

AGRICULTURE TECHNICAL ADVISORY COMMITTEE MINUTES
OF APRIL 23, 2020

The San Joaquin County Agriculture Technical Advisory Committee met in regular session on April 23, 2020 at 10:30 a.m., by phone conference from Conference Room A at the Community Development Department, 1810 East Hazelton Avenue, Stockton, California.

I. The meeting was called to order.

II. Roll Call:

(present) Committee Members -
Joe Petersen, Chairman
Matt Arnaiz
John Beckman
Steve Coldani
Stanton Lange
Renee Puig-Hink

San Joaquin County Staff – In Conference Room A
David Kwong, Director
John Funderburg, Principal Planner
Megan Aguirre, Senior Planner
Zayante (Zoey) P. Merrill, County Counsel
Keia Williams, Office Assistant Specialist

(absent) Dale Cose, Vice Chairman
Tom Doucette, Vice Chairman

(resigned) David Phippen

III. Discussion Items:

1. Approval of Minutes from January 23, 2020, Meeting

John Beckman made a motion to adopt the minutes. Seconded by Matt Arnaiz. Motion passed on a vote of 6-0-2.

2. Approval of Memorandum of Understanding (MOU) with California Farmland Trust (CFT), to allow Robert C. Bowen and Lisa C. Jennings to purchase 11.54 acres of Main Stone II Farmland Mitigation Bank held by CFT, to satisfy the agricultural mitigation requirements of Zone Reclassification No. PA-1800078

Megan Aguirre stated that staff is requesting that this item be pulled so that staff

can continue to work with Counsel.

Zayante P. Merrill (Zoey) stated that Agricultural Technical Advisory Committee (AgTAC) action is not required, but could proceed with the discussion.

Matt Arnaiz asked for clarification about the request.

Joe Petersen summarized the Memorandum of Understanding (MOU) with California Farmland Trust (CFT).

Zoey Merrill stated that, although \$4,500 per acre is the in-lieu fee amount, this is direct mitigation under 1080.3, subsection c and d, 1 – 4. Under the ordinance, David Kwong, Director of the Community Development Department, is not required to sign the Memorandum of Understanding (MOU). The MOU will need to be revised and the AgTAC would determine that this type of land meets the required 1:1 mitigation.

Megan Aguirre stated that she was not sure when the original 230 acres was purchased, but in the past, other applicants have purchased portions of the easement to satisfy their agricultural mitigation. The most recent application was in 2016 where the MOU was signed by the applicant and CFT.

Joe Petersen asked if there were further questions.

Matt Arnaiz asked if the MOU can be approved subject to the removal of the requirement for the Community Development Department Director's signature to avoid delaying the project.

Zoey Merrill stated the AgTAC can approve the MOU as meeting the 1:1 ratio.

Matt Arnaiz made a motion to approve the MOU with the removal of the County as a party to the MOU. Seconded by Renee Puig-Hink. Motion passed on a vote of 5-1-2.

3. Review Draft Staff Report for Development Title Text Amendment No. PA-2000004 – Draft Changes to the Agricultural Mitigation Chapter of the Development Title

Megan Aguirre stated that the Staff Report is expected to be heard at the May 21, 2020, Planning Commission hearing. Megan reviewed the changes that were made to the document.

John Beckman made a motion to approve the Draft Staff Report for Development Title Text Amendment No. PA-2000004. Seconded by Steve Coldani. Motion passed on a vote of 6-0-2.

4. Review of In-Lieu Fee

Megan stated that this item was added to the agenda because the fees have not been reviewed for some time and this has come up in past meetings. The purpose is to determine if this something the AgTAC would like to update soon.

Joe Petersen stated that he would prefer not to review the fee based on the MOU from CFT that was just approved, but is open to other comments from the committee.

Matt Arnaiz asked what the current fee is.

Megan Aguirre stated that the fee has been \$8,675 per acre since 2006.

Joe Petersen stated that he thinks CFT's fee does not reflect the current market, but this can be discussed in the future.

John Beckman stated that the fee needs to be reviewed and updated, but the timing is not critical.

Joe Petersen asked if it could be reviewed right now or what the committee would like to see.

John Beckman stated that he thinks the fee should be approached in the same way that other fees are analyzed.

Zoey Merrill stated the items that should be included/considered in determining the in-lieu fee are listed in current Development Title Section 9-1080.3 (e), and read them aloud. Zoey also noted that the fee is to be updated annually.

Matt Arnaiz asked if County resources are available to pursue the in-lieu fee study.

David Kwong stated that this is the bigger question. Someone would need to be brought in to help determine program costs and the changes that have been made since 2006. Itemizing the components that were mentioned by Zoey to administer the program, as well as government code related costs, will have to be reviewed in order to determine whether or not the department has the capacity to pursue an in-lieu fee study. David stated that he is concerned with taking staff away from other projects because there would also be a significant outreach component beyond just the AgTAC input.

John Beckman stated that he understands the constraints, but is also concerned that the fee has not been updated since 2006.

Matt Arnaiz asked if this was a nexus study originally, and if the study information is accessible.

Zoey Merrill stated that it went to the Board of Supervisors, so there will be a

resolution.

John Beckman stated that things have changed, so this may not be relevant now.

Joe Petersen stated that it would be good to have the history to review. Joe recalled the CFT providing some estimates for easements they were working to acquire in addition to the AgTAC looking at comparables. Joe stated that this was new in 2006, so he does not think the AgTAC really understand the other costs involved with monitoring the easements.

David Kwong stated that in four (4) months, staff will report to AgTAC the history of the fee that was adopted by the Board of Supervisors in 2006. David stated that staff will provide an outline of what transpired in addition to the materials from the Board of Supervisors' meeting, which could allow for a conversation about the program requirements and what a new study would entail.

Joe Petersen requested that staff obtain information from CFT or ask CFT to do a presentation for the AgTAC regarding their current costs for purchasing easements. .

5. Officers Selection – Election of one (1) Chairperson and two (2) Vice Chairpersons

Megan Aguirre stated the rules of the term limits for the officers.

John Beckman made a motion to nominate Renee Puig-Hink as the Chairperson for the AgTAC. Seconded by Joe Petersen. Motion passed on a vote of 6-0-2.

Joe Petersen asked to clarify if the ordinance requires two (2) Vice Chairpersons.

Megan Aguirre confirmed that this is in the rules of procedure.

Zoey Merrill further clarified that this is likely due the unique configuration of the committee.

Matt Arnaiz made a motion to nominate John Beckman as Vice-Chairperson for the AgTAC. Seconded by Renee Puig-Hink. Motion passed on a vote of 6-0-2.

Joe Petersen asked if there was a second person interested in serving as Vice Chairperson, and if he could be nominated even though he had just served as Chairperson.

Megan Aguirre read the rules of procedure, and Zoey Merrill confirmed that they did not preclude the outgoing Chairperson from serving as an incoming Vice Chairperson.

John Beckman made a motion to nominate Joe Petersen as the Vice-Chairperson for the AgTAC. Seconded by Renee Puig-Hink. Motion passed on a vote of 6-0-2.

IV. Public Comment Period

None.

V. Adjournment

Meeting adjourned 11:05 a.m.

VI. Next meeting: May 28, 2020

Joe Petersen,
Chair

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David W. Kwong,
Secretary