



Monterey County

Item No.25

Board Report

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

Legistar File Number: 21-296

April 20, 2021

Introduced: 4/6/2021

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Matter Type: General Agenda Item

Authorize the Chair of the Board of Supervisors to sign an Agricultural Buffer Easement Deed (Deed) establishing an agricultural buffer on lands owned by Montana Skies LLC (Grantor), to protect agricultural lands surrounding the area annexed to the City of Greenfield (Mira Monte; LAFCO Resolution No. 19-08) and direct the Clerk of the Board to record said Deed with the County Recorder's Office subject to the submittal of the applicable recording fees from Grantor.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Accept the Agricultural Buffer Easement (Deed) and Consent to Recordation;
- b. Authorize the Chair to sign the Deed and Consent to Recordation in accordance with LAFCO Resolution No. 19-08 adopted by LAFCO of Monterey County on October 28, 2019, approving an annexation of approximately 30.5 acres (Annexed Lands); and,
- c. Direct the Clerk of the Board to record said Deed with the County Recorder's Office subject to the submittal of the applicable recording fees from Grantor.

PROJECT INFORMATION:

Planning File Number: REF210008

Owner: Montana Skies LLC

Project Location: 39653 13TH ST

APN: 109-232-001-000

Agent: Rob Mullane

Plan Area: Central Salinas Valley

Flagged and Staked: N/A

California Environmental Quality Act (CEQA) Action: This easement has been prepared in association with an annexation of lands by the City of Greenfield. The City and the Local Agency Formation Commission have certified an Environmental Impact Report for the annexation. No additional review is required pursuant to Section 15162 of the CEQA Guidelines for this action.

SUMMARY/DISCUSSION:

This Agricultural Buffer Easement Deed (Deed) (**Attachment A**) is associated with an annexation of land from the County of Monterey to the City of Greenfield approved by Local Agency Formation Commission (LAFCO) of Monterey County on October 28, 2019 pursuant to LAFCO Resolution No.19-08 (**Attachment B**). Said Deed was a LAFCO of Monterey County annexation requirement per Section 4.c. of LAFCO Resolution No. 19-08 which states:

- c. Finalization of agricultural buffer easements, in consultation with the County of Monterey Agricultural Commissioner, to the satisfaction of the LAFCO Executive Officer, to minimize potential impacts between the proposal and adjacent agricultural land uses. Required elements (landscaping, etc.) and allowed uses within the buffer area shall be as specified in the final grant deeds for the buffer easements. Locations and widths shall be as follows:
- 200-foot permanent agricultural buffer along Walnut Avenue
 - 74-foot temporary buffer along Thirteenth Street
 - 100-foot temporary buffer in the proposal's "interior" L-shaped corner

Unless otherwise determined by the LAFCO Executive Officer, the buffer easements shall identify two or more co-grantees: typically, a qualified land trust and the County for permanent ag buffers, and a qualified land trust and the City for temporary ag buffers. Execution and recordation of the agricultural buffer easements shall be documented to the LAFCO Executive Officer.

The purpose of the Deed is to establish a 200-foot permanent agricultural buffer along Walnut Avenue between agricultural uses adjacent to the Annexed Lands and potential future residential uses within the Annexed Lands. The Deed will restrict allowable development and uses within the buffer area to minimize conflicts between agricultural and residential uses.

Staff has reviewed the restrictions and recitals set forth in the Deed and finds that said Deed is consistent with the Memorandum of Agreement between the County of Monterey, LAFCO of Monterey County and the City of Greenfield (MOA) approved by LAFCO on June 24, 2013 (**Attachment C**), LAFCO Resolution No. 19-08 (**Attachment B**), and County Agricultural Resource Policies and regulations which seek to protect agricultural lands through the establishment of agricultural buffers as set forth in the Monterey County General Plan AG-1.2 which states:

"The County shall require that well-defined buffer areas be provided as partial mitigation for new non-agricultural development proposals that are located adjacent to agricultural land uses on farm lands designated as Prime, of Statewide Importance, Unique, or Local Importance.

