



County of Monterey

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

Legislation Details (With Board Report)

File #:	20-921	Name:	REF200034- 2021 WILLIAMSON ACT CONTRACT APPLICATIONS
Type:	General Agenda Item	Status:	Passed - RMA Administration
File created:	11/2/2020	In control:	Board of Supervisors
On agenda:	11/17/2020	Final action:	11/17/2020
Title:	<p>a. Set a public hearing for December 8, 2020 to consider eight (8) 2021 Williamson Act Applications to Create a Farmland Security Zone ("FSZ") or to Establish an Agricultural Preserve ("AgP") (REF200034):</p> <ol style="list-style-type: none">1. FSZ Application No. 2021-01 - Flatland Properties LLC; APN 153-011-067 (Continued FSZ Application No. 2020-08)2. FSZ Application No. 2021-02 - Boggiatto Ranch, LLC; APNs 113-021-017; 113-021-001 and 113-013-0013. AgP Application No. 2021-03 - Tira Nanza Ranch, LLC; APNs 417-101-035; 417-101-036; 417-062-054; 417-062-055; 417-062-056 and 417-062-0574. AgP Application No. 2021-04 - Stanley George Silva, II Declaration of Trust dated February 24, 2004 as Amended and Restated February 5, 2008, as to an undivided 50% interest and Tammy L. Silva, as her sole and separate property, as to an undivided 50% interest, as tenants in common; APN 167-071-007 and 167-071-0125. FSZ Application No. 2021-05 - William D. Massa, Trustee of the 1994 William D. Massa Trust U/D/T dated February 7, 1994; APN 145-011-0646. FSZ Application No. 2021-06 - T.M.V. Lands, LLC; APNs 269-062-003; 269-063-002 and 269-063-0037. FSZ Application No. 2021-07 - T.M.V. Lands, LLC; APNs 223-031-018 and 223-071-0018. FSZ Application No. 2021-08 - T.M.V. Lands; APN 221-011-040 <p>b. Direct the Clerk of the Board of Supervisors to publish Notice of Public Hearing for the Public Hearing to take place on December 8, 2020 at 10:30 A.M. to consider the eight (8) 2021 applications, to create six (6) Farmland Security Zones ("FSZ") and FSZ Contracts and establish two (2) Agricultural Preserves ("AgP") and Land Conservation Contracts.</p>		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Notice of Public Hearing for December 8, 2020, 3. Attachment B - Resolution No. 01-785, as amended Resolution No. 03-383, 4. Attachment C - Board Resolution No. 01-486, 5. Attachment D - 2021 Application Matrix, 6. Attachment E - County-wide Map- Monterey County 2021 Williamson Act, 7. Item No. 48 Completed Board Order

Date	Ver.	Action By	Action	Result
11/17/2020	1	Board of Supervisors		

a. Set a public hearing for December 8, 2020 to consider eight (8) 2021 Williamson Act Applications to Create a Farmland Security Zone ("FSZ") or to Establish an Agricultural Preserve ("AgP") (REF200034):

1. FSZ Application No. 2021-01 - Flatland Properties LLC; APN 153-011-067 (Continued FSZ Application No. 2020-08)
2. FSZ Application No. 2021-02 - Boggiatto Ranch, LLC; APNs 113-021-017; 113-021-001 and 113-013-001
3. AgP Application No. 2021-03 - Tira Nanza Ranch, LLC; APNs 417-101-035; 417-101-036; 417-062-054; 417-062-055; 417-062-056 and 417-062-057
4. AgP Application No. 2021-04 - Stanley George Silva, II Declaration of Trust dated February 24, 2004 as Amended and Restated February 5, 2008, as to an undivided 50% interest and Tammy L. Silva, as her sole and

separate property, as to an undivided 50% interest, as tenants in common; APN 167-071-007 and 167-071-012
5. FSZ Application No. 2021-05 - William D. Massa, Trustee of the 1994 William D. Massa Trust U/D/T dated February 7, 1994; APN 145-011-064

6. FSZ Application No. 2021-06 - T.M.V. Lands, LLC; APNs 269-062-003; 269-063-002 and 269-063-003

7. FSZ Application No. 2021-07 - T.M.V. Lands, LLC; APNs 223-031-018 and 223-071-001

8. FSZ Application No. 2021-08 - T.M.V. Lands; APN 221-011-040

b. Direct the Clerk of the Board of Supervisors to publish Notice of Public Hearing for the Public Hearing to take place on December 8, 2020 at 10:30 A.M. to consider the eight (8) 2021 applications, to create six (6) Farmland Security Zones (“FSZ”) and FSZ Contracts and establish two (2) Agricultural Preserves (“AgP”) and Land Conservation Contracts.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Set a public hearing for December 8, 2020 at 1:30 p.m. to consider the 2020 Williamson Act applications, to create eight (8) Farmland Security Zones (“FSZ”) and FSZ Contracts and establish two (2) Agricultural Preserves (“AgP”) and Land Conservation Contracts (hereafter, “Applications”). The eight (8) total applications being considered this year include one (1) continued application from the previous year.

