



Monterey County

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Board Report

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Set a public hearing for December 8, 2015 at 1:30p.m. to consider year 2016 applications to establish nine (9) Farmland Security Zones ("FSZ") and Contracts and three (3) Agricultural Preserves ("AgP") and Contracts.

Direct the Clerk of the Board of Supervisors to publish Notice of Hearing for the Public Hearing to take place on December 8, 2015 at 1:30 p.m. to consider year 2016 applications to establish nine (9) Farmland Security Zones ("FSZ") and Contracts and three (3) Agricultural Preserves ("AgP") and Contracts.

The following properties are included in the Williamson Act Contract for 2016:

FSZ Application No. 2016-001 - The Linda De Santiago Living Trust, dated December 21, 1998

AgP Application No. 2016-002 - George R. Work, Colleen M. Work, Jody L. Birks and, Johnita A. Fisher Life Estate

FSZ Application No. 2016-003 - BLS Land Company, LLC, a California limited liability company

AgP Application No. 2016-004 - Orradre Ranch L.P.

FSZ Application No. 2016-005 - Beatty Properties, LP, a California Limited Partnership, Nancy V. Larson, Trustee, or their successor in trust, under the Shultz-Larson Joint Revocable Living Trust dated 9/29/1999, Alice M. Kerbo, Trustee of the 2015 Alice M. Kerbo Revocable Trust Dated March 31, 2015, and Dale Schultz and Nancy Larson Trust dated 9-29-1999

FSZ Application No. 2016-006 - Hitchcock Children's Trust #1, UTA dated January 11, 2011 and David and Susan Gill Family Trust UTA dated January 26, 1983

FSZ Application No. 2016-007 - Espinosa Road Salinas LP, a Delaware limited partnership, c/o Joseph Van Wingerden

FSZ Application No. 2016-008 - D'Arrigo Bros. Co. of California, a California Corporation, c/o Michael J. Harrington

FSZ Application No. 2016-009 - D'Arrigo Bros. Co. of California, a California Corporation, c/o Michael J. Harrington

AgP Application No. 2016-010 - John Dalke and Sharren L. Dalke, Trustees of the Dalke Family Living Trust dated September 22, 2005, Tracy G. Foree, and Nicholas Foree aka Nick Foree and, Tim M. Hearne and Kate Hearne

FSZ Application No. 2016-011 - Araich Limited, S.A. f.n.a. Anstalt Araich Ltd. c/o Randy Meyenberg, Esq.

FSZ Application No. 2016-012 - Araich Limited, S.A. f.n.a. Anstalt Araich Ltd. c/o Randy Meyenberg, Esq.

(REF150079 - /Williamson Act Contract Applications - 2016, County-wide)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Set a public hearing for December 8, 2015 at 1:30 p.m., to consider year 2016 applications to establish nine (9) Farmland Security Zones (“FSZ”) and Contracts and three (3) Agricultural Preserves (“AgP”) and Contracts (hereafter, “Applications”).

SUMMARY:

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 and a limited number of “compatible uses”. Williamson Act Contracts are established as a twenty (20) year term which renews every January 1 to add one (1) additional year to the term unless notice of non-renewal is provided. For County Initiated Notices of Non-Renewal, the County is required to provide a sixty (60) day notice, and to record said notice in advance of the January 1 tax lien date and automatic renewal date.

Each calendar year, the Board of Supervisors must consider Agricultural Preserve (AgP) and Farmland Security Zone (FSZ) contract applications pursuant to the Land Conservation Act of 1965. This year, a total of nine (9) applications for the establishment of FSZs and Contracts and three (3) Agricultural Preserves (AgP) Contracts will be considered. The December 8, 2015 Staff Report will provide the Board of Supervisors with the Agricultural Preserve Review Committee’s recommendations for 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 2016, if the subject property meets the criteria found under Board Resolution No. 01-485, as amended by Board Resolution No. 03-383 (Procedures for Agricultural Preserves) and Board Resolution No. 01-486 (Procedure for the Creation of Farmland Security Zones and Contracts), set forth in Attachments “B” and “C”.

