



County of Monterey

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

Board Report

File #: RES 19-159, **Version:** 1

a. Set a public hearing for December 10, 2019 to consider eleven (11) 2020 Williamson Act Applications (REF190037):

1. No. 2020-001 (FSZ)- Jensen Family Partners LP; AJ Spence Blanco LLC; DJS & B Ranch LLC; APN 207-031-003
2. No. 2020-002 (FSZ)- Jensen Family Partners LP; AJ Spence Blanco LLC; DJS & B Ranch LLC; APNs 137-041-004 and 137-041-014
3. No. 2020-003 (FSZ)- AJ Esperanza LLC; DJE Ranch LLC; Stephen and Patricia Jensen Trust; Ross Neil Jensen; Marie Ann Jensen Vasquez; Quinn Neil Jensen; Steen Neil Jensen; APNs 137-052-005; 137-052-006 and 137-052-007
4. No. 2020-004 (FSZ)- Huntington Farms Inc; APN 177-132-018
5. No. 2020-005 (FSZ)- Soledad Ranches Limited Partnership; APN 216-022-001
6. No. 2020-006 (FSZ)- Bianchi Ranch LLC; APN 165-013-010
7. No. 2020-007 (AgP)- SkyRoseRanch, LLC; APNs 424-121-023; 424-121-024; 424-121-058; 424-141-048; 424-121-020; 424-121-022; 424-141-003; 424-131-079; 424-131-080; 424-131-081; 424-131-086; 424-131-087; 424-131-088
8. No. 2020-008 (FSZ)- John Hansen Cumming and Constance Marie Cumming, Trustees of The John Hansen Cumming and Constance Marie Cumming Revocable Trust dated October 15, 2001; Andrew Nelson Cumming and Tamara Susan Cumming , as Trustees of The Andrew Nelson Cumming and Tamara Susan Cumming Revocable Trust U/D/T dated September 1, 2000; and Joseph C. Cumming and Kristi A. Cumming, Co-Trustees of The Joseph and Kristi Cumming Family Trust dated August 31, 2000; APN 153-011-009
9. No. 2020-009 (FSZ)- Linda S. De Santiago Living Trust dated December 21, 1998; APNs 165-101-006 and 165-101-008 (Continued FSZ Application No. 2019-009)
10. No. 2020-010 (AgP)- Asellus Monterey II LLC; APNs 422-121-004; 422-121-005; and 422-121-032 (Continued AgP Application No. 2019-012)
11. No. 2020-011 (AgP)- SkyRoseRanch, LLC; APNs 423-141-006; 423-141-010; 423-141-012; 423-141-013; 423-141-031; 423-141-032; 423-141-033; 423-141-034; 423-141-035; 423-141-045; 423-141-046; 423-151-009; 423-151-011

b. Direct the Clerk of the Board of Supervisors to publish Notice of Public Hearing for the Public Hearing to take place on December 10, 2019 at 1:30 P.M. to consider the eleven 2020 applications, including two (2) continued applications, to create eight (8) Farmland Security Zones ("FSZ") and FSZ Contracts and establish three (3) Agricultural Preserves ("AgP") and Land Conservation Contracts.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Set a public hearing for December 10, 2019 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 three (3) Agricultural Preserves ("AgP") and Land Conservation Contracts (hereafter, "Applications"). The eleven (11) total applications being considered this year include two (2) continued applications from the previous year.

SUMMARY:

Each calendar year, the Board of Supervisors must consider AgP and FSZ contract applications pursuant to the Land Conservation Act of 1965. This year, eight (8) applications for the creation of FSZs and FSZ Contracts and the establishment of three (3) AgPs and Land Conservation Contracts will be considered for a total of eleven (11) applications. This number includes two (2) continued applications from last year's round of applications [last year's application numbers were: 2019-009 (DeSantiago); and 2019-012 (Asellus Monterey)].

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 following is a summary of the two (2) continued applications:

Asellus Monterey:

This application will proceed with a recommendation of approval for one (1) of the three (3) APNs, APN 422-121-004 at 232.1 acres and a recommendation for denial for APNs 422-121-005 and 422-121-032 because no information was provided by the property owner/applicant that these latter APNs had recent history of being used primarily for the production of food or fiber for three (3) of the last five (5) years. Further, no information was provided by the property owner/applicant to support the requirement that these lands generated at least \$8,000 of annual gross income during three (3) of the last five (5) years from production of animals and/or unprocessed agricultural plant products.

De Santiago:

For this application, the property owner/applicant has requested a continuance of this FSZ application until such a time that the final map for a previously approved minor subdivision of the subject property is recorded, so that the property can be considered for an FSZ based on two (2) of the four (4) parcels that will be created by the final map. This application was continued from last year's round of applications and in fact, has been continued since 2014 to provide the applicant with additional time to perfect the approval of the minor subdivision of the subject property and record the final map. Last year, staff recommended that this application be continued to this year's round of applications, with the condition that the final map for the minor subdivision be filed by the September 16, 2019 application submittal deadline, or the application would be considered "withdrawn." Due to conditions beyond the property owner/applicant's control, the applicant/owner was not able to successfully meet the conditions of approval for the approved tentative minor subdivision map in order to file the final map with the County Recorder. The property owner/applicant timely requested an extension of the approved tentative minor subdivision map. Although, the request for an extension was made in a timely manner by the property owner/applicant, the extension request was not processed for a year by staff due to delays caused by limited staffing resources and the applicant's surveyor's unavailability to supply staff with certain map requirements. On October 10, 2019, the Agricultural Preservation Review Committee (APRC), comprised of County staff from the Planning Department, Assessor's Office, Agricultural Commissioner's Office and the Office of the County Counsel-Risk Manager, reviewed all of the Williamson Act applications, including the DeSantiago application. For the reasons set forth above, the APRC arrived at a "no consensus" vote regarding a continuance of the DeSantiago FSZ application.

Since this item must come back for a public hearing, the December 10, 2019 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 2020, 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 789,001 acres of land in Monterey County is presently under Williamson Act contract. The eleven (11) applications under consideration total 41 parcels and approximately 8,362 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 10, 2019 and the Monterey County AAC met on October 24, 2019 to review the subject applications, which, if approved by the Board, would commence on the January 1, 2020 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 10, 2019 Board of Supervisors report for final action.

Attached to this report is the 2020 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 10, 2019 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 2020 Applications, including the two (2) 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 10, 2019.

FINANCING:

In the event that the Board of Supervisors decides to approve the applications and enter into these Contracts at the December 10, 2019 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 10, 2019 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 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

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Approved by: John M. Dugan, FAICP, Deputy Director RMA Land Use and Community Development

This report was prepared with the 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 10, 2019
- 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 - 2020 Application Matrix
- Attachment E - County-wide Map (2020 Williamson Act Applications)

cc: Front Counter Copy; Board of Supervisors; Brandon Swanson, RMA-Interim Chief of Planning; Nadia Garcia, Associate Planner, RMA-Planning; Mary Grace Perry, Deputy County Counsel, Office of the County Counsel-Risk Manager; Gregg MacFarlane, Supervising Appraiser, Assessor-Recorder's Office; Jose Chang, Assistant Agricultural Commissioner/Sealer of Weights and Measures, Agricultural Commissioner's Office; Shandy Carroll, Agricultural Resource and Policy Manager, Agricultural Commissioner's Office; Applicant/Owners and/or Applicant/Owners' respective Legal Representatives/Agents; The Open Monterey Project; LandWatch; Project File REF190037.