

Farmland Mitigation Ordinance

Board of Supervisors
February 27, 2024





Requested Action

- Adopt
 - 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 8, 2023
- Board of Supervisors – February 27, 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



Planning Commission Recommendation

1. Clear mitigation process and Good Faith Effort supported the mechanics of the mitigation process.
2. Ensuring that poorer quality lands with compromised water cannot be used to satisfy mitigation requirements in the proposed ordinance.



Response to Planning Commission

1. Clear mitigation process and Good Faith Effort supported the mechanics of the mitigation process.
 - Modification to articulate the Good Faith Effort definition by adding Section 21.92.020.N.
 - Modifications throughout the proposed ordinance to state that the applicant and not the Qualified Conservation Entity is responsible for providing documentation to the Appropriate Authority.
2. Ensuring that poorer quality lands with compromised water cannot be used to satisfy mitigation requirements in the proposed ordinance.
 - Modifications in two separate locations to ensure compromised water cannot be used to meet the mitigation requirements. Modifications to Section 21.92.050.A.5 and 21.92.070.A.5.b.
If the Board desires, staff has prepared options in Attachment B for additional requirements on Mitigation Land (Section 21.92.050).





Overview of Proposed Ordinance

(Sections 21.92.010 -
21.92.090)



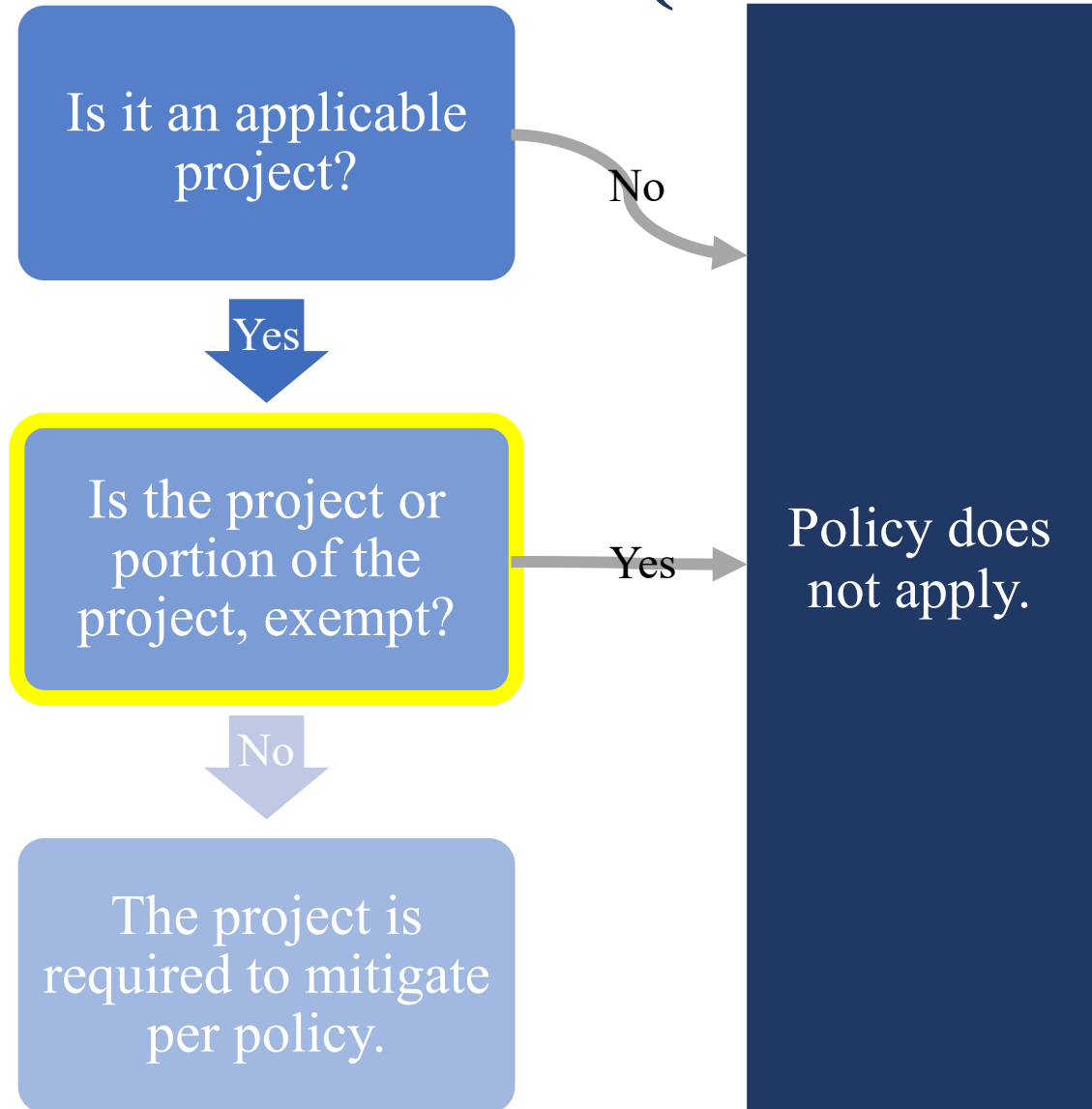
Purpose of Farmland Mitigation (Section 21.92.010)

