



# County of Monterey

Item No.

## Board Report

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

Legistar File Number: ORD 24-008

March 12, 2024

Introduced: 3/5/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Ordinance

Public Hearing to consider adoption of an ordinance amending Title 21 (non-coastal zoning ordinance) of the Monterey County Code to add a new Chapter 21.92 for Mitigation Requirements for Development on Farmland in the inland areas of unincorporated Monterey County

**Project Title:** REF220044 - Regulations to Mitigate for Development on Farmland

**Proposed Location:** Inland unincorporated area

**Proposed California Environmental Quality Act (CEQA) action:** Categorically Exempt pursuant to CEQA Guidelines Section 15308 and consistent with the scope of the previously certified Final Environmental Impact Report (FEIR) pursuant to CEQA Guidelines Section 15162.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find adoption of the ordinance categorically exempt pursuant to CEQA Guidelines Section 15308 and consider and find adoption of the ordinance is consistent with the scope of the certified FEIR for the 2010 General Plan pursuant to CEQA Guidelines Section 15162; and
- b. Adopt an ordinance (**Attachment A**) amending Title 21 (non-coastal zoning ordinance) of the Monterey County Code to add a new Chapter 21.92 for Mitigation Requirements for Development on Farmland in the inland areas of unincorporated Monterey County.

### SUMMARY:

Staff presented the proposed ordinance to the Board of Supervisors (Board) on February 27, 2024, at a duly noticed public hearing. Staff conducted a presentation and received public and Board comments and input. The Board continued the item to March 12, 2024, and asked staff to return with additional options for Board consideration. Staff has included options to the proposed ordinance in **Attachment G** to respond to concerns about possible impacts on housing and affordable housing development.

**Attachment G** includes the following options for consideration:

- Section 21.92.060.D.1-2 - This option would decrease the base mitigation by an additional .125 for both Prime Farmland and Statewide, Unique, and Local Farmland for projects occurring in a Community Area, Rural Center, or Affordable Housing Overlay (CARCAHO). This is a decrease of an additional .125 from the proposed ordinance presented to the Board on February 27th. This would mean that Prime Farmland within a CARCAHO would have a base mitigation ratio of 1.375:1, and Statewide, Unique, and Local Farmland would have a base mitigation ratio of 1.125:1.

- Section 21.92.060.E - This option was created to allow applicants to reduce the base mitigation ratio for two types of priority projects.
  - Section 21.92.060.E.1 - This option would allow applicants to reduce their base mitigation ratio for projects that achieve a gross density of 15 dwelling units/acre gross or greater. This reduction would allow applicants to reduce their base mitigation ratio by up to a maximum of .125 if the project achieves a gross density greater than 15 dwelling units/acre gross.
  - Section 21.92.060.E.2 - This option would allow applicants to reduce their base mitigation ratio for projects that are a site as identified for residential development (also referred to as Opportunity Site) in the Housing Element. This reduction would allow applicants to reduce their base mitigation ratio by up to a maximum of .125 if the project is a site as identified in the Housing Element.
- Section 21.92.060.G.5 - This option would reduce the base mitigation ratio by .250 if the Mitigation Land is located along the exterior boundary of permanent growth boundaries or permanent agricultural edges, as identified in Board approved agreements between the County and cities. This is an additional reduction of .125 from the original base mitigation ratio reduction in the ordinance presented to the Board on February 27th.
- Section 21.92.060.H - If the Board accepts any of the above options, staff would recommend adding language to ensure that the mitigation ratio never falls below 1:1 (on an acre-for-acre basis). If the mitigation ratio falls below a ratio of 1:1, applicants may be required to complete additional mitigation pursuant to the California Environmental Quality Act (CEQA).

DISCUSSION:

For more detailed discussion and background related to the policy, please refer to the Detailed Discussion included as **Attachment B**.

OTHER AGENCY INVOLVEMENT:

For more detailed discussion and background related to other agency involvement, please refer to the Detailed Discussion included as **Attachment B**.

FINANCING:

HCD staff time was partially funded by a State of California Department of Conservation Sustainable Lands Conservation Program (SALC) grant that reimbursed County staff time from July 1, 2021, through June 14, 2023. Staff time was submitted for reimbursement by HCD, County Counsel, and the Office of the Agricultural Commissioner. Total staff time reimbursed by the grant was \$70,492.87 and serves as the required grant match, with a total of \$111,873.13 remaining on the grant at the time of expiration. The adoption of Chapter 21.92 (also known as Regulations to Mitigate for Development on Farmland) is not expected to impact the general fund, and this policy is not expected to add significant new work to Housing and Community Development staff time. There would be no change in the fee structure and no additional revenues to the County. Further, staff would expect that the

adoption of this ordinance would provide guidelines that can be utilized by staff when reviewing projects that need to comply with the ordinance requirements.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Adoption of Chapter 21.92 (also known as Regulations to Mitigate for Development on Farmland) supports the Board of Supervisor's Strategic Initiatives for Economic Development in that it strengthens the agricultural industry of Monterey County by protecting valuable, productive, and potentially productive agricultural land in Monterey County. Adoption of Chapter 21.92 supports the Board of Supervisor's Strategic Initiatives for Administration by promoting efficient and standardized processes for mitigating the conversion of agricultural land to development. Adoption of Chapter 21.92 supports the Board of Supervisor's Strategic Initiatives for Infrastructure as it encourages development in developed and already developing areas of the County, which encourages the utilization of already existing infrastructure and more sustainable dense communities.

Mark a check to the related Board of Supervisors Strategic Initiatives

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

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Approved by: Craig Spencer, Acting HCD Director CS

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

- Attachment A - Proposed Ordinance
- Attachment B - Detailed Discussion
- Attachment C - Planning Commission Resolution - November 8, 2023
- Attachment D - Correspondence
- Attachment E - Policy AG-1.12
- Attachment F - Agricultural Advisory Committee Action Minutes - September 28, 2023
- Attachment G - Proposed Ordinance with Redline Options
- Attachment H - Board Report February 27, 2024

cc: Front Counter Copy; County Counsel; Agricultural Commissioner; CAO's office; Agricultural Conservation Mitigation Interested Parties List; Planning File REF220044