



Board Agenda Item 61

DATE: April 21, 2026

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Facilitate the County's Acquisition of portions of private property restricted by Williamson Act Contract and the Rescission of Agricultural Land Conservation Contract No. 6236 and Simultaneous Entry into New Agricultural Land Conservation Contract No. 8353 (County of Fresno/Richard and Susan Hall) as part of the Surplus and Exchange of County Land and Private Property

RECOMMENDED ACTION(S):

- 1. Make required Findings per Government Code section 51292 and adopt Resolution stating that the land on which the public improvement will be located has not been selected based primarily on the lower cost of acquiring the subject land, and that there is no other land within or outside of the preserve that could reasonably be feasible to accommodate the public improvement;**
- 2. Make required Findings per Government Code section 51257 and adopt Resolution and execute an Agreement authorizing the rescission of existing Agricultural Land Conservation Contract No. 6236 and entry into new Contract No. 8353;**
- 3. Authorize the Director of the Department of Public Works and Planning to initiate a Property Line Adjustment and Voluntary Merger to facilitate the property exchange and merge the resulting boundary with the acquired portion of land from the Dunlap Yard property to be conterminous with the boundary of Agricultural Land Conservation Contract No. 8353;**
- 4. Authorize the Director of the Department of Public Works and Planning to non-renew those portions of the contracted areas acquired by the County as they will not meet the minimum parcel size for non-prime agricultural lands; and**
- 5. Authorize the Director of the Department of Public Works and Planning, on behalf of the County to provide notice to the Department of Conservation's director after the property exchange has been executed and the land acquired per Government Code section 51291.**

Approval of the recommended actions would facilitate a property exchange agreement between the County of Fresno and private property owners, resulting in a merger of 0.735 acres of land previously owned by the County with approximately 240 acres of property under private ownership. The reconfigured parcel would be placed under a new contract and continue to be used for cattle grazing. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

Your Board may determine that the required findings cannot be made and deny the property exchange, rescission, and re-entry.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Sufficient appropriations for the preparation of this Agenda Item and its subsequent actions are included in the Department of Public Works and Planning Org 4360 FY 2025-26 Adopted Budget.

DISCUSSION:

Background

On January 6, 2026, your Board authorized a surplus exchange of unincorporated County-owned real property totaling approximately 0.735 acres in the vicinity of 40315 Dunlap Road in Dunlap, California (County Property) with approximately 0.735 acres of privately-owned land owned by the Richard Don Hall and Susan I. Hall Revocable Living Trust of 2011 (Trust Property). The exchange of the County property utilized the provisions of the Surplus Land Act (Government Code section 54220 et seq.).

As part of your Board's January 6th action, direction was given to have the General Services Department file the necessary forms and applications required to address the existing Williamson Act Contract Nos 5029 and 6236 on Assessor Parcel Nos. 190-480-11 and 190-080-46, which are both Trust Property with the Department of Public Works and Planning (Department). This was to occur prior to execution of the final Exchange Agreement and the final Grant Deed conveying the County Property to the Trust. Because the removal of a portion of Assessor Parcel Number (APN) 190-480-11 will result in a parcel approximately 120 acres in size, which is well-above the 40-acre threshold for non-prime agricultural land, there would be no impact to Contract No. 5029. Because APN 190-080-46 will be merged with a portion of non-contracted land exchanged from the County Property, the Rescission/Reentry process is being utilized to place the entire 240 acres under contract with a new contract number.

Since the January Board action Department staff has been working with the private property owners and their land surveyor to ensure the resultant parcel and Williamson Act Contract boundary does not encumber the Trust Property with a portion of acquired property not under contract resulting in an area approximately 0.735 acres in size subject to a different APN than the remaining 240 acres. The portion acquired from the County would be merged into the Trust Property resulting in a 240-acre parcel with a new boundary for the Williamson Act Contract. The item before you today will address the Williamson Act matter.

Required Findings and Subsequent Actions - Government Code § 51292

As part of the action to resolve the Williamson Contract issue on the property exchange, the County must make a Finding that the land on which the public improvement is or will be located has not been selected based primarily on the lower cost of acquiring the subject land, and that there is no other land within or outside of the preserve that could reasonably be feasible to accommodate the public improvement.

In this instance, the County acquired the County Property in 1972 for the purpose of establishing the Public Works and Planning, Dunlap Road Yard, which serves the residents of southeastern Fresno County. Since the initial acquisition of the County Property, the County has constructed a fuel site, offices and vehicle storage facilities. Recent surveys of the County Property showed that one County structure encroached onto the adjoining property line and to resolve the encroachment, staff recommends exchanging property with the adjoining property owner. As such, the property exchange is to resolve issues between an existing developed property and a neighboring property owner and does not involve acquisition of property by the County for a lower cost

Rescission/Reentry

Government Code section 51257 provides a procedure to accommodate property line adjustments on land enrolled in the Williamson Act Program (Program) to accurately reflect newly adjusted contracted parcels.

