

Attachment D

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2/23/2024

To Monterey County Board of Supervisors

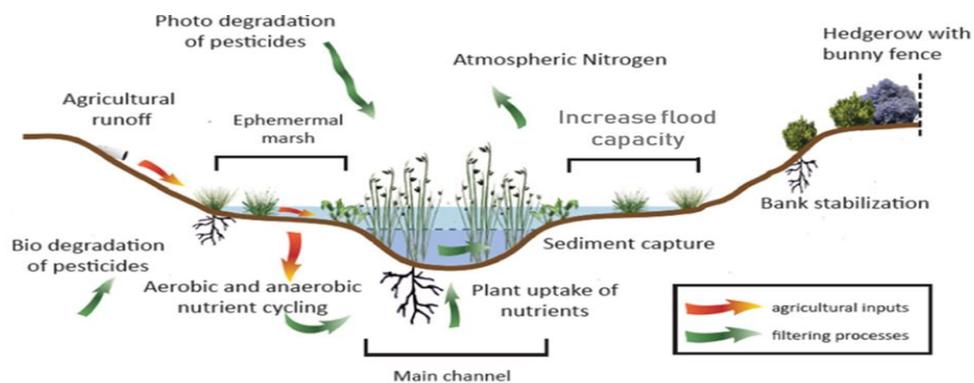
RE: Regulations to Mitigate for Development on Farmland

Members of the Monterey County Board of Supervisors;

I am writing in support of efforts by Monterey County Staff, the Board of Supervisors and the community to establish land use conservation policies to ensure that agricultural lands and the agricultural business community are protected within Monterey County for generations to come. Urban development has critically reduced farming in many portions of California and efforts to establish agriculture land conservation policies are needed to ensure Monterey County continues to be an agricultural region.

Sustainable agriculture, however, cannot be achieved solely through restrictions on development of farm lands. Other actions are necessary to ensure that water resources that our residents and farmers rely on are maintained and enhanced. Groundwater recharge, flood protection, stormwater capture and reuse, water quality enhancement and other environmental objectives are as critical to agricultural sustainability in Monterey County as is the restriction of development. Restoring watershed resources and flood conveyance processes is greatly needed if the County is to meet water resource needs (flood reduction and groundwater sustainability) and regulatory mandates (TMDLs).

It is important to recognize that such water resource enhancement efforts will require the strategic conversion of small portions of farm land located directly adjacent to our degraded drainage channel network.



The physical, chemical, and biological processes that occur in wetlands help filter out pollutants

Figure 1. Example of water resource benefits achieved by working with willing growers to widen degraded channels and restore aquatic habitat.

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Unfortunately, many of our water resource management objectives are hampered by 120 years of land reclamation, often sponsored or supported by the County. The resulting watershed drainage networks are undersized and poorly maintained, exacerbating flooding, water quality impairment and lost groundwater recharge potential. We believe it is in the best interest of the Monterey County Board of Supervisors to recognize the need to work with willing land owners to restore these drainage systems and work with local partners to reverse a century's degradation of natural watershed processes.

To meet these water resource challenges, County staff have worked with many stakeholders and partners to draft water resource management plans to restore these needed services. For instance, the Integrated Regional Water Management Plan and the Salinas Valley Stormwater Plan outline activities and projects, that have been awarded state grant funding, to reduce flooding, improve wetland habitat, clean water, increase recharge and provide open space for underserved communities of the Salinas Valley. The Valley's Groundwater Sustainability Plans outline measures to increase groundwater recharge through the Multi-Benefit Land Repurposing Program, aimed at transitioning least farmable (often most flood-prone) portions of farmland to lower water use purposes that support water resource enhancement.

Any restrictions by an agriculture land conservation policy that limit efforts underway to enhance water resources in the Salinas Valley would be unfortunate and counterproductive.

We have discussed with County staff our concerns regarding unintended consequences of the Regulations to Mitigate for Development on Farmland to restrict parallel efforts to transition small portions of farmland to creek and wetland habitat needed to increase water resource resiliency. Current language in the ordinance that references links to the Salinas Valley Basin Groundwater Sustainability Agency and the Central Coast Regional Water Quality Control Board provides opportunities to complete our work on farmlands under the guidance of these agencies. However, we are concerned that future review of wetland and floodplain restoration efforts will not be found to make sufficient linkages to these specific agencies and programs and may trigger farmland mitigation requirements.

Any additional assurances, in policy or on the record, that implementation of this mitigation order will accommodate necessary removal of small areas of irrigated lands to support water resource resiliency efforts would aid our current and future work to restore watershed processes and aquatic habitat in collaboration with our farming partners.

Thank you for your focus on these issues,



Ross Clark

Director, Central Coast Wetlands Group
Moss Landing Marine Labs, ross.clark@sjsu.edu

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Date: February 26, 2024

To: County of Monterey Board of Supervisors

From: Robert Roach

Re: Item 28, Agricultural Lands Mitigation Ordinance

I support the draft ordinance and recommend its adoption. I believe staff has done an excellent job developing this ordinance. It is especially gratifying for me to see this coming forward since I was part of the 2010 GPU Team that developed the policy. There was extensive public process and outreach, which has resulted in an ordinance that is somewhat long and complex. But it is well-constructed and with appropriate incentives and disincentives to guide development in Monterey County to desired locations.

