



AGRICULTURE TECHNICAL ADVISORY COMMITTEE MINUTES  
OF JANUARY 23, 2020

The San Joaquin County Agriculture Technical Advisory Committee met in regular session on January 23, 2020 at 10:30 a.m., in 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  
Dale Cose, Vice Chairman  
Tom Doucette, Vice Chairman  
Matt Arnaiz  
John Beckman  
Renee Puig-Hink

San Joaquin County Staff

David Kwong, Director  
Megan Aguirre, Senior Planner  
Zayante (Zoey) P. Merrill, County Counsel  
Domenique Martorella, Office Assistant Specialist

(absent)

Steve Coldani  
Stanton Lange  
David Phippen

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**III. Discussion Items:**

**1. Introduction of David Kwong, new Community Development Director**

**2. Approval of Minutes from October 24, 2019, Meeting**

Dale Cose made a motion to adopt the minutes. Seconded by John Beckman. Motion passed on a vote of 6-0-3. Steve Coldani, Stanton Lange, and Dave Phippen were absent.

**3. Review Draft Changes to the Agricultural Mitigation Chapter of the Development Title**

Joe Petersen and Zoey Merrill discussed and agreed upon items (b) and (c) of Section 9-10801.1 having the same wording of using “coordinated” over

“consistent / inconsistent”.

Chair Petersen asked if “... and this ordinance.” should be added to Section 9-1080.3(e)(2). Ms. Merrill said she doesn’t think it creates ambiguity, and the wording of “... and this chapter.” should be used for consistency as the whole Chapter 9-1080 is the mitigation ordinance per se.

Chair Petersen asked about comments on Section 9-1080.3(e)(4) regarding the applicant demonstrating they have met with property owners instead. Ms. Merrill said the applicant was to demonstrate diligent efforts to meet the need for an extraordinary option when going to the Board, and asked the Committee what they felt was the right diligence that needed to be shown. The Committee Members discussed a minimum number of landowners that should be contacted, as well as inclusion of the Farm Bureau, to show proper diligence. John Beckman suggested changing Section 9-1080.3(e)(4)(B) “... over an extended period of time ...” to “... over a reasonable period of time ...”, and the change was agreed upon. It was agreed upon changing Section 9-1080.3(e)(4) from “... met with the Qualifying Entity and San Joaquin Farm Bureau Federation ...” to “... met with landowners and San Joaquin Farm Bureau Federation ...”.

Mr. Beckman asked about the in-lieu fee review mentioned in Section 9.1080.3(f)(4), and the actual frequency of review was discussed.

Dale Cose said he would want a specific, minimum number of landowners specified as well as a specific, minimum timeframe for the “reasonable” timeframe. Mr. Cose’s concern was for continuity between what was discussed and the agreements made at that time, and projects in the future. Ms. Merrill said it is staff’s obligation to interpret the ordinance based on the words, such as landowners (plural). Mr. Cose wanted the discussion documented for future reference.

Renee Puig-Hink brought up the question of resources for developers seeking landowners who would be willing to sell an easement. The Committee discussed what resources would be available for an applicant to locate landowners with offers for an agricultural land easement, and a minimum number of landowners that should be contacted. The idea of using the Farm Bureau as a resource for contacts was brought up, but it was mentioned that such a resource is not currently available through them. It was discussed that the Board would have to weigh the merit of any landowner contacted by an applicant for their decisions. It was agreed upon that the minimum number of landowners that needed to be contacted is three.

The timing for the in-lieu fee review was further discussed, and it was decided to have the review every two years.

The timeframe of sixty days for the transfer of in-lieu fees in Section 9-

1080.3(f)(1) was brought up for discussion, with the concern being the timeframe needs to be extended. Ms. Merrill said that the fees should not be sitting there, and from a processing point it is best to move everything forward.

Chair Petersen asked Ms. Merrill for her comments on Section 9-1080.3(g) and said he feels that the one to one ration needs to be talked about in said section. Ms. Merrill said that while it doesn't make the section read easy her concern is that pulling a section in doesn't capture the whole section. Ms. Merrill suggested adding wording to say including, but not limited to, the one to one ration would reference both Section 9-1080.5 and reinforce the ratio.