SUMMARY:

Each calendar year, the Board of Supervisors must consider AgP and FSZ contract applications pursuant to the Williamson Act, also known as the California Land Conservation Act of 1965. This year, six (6) applications for the creation of FSZs and FSZ Contracts and the establishment of two (2) AgPs and Land Conservation Contracts will be considered for a total of eight (8) applications. This number includes one (1) continued application from last year’s round of applications (FSZ Application No. 2021-01 Flatland Properties LLC was last year’s application FSZ No. 2020-08 which was submitted by The John Hansen Cumming and Constance Marie Cumming Revocable Trust dated October 15, 2001 et al). FSZ Application No. 2020-08 was continued to this year’s round of applications to provide additional time for the previous property owner to satisfy conditions of approval for a then recently approved lot line adjustment. Subsequently, the prior property owner satisfied conditions of approval and sold the property which was the subject of FSZ Application No. 2020-08 to Flatland Properties LLC, the current applicant for FSZ Application No. 2021-01.

DISCUSSION:

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 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 Resource Management Agency (RMA) Planning Department, Agricultural Commissioner’s Office, Assessor-Recorder’s Office, and the Office of the County Counsel-Risk Manager reviewed the 2021 Williamson Act Applications on October 9, 2020. The Agricultural Advisory Committee considered the 2021 Williamson Act Applications on October 22, 2020. Since this item must come back for a public hearing, the December 8, 2020 Staff Report will provide the Board of Supervisors with the (APRC) and the Monterey County Agricultural Advisory Committee’s (AAC) 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 2021, 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 795,476 acres of land in Monterey County is presently under Williamson Act contract. The eight (8) applications under consideration total 19 parcels and approximately 2,498 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).

The APRC met on October 9, 2020 and the Monterey County AAC met on October 22, 2020 to review the subject applications, which, if approved by the Board, would commence on the January 1, 2021 property tax lien date. Final recommendations by the Committees with detailed analysis and maps of each application will be provided as part of the December 8, 2020 Board of Supervisors report for final action.

Attached to this report is the 2021 Application Matrix (Attachment D) listing the name, acreage and parcel number(s) and General Plan/Area Plan designation, for applications submitted, with a large-scale map (Attachment E) showing the general locations of the proposed applications. The public will be informed of the scheduled December 8, 2020 public hearing by way of Countywide noticing through the publication of notice in a newspaper of general circulation. Notice of the Public Hearing will be mailed to the applicant/owners and/or their legal representatives.

OTHER AGENCY INVOLVEMENT:

The APRC and the AAC have reviewed the 2021 Applications, including the one (1) continued applications. The APRC and the AAC have made recommendations pursuant to 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 APRC and the AAC’s recommendations will be provided in the Board Report for the Public Hearing on December 8, 2020.

FINANCING:

In the event that the Board of Supervisors decides to approve the applications and enter into these Contracts at the December 8, 2020 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 December 8, 2020 Public Hearing.

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 Agricultural Commissioner’s and RMA customer requests. 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: Nadia Garcia, Agriculture Resource and Policy Manager III, ext. 7384
Reviewed by: Brandon Swanson, Planning Services Manager, RMA Planning
Approved by: Henry S. Gonzales, Agricultural Commissioner/Sealer of Weights and Measures, Agricultural Commissioner's Office

This report was prepared with assistance by:
Mary Grace Perry, Deputy County Counsel, Office of the County Counsel-Risk Manager
Marc Gomes, GIS Analyst, Agricultural Commissioner's Office

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

- Attachment A - Notice of Public Hearing for December 8, 2020
- 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 - 2021 Application Matrix
- Attachment E - County-wide Map- Monterey County 2021 Williamson Act Applications

cc: Front Counter Copy; Board of Supervisors; Jose Chang, Assistant Agricultural Commissioner/Sealer of Weights and Measures, Agricultural Commissioner's Office; Brandon Swanson, RMA-Planning Services Manager; Nadia Garcia, Ag Resource and Policy Manager, Agricultural Commissioner's Office; Mary Grace Perry, Deputy County Counsel, Office of the County Counsel-Risk Manager; Gregg MacFarlane, Supervising Appraiser, Assessor-Recorder's Office; Applicant/Owners and/or Applicant/Owners' respective Legal Representatives/Agents; The Open Monterey Project; LandWatch; Project File REF200034.