However, development will happen mostly in the cities. I had hoped that LAFCO would take it as an example to emulate, but their draft policy is very firm about having exactly a 1:1 replacement ratio, which is the minimum mitigation allowed by CEQA. They would not even accept staff's language that said, "No less than 1:1 replacement" and are looking for exceptions under CEQA to reduce it to less.

(At the time of this writing LAFCO has not taken final action.)



February 26, 2024

Supervisor Glenn Church, Chair
Monterey County Board of Supervisors
168 West Alisal St., 1st Floor
Salinas, CA 93901
cob@co.monterey.ca.us

Subject: LandWatch Monterey County's Comments for Agenda Item #28 Regulations to Mitigate for Development on Farmland

Dear Chair Church and Members of the Monterey County Board of Supervisors:

I write to request an additional change to the proposed ordinance.

1. Base mitigation ratio should be lowered even more for a conservation easement or deed restriction on permanent growth boundaries.

The staff report proposes to lower mitigation ratios by 0.125 off the base mitigation ratio for four kinds of priority mitigation areas: high potential groundwater recharge areas, water quality improvement projects, along the exterior boundary of CARCAHOs, and the exterior boundary of permanent growth boundaries and permanent agricultural edges as identified in Board of Supervisors approved City and County Memorandum of Agreements and Memorandum of Understandings.

However, we recommend an even lower ratio be applied to one category: the exterior boundary of permanent growth boundaries and permanent agricultural edges as identified in the Board of Supervisors approved City and County Memorandum of Agreements and Memorandum of Understandings. Preservation of these lands is critical to implementing these permanent growth boundaries. Furthermore, the cost of mitigation is likely to be higher for these lands because they are in the expected path of growth, notwithstanding the City-County MOUs or MOAs. Thus, we recommend that the mitigation ratio for this category of priority land be reduced by 0.250 off of their base mitigation ratio.

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2. Base mitigation ratio should also be lowered for development in growth areas.

The General Plan designates three kinds of growth areas in which future development should be directed: Community Areas, Rural Centers, and Affordable Housing Overlays. Conversely, future development should be discouraged outside of these growth areas.

To provide greater incentives to focus growth in these growth areas, we recommend that the base mitigation ratio be lowered by 0.125 for development in these areas. Doing so will encourage developers to consider these areas first for future projects.

Thank you for the opportunity to comment.

Regards,

A handwritten signature in black ink, appearing to read "Michael DeLapa". The signature is stylized and cursive.

Michael DeLapa
Executive Director

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From: [Beretti, Melanie](#)
To: [Robert Roach](#)
Cc: [Price, Taylor](#)
Subject: RE: Ag Mitigation
Date: Thursday, November 9, 2023 11:29:18 AM

Received, thank you, Bob.

Kindly,
Melanie

Melanie Beretti, AICP | Acting Chief of Planning
Phone | 831-755-5285 Email | BerettiM@co.monterey.ca.us

-----Original Message-----

From: Robert Roach <roachb@comcast.net>
Sent: Thursday, November 9, 2023 10:20 AM
To: Beretti, Melanie <BerettiM@co.monterey.ca.us>
Cc: Price, Taylor <PriceT1@co.monterey.ca.us>
Subject: Ag Mitigation

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Melanie,

I liked your thought yesterday about "substantial equivalence." That's really what we are after in a mitigation process, like for like, lands with similar agriculture capabilities. That should be a first principle, and clearly stated in the ordinance. Many factors will determine that capability, too many to prescribe in an ordinance. The likelihood of future availability of water is only one factor, an important one but difficult to ascertain. Others include the current water supply quantity and quality, aquifer recharge, soil composition and chemistry, topography, micro-climates, surroundings, infrastructure, presence of deleterious organisms, and more. Perhaps leave it so, that the parcels must have substantially equivalent agricultural capabilities, based on such factors as are applicable to the particular situation. A land trust is going to weigh those factors because they should not want to be a party to a deal that could be seen as not providing adequate mitigation and get drawn into a third-party lawsuit. (Lawsuit avoidance is a cornerstone policy of the ALT.) The County has the Agricultural Advisory Committee to review and make recommendations on particular proposals.

The SVBGSA continues to gather data and formulate plans and I have confidence that nearly all of our agricultural lands will have adequate long-term water supplies, absent a severe change in the climate. The current state of knowledge already identifies sub-basins in overdraft and some trouble spots. There should be sufficient data available to forecast the future availability of water for agricultural operations in any particular area, and our knowledge of the local hydrology will continue to develop. The SVBGSA cannot issue a will-serve letter, but how reliable are those anyway? I'm sure the water provider believes they will be around in 50 or 100 years, but there is a non-zero probability that they will not. Will-serve letters are necessarily based on current knowledge and are considered a reasonable assurance.

Bob