

# Farmland Mitigation Ordinance

Planning Commission  
November 8, 2023  
Agenda Item Number 4





# Requested Action

- Recommend to the Board of Supervisors
  - Regulations to Mitigate For Development on Farmland
    - Title 21 (Inland Zoning Ordinance)



# Policy Framework

- **2010 General Plan:** Preserve, protect, and enhance farmland in order to maintain the productivity and viability of the County's agricultural industry. While encouraging growth in or near developed or developing areas and away from valuable farmland.
- **Agricultural Element:** Promote the long-term protection, conservation, and enhancement of productive and potentially productive agricultural lands.
- **Agricultural Conservation Mitigation Program (Policy AG-1.12):** Mitigate loss of farmland to development



# Hearing Body Process

- Agricultural Advisory Committee Workshops – May – August 2022
- Planning Commission Workshop – October 2022
- Agricultural Advisory Committee – January 2023
- Ad Hoc Subcommittee of the Agricultural Advisory Committee – February – August 2023
- Agricultural Advisory Committee – September 2023
- Planning Commission – November 2023
- Board of Supervisors – Winter 2024



# Outreach Overview

- **General Public:**
  - Countywide (Spanish)
  - North County (w/ Sup. Phillips)
  - South County (Spanish) (w/ Sup. Lopez)
- **Organizations:**
  - Ag Land Trust
  - Big Sur Land Trust
  - Building Industry Association
  - Center for Community Advocacy
  - Central Coast Regional Water Quality Control Board
  - Central Coast Water Quality Preservation, Inc.
  - Central Coast Wetlands Group
  - Communities Organizing for Relational Power in Action
  - Elkhorn Slough Foundation
  - Greater Monterey Regional Water Management Group
  - Grower-Shipper Association
  - Land Trust of Santa Cruz
  - Monterey County Farm Bureau
  - Monterey County Farm Bureau Land Use Subcommittee
  - Salinas Valley Basin Groundwater Sustainability Agency
- **Jurisdictions and Agencies:**
  - City of Greenfield
  - City of Gonzales
  - City of Salinas
  - City of Soledad
  - Department of Conservation
  - Department of Food and Agriculture
  - King City
  - Local Agency Formation Commission of Monterey County
  - National Resources Conservation Service
  - Resource Conservation District of Monterey
  - United States Department of Agriculture





# Overview of Ordinance

(Sections 21.92.010 -  
21.92.100)



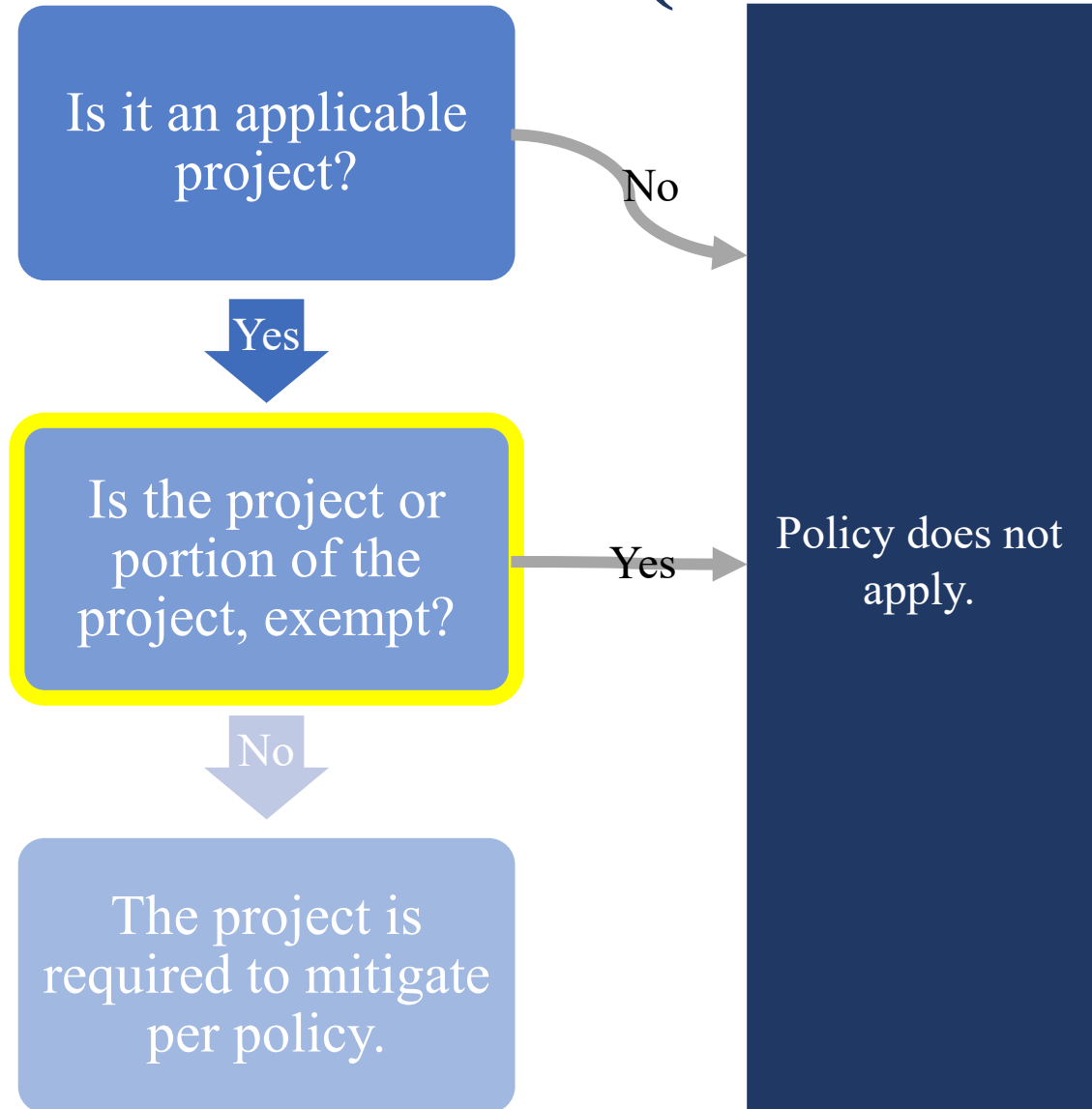
# Purpose of Farmland Mitigation (Section 21.92.010)

