



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 22-192

November 08, 2022

Introduced: 10/17/2022

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

a. Set a public hearing for December 6, 2022 at 2:00 P.M. to consider nine (9) 2023 Williamson Act Applications to Create a Farmland Security Zone ("FSZ") and Contract or to Establish an Agricultural Preserve and Land Conservation Contract (REF220054):

1. FSZ Application No. 2023-01 - The 2006 Pura Revocable Trust dated February 28, 2006, The 2003 Pura Revocable Trust U/D/T dated November 13, 2003; APNs 245-021-020 and 245-021-021

2. FSZ Application No. 2023-02 - Nunes Home Ranch LLC; APN 223-011-007

3. AgP Application No. 2023-03 - Thomas C. & Christina M. Willoughby; APNs 421-111-007; 421-111-018; 421-111-019; 421-111-034; 421-111-035; 421-121-008; 421-121-009

4. FSZ Application No. 2023-04 - Nello Angelo Solari, LLC; APNs 245-021-007

5. FSZ Application No. 2023-05 - Cauley Family Limited Partnership; APNs 235-072-019 and 235-072-020

6. AgP Application No. 2023-06 - SkyRoseRanch, LLC; APNs 424-421-009; 424-421-010; 424-421-012; 424-421-013; 424-421-014; 424-421-015; 424-421-016; 424-421-017; 424-421-018; 424-421-019; 424-421-020; 424-421-021; 424-421-022; 424-421-023; 424-421-024; 424-421-025; 424-421-026; 424-421-028; 424-421-029; 424-421-030; 424-421-032; 424-421-033; 424-421-034

7. FSZ Application No. 2023-07- George Helmers, The Phyllis H. Johnson Family Partners, LP, a California Limited Partnership, Bowen Ranch Land Company LLC, a California Limited Liability Company, Haley Family Trust dated February 17, 1982, Marjorie H. Wayland, Sydney Campbell-Johns Separate Property Trust dated January 3, 2019; APNs 147-021-006; 147-021-008; and 207-031-001

8. FSZ Application No. 2023-08- Storm Ranches, a California General Partnership et al.: APNs 207-033-006; 207-033-007; and 207-042-007

9. FSZ Application No. 2023-09- Linda S. De Santiago, Trustee of the Linda S. De Santiago Living Trust, created under an agreement dated December 21, 1998; APNs 165-101-006 and 165-101-008

b. Direct the Clerk of the Board of Supervisors to publish Notice of Public Hearing for the Public Hearing to take place on December 6, 2022 at 2:00 P.M. to consider the nine (9) 2023 applications, to create seven (7) Farmland Security Zones (“FSZ”) and FSZ Contracts and to establish two (2) Agricultural Preserves and Land Conservation Contracts.

California Environmental Quality Act (CEQA) Status: Categorically Exempt pursuant to CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Article 19, Categorical Exemptions, Section 15317 Open Space Contracts or Easements (Class 17 - establishment of agricultural preserves).

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Set a public hearing for December 6, 2022 at 2:00 P.M. to consider the 2023 Williamson Act applications, to create seven (7) Farmland Security Zones (“FSZ”) and FSZ Contracts and to establish two (2) Agricultural Preserves and Land Conservation Contracts (hereafter, “Applications”). The nine (9) total applications being considered this year include one (1) continued application from the previous year (De Santiago).

SUMMARY:

Each calendar year, the Board of Supervisors must consider Applications to Establish Agricultural Preserves (AgP) and enter into Land Conservation Contracts and Applications to Create Farmland Security Zones (FSZ) and enter into FSZ Contracts pursuant to the Land Conservation Act of 1965 (Williamson Act). This year, nine (9) Williamson Act applications will be considered for 2023, including seven (7) applications for the creation of FSZs and to enter into FSZ Contracts and two (2) applications to establish Agricultural Preserves and enter into Land Conservation Contracts. This number includes one (1) continued application to create an FSZ from the previous year (FSZ Application No. 2023-09 De Santiago (Application No. FSZ No. 2022-06 in 2021- Board Resolution No. 21-413). During the 2022 round of Williamson applications, the De Santiago application for an FSZ was granted an additional one-year continuance for the property owner to satisfy conditions of approval for a minor subdivision map.

DISCUSSION:

Williamson Act AgP and FSZ Contracts are agreements between a property owner and the County whereby the landowner may receive a reduced property tax assessment by restricting their property to the commercial agricultural production of food or fiber and the corresponding Board approved list of “compatible uses” for AgPs and FSZs. Williamson Act Contracts are established with an initial twenty (20) year term which renews annually on January 1 of each succeeding year to add one (1) additional year to the term unless notice of nonrenewal is provided.

The Agricultural Preservation Review Committee (APRC) which consists of staff from the Housing and Community Development (HCD) Planning Department, Agricultural Commissioner’s Office, Assessor-Recorder’s Office, and the Office of the County Counsel-Risk Management reviewed the 2023 Williamson Act Applications on September 21, 2022 and on October 17, 2022. The Monterey County Agricultural Advisory Committee (AAC) considered the 2023 Williamson Act Applications on

October 27, 2022.

