



County of Monterey Planning Commission

Item No.7

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

Agenda Item No. 7

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REF220044 - AGRICULTURAL CONSERVATION MITIGATION PROGRAM

- a. Conduct a public workshop to review policy options and receive public feedback for the development of the draft Agricultural Conservation Mitigation Program regulations;
- b. Consider establishing an Ad Hoc Committee; and
- c. Provide direction to staff.

Project Location: Countywide (Inland Only)

Proposed CEQA action: The workshop is an early planning activity that is not a project under CEQA. The ordinance will be subject to a CEQA determination in the future.

RECOMMENDATION:

It is recommended that the Planning Commission:

- a. Receive a presentation summarizing public feedback, policy options, and recommendations;
- b. Establish an Ad Hoc Committee; and
- c. Provide direction to staff.

SUMMARY:

The 2010 General Plan included an Agricultural Element in recognition of agriculture's importance to the County's economy. Agricultural Element Policy AG-1.12 requires the County to develop an Agricultural Conservation Mitigation Program (Program) to mitigate the loss of agricultural land to non-agricultural use. Development of this Program is one of the priority projects identified in the 2022 annual General Plan implementation report, and it has grant funding timelines. Development of the Program implements the 2010 General Plan, and as such, it will be applicable in the inland areas of unincorporated Monterey County.

The County was awarded a State of California Department of Conservation State Agricultural Lands Conservation (SALC) Program grant to fund the development of the Program. The grant was awarded in 2020 and is still active. Work on the Program was delayed for several years due to staffing constraints, but work has resumed, and substantial progress has been made. Staff completed its initial policy research and mapping activities in the spring of 2022, and the stakeholder and community outreach process commenced in earnest in May 2022.

Public outreach began with the County's Agricultural Advisory Committee (AAC) on May 26, 2022, where staff gave them an overview of the policy's requirements and requested feedback. County staff held two workshops with the AAC in July and August 2022 to obtain specific policy direction. Three public workshops were held in July 2022, informing the public of the policy's development and seeking feedback. Staff met with Salinas Valley cities (including Greenfield, Gonzales, King City,

Salinas, and Soledad) and LAFCO to discuss consistency with existing agreements, discuss coordination with each city, and obtain policy feedback from the cities. County staff met with various organizations and agencies to solicit input, including the Ag Land Trust, Big Sur Land Trust, the Building Industry Association, California Department of Conservation, California Department of Food and Agriculture, the Center for Community Advocacy, Communities Organizing for Relational Power in Action, Elkhorn Slough Foundation, Grower-Shipper Association, the Land Trust of Santa Cruz County, Monterey County Farm Bureau, Natural Resources Conservation Service (NRCS), the Resource Conservation District of Monterey County, Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA), California Department of Conservation, California Department of Food and Agriculture, and the United States Department of Agriculture (USDA). Staff has incorporated the feedback and policy input received to-date into its policy recommendations and options that will be presented to the Planning Commission (Commission).

Staff has prepared policy recommendations and options for the Commission's consideration, feedback, and direction. Staff has grouped the policy areas into the following broad categories and provides further detail in the attached discussion: 1) Policy Purpose and Goals; 2) Key Definitions and Clarifications; 3) Mitigation Methods; 4) Mitigation Timing; 5) Agricultural Land Valuation and Receiving Mitigation Sites; 6) Mitigation Ratios and Special Considerations; and 7) Exemptions.

Staff requests that the Commission provide preliminary input on the policy options and recommendations detailed in the attached discussion. Staff further requests that the Commission establish an Ad Hoc Committee of the Planning Commission that can work with staff to further refine the policy options and return to the Commission with recommendations in the form of a draft agricultural conservation mitigation ordinance.

DISCUSSION:

To read the full discussion and background for the policy options and staff recommendations, please refer to the Detailed Discussion included as Exhibit A. Below is a summary of staff recommendations which are discussed more fully in Exhibit A. Accompanying the detailed discussion is an Annotated Index where staff references the sources informing their recommendations including research, community feedback, and other sources.

Recommendation 1 - Staff requests that the Commission provide preliminary input to staff on the following policy options and recommendations. Staff further requests that the Commission establish an Agricultural Conservation Mitigation Program Ad Hoc Committee, that can work with staff to further refine the policy options and return to the Commission with recommendations in the form of a draft agricultural conservation mitigation ordinance.

