



# County of Monterey

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

## Board Report

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**File #: 13-1181, Version: 1**

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Conduct a public hearing and adopt corresponding Resolution to:

- a. Approve eleven (11) Applications to create Farmland Security Zones (FSZ) and establish FSZ Contracts and one (1) Application to establish an Agricultural Preserve and Land Conservation Contract effective January 1, 2014.
- b. Rescind portions of Farmland Security Zone Nos. 10-016 and 10-018 and FSZ Contract Nos. 10-016 and 10-018 and simultaneously place the property in a new Farmland Security Zone and Contract as applicable to the real property described in Exhibit A "Legal Description" to proposed new Farmland Security Zone Contract No. 2014-001; and, rescind a portion of Agricultural Preserve and Land Conservation Contract No. 71-002 and simultaneously place the property in a new Farmland Security Zone and FSZ Contract as applicable to the real property described in Exhibit A "Legal Description" to proposed new Farmland Security Zone Contract No. 2014-002.
- c. Authorize the Chair to execute eleven (11) Farmland Security Zone Contracts and one (1) Agricultural Preserve Land Conservation Contract.
- d. Direct the Clerk of the Board to record the Farmland Security Zone Contracts and Agricultural Preserve Land Conservation Contract prior to the January 1, 2014 property tax lien date.  
(REF130065 - Williamson Act Contract Applications 2014 - County-wide)

### RECOMMENDATION:

It is recommended that the Board of Supervisors conduct a public hearing and adopt a Resolution (Attachment B) to:

- a. Take action on eleven (11) Applications to establish Farmland Security Zones and Contracts and one (1) Application to establish an Agricultural Preserve (AgP) and Land Conservation Contract effective January 1, 2014.
  - b. Approve eleven (11) Applications to establish Farmland Security Zones and Contracts
    - FSZ No. 2014-001: Lakeshore Farms 2, LLC
    - FSZ No. 2014-002: HNS Properties LLC, a California limited liability company
    - FSZ No. 2014-004: Petelaw Ranch No. 1, L.P., Petelaw Ranch No. 2, L.P., Petelaw Ranch No. 3, L.P.,
    - FSZ No. 2014-005: Petelaw Ranch No. 3, L.P.,
    - FSZ No. 2014-006: Petelaw Ranch No. 2, L.P. and Wayne W. Petersen
    - FSZ No. 2014-007: Roberta Jean Garin; Noel Bock; Ann V. Emerson; Desiree N. Vanoli; Marian O'Neal; Jody Garin; EMD, Inc., a California Corporation
    - FSZ No. 2014-008: Richard P. Sherrill, Jr., Ann E. Hullinger, Mary S. Buendia, Peter L. Sherrill, Paul C. Sherrill, Harry J. Sherrill, Carlo Hugo Chiappone, Edwin Lanini and Leo Lanini
    - FSZ No. 2014-009: Secondo Land Company, L.P.
    - FSZ No. 2014-010: Leonardini Home Ranch Partnership, L.P. and JoAnn Leonardini, as Trustee of the Joann Leonardini Revocable Trust, U/D/T dated 3/24/2004
    - FSZ No. 2014-011: JoAnn Leonardini Revocable Trust, U/D/T dated 3/24/2004, Antone Joseph Leonardini, Jr., Sarah Jane Leonardini and Jo Ann Leonardini Heen
    - FSZ No. 2014-012: Ross Neil Jensen, Marie Ann Jensen Vasquez, Quin Neil Jensen, and Steen Neil Jensen  
*And*
- Rescind portions of Farmland Security Zones and Contracts 10-016 and 10-018 and simultaneously place the

property in a new Farmland Security Zone and Contract No. 2014-001 as applicable to the real property described in Exhibit A “Legal Description” to proposed new Farmland Security Zone Contract:

- FSZ No. 2014-001: Lakeshore Farms 2, LLC

*And*

Rescind a portion of Agricultural Preserve and Land Conservation Contract No. 71-002 and simultaneously place the property in a new Farmland Security Zone and contract as applicable to the real property described in Exhibit A “Legal Description” to proposed new Farmland Security Zone Contract No. 2014-002:

- FSZ No. 2014-002: HNS Properties LLC, a California limited liability company

*And*

Approve one (1) Application to establish an Agricultural Preserve and Land Conservation Contract No. 2014-003:

- AgP No. 2014-003: David and Susan Gill Family Trust UTA 1-26-83 and The Hitchcock Children’s Trust #1 UTA 1-11-11

c. Authorize the Chair to execute eleven (11) Farmland Security Zone Contracts and one (1) Agricultural Preserve Land Conservation Contract.

d. Direct the Clerk of the Board to record the Farmland Security Zone Contracts and Agricultural Preserve Land Conservation Contract prior to the January 1, 2014 property tax lien date.

#### SUMMARY:

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, and Board of Supervisors Resolution Nos. 03-383 and 01-485, Amending Procedures for Agricultural Preserves, and Resolution No. 01-486, Amending Procedures for the Creation of Farmland Security Zones and Contracts authorize the Board to enter into Contracts with private landowners for the purpose of restricting certain parcels of land to commercial agricultural production of food or fiber. In return, landowners receive lower property tax assessments based upon the restricted Williamson Act value as opposed to full market value.

Each calendar year, the Board of Supervisors considers Applications to Establish AgPs and to Create FSZs and enter into corresponding Ag P or FSZ Contracts. This year, a total of twelve (12) applications have been received for the establishment of one (one) AgP and eleven (11) FSZ Contracts, respectively. All of the applications received have been reviewed by members of the Agricultural Preserve Review Committee (APRC). The APRC is comprised of representatives from the Agricultural Commissioner’s Office, Resource Management Agency-Planning, County Assessor’s Office and the Office of the County Counsel. Board action is required to establish by contract, AgP and FSZ status for those selected applications, to commence in the year 2014, 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) or Board Resolution No. 01-486 (Procedure for the Creation of Farmland Security Zones and Contracts) (Both included as **ATTACHMENT “C”**).

#### DISCUSSION:

The Agricultural Preserve Review Committee met on October 11, 2013 to review Applications to Establish AgPs and Create FSZs and enter into corresponding Contracts to commence on January 1, 2014.

An Application to Create a Farmland Security Zone and enter into an FSZ Contract must meet the requirements of California Government Code Section 51296 et seq. (Farmland Security Zones) and Board Resolution No. 01-486. Government Code Section 51296.8 requires that Farmland Security Zones shall only apply to land that is designated on the Important Farmland Series maps, prepared pursuant to Government Code Section 65570, as predominately one or more of the following:

- (a) Prime Farmland [or producing unprocessed agricultural plant production of not less than \$200 per acre pursuant to Government Code Section 51201 (c) (4)].
- (b) Farmland of statewide significance.
- (c) Unique Farmland.
- (d) Farmland of local importance

The APRC is recommending approval of the eleven (11) Farmland Security Zone applications and one (1) Agricultural Preserve application received. The property included in each of the applications far exceeds the minimum gross income requirement of not less than \$8,000 from the production of animals and/or unprocessed agricultural plant products during three of the last five years, or in the case of recently improved lands, the subject property has the potential during the next succeeding year of producing a gross income of \$8,000 from the production of animals and/or unprocessed agricultural plant products. The eleven (11) FSZ applications meet the Government Code Section 51296.8 requirement and Board Resolution No. 01-486 (Section 11.e.) requirement that FSZs will only be applied to land that is predominantly prime agricultural land as defined in Government Code Section 51201(c), or designated on the Important Farmland Series maps, prepared pursuant to Government Code Section 65570, as predominately one or more of the following: Prime/Unique Farmland/Statewide or Local Importance (According to California Department of Conservation’s Farmland Mapping and Monitoring [FMMP] map references). APRC interprets the “predominantly prime” requirement, referenced in Government Code Section 51296.8 and Board Resolution No. 01-486, Section 11.e. to mean that 51% of the subject property must meet the criteria set forth in Section 51296.8. One (1) application which was submitted as an application for an FSZ (Application No. 2014-003) did not meet the statutory requirements for the creation of an FSZ, at approximately 46% Prime Farmland. Staff is recommending that this application instead be considered and processed as an application for an AgP pursuant to the applicant/owners’ request through their legal representative.

