



Board Agenda Item 6

DATE: February 25, 2025

TO: Board of Supervisors

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

SUBJECT: Cancellation of Agricultural Land Conservation Contract Nos. 8116 and 8119 (RLCC Nos. 1055 and 1056 - Couto Family Trust 2007)

RECOMMENDED ACTION(S):

1. **Consider and approve petition for cancellation of Agricultural Land Conservation Contract (ALCC) Nos. 8116 and 8119 filed by Robert J. Couto and Cynthia D. Couto, trustees of the Couto Family Trust 2007 (Landowner), proposing to remove a 24.24-acre parcel and a 24.14-acre parcel from ALCC Nos. 8116 and 8119 to facilitate development of said 48.38-acres into an urban residential subdivision following annexation to the City of Kerman; 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 cancellation of ALCC Nos. 8116 and 8119; and**
 - b) **Authorize the Chairman to sign the Certificate of Tentative Cancellation and approve recording the Certificate of Cancellation when all conditions and contingencies included in the Certificate of Tentative Cancellation have been satisfied.**

The subject parcels are located on the northwest corner of the intersection of State Route 180 and N. Del Norte Avenue, adjacent to the boundary limits of the City of Kerman (APNs 020-120-29S and 020-120-30S) (Sup. Dist. 1).

This petition for cancellation was filed in conjunction with Tract Map 6473 being processed by the City of Kerman to develop the subject parcel into a residential subdivision. The petition is assigned Revision to Land Conservation Contract (RLCC) Nos. 1055 and 1056. The subject parcels identified as APN 020-120-29S and 020-120-30S are parcels that the City of Kerman plans to annex. The Landowner has submitted a cancellation petition to remove the subject parcel from the Williamson Act contract prior to the City of Kerman submitting an annexation application to the Local Agency Formation Commission. The subject parcels are designated as Reserve (Medium Density Residential) in the Fresno County adopted Kerman Community Plan and the northern portion of the subject parcels are designated as Agriculture in the Fresno County General Plan and are dual zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). The subject parcels are currently designated in the Kerman City General Plan as Medium Density residential and General Commercial. The northern portion of the subject parcels is fallow, and the southern portion of the subject parcels is planted in almonds. This item pertains to a location in District 1.

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 condition:

The applicant shall pay the Cancellation Fee in the amount of \$574,500.00 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 approval of the Tract Map Application No. 6473 by the City of Kerman to subdivide the subject parcel into a residential subdivision. 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 cancellation of ALCC Nos. 8116 and 8119.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The applicant paid the application fee of \$6,580.00 for the cost of processing the cancellation petition.

DISCUSSION:

The Williamson Act Program limits the use of contracted parcels to commercial agricultural uses for production of food or fiber. Per the County's Williamson Act Guidelines, parcels that are enrolled in the Williamson Act Program are required to have at least 20 acres of prime soil or at least 40 acres of non-prime soil and are used for commercial production of food or fiber to be eligible for enrollment in the Williamson Act Program. The annexation and subsequent development of the subject parcel into a residential subdivision is not a compatible use of Williamson Act contracted land and therefore, the applicant has submitted a petition to remove the 24.24-acre parcel and the 24.14-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 an aerial photograph of the subject parcel, Attachment E is the site plan provided for Tract Map 6473, 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 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. 8116 was accepted by the County Recorder on February 27, 2024, and was assigned Document No. 2024-0017079. Said Nonrenewal is for the 24.24-acre parcel subject to RLCC 1055.

A Notice of Nonrenewal for Williamson Act Contract No. 8119 was accepted by the County Recorder on February 21, 2024, and was assigned Document No. 2024-0015303. Said Nonrenewal is for the 24.14-acre parcel subject to RLCC 1056.

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.*

The proposed alternative use is to annex the subject parcels into the City of Kerman to facilitate Tract Map 6473. The subject parcels are located within the City of Kerman's Sphere of Influence (SOI) and are directly abutting the city limits of the City of Kerman. Parcels that are within a city's SOI are anticipated to be annexed to the city at some point in time and to be developed into urban uses. In the meantime, such parcels of land are typically utilized for farming or other agricultural uses

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 24.24-acre and 24.14-acre parcels are designated as Reserve (Medium Density Residential) in the Fresno County adopted Kerman Community Plan and the northern portion is designated as Agriculture in the Fresno County General Plan and are dual zoned AL-20 and AE-20.

Section 505-01:1.00(b) of the Fresno County adopted Kerman Community Plan states that areas designated "Reserves" are intended to be annexed to the City of Kerman prior to development.

Policy LU-A.1 of the Fresno County General Plan states that the County shall maintain agriculturally-designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available or can be provided consistent with the adopted General or Community Plan.

As noted under Finding number two above, the proposed alternative use is to annex land that is currently within the City of Kerman's SOI to the city and subsequently develop the parcel into a residential subdivision.

Based on the above discussion, staff was able to make Finding No. 3.

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

The existing 24.24-acre parcel and 24.14-acre parcel are located within the City of Kerman's SOI and the alternative use is to annex the subject parcel to the City of Kerman and develop it as a residential subdivision. As such cancellation of Williamson Act on the subject parcel will not result in discontinuous patterns of urban development.

The proposal to annex and subdivide the subject parcel is consistent with the City of Kerman's pattern of 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 existing 24.24-acre parcel and 24.14-acre parcel within a five-mile radius of the subject parcel and

utilized online tools to determine whether the parcels are for sale. In this case, no non-contracted parcels that were available for sale were suitable for the alternative use.

Additionally, as the subject parcels are adjacent to the current City limits of the City of Kerman and are located within the City's Sphere of Influence, the annexation and subsequent development of the subject parcels into a residential subdivision represents a more contiguous pattern of urban development than other proximate non-contracted land.

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 was able to make Finding No. 5.

ENVIRONMENTAL DETERMINATION:

An Environmental Impact Report (EIR) (State Clearinghouse No. 2024031008) has been prepared for the City of Kerman to address the potential impacts of the proposed annexation including the removal of the subject parcel from the Williamson Act contract to develop the subject parcel as a residential subdivision (Tract Map Application No. 6473). The Kerman City Council certified the EIR during their regularly scheduled January 22, 2025 meeting.

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.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - F
On file with Clerk - Resolution
On file with Clerk - Certificate of Tentative Cancellation

CAO ANALYST:

Salvador Espino