



AGRICULTURAL TECHNICAL ADVISORY COMMITTEE MINUTES OF MAY 26, 2022

The San Joaquin County Agriculture Technical Advisory Committee met in regular session on May 26, 2022, at 10:30 a.m., by phone conference on Microsoft TEAMS from 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)

Commissioners

John Beckman, Chair

Joe Petersen, Co-Vice-Chair

Stanton Lange, Co-Vice-Chair

Tom Doucette

Matt Arnaiz

Nick Bokides

Joe Nicolini

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)

III. Discussion Items:

1. Minutes from April 28, 2022.

MOTION:

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

1. Approve and accept the minutes.

VOTE:

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

NOES:

ABSENT: Stanton Lange

2. Next steps and proposed amendments to the Agricultural Mitigation Ordinance

David Kwong received feedback from the Board of Supervisors that the study sessions would be redundant. David recommended to proceed with a two-pronged approach. The first is to take what the AgTAC wants to do and add "in perpetuity" back into the proposed ordinance. Staff will contact the Delta Protection Commission, Delta Stewardship Council, and other stakeholders like the California Farmland Trust or American Farmland Trust then discuss with the AgTAC at revamping the ordinance as a whole.

Jennifer Jolley stated that the plan for staff is to put together an ordinance that is workable, provides options, and addresses AgTAC's concerns and then give those other agencies an opportunity to weigh in. The AgTAC's current version will be taken forward, seeing if adding additional language changes anything. Projects will be coming through that are going to get held up and there is no clear way of telling people how to mitigate for loss of agricultural land. The goal is to present both staff's and the AgTAC's information to the Planning Commission.

Joe Petersen read over the letters of opposition from the four agencies. They would like to see "in perpetuity" be put back in. He stated that he is not in support of starting all over again, especially when it is so close to being done. He referred to the minutes from February that the words "in perpetuity" were inadvertently removed. Putting "in perpetuity" back addresses the concerns of the opposition.

John Beckman interpreted from staff that the Board of Supervisors are not interested in the minor tweaks but want to see something that works and move projects forward. They do not believe they can do that with what is currently proposed.

Jennifer Jolley summarized the memo from May 17, 2021. The opposition's concerns were centered on the words "in perpetuity." There was also concern if the proposed ordinance would be able mitigate for loss of agricultural land. The next issue was whether the County should be the qualifying entity. The last concern was the lack of ability to meet in a timely manner. The two-pronged approach creates options for the policy makers. Staff will forward the AgTAC's recommendation and also an alternative ordinance to the Planning Commission and to the Board of Supervisors. They can review both options.

Joe Petersen stated that the AgTAC and staff have been invested in this process.

John Beckman felt that the Board of Supervisors were frustrated, and they wanted to see something done.

Joe Nicolini suggested that the AgTAC take the proposed ordinance forward and make changes as time goes on.

John Beckman responded that the same things were said 16 years ago. The Board of Supervisors want something that actually works.

Zoey Merrill pointed out to staff and the AgTAC to be aware of the language of the ordinance as it exists. The County is consistently out of compliance with the ordinance and there is concern for every project that comes forward. There is no mitigation strategy nor a lot of the pieces in place in the ordinance. The Board of Supervisors feel that the study sessions are not productive. Staff is trying to meet the needs of policy makers in order to have an ordinance that is compliant. It is a time sensitive situation in which there be an ordinance that the County can comply with so that project applicants can move forward.

John Beckman stated that the AgTAC had 16 years to do this, and because they've failed to do their task, staff was put in an uncomfortable situation.

Joe Petersen said that the AgTAC and staff can refer to the minutes, in which it was decided, that any projects can be brought forward to the AgTAC to be reviewed. He stated that they have only seen one project over the last 10 years. There hasn't been any opportunity to see if the AgTAC works. Starting the process over again is not faster than looking at a couple of projects and seeing how everything unfolds. Joe agrees that the County is not in compliance. The proposed ordinance provides flexibility but leaves the process in place.

Joe Nicolini stated that decisions made now are a ripple effect for the future. It would be better to see how it works and revisit it again.

Nick Bokides asked if the new ordinance drafted by staff will be reviewed by the AgTAC or go straight to the Board of Supervisors and if the AgTAC would be able to comment and provide input.

Jennifer Jolley answered that staff will construct something that tries to address the needs of the committee, take the comments, and review them. Ultimately, staff makes the recommendation to the Planning Commission. There would be alternatives to agricultural mitigation and to a conservation easement, like an in-lieu fee or mitigation bank. Staff is interested in getting a qualifying entity committed to the County. Currently, there is none.

John Beckman asked if the process is like a typical ordinance that the County would create. There would be input from the policy makers but this time an added step would include the AgTAC in the process.

Zoey Merrill said that it would be likely that staff would create a proposal with the AgTAC's input and be carried forward to the Board of Supervisors, but the assessment may not necessarily be integrated in staff's proposal. The goal is to give the Board of Supervisors the most balanced set of options on a bigger scale than just looking at some word changes. The request for true policy insight and policy options is consistent with what the Board of Supervisors have told staff. It is responsive to the Board of Supervisors deciding that the study sessions are not a good use of time. Hopefully, it gives them all of the pieces to make the substantive decision. The AgTAC's input will be carried forward but staff can only carry that forward so much. AgTAC representatives were not at the Board meeting to speak some of the things that were said during AgTAC meetings. The AgTAC should consider going to the Board meetings to provide history or clarification.

Matt Arnaiz asked is there is a timeframe for getting the draft out.

Jennifer Jolley answered that a couple of projects have come through, but the applicants have been told that the County does not have a qualifying entity. The number of projects started to pick up in the last few years.

Joe Nicolini asked if it was possible for the AgTAC to meet with the Board of Supervisors.

John Beckman answered that the AgTAC asked for a study session with the Board of Supervisors but they were not interested.

Joe Nicolini was dropped from the conference call at 11:05 a.m. and reconnected at 11:08 a.m.

John Beckman asked if anyone from the AgTAC has any action item to make.

Joe Nicolini said that it seems the Board of Supervisors are putting a squeeze on staff.

Jennifer Jolley believes that the Board of Supervisors asked staff to bring options that work for them. The proper process for the AgTAC to meet with the Board of Supervisors is to meet through public hearing process.

John Beckman stated that it was the AgTAC's job to come forward with something but since it did not, the process would go about as if the AgTAC did not exist.

Zoey Merrill stated that the structure of the AgTAC led to years of in-action due to lack of a quorum which put the AgTAC at a disadvantage to meet and act. The AgTAC has not completed their task as there is still not a mitigation strategy. Even if a project did come to the AgTAC, although it would be reviewed by the AgTAC, they would not have a mitigation strategy to refer to in order to approve that project.

Joe Petersen was dropped from the conference call at 11:12 a.m. and reconnected at 11:14 a.m.

Joe Petersen referenced the memo from May 17, 2021. The number one opposition had to do with the fact that the words "in perpetuity" were removed. By putting them back in, the opposition should go away. The only discussion item remaining to be had with the Board of Supervisors is the qualifying entity. The quorum has been solved as there are now more members. If the proposal is approved, the AgTAC would be waiting to meet with developers who are trying to mitigate for the loss of agricultural land.

John Beckman asked Joe Petersen if he had a motion to make.

Joe Petersen was dropped from the conference call at 11:16 a.m. and reconnected at 11:18 a.m.

Stanton Lange joined the meeting at 11:16 a.m.

MOTION:

It was moved, seconded (Joe Petersen / John Beckman), and passed with a vote of 7-0 to:

1. Add "in perpetuity" to Section 9-1