



Monterey County

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Board Report

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REF160046- Williamson Act 2017 Contract Applications (BOS Consent Item; 11.15.2016)

- a. Set a public hearing for December 6, 2016 at 1:30 p.m. to consider the 2017 applications, including two (2) continued applications, to create a total of eight (8) Farmland Security Zones ("FSZ") and FSZ Contracts and establish two (2) Agricultural Preserves ("AgP") and Land Conservation Contracts;
- 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, 2016 at 1:30 p.m. to consider the 2017 applications, including two (2) continued applications, to create eight (8) Farmland Security Zones ("FSZ") and FSZ Contracts and establish two (2) Agricultural Preserves ("AgP") and Land Conservation Contracts.

(REF160046- Williamson Act 2017 Contract Applications, County-wide)

List of Applications:

1. No. 2017-001 (FSZ) - L&J Farms Caraccioli, LLC; APN 167-052-023
2. No. 2017-002 (FSZ) - Asellus Monterey, LLC; APN 417-151-001 and 417-151-026
3. No. 2017-003 (FSZ) - Ventana Properties Holdings, LLC/The Roy C. Gianolini and Virginia B. Gianolini 2000 Family Trust dated October 20, 2000; APN 183-021-035
4. No. 2017-004 (AgP) - David and Lori Grow; APN 417-151-060
5. No. 2017-005 (FSZ) - JR Norton Ventures LP, APN 153-011-054 and 153-011-055
6. No. 2017-006 (FSZ) - Thomas M. Borchard and Katherine V. Borchard; APN 253-011-006
7. No. 2017-007* (FSZ) - RCT Land Co., LP; APN 145-181-006
*(*Combining FSZ Application Nos. 2017-007, 2017-008 and 2017-009)*
8. No. 2017-010 (FSZ) - Clinton F. Miller, Jr. and Karen V. Miller, Trustees of the Miller Family Trust dated December 9, 1999; APN 117-411-012 and 117-411-024
9. No. 2017-011 (FSZ) - Linda S. De Santiago Living Trust dated December 21, 1998; APN 165-101-006 and 165-101-008 *(Continued FSZ Application No. 2016-001)*
10. No. 2017-012 (AgP) - George R. Work, Colleen M. Work, Jody L. Birks, Johnita A. Fisher Life Estate; APN 424-161-020; 424-181-022 and 424-181-002 *(Continued AgP Application No. 2016-002)*

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Set a Public Hearing for December 6, 2016 at 1:30 p.m. to consider the 2017 Applications, including two (2) continued Applications, to create eight (8) Farmland Security Zones (“FSZ”) and FSZ Contracts and establish two (2) Agricultural Preserves (“AgP”) and Land Conservation Contracts (hereafter, “Applications”).

SUMMARY:

A Williamson Act Land Conservation Contract is an agreement between a property owner and the County whereby the landowner may receive a reduced property tax assessment by agreeing that their property is to be utilized solely for commercial agricultural production of food or fiber and a limited number of “compatible uses”. 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. For County initiated notices of nonrenewal, the County is required to provide a sixty (60) day notice to landowners, and to record said notice in advance of the January 1 property tax lien date and automatic renewal date. For Owner initiated notices of nonrenewal, landowners are required to provide a ninety (90) day notice, and the County is required to record said Owner initiated notice of nonrenewal within twenty days of receipt.

Each calendar year, the Board of Supervisors must consider AgP and FSZ Contract Applications pursuant to the Land Conservation Act of 1965. This year, a total of eight (8) Applications for the creation of FSZs and FSZ Contracts and the establishment of two (2) AgPs and Land Conservation Contracts, including two (2) continued Applications, will be considered. Per Board Resolution No. 01-485 as amended by 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), the Agricultural Preserve Review Committee (APRC) consists of staff from RMA - Planning, the Agricultural Commissioner’s Office, the Assessor-Recorder’s Office and the Office of the County Counsel.

The December 6, 2016 Staff Report will provide the Board of Supervisors with the APRC’s and the Monterey County Agricultural Advisory Committee’s (AAC) recommendations for 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 2017, if the subject property meets the criteria found under 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 784,186 acres of land in Monterey County is presently under Williamson Act Contract. The ten (10) applications under consideration total sixteen (16) parcels and approximately 2,747 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).

DISCUSSION:

The APRC met on October 7, 2016 and the Monterey County AAC met on October 27, 2016 to review the subject Applications, which, if approved by the Board, would commence on the January 1, 2017 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, 2016 Board of Supervisors report for final action.

Attached to this report is the 2017 Application Matrix (Attachment D) listing the name, acreage and parcel number(s) and General Plan/Area Plan designation, for the 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, 2016 Public Hearing by way of Countywide noticing through the publication of a Notice of Public Hearing 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, which consists of representatives from the Agricultural Commissioner's Office, Resource Management Agency-Planning Department, County Assessor-Recorder's Office and the Office of the County Counsel, has reviewed the 2017 Applications, including two (2) continued applications. The APRC has made its recommendations using 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). In addition, the AAC reviewed the 2017 Applications, including the two (2) continued Applications, at their October 27, 2016 meeting.

The APRC and the AAC's recommendations will be provided in the Board Report for the Public Hearing on December 6, 2016.

FINANCING:

In the event that the Board of Supervisors decides to approve the Applications and enter into these Contracts at the Public Hearing on December 6, 2016, 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, 2016 Public Hearing.

Prepared by: Nadia Amador, Associate Planner, ext. 5114

Approved by: Carl P. Holm, AICP, Director Resource Management Agency, ext. 5103

This report was prepared with the assistance by:

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Gregg MacFarlane, Supervising Appraiser, Assessor's Office

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Christina McGinnis, Management Analyst III, Agricultural Commissioner's Office

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

- Attachment A Notice of Hearing for December 6, 2016
- 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 2017 Application Matrix
- Attachment E Countywide Map - Monterey County 2017 Williamson Act
Applications

cc: Front Counter Copy; Board of Supervisors; Jacqueline Onciano, Planning Services Manager;
Nadia Amador, Associate Planner; Mary Grace Perry, Deputy County Counsel; Gregg
MacFarlane, Assessor-Recorder's Office; Bob Roach, Agricultural Commissioner's Office;
Christina McGinnis, Agricultural Commissioner's Office; Applicant/Owners and/or
Applicant/Owners' respective Legal Representatives/Agents; The Open Monterey Project;
LandWatch; Project File REF160033