



Ag Land Trust

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RECEIVED
MONTEREY COUNTY

2009 JAN 30 PM 2:44

CLERK OF THE BOARD

YMD DEPUTY
Arrived by Air Mail to COB

January 30, 2009

To: Monterey County Board of Supervisors
Mike Novo, Director of Planning

Attn: Carl Holm

Gentlepersons:

On behalf of the Ag Land Trust, formerly the Monterey County Agricultural and Historic Land Conservancy, and our Board of Directors, individually and collectively, we hereby reiterate our concern and objections to the inadequacy and insufficiency of the most recent version of the Draft Environmental Impact Report (EIR) for the proposed Monterey County General Plan.

1

Attached herewith are our continuing and repeated letters and correspondence to Monterey County dating back to 2003 wherein we have repeatedly requested that each, every, and all of the 1982 General Plan policies related to the identification, preservation, protection, and expansion of Monterey County prime and productive farmlands be included in the new General Plan. Further, we have requested (in our attached letter to Jones and Stokes dated February 14, 2008) for "a full, complete, and detailed analysis of each and every policy...to determine which are the environmentally superior alternatives as mandated by CEQA." We did not receive the courtesy of a response to this or our previous letters, correspondence, or public testimony before the Board of Supervisors and ask that the detailed and legally required environmental review addressing our concerns be prepared and circulated pursuant to CEQA requirements before the Planning Commission and the Board of Supervisors.

2

As we have in the past, we have attached our objections and correspondence to this letter and we make these prior documents a part of this objection letter.

Our concern is simply that the proposed revised policies in the proposed General Plan are significantly weaker than the 1982 General Plan policies that have protected our prime and productive agricultural land for nearly 30 years. This weakening and "backsliding" of the proposed General Plan policies will result in far greater and currently (in the Draft EIR) unevaluated or mitigated permanent and far greater losses of prime and productive agricultural lands. Additionally, we are concerned that the policies as written will lead to: 1. increased urbanization; 2. increases in runoff and surface water pollution; 3. increased air pollution without mitigation or offset; 4. severely increased traffic on county and state highways and roads.

3

The loss of farmland (because the proposed EIR and General Plan reduces protections of the resource [prime and productive agricultural lands] upon which Monterey County agribusiness

4

depends) has not been evaluated in the EIR. The environmentally superior alternative that results from the mandated side-by-side comparison of the 1982 General Plan policies with the proposed new policies is not in the Draft EIR. We are concerned that the Draft EIR lacks this analysis because the County knows that the proposed "new policies" are "watered down" and far less protective of Monterey County's agricultural resources than the current, time-tested farmland preservation and protection policies in the 1982 General Plan.

4

We request that the analysis that we have repeatedly requested since 2007 be included in the Draft EIR before any public hearings on the current, legally deficient draft are held. We ask that all of the 1982 policies be included in the new Monterey County General Plan to guarantee the future preservation of our farmlands, including our prime farmlands unique farmlands, and lands of "statewide" and "local" importance as defined in the 1982 General Plan.

5

Respectfully,



Virginia Jameson
Conservation and Development Analyst
Ag Land Trust

Attachments: Exhibits 1-7 (made a part hereof)

Ag Land Trust
Formerly The
Monterey County Agricultural and Historic Land Conservancy
P.O. Box 1731, Salinas, CA 93902

February 14, 2008

Mr. Terry Rivasplata
Jones and Stokes
2600 V. St
Sacramento Ca 95818

Monterey County
Planning and Building
Inspection Administration

JAN 30 2009

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Re: Monterey County General Plan and EIR

Dear Mr. Rivasplata,

Enclosed is a letter presented to the Monterey County Board of Supervisors in December of 2007. I understand that you are responsible for preparing the EIR for the Monterey County General Plan, and therefore I would like to direct and reiterate a request to you that the proposed EIR for GPU-5 include **“a full, complete, and detailed analysis of each and every policy affecting farmland and farmland preservation in the 1982 General Plan be evaluated and compared to the proposed policies in the draft plan (GPU-5) to determine which are the environmentally superior alternatives as mandated by CEQA,”** as referenced in paragraph seven of the enclosed letter addressed to the Monterey County Board of Supervisors dated December 7, 2007.

6

As you know, failure to prepare a full and complete alternatives analysis would cause the Environmental Impact Report to be fatally flawed. Both the Board of Supervisors and all of the residents of Monterey County have a right to know what the environmentally superior alternatives are for farmland preservation in Monterey County. The public needs to know if the policies and requirements for the protection of Monterey Counties farmlands are stronger in the existing 1982 General Plan than in the “watered-down” versions in the draft 2005 plan. Further, the EIR must disclose in detail precise and enforceable mitigation measures to mitigate the irreparable loss of the rare and unique prime farmlands of Monterey County. These all must be addressed in the draft EIR to comply with the statutory and administrative requirements of CEQA.

7

If you have any questions or comments, please do not hesitate to contact our office at 831.422.5868. Thank you for your attention to this matter.

Sincerely,

Virginia Jameson
Conservation and Development Analyst
Ag Land Trust,
Formerly the Monterey County Agricultural and Historic Land Conservancy

Monterey County Agricultural and Historic Land Conservancy
P.O. Box 1731, Salinas, CA 93902

December 7, 2007

Monterey County
Planning and Building
Inspection Administration

To: Monterey County Board of Supervisors
Mr. Charles McKee, County Counsel
Mr. Michael Novo, Director of Planning

JAN 30 2009

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From: Monterey County Agricultural and Historic Lands Conservancy (MCAHLC)

Re: Refinement Group late submissions for General Plan proposed changes

MCAHLC believes that the proposed changes that are herewith attached are inappropriate to include in the proposed General Plan. We oppose their inclusion. Besides the fact that these proposed changes have never been seen by anyone except the "Refinement Group" before this week, and, in large part, appear to have been solely initiated by that group for the benefit of its supporters, we believe that any consideration of these proposed changes without full hearings before both the Planning Commission and then the Board of Supervisors, before the NOP for the EIR is issued, would make a mockery and a sham of the GPU process of the past six months.

1. Specifically, **the proposed change to LU-1.a** arbitrarily and without any environmental, infrastructure, or resource justification exempts from the DES review thousands of units of apartments, rentals, and mixed use projects from the evaluation system. No analysis of water use, traffic congestion, or potential wastewater pollution to groundwater resources would be required of these projects if the proposed changes are adopted. No mitigations would or could be required of the developers. The authors of this proposal appear to be trying to re-write CEQA, as well as the administrative regulations of the Regional Water Quality Control Board, the California Department of Public Health, and the Monterey County Health Code, to avoid their obligations to pay for the adverse impacts of their projects on the communities of Monterey County. This proposal is reminiscent of the minor subdivision in the 1980's by Mr. Brian Finegan for the Holly Hills developers to put a residential subdivision on the lands reserved for the Highway 101 Bypass.

2. The proposed change in C-1.1 again is an attempt to avoid the Board's legal CEQA obligation and mandated duty to mitigated traffic impacts, even if the developers are building affordable housing. **The roads of Monterey County are shared by all people of all economic strata, and the risks to their lives and safety from excessive, unmitigated traffic cavalierly approved by local government is an adverse impact on all of the residents of Monterey County.** The proposed arbitrary exemption, without justification of any kind, for the AHO Districts places the Board of Supervisors in the position illegally abdicating its obligations under the California Resources Code to

mitigate the adverse impacts of development and the traffic it generates. The Board has this legal duty to all of the county's residents, regardless of whether or not a developer or his lawyer is politically or personally favored by the Board collectively or individually, to either require all developers to pay for mitigations or to not build their projects. Concluding that a "Declaration of Overriding Consideration," as this policy implies, is your only solution and memorializing this in the General Plan is a violation of CEQA and a failure of the process of protecting the safety of the families of Monterey County.

