

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

Resolution No.: 23-493

- Resolution of the Board of Supervisors of the County of Monterey to:)
- a. Find 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 CCR Section)
15300.2)
 - b. Approve five (5) applications to create five (5) FSZs and)
Contracts:)
 1. FSZ Application No. 2024-02 (522.70 acres) –)
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)
 2. FSZ Application No. 2024-03 (405.80 acres) –)
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)
 3. FSZ Application No. 2024-03 (405.80 acres) –)
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 (335.40 acres) –)
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. 2024-08 (193.11 acres) –)
Farmland Security Zone Application – Gary W. Pozzi,)
Nancy F. Pozzi and the Ermalene Plaskett Family)
Trust dated September 2, 1999; APN 245-021-010-)
000)
 6. FSZ Application No. 2024-09 (810 acres) – Farmland)
Security Zone Application – Gary W. Pozzi, Nancy F.)
Pozzi and the Ermalene Plaskett Family Trust dated)

- September 2, 1999; APN 245-021-008-000; and)
 - c. Partially approve one (1) application to create an FSZ and)
 Contract for FSZ Application No. 2024-10 (204 acres) -)
 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)
 - d. Continue without prejudice four (4) applications to the 2025)
 round of applications:)
 - 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. 2024-05 – 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)
 - 3. 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)
 - 4. FSZ Application No. 2024-07 – 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; and)
 - e. Authorize the Chair to execute FSZ Contracts for the)
 recommended five (5) applications to create five (5) FSZs and)
 Contracts for FSZ Application No. 2024-02, FSZ Application No.)
 2024-03, FSZ Application No. 2024-04, FSZ Application No.)
 2024-08 and FSZ Application No. 2024-09 and to execute one (1))
 FSZ Contract to partially approve FSZ Application No. 2024-10)
 to create FSZ No. 2024-10 and FSZ Contract No. 2024-10; and)
 - f. Direct the Clerk of the Board to record the FSZ Contracts prior to)
 the January 1, 2024 property tax lien date subject to the submittal)
 of the corresponding recording fees by the property owners of)
 record.)
- (REF230029 – Williamson Act Contract Applications 2024 – County-)
 wide))

California Environmental Quality Act (CEQA) Action: Find that Open)
 Space Contracts or Easements qualify as a Class 17 Categorical Exemption)
 pursuant to CEQA, California Code of Regulations (CCR) CEQA)
 Guidelines Section 15317 and there are no exceptions pursuant to CEQA)
 Guidelines CCR Section 15300.2.)

A public hearing before the Board of Supervisors of the County of Monterey was conducted on December 5, 2023. During said hearing, the Board considered a total of ten (10) Williamson Act Applications. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors hereby finds and decides as follows:

RECITALS

WHEREAS, the Board of Supervisors finds 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 CCR Section 15300.2. CEQA Guidelines Section 15317 categorically exempts the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area.

WHEREAS, the Board of Supervisors finds that the following applications are consistent with the General Plan of the County of Monterey and are suitable for inclusion in an Agricultural Preserve or Farmland Security Zone, it being the intention to create a Farmland Security Zone for these parcels, as expressly requested by the property owners of record; and, therefore said Board approves five (5) applications to create five (5) Farmland Security Zones ("FSZ") and FSZ Contracts, consisting of seven (7) parcels totaling approximately 2,267 acres, as set forth below:

1. FSZ Application No. 2024-02 (522.70 acres) – 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
2. FSZ Application No. 2024-03 (405.80 acres) – 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
3. FSZ Application No. 2024-04 (335.40 acres) – Farmland Security Zone Application – Jackson Family Investments III, LLC, A Delaware Limited Liability Company; APNs 183-021-004-000 and 418-381-008-000
4. FSZ Application No. 2024-08 (193.11 acres) – Farmland Security Zone Application – Gary W. Pozzi, Nancy F. Pozzi and the Eralene Plaskett Family Trust dated September 2, 1999, APN 245-021-010-000
5. FSZ Application No. 2024-09 (810 acres) – Farmland Security Zone Application – Gary W. Pozzi, Nancy F. Pozzi and the Eralene Plaskett Family Trust dated September 2, 1999; APN 245-021-008-000

WHEREAS, the Board of Supervisors partially approves FSZ Application No. 2024-10 (204 acres) – Farmland Security Zone Application – Morgantini Ranches No. 1, A California General Partnership to include the following four (4) APNs; APNs 419-491-005-000, 419-491-006-000, 109-501-003-000 and 109-501-006-000.

