

**MONTEREY COUNTY PLANNING COMMISSION
NOVEMBER 8, 2023**

AGENDA ITEM NO. 4



Additional Correspondence

**REF220044 - REGULATIONS
TO MITIGATE FOR
DEVELOPMENT ON
FARMLAND**

FOR ADDITIONAL INFORMATION CONTACT:
Taylor Price, Associate Planner
(831) 784-5730 or pricet1@co.monterey.ca.us
Monterey County Housing and Community Development
Land Use Division, Planning
1441 Schilling Place - South, 2nd Floor, Salinas CA, 93901

From: [Robert Roach](#)
To: [293-pchearingcomments](#)
Cc: [Beretti, Melanie](#); [Price, Taylor](#)
Subject: Public Comment on Item #4
Date: Tuesday, November 7, 2023 10:25:26 AM
Attachments: [PC Comment on Ag Land Mitigation.pdf](#)

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Planning Commission,

Please accept the attached comment on agenda item #4, Regulations to Mitigate for Development on farmland.
Thank you.

Robert Roach

Date: November 7, 2023

To: Monterey County Planning Commission

From: Robert Roach

Re: Public Comment on Item #4, Regulations to Mitigate for Development on Farmland

I am puzzled by the reluctance of the staff to require a long-term water supply on mitigation parcels whose future is to be solely in agriculture for perpetuity. Perhaps they could elucidate the reasons for that for the record. They should also be asked to explain how the definition of "Water Supply" they have provided will be protective in any way, as the staff report says in Exhibit B.

The only reason that I can think of is that the plan is to have the County of Monterey be the holder of last resort for any bum easements that any competent land trust would reject. Thus the proposed addition to allow the County to hold easements, even though they have accepted easements in the past without that. This is a bad deal for the County and will potentially expose the County to CEQA litigation. It will be a good deal for developers.

Just a coincidence perhaps that the topic of adequate water supply has been under discussion at recent Monterey LAFCO meetings over concerns about a proposed mitigation parcel related to the Soledad annexation.

When farmland is developed, working farms are lost forever, and they are the main engine of our local economy. The land goes from being a carbon sink to a carbon emitter, from having porous soil to impervious surface, from being an economic engine to being a consumer of public services. Monterey County needs strong policies to retain the maximum amount of farmland in the face of development pressures.



www.AgLandTrust.org
Location: 1263 Padre Drive | Salinas, CA
Mail Address: P.O. Box 1731 | Salinas, CA 93902
Tel.: 831.422.5868

November 6, 2023

Monterey County Planning Commission
Monterey County Housing and Community Development
1441 Schilling Place, Second Floor
Salinas, CA 93901

Via email: pchearingcomments@co.monterey.ca.us

Subject: November 8, 2023, Planning Commission Item #4, Agricultural Mitigation Ordinance

Dear Commissioners:

The Ag Land Trust supports the draft ordinance presented to you by your staff. Our organization participated in the Agricultural Advisory Committee's, and its subcommittee's, efforts to craft the ordinance that is before you. While it does not have everything we wanted, we think the current version will ensure that agricultural land is preserved while allowing necessary development to proceed. **The Ag Land Trust was founded in 1984 and a majority of the founding Board of Directors were members of the Monterey County Planning Commission.**

As should be obvious to all, the preservation of agricultural land is done to protect our County's economy and to comply with the mandates and requirements of the California Environmental Quality Act (CEQA). The Monterey County General Plan mandates the preservation of prime and productive agricultural lands, recognizing that resource as the irreplaceable element necessary to continue and expand the largest industry and source of employment in Monterey County.

