



County of Monterey

Item No.35

Board Report

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

Legistar File Number: 23-817

November 07, 2023

Introduced: 10/16/2023

Current Status: Housing & Community
Development - Consent

Version: 1

Matter Type: General Agenda Item

a. Find that the consideration of 10 Williamson Act Applications, consisting of 1 Application for the Establishment of Williamson Act an Agricultural Preserve and 9 Applications for the Creation of Farmland Security Zones and corresponding AGP-LCC and FSZ Contracts is 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).

b. Set a Public Hearing for December 5, 2023, at 10:30 A.M., to consider ten (10) Williamson Act Applications consisting of one (1) Application to Establish an Agricultural Preserve (AGP) and enter into a Land Conservation Contract (LCC) and nine (9) Applications to Create Farmland Security Zones (FSZ) and enter into corresponding FSZ Contracts including:

1. AGP Application No. 2024-01 - Agricultural Preserve Application - Coker Ellsworth Family Trust dated September 7, 2000, Shawn McNamara, Tom Thompson and Amy Thompson; APNs 423-071-030-000 and 423-071-055-000

2. FSZ Application No. 2024-02 - Farmland Security Zone Application - The Clark Family Revocable Trust dated October 10, 2001, The Thomas Jr. and Margot Nunes Family Trust, pursuant to the Declaration of Trust dated December 20, 2005, The Clark Revocable Trust U/A/D February 8, 2023; APNs 183-021-021-000 and 418-381-009-000

3. FSZ Application No. 2024-03 - Farmland Security Zone Application - The Clark Family Revocable Trust dated October 10, 2001, The Thomas Jr. and Margot Nunes Family Trust, pursuant to the Declaration of Trust dated December 20, 2005, The Clark Revocable Trust U/A/D February 8, 2023; APN 111-022-001-000

4. FSZ Application No. 2024-04 - Farmland Security Zone Application - Jackson Family Investments III, LLC, A Delaware Limited Liability Company; APNs 183-021-004-000 and 418-381-008-000

5. FSZ Application No. 2024-05 - Farmland Security Zone Application - Berkshire Investments LLC, a California Limited Liability Company; APNs 267-044-005-000; 267-044-014-000; 267-044-015-000; and 267-044-016-000

6. FSZ Application No. 2024-06 - Farmland Security Zone Application - Jose Luis Rocha and Alicia Rocha and Jose Guadalupe Rocha and Ana Maria Rocha; APNs 177-081-005-000;

177-081-006-000; and 177-081-007-000

7. FSZ Application No. 2023-04- Farmland Security Zone Application - Beverly Joan Morgantini, Trustee of the 1996 Morgantini Revocable Trust Under Declaration of Trust dated August 16, 1996; APNs 111-021-005-000 and 111-021-007-000

8. FSZ Application No. 2024-08- Farmland Security Zone Application - Gary W. Pozzi and Nancy F. Pozzi and Ermalene Plaskett Family Trust dated September 2, 1999; APN 245-021-010-000

9. FSZ Application No. 2024-09- Farmland Security Zone Application - Gary W. Pozzi and Nancy F. Pozzi and Ermalene Plaskett Family Trust dated September 2, 1999; APN 245-021-008-000

10. FSZ Application No. 2024-10- Farmland Security Zone Application - Morgantini Ranches No. 1, A California General Partnership: APNs 419-491-004-000; 419-491-005-000; 419-491-006-000; 109-501-003-000 and 109-501-006-000; and

c. Direct the Clerk of the Board of Supervisors to publish Notice of Public Hearing for the Public Hearing to take place on December 5, 2023, at 10:30 A.M., to consider one (1) Application to Establish an Agricultural Preserve and nine (9) Applications to Create Farmland Security Zones and enter into corresponding Williamson Act AGP-LCC and FSZ Contracts as set forth in the Applications listed above.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find that the consideration of 10 Williamson Act Applications, consisting of 1 Application for the Establishment of Williamson Act an Agricultural Preserve and 9 Applications for the Creation of Farmland Security Zones and corresponding AGP-LCC and FSZ Contracts is 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).
- b. Set a Public Hearing for December 5, 2023, at 10:30 A.M., to consider ten (10) Williamson Act Applications including:
 1. AGP Application No. 2024-01 - Agricultural Preserve Application - Coker Ellsworth Family Trust dated September 7, 2000, Shawn McNamara, Tom Thompson and Amy Thompson; APNs 423-071-030-000 and 423-071-055-000
 2. FSZ Application No. 2024-02 - Farmland Security Zone Application - The Clark Family Revocable Trust dated October 10, 2001, The Thomas Jr. and Margot Nunes Family Trust, pursuant to the Declaration of Trust dated December 20, 2005, The Clark Revocable Trust U/A/D February 8, 2023; APNs 183-021-021-000 and 418-381-009-000

