



Monterey County

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Board Report

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Matter Type: General Agenda Item

REF170038- Williamson Act 2018 Contract Applications (BOS Hearing 12.05.2017)

- a. Set a public hearing for December 5, 2017 at 1:30 p.m. to consider seven (7) 2018 Williamson Act Applications:
 1. No. 2018-001 (FSZ) - Clinton F. Miller, Jr. and Karen V. Miller, Trustees of the Miller Family Trust dated December 9, 1999; APNs 117-411-012 and 117-411-024 (Continued FSZ Application No. 2017-010)
 2. No. 2018-002 (AgP) - Kyler N. Hamann and Jamie Hamann and Kristan A. Hamann; APNs 423-151-059 and 423-151-060
 3. No. 2018-003 (FSZ) - Mechanics Bank, Sole Successor Trustee under and pursuant to the Decree of Distribution in the matter of the Estate of Edie Westphal Herold, deceased; APN 223-061-023-000
 4. No. 2018-004 (FSZ) - Blackie Road Holdings, LLC, a California Limited Liability Company; APNs 133-013-001; 133-013-002; 133-013-003
 5. No. 2018-005 (FSZ) - Thomas M. Borchard, Sr. and Katherine V. Borchard; APN 253-011-006 (Continued FSZ Application No. 2017-006)
 6. No. 2018-006 (FSZ) - Linda S. De Santiago Living Trust dated December 21, 1998; APNs 165-101-006 and 165-101-008 (Continued FSZ Application No. 2017-011)
 7. No. 2018-007 (AgP) - George R. Work as Trustee of the WORK FAMILY ESTATE TRUST, George R. Work, Colleen M. Work, Jody L. Birks, Johnita A. Fisher Life Estate; APNs 424-161-020; 424-181-022 and 424-181-002 (Continued AgP Application No. 2017-012)
- b. Direct the Clerk of the Board of Supervisors to publish Notice of Public Hearing for the Public Hearing to take place on December 5, 2017 at 1:30 p.m. to consider the 2018 applications, including four (4) continued applications, to create five (5) Farmland Security Zones ("FSZ") and FSZ Contracts and establish two (2) Agricultural Preserves ("AgP") and Land Conservation Contracts.
(REF170038- Williamson Act 2018 Contract Applications, County-wide)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Set a public hearing for December 5, 2017 at 1:30 p.m. to consider the 2018 applications, including four (4) continued applications, to create five (5) 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 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, five (5) applications for the creation of FSZs and FSZ Contracts and the establishment of two (2) AgPs and Land Conservation Contracts will be considered, including four (4) continued applications. The December 5, 2017 Staff Report will provide the Board of Supervisors with the Agricultural Preserve Review Committee’s (APRC) 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 2018, 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 785,871 acres of land in Monterey County is presently under Williamson Act contract. The seven (7) applications under consideration total fourteen (14) parcels and approximately 2,925 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 18, 2017 and the Monterey County AAC will meet on October 26, 2017 to review the subject applications, which, if approved by the Board, would commence on the January 1, 2018 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 5, 2017 Board of Supervisors report for final action.

Attached to this report is the 2018 Application Matrix (Attachment D) listing the name, acreage and parcel number(s) and General Plan/Area Plan designation, 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 5, 2017 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, 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 2018 Applications, including four (4) 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 will review the 2018 applications, including the four (4) continued applications, at their October 26, 2017 meeting.

The APRC and the AAC's recommendations will be provided in the Board Report for the Public Hearing on December 5, 2017.

FINANCING:

In the event that the Board of Supervisors decides to approve the applications and enter into these Contracts at the December 5, 2017 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 5, 2017 Public Hearing.

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Approved by: Carl P. Holm, AICP, RMA Director

This report was prepared with the assistance by:

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

Attachment A - Notice of Hearing for December 5, 2017

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 - 2018 Application Matrix

Attachment E - County-wide Map- Monterey County 2018 Williamson Act Applications

cc: Front Counter Copy; Board of Supervisors; Jacqueline R. Onciano, RMA-Chief of Planning; Nadia Amador, Associate Planner; Mary Grace Perry, Deputy County Counsel, Office of the County Counsel; Gregg MacFarlane, Senior Agricultural Appraiser, Assessor-Recorder's Office; Robert A. Roach, Assistant Agricultural Commissioner, Agricultural Commissioner's Office; Christina McGinnis, Management Analyst III, Agricultural Commissioner's Office; Applicant/Owners and/or Applicant/Owners' respective Legal Representatives/Agents; The Open Monterey Project; LandWatch; Project File REF170038.