- a. Criteria. The following criteria shall be used to establish agricultural buffers to protect current and reasonably foreseeable future agricultural operations:
 1. The type of non-agricultural use proposed, site conditions and anticipated agricultural practices.
 2. Weather patterns, crop type, machinery and pesticide use, existence of topographical features, trees and shrubs, and possible development of landscape berms to separate the non-agricultural use from the existing agricultural use.
- b. Buffers. Buffers and/or easements shall be:
 1. Designed to comply with applicable state and local laws regulating school buffers, pesticide buffers, and other controls.
 2. Provided on the land designated for the proposed new use and not on the adjacent agricultural land unless by mutual agreement between the two landowners. Buffer maintenance will be the responsibility of the underlying fee title owner and shall be enforceable by the County of Monterey.
 3. Designed to be used for the purposes and manner described in this policy and for no other purposes unless agreed to by abutting landowners. Drainage,

shading, vegetation, and erosion control shall be made beneficial to the adjacent agricultural use.

In circumstances in which a buffer is not meant to be permanent, it will be terminated once the underlying agricultural purpose for the buffer no longer exists. The Agricultural Advisory Committee shall review and make recommendations on establishment of, and changes to, buffer zones.”

The 200-foot permanent easement will be held jointly by the County of Monterey and the Monterey County Ag Land Trust. The Ag Land Trust has adopted a Resolution to accept the Deed (**Attachment D**).

This project includes acceptance of an easement that was required as a condition of approval of the annexation of land to the City of Greenfield. Appropriate CEQA approvals were considered by the City and by LAFCO associated with the annexation. No new CEQA review is required for approval of this easement associated with that annexation... LAFCO Resolution No. 19-08 (**Attachment B**) states that the City of Greenfield, as the Lead Agency, has approved environmental clearance pursuant to CEQA. LAFCO Resolution No. 19-08 provides as follows:

WHEREAS, the City of Greenfield, as the Lead Agency, has approved environmental clearance pursuant to the California Environmental Quality Act (CEQA) for this proposal by use of an addendum to the previously approved Greenfield Villages mitigated negative declaration for development of the proposed site with residential land uses; and

An Addendum to the previously approved Greenfield Villages mitigated Negative Declaration (MND) was prepared by the City of Greenfield for the City’s application for the annexation of approximately 30.5 acres (Annexed Lands) from the County of Monterey to the City of Greenfield which was approved pursuant to LAFCO Resolution No. 19-08 (**Attachment B**). No further environmental review is necessary for this action.

OTHER AGENCY INVOLVEMENT:

LAFCO of Monterey County, the City of Greenfield, and the Ag Land Trust support this recommendation. The proposed Deed has been reviewed and approved as to form by the Office of the County Counsel-Risk Manager in consultation with the Monterey County Agricultural Commissioner’s Office, the Monterey County Housing and Community Development-Planning Department, LAFCO of Monterey County, the City of Greenfield, the Property Owner (Grantor) and The Ag Land Trust.

The Agricultural Advisory Committee (AAC) recommended approval and acceptance of the Agricultural Buffer Easement Deed at the March 25, 2021 AAC Meeting.

The Agricultural Commissioner is supportive of the agricultural buffer during the AAC on March 25, 2021.

FINANCING:

There is no impact on the General Fund. Funding for staff time associated with this project is included in the FY 20-21 Adopted Budget for HCD-Planning. All costs associated with maintenance of the

easement will be borne by the project applicant (Grantor) of the easement, not the County (Grantee).

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our HCD customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Son Pham-Gallardo, Associate Planner ext. 5226
Reviewed by: Craig Spencer, HCD Planning Manager CS
Approved by: Mike Novo, AICP, Interim Director Housing and Community Development Services

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

- Attachment A - Agricultural Buffer Easement Deed
- Attachment B - LAFCO Resolution No. 19-08
- Attachment C - LAFCO Reso No. 13-13, Final Greater Greenfield Area MOA
- Attachment D - Ag Land Trust Resolution No 2021-10 adopted January 20, 2021
- Attachment E - Vicinity Map

cc: Front Counter Copy; Craig Spencer HCD Planning Manager; Son Pham-Gallardo, Project Planner; Montana Skies, owners; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); John H. Farrow; Janet Brennan; Project File REF210008