3. FSZ Application No. 2024-03 - Farmland Security Zone Application - The Clark Family Revocable Trust dated October 10, 2001, The Thomas Jr. and Margot Nunes Family Trust, pursuant to the Declaration of Trust dated December 20, 2005, The Clark Revocable Trust U/A/D February 8, 2023; APN 111-022-001-000
 4. FSZ Application No. 2024-04 - Farmland Security Zone Application - Jackson Family Investments III, LLC, A Delaware Limited Liability Company; APNs 183-021-004-000 and 418-381-008-000
 5. FSZ Application No. 2024-05 - Farmland Security Zone Application - Berkshire Investments LLC, a California Limited Liability Company; APNs 267-044-005-000; 267-044-014-000; 267-044-015-000; and 267-044-016-000
 6. FSZ Application No. 2024-06 - Farmland Security Zone Application - Jose Luis Rocha and Alicia Rocha and Jose Guadalupe Rocha and Ana Maria Rocha; APNs 177-081-005-000; 177-081-006-000; and 177-081-007-000
 7. FSZ Application No. 2023-04- Farmland Security Zone Application - Beverly Joan Morgantini, Trustee of the 1996 Morgantini Revocable Trust Under Declaration of Trust dated August 16, 1996; APNs 111-021-005-000 and 111-021-007-000
 8. FSZ Application No. 2024-08- Farmland Security Zone Application - Gary W. Pozzi and Nancy F. Pozzi and Eralene Plaskett Family Trust dated September 2, 1999; APN 245-021-010-000
 9. FSZ Application No. 2024-09- Farmland Security Zone Contract - Gary W. Pozzi and Nancy F. Pozzi and Eralene Plaskett Family Trust dated September 2, 1999; APN 245-021-008-000
 10. FSZ Application No. 2024-10- Farmland Security Zone Contract - Morgantini Ranches No. 1, A California General Partnership; APNs 419-491-004-000; 419-491-005-000; 419-491-006-000; 109-501-003-000 and 109-501-006-000; and
- c. Direct the Clerk of the Board of Supervisors to publish Notice of Public Hearing for the Public Hearing to take place on December 5, 2023, at 10:30 A.M., to consider one (1) Application to Establish an Agricultural Preserve and nine (9) Applications to Create Farmland Security Zones and enter into corresponding Williamson Act AGP-LCC and FSZ Contracts as set forth in the Applications listed above.

SUMMARY:

Each calendar year, the Board of Supervisors must consider Applications to Establish Agricultural Preserves (AGP) and Land Conservation Contracts (LCC) and Applications to Create Farmland Security Zones (FSZ) and FSZ Contracts pursuant to the Land Conservation Act of 1965 (Williamson Act). This year, ten (10) Williamson Act Applications, including one (1) Application to

Establish an AGP and enter into an LCC and nine (9) Applications for the Creation of FSZs and enter into corresponding FSZ Contracts will be considered.

DISCUSSION:

Williamson Act AGP-LCC and FSZ Contracts consist of agreements between landowners and the County whereby the landowners 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.

The Agricultural Preservation Review Committee (APRC) which consists of staff from the Department of Housing and Community Development (HCD-Planning), Agricultural Commissioner’s Office, Assessor-Recorder’s Office, and the Office of the County Counsel-Risk Management reviewed the 2024 Williamson Act Applications on October 12, 2023. The Monterey County Agricultural Advisory Committee (AAC) will consider the 2024 Williamson Act Applications on November 16, 2023.

Because this item must be set for a noticed public hearing, the December 5, 2023, 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 2024, 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 802,282 acres of land within the unincorporated area of the County of Monterey are presently under Williamson Act Contract. The ten (10) applications under consideration total 23 parcels and approximately 3,156 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).

Attached to this report is the 2024 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.

OTHER AGENCY INVOLVEMENT:

The APRC, consisting of staff from HCD-Planning, Agricultural Commissioner’s Office, Assessor-Recorder’s Office, and the Office of the County Counsel-Risk Management reviewed the 2024 Williamson Act Applications on October 12, 2023. The Monterey County Agricultural Advisory Committee (AAC) will consider the 2024 Williamson Act Applications on November 16, 2023. The AAC will review and provide a recommendation on the applications before the applications return to the Board of Supervisors for the noticed Public Hearing to be conducted on December 5, 2023 at 10:30 A.M. The APRC and AAC’s recommendations will be provided in the Board Report for the Public Hearing on December 5, 2023.

FINANCING:

In the event that the Board of Supervisors decides to approve the applications and enter into these Contracts at the December 5, 2023, 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 Public Hearing on December 5, 2023.

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 customer requests by HCD-Planning, the Agricultural Commissioner's Office, the Assessor-Recorder's Office, and the Office of the County Counsel-Risk Management. 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: Kayla Nelson, Associate Planner, Housing and Community Development ext. 6408

Reviewed and Approved by: Craig Spencer, Acting Director of Housing and Community Development



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
- Nadia Garcia, Ag Resource and Policy Manager, Agricultural Commissioner's Office
- Gregg Macfarlane, Assistant Assessor-Valuation, Assessor-Recorder's Office

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

Attachment A - Notice of Public Hearing for December 5, 2023, at 10:30 A.M.

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 - 2024 Application Matrix

Attachment E - Map of the 2024 Williamson Act Applications

cc: Front Counter Copy; Board of Supervisors; Juan Hidalgo, Agricultural Commissioner/Sealer of Weights and Measures, Agricultural Commissioner's Office; Craig Spencer, Acting Director of Housing and Community Development; 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, Assistant Assessor-Valuation, Assessor-Recorder's

Office; Applicant/Owners and/or Applicant/Owners' respective Legal Representatives/Agents; The Open Monterey Project; LandWatch; Lozeau Drury LLP; Project File REF230029.