

From: [Magana, Sophia](#)
Subject: FW: Proposed Agricultural Land Mitigation Ordinance - October 26, 2022 Planning Commission Agenda Item No. 7 - REF220044 Agricultural Conservation Mitigation Program
Date: Tuesday, October 25, 2022 3:21:37 PM
Attachments: [Aq Codes.docx](#)
[image001.png](#)

Good Afternoon,

Please see below email correspondence and the attached regarding Agenda Item No. 7 – REF220044 Agricultural Conservation Mitigation Program, scheduled for tomorrow’s Planning Commission.

Thank you,

Sophia Magana | Senior Secretary
County of Monterey
Housing & Community Development
1441 Schilling Place, South 2nd Floor, Salinas, CA 93901
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From: Marc Del Piero <marc@aglandtrust.org>
Sent: Tuesday, October 25, 2022 1:57 PM
To: Magana, Sophia <MaganaS@co.monterey.ca.us>; Lundquist, Erik <LundquistE@co.monterey.ca.us>; Beretti, Melanie <BerettiM@co.monterey.ca.us>
Subject: Proposed Agricultural Land Mitigation Ordinance - October 26, 2022 Planning Commission Agenda Item No. 7 - REF220044 Agricultural Conservation Mitigation Program

[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.]

The Ag Land Trust hereby wishes to provide this preliminary input regarding this long overdue implementation of the mitigation mandates of the 2010 Monterey County General Plan Update.

The County has had a clear legal obligation to specifically implement the farmland mitigation mandates of the General Plan for over a decade, and any party now asking for a delay of the County's compliance and implementation of this legal obligation is either massively disingenuous or simply opposed to preserving our County's most precious and economically important natural resource in favor of more urban sprawl.

The Ag Land Trust was organized in 1984 pursuant to the adopted policies of the Monterey County

General Plan mandating the preservation of our County's prime and productive farmlands. Over the past 38 years, the Trust's volunteer Board of Directors has consisted of County Supervisors, Monterey County Directors of Planning, Monterey County Planning Commissioners, members of the Grower-Shippers Association and the Western Growers Association, members of the Monterey County Cattlemen's Association, agricultural professionals, and members of the Monterey County Farm Bureau.

Since 1984, the Ag Land Trust has permanently preserved over 46,000 acres of our productive agricultural lands, often over the objection of the same parties who are now suggesting that the County is moving too expeditiously to implement this decades-old legal obligation to establish firm and enforceable mitigation requirements. The Ag Land Trust actually preserves and protects on-farm jobs for our farmworkers and our farmers, and annually brings millions of dollars of cash benefits to our agri-business industry.

Specifically, the General Plan policies mandate the protection and permanent preservation of the "prime farmlands, the farmlands of statewide importance, and unique farmlands" as specifically defined by state codes and regulations of the CA. Department of Food and Agriculture, the CA. Department of Conservation, the California Coastal Commission, and the CA. Coastal Conservancy. If any party professes confusion about the clear and specific definitions of these farmlands, they need only look to state law to be fully enlightened.

During the past 38 years, the threat of urban sprawl and permanent, unmitigated loss to our irreplaceable prime farmlands has grown greater and more deleterious. And the required mitigation mandates and policies of the 2010 General Plan have not been enforced, or simply ignored. The conversion of our prime farmlands, without mitigations, results in the single biggest increase in air pollution from the resultant urban sprawl, ever worsening massive traffic jams, and self-inflicted grave contributions to global warming.

These regional adverse environmental consequences are virtually never mitigated by developers or local municipalities. Even the State Legislature has recognized the constant "finger-pointing" by developers and municipalities which simply do not want to pay to mitigate the environmentally polluting consequences of their conversion of our prime farmlands by their unmitigated sprawling developments.

So as to help to make clear the California Legislature's legislatively adopted legal mandates which bind decisions of the Planning Commission regarding the loss of our state's farmelands, we have attached sections from both the California Government Code and the CA. Food and Agriculture Code that specifies that state and local governments "shall protect and preserve its farmlands" from urban sprawl. **The Ag Land Trust also supports the unanimous recommendation of the Monterey County Agricultural Advisory Committee last month, which publicly supported a "2 preserved for 1 converted mitigation requirement" (without ANY exceptions) for any development project that proposes to convert our prime farmlands to development.**

The Ag Land Trust stands ready to assist and help the County and the Planning Commission to comply with the decades-old General Plan mandates and the requirements of state law to fully

mitigate the intentional conversion and irreparable loss of our prime and productive farmlands, our greatest economic resource.

