



Monterey County Board of Supervisors

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Resolution No.: 16-297

Upon motion of Supervisor Phillips, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

- a. Adopted Resolution No. 16-297 approving a County initiated Notice of Nonrenewal for a portion of one (1) Williamson Act Agricultural Preserve Land Conservation Contract due to not meeting Williamson Act Program and County Land Conservation Contract requirements and with the Property Owner's request.
- b. Directed the Clerk of the Board of Supervisors to record County initiated Notice of Nonrenewal for a portion of one (1) Land Conservation Contract with the County Recorder on or before November 1, 2016 and to provide a copy of the recorded Notice of Nonrenewal to the State of California Department of Conservation, Williamson Act Program.

PASSED AND ADOPTED on this 25th day of October 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas and Parker

NOES: None

ABSENT: Supervisor Potter

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on October 25, 2016.

Dated: October 28, 2016
File ID: RES 16-067

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By

Deputy

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No.: 16-297

Resolution of the Monterey County Board of Supervisors to:
Consider County initiated Notice of Nonrenewal of Williamson Act Land Conservation Contract effective January 1, 2017.
a.) Consider adoption of Resolution approving County initiated Notice of Nonrenewal for a portion of one (1) Williamson Act Agricultural Preserve Land Conservation Contract due to not meeting Williamson Act Program and County Land Conservation Contract requirements and pursuant to the Property Owner's request: South Monterey County Fire Protection District - Land Conservation Contract No. 73-34.A. (APN 423-061-069-000; +/-2.5 acres).
b.) Direct the Clerk of the Board of Supervisors to record County initiated Notice of Nonrenewal for a portion of one (1) Contract with the County Recorder on or before November 1, 2016 and to provide a copy of the recorded Notice of Nonrenewal to the State of California Department of Conservation, Williamson Act Program: South Monterey County Fire Protection District Land Conservation Contract No. 73-34.A. (APN 423-061-069-000; +/-2.5 acres)
(REF160033 - County initiated Notice of Nonrenewal 2017 - Portion of Williamson Act Agricultural Preserve Land Conservation Contract No. 73-34.A. [APN 423-061-069-000]; +/-2.5 acres)

County initiated Notice of Nonrenewal of Williamson Act Land Conservation Contract No. 73-34.A. effective January 1, 2017 came on for public hearing before the Monterey County Board of Supervisors on October 25, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

RECITALS

WHEREAS, the County's annual Williamson Act Questionnaires were mailed to all Williamson Act Property Owners in January, 2016. The purpose of these Questionnaires is to provide the Assessor's Office with information used to evaluate tax assessments pursuant to California Revenue and Taxation Code Section 441(d) and California Department of Conservation Williamson Act Program reporting requirements, as well as to provide the Agricultural Preserve Review Committee with information to confirm ongoing compliance with Williamson Act Program and Agricultural Preserve Land Conservation Contract or Farmland Security Zone Contract requirements, as applicable; and

WHEREAS, Staff has received completed Questionnaires where Property Owners have clearly stated that the subject property is not in commercial agricultural production in accordance with the Williamson Act Program and corresponding Contract requirements; and

WHEREAS, in June and July, 2016, Staff sent identified property owners a letter to inform them of the County's intent to initiate Notice of Nonrenewal of their respective Land Conservation Contract for their property and to notify the respective property owner of the Public Hearing for the Board of Supervisors' consideration of this matter, as well as their right to request reconsideration of the County's intent to initiate a Notice of Nonrenewal pursuant to Government Code Section 51245; and

WHEREAS, on October 4, 2016, at the Board of Supervisors meeting, the Board set a public hearing for October 25, 2016 to consider County initiated Notices of Nonrenewal and directed the Clerk of the Board of Supervisors to publish a notice of hearing for this date. At that time, the list of potential County initiated Notices of Nonrenewal included four (4) contracts: Roth (AGP No. 96-004); Nagai (AGP No. 69-017); and Guzman (AGP No. 75-018); and South County Fire Protection District (AGP 73-34.A.).

WHEREAS, since the October 4, 2016 Board of Supervisors meeting, the list has been reduced from portions of four (4) contracts to a portion of one (1) contract because property owners have notified County staff of their commercial agricultural activity or their intent to re-establish said activity. The respective contracts that have been removed from the County's list of proposed Notices of Nonrenewal are as follows: Roth (AGP No. 96-004); Nagai (AGP No. 69-017); and Guzman (AGP No. 75-018).

WHEREAS, the Agricultural Preserve Review Committee and the Monterey County Agricultural Advisory Committee have recommended County Initiated Notice of Nonrenewal for a +/- 2.5 acre portion (APN 423-061-069-000) of one (1) Williamson Act Agricultural Preserve Land Conservation Contract No. 73-34.A. due to not meeting Williamson Act Program and County Land Conservation Contract requirements, and pursuant to the property owner South Monterey County Fire Protection District's request.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a) Approve County initiated Notice of Nonrenewal for a +/- 2.5 acre portion of one (1) Williamson Act Agricultural Preserve Land Conservation Contract No. 73-34.A. due to not meeting Williamson Act Program and County Land Conservation Contract requirements and pursuant to the Property Owner South Monterey County Fire Protection District's request for County initiated Notice of Nonrenewal (APN 423-061-069-000).
- b) Authorize the Chair to execute one (1) Notice of Non-Renewal for a +/- 2.5 acre portion of Land Conservation Contract No. 73-34.A. (APN 423-061-069-000).
- c) Direct the Clerk of the Board to record one (1) County initiated Notice of Nonrenewal with the County Recorder on or before November 1, 2016, and to provide a copy of the recorded Notice of Nonrenewal to the State of California Department of Conservation, Williamson Act Program.


PASSED AND ADOPTED upon motion of Supervisor Phillips, seconded by Supervisor Salinas carried this 25th day of October 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas and Parker
NOES: None
ABSENT: Supervisor Potter

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on October 25, 2016.

Dated: October 28, 2016
File Number: RES 16-067

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By  _____
Deputy