



**AGRICULTURAL TECHNICAL ADVISORY COMMITTEE MINUTES OF FEBRUARY 24, 2022**

The San Joaquin County Agriculture Technical Advisory Committee met in regular session on February 24, 2022 at 10:30 am., by phone conference on Microsoft TEAMS and in Conference Room A at the Community Development Department, 1810 East Hazelton Avenue, Stockton, California.

**I. The meeting was called to order by John Beckman, Chair.**

**II. Roll Call:**

(present)

Committee Members

John Beckman, Chair  
Joe Petersen, Co-Vice-Chair  
Stanton Lange, Co-Vice-Chair  
Matt Arnaiz  
Nick Bokides  
Tom Doucette

San Joaquin County Staff

David Kwong, Director  
Jennifer Jolley, Deputy Director of Planning  
Corinne King, Principal Planner  
Zoey Merrill, County Counsel  
Allen Asio, Office Assistant Specialist

(absent)

Alfred Nicolini

---

**III. Discussion Items:**

1. Minutes from February 25, 2021.

MOTION:

It was moved, seconded (John Beckman / Joe Petersen), and passed with a vote of 6-0 to:

1. Approve and accept the minutes.

VOTE:

AYES: John Beckman, Joe Petersen, Stanton Lange, Tom Doucette, Matt Arnaiz, Nick Bokides

NOES:

ABSENT: Alfred Nicolini

2. Ordinance Update after Board of Supervisors meeting (March 23, 2021)

David Kwong provided an update on the proposed ordinance amendments from the Board of Supervisors meeting on March 23, 2021.

David Kwong stated that it has been difficult keeping the continuity of the discussion over the years and suggested a little bit of a start over with some baseline by using the proposed ordinance taken to the Board as a starting point. One of the key thoughts to make it streamlined is to look at mitigation fees. One of the other key considerations were that the California Farmland Trust (CFT) had concerns about the County being designated as a qualifying entity. The County does not have

the staff or technical capability to review and analyze whether a property is sufficient for conservation. David suggested that the committee establish what the process looks like to create a streamlined ordinance.

Jennifer Jolley added that the Board questioned the efficiency of how the Agricultural Technical Advisory Committee (AgTAC) is set up and how staff is able to process agricultural mitigation. There are projects waiting to come through but are held up due to not having a working ordinance.

Joe Petersen stated that he thought that projects go to the AgTAC for review but has not seen projects to review.

David Kwong stated that there is concern about the ability of getting a quorum.

Zoey Merrill stated that if a project is brought to the AgTAC right now, there are concerns the review is not consistent with an operating ordinance. The proposed amendments were to remove the obstacles of the AgTAC performing the review consistent with county policy.

Joe Petersen asked for clarity that since the AgTAC has not met the criteria of creating a strategy, the committee should not be considered a reviewing board for upcoming projects.

Zoey Merrill clarified that projects would still go to the AgTAC, but if action is taken, there would be risks with that fact that we are not compliant with the ordinance. Now we are focusing on the next steps and project review is probably not the goal for today.

John Beckman asked if today's goal is to go back to the mitigation strategy.

Zoey Merrill stated that it is more than just the mitigation strategy and to refer to the memo from May 17, 2021.

David Kwong recommended staff to create a summary or bullet points listing the concerns and resend the Board of Supervisors hearing link to the AgTAC.

Jennifer Jolley pointed out that the information is found on the May 17, 2021, memo.

David Kwong asked if the AgTAC would like more detail explaining the points listed on the memo.

Joe Petersen stated the biggest issue not heard by the Board was the word "perpetuity" which is the primary opposition's concern. The CFT brought up their concern regarding being the qualifying entity. Joe stated he has no interest in redoing the ordinance but thinks the proposal to the Board would have streamlined the ordinance significantly. There are two new committee members which is important to the quorum. Joe asked if becoming a qualifying entity is possible or needed. Joe believes the Williamson Act does not have a qualifying entity. Joe believes the goal is to make a simple process which will benefit the developers and agriculture. It's not just some easement that will create restrictions and more cost for agriculture.

Jennifer Jolley stated that the Delta Protection Commission (DPC) and Delta Stewardship Council (DSC) did not see how what the AgTAC were proposing actually achieved the goal of mitigating for loss of agricultural land if it was not in perpetuity.

David Kwong asked how the AgTAC wants to address it from an overall standpoint. Whatever is changed still needs to pass through the public hearing testimony.

Jennifer Jolley summarized the concerns from the Board of Supervisors hearing. The CFT questioned how the County could be a qualifying entity if there is no reporting or monitoring. The DPC and DSC had concerns about perpetuity. The Board was concerned that the proposal does not meet the requirements of other qualifying entities and asked why the County has to be the

qualifying entity. There is an issue of trying to find six members of the AgTAC to meet and have a quorum.

David Kwong asked the AgTAC how they would like to address the concerns.

Joe Petersen stated that the memo covers all of the points. He read his statement from the January 28, 2021, minutes that removing "in perpetuity" may be an oversight. Historically, "in perpetuity" has always been included in the ordinance. He asked for the AgTAC to come to an agreement to re-insert "in perpetuity". Regarding the qualifying entity, he stated that we don't need to monitor. It costs a lot of money. It needs to be a permit based program. The monitoring requirement becomes a burden on agriculture. The AgTAC quorum efficiency needs to be given a little time. The amendments to the ordinance creates efficiency by changing the structure in having less members.