The Ag Land Trust is nearing 50,000 acres which has been protected in perpetuity from urban sprawl, due to past efforts by governmental agencies, specifically the County of Monterey. Monterey County Supervisors and Planning Commissioners have consistently ensured that any conversion of agricultural land is offset/mitigated through the permanent protection of other comparable agricultural land. The County has advocated, for many years (since 1982), the preservation and protection of agricultural land by adopting General Plan policies and ensuring

compliance with the California Environmental Quality Act. This model has worked to preserve our agricultural economy and has been very effective. Currently, we are working with many landowners, representing thousands of acres, that still wish to voluntarily ensure the permanent protection of their agricultural land and the quality of life that we have in Monterey County. The ordinance before you memorializes what has worked through these current and past practices.

**** We hope you will also consider the suggestions made by Bob Roach by separate email. In particular, the Ag Land Trust will not accept easements that do not have a long-term water supply. The requirement is that agricultural land that is provided as mitigation, for the loss of agricultural land due to urban sprawl development, will be able to be farmed for the duration of the easement (perpetuity). Farming in the Salinas Valley requires the preservation of farmlands with long-term water supplies.

The Ag Land Trust (ALT) is interested in serving farmers by obtaining easements or helping applicants subject to the ordinance find suitable easement properties. **We generally will not accept in-lieu fees that are provided through a phased development approach, particularly when those payments are only made as final permits are approved. The burden for the full mitigation of the significant adverse environmental impacts of prime farmland conversion should be borne and full satisfied by the parties (developers) proposing the development of the farmlands.** The flow of money (from fees) is generally too small and loses value (due to the inflation in farmland values) as the later phases progress. Generally, a phased approach to providing in-lieu fees will not provide ALT sufficient revenue to actually purchase a full mitigation easement as intended by this ordinance and as required by CEQA.

We are not opposed to the proposed section on in-lieu fees, but we want to ensure that it is effective in purchasing easements by letting the County staff and developers know that “full mitigation for the conversion of prime farmland by developers” (as provided for in this ordinance) should not be considered a suggestion that can be negotiated away as part of the development process.

California Courts have made the duty and legal obligation of cities and counties to provide full mitigation for the conversion of prime farmlands very clear. See: **The most recent case is Masonite Corporation v. County of Mendocino (July 25, 2013) 215 Cal. App. 4th 230.** This is a published and citable case from the First Appellate District. The County's EIR was overturned and the Court held that the issue of the mitigation for the loss of prime farmlands due to the proposed development project (a quarry and subsequent industrial development) was required/mandated to be fully addressed by the County in order to comply with CEQA mandates to avoid significant adverse effects of the development on the farmlands. The Court also held (it agreed with the CA. Dept. of Conservation) that the dedication of permanent ag conservation easements on similar prime farmlands was an appropriate mitigation for the loss of farmlands due to development, and that a declaration of "infeasibility" (by the County on behalf of an unwilling developer) was a violation of CEQA.

Lastly, we thank your staff for the outreach effort and support to the Agricultural Advisory Committee and its subcommittee. They heard our comments and returned at subsequent meetings with good suggestions and alternatives to address our concerns. The effort was lengthy but resulted in an effective ordinance.

Most Respectfully,

A handwritten signature in blue ink, reading "Marc Del Piero". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Marc Del Piero, CEO for the Ag Land Trust

From: [Richard H. Rosenthal](#)
To: [293-pchearingcomments](#)
Cc: [Richard H. Rosenthal](#); [Kathleen Thiessen](#)
Subject: Item no. 4: Farm Land Mitigation Ordinance
Date: Wednesday, November 8, 2023 10:23:30 AM

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Dear Commissioners: I have just reviewed correspondence from Mr. Roach and the AG Land Trust. They bring up important points. But without completer environment review, not categorical exemption. this important Ordinance should not be considered.

Thank you,

Richard H. Rosenthal, Esq.
Attorney at Law
P.O. Box 1021
Carmel Valley, CA 93924
831.625.5193
831.625-0470 (fax)

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THE
AG LAND TRUST
MAGAZINE

AGENDA
ITEM #4

WELCOME ISSUE
2023



- 5 ■ Cover Story: Featured Preservation Project - ALBA Ranch
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THE
AG LAND TRUST
MAGAZINE



**PRESERVING
FARMLAND
SINCE 1984**

Our Mission Statement

It is the purpose of the Ag Land Trust to assist in the preservation and protection of all productive and important agricultural, open space and historical lands in Monterey County (and adjacent areas). Such action will contribute directly to the social, cultural, environmental and economic well being of the County while enhancing its unique character as a desirable place to live and work.



