



Monterey County

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

Board Report

Legistar File Number: RES 19-172

December 10, 2019

Introduced: 11/26/2019

Current Status: RMA Land Use - Consent

Version: 1

Matter Type: BoS Resolution

- a. Conduct a public hearing to consider eleven (11) 2020 Williamson Act Applications (REF190037); and
- b. Adopt a Resolution:
 1. Finding that Open Space Contracts or Easements qualify as a Class 17 Categorical Exemption pursuant to the California Environmental Quality Act (CEQA), California Code of Regulations (CCR) CEQA Guidelines Section 15317 and there are no exceptions pursuant to CEQA Guidelines CC Section 15300.2;
 2. Denying Farmland Security Zone (FSZ) Application No. 2020-006 (911.35 acres) - Bianchi Ranch, LLC to establish an FSZ and Contract; and, denying the request for a refund of the nonrefundable application fee submitted with said FSZ application;
 3. Continuing FSZ Application No. 2020-008 (410 acres) - The John Hansen Cumming and Constance Marie Cumming Revocable Trust dated October 15, 2001 et al to the 2021 round of Williamson Act Applications (to be considered in 2020);
 4. Continuing FSZ Application No. 2020-009 (170 acres) - Linda S. De Santiago Living Trust dated December 21, 1998 to the 2022 round of Williamson Act Applications (to be considered in 2021);
 5. Denying in part and approving in part Agricultural Preserve (AgP) Application No. 2020-010 (Asellus Monterey II, LLC) to establish an AgP and Land Conservation Contract;
 6. Approving seven (7) applications to establish two (2) AgPs and Land Conservation Contracts and approving five (5) applications to create FSZs and Contracts;
 - a. FSZ Application No. 2020-001 (70.95 acres) - Jensen Family Partners LP; AJ Spence Blanco LLC; DJS & B Ranch LLC; APN 207-031-003.
 - b. FSZ Application No. 2020-002 (272.95 acres) - Jensen Family Partners LP; AJ Spence Blanco LLC; DJS & B Ranch LLC; APNs 137-041-004 and 137-041-014.
 - c. FSZ Application No. 2020-003 (901.86 acres) - rescinding existing Land Conservation Contract (LCC) No. 68-020 as applicable to the property subject to LCC No. 68-020, with simultaneous placement of the property (901.86 acres) in a new FSZ and Contract as applicable to all of the property which is the subject of said FSZ application - AJ Esperanza LLC; DJE Ranch LLC; Stephen and Patricia Jensen Trust; Ross Neil Jensen; Marie Ann Jensen Vasquez; Quinn Neil Jensen; Steen Neil Jensen; APNs 137-052-005; 137-052-006 and 137-052-007.
 - d. FSZ Application No. 2020-004 (132.73 acres) - Huntington Farms Inc; APN 177-132-018.
 - e. FSZ Application No. 2020-005 (109.1 acres) - Soledad Ranches Limited Partnership; APN 216-022-001.
 - f. AgP Application No. 2020-007 (2,666.20 acres) - Sky Rose Ranch, LLC; APNs 424-121-023; 424-121-024; 424-121-058; 424-141-048; 424-121-020; 424-121-022; 424-141-003; 424-131-079; 424-131-080; 424-131-081; 424-131-086; 424-131-087; 424-131-

088.

- g. AgP Application No. 2020-011 (2,321.05 acres) - Sky Rose Ranch, LLC; APNs 423-141-006; 423-141-010; 423-141-012; 423-141-013; 423-141-031; 423-141-032; 423-141-033; 423-141-034; 423-141-035; 423-141-045; 423-141-046; 423-151-009; 423-151-011.
- 7. Authorizing the Chair to execute the recommended two (2) AgP Land Conservation Contracts and five (5) FSZ Contracts; and
- 8. Directing the Clerk of the Board of Supervisors to record the AP Land Conservation Contracts and FSZ Contracts prior to the January 1, 2020 property tax lien date subject to the submittal of the corresponding recording fees by the property owners of record.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution (**Attachment A**):