WHEREAS, the Board finds that APN 419-491-004 consisting of 72.73 acres of Grazing Land, is excluded from the FSZ and contract because said APN does not meet the soils criteria classification for the creation of an FSZ. APN 419-491-004 is classified as “Grazing Land” and this classification does not qualify for an FSZ. To qualify for an FSZ, the soils classification must be one or more of the following classifications; Prime Farmland, Farmland of Statewide Significance, Unique Farmland, or Farmland of Local Importance. Additionally, APN 419-491-004 is currently under a Williamson Act Contract, specifically Agricultural Preserve Land Conservation Contract No. 68-082. Therefore, APN 419-491-004 is excluded from the FSZ and contract. The rest of the APNs; including APN 419-491-005-000, 419-491-006-000, 109-501-003-000 and 109-501-006-000 under FSZ Application No. 2024-10 would total approximately 204 acres which is well over the 100-acre minimum size required for the creation of an FSZ and FSZ contract.

WHEREAS, the Board of Supervisors continues without prejudice AgP Application No. 2024-01 (Coker Ellsworth Family Trust dated September 7, 2000, Shawn McNamara, Tom Thompson and Amy Thompson); 2024-05 (Berkshire Investments LLC, a California Limited Liability Company); FSZ Application No. 2024- 06 (Jose Luis Rocha and Alicia Rocha and Jose Guadalupe Rocha and Ana Maria Rocha); and FSZ Application No. 2024-07 (Beverly Joan Morgantini, Trustee of the 1996 Morgantini Revocable Trust Under Declaration of Trust dated August 16, 1996) to the 2025 round of applications to provide the owner-applicants with time to work through issues affecting their respective applications.

DECISION

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

- a. Find 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 CCR Section 15300.2;
- b. Approve five (5) applications to create five (5) FSZs and Contracts:
 1. FSZ Application No. 2024-02 (522.70 acres) – 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;
 2. FSZ Application No. 2024-03 (405.80 acres) – 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;
 3. FSZ Application No. 2024-04 (335.40 acres) – Farmland Security Zone Application – Jackson Family Investments III, LLC, A Delaware Limited Liability Company; APNs 183-021-004-000 and 418-381-008-000;
 4. FSZ Application No. 2024-08 (193.11 acres) – Farmland Security Zone Application – Gary W. Pozzi, Nancy F. Pozzi and the Ermalene Plaskett Family Trust dated September 2, 1999; APN 245-021-010-000;

5. FSZ Application No. 2024-09 (810 acres) – Farmland Security Zone Application – Gary W. Pozzi, Nancy F. Pozzi and the Ermalene Plaskett Family Trust dated September 2, 1999; APN 245-021-008-000;
 - c. Partially approve FSZ Application No. 2024-10 (204 acres) – Farmland Security Zone Application – Morgantini Ranches No. 1, A California General Partnership to include the following four (4) APNs; 419-491-005-000, 419-491-006-000, 109-501-003-000 and 109-501-006-000; and exclude APN 419-491-004-000;
 - d. Continue without prejudice to the 2025 round of applications:
 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. 2024-05 – 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;
 3. 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;
 4. FSZ Application No. 2024-07 – 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;
 - e. Authorize the Chair to execute FSZ Contracts for the recommended five (5) applications to create five (5) FSZs and Contracts for FSZ Application No. 2024-02, FSZ Application No. 2024-03, FSZ Application No. 2024-04, FSZ Application No. 2024-08 and FSZ Application No. 2024-09 and to execute one (1) FSZ Contract to partially approve FSZ Application No. 2024-10 to create FSZ No. 2024-10 and FSZ Contract No. 2024-10; and
 - f. Direct the Clerk of the Board to record the FSZ Contracts prior to the January 1, 2024 property tax lien date subject to the submittal of recording fees by the property owners of record.
- (REF230029 – Williamson Act Contract Applications 2024 – County-wide)

PASSED AND ADOPTED on this 5th day of December 2023, by roll call vote:

AYES: Supervisors Alejo, Church, Lopez, Askew, and Adams

NOES: None

ABSENT: None

I, Valerie Ralph, 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 82 for the meeting December 5, 2023.

Dated: December 19, 2023

File ID: RES 23-217

Agenda Item No.: 10

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Vicente Ramirez, Deputy