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AG LAND TRUST in our community

ON THE COVER

Patricia Carrillo, Executive Director of Agriculture & Land-based Training Association (ALBA). See pg. 5.

Photo by William Tovar.



-PRESERVING THE- “SALAD BOWL OF THE WORLD”



Marc Del Piero,
CEO, AG LAND TRUST

DID YOU KNOW?

ALT has already permanently protected over 48,000 acres of open farmlands from urban sprawl.

The Ag Land Trust (ALT) was founded in 1984 by a group of Monterey County farmers, landowners, and businesspersons who had become deeply concerned about the ever-encroaching spread of subdivision developments which were irreversibly “paving over” the prime and productive farmlands of the Salinas Valley.

They wanted to keep the “Salad Bowl of the World” from becoming the next struggling area of urban sprawl, air pollution, and traffic jams like Los Angeles, San Jose, or Stockton. And, those unpaid volunteer Board members were bolstered by new farmland preservation policies adopted by the Monterey County Board of Supervisors in 1982. Those policies called for the active use of agricultural conservation easements and other legal tools within Monterey County to protect the property rights of farmers and to permanently conserve our best farmlands for future generations.

For nearly forty years, our volunteer Board members have stayed dedicated to those important goals.

Through the use of state grants from the California Department of Conservation and the use of federal grant funds from the U.S. Department of Defense and U.S. Department of Agriculture, the Board has delivered massive financial benefits to farmland owners who commit to keeping their ranches in permanent agricultural production. Through the use of legal, well known tax strategies and sophisticated financial planning assistance, ALT also

has been a massively beneficial partner to many landowners in Monterey County. Funds combined from those grants and tax benefits, totaling millions of dollars, have gone directly to the farmland owners who have committed to permanently preserve their farms.

Presently, ALT exists to financially help farmland owners to protect Salinas Valley agricultural lands and open spaces from development, and to protect their estates for their heirs, and for future generations. We are a non-profit charitable organization organized as a Section 501c3 non-profit entity pursuant to provisions of the IRS (Internal Revenue Service) Code. The current Board of Directors continues to consist of farmers, agribusiness professionals from every facet of Salinas Valley agriculture, attorneys, CPAs and bankers, and former governmental officials who voluntarily serve. ALT has only two full time employees. We are committed to putting our funds to the direct use of preserving our agricultural lands and financially benefiting our Monterey County farmers.

Ag Land Trust does this by financially partnering with farmers in the Salinas Valley and, after 110 transactions, has already permanently protected over 48,000 acres of open farmlands from urban sprawl. We currently have 13 new projects for which we have secured grants for our participating landowners that we will be completing by the end of 2023. With this continuing commitment, our Board will continue to permanently preserve the “Salad Bowl of the World” for generations to come.



-MEET OUR-

DIRECTORS & STAFF



Marc Del Piero, CEO & Managing Director

In 1984, Marc Del Piero (CA.

Bar #91644) became the founding President of the Ag Land Trust Board of Directors and is its full time CEO and Managing Director. A native of Monterey County and the fourth-generation son of a California farming family, Mr. Del Piero served on the Monterey County Board of Supervisors from 1981-1992. He also served as the Attorney Member of the California State Water Resources Control Board.



Anker Fano

Anker Fano is the President and CEO of Pacific Valley Bank. Mr. Fano

holds a degree in Economics from the University of California – Santa Barbara. A native of Monterey County and a senior banking executive for 30 years, he is a leader in the lending industry and regularly addresses the financial needs of the largest agri-business concerns in Central

California. Mr. Fano has served on the Board of Directors of the Ag Land Trust since 2020.