2) Key Definitions and Clarification

Recommendation 2 - Staff recommends that a process be developed for reviewing outdated FMMP categories and potential subcategories for prime farmland be developed in consultation with representatives from the agricultural industry and agencies with expertise in agricultural farmland and soil classification.

Recommendation 3 - Staff recommends that a definition be developed for what constitutes

development and conversion of agricultural land to non-agricultural use.

Recommendation 4 - Staff recommends that a definition be developed for a qualifying entity and criteria/requirements pertaining to a qualifying entity's role related to implementation of the agricultural mitigation policy with a developer or project applicant be established.

Recommendation 5 - Staff recommends that a clear definition of applicable projects be developed to include annexations, land use changes, and other projects that require discretionary approvals (such as subdivisions or non-agricultural dependent development) that will impact agricultural lands.

3) Mitigation Methods

Recommendation 6 - Staff recommends that projects impacting 20 acres or more, including all phases or portions of a project, be required to mitigate the loss of agricultural land through direct purchase of agricultural conservation easements, with the option to mitigate via in-lieu fees only after providing evidence that a "good faith effort" was made but was unsuccessful in securing a mitigation site. Staff recommends that the requirements and criteria for determining what constitutes a "good faith effort" be developed in the draft policy. (See Recommendation 7 for projects less than 20 acres)

Recommendation 7 - Staff recommends that projects impacting less than 20 acres be required to mitigate the loss of agricultural land through the direct purchase of conservation easements or payment of an in-lieu fees. Staff further recommends that the draft policy establish criteria for in-lieu fee payment.

Recommendation 8 - Staff further recommends that the draft policy encourage the use of the alternative and complementary mitigation methods with criteria and limitations of their applicability.

4) Mitigation Timing

Recommendation 9 - Staff recommends that the draft policy establish specific timing by when clear and enforceable agricultural land mitigation measures must be implemented. Timing will vary depending on the type of project and should occur at the time of entitlement or prior to the project impact (building phase), as appropriate based on project type. For annexation projects, staff will consult with LAFCO regarding appropriate mitigation measure timing.

5) Agricultural Land Valuation and Receiving Mitigation Sites

Recommendation 10 - Staff recommends that they identify and consult with experts in the field of agricultural real estate, conservation, and agricultural land appraisal and valuation to advise on the development of a valuation methodology to be included in the draft policy.

Recommendation 11 - Staff recommends that the draft policy prioritize mitigation within a planning area but include criteria and options to allow flexibility when appropriate.

6) Mitigation Ratios and Special Considerations

Recommendation 12 - Staff recommends that the farmland categories and mitigation ratios [identified in the attached discussion] apply for unincorporated areas of the County except in Community Plan Areas, Rural Centers, and for projects proposed to be annexed into a city.

Recommendation 13 - Staff recommends additional meetings with the various Salinas Valley cities and LAFCO to develop policy alternatives relative to annexation projects that help encourage city-centered growth and prioritize mitigation that establishes agreed upon urban-agricultural edges.

Recommendation 14 - Staff further recommends that policies be developed for growth within Community Plan Areas or Rural Centers be like or consistent with policies developed to encourage city-centered growth and establish urban-agricultural edges.

7) Exemptions

Recommendation 15 - Staff recommends that the agricultural mitigation policy include the required exemptions in policy AG-1.12. Staff further recommends that the following project types also be exempt: a) agricultural support facilities and services; and b) agricultural worker and family housing.

Recommendation 16 - Staff recommends policy language be drafted to clarify that renewable energy projects that require discretionary approval, except projects or portions thereof that directly support the agriculture operation, are considered “non-agricultural uses” and are subject to the agricultural mitigation policy.

Recommendation 17 - Staff recommends that additional research be conducted to explore a possible exemption or special consideration for certain water conservation, improvement or land repurposing projects that may be included in the draft policy.

OTHER AGENCY INVOLVEMENT:

Housing and Community Development Department staff are working in collaboration with the Agricultural Commissioner’s Office to develop the Agricultural Conservation Mitigation Program.

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Approved by: Erik Lundquist, AICP, HCD Director, x5154

The following attachments are on file with the HCD:

- Exhibit A - Detailed Discussion