- a. Finding that the project is for Open Space Contracts or Easements which qualify as a Class 17 Categorical Exemption pursuant to the California Environmental Quality Act (CEQA), California Code of Regulations (CCR) CEQA Guidelines Section 15317, and that there are no exceptions pursuant to CCR Section 15300.2;
- b. Denying Farmland Security Zone (FSZ) Application No. 2020-006 (911.35 acres) - Bianchi Ranch LLC; APN 165-013-010; and, denying a request for a refund of the nonrefundable application fee submitted with said FSZ application;
- c. Continuing FSZ Application No. 2020-008 (410 acres) - John Hansen Cumming and Constance Marie Cumming, Trustees of The John Hansen Cumming and Constance Marie Cumming Revocable Trust dated October 15, 2001; Andrew Nelson Cumming and Tamara Susan Cumming, as Trustees of The Andrew Nelson Cumming and Tamara Susan Cumming Revocable Trust U/D/T dated September 1, 2000; and Joseph C. Cumming and Kristi A. Cumming, Co-Trustees of The Joseph and Kristi Cumming Family Trust dated August 31, 2000; APN 153-011-009, to the 2021 round of Williamson Act Applications for the Owner-Applicants to satisfy conditions of approval for the lot line adjustment approved pursuant to Planning File No. PLN180422; subject to the following, if the lot line adjustment conditions pursuant to PLN180422 are not satisfied, the lot line adjustment map or record of survey as applicable, and the grant deeds and certificates of compliance for the reconfigured lots are not filed or recorded as applicable, and a revised application for an FSZ and contract is not submitted by the Williamson Act application deadline of September 15, 2020, the FSZ application shall be considered withdrawn;
- d. Continuing FSZ Application No. 2020-009 (170 acres) - Linda S. De Santiago Living Trust dated December 21, 1998; APNs 165-101-006 and 165-101-008 (Continued FSZ Application No. 2019-009) to the 2022 round of Williamson Act Applications for the Owner-Applicant to satisfy the conditions of approval for the Minor Subdivision map (PLN030214-EXT-1), file the final map with the County Recorder, and submit revised application materials by the application deadline of September 15, 2021; subject to the following, if the subject Minor Subdivision conditions are not satisfied and the final map is not filed with the County Recorder; and if the revised FSZ application materials are not submitted by the application deadline of September 15, 2021, the FSZ application shall be considered withdrawn;
- e. Denying in part and approving in part Agricultural Preserve (AgP) Application No. 2020-010 (395 acres) - Asellus Monterey II, LLC; APNs 422-121-004; 422-121-005; and 422-121-032,

- (Continued AgP Application No. 2019-012); approving only APN 422-121-004 (232 acres); and denying APN 422-121-005 (4.24 acres) and APN 422-121-032 (159.40 acres) for a combined total of 163.64 acres which are not recommended for approval.
- f. Approving seven (7) applications to establish two (2) AgPs and Land Conservation Contracts and approving five (5) applications to create FSZs and Contracts, consisting of thirty-four (34) parcels totaling 6,474.84 acres;
1. FSZ Application No. 2020-001 (70.95 acres) - Jensen Family Partners LP; AJ Spence Blanco LLC; DJS & B Ranch LLC; APN 207-031-003.
 2. FSZ Application No. 2020-002 (272.95 acres) - Jensen Family Partners LP; AJ Spence Blanco LLC; DJS & B Ranch LLC; APNs 137-041-004 and 137-041-014.
 3. FSZ Application No. 2020-003 (901.86 acres) - rescinding existing Land Conservation Contract (LCC) No. 68-020 as applicable to the property subject to LCC No. 68-020, with simultaneous placement of the property (901.86 acres) in a new FSZ and Contract as applicable to all of the property which is the subject of said FSZ application - AJ Esperanza LLC; DJE Ranch LLC; Stephen and Patricia Jensen Trust; Ross Neil Jensen; Marie Ann Jensen Vasquez; Quinn Neil Jensen; Steen Neil Jensen; APNs 137-052-005; 137-052-006 and 137-052-007.
 4. FSZ Application No. 2020-004 (132.73 acres) - Huntington Farms Inc; APN 177-132-018.
 5. FSZ Application No. 2020-005 (109.1 acres) - Soledad Ranches Limited Partnership; APN 216-022-001.
 6. AgP Application No. 2020-007 (2,666.20 acres) - Sky Rose Ranch, LLC; APNs 424-121-023; 424-121-024; 424-121-058; 424-141-048; 424-121-020; 424-121-022; 424-141-003; 424-131-079; 424-131-080; 424-131-081; 424-131-086; 424-131-087; 424-131-088.
 7. AgP Application No. 2020-011 (2,321.05 acres) - Sky Rose Ranch, LLC; APNs 423-141-006; 423-141-010; 423-141-012; 423-141-013; 423-141-031; 423-141-032; 423-141-033; 423-141-034; 423-141-035; 423-141-045; 423-141-046; 423-151-009; 423-151-011.
- g. Authorizing the Chair to execute the recommended AgP Land Conservation Contracts and FSZ Contracts; and
- h. Directing the Clerk of the Board of Supervisors to record the AgP Land Conservation Contracts and FSZ Contracts prior to the January 1, 2020 property tax lien date subject to the submittal of the corresponding recording fees by the property owners of record.