- Provide clear and consistent policies to mitigate the loss of farmland.
- Protect productive and potentially productive farmland.
- Ensure commercial viability of the County's agricultural industry.
- Encourage growth in or near developed or developing areas.



# Applicability (Section 21.92.020.C)

## EXEMPTIONS:

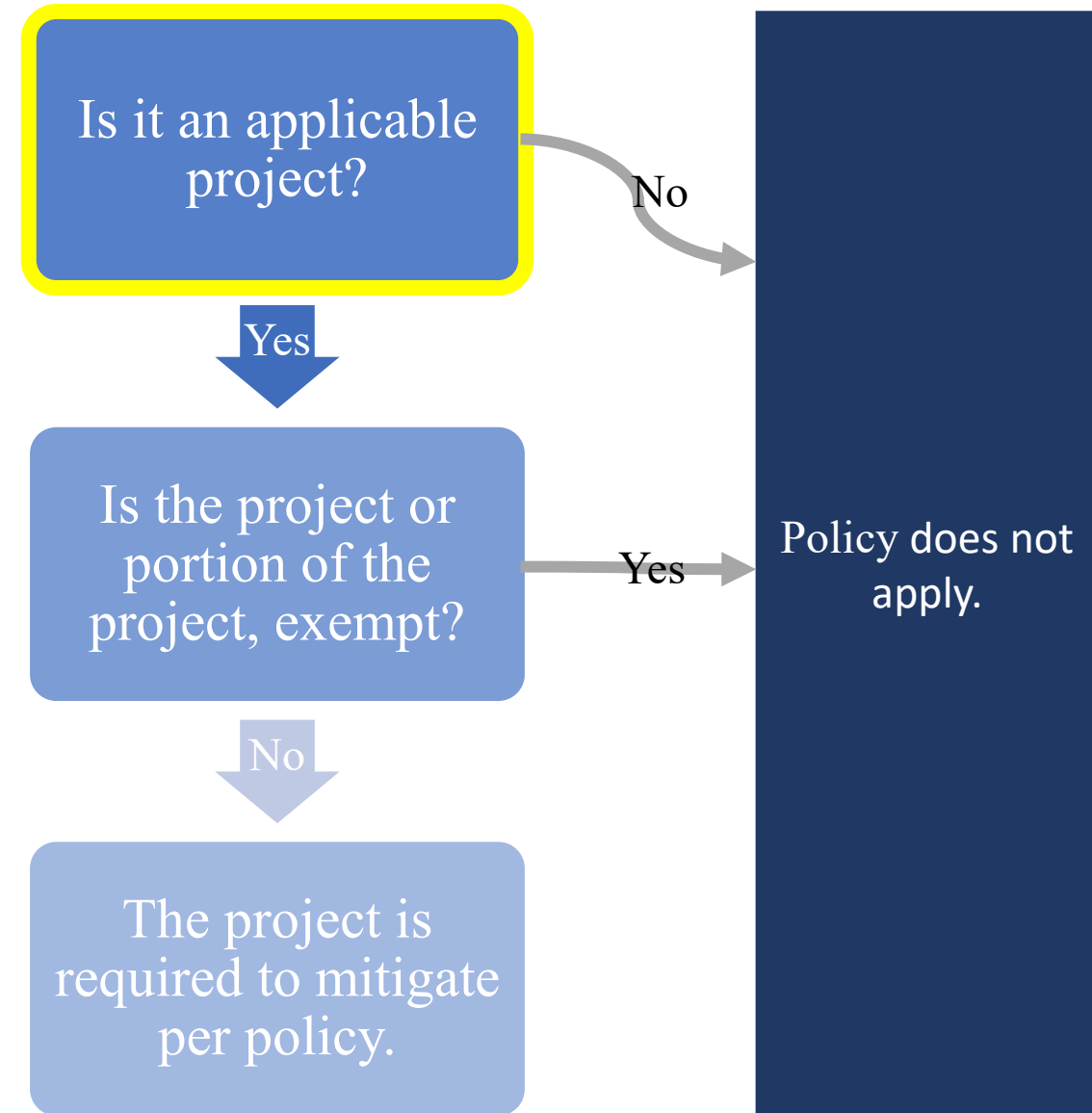


- Affordable & Inclusionary Housing
- Agricultural Employee Housing
- Agricultural Processing Plant
- Agricultural Support Service
- Groundwater quality and quantity projects
- Uses identified in the Agricultural & Winery Corridor Plan