3. The proposed changes in PS-4.a appear to be trying to dilute water quality protection policies of the Regional water Quality Control Board, the California Department of Public Health, and even existing provisions of the Monterey County Health Code. This policy needs to be entirely re-written to reflect the current advanced status of the legal regulations, policies, and protections of water quality of and by state agencies. Proliferation of hundreds of septic tanks in a Rural Center, in lieu of connecting a regional sewer, guarantees knowing, continued, and increased pollution to public drinking water supplies, capricious threats to public health, and unmitigatable adverse impacts. This is particularly a problem along the proposed River Road Rural Center. Further developers must be required to dedicate a **minimum of three (3) times the required usable acreage for wastewater disposal for disposal from a package sewer treatment plant** to avoid the type of grave water quality problem created at Las Palmas Ranch when the developers' attorney, on behalf of his clients, failed to set aside adequate disposal areas thereby costing the County and the residents hundreds of thousands of dollars in repairs. This complies with recent RWQCB staff recommendations for similar projects.

4. We strongly oppose the proposed changes in AG-1.3, proposed section(c). The proposed language is an attempt to avoid the statutory and administrative legal requirements of the California Environmental Quality Act. Further, it weakens this farmland protection policy to the point of making it meaningless and violates the requirements CEQA. CEQA requires a full and complete environmental review at the earliest possible time in a multiple stage development project. Local county supervisors are not allowed to re-write state law on behalf of special interests. Further, MCAHLC believes that serious equal protection and potential discrimination issues appear to be created in AG-1.6 and AG-1.7 as proposed.

Further, MCAHLC believes that the proposed agricultural land preservation policies in the proposed general plan are far more weak and far less enforceable than the policies of the 1982 General Plan that we requested that your Board re-adopt at your last hearing. We hereby request that, in the proposed EIR for GPU-5, a full, complete, and detailed analysis of each and every policy affecting farmland and farmland preservation in the 1982 General Plan be evaluated and compared to the proposed policies in the draft plan to determine which are the environmentally superior alternatives as mandated by CEQA. As you know, failure to fully complete this alternatives analysis to determine the environmentally superior alternative will cause the EIR to be fatally and legally flawed.

5. We oppose the proposed changes in AG-1.12. There is no justification for trying to exempt undisclosed projects from the general policies of the plan and of CEQA. Further, many aspects of the Salinas General Plan are now in dispute, particularly the available water supply for appropriators whose claims may be adverse to farmers and overlying land owners. It is illegal to try to ratify that plan simply by referencing it in the County General Plan. It must be subjected to a full subsequent EIR pursuant to the CEQA guidelines.

6. MCAHLC opposes GS-1.a, NC-1.a, and T-1.a. Setting deadlines in the General Plan is an invitation for developer's attorneys to sue the county. Further, this appears to be a thinly veiled effort to bind the hands of future Boards. After millions of dollars of judgments and settlement payments in 2007, we believe that the Board of Supervisors should avoid any further public criticism by not accepting these proposed policies that could be characterized as the "full employment act for litigation attorneys".

Respectfully,

Brian Rianda

MONTEREY COUNTY AGRICULTURAL AND HISTORIC LAND
CONSERVANCY

P.O. Box 1731, Salinas CA 93902

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Monterey County
Planning and Building
Inspection Administration

Mr. Michael Novo,
Monterey County Director of Planning

JAN 30 2009

RECEIVED

Dear Mr. Novo:

The Monterey County Agricultural and Historic Lands Conservancy hereby respectfully proposes and submits the following recommended findings and policies to be included in the new Monterey County General Plan. These findings and policies, many of which are part of the adopted 1982 General Plan policies which have been in effect for over 25 years, are expressly to continue the agricultural lands preservation and protection policies that have guided the established county policy of preserving farmlands as the irreplaceable resource upon which the county's largest industry depends. As you know, in the last few years, a brighter light has been shining on agricultural land preservation from the Federal Government down to local governments.

1. **FINDINGS TO BE INCLUDED IN THE LAND USE ELEMENT OF THE GENERAL PLAN**

Agricultural Lands

The County of Monterey has vigilantly maintained and strongly enforced policies of agricultural land protection, preservation, and expansion for generations, due to the recognition that our county's largest industry, our largest employer, and greatest source of income and economic opportunities for our residents is solely dependant on the protection and preservation of our unusually productive, rare, and limited agricultural soils. To protect and enhance the sustained production and diversity of our agricultural industry, and to preserve and expand agricultural employment and economic opportunities for the residents of Monterey County, the policies of the preservation, protection, and expansion of our limited agricultural lands shall be sustained, enhanced, and perpetuated. Further, Monterey County shall identify the extent and locations of agricultural lands in the County and devise and implement regulations and techniques which will be effective in preserving and enhancing these lands. (1982 Gen. Plan Sec. 4.1). Monterey County agricultural lands include the sub-categories of farmlands, rural grazing lands, and permanent grazing lands.

10/15/07

Farmlands. The farmlands sub-category shall include those farmlands designated by the California Department of Conservation and the United States Department of Agriculture as prime, of statewide importance, unique, or of local importance. The minimum parcel size for these farmlands shall be 40 acres. Rural and permanent grazing lands are those which, according to the California Department of Conservation and USDA, display a high or moderate degree of capability/ suitability for grazing of livestock.

Rural Grazing Lands. This land use sub-category is applied to grazing lands which are located in the County's developing areas, which are not restricted by a 20-year Williamson Act contract. In rural grazing areas, minimum parcel sizes shall range from a 10-acre minimum to a 160-acre minimum, but they shall not be less than the existing zoning designation on the date of adoption of this General Plan. Clustering of residential uses shall be encouraged provided that total site density shall not exceed that allowed by the appropriate rural grazing land use category. Density for clustering shall be numerically consistent with minimum lot size; e.g., in an area which is designated rural grazing lands with a 10-acre minimum, allowable density shall be 10 acres per unit. As a condition of clustered residential development approval, the developer shall be required to enter into a permanent restriction (agricultural conservation easement) to ensure continued grazing use on those portions of the property not developed for residential use.

Permanent Grazing Lands. This land use sub-category is applied to those portions of the County in which exclusive grazing use is to be preserved, enhanced, and expanded. On permanent grazing lands, minimum parcel sizes shall be 40 acres and larger, but they shall not be less than the existing zoning designation on the date of adoption of this General Plan. Only when they are clearly an accessory use to the exclusive agricultural use of the property, residential units may be developed at a density of 40 acres or more per unit. Subdivision of land may be allowed only for agricultural purposes, for farm labor housing, or in order to create a building site for immediate family members and spouses. The division of property to create a one-acre minimum building site may be considered by the County if the division is to accommodate housing for members of the immediate family of the property owner who earn their livelihood from grazing use of the family land immediately contiguous to the parcel being created by subdivision. Such subdivision shall be conditioned by deed restriction to allow for the exclusive occupancy by immediate family members and their spouses. Likewise, another condition shall require the parcel to be an accessory use to the ranch in question or to an adjoining ranch, providing the residence is accessory to the adjoining agricultural use and is occupied exclusively by immediate family owners and spouses of the owners or lessees who are agricultural workers.