SUMMARY:

If the Board of Supervisors wishes to consider applications for the establishment of Agricultural Preserves (AgP) and Land Conservation Contracts and for the creation of Farmland Security Zones (FSZ) and FSZ Contracts pursuant to the Land Conservation Act of 1965 (Williamson Act), a hearing must be held before the end of the year to go into effect the following year. On November 19, 2019, the Board set December 10, 2019 as the date to hold a public hearing on this matter.

This year a total of eleven (11) applications were submitted for consideration; eight (8) for the creation of FSZs and FSZ Contracts; and three (3) for the creation of AgPs and Land Conservation Contracts. See **Attachment B** for List of 2020 Williamson Act Applications and **Attachment C** for Maps for

each application. This number includes two (2) continued applications from last year's round of applications: FSZ Application No. 2019-009 (Linda S. De Santiago Living Trust dated December 21, 1998); and AgP Application No. 2019-012 (Asellus Monterey II, LLC). These applicants have been renumbered and are now FSZ Application No. 2020-009 (De Santiago), and AgP Application No. 2020-010 (Asellus).

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). Board action is required to establish, by contract, AgP and FSZ status for those selected applications, to commence in the year 2020, 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 D**) and Board Resolution No. 01-486 (Procedure for the Creation of Farmland Security Zones and Contracts- **Attachment E**). Approximately 789,001 acres of land in Monterey County is presently under Williamson Act contract.

The eleven (11) applications under consideration total 41 parcels and approximately 8,362 acres. These applications were reviewed by the Agricultural Preserve Review Committee (APRC) and the Agricultural Advisory Committee (AAC) to assess if the criteria is met and the application is complete. Monterey County would add 35 parcels and 6,706.94 acres of land to the Williamson Act program if the Board accepts the following recommendations for the 2020 application year:

FSZ Application No. 2020-001 (70.95 acres) - Jensen Family Partners LP; AJ Spence Blanco LLC; DJS & B Ranch LLC; APN 207-031-003. **APPROVE**

FSZ Application No. 2020-002 (272.95 acres) - Jensen Family Partners LP; AJ Spence Blanco LLC; DJS & B Ranch LLC; APNs 137-041-004 and 137-041-014. **APPROVE**

FSZ Application No. 2020-003 (901.86 acres) - rescinding existing Land Conservation Contract (LCC) No. 68-020 as applicable to the property subject to LCC No. 68-020, with simultaneous placement of the property (901.86 acres) in a new FSZ and Contract as applicable to all of the property which is the subject of said FSZ application - AJ Esperanza LLC; DJE Ranch LLC; Stephen and Patricia Jensen Trust; Ross Neil Jensen; Marie Ann Jensen Vasquez; Quinn Neil Jensen; Steen Neil Jensen; APNs 137-052-005; 137-052-006 and 137-052-007. **APPROVE**

FSZ Application No. 2020-004 (132.73 acres) - Huntington Farms Inc; APN 177-132-018. **APPROVE**

FSZ Application No. 2020-005 (109.1 acres) - Soledad Ranches Limited Partnership; APN 216-022-001. **APPROVE**

FSZ Application No. 2020-006 (911.35 acres) - Bianchi Ranch, LLC to create an FSZ and FSZ Contract. **DENY** because the subject property is already within an existing FSZ. The applicants have requested a refund of their fee; however, the program states that the application fee submitted is nonrefundable, and work was performed prior to notification of the error. Therefore, staff recommends denial of the refund request.