Louis Frizzell, Treasurer

Louis Frizzell is a Certified Public Accountant (CPA)

and financial planner and has been licensed in the State of California for over four decades. His practice includes advising numerous farming concerns and farmland owners in Central California. Since joining the Ag Land Trust Board of Directors in 2007, Mr. Frizzell has been the Treasurer of the Board of Directors and helps to manage the Ag Land Trust's finances, including serving as the chief liaison for audits.



David Gill, Vice-President

David Gill is the Founder and Co-owner of Rio Farms, a major California agricultural concern headquartered in the Salinas Valley. Mr. Gill oversees the current operations of over 14,500 acres of

specialty vegetable crop production. Mr. Gill has served on the Ag Land Trust Board of Directors since 2008.



Heather Golden, President

Heather Golden is the principal owner of Golden Ag Assistance LLC.

Ms. Golden provides detailed technical assistance regarding current agricultural issues and regulatory compliance advice for her agri-business clients. Ms. Golden also holds a California real estate license. She has served on the Board of Directors of the Ag Land Trust since 2016 and is the current President of the Trust.



Aaron Johnson

Aaron Johnson is a Senior Partner with the law firm, JRG Attorneys at Law. JRG is a major regional law firm headquartered in Salinas, California. Mr. Johnson has an expansive law practice specializing in land use and real property law, business transactions (including complex agri-business issues), corporate

photo page 4: Boggiatto Produce, Salinas

Photo by William Tovar.

strategies, and family law. A member of the Board of Directors since 2011, he has served as the President of the Board.



Laurence London, Secretary

Laurence London is an independent agricultural consultant and the owner of Fitotec Consulting, LLC. His company specializes in bioremediation of wastewater, soils, and lagoons. He has broad experience as a California Pest Control Advisor and Certified Crop Advisor. Mr. London was a former Adjunct Professor/Director of Agriculture Innovation and Technology at Hartnell College. He has served on the Board of Directors of the Ag Land Trust since 2020.



Mike Novo

Mike Novo was a senior land use planner for over 33 years. He holds a degree in Geography from San Francisco State University. For a decade, Mr. Novo served as the Monterey County Planning Director and was responsible for



DIRECTORS
& STAFF



all land use decisions within the unincorporated 3,771 square miles of Monterey County. He was a founding Board Member of the San Benito Agricultural Land Trust. Mr. Novo joined the Board of Directors of the Ag Land Trust in 2020.



Richard Nutter

Richard Nutter served as Agricultural Commissioner for Monterey County from 1971 to 1998 and is recognized throughout California as an expert on agricultural issues, farmland protection issues and issues related to pesticide regulations. Mr. Nutter has been on the Ag Land Trust Board of Directors since 1993, previously serving as Board President.



Robert Roach

After 31 years, Robert Roach retired as Monterey County Assistant Agricultural Commissioner. Responsible for broad programs including pesticide use enforcement

and plant quarantine, he has extensive experience with agricultural land use issues. He holds a Bachelor of Science in Environmental Science from Stockton State University in New Jersey and a Master's Degree in Public Administration from Golden Gate University. He has served on the Board since 2019.



Camille Polson, Director of Finance and Property Management

Camille Polson is a native of the Salinas Valley and a graduate of California State University - Monterey Bay with a B.S. in Business Administration. She has worked at the Ag Land Trust since 2017 and was appointed the Director of Finance and Property Management for the Ag Land Trust in 2023. Additionally, Ms. Polson serves on the Board of Directors for the Monterey County Film Commission and is an active member of California Women for Agriculture.



-FEATURED PRESERVATION PROJECT-

ALBA RANCH

Over the past 40 years, The Ag Land Trust (ALT) has completed most of its nearly 50,000 acres of farmland preservation projects with long-time traditional farmers. This past summer, the Ag Land Trust completed a unique and unprecedented farmland preservation project that is the first of its kind in Monterey County.

ALT partnered with the Agriculture & Land-based Training Association (ALBA) to permanently preserve the over 110 acres of irrigated prime farmland that ALBA maintains as part of ALBA's on-farm training programs for future farmers and farm workers.