The property exchange impacting contracted land will occur between the 240-acre Trust Property identified as APN 190-080-46 and a portion of APN 190-480-10T under ownership of the County of Fresno and part of the Dunlap Road Yard. The adjustment between the 240-acre parcel identified as APN 190-080-46 and a 0.735-acre portion of an existing 8.03-acre parcel identified as APN 190-480-10T would result in two adjusted parcels. The 240-acre parcel is enrolled in the Program under Agricultural Land Conservation Contract (ALCC) No. 6236, and the 0.735-acre portion is not enrolled in the Program. As a result of the proposed property line adjustment and subsequent merger, the original 240-acre parcel will not grow or shrink in size. There will be no net increase or decrease in the acreage of contracted land. Because there is going to be an equal area exchanged between Mr. Hall and the County of Fresno, a Rescission and Simultaneous Entry of the Williamson Act Contract is required to reflect the boundary of the adjusted contracted parcel.

Exhibits A-1 through A-3 illustrate the area that is subject to the merger with Exhibit A-1 showing the parcel to be acquired by the County identified as Parcel 1 and the parcel to be acquired by the Trust is identified as Parcel 2. Exhibit A-2 provides an overall illustration of the existing Trust parcels and those portions to be acquired by the County along with the portion to be acquired by the Trust which corresponds to the exchange area which will comprise Property Line Adjustment (PLA) 26-21 and Voluntary Merger (VM) 2152. Exhibit A-3 provides the approximate boundary of new Contract No. 8353.

The subject parcels are designated as Agricultural in the County General Plan and are located in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Exhibit B is a location map of the subject parcels, Exhibit C depicts the zoning of the subject parcels and surrounding area, Exhibit D depicts the land use of the subject parcels and surrounding area depicts.

The adjusted boundaries of the contracted parcel meet the requirements of the California Land Conservation Act of 1965 and Fresno County's Interim Williamson Act Guidelines for parcel size adopted by the Board of Supervisors in 2004.

Per Government Code Section 51257, parties to a Williamson Act Contract(s) may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contract(s), provided that the Board of Supervisors finds all of the following:

1. *The new contract or contracts would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.*

The new ALCC on the 240-acre adjusted parcel will restrict the property for an initial period of 10 years.

Based on the statement above, Department of Public Works and Planning staff believes Finding No. 1 can be made.

2. *There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.*

This PLA and merger proposes to adjust property lines between a 240-acre parcel enrolled in the Program under Contract No. 6236 and a 0.735-acre portion of an 8.03-acre parcel, resulting in one contracted parcel 240-acres in size. There will be no net increase or decrease in the acreage of

contracted land.

Based on the facts stated above, Department staff believes Finding No. 2 can be made.

3. *At least 90 percent of land under the former contract or contracts remains under the new contract or contracts.*

Per discussion under Finding No. 2, the entire acreage of land under the existing contract will be covered by the new contract.

Based on the statement above, Department staff believes Finding No. 3 can be made.

4. *After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.*

This merger would result in one contracted parcel 240 acres in size, which satisfies the minimum parcel size requirement of the County, and is capable of sustaining commercial agricultural use.

Based on the statement above, Department staff believes Finding No. 4 can be made.

5. *The lot line adjustment would not compromise the long-term agricultural productivity of the contracted parcels or other agricultural lands subject to contract or contracts.*

This merger would reconfigure property lines between two contiguous parcels with the entire acreage of existing contracted land covered by the new contract. As such, this merger will not compromise the long-term agricultural productivity of the subject parcel or any other surrounding contracted lands.

Based on the statement above, Department staff believes Finding No. 5 can be made.

6. *The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.*

The existing commercial agricultural use of the subject parcel for cattle grazing will not change as a result of proposed merger. Therefore, the merger is not likely to result in the removal of adjacent land from agricultural use.

Based on the statement above, Department staff believes Finding No. 6 can be made.

7. *The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted parcel that is inconsistent with the General Plan.*

This merger would adjust property lines between a 240-acre parcel and an 8.03-acre parcel, resulting in one 240-acre parcel and an 8.03-acre parcel. Therefore, the proposed merger will not result in a greater number of developable parcels or an adjusted parcel that is inconsistent with the General Plan.

Based on the statement above, Department staff believes Finding No. 7 can be made.

Based on the above discussion, Department staff believes all of the findings under Government Code section 51257 can be made and recommends that your Board approve the Rescission of Williamson Act Contract No. 6236 and Simultaneous Entry into Williamson Act Contract No. 8353.

California Environmental Quality Act (CEQA)

The proposed property exchange is not considered a “project” as defined by the California Environmental Quality Act (CEQA), because such approval would not commit the County to a definite course of action, and such approval would be exempt from CEQA because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (CEQA Guidelines section 15061(b)(3)).

OTHER REVIEWING AGENCIES:

Department of Conservation - Division of Land Resource Protection

REFERENCE MATERIAL:

BAI #6.1, - January 6, 2026

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits A - D

On file with Clerk - Resolution for Government Code section 51292

On file with Clerk - Resolution for Government Code section 51257 (RLCC No. 1079)

On file with Clerk - ALCC No. 8353

CAO ANALYST:

Maria Valencia