AgP Application No. 2020-007 (2,666.20 acres) - Sky Rose Ranch, LLC; APNs 424-121-023; 424-121-024; 424-121-058; 424-141-048; 424-121-020; 424-121-022; 424-141-003; 424-131-079; 424-131-080; 424-131-081; 424-131-086; 424-131-087; 424-131-088.

APPROVE

FSZ Application No. 2020-008 (410 acres) - The John Hansen Cumming and Constance Marie Cumming Revocable Trust dated October 15, 2001 et al. **CONTINUE** to the 2021 round of Williamson Act Applications, to be considered in 2020 based on the applicants request to first satisfy the conditions of approval on a tentatively approved lot line adjustment that would change the configuration of the subject parcels.

FSZ Application No. 2020-009 (170 acres) - Linda S. De Santiago Living Trust dated December 21, 1998; Continued FSZ Application No. 2019-009. **CONTINUE** to the 2022 round of Williamson Act Applications to be considered in 2021 if the Owner-Applicant is able to satisfy the conditions of approval for the Minor Subdivision map (PLN030214-EXT-1), file the final map with the County Recorder, and submit revised application materials by the application deadline of September 15, 2021. If not, and if the revised FSZ application materials are not submitted by the application deadline of September 15, 2021, the FSZ application shall be considered withdrawn.

AgP Application No. 2020-010 - Asellus Monterey II, LLC; APNs 422-121-004; 422-121-005; and 422-121-032 (395 acres); Continued AgP Application No. 2019-012. **APPROVE** only APN 422-121-004 (232 acres). **DENY** APN 422-121-005 (4.24 acres) and APN 422-121-032 (159.40 acres) for a combined total of 163.64 acres.

AgP Application No. 2020-011 (2,321.05 acres) - Sky Rose Ranch, LLC; APNs 423-141-006; 423-141-010; 423-141-012; 423-141-013; 423-141-031; 423-141-032; 423-141-033; 423-141-034; 423-141-035; 423-141-045; 423-141-046; 423-151-009; 423-151-011.

APPROVE

DISCUSSION:

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”.

The County of Monterey provides two (2) options for landowners who wish to restrict their land to commercial agricultural uses: *Agricultural Preserves (AgP)* and *Farmland Security Zones (FSZ)*. Entering into these contracts is entirely voluntary for both the landowner and the County. The minimum initial term for an agricultural preserve and farmland security zone contract in Monterey County is 20 years. Contracts renew annually on each succeeding January 1, unless either party files a “notice of nonrenewal.” If a notice of nonrenewal is filed, the property taxes begin to rise as the contract runs out during the remaining years of the term. Historically, local governments receive an annual subvention of forgone property tax revenues from the State through the Open Space Subvention Act of 1971. Unfortunately, subvention payments were suspended in Fiscal Year

2009-2010 because of the State's fiscal constraints. The Williamson Act contracts between landowners and local governments, however, remain in force regardless of the availability of subvention funds.

In Monterey County, the following Board of Supervisor's Resolutions authorize the Board of Supervisors to enter into contracts with private landowners:

- *Board of Supervisors Resolution No. 01-485*: "Amending Procedure for Agricultural Preserves" as amended by *Board of Supervisors Resolution No. 03-383*. (**Attachment D**); and
- *Board of Supervisors Resolution No. 01-486*: "Amending Procedure for the Creation of Farmland Security Zones (FSZ) and Contracts"; (**Attachment E**) Seven (7) applications recommended for approval meet the requirements of the respective AgP and FSZ programs. These are:
 1. FSZ Application No. 2020-001 (70.95 acres) - Jensen Family Partners LP; AJ Spence Blanco LLC; DJS & B Ranch LLC; APN 207-031-003. FSZ Application No. 2020-001 requires that findings be made to support the creation of an FSZ and approve an FSZ contract for property which is less than 100 acres. For an explanation of this application, see the *Summary of Certain Applications* section below.
 2. FSZ Application No. 2020-002 (272.95 acres) - Jensen Family Partners LP; AJ Spence Blanco LLC; DJS & B Ranch LLC; APNs 137-041-004 and 137-041-014.
 3. FSZ Application No. 2020-003 (901.86 acres) - rescinding existing Land Conservation Contract No. 68-020 as applicable to the property subject to LCC No. 68-020, with simultaneous placement of the property (901.86 acres) in a new FSZ and Contract as applicable to all of the property which is the subject of said FSZ application - AJ Esperanza LLC; DJE Ranch LLC; Stephen and Patricia Jensen Trust; Ross Neil Jensen; Marie Ann Jensen Vasquez; Quinn Neil Jensen; Steen Neil Jensen; APNs 137-052-005; 137-052-006 and 137-052-007.
 4. FSZ Application No. 2020-004 (132.73 acres) - Huntington Farms Inc; APN 177-132-018.
 5. FSZ Application No. 2020-005 (109.1 acres) - Soledad Ranches Limited Partnership; APN 216-022-001.
 6. AgP Application No. 2020-007 (2,666.20 acres) - Sky Rose Ranch, LLC; APNs 424-121-023; 424-121-024; 424-121-058; 424-141-048; 424-121-020; 424-121-022; 424-141-003; 424-131-079; 424-131-080; 424-131-081; 424-131-086; 424-131-087; 424-131-088.
 7. AgP Application No. 2020-011 (2,321.05 acres) - Sky Rose Ranch, LLC; APNs 423-141-006; 423-141-010; 423-141-012; 423-141-013; 423-141-031; 423-141-032; 423-141-033; 423-141-034; 423-141-035; 423-141-045; 423-141-046; 423-151-009; 423-151-011.

Summary of Certain Applications: The following is a summary of certain applications.

- *FSZ Application No. 2020-001 (70.95 acres) - Jensen Family Partners LP; AJ Spence Blanco LLC; DJS & B Ranch LLC; APN 207-031-003*: This is an application for the creation of an FSZ and contract for property which is 70.95 acres. Pursuant to Board

Resolution No. 01-486, applications for an FSZ will not be considered unless the parcel or group of contiguous parcels to be included in an FSZ contains 100 or more acres. Areas of less than 100 acres, but of 40 or more acres, may be eligible if the Board finds that smaller FSZs are necessary due to the unique characteristics of the agricultural enterprises in the area and that the establishment of an FSZ of less than 100 acres is consistent with the County General Plan. The applicant's representative has submitted justification to be considered for an FSZ Contract of less than 100 acres. See **Attachment F**. On October 10, 2019, the Agricultural Preservation Review Committee (APRC), comprised of County staff from the Resource Management Agency Planning Division, Assessor's Office, Agricultural Commissioner's Office and the Office of the County Counsel, reviewed all of the Williamson Act applications, including the Jensen Family Partners LP et al application and arrived at a "no consensus" vote regarding the merits for acceptance of this application into an FSZ contract. On October 24, 2019, the Monterey County Agricultural Advisory Committee (AAC), after hearing testimony from the applicant, voted to recommend approval to the Monterey County Board of Supervisors to accept this application for the creation of an FSZ and contract based on the unique characteristics of the agricultural enterprise in the area of the subject property.

Staff's recommendation: Staff recommends that this application for an FSZ be approved as the applicant has demonstrated that unique characteristics of the agricultural enterprises in the area exist. See **Attachment F**.