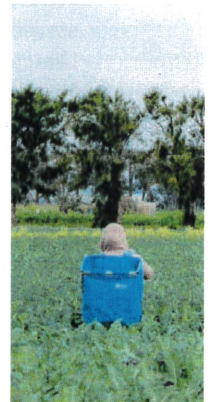
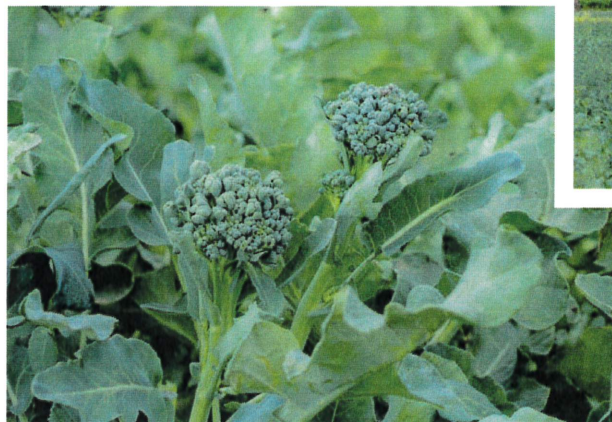
ALBA is a non-profit organization that was established to help "first generation farmers" from the Salinas Valley to "grow" their agribusiness skills and opportunities. Along the Old Stage Road, ALBA provides hands-on agricultural training for its participants.

The partnership project was funded with over \$700,000 from the State of California Sustainable Agricultural Lands Conservation Program (SALCP). The SALCP program was established by the State Legislature to make

direct cash payments to landowners who permanently guarantee the preservation of their farms. Since that time, ALT has delivered millions of dollars to Monterey County landowners and farmers.

The ALBA project serves several objectives. First, it preserves a farm that is operated as an agricultural skills training school dedicated to training low income farmworkers (that generally would lack any upward mobility potential) to become successful organic farmers in California. **Importantly, Salinas Valley farmlands produce 11% of California's farm revenue on only 1% of California's farmland.** ALBA's programs support ALT's identified necessity of protecting and preserving the best farmlands when limited funding resources are available.

Part of ALBA's programs are the education and use of organic farming methods that will decrease future greenhouse gases by limiting urban sprawl. An agricultural conservation easement on this farm will also protect the viewshed for the traveling public and an existing wildlife corridor and habitat along its northwest boundary.



The agricultural conservation easement will preserve agricultural employment on the property. The Ag Land Trust customizes each of its agricultural conservation easements to ensure that landowners maintain the maximum flexibility for their future farming practices and for the “on farm” housing needs requirements for each property.

The ALBA property is located in the Salinas-Chualar area, a prime area for producing various types of lettuce and leafy greens, cauliflower, broccoli, and other varieties of vegetables and berries.

The ALT agricultural conservation easement on the ALBA farm will prevent a change from agriculture use to non-agricultural urban sprawl development uses and guarantee the preservation of the farm’s productivity in perpetuity. In exchange, ALBA has received hundreds of thousands of dollars for continuing to farm the prime lands of their ranch.

The Ag Land Trust’s Board of Directors and its staff are working daily with family farmers, Monterey County landowners, and agri-business companies to preserve the farming economy of the Monterey County.



ALT does this by funding the direct purchase of agricultural conservation easements from landowners. The proceeds of these easement sales allow those landowners significant cash benefits and facilitates their estate planning and farming expansions. Like the ALBA agricultural conservation easement,

the Ag Land Trust’s continuing non-profit efforts are to ensure the preservation of Monterey County agriculture for generations to come.

l to r: Marc Del Piero, CEO of ALT with Patricia Carrillo, Executive Director of ALBA; Broccoli on property; Alba Ranch Artichoke fields.

Photos by William Tovar.