Most Respectfully,

Marc Del Piero
Executive Director
Ag Land Trust
(831) 422-5868
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California Code, Government Code - GOV § 65041.1

The state planning priorities, which are intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state, including in urban, suburban, and rural communities, shall be as follows:

(a) To promote infill development and equity by rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land that is presently served by transit, streets, water, sewer, and other essential services, particularly in underserved areas, and to preserving cultural and historic resources.

(b) To protect environmental and agricultural resources by protecting, preserving, and enhancing the state's most valuable natural resources, including working landscapes such as farm, range, and forest lands, natural lands such as wetlands, watersheds, wildlife habitats, and other wildlands, recreation lands such as parks, trails, greenbelts, and other open space, and landscapes with locally unique features and areas identified by the state as deserving special protection.

(c) To encourage efficient development patterns by ensuring that any infrastructure associated with development, other than infill development, **supports new development that does ALL of the following:**

(1) Uses land efficiently.

(2) Is built adjacent to existing developed areas to the extent consistent with the priorities specified pursuant to subdivision (b) (SEE ABOVE).

(3) Is located in an area appropriately planned for growth.

(4) Is served by adequate transportation and other essential utilities and services.

(5) Minimizes ongoing costs to taxpayers.

California Code, Government Code - GOV § 51220

The Legislature finds:

(a) **That the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this state and nation.**

(b) That the agricultural work force is vital to sustaining agricultural productivity; that this work force has the lowest average income of any occupational group in this state; that there exists a need to house this work force of crisis proportions which requires including among agricultural uses the housing of agricultural laborers; and that such use of agricultural land is in the public interest and in conformity with the state's Farmworker Housing Assistance Plan.

(c) **That the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves in that it will discourage discontinuous urban development patterns which unnecessarily increase the costs of community services to community residents.**

(d) That in a rapidly urbanizing society agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of this chapter, constitutes an important physical, social, esthetic and economic asset to existing or pending urban or metropolitan developments.

(e) That land within a scenic highway corridor or wildlife habitat area as defined in this chapter has a value to the state because of its scenic beauty and its location adjacent to or within view of a state scenic highway or because it is of great importance as habitat for wildlife and contributes to the preservation or enhancement thereof.

(f) For these reasons, this chapter is necessary for the promotion of the general welfare and the protection of the public interest in agricultural land.

California Food and Agricultural Code

Sec. 821

As part of promoting and protecting the agricultural industry of the state and for the protection of public health, safety, and welfare, **the Legislature shall provide for a continuing sound and healthy agriculture in California and shall encourage a productive and profitable agriculture. Major principles of the state's agricultural policy shall be ALL of the following:**

- (a) To increase the sale of crops and livestock products produced by farmers, ranchers, and processors of food and fiber in this state.
- (b) To enhance the potential for domestic and international marketing of California agricultural products through fostering the creation of value additions to commodities and the development of new consumer products.
- (c) **To sustain the long-term productivity of the state's farms by conserving and protecting the soil, water, and air, which are agriculture's basic resources.**
- (d) To maximize the ability of farmers, ranchers, and processors to learn about and adopt practices that will best enable them to achieve the policies stated in this section.

821

[822](#)

From: [Magana, Sophia](#)
Subject: FW: Proposed Agricultural Land Mitigation Ordinance - October 26, 2022 Planning Commission Agenda Item No. 7 - REF220044 Agricultural Conservation Mitigation Program
Date: Tuesday, October 25, 2022 12:15:55 PM
Attachments: [Outlook-lcywnh1f.png](#)
[Outlook-nur3tbra.png](#)
[City of Salinas County Aqland Mitigation Ordinance PC Comment Letter 10.25.2022.pdf](#)
[image001.png](#)

Good Afternoon,

Please see below email correspondence and the attached regarding Agenda Item No. 7 – REF220044 Agricultural Conservation Mitigation Program, scheduled for tomorrow’s Planning Commission.

Thank you,

Sophia Magana | *Senior Secretary*
County of Monterey
Housing & Community Development
1441 Schilling Place, South 2nd Floor, Salinas, CA 93901
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From: Lisa Brinton <lisab@ci.salinas.ca.us>
Sent: Tuesday, October 25, 2022 9:25 AM
To: 293-pchearingcomments <pchearingcomments@co.monterey.ca.us>
Cc: kimblyc@ci.salinas.ca.us; steveca@ci.salinas.ca.us; chrisc@ci.salinas.ca.us; Megan Hunter <meganh@ci.salinas.ca.us>; Beretti, Melanie <BerettiM@co.monterey.ca.us>
Subject: Proposed Agricultural Land Mitigation Ordinance

[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.]