- FSZ Application No. 2020-006 (911.35 acres) - Bianchi Ranch, LLC: On October 9, 2019, staff received correspondence from the applicant's representative explaining that this application for the creation of an FSZ and Contract was made in error, as the subject property is already within an existing FSZ. Therefore, the applicant's representative requested rescission of the application and a return of the application fee. See **Attachment G**. However, pursuant to Board Resolution No. 01-486 - Amending Procedure for the Creation of FSZs and Contracts, the application fee is non-refundable. Therefore, this request will need to go before the Board of Supervisors with a request to provide direction to staff regarding the request for a refund. The APRC arrived at "no consensus" because Board Resolution No. 01-486, at item 2, states that applications will be submitted with a non-refundable application fee. On October 24, 2019, the AAC reviewed the Bianchi application and refund request. The AAC voted to recommend that the Board of Supervisor not refund the application fee. On November 18, 2019, County staff notified the Owner-Applicant's representative that the request for a refund would be referred to the Board without a recommendation and that said request would be considered by the Board at the hearing on December 10 at 1:30 p.m. See **Attachment H**.
- FSZ Application No. 2020-008 (410 acres) - The John Hansen Cumming and Constance Marie Cumming Revocable Trust dated October 15, 2001 et al: The APRC on October 10, 2019 and the AAC on October 24, 2019, had recommended approval of this application for an FSZ and contract. On November 15, 2019, a request for a continuance to next year's round of applications was received from the applicants' representative. See **Attachment I**. This was due to the applicants' desire to first satisfy the conditions of approval on a tentatively approved lot line adjustment that would change the configuration of the subject parcels. On

November 18, 2019, County staff notified the applicants' representatives that the request for a continuance would be considered by the Board during the public hearing on December 10, 2019 at 1:30 p.m. See **Attachment J**.

Staff's recommendation: Staff recommends a continuance of this application to the 2021 round of Williamson Act Applications, to be considered in 2020 for the Owner-Applicants to satisfy conditions of approval for the lot line adjustment approved pursuant to Planning File No. PLN180422; subject to the following, if the lot line adjustment conditions pursuant to PLN180422 are not satisfied, the lot line adjustment map or record of survey as applicable, and the grant deeds and certificates of compliance for the reconfigured lots are not filed or recorded as applicable, and a revised application for an FSZ and contract is not submitted by the Williamson Act application deadline of September 15, 2020, the FSZ application shall be considered withdrawn.

- FSZ Application No. 2020-009 Linda S. De Santiago Living Trust dated December 21, 1998: The property Owner-Applicant has requested a continuance (see **Attachment K**) of this application until such time as the final map for a previously approved minor subdivision of the subject property is filed with the County Recorder so that the property can be considered for an FSZ based on two (2) of the four (4) parcels which will be created by the final map. The current application includes Assessor's Parcel Numbers 165-101-006 and 165-101-008 which comprise one (1) legal lot of record and does not qualify for the creation of an FSZ and contract. As currently configured, the subject property is not predominantly prime agricultural land as defined in Government Code Section 51201(c) nor designated on the Important Farmland Series Maps prepared pursuant to Government Code Section 65570 as predominantly one of more of the following: (1) prime farmland; (2) farmland of statewide significance, (3) unique farmland or (4) farmland of local importance. Once the final map for the minor subdivision is recorded with the County Recorder, a portion of the property which is the subject of this application can be considered for an FSZ based on two (2) of the four (4) parcels which will be created by the final map

This application was continued from last year's round of applications and has been continued since 2014 to provide the applicant with additional time to satisfy conditions of the tentatively approved minor subdivision of the subject property and record the final map. Last year, staff recommended that this application be continued to this year's round of applications, with the condition that the final map for the minor subdivision be filed by the September 16, 2019 application submittal deadline, or the application would be considered "withdrawn." Due to conditions beyond the property Owner-Applicant's control, the Owner-Applicant was not able to successfully meet the conditions of approval for the approved tentative minor subdivision map in order to file the final map with the County Recorder. The property Owner-Applicant timely requested an extension of the approved tentative minor subdivision map. Although, the request for an extension was made in a timely manner by the property Owner-Applicant, the extension request was not processed for a year by staff due to delays caused by limited staffing resources and the Owner-Applicant surveyor's unavailability to supply staff with certain map requirements.

On October 10, 2019, the APRC, reviewed all of the Williamson Act applications, including the De Santiago application. For the reasons set forth above, the APRC arrived at a “no consensus” vote regarding a continuance of the De Santiago application. On October 24, 2019, the AAC reviewed the De Santiago application. After hearing testimony from the applicant, the AAC voted to continue this application until such time as the final map for the minor subdivision of the subject property is recorded. On November 15, 2019, County staff notified the Owner-Applicant that the request for continuance would be presented to the Board for the Board’s consideration at the public hearing on December 10, 2019 at 1:30 p.m. See **Attachment L**.