Lands within the permanent grazing lands sub-category may be merged with adjacent lands which are involved in active grazing operations.

Implementation Policies

1. (4.1.1) The Important Farmlands Inventory definitions, used by the USDA and the California Department of Conservation and accepted by various County agencies, shall be used to identify important agricultural lands in the County.
2. (4.1.2) The County shall establish, preserve, protect, and maintain agricultural zoning districts on prime farmlands, farmlands of statewide importance, unique farmlands, and farmlands of local importance.
3. (4.1.3) All farmlands designated as prime, of statewide importance, unique, or of local importance shall be protected from incompatible uses on adjacent lands. Loss of such lands through permanent conversion to other uses shall be mitigated pursuant to the policies of this plan.
4. (4.2) Identify agricultural lands which are used for grazing and related purposes and preserve and enhance these agricultural resources in Monterey County.
5. (4.2.1) The County shall establish, maintain, and preserve agricultural zoning districts for grazing and related purposes.
6. (30.0.1) The County shall prevent non-agricultural uses which could interfere with the potential of normal agricultural operations on viable farmlands designated as prime, of statewide importance, unique, or of local importance.
7. (30.0.2) The County shall require that permanent, well- defined buffer areas (agricultural conservation easements) be provided and dedicated as part of new non-agricultural development proposals which are located adjacent to agricultural land uses on viable farm lands designated as prime, of statewide importance, unique, or of local importance. These buffer areas shall be dedicated in perpetuity, shall be of sufficient size both to protect agriculture from the impacts of incompatible development and to mitigate the loss of agricultural land, jobs, and agricultural productivity to the county.
8. (30.0.3) The County shall allow division of viable farmland designated as prime, of statewide importance, unique, or of local importance only for exclusive agricultural purposes, when demonstrated not to be detrimental to the agricultural viability of adjoining parcels.
9. (30.0.4) The County shall make every effort to preserve, enhance, and expand viable agricultural land uses on farmland designated as prime, of statewide importance, unique,

or of local importance through application of "agricultural" land use designations and encouragement of large lot agricultural zoning.

10. (ADDED) To further advance the policies of this General Plan, the County shall support the creation, expansion, and sustainment of private, nonprofit land trusts and conservation organizations to receive, by voluntary donation or purchase, development rights on any lands to be preserved for the protection and expansion of agriculture, or as open space, within Monterey County.

11. (30.0.5) The County shall support other policies that provide tax and economic incentives which will enhance competitive capabilities of farms and ranches, thereby insuring long-term preservation, enhancement, and expansion of viable agricultural lands. Examples of these policies and programs shall include the following:

- Cooperation with the Monterey County Agricultural and Historic Lands Conservancy, or other similar agricultural land trusts, to facilitate the voluntary preservation of agricultural lands, as defined by these policies, by land owners through the donation of fee title or the dedication of agricultural conservation easements to promote the policies of the General Plan.
- Use of voluntary restriction to agricultural uses upon agricultural lands by owners through the use of tax incentives, the purchase or contributions of land or conservation easements, or other appropriate techniques.
- Use and expansion of Williamson Act Contracts.

12. (30.0.6) Greenhouses, mushroom farms, and similar agriculture enterprises that are not on-site soil dependent or which degrade soil capabilities shall not be located on the County's prime farmlands and farmlands of statewide importance. This policy shall not limit uses accessory to soil dependent uses.

2. POLICIES TO BE INCLUDED IN THE OPEN SPACE ELEMENT OF THE GENERAL PLAN

1. (1.1) The County shall designate open space where its use will preserve, conserve, and maintain the natural resources, agricultural lands, and physical features of Monterey County.

2. (1.1.1) Open space land use designations shall be used, as needed for compliance with the goals, objectives, and policies of this Plan.
 3. (1.1.3) Landowners shall be encouraged voluntarily to restrict the development potential of property through grants of conservation easements, Williamson Act contracts, or other appropriate protections in areas designated for open space uses such as agriculture and resource conservation.
 4. (3.1.2) The County shall support and encourage existing special district, state, and federal soil conservation and restoration programs within its borders.
 5. (3.1.3) Determinations of soil suitability for particular land uses shall be made according to the definitions in the General Plan, the USDA Soil Survey of Monterey County, and the California Department of Conservation Farmland Mapping and Monitoring Program.
 6. (5.1) The County shall protect and preserve watersheds and recharge areas, particularly those critical for the preservation and sustainment of agriculture and the replenishment of reservoirs and aquifers.
 7. (26.1.1) In order to preserve its open space and rural character, the County shall encourage the voluntary restriction of development through dedication of scenic or agricultural conservation easements, transfer of development rights, and other appropriate techniques.
 8. (34.1.5) Open space areas shall be designated on the perimeter of all development undertaken by the County or cities, particularly if such development encroaches upon agricultural lands..
 9. (34.1.6) The County, in coordinated efforts with other public agencies, shall require that all development projects undertaken by public agencies affecting the policies or land use designations of this General Plan include a permanent open space buffer or agricultural conservation easement area on the perimeter of the project site to mitigate for the loss of agricultural land and open space.
 10. (34.1.7) The County shall support the creation, expansion, and sustainment of private, nonprofit land trusts and conservation organizations to receive, by voluntary donation or purchase, development rights on any lands to be preserved as open space.
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(NEW)

**3. FINDINGS AND POLICIES REGARDING LOSS OF FARMLAND
MITIGATION TO BE INCLUDED IN THE LAND USE ELEMENT OF THE
GENERAL PLAN**

Findings:

The Board of Supervisors finds and determines that agriculture is the single largest industry in Monterey County, that it directly and indirectly employs more residents than any other industry, and that the county's economic well-being is dependant upon the sustained and enhanced production of agricultural commodities. The Board also finds that agriculture is wholly dependent upon the rare and irreplaceable farmlands of Monterey County. The Board of Supervisors finds that agricultural lands, including prime farmlands (lands of national importance), farmlands of statewide importance, unique farmlands, and farmlands of local importance, as defined and mapped by the California Department of Conservation and USDA, and based upon the criteria used by the Natural Resources Conservation Service, are rare and limited natural and economic resources that are of great importance and value to the citizenry and job base of Monterey County, to the state's and county's economy, and to its future well being.

The loss of these lands, and the loss of agricultural productivity, jobs, and economic and societal values related thereto, through permanent conversion of these lands to urban development requires significant mitigation to protect the agricultural industry, farmlands, productivity, workers, and jobs upon which the economic welfare of the county depends.

Mitigation Policy:

Any discretionary action, approval, authorization, or permit by the county that results, or potentially results, in the change of use, conversion, or loss of agricultural lands or their agricultural productivity, which are located in agricultural, resources conservation, or open space land use classifications of this General Plan, shall be conditioned and required to mitigate the loss of that agricultural land, its productivity, and the loss of agricultural jobs and economic activities resultant therefrom.

The required mitigation, in the form of permanently dedicated agricultural land conservation easements or dedicated fee title upon agricultural land of equal or greater productivity value than the lands converted, changed, or lost, shall be, at a minimum, required on the following ratios:

1. Loss of prime farmlands/lands of national importance- 3 acres for every acre lost or converted
2. Loss of Agricultural Lands of Statewide Importance- 2.5 acres for every 1 acre lost or converted
3. Unique farmlands and Lands of Local Importance- 1 acre for every 1 acre lost or converted
4. These easements or lands may be held by the county or by a non-profit agricultural land trust or a conservancy.