Chair Petersen asked to confirm the Committee is in agreement with the one to one ratio for mitigation. It was agreed that this is the ratio to be used, and that it should be made clearer.

Chair Petersen asked for clarification on the requirement of land to be returned to a condition meeting the requirements of Section 9-1080.5. Ms. Merrill said that the intent is if someone is getting land that does not currently meet the Section 9-1080.5 requirements that the land will be brought to that condition and then maintained in perpetuity. There was concern regarding the improvement and maintaining of lands without water access or other issues. Ms. Merrill suggested wording that the land purchased by the mitigation bank shall meet the requirements of Section 9-1080.5 and the one to one ration identified in Section 9-1080.3.

Megan Aguirre said that items necessary for improvement and maintenance of land could be made part of the purchase process. Chair Petersen said the change doesn't eliminate that option, and the Committee can look at projects to make sure they meet the criteria.

Chair Petersen asked about Ms. Merrill's comments on Section 9-1080.5(b). Ms. Merrill said the concern is the clarity of the terms, and do they give the weight wanted or add more ambiguity. It was discussed and decided to strike the last sentence of Section 9-1080.5(b), "Priority shall be given to lands with prime agricultural soils, which are located in areas of greatest potential development."

Ms. Merrill spoke to her comment on Section 9-1080.8(c) that she believes the intent of the breakdown of the three types of representatives has been beneficial to the Committee, and that she wanted the composition to be discussed. The Committee discussed the possibility of changing to a Two/Two/Two composition with possible alternates to make meeting a quorum easier. There was mention of looking into the LAFCo composition to see if it could work for AgTAC.

Matt Arnaiz asked what the purpose of the Committee will be after the Agricultural Mitigation document is completed, and what will be the frequency of meetings. Ms. Merrill said the rules of procedure for the Committee calls for

regular meetings, but if there are no action items it can be decided to not meet again until there is a call for it.

It was discussed and decided upon to change the composition to Two/Two/Two for the division between agencies. Ms. Merrill said that the numbers referenced below Section 9-1080.8(c) will change to reflect the change to the composition.

Chair Petersen spoke to his concern that there weakness or a lack of understanding on how the easement will be protected. Ms. Merrill said the easement is an agreement between two parties and is subject to law; it has to be recorded, it is on a title, and the County would keep a copy of it. Ms. Merrill said that she prefers to not restate law in an ordinance but will work with the Committee to add clarification where needed.

Ms. Merrill spoke to Section 9-1080.10 referencing Title 1, Division 2 when the rest of the Development Title is 9-1905. Ms. Merrill said the change would be at the discretion of the Community Development Director. Ms. Merrill said that ultimately she wants to use Title 1 for everything for consistency.

John Beckman made a motion to accept all discussed changes. Seconded by Dale Cose. Motion passed on a vote of 6-0-3. Steve Coldani, Stanton Lange, and Dave Phippen were absent.

Ms. Merrill said the next steps will be finalizing a Staff Report for Planning Commission and then to the Board. Ms. Merrill discussed the requirements of the Brown Act and how it pertains to the review of the Staff Report.

Chair Petersen asked how the process will flow, and when the Committee will need to meet again. Ms. Merrill recommended the Committee meet again at their regularly scheduled time. Ms. Merrill described the timeline for finalizing the changes made at the meeting today, finalizing the Staff Report, providing the documents to Committee members for comment, the Planning Commission Secretary (David Kwong) and the AgTAC Chair undertaking any visioning decided by the Committee, and once all of those items are completed then it would be scheduled for a Planning Commission hearing, and finally be brought before the Board.

Chair Petersen asked if there are any projects coming forward that the Committee needed to be aware of. Mrs. Aguirre said there was an inquiry about the current in-lieu fee from a client attempting to make estimates for a project, but they didn't actually have anything approved.

Chair Petersen asked if the Committee was due for a change of Officers. It was discussed and decided to put the change on the next agenda, as well as the fee review. Ms. Merrill said she'll look into the fee process as far as bringing it before the Board.

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**IV. Public Comment Period**

None.

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**V. Adjournment**

Meeting adjourned.

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**VI. Next meeting:** February 27, 2020

Joe Petersen,  
Chairperson

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David Kwong,  
Secretary