

Attachment A

This page intentionally left blank.

ATTACHMENT A- DISCUSSION

Background:

The proposed ordinance underwent several changes before its final version was completed, as presented in Attachment B. These changes were the outcome of several Agricultural Advisory Committee meetings on November 4, 2013; February 27, 2014; March 27, 2014; May 22, 2014; and finally on July 24, 2014.

The Planning Commission continued the subject draft ordinance from their June 25, 2014 hearing to August 27, 2014 and directed staff to make revisions to the draft ordinance, including but not limited to: clarifying whether or not the dispute resolution process was a voluntary process or a mandatory process, making the dispute resolution process “attractive” to the parties involved in the dispute, addressing the grievance process and revising the make-up of the Grievance Committee. Staff revised the draft ordinance and went before the Planning Commission on August 27, 2014, at which time the Planning Commission adopted a resolution (Attachment C) recommending that the Board of Supervisors adopt the ordinance. The most significant changes included:

- Clarification that the grievance process is a voluntary dispute resolution process.
- Elimination of any reference to exhaustion of administrative remedies prior to filing a court action in connection with any dispute.
- Revised Section 16.40.050 to provide for a “Voluntary Dispute Resolution Process” and to eliminate the Grievance Committee and transfer the responsibility to hear and mediate disputes relating to agricultural operations to the Agricultural Commissioner, a County official.
- Eliminated Section 16.40.050. F. Costs in its entirety to provide for a “no cost” voluntary dispute resolution process to be facilitated by the Monterey County Agricultural Commissioner’s Office.

Environmental Review:

The proposed draft ordinances are not a project under the California Environmental Quality Act (CEQA) per Sections 15060 (c)(3) and 15378 (b)(5) because the ordinances are an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

Conclusion:

Staff is recommending that the Board introduce, waive reading, and set October 28, 2014 at 1:30 P.M. as the date and time to consider adoption of an ordinance (Attachment B of this report) amending Chapter 16.40 “Protection of Agricultural Activities” (“Right-to-Farm” Ordinance) of Title 16 of the Monterey County Code in order to increase the protection of agricultural operations from nuisance claims, with the goal of promoting the long-term protection of agricultural lands in Monterey County.

This page intentionally left blank