Thank you for your consideration and please do not hesitate to call if you have any questions or comments.

Sincerely,
Monterey County Agricultural and Historic Land Conservancy, Inc.

Richard Nutter, President

Cc: Board of Supervisors
Alana Knaster
Wayne Tanda
Lew Bauman
Charles McKee

Monterey County Agricultural and Historic Land Conservancy
P.O. Box 1731, Salinas, CA 93902

September 30, 2007

Michael Novo
Monterey County Director of Planning

Re: Last week's meeting

Monterey County
Planning and Building
Inspection Administration

JAN 30 2009

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Dear Mr. Novo:

Thank you for taking the time to meet with us regarding the agricultural policies of the 1982 General Plan. As was indicated at the meeting, these policies have been in full force and effect for the past 25 years and have guided the county's decisions regarding farmlands in the Salinas and Pajaro Valleys. Further, in 25 years, these policies have never been successfully challenged because they are clear, enforceable, and redundant in such a manner as to leave no room for interpretation or ambiguity. Additionally, any proposed changes or "watering down" in these policies, and the significant adverse impacts and consequences on farmland, water resources, agricultural enterprises, development patterns, and air quality resulting therefrom, will necessitate new, detailed, and revised environmental review in an EIR.

As was pointed out at the meeting, the renewal of these policies, and their specific criteria and enforceable standards, is of grave importance to MCAHLC, the landowners, and farmers who have participated since 1982 in executing conservation easements and securing the preservation of nearly 20,000 acres of prime farmland and grazing lands in our county. Further, re-adoption of these existing policies will avoid environmental disputes and conflicts.

As you know, Supervisor Calcagno, at an earlier meeting in August, asked one of our board members, Marc Del Piero, to identify the agricultural/open space/conservation protection and preservation policies from the existing general plan that needed to be included into the new plan. He did that and his letter is attached as part of this letter. Based on the comments and direction received from Sups. Calcagno and Salinas at our meeting last week, I am herewith attaching and including as part of this request that letter and attachments prepared by Marc that were distributed to the supervisors, Wayne Tanda, and you. These are the policies that we want continued as part of the new general plan, as they have been for the past 25 years.

MCAHLC hereby requests that all of these existing policies, and their criteria and standards, be specifically included and adopted into the new general plan so as to guarantee the sustained enforceability and continuity of the important county agricultural land preservation policies.

Respectfully,

Brian Rianda

cc. Alana Knaster, Fernando Armenta, Louis R. Calcagno, Simon Salinas, Jerry Smith,
Dave Potter

Marc J. Del Piero
Attorney at Law

Specializing in
Environmental & Natural Resources Law

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Monterey County
Planning and Building
Inspection Administration

TO: Supervisor Louis Calcagno

FROM: Marc Del Piero

JAN 30 2009

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RE: Agricultural Land Preservation Policies in the 1982 General Plan

During our last meeting with Sherwood Darrington and Brian Rianda, you asked if I would identify for you the farmland preservation policies that I wrote into the 1982 General Plan. I have gone through the 1982 General Plan and attached are the set of policies that the Board of Supervisor adopted to implement the farmland preservation policies that were the underpinnings of the **Land Use Element of the 1982 Plan**. These policies are intended to be reciprocal, "overlapping", and work together to insure that no loopholes could be used to undermine the Board's intent to preserve our county's irreplaceable agricultural resources.

It may be appropriate for you to ask that your staff confirm that these policies and their specific language are all included in the new General Plan. **If they are not all in the Plan, they should ALL be put into the New General Plan.** Many have tried to change the language to "water down" the enforceability of these policies. **None of these policies was successfully challenged in the 25 year history of the 1982 Plan because their mandates and language are clear, unambiguous, easily described and implemented by staff, and redundant (so no one can claim that there is some alternate meanings to the express language and intent of the policies).**

I hope that this will help you to guarantee the future preservation of farmland in our county.

Aug. 28, 2007

Deliver to:
Dick, Sherwood, Brian, Kelly

To: MARK

O-1b

From: Sherwood

GOALS AND POLICIES AGRICULTURE

GENERAL AGRICULTURE

GOAL AG-1

Protection, Preservation, Expansion, and

PROMOTE THE LONG-TERM/ CONSERVATION OF PRODUCTIVE AND POTENTIALLY PRODUCTIVE AGRICULTURAL LAND.

Policies

AG-1.1 Land uses that would interfere with routine and ongoing agricultural operations on viable farmlands designated as ~~prime, of statewide importance, unique, or of local importance~~ shall be prohibited.

AG-1.2 The following criteria shall be used to establish agricultural buffers to protect existing agricultural operations:-

- a. Factors to consider include the type of non-agricultural use proposed, site conditions and anticipated agricultural practices. Other factors include weather patterns, crop type, machinery and pesticide use, existence of topographical features, trees and shrubs, and possible development of landscape berm to separate the non-agricultural use from the existing agricultural use.
- b. Drainage, shading, vegetation, and erosion control shall be considered in the establishment of an agricultural buffer area and be made beneficial to the adjacent agricultural use.
- c. Buffers shall be designed to comply with applicable state and local laws regulating school buffers, pesticide setbacks, and other controls.
- d. Agricultural buffers and/or easements shall be provided from the proposed new use and not from the adjacent agricultural land ~~unless by mutual agreement between the two landowners. (Delete)~~
- e. Agricultural buffers are designed to be used for the purposes and manner described in this policy and for no other purposes unless agreed to by abutting landowners.
- f. Buffer maintenance will be the responsibility of the underlying fee title owner *and shall be enforced by the County of Monterey*
- g. *Some* ~~Buffers are not meant to be permanent and will be terminated once the underlying reason for the buffer no longer exists.~~
- h. ~~The Agricultural Advisory Committee shall review and recommend changes to established buffer zones.~~

by the Dept. of Conservation Farmland Mapping and Monitoring Program, including but not limited to prime, of statewide importance, unique, or local importance)

Delete

Delete

AG-1.3 Subdivision of Important Farmland (as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program) and designated by the County as "Farmland" shall be allowed only for exclusive agricultural

- AG-1.10 The Farmland Mapping and Monitoring Program (FMMP) Important Farmland Categories developed by the California Department of Conservation shall be used as ~~one~~ means to identify important agricultural lands in the County.
- AG-1.11 ^{The} Permits for agriculture activities will be integrated with applicable permit coordination (streamlining) programs.
- AG-1.12 The County shall prepare, adopt and implement a program that requires projects involving a change of land use designation resulting in the loss of Important Farmland (as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program) or involving land to be annexed to an incorporated area, in consultation with the cities to mitigate the loss of Important Farmland resulting from annexation, to mitigate the loss of that acreage. The program may include ratios, payment of fees, or some other mechanisms. Until such time as the program has been established, the County shall consult and cooperate with the cities so that projects shall mitigate the loss of Important Farmland on an individual basis as much as is feasible as determined by the Board of Supervisors. The acreage in a project or annexation that is to be utilized for inclusionary housing shall not be subject to this mitigation policy. A Community Plan or Rural Center Plan that includes a mitigation program shall not be subject to this policy. This policy would not apply to annexations covered by the 2006 Greater Salinas Area Memorandum of Understanding (MOU) between the County of Monterey and the City of Salinas.