Honorable Planning Commissioners:

We appreciate Housing and Community Development Department staff’s presentation to the City of Salinas on the proposed County of Monterey’s Agricultural Conservation Mitigation Program and policies to be included in an Agricultural Land Mitigation Ordinance and subsequent Agricultural Buffer Ordinance, and their invitation to identify any items the City would like to be elevated at the October 26th Monterey County Planning Commission meeting presentation on the proposed ordinance.

Attached is the City of Salinas' comment letter. The City's primary concern is the projected schedule of adopting an ordinance in early 2023 and we request that more time be provided to conduct broader

community engagement and to better understand the impacts of policy implementation on future development, economic development and General Plan Land Use.

Respectfully,

Lisa Brinton

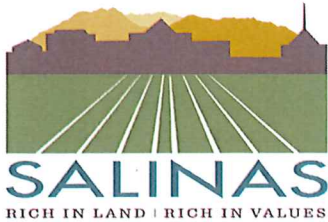


City of Salinas

Community Development Department

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City of Salinas

COMMUNITY DEVELOPMENT DEPARTMENT

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October 25, 2022

County of Monterey
Monterey County Planning Commission
Monterey County Government Center - Board of Supervisors Chambers
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Email: pchearingcomments@co.monterey.ca.us

Honorable Planning Commissioners:

We appreciate the Housing and Community Development Department staff's presentation to the City of Salinas on the proposed County of Monterey's Agricultural Conservation Mitigation Program and policies to be included in an Agricultural Land Mitigation Ordinance and subsequent Agricultural Buffer Ordinance. During our September 29th meeting, the City was provided a high-level overview of the process and scope for developing the Agricultural Land Mitigation Ordinance and asked to identify any items to be elevated at the October 26th Monterey County Planning Commission meeting.

After meeting with the County and internally discussing the proposal, we were struck at how impactful this program, policies, and ordinances could be on the City as well as other jurisdictions in the Salinas Valley. While we understand the need to move this process forward, we are concerned with the projected schedule of adopting an ordinance in early 2023. While the County has met with staff and elected officials from jurisdictions, the schedule only provides three months, during the holidays, to conduct broader community engagement. Given the potential impact to city growth and future development, economic development, and General Plan Land Use, we request that this schedule be extended to allow for adequate community engagement and include key stakeholders who were involved in our Economic Development Element and those who are now involved in the General Plan Update.

As you may know, the City is currently updating its General Plan and has been actively engaging the community on topics including land use, climate action, and environmental justice. Through a Sustainable Agriculture Land Conservation (SALC) grant, the City has formed a Technical Advisory Committee (TAC) to guide an economic study of the Ag-Industry in Salinas and its future infrastructure and workforce needs to continue to grow. We extend an offer to the County to assist

with its outreach efforts by bringing Salinas stakeholder groups, such as the SALC TAC into the conversation.

In addition to our concern about the proposed schedule and insufficient engagement, there remain a lot of “unknowns” about the County’s proposal on the Agricultural Conservation Mitigation Program. The proposed program and corresponding policies, and ordinances need greater definition, discussion, and clarification so we fully understand future implications. Below is a list of some of our questions:

- a) At what point would a proposed project be required to comply with the Ordinance? The City is currently processing a Specific Plan and Annexation application and preparing an Environmental Impact Report for the Ferrasci Ranch Business Park in Target Area K, just north of Russell Road.
- b) Since the Industrial Wastewater Treatment Facility serves and benefits the ag industry, can it be exempted from Ordinance mitigation requirement?
- c) What data, analysis, or identified best practice is being used to formulate the meaningful measure or “value” of farmland and the associated mitigation ratio?
- d) Will we have an opportunity to review and provide feedback on “farmland designations” and associated mitigation ratios?
- e) How is the Planning Area defined? What options are available if mitigation cannot be provided within a Planning Area?
- f) What does it mean to establish a permanent urban-agricultural boundary and how will it impact our proposed growth?
- g) How will proposed policies impact our target areas identified in our Economic Development Element?
- h) Finally, we are assuming this does not impact any areas that are in the City that have agricultural lands (i.e. Carr Lake, Future Growth Areas, Ag-Industrial Center, and Salinas Travel Center), but we want to understand if there could be some unintended consequences.

We appreciate this opportunity to share our feedback and look forward to our next scheduled discussion on November 17th with Monterey County. We hope that the County will slow the process to allow sufficient time to conduct a broad, inclusive community engagement process that will lead to agricultural land conservation policies that support a sustainable balance of growth and protection of prime farmland.

Sincerely,



Megan Hunter
Community Development Director

Cc: Mayor Kimbley Craig
Steven S. Carrigan, City Manager
Christopher A. Callihan, City Attorney
Lisa Brinton, Assistant Community Development Director
Melanie Beretti, Principal Planner – Advanced Planning, Housing and Community Development