Staff’s recommendation: Staff recommends that this application for an FSZ consisting of 170 acres is continued to the 2022 round of Williamson Act Applications to be considered in 2021, for the Owner-Applicant to satisfy the conditions of approval for the Minor Subdivision map (PLN030214-EXT-1), file the final map with the County Recorder, and submit revised application materials by the application deadline of September 15, 2021; subject to the following, if the Minor Subdivision conditions are not satisfied and the final map is not filed with the County Recorder; and if the revised FSZ application materials are not submitted by the application deadline of September 15, 2021, the FSZ application shall be considered withdrawn. This approach would provide the Owner-Applicant with two more years to satisfy conditions of approval of the Minor Subdivision, which in Staff’s opinion is ample time to satisfy conditions of approval. This approach would provide for a definite deadline, as opposed to an indefinite timeline.

AgP Application No. 2020-010 (Asellus Monterey II, LLC): Staff recommends approval of the application for the establishment of an AgP for Parcel I only (APN 422-121-004) (232.1 acres) and denial for Parcels II and III (APNs 422-121-005 [4.24 acres] and 422-121-032 [159.40 acres]). No information was provided by the applicant to indicate that Parcels II and III had a recent history of being used primarily for commercial agricultural production of food or fiber for three of the last five years, nor that these lands had generated at least \$8,000 of annual gross income during three of the last five years from the production of animals and/or unprocessed agricultural plant products. Further, the financial statement submitted in support of the subject application corresponds to the vineyard parcel (Parcel I) only. On October 24, 2019, the AAC, reviewed this application and concurred with staff’s recommendation for approval of Parcel 1 (APN 422-121-004) only (232.1 acres) and denial of Parcels II and III (APN 422-121-005 [4.24 acres] and APN 422-121-032 [159.40 acres]). On November 19, 2019, County staff notified the applicant that the APRC’s recommendation would be presented to the Board at the public hearing on December 10, 2019 at 1:30 p.m. See **Attachment M**.

Staff’s recommendation: For the reasons set forth above, staff recommends approval of the application to establish an Agricultural Preserve and AgP Contract for Parcel I (APN 422-121-004) only (232.1 acres) and denial of the application as it pertains to Parcels II and III (APN 422-121-005 [4.24 acres] and APN 422-121-032 [159.40 acres]).

OTHER AGENCY INVOLVEMENT:

The Agricultural Preserve Review Committee (APRC) reviewed all eleven 2020 applications on October 10, 2019. The APRC consists of staff representatives from the Agricultural Commissioner's Office, Resource Management Agency-Planning Department, the Assessor-Recorder's Office and the Office of the County Counsel. The APRC recommends approval of the following Applications: FSZ Application No. 2020-002 (Jensen Family Partners LP et al); FSZ Application No. 2020-003 (AJ Esperanza LLC et al); FSZ Application No. 2020-004 (Huntington Farms, Inc.); FSZ Application No. 2020-005 (Soledad Ranches Limited Partnership); AgP Application No. 2020-007 (Sky Rose Ranch, LLC); FSZ Application No. 2020-008 (The John Hansen Cumming and Constance Marie Cumming Revocable Trust dated October 15, 2001 et al); and AgP Application No. 2020-011 (Sky Rose Ranch, LLC). The APRC recommends approval in part and denial in part of AgP Application No. 2020-010 (Asellus Monterey II, LLC); and a No Consensus recommendation on: FSZ Application No. 2020-001 (Jensen Family Partners LLP et al); FSZ Application No. 2020-006 (Bianchi Ranch, LLC) and FSZ Application No. 2020-009 (Linda S. De Santiago Trust dated December 21, 1998).

