, will be involved in the farming operation of the entire parcel. Additionally, the home is an existing structure, and its presence makes it unlikely that approval of the cancellation request would lead to the conversion 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.*

The existing 30.03-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. General Plan Policy LU-A.6 states that the County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated as Agricultural, with some exceptions. General Plan Policy LU-A.7 states that the County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that such parcels would be less viable economic farming units and the resultant increase in residential density would increase the potential for conflict with normal agricultural practices on adjacent parcels.

General Plan Policy LU-A.9 states that the County may allow the creation of homesite exception parcels smaller than the 20-acre minimum parcel size if the parcel involved in the division is at least twenty acres in size, and the homesite parcel is not less than one gross acre, subject to certain conditions. One of the conditions is that the parcel to be created is intended for use by a person involved in the farming operation and is related to the owner by adoption, blood, or marriage within the second degree of consanguinity; there is only one lot per related person; and there is no more than one lot per twenty (20) acres. This policy mirrors Zoning Ordinance Section 816.5.A.2. This project entails creation of a 2.02-acre homesite parcel to be used for residential use of a person related to the owner of the parcel, as noted above.

General Plan Policy LU-A.12 requires protection of agricultural activities from encroachment of incompatible uses. General Plan Policy LU-A.13 states that the County shall protect agricultural operations from conflicts with non-agricultural uses and protection of agricultural activities from encroachment of incompatible uses.

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 30.03-acre parcel is located along E. American Avenue approximately one-half mile south of the nearest boundary of the City of Sanger in the unincorporated area of Fresno County. The proposal to create a homesite exception 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 5-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 5-mile radius were available for sale.

Based on staff's research, none of the non-contracted parcels of similar size within a 5-mile radius were available for the alternative use. Staff is able to recommend making Finding No. 5.

ENVIRONMENTAL DETERMINATION:

IS No. 8660 prepared for PCOC Application No. 3592 addresses potential environmental impacts associated with the creation of the homesite exception including cancellation of the contract. The IS was completed and was circulated for agency review on January 27, 2025. A copy of the Negative Declaration and write-up for Initial Study No. 8660 is included as Attachment G.

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 on October 24, 2025, which is a newspaper of general circulation.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A-G

On file with the Clerk - Resolution

On file with the Clerk - Certificate of Tentative Cancellation

CAO ANALYST:

Maria Valencia