Approximately 784,186 acres of land in Monterey County is presently under Williamson Act contract. The twelve (12) applications under consideration total twenty-three (23) parcels over approximately 4,901 acres. Agricultural Preserves are generally comprised of “non-prime” (typically grazing) lands, whereas Farmland Security Zone acreage must be comprised of at least 51% “prime” farmland (typically row-crop).

DISCUSSION:

The Agricultural Preserve Review Committee met on October 13, 2015 to review “Applications to Establish Agricultural Preserves and Contracts” and “Applications to Create Farmland Security Zones and Contracts” which, if approved by the Board, would commence on the January 1, 2016 property tax lien date. Final recommendations by the Committee with detailed analysis and maps of each application will be provided as part of the December 8, 2015 Board Report for final action.

Attached to this report is the 2016 Application Matrix (Attachment “D”) listing the name, acreage and parcel numbers and General Plan/Area Plan designation, for applications submitted, with a large-scale map (Attachment “E”) showing the general locations of the proposed AgPs and FSZs. The public will be informed of the scheduled December 8, 2015 public hearing by way of County-wide noticing through publication of notice in newspapers of general circulation. Notice of the Public Hearing will be mailed to applicant/owners and/or

their legal representatives.

OTHER AGENCY INVOLVEMENT:

The Agricultural Preserve Review Committee (APRC), consisting of representatives from the Agricultural Commissioner's Office, Resource Management Agency-Planning Department, County Assessor's Office and the Office of the County Counsel, has reviewed the 2016 Applications and will make 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).

The Monterey County Agricultural Advisory Committee (AAC) reviewed the 2016 applications at their October 22, 2015 meeting. AAC recommendations will be provided to the Board of Supervisors at the December 8, 2015 hearing. A copy of the Memos to the Agricultural Advisory Committee, which summarizes the APRC's preliminary recommendations regarding the 2016 applications are attached (Attachment "F"). At their October 22, 2015 meeting, the AAC unanimously recommended the APRC's preliminary recommendations summarized in Attachment F. In addition, per the APRC's request for the AAC to provide direction regarding FSZ Application No. 2016-011, Araich Limited, S.A. f.n.a. Anstalt Araich Ltd., the AAC recommended approval of this less than 100-acre (94 acres) FSZ application due to the unique characteristics of the agricultural enterprise. The unique circumstances included the quality of the soil and the ability to plant multiple crops per year.

FINANCING:

In the event that the Board of Supervisors decides to approve the applications and enter into these Contracts at its December 8, 2015, meeting, 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 presented at the December 8, 2015 hearing. A preliminary Financial Impact Analysis for Williamson Act Agricultural Preserve and Farmland Security Zone Applications for 2016 is attached (Attachment G).

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Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

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This report was prepared with assistance by:

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Front Counter Copy; Board of Supervisors; Jacqueline Onciano, Planning Services Manager; Steve Mason, Associate Planner; Nadia Amador, Associate Planner; Mary Grace Perry, Deputy County Counsel, Office of the County Counsel; Gregg MacFarlane, Senior Agricultural Appraiser, Assessor-Recorder's Office; Robert A. Roach, Assistant Agricultural Commissioner, Agricultural Commissioner's Office; Applicant/Owners and/or Applicant/Owners' respective Legal Representatives/Agents; The Open Monterey Project; LandWatch; Project File REF150079

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

Notice of Hearing for December 8, 2015 at 1:30 p.m.

Board Resolution No. 03-383 (Procedures for Agricultural Preserves)

Board Resolution No. 01-486 (Procedures for the Creation of FSZs)

Attachment D 2016 Application Matrix

Attachment E County-wide Map - Monterey County 2016 Williamson Act Applications

Attachment F Agricultural Preserve Review Committee Memos to AAC

Attachment G Financial Impact Analysis for Williamson Act AgP and FSZ Applications