HOW TO CONTACT THE AG LAND TRUST – WE ARE LOCAL

The Ag Land Trust is almost 40 years old. Founded by Monterey County private farmers, agri-business professionals, CPAs, attorneys, and retired governmental officials, ALT was created to help landowners and farmers to preserve their farms and the way of life for which Monterey County is known. We are working to keep the Salinas Valley in agriculture for future generations to come.

The Ag Land Trust is located in our brick building at the corner of Blanco Road and Padre Drive in South Salinas (1263 Padre Drive). Our phone number is **831-422-5868**. Or you can visit our website at **www.AgLandTrust.org**.

We have been “Saving Farmlands and Serving Farmers” since 1984.



-FROM THE PRESIDENT-
HEATHER GOLDEN



Woody Allen once said, "If you want to make God laugh, just tell him your plans". In my youth in Carmel Valley, I never would have dreamed that I would be an advocate for Agriculture nor where that would

take me. Being a feature writer for numerous publications has taken me on a wonderful journey and it continues. More than a decade ago, I authored an article that was published in the 2012 Winter Edition of the Coastal Grower Magazine. It was titled "United States Department of Defense Partnership with Ag Land Trust." That was my first introduction to the Ag Land Trust and what their mission was. Today, I sit on the Board of Directors of the Ag Land Trust (ALT) as the newest Board Chair of a nearly 40-year-old, Salinas Valley centric, non-profit farmland conservation organization.

Back at the time of that article, ALT had protected more than 22,000 acres in the program, now as our 40th year anniversary approaches, there are more than 50,000 acres that will be protected from urban sprawl. We are still partnered with the U.S. Department of Defense as a cooperative with the U.S. Army Compatible Use Buffer Program. We secure conservation easements or other interests in agricultural designated lands with the intention to ensure compatible land uses for properties located in close proximity to the Camp Roberts training center in Monterey and San Luis Obispo Counties.

Additionally, our Board works with property owners who voluntarily sell or donate conservation easements on their lands to permanently preserve

the essential medium of Salinas Valley agriculture. These easements are funded with millions of dollars of grants from the State of California that are paid directly to those landowners. The landowners continue to own their farms and ranches. The landowners and their heirs continue to farm (or rent out) their lands for agricultural purposes while ALT holds the easement in perpetuity. The farmers and landowners who guarantee the permanent protection of those Salinas Valley farmlands are recognized in perpetuity for their commitment to the preservation of our most important industry. The land can be passed on to the heirs and/or sold if desired. The Ag Land Trust performs its voluntary, non-profit services expressly to benefit the farming community of Monterey County.

ALT, together with landowners, growers, ranchers, ag partners and many other stewards, continue the mission to preserve not only our irreplaceable farmlands, but a lifestyle for many that goes back multiple generations. The land gives us life sustaining gifts that can only continue with good stewardship that is sustainable for present and future generations. ALT recognizes farmland protection is a major part of this effort. ALT, working with representatives of government agencies, both state and local, is crucial to land management planning and making sure decisions are made based on intelligent and visionary commitments to the preservation of California agriculture.

Thank you to all who support Ag Land Trust!

Sincerely,

Heather Golden
PRESIDENT, AG LAND TRUST



-AG LAND TRUST- FUNDING PROGRAMS & SUPPORTING DONORS

Marc Del Piero, CEO, AG LAND TRUST

During the 40 years that the Ag Land Trust has been preserving the "Salad Bowl of the World" on the Central Coast, many people have asked ALT how our programs work and what is the source of our funding.

The answer is not simple. Through hard work, our ALT volunteer Board of Directors and our first, full-time and gifted Managing Director Sherwood Darington established continuing relationships with funding agencies from both the State of California and the U.S. Government. Those agencies have been established and funded to facilitate the preservation and protection of our invaluable farmlands. We have completed over 110 farmland conservation/preservation transactions since our founding, and we will exceed 50,000 acres preserved and protected by the Spring of 2024.