John Beckman stated that he does not recall a discussion removing "in perpetuity" but that the notion has always been that these would be semi-permanent. He stated that another member wanted the ability for a farmer to swap out a piece of land or to change the easement if the land was no longer farmable. Some form of flexibility.

Joe Petersen stated that a section of the ordinance says that if the easement becomes a burden, the owner can go to court to have it moved somewhere else. Joe stated that he is fine with that because it meets the requirements of perpetuity.

John Beckman stated that he has no disagreement.

Joe Petersen asked Zoey Merrill what paragraph would "in perpetuity" go in.

Zoey Merrill referred to the proposed text amendment Section 9-1080.6. She asked the AgTAC where they believe is the best place to put it.

Joe Petersen stated that the letters of concern by the CFT show where to put them back in.

Zoey Merrill asked Joe Petersen if he is agreeing with the CFT and would like to revise section of ordinance to be consistent with the opposition letters.

Joe Petersen said yes. Go back to the old language. When re-proposing to the Board, let them know that the AgTAC membership has expanded to meet the quorum and ask to reduce total number of members. The only part not handled is the qualifying entity

Jennifer Jolley stated the need to address how the proposal mitigates for loss of agricultural land. The Board asked how the alternative easement is really mitigating if there is no monitoring or reporting. Staff was unable to articulate the AgTAC's argument to the Board.

David Kwong stated that the Board asked if staff is capable of becoming a qualifying entity after not having the level of capacity or technical expertise. He asked the AgTAC to come up with a good approach that the AgTAC can agree upon to move forward

Jennifer Jolley stated that staff does not have the expertise or capabilities. This needs to have a solution that can be discussed with the Board as to how it will satisfy it. Getting additional staff for monitoring is not an option unless the Board makes a policy decision to allocate money.

Joe Petersen stated that if a person submits an application, the County would point out if it is under Williamson Act. He asked the AgTAC that if putting an easement that would permanently put the Williamson Act in place would create a serious commitment by the landowner to never build a shopping mall or subdivision, thereby mitigating for the loss of agricultural land. With what the AgTAC proposed, does it accomplish the preservation of agricultural land in perpetuity.

Stanton Lange stated that the amendment does not make the County the only entity that can make an approval in San Joaquin County. There are choices such as the CFT or American Farmland Trust or use the proposal on a permit basis.

Jennifer Jolley stated that it would be ideal to have options but did not recall continuing to use the CFT. They would be two different levels of review and monitoring. Some people would be subject to monitoring and reporting of a qualifying entity like CFT while the County lets them know that they can't build something there because it's in an easement. An agricultural conservation easement protects the land from converting in the future while Williamson Act provides a tax break and is not an agricultural mitigation situation. Williamson Act is regulated by the Department of Conservation and the Assessor.

Matt Arnaiz asked that if an easement is held by the CFT and a person comes to the counter with an application, how does the county determine if the property is subject to a preservation easement.

Jennifer Jolley stated that it is the landowner's obligation to comply with any easement on their property. It is not the County's responsibility to double-check that. The County checks for Williamson Act because of policies in the General Plan and Development Title.

Matt Arnaiz asked that if the County has no dog in that fight, what's the recourse to the CFT.

Jennifer Jolley said zoning regulates that for the county.

Matt Arnaiz asked what the county's role is.

Zoey Merrill stated that the recourse between the two parties and that would generally be within the easement document.

Joe Petersen said that the land trust would sue the landowner.

Matt Arnaiz stated that if there is a County-held easement, the County could have another designation, like Williamson Act, that would be a check. It would signify people to easily determine if the property is subject to an easement.

Zoey Merrill suggested to request an ad hoc committee or Board Study Session from the Board of Supervisors.

Tom Doucette stated that it is a great idea to dialogue with the Board and come to an agreement with what the committee is trying to accomplish. Getting the Board to adopt some version of what is proposed is futile without going through the process of meeting with the Board. An ad hoc committee or a study session would be the best path forward.

Zoey Merrill stated that, if it is the pleasure of the committee, she would work with the COB to propose an ad hoc committee to explore options for an educational discussion with the Board within the Brown Act. Information would be brought to the next AgTAC meeting about both the ad hoc committee and study session.

Joe Petersen stated that he agrees that an educational meeting prior to the Board of Supervisors meeting is a great opportunity to familiarize them with where we are trying to go.

MOTION:

It was moved, seconded (John Beckman / Joe Petersen), and passed with a vote of 6-0 to:

1. Direct staff to come back with a description of either a study session or an ad hoc committee to the Board of Supervisors.

VOTE:

AYES: John Beckman, Joe Petersen, Stanton Lange, Tom Doucette, Matt Arnaiz, Nick Bokides

NOES:

ABSENT: Alfred Nicolini

3. Chair / Vice Chair Selection

MOTION:

It was moved, seconded (Joe Petersen / Tom Doucette), and passed with a vote of 6-0 to:

1. Select John Beckman as the Chair and select Joe Petersen and Stanton Lange as co-Vice Chairs.

VOTE:

AYES: John Beckman, Joe Petersen, Stanton Lange, Tom Doucette, Matt Arnaiz, Nick Bokides

NOES:

ABSENT: Alfred Nicolini

**IV. Public Comment Period**

None.

**V. Adjournment**

The meeting adjourned at 11:45 A.M.

**VI. Next meeting:** March 24, 2022

---

John Beckman, Chair

\*\*\*

David W. Kwong, Secretary