Because this item must be set for a noticed public hearing, the December 6, 2022 Staff Report will provide the Board of Supervisors with recommendations from the APRC and the AAC regarding each of the applications. Board action is required to establish, by contract, AgP and FSZ status for those selected applications, to commence in the year 2023, if the subject property meets the criteria pursuant to Board Resolution No. 01-485, as amended by Board Resolution No. 03-383 (Procedures for Agricultural Preserves) (Attachment B) and Board Resolution No. 01-486 (Procedure for the Creation of Farmland Security Zones and Contracts) (Attachment C).

Approximately 799,000 acres of land in Monterey County is presently under Williamson Act contract. The nine (9) applications under consideration total 43 parcels and approximately 6,300 acres. Agricultural Preserves are generally comprised of “non-prime” (typically grazing) lands, whereas Farmland Security Zone acreage must be comprised of at least fifty one percent (51%) “predominantly prime” farmland (typically row crop).

The APRC met on September 21, 2022 and on October 17, 2022 and the Monterey County AAC met on October 27, 2022 to review the subject applications, which, if approved by the Board, would commence on the January 1, 2023 property tax lien date. Final recommendations by the Committees with detailed analysis and maps of each application will be provided as part of the December 6, 2022 Board of Supervisors report for final action.

Attached to this report is the 2023 Application Matrix (Attachment D) listing the name, acreage and parcel number(s) and General Plan/Area Plan location, for applications submitted, with a large-scale map (Attachment E) showing the general locations of the proposed applications. The public will be informed of the scheduled December 6, 2022 public hearing by way of Countywide noticing through the publication of notice in a newspaper of general circulation. Notice of the Public Hearing will be mailed to the applicant/owners and/or their legal representatives.

OTHER AGENCY INVOLVEMENT:

The APRC and the AAC have reviewed the 2023 Applications, including the one (1) continued application. The APRC and the AAC have made recommendations pursuant to the criteria set forth in Board Resolution No. 01-485, as amended by Board Resolution No. 03-383 (Procedures for Agricultural Preserves) and Board Resolution No. 01-486 (Procedures for the Creation of FSZs).

The APRC and the AAC’s recommendations will be provided in the Board Report for the Public Hearing on December 6, 2022.

FINANCING:

In the event that the Board of Supervisors decides to approve the applications and enter into these Contracts at the December 6, 2022 hearing, the assessed valuation of properties placed under said Contracts shall be reduced to their respective restricted values, resulting in a property tax reduction. A full estimate of said reduction will be available in the Board Report for the December 6, 2022 Public Hearing.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The processing of Williamson Act Contract Applications in a timely manner represents the County's effective and timely response to Agricultural Commissioner's and Housing and Community Development customer requests. Additionally, the ability to maintain a Williamson Act Contract provides an economic benefit to the agricultural industry, which is a main economic driver of Monterey County.

Check the related Board of Supervisors Strategic Initiatives:

- ☒ Economic Development
- ☒ Administration
- ☐ Health & Human Services
- ☐ Infrastructure
- ☐ Public Safety

Prepared by: Nadia Garcia, Agriculture Resource and Policy Manager III, ext. 7384

Reviewed by: Henry S. Gonzales Agricultural Commissioner/Sealer of Weights and Measures, Agricultural Commissioner's Office

Approved by: Craig Spencer, Chief of Planning, Housing and Community Development CS

This report was prepared with assistance by:

- Mary Grace Perry, Deputy County Counsel, Office of the County Counsel-Risk Management
- Marc Gomes, GIS Analyst, Agricultural Commissioner's Office
- Gregg Macfarlane, Supervisor Appraiser, Assessors-Recorder's Office

The following attachments are on file with the Clerk of the Board:

Attachment A - Notice of Public Hearing for December 6, 2022

Attachment B - Board Resolution No. 01-485, as amended by Board Resolution No. 03-383 (Procedures for Agricultural Preserves)

Attachment C - Board Resolution No. 01-486 (Procedure for the Creation of Farmland Security Zones and Contracts)

Attachment D - 2023 Application Matrix

Attachment E - County-wide Map- Monterey County 2023 Williamson Act Applications

cc: Front Counter Copy; Board of Supervisors; Henry S. Gonzales, Agricultural Commissioner/Sealer of Weights and Measures, Agricultural Commissioner's Office; Craig Spencer, Chief of Planning-HCD; Nadia Garcia, Ag Resource and Policy Manager, Agricultural Commissioner's Office; Mary Grace Perry, Deputy County Counsel, Office of the County Counsel-Risk Management; Gregg Macfarlane, Supervising Appraiser, Assessor-Recorder's Office; Applicant/Owners and/or Applicant/Owners' respective Legal Representatives/Agents; The Open Monterey Project; LandWatch; Project File REF220054.