The Monterey County Agricultural Advisory Committee (AAC) reviewed the 2020 Applications on October 24, 2019. The AAC recommends the following: Approval of FSZ Application No. 2020-001 (Jensen Family Partners et al); FSZ Application No. 2020-002 (Jensen Family Partners et al); FSZ Application No. 2020-003 (AJ Esperanza LLC et al); FSZ Application No. 2020-004 (Huntington Farms, Inc); FSZ Application No. 2020-005 (Soledad Ranches Limited Partnership); AgP Application No. 2020-007 (Sky Rose Ranch, LLC); FSZ Application No. 2020-008 (The John Hansen Cumming and Constance Marie Cumming Revocable Trust dated October 15, 2001 et al); AgP Application No. 2020-011 (Sky Rose Ranch, LLC). The AAC recommends continuance of FSZ Application No. 2020-009 (Linda S.De Santiago dated December 21, 1998) until such time as the Owner-Applicant satisfies conditions of approval for the Minor Subdivision. The AAC recommends approval in part and denial in part of AgP Application No. 2020-010 (Asellus Monterey II, LLC); and finally, the AAC recommends denial of FSZ Application No. 2020-006 (Bianchi Ranch, LLC) and denial of the request for a refund of the nonrefundable application fee.

The APRC and AAC 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).

Notification to the City of Salinas: FSZ Application Nos. 2020-001 (Jensen et al) and 2020-008 (Cumming) are outside the City of Salinas Sphere of Influence boundary, but within one (1) mile of the City of Salinas boundaries, which requires notification of the subject Farmland Security Zone applications to the City. On October 15, 2019, staff sent notification letters of these applications to the City of Salinas. See **Attachment N**. No objection from the City of Salinas has been received.

FINANCING:

Allowing the subject properties recommended for approval to attain FSZ and AgP status will reduce the assessed valuation of each property involved. The estimated impact amounts for all eleven (11) of the applications to be considered are shown on the Financial Impact Analysis (FIR) attached herein **Attachment O** note in the FIR, Sky Rose Ranch applications No. 2020-007 and 2020-011 were previously combined under 2020-007).

The Assessor's Office estimates that the annual net tax loss, if the eight (8) applications recommended for approval were to be accepted, would be approximately \$177,084 without subvention payments and approximately \$177,084 without subvention payments and approximately \$162,211 with subvention payments.

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 RMA 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, Associate Planner, ext. 5114

Reviewed by: Brandon Swanson, Interim Chief of RMA Planning *BS*

Approved by: John M. Dugan, FAICP, Deputy Director RMA Land Use and Community Development

This report was prepared with the 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, Supervising Appraiser, Assessor's Office

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

Attachment A – Draft Resolution

Attachment B – List of 2020 Williamson Act Applications

Attachment C – Maps - Monterey County 2020 Williamson Act App.

Attachment D – BOS Res. No. 01-485, as amended by BOS Res. No. 03-383

Attachment E – BOS. Res. No. 01-486

Attachment F – Jensen App. No. 2020-001, Cor. from agent dated 10-1-19

Attachment G – Bianchi App. No. 2020-006, Cor. from agent dated 10-9-19

Attachment H – County Letter dated 11-18-19 RE: Bianchi 2020-006

Attachment I – Cumming App. No. 2020-008, Cor. from agent dated 11-15-19

Attachment J – County Letter dated 11-18-19 RE: Cumming 2020-008

Attachment K – De Santiago App. No. 2020-009, Cor. from app. dated 10-16-19

Attachment L – County Letter dated 11-15-19 RE: De Santiago 2020-009

Attachment M – County Letter dated 11-19-19 RE: Asellus 2020-010

Attachment N – Notification Letters to City of Salinas dated 10-15-19

Attachment O – Financial Impact Analysis for 2020 Williamson Act App.

cc: Front Counter Copy; Board of Supervisors; Brandon Swanson, RMA-Interim Chief of Planning; Nadia Garcia, Associate Planner, RMA-Planning; Mary Grace Perry, Deputy County Counsel, Office of the County Counsel; Gregg MacFarlane, Supervising Appraiser, Assessor-Recorder's Office; Jose Chang, Assistant Agricultural Commissioner/Sealer of Weights and Measures, Agricultural Commissioner's Office; Shandy Carroll, Agricultural Resource and Policy Manager, Agricultural Commissioner's Office; Owner-Applicants and/or Owner-Applicants' respective Legal Representatives/Agents; The Open Monterey Project; LandWatch; Project File REF190037.