During the 1980's -2000's, ALT began its efforts to preserve productive Salinas Valley and Central Coast farmlands with grants from the non-profit American Farmlands Trust, the U.S. Department of Agriculture, the State of California's Coastal



Conservancy, and Department of Conservation. Of equal importance, the Ag Land Trust has received tremendous support from local private landowners and other Monterey County charitable trusts, like the Bernet Seagal Charitable Trust, which is committed to the preservation of our agricultural resources and open spaces. Because ALT is a 501c3 non-profit entity, voluntary donations by private landowners are considered charitable donations and provide significant tax benefits to donors.

As a result of these initial efforts, ALT acquired agricultural conservation easements throughout Monterey County. These early preservation acquisitions included conservation easements on the Chalone Vineyards near Soledad, easements on the Miller-King Ranch in South County, fee ownership of the Azevedo Strawberry Ranch adjacent to the Elkhorn Slough National Estuarine Reserve, and fee ownership of the Armstrong Ranch near Marina which is farmed by Ocean Mist Farms.

After the tragic events of September 11, 2001, The U.S. Congress established funding programs to acquire permanent conservation easements on agricultural lands surrounding military reservations. ALT now has a 10-year contract with the U.S. Department of Defense (National

Guard Bureau) to receive federal funds to purchase conservation easements and ranch lands from willing land owners near or adjacent to Camp Roberts.

Additionally, ALT regularly receives millions of dollars of grant funds from the State of California Sustainable Agricultural Lands Conservation Program that we use to purchase conservation easements on the prime farmlands of the Salinas and Pajaro Valleys. These cash funds are paid directly to landowners who commit to



the permanent preservation of their farmlands. ALT has preserved thousands of acres of prime vegetable farmlands and just completed its 2023 grant applications that should result in over \$8.5 million dollars being paid for easements on the four farms whose owners have made commitments to the preservation of our largest local industry.

l to r: Armstrong Ranch, Azevedo Strawberry Ranch.

Photos by William Tovar.



-AG LAND TRUST- IN OUR COMMUNITY



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Photos 1-3: California Rodeo Salinas (photo 1 by Kelsey Floyd, photos 2-3 by Mag One Media) - Heather Golden with Rodeo attendees |

Photos 4-6: ALT Annual Appreciation Dinner - Tina and Marc Del Piero and Camille and Marty Polson; Richard Nutter and Stephanie Lee; David Gill, Patricia Schiffman and Louis Frizzell | **Photos 7-8:** California International Airshow, Salinas - The Aaron Johnson Family; Airshow planes.



Photos 9-11: First Tee Monterey BBB 2023 Auction (photo 9 by Alla & Co.) Richard Nutter and David Gill and Attendees; (photos 10-11 by Stafford Bain Visuals) David Gill; Attendees and Cappie and Anker Fanoë | **Photos 12-13:** ALT supports Salinas Soccer program with sponsorship | **Photos 14-15:** First Tee Monterey BBB 2023 Auction - (photos 14-15 by Alla & Co.) The Laurence London Family; Cheryl E. and Gabe Romero and Aaron and Lea Johnson.



AG LAND TRUST
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-WHAT EXACTLY IS- AN AGRICULTURAL CONSERVATION EASEMENT?

An "agricultural conservation easement" is a legal agreement between a landowner and a land trust or government agency that permanently preserves certain uses of the land in order to protect its conservation value, or in this case, farming value. It allows landowners to continue to own and farm their land, as well as sell it or pass it on to heirs.

When you donate or sell an agricultural conservation easement to a land trust, you give up some of the development rights associated with the land. For example, you might give up the right to create major subdivisions, while retaining the right to grow crops. Future owners also will be bound by the easement contract's terms. The land trust is responsible for "stewardship," or annual monitoring and enforcing the terms of the easement.

Conservation easements offer great flexibility and are written to suit each individual property and landowner. An easement on a farm might allow continued farming and the addition of agricultural structures; this is the type of easement in which the Ag Land Trust specializes. An easement may apply to all or a portion of the property, and does not require that public access be granted.



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