# Applicability (Section 21.92.020.B)

- Land Use Change - Agricultural to Non-Agricultural
- Projects in Agricultural Zones Requiring an Administrative or Use permit or Variance for exceeding maximum building site coverage



# Mitigation Process (Section 21.92.060)

Conservation Easement or Deed  
Restriction on Farmland with  
geographic & groundwater  
constraints.

One  
Good  
Faith  
Effort

Conservation Easement or Deed  
Restriction on Farmland no  
constraints.

One  
Good  
Faith  
Effort

Payment of in-lieu fees.



# Methods of Mitigation (Section 21.92.070)

## Easement or Deed Restriction

- Minimum terms
- Mitigation land minimum requirements
- Qualifying Conservation Entity Holds

## In-lieu Fees

- Appraised Fair Market Value
- Paid to Qualifying Conservation Entity
- AAC review & recommend

## Alternative & Complementary

- Appraised Fair Market Value
- Up to 5% of required mitigation
- Over 5% provide additional proof
- AAC review & recommend



# Mitigation Land (Section 21.92.050)

- Farmland in an Agricultural Zone
- Adequate size, configuration, and location to be viable for continued agricultural operations
- Substantially equivalent farmland classification category
- Water Supply available for agricultural operations and use
- Within Monterey County



# Definitions (Section 21.92.030)

**Department of  
Conservation**

**Farmland Mapping  
and Monitoring  
Important Farmland  
Categories**

**Farmland  
Mitigation  
Ordinance  
Farmland  
Classification  
Category**

Important Farmland

Prime Farmland

Farmland of  
Statewide  
Importance

Unique Farmland

Farmland of Local  
Importance

Prime Farmland

Statewide, Unique,  
and Local Farmland



# Mitigation Requirements – Mitigation Ratios (Section 21.92.040)

Location:	Farmland Category:	Base Mitigation Ratio:
Outside of Community Areas, Rural Centers, and Affordable Housing Overlays	Prime	2:1
	Statewide, Unique, Local	1.75:1
Inside of Community Areas, Rural Centers, and Affordable Housing Overlays	Prime	1.5:1
	Statewide, Unique, Local	1.25:1



# Mitigation Requirements - Priority Areas for Mitigation (Section 21.92.040.F)

## Water Projects

- High potential groundwater recharge areas
- Water quality improvement projects

## Exterior Boundary

- Community Areas and Rural Centers
- Permanent Growth Boundaries & Ag. Edges in MOA/MOU



# Mitigation Requirements - Mitigation Ratios (Section 21.92.040)

Location:	Farmland Category:	Base Mitigation Ratio:	Maximum Ratio Reduction:	Mitigation Ratio:
Outside of Community Areas, Rural Centers, and Affordable Housing Overlays	Prime	2:1	0.375	1.625:1
Inside of Community Areas, Rural Centers, and Affordable Housing Overlays	Prime	1.5:1	0.375	1.125:1



# Timing of Mitigation (Section 21.92.080)

## Land Use Change

- **Whichever occurs first:**
- Within 24 months
- Or prior to commencement of use.

## Administrative or Use Permit, Variance

- **Whichever occurs first:**
- Prior to or concurrent with recordation of parcel map.
- Prior to issuance of first construction permit.



# Required Conditions on the Applicable Mitigation Entitlement (Section 21.92.090)

- Non-profit that operates locally & has direct knowledge and experience working locally
- Primary purpose conserving and maintaining agricultural lands in production
- Have an annual monitoring and reporting program



# Farmland Mitigation Plan (Section 21.92.100)

- Minimum requirements when application is submitted:
  - Map & project acreage by farmland classification category
  - Proposed mitigation
- Minimum requirements when application is considered by AA:
  - Specific mitigation proposal
  - If applicable:
    - Agreement with Qualifying Conservation Entity
    - Location of Mitigation Land
    - Proposed conservation easement or deed restriction



# Recommendation

- Find the ordinance categorically exempt from CEQA review
  - Section 15308 – Actions by Regulatory Agencies for Protection of the Environment
- Find and consider the ordinance consistent within the scope of the previously certified Final Environmental Impact Report (FEIR)
  - Section 15162
- Recommend the Board of Supervisors
  - Adopt an ordinance adding Chapter 21.92 (inland) establishing regulations to mitigate for development on farmland.