AGRICULTURAL SUPPORT USES

GOAL AG-2

PROVIDE OPPORTUNITIES TO RETAIN, DEVELOP AND EXPAND THOSE AGRICULTURE-RELATED ENTERPRISES AND AGRICULTURAL SUPPORT USES ESSENTIAL TO THE CONTINUING VIABILITY OF THE AGRICULTURAL INDUSTRY.

Policies

- AG-2.1 Agricultural support facilities such as coolers, cold storage, warehouses, parking lots, greenhouses, temporary and permanent worker housing and offices, processing equipment and facilities, loading docks, workshops established to serve on-site and/or off-site farming and ranching activities shall be considered compatible and appropriate uses in the Farmlands, Permanent Grazing, and Rural Grazing land use designations. The County shall establish an ordinance that determines which uses require a discretionary permit.
- AG-2.2 The establishment and retention of a broad range of agricultural support businesses and services to enhance the full development potential of the agricultural industry in the County shall be encouraged and supported.

GOALS, OBJECTIVES, AND POLICIES

FOR NATURAL RESOURCES

OPEN SPACE CONSERVATION

1 GOAL

TO RETAIN THE CHARACTER AND NATURAL BEAUTY OF MONTEREY COUNTY BY THE PRESERVATION, CONSERVATION, AND MAINTENANCE OF OPEN SPACE WITHIN CONSTITUTIONAL CONSTRAINTS.

Objective

- * 1.1 Designate open space where its use will preserve, conserve, and maintain the natural resources and physical features of Monterey County.

Policies

- * 1.1.1 Open space land use designations shall be used, as needed for compliance with the goals, objectives, and policies of this Plan.

- 1.1.2 Open space land use designations shall be used as needed to preserve the physical and natural features contributing to the County's outstanding natural beauty.

- * 1.1.3 Landowners shall be encouraged voluntarily to restrict the development potential of property through grants of conservation easements, Williamson Act contracts, or other appropriate protections in areas designated for open space uses such as agriculture and resource conservation.

GEOLOGY, MINERALS, AND SOILS

2 GOAL

TO PROVIDE FOR THE CONSERVATION, UTILIZATION, AND DEVELOPMENT OF THE COUNTY'S MINERAL RESOURCES IN KEEPING WITH SOUND CONSERVATION PRACTICES AND TECHNIQUES.

Objective

- 2.1 Protect potentially significant mineral deposits and mining operations from encroachment by incompatible land uses, in accordance with established land use priorities.

Policies

- 2.1.1 The County shall work in conjunction with the State Division of Mines and Geology to inventory lands containing valuable mineral deposits and identify on-

significant mineral deposits from land uses which would permanently preclude mineral extraction.

Objective

- 2.2 Protect existing mining operations, including idle and reserve properties from encroachment by incompatible land uses, in accordance with established land use priorities.

Policies

- 2.2.1 Existing mining operations shall be inventoried and off-site incompatible land uses identified.
- 2.2.2 The County shall designate land use categories which will protect existing mining operations from incompatible land uses.

Objective

- 2.3 Provide for mineral extraction in keeping with sound conservation practices and for the reclamation of the extraction site to a condition consistent with the surrounding natural landscape and environmental setting.

Policies

- 2.3.1 A mining and reclamation plan shall be required for all proposed mineral extraction operations.
- 2.3.2 Mining operators shall be required to furnish the County with all information needed to make an environmental assessment of the proposed mineral extraction operation.

Objective

- 2.4 Support efforts to conserve raw mineral resources through recycling.

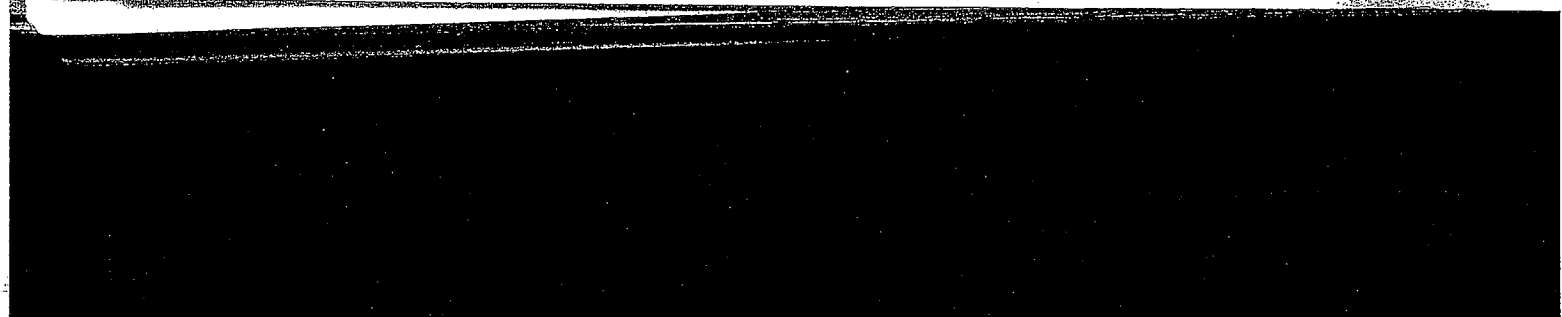
3 GOAL

TO PROMOTE THE CONSERVATION OF SOILS AS A VALUABLE NATURAL RESOURCE.

Objective



- 3.1 Establish procedures for the prevention of soil erosion and the repairing of erosion damage in critical areas on both public and private lands.



Policies

3.1.1

Erosion control procedures shall be established and enforced for all private and public construction and grading projects.



3.1.2

The County shall support and encourage existing special district, state, and federal soil conservation and restoration programs within its borders.



3.1.3

In the absence of more detailed site specific studies, *or Dept. of Conservation mapping* determinations of soil suitability for particular land uses shall be made according to the Soil Conservation Service's Soil Survey of Monterey County. *And the California Dept. of Conservation Farmland Mapping and Monitoring Program.*

Objective

3.2

The prevailing slope of the land shall be used as an additional criterion in evaluating land use activities.

Policies

3.2.1

A slope map shall be produced to identify areas in the County where slope poses severe constraints for particular land uses.

3.2.2

Lands having a prevailing slope above 30% shall require adequate special erosion control and construction techniques.

3.2.3

Lands having a high erosion potential as identified in the Soil Survey shall require adequate erosion control methods for agricultural uses.

3.2.4

Except in areas designated as medium or high density residential or in areas designated as commercial or industrial where residential use may be allowed, the following formula shall be used in the calculation of maximum possible residential density for individual parcels based upon slope:

- o Those portions of parcels with cross-slope of between zero and 19.9 percent shall be assigned 1 building site per each 1 acre.
- o Those portions of parcels with a cross-slope of between 20 and 29.9 percent shall be assigned 1 building site per each 2 acres.
- o Those portions of parcels with a cross-slope of 30 percent or greater shall be assigned zero building sites.
- o The density for a particular parcel shall be computed by determining the cross-slope of the various portions of the parcel applying the assigned densities listed above according to the percent of cross-slope and by adding the densities derived from this process. The maximum density derived by the procedure shall be used as one of the factors in final determination of the actual density that shall be allowed on a parcel.

Where an entire parcel would not be developable because of plan policies, an extremely low density of development should be allowed.

* 4

GOAL

TO PRESERVE AND ENHANCE ALL VIABLE AGRICULTURAL LANDS.

Objective

*

4.1

Identify the extent and locations of important agricultural lands in the County and devise regulations and techniques which will be effective in preserving and enhancing these lands.

Policies

*

4.1.1

The Important Farmlands Inventory, developed by the USDA Soil Conservation Service and the California Department of Conservation and accepted by various County agencies, shall be used to identify important agricultural lands in the County.

*

4.1.2

The County shall establish agricultural zoning districts on prime farmlands, farmlands of statewide importance, unique farmlands, and farmlands of local importance.

*

4.1.3

All farmlands designated as prime, of statewide importance, unique, or of local importance shall be protected from incompatible uses on adjacent lands.

Objective

*

4.2

Identify agricultural lands which are used for grazing and related purposes and preserve and enhance this agricultural resource in Monterey County.

Policy

*

4.2.1

The County shall establish agricultural zoning districts for grazing and related purposes.

WATER RESOURCES

5

GOALS

TO CONSERVE AND ENHANCE THE WATER SUPPLIES IN THE COUNTY AND ADEQUATELY PLAN FOR THE DEVELOPMENT AND PROTECTION OF THESE RESOURCES AND THEIR RELATED RESOURCES FOR FUTURE GENERATIONS.

Objective

*

5.1

Protect and preserve watersheds and recharge areas, particularly those critical for the replenishment of reservoirs and aquifers.

- 26.1.5 The County shall designate future land uses in a manner which will achieve compatibility with adjacent uses.
- 26.1.6 Development which preserves and enhances the County's scenic qualities shall be encouraged.
- 26.1.7 Where appropriate, the County shall develop standards and/or procedures to control development siting, design, and landscaping.
- 26.1.8 Development in scenic road and highway corridors shall be governed by policies located in the transportation section of this General Plan.
- 26.1.9 In order to preserve the County's scenic and rural character, ridgeline development shall not be allowed unless a special permit is first obtained. Such permit shall only be granted upon findings being made that the development as conditioned by permit will not create a substantially adverse visual impact when viewed from a common public viewing area. New subdivisions shall avoid lot configurations which create building sites that will constitute ridge-line development. Siting of new development visible from private viewing areas, may be taken into consideration during the subdivision process.
- 26.1.10 The County shall prohibit development on slopes greater than 30%. It is the general policy of the County to require dedication of scenic easement on a slope of 30% or greater. Upon application, an exception to allow development on slopes of 30% or greater may be granted at a noticed public hearing by the approving authority for discretionary permits or by the Planning Commission for building and grading permits. The exception may be granted if one or both of the following findings are made, based upon substantial evidence:
- A) There is no alternative which would allow development to occur on slopes of less than 30% or,
 - B) the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans and Land Use Plans, and all applicable master plans.
- 26.1.11 The County shall encourage clustering in all development projects, where appropriate.
- * 26.1.12 In order to preserve its open space and rural character, the County shall encourage the voluntary restriction of development through dedication of scenic or conservation easements, transfer of development rights and other appropriate techniques.
- * 26.1.13 The County shall encourage infilling on vacant non- agricultural lands within existing developed areas and shall encourage new development within designated urban service areas. Infilling development shall be compatible with surrounding existing development.

Policies

- 29.3.1 Industrially designated areas shall be compatible with surrounding land uses.
- 29.3.2 The County shall designate an amount of industrial land sufficient to meet foreseeable industrial needs.
- 29.3.3 The County shall discourage the conversion of designated vacant industrial lands to other permanent land uses.
- 29.3.4 In designating industrial areas, the County shall consider the proximity of other compatible land uses which have similar levels of utility and service requirements.

AGRICULTURAL



30 GOAL

TO PROTECT ALL VIABLE FARMLANDS DESIGNATED AS PRIME, OF STATEWIDE IMPORTANCE, UNIQUE, OR OF LOCAL IMPORTANCE FROM CONVERSION TO AND ENCROACHMENT OF NON-AGRICULTURAL USES.

Policies



30.0.1 The County shall prevent non-agricultural uses which could interfere with the potential of normal agricultural operations on viable farmlands designated as prime, of statewide importance, unique, or of local importance.



30.0.2 The County shall require that permanent, well- defined buffer areas be provided as part of new non-agricultural development proposals which are located adjacent to agricultural land uses on viable farm lands designated as prime, of statewide importance, unique, or of local importance. These buffer areas shall be dedicated in perpetuity, shall be of sufficient size to protect agriculture from the impacts of incompatible development and to mitigate against the effects of agricultural operations on adjacent land uses, and shall be credited as open space.



30.0.3 The County shall allow division of viable farmland designated as prime, of statewide importance, unique, or of local importance only for exclusive agricultural purposes, when demonstrated not to be detrimental to the agricultural viability of adjoining parcels.



30.0.4 The County shall make every effort to preserve, enhance, and expand viable agricultural land uses on farmland designated as prime, of statewide importance, unique, or of local importance through application of "agricultural" land use designations and encouragement of large lot agricultural zoning.

30.0.5

The County shall support other policies that provide tax and economic incentives which will enhance competitive capabilities of farms and ranches, thereby insuring long-term preservation, enhancement, and expansion of viable agricultural lands. Examples of these policies and programs may include the following:

- o establishment of a program to purchase and lease back agricultural lands near urban or developing areas for continued agricultural use.
- o use of voluntary restriction to agricultural uses through contributions of conservation easements or other appropriate techniques.
- o use of Williamson Act Contracts.

30.0.6

Greenhouses, mushroom farms, and similar agriculture enterprises that are not on-site soil dependent or which degrade soil capabilities shall not be located on the County's prime farmlands and farmlands of statewide importance. This policy shall not limit uses accessory to soil dependent uses.

30.0.7

Where it can be demonstrated to enhance agricultural operations in areas designated for agricultural land use, farm labor housing may be considered subject to appropriate health, environmental, and growth management policy review. Farm labor housing projects shall be located to minimize the conversion of viable agricultural lands and shall be consistent with the nature of the surrounding land uses.

31 GOAL

TO ENCOURAGE FUTURE DEVELOPMENT ONLY IN THOSE AREAS WHERE THERE IS PROVISION FOR AN ADEQUATE LEVEL OF PUBLIC SERVICES AND FACILITIES.

Objective

31.1 Ensure coordinated, on-going planning for public services and facilities.

Policies

31.1.1

The County shall designate for future development only those areas which have adequate public services and facilities available or will provide them within

32

GOAL

TO ENCOURAGE FUTURE DEVELOPMENT ONLY IN THOSE AREAS WHERE THERE IS PROVISION FOR AN ADEQUATE LEVEL OF PUBLIC SERVICES AND FACILITIES.

Objective

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o use of voluntary restriction to agricultural uses through contributions of conservation easements or other appropriate techniques.

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33 GOAL

TO ENCOURAGE FUTURE DEVELOPMENT ONLY IN THOSE AREAS WHERE THERE IS PROVISION FOR AN ADEQUATE LEVEL OF PUBLIC SERVICES AND FACILITIES.

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Objective

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OPEN SPACE

34 GOAL

TO ENCOURAGE THE PROVISION OF OPEN SPACE LANDS AS PART OF ALL TYPES OF DEVELOPMENT INCLUDING RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND PUBLIC.

Objective

34.1 Ensure that open space needs are met through operation of the planning process.


Policies


34.1.1 The County shall encourage clustering of all types of development, where appropriate, in order to allow for a portion of each project site to be dedicated as permanent open space.


34.1.2 The County shall allow on-site development density credit for developable lands placed in permanent open space as part of a development project approval. Use of on-site development density credit will be allowed only if environmental and health factors permit.

34.1.3 Wherever possible, open space lands provided as part of a development project should be integrated into an areawide open space network.

34.1.4 Open space areas should be used as a buffer between land uses of different types and/or intensities.

 34.1.5 Open space areas shall be designated, wherever possible, on the perimeter of all development undertaken by the County.

 34.1.6 The County, in coordinated efforts with other public agencies, shall urge that all development projects undertaken by public agencies include an open space buffer area on the perimeter of the project site.

 34.1.7 The County shall support the creation of private, nonprofit land trusts and conservation organizations to receive by voluntary donation or purchase, development rights on any lands to be preserved as open space.



UPDATE INDEX #8


MONTEREY COUNTY GENERAL PLAN


ADD POLICIES 1.1.3, 4.1, 26.12.12, 27.3.4, 30.0.5, 34.1.7 AND 40.2.2

ADDED DECEMBER 4, 1984



GENERAL PLAN AMENDMENTS


1.1.3 Landowners shall be encouraged voluntarily to restrict the development potential of property through grants of conservation easements, Williamson Act contracts, or other appropriate protections in areas designated for open space uses such as agriculture and resource conservation.


 4.1 Identify the extent and locations of important agricultural lands in the County and devise regulations and techniques which will be effective in preserving and enhancing these lands.

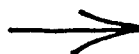
 26.1.12 In order to preserve its open space and rural character, the County shall encourage the voluntary restriction of development through dedication of scenic or conservation easements, transfer or development rights and other appropriate techniques.

27.3.4 In areas designated for agricultural uses where development of legally subdivided land would promote incompatible residential development, the County shall solicit and encourage the voluntary donation of conservation easements or other development restrictions to the County or to a qualified private nonprofit organization in order to preserve the agricultural use of the land.

  30.0.5 The County shall support other policies that provide tax and economic incentives which will enhance competitive capabilities of farms and ranches, thereby insuring long-term preservation, enhancement, and expansion of viable agricultural lands. Examples of these policies and programs may include the following:

 o establishment of a program to purchase and lease back agricultural lands near urban or developing areas for continued agricultural use.


 o use of voluntary restriction to agricultural uses through contributions of conservation easements or other appropriate techniques.

 o use of Williamson Act Contracts.



34.1.7

The County shall support the creation of private, nonprofit land trusts and conservation organizations to receive by voluntary donation or purchase, development rights on any lands to be preserved as open space.



40.2.2

Land use controls shall be applied or retained to protect the scenic corridor and to encourage sensitive selection of sites and open space preservation. Where land is designated for development at a density which, should diminish scenic quality, the landowner shall be encouraged to voluntarily decitate a senic easements to protect scenic corridor.




UPDATE INDEX #22


MONTEREY COUNTY GENERAL PLAN


AMEND GENERAL PLAN TO ADD "COMPREHENSIVE PLANNED USE" OVERLAY

MARCH 30, 1993


Amend General Plan - "LAND USE PLAN PHILOSOPHY/AGRICULTURAL AND RESOURCE CONSERVATION"

 *Rural Grazing.* Rural grazing lands are designated in South County west of Lockwood, near Pleyto Road, and northeast of San Antonio Reservoir; at Reliz Canyon southwest of Greenfield; in the Arroyo Seco area; at Chualar Canyon; in portions of the upper Corral de Tierra; and in area south of Carmel Valley of Schulte Road and at Rancho San Carlos.

 ~~Rancho San Carlos may be considered for development of a "rural village." Allowable uses for Rancho San Carlos may consist of residential, visitor accommodation, community shopping, and recreational uses on approximately 2,500 acres. The balance of approximately 17,500 acres should be retained in grazing, recreational, and resource conservation.~~

 *Permanent Grazing.* The plan designates permanent grazing lands in the easterly and southeasterly portions of the County; in some areas west of the Salinas Valley; in portions of the Toro area; north and south of the Carmel Valley and northeast of the Carmel Valley Village; in the Cachagua area; and south of the Pajaro Valley.

Resource Conservation

 *Resource conservation is shown on the land use plan in the North County water shortage area near Highway 101; along Highway 68 between the City of Monterey and the Toro area; in the Toro area off River Road, in the center of the Corral de Tierra/San Benancio Road "loop," and south of Toro Regional Park; in some portions of the Gabilan foothills east of the Salinas Valley; south of the Carmel Valley and northeast of Carmel Valley Village; and Rancho San Carlos subject to Comprehensive Planned Use Policies. Application of the resource conservation category in conjunction with the urban reserve overlay adjacent to incorporated cities is intended to encourage annexation prior to any intensive property development.*

Commercial

This category applies to areas which are suitable for the development of retail and service commercial uses, including visitor accommodation and professional office uses. In general, building intensity for commercial areas shall conform to standards which limit building height to a maximum of 35 feet and lot coverage to a maximum of 50 percent, excluding parking and landscaping requirements. It is anticipated that further detailed implementation and possible modification of these standards will be undertaken at the area plan and zoning implementation phases.

Industrial

This land use category applies to areas designated for the development of suitable types of manufacturing (with emphasis on agriculturally-related manufacturing), research, mineral extraction, and processing operations. In general, building intensity for industrial areas shall conform to standards which limit building height to a maximum range of 35 feet to 75 feet and lot coverage to a maximum of 50 percent, excluding parking and landscaping requirements. It is anticipated that further detailed implementation and possible modification of these standards will be undertaken at the area plan and zoning implementation phases.

Agricultural

This category includes the sub-categories of farmlands, rural grazing lands, and permanent grazing lands.


Farmlands. The farmlands sub-category includes those farmlands designated by the USDA Soil Conservation Service as prime, of statewide importance, unique, or of local importance. The minimum parcel size for these farmlands shall be 40 acres.

Rural and permanent grazing lands are those which, according to the USDA Soil Conservation Service, display a high or moderate degree of capability/ suitability for grazing of livestock.


Rural Grazing Lands. This land use sub-category is applied to grazing lands which are located in the County's developing areas, which are not restricted by a 20-year Williamson Act contract, and on which the County intends to allow mixed residential and agricultural land uses.

In rural grazing areas, minimum parcel sizes shall range from a 10-acre minimum to a 160-acre minimum, but they shall not be less than the existing zoning designation on the date of adoption of this General Plan. The local area plan citizens advisory committees shall recommend the appropriate rural grazing land lot sizes for their communities, but they shall not be less than the existing zoning designation on the date of adoption of this General Plan.

Clustering of residential uses shall be encouraged provided that total site density shall not exceed that allowed by the appropriate rural grazing land use category. Density for clustering shall be numerically consistent with minimum lot size; e.g., in an area which is designated rural grazing lands with a 10-acre minimum, allowable density shall be 10 acres per unit. As a condition of clustered residential development approval, the developer shall be required to enter into a permanent restriction to ensure continued grazing use on those portions of the property not developed for residential use.

 *Permanent Grazing Lands.* This land use sub-category is applied to those portions of the County in which exclusive grazing use is to be preserved, enhanced, and expanded.

On permanent grazing lands, minimum parcel sizes shall be 40 acres and larger, but they shall not be less than the existing zoning designation on the date of adoption of this General Plan. The local area plan citizens advisory committees shall recommend the appropriate permanent grazing land lot sizes for their communities, but they shall not be less than 40 acres nor shall they be less than the existing zoning designation on the date of adoption of this General Plan.


