

Exhibit D

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Exhibit D

From: [Beretti, Melanie](#)
To: [Robert Roach](#)
Cc: [Price, Taylor](#)
Subject: RE: Draft Ag Mitigation Policy
Date: Wednesday, October 4, 2023 12:57:46 PM

Thanks, Bob – This is received and staff will take under consideration and incorporate with the public comment on this matter.

Kindly,
Melanie

Melanie Beretti, AICP | Acting Chief of Planning

Phone | 831-755-5285 Email | BerettiM@co.monterey.ca.us



From: Robert Roach <roachb@comcast.net>
Sent: Wednesday, October 4, 2023 11:50 AM
To: Beretti, Melanie <BerettiM@co.monterey.ca.us>
Cc: Price, Taylor <PriceT1@co.monterey.ca.us>
Subject: Draft Ag Mitigation Policy

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Melanie,

I could not attend the AAC meeting but I gave Mike the following comments to relay. I understand that they passed it on to the PC without changes so I would like to submit these to you for consideration. Two are somewhat technical and the water supply question will surely be discussed at the Planning Commission.

21.92.050 Mitigation Lands.

A. Mitigation Lands protected by a Farmland Conservation Easement, Farmland Deed Restriction, or by a Qualifying Conservation Entity purchased using In-Lieu Fees shall meet all of the following criteria.

1. Be designated as Farmland and in an Agricultural Zone;
2. Be acquired from willing sellers only;
3. Be of adequate size, configuration, and location to be viable for continued agricultural operations and use;
4. Be of the same FMMP Important Farmland Category category or better;
5. Have a long-term Water Supply available for the agricultural operations and use;
6. Be located within the County of Monterey; and
7. Not be on land that has an existing easement or deed restriction that prevents converting the property to nonagricultural use. Unless the land is located on an active Williamson Act contact, per Government Code section 51200 et seq.

Comments:

4. This is too prescriptive, it should say “substantially equivalent” or something that provides a minimal amount of discretion. Example: Developed parcel is 100% Prime. Mitigation Parcel is same acreage and 90% prime and 10% Important Farmland. That could be the best deal when all things are considered. Or what about a slightly lower category overall but more acres? Also, please say “FMMP Important Farmland Category,” that is what they are called.

5. Since easements are in perpetuity, the water supply should at least be long-term. This is the controversy with one Miramonte mitigation parcel under discussion. The lawyer asserts there is adequate water because when you turn on the pump water is delivered. But the Eastside Sub-basin has an annual overdraft of 10,000 AF/year. Will the wells keep pumping? Needs further study, but if not, then how is that adequate mitigation? At the last LAFCO meeting they were actually suggesting that it could still be dry farmed!

Exhibit D

7. This should read, "Unless the land is ~~located on an active~~ under a an active Williamson Act ~~contract~~ contract per...." What is meant by "active"? This should not be confused with a contract that is in a state of non-renewal, even though that would be an extremely unlikely occurrence. It is simply under a contract or not.

Thank you for your consideration of these comments.

Bob

From: [Michael DeLapa](#)
To: [293-phearingcomments](#)
Subject: LandWatch comments on Monterey County's proposed mitigation requirements for development on farmland (CORRECTED)
Date: Friday, October 27, 2023 12:13:21 PM

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October 27, 2023

Chair Etna Monsalve
Monterey County Planning Commission
1441 Schilling Place
Salinas, CA 93901
Email: phearingcomments@co.monterey.ca.us

Subject: Mitigation requirements for development on farmland

Dear Chair Monsalve and Planning Commissioners:

In previous comments to the Agricultural Advisory Committee, LandWatch Monterey County identified the following provision in the County's agricultural mitigation proposal to promote infill development rather than sprawl development as an important objective:

The regulation of farmland conversion will encourage infill development on vacant or underutilized sites within and near existing jurisdictions, infrastructure, and developed areas of Monterey County.

However, there are no provisions in the draft ordinance addressing the objective to promote infill and discourage sprawl. In fact, the draft ordinance treats infill and sprawl alike by excluding all acreage used for inclusionary and affordable housing from mitigation requirements, regardless where that housing is located (p. 4, item C).

Consistent with the ordinance's intent, we recommend that only those inclusionary and affordable housing projects that are actually infill be exempted from the proposed agricultural mitigation requirements. For this purpose, we recommend that the County specify those exempt affordable housing projects as those that meet the infill requirements set out Section 65913.4, subdivision (a)(2) in SB 35. Those would be projects within a Census Bureau-designated urbanized area or urban cluster, 75% surrounded by existing urban uses, and designated for residential or mixed-use development. (Gov Code, § 65913.4(a)(2) [SB 35].)

Further, requiring agricultural mitigation for sprawl housing and exempting infill housing from this mitigation requirement is consistent with statutory provisions for providing incentives for infill development and for preserving agricultural land through the Regional Housing Needs Allocation (RHNA). The statutory factors to be considered in the Regional Housing Needs Allocation process include lack of infrastructure capacity; opportunities for infill development and increased residential densities; preservation of farmland, open space, and habitats; preservation of prime agricultural land; agreements between the County and

cities to direct growth toward cities; and greenhouse gas emission reductions. (Gov. Code, § 65584.04(e).)

Sincerely,

Michael DeLapa
Executive Director

Please subscribe to the LandWatch newsletter, "like" us on Facebook and follow us on Twitter.

Michael D. DeLapa
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October 27, 2023

Chair Kenneth Ekelund
Monterey County Planning Commission
1441 Schilling Place
Salinas, CA 93901
Email: pchearingcomments@co.monterey.ca.us

Subject: Mitigation requirements for development on farmland

Dear Chair Ekelund and Planning Commissioners:

In previous comments to the Agricultural Advisory Committee, LandWatch Monterey County identified the following provision in the County's agricultural mitigation proposal to promote infill development rather than sprawl development as an important objective:

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agricultural land; agreements between the County and cities to direct growth toward cities; and greenhouse gas emission reductions. (Gov. Code, § 65584.04(e).)

Sincerely,

A handwritten signature in black ink, appearing to read "Michael DeLapa". The signature is fluid and cursive, with the first name "Michael" and last name "DeLapa" clearly distinguishable.

Michael DeLapa
Executive Director