- 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 21.92.030.C)

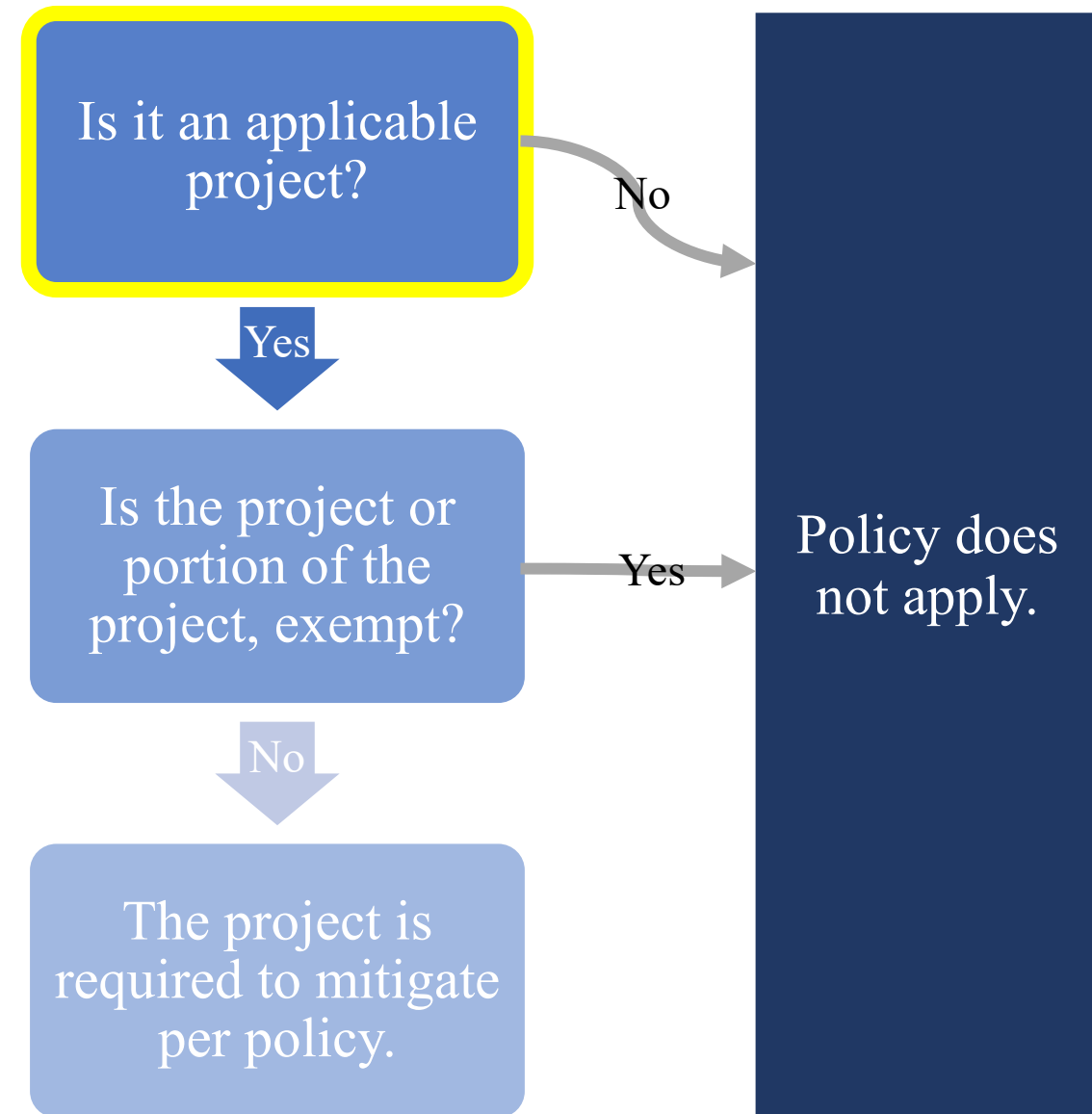
EXEMPTIONS:



- 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 21.92.030.B)

- Land Use Change - Agricultural to Non-Agricultural
- Projects in Agricultural Zones requiring an Administrative or Use permit where Farmland is converted
- Projects in Agricultural Zones where Farmland is converted requiring a Variance where the maximum building site coverage is exceeded



Farmland Mitigation Plan (Section 21.92.040)

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



Definitions (Section 21.92.020)

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

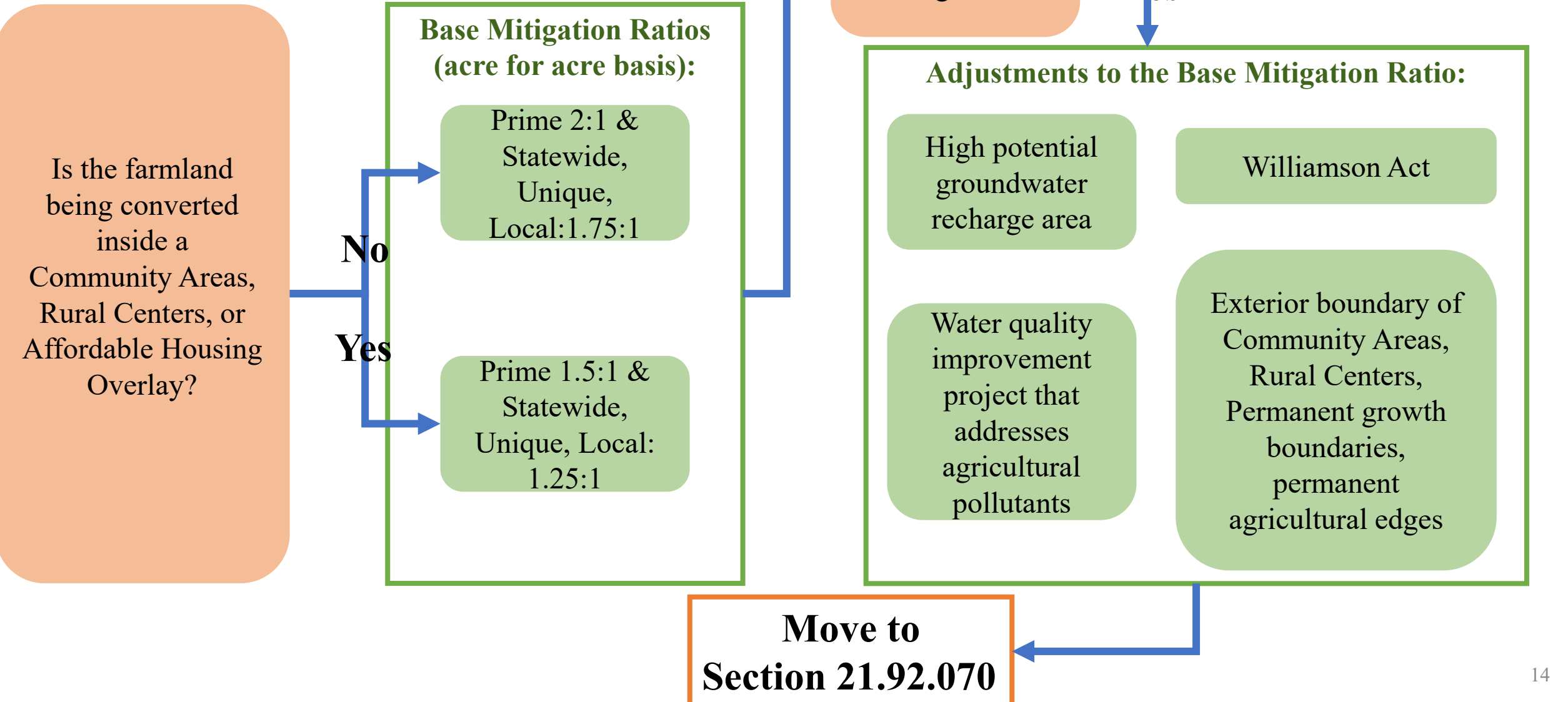
Farmland of Local Importance

Prime Farmland

Statewide, Unique, and Local Farmland



Mitigation Requirements (Section 21.92.060)



Methods of Mitigation (Section 21.92.070)

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

1st Good Faith Effort Satisfied?

No

Yes

2. Conservation Easement or Deed Restriction on Farmland no constraints.

2nd Good Faith Effort Satisfied?

No

Yes

3. Payment of in-lieu fees.



Methods of Mitigation – contd. (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 reviews & recommends to AA

Alternative & Complementary

- Appraised Fair Market Value
- Up to 5% of required mitigation
- Over 5% provide additional proof
- AAC reviews & recommends to AA



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 continued agricultural operations and use
- Within Monterey County



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



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) for the 2010 General Plan
 - Section 15162



• Adopt an ordinance adding Chapter 21.92 (inland) establishing regulations to mitigate for development on farmland.

Mitigation Land (Section 21.92.050) – Additional Alternative Options from Attachment B

1. Be of substantially equivalent class of soil, based on the California Revised Storie Index or NRCS soil survey maps.
2. Be of substantially equivalent existing use to the farmland being lost to conversion or development.
3. Have substantially equivalent agricultural production to the farmland being lost to conversion or development.
4. Have a water supply substantially equivalent to the farmland being lost to conversion or development.