The twelve (12) applications total 32 parcels over approximately 2,692 acres. Approximately 544 of the 2,692 acres (10 of the 32 parcels) are already under Land Conservation Contract. Consequently, approval of the twelve (12) applications would account for an additional 2,158 acres and 22 parcels to the existing 781,707 acres and 3,374 parcels of contracted land in Monterey County.

<u>Existing AgP</u>	<u>AgP w/2014 proposed additions</u>	<u>Existing FSZ</u>	<u>FSZ with 2014 proposed additions</u>
729,226 acres	729,799 acres	52,481 acres	54,046 acres
3,042 parcels	3,044 parcels	332 parcels	352 parcels
<u>Existing Combined AgP &amp; FSZ</u>		<u>Proposed Combined AgP &amp; FSZ</u>	
781,707 acres		783,855 acres	
3,374 parcels		3,396 parcels	

Attached to this report is the 2014 Application Matrix (**ATTACHMENT “A”**) listing the name, acreage, parcel numbers and Area Plan designations for the applications submitted as well as a small-scale map (**ATTACHMENT “A”**) showing the general locations of the newly proposed 2014 FSZs and AgP.

OTHER AGENCY INVOLVEMENT:

The Agricultural Preserve Review Committee, consisting of representatives from the Agricultural Commissioner's Office, Resource Management Agency-Planning, County Assessor's Office and the Office of the County Counsel, has reviewed the 2014 Applications, and has made its recommendations using the criteria set forth in Board Resolution No. 01-485, Procedures for AgP Contracts-as amended by Board Resolution No. 03-383-and Board Resolution No. 01-486, Procedures for the Creation of FSZs.

FINANCING:

Allowing the subject properties recommended for approval to attain Farmland Security Zone and Agricultural Preserve status will reduce the assessed valuation of each property involved. The estimated impact amounts for all of the applications to be considered are shown on the Financial Impact Analysis attached herein ( **ATTACHMENT "D"**). The Assessor estimates that the annual net tax loss for the twelve (12) applications recommended for approval would be \$190,636.

Prepared by: Steve Mason, Associate Planner ext. 5228  
Approved by: Mike Novo, Director, RMA-Planning, ext. 5192  
Benny Young, Director, Resource Management Agency

This report was prepared with assistance by:  
Mary Grace Perry, Deputy County Counsel  
Gregg MacFarlane, Assessor-Recorder's Office  
Marc Gomes, GIS Analyst - Agricultural Commissioner's Office

cc: Front Counter Copy; Jacqueline Onciano, Planning Services Manager; Steve Mason, Associate Planner; Mary Grace Perry, Deputy County Counsel; Gregg MacFarlane, Assessor-Recorder's Office; Bob Roach, Agricultural Commissioner's Office; Applicant/Owners and/or their Agents/Legal Representatives; California Coastal Commission; LAFCO of Monterey County; The Open Monterey Project; LandWatch; Project File REF130065

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

- Attachment A: County-wide map showing the location of the proposed 2014 Farmland Security Zones and Agricultural Preserves; APRC Review Sheets and Ortho Photo Maps; Williamson Act Application Matrix.
- Attachment B : Resolution establishing Farmland Security Zones (FSZs) and Agricultural Preserve (AgP), Agricultural Preserve Review Committee Sheets and GIS data.
- Attachment C: 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.
- Attachment D: Financial Impact Analysis for Williamson Applications.