



County of Monterey

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

Board Report

File #: 21-941, Version: 1

- a. Set a public hearing for December 7, 2021 to consider six (6) 2022 Williamson Act Applications to Create a Farmland Security Zone ("FSZ") and Contract (REF210027):
1. FSZ Application No. 2022-01 - Yellow Juliet II, LLC; Assessor's Parcel Number (APN) 145-011-064
 2. FSZ Application No. 2022-02 - KVL Holdings, Inc.; APNs 183-021-016 and 183-021-033
 3. FSZ Application No. 2022-03 - Nixon Farms, LLC; APNs 107-031-007 and 107-031-008
 4. FSZ Application No. 2022-04 - Fanoe-Johnson Ranch Trust U/D/T dated February 9, 2021, Jane Fanoe Limited Partnership dated December 29, 1999, Trust B of James D. Fanoe, Jr. Family Trust U/A dated June 24, 1985, APNs 107-031-017 and 107-031-024
 5. FSZ Application No. 2022-05 - 1992 Beverly Silliman Revocable Trust U/D/T dated May 8, 1992, Claudia M. Kelley Revocable Trust Executed October 15, 2012, Gary A. Marsh Living Trust, dated November 29, 2012; APNs 177-081-017 and 207-121-009
 6. FSZ Application No. 2022-06 - Linda S. De Santiago Living Trust dated December 21, 1998; APNs 165-101-006 and 165-101-008
- b. Direct the Clerk of the Board of Supervisors to publish Notice of Public Hearing for the Public Hearing to take place on December 7, 2021 at 10:30 A.M. to consider the six (6) 2022 applications, to create six (6) Farmland Security Zones ("FSZ") and FSZ Contracts.

California Environmental Quality Act (CEQA) Status: Categorically Exempt pursuant to CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Article 19, Categorical Exemptions, Section 15317 Open Space Contracts or Easements (Class 17 - establishment of agricultural preserves).

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Set a public hearing for December 7, 2021 at 10:30 a.m. to consider the 2022 Williamson Act applications, to create six (6) Farmland Security Zones ("FSZ") and FSZ Contracts (hereafter, "Applications"). The six (6) total applications being considered this year include one (1) continued application from the previous two years (De Santiago).

SUMMARY:

Each calendar year, the Board of Supervisors must consider Agricultural Preserve Contracts (AgP) and Farmland Security Zone (FSZ) contract applications pursuant to the Land Conservation Act of 1965. This year, six (6) applications for the creation of FSZs and FSZ Contracts will be considered. This number includes one (1) continued application from two years ago (FSZ Application No. 2022-06 De Santiago was application FSZ No. 2020-09 in 2019- Board Resolution No. 19-172) and this application was granted a two-year continuance for the property owner to satisfy conditions of approval for a minor subdivision map.

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 Housing and Community Development (HCD) Planning Department, Agricultural Commissioner's Office, Assessor-Recorder's Office, and the Office of the County Counsel-Risk Management reviewed the 2022 Williamson Act Applications on October 4, 2021. The Monterey County Agricultural Advisory Committee (AAC) considered the 2022 Williamson Act Applications on October 28, 2021.

Because this item must be set for a noticed public hearing, the December 7, 2021 Staff Report will provide the Board of Supervisors with recommendations from the APRC and the AAC regarding 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 2022, 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 797,000 acres of land in Monterey County is presently under Williamson Act contract. The six (6) applications under consideration total 11 parcels and approximately 1,900 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 4, 2021 and the Monterey County AAC met on October 28, 2021 to review the subject applications, which, if approved by the Board, would commence on the January 1, 2022 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 7, 2021 Board of Supervisors report for final action.

Attached to this report is the 2022 Application Matrix (Attachment D) listing the name, acreage and parcel number(s) and General Plan/Area Plan location, 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 7, 2021 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 2022 Applications, including the one (1) continued application. 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 7, 2021.

FINANCING:

In the event that the Board of Supervisors decides to approve the applications and enter into these Contracts at the December 7, 2021 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 7, 2021 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 Housing and Community Development 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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Reviewed by:

- Jose Chang, Assistant Agricultural Commissioner/Sealer of Weights and Measures, Agricultural Commissioner's Office

Approved by:

- Craig Spencer, Chief of Planning, Housing and Community Development

This report was prepared with assistance by:

- Mary Grace Perry, Deputy County Counsel, Office of the County Counsel-Risk Management
- Marc Gomes, GIS Analyst, Agricultural Commissioner's Office
- Gregg Macfarlane, Supervisor Appraiser, Assessors-Recorder's Office

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

Attachment A - Notice of Public Hearing for December 7, 2021

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 - 2022 Application Matrix

Attachment E - County-wide Map- Monterey County 2022 Williamson Act Applications

cc: Front Counter Copy; Board of Supervisors; Jose Chang, Assistant Agricultural Commissioner/Sealer of Weights and Measures, Agricultural Commissioner's Office; Craig Spencer, Chief of Planning- HCD; Nadia Garcia, Ag Resource and Policy Manager, Agricultural Commissioner's Office; Mary Grace Perry, Deputy County Counsel, Office of the County Counsel-Risk Management; 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 REF210027.