 Only when they are clearly an accessory use to the exclusive agricultural use of the property, residential units may be developed at a density of 40 acres or more per unit.


Subdivision of land may be allowed only for agricultural purposes, for farm labor housing, or in order to create a building site for immediate family members and spouses.

The division of property to create a one-acre minimum building site may be considered by the County if the division is to accommodate housing for members of the immediate family of the property owner who earn their livelihood from grazing use of the family land immediately contiguous to the parcel being created by subdivision. Such subdivision shall be conditioned to allow for the exclusive occupancy by immediate family members and their spouses. Likewise, another condition shall require the parcel to be an accessory use to the ranch in question or to an adjoining ranch, providing the residence is accessory to the adjoining agricultural use and is occupied exclusively by immediate family owners and spouses of the owners or lessors.

Lands within the permanent grazing lands sub-category may be merged with adjacent lands which are involved in active grazing operations.

Resource Conservation

 This category is intended to ensure conservation of a wide variety of the County's resources while allowing for some limited use of these properties. Typical of lands included in this category are watershed areas, riparian habitats, scenic resources, and lands which are generally remote, have steep slopes, or are inaccessible. This category also includes the floodways of the County's major rivers as well as its major water bodies. Uses in resource conservation areas must be in keeping with the conservation intent of this category. For example, allowed uses may include grazing and other agricultural uses, passive recreation such as camping, riding, and hiking, and timber harvesting conducted under an approved forest management plan.

 Minimum parcel size in resource conservation areas shall range from a 10-acre minimum to a 160-acre minimum but they shall not be less than the existing zoning designation on the date of adoption of this General Plan. The local area citizens advisory committees shall recommend the appropriate resource conservation lot sizes for their communities, but they shall not be less than the existing zoning designation on the date of adoption of this General Plan. Residential uses are not a primary use in this category and will be allowed only if the applicant can demonstrate that conservation values are not compromised. Density for residential uses, if allowed, shall range from 10 acres or more per unit to 160 acres or more per unit.

**MONTEREY COUNTY AGRICULTURAL AND
HISTORICAL LAND CONSERVANCY**

P.O. Box 1731, Salinas CA 93902

22 August 2006

Cosme Padilla, Chair
Monterey County Planning Commission
240 Church Street
Salinas, California 93901

Monterey County
Planning and Building
Inspection Administration

JAN 30 2009

RECEIVED

RE: *Consideration for Agricultural Conservation in the GPU4*

Dear Chairman Padilla and Commissioners,

The Monterey County Agricultural & Historical Conservancy, Inc. has existed in Monterey County for the past twenty-five years to protect and preserve the county's most valuable agricultural lands. In the County's 1982 General Plan, agricultural protection was addressed in many ways (e.g. Goal #30). The 1982 General Plan policy 30.0.5 directed the County's support for tax and economic incentives with the intent for such a policy to lead to long-term preservation.

It is our position Monterey County General Plan GPU4 does not address long-term agricultural preservation adequately enough. The closest GPU4 comes to such preservation is policy AG-1.5:

"AG-1.5 Policies that provide tax and economic incentives to enhance the competitive capabilities of farms and ranches, thereby insuring long-term conservation, enhancement, and expansion of viable agricultural lands shall be supported. Examples of these policies and programs include but are not limited to:

- a. Establishment of a program to purchase and lease back agricultural lands near urban or developing areas for continued agricultural use.*
- b. Payment of fees as mitigation for the loss of farmland to other uses.*
- c. Voluntary restrictions to agricultural uses through contributions of onsite or off-site conservation easements or other appropriate techniques.*
- d. Williamson Act Contracts*
- e. Transfer of development rights.
(Root: GP policy 30.0.5)"*

GPU4 needs direction more than is proposed in AG-1.5. We ask that your commission consider the importance of agricultural conservation and the need to give specific direction (in the form of land replacement mitigation). To that end, mitigation for the loss of agricultural land should be required on the following ratios:

1. Loss of agricultural lands of national importance – 3:1
2. Loss of agricultural lands of Statewide importance – 2.5:1
3. Local and Unique farmlands – 1:1

The determination of the importance should use the Natural Resource Conservation Service criteria to determine the importance of the ag land in question. These criteria are not, in our estimation, foreboding or restrictive on development, but do offer a reasonable resolution to the desire for development versus the need to conserve the viability of the County's agricultural lands. Please include all of the 1982 policies into the proposed draft plan. We are happy to discuss these issues with you and the full commission and look forward to favorable consideration of our request.

Sincerely,

Brian Rianda, Managing Director
MCAHLC, Inc.

Monterey County Agricultural and Historic Land Conservancy
P.O. Box 1731, Salinas, CA 93902

July 2, 2003

Monterey County
Planning and Building
Inspection Administration

JAN 30 2009

RECEIVED

Mr. Scott Hennessey, Director
Monterey County Planning and Building Inspection Department
County Courthouse
Alisal and Church Streets
Salinas, CA. 93901

RE: Farmland Preservation Policies for the New General Plan

Dear Mr. Hennessey:

As you know, the Monterey County Agricultural and Historic Land Conservancy was organized in 1984 specifically to help facilitate the preservation, protection, and enhancement of Monterey County's invaluable farmlands. These policies and language come from the adopted 1982 Monterey County General Plan. The protection of farmers and farmland through the use of voluntary conservation easements is our primary objective.

Under the current, existing Monterey County General Plan policies adopted and approved in 1982 by the Board of Supervisors, the County encouraged the creation of our Conservancy to help farmers to have options available to them to preserve their farms and ranches and to preserve the natural resources (farmlands) upon which our billion-dollar agricultural industry is based. Those County policies also mandated the preservation of "prime farmlands", "farmlands of statewide importance", "unique farmlands", and "farmlands of local importance" in the 1982 General Plan in multiple specific sections. Further, permanent "buffer" easements to preserve farmlands have also been conditions on new developments mandated by the 1982 General Plan for the past 20 years. We ask that all of these existing 1982 farmland policies and open space policies related to farmland be fully incorporated and included in the new General Plan that your department in preparing.

MCAHLC and our volunteer Board of Directors have worked for over two decades to help landowners and farmers to have an option to avoid having to sell their invaluable farmlands for development. We have worked closely with Congressman Farr, the United States Department of Agriculture, the California Department of Food and Agriculture, and the California Department of Conservation to advance their well known policies of preserving our nation's farmlands. Additionally, we have worked cooperatively with the County to advance its adopted policies of farmland preservation and protection. Our numerous voluntary farmland conservation easements, totally thousands of acres that we have preserved, have caused Monterey County to be recognized nationally as being at the

forefront of preserving irreplaceable farmlands and limiting the devastating urban sprawl that has decimated agricultural counties like Santa Clara County, Orange County, Los Angeles County, and Riverside County.

We intend to continue our efforts. We believe the existing 1982 General Plan policies should be preserved and should not be modified. Only these mandatory policies have prevented uncontrolled sprawl across the Salinas Valley for the last 20 years.

Please include all of the existing 1982 General Plan policies related to the preservation, protection, and enhancement of our agricultural lands into the new General Plan that you are preparing. We stand ready and will be happy to help in this process in any way that you deem appropriate. Please contact us at the appropriate time as your process progresses.



Respectfully,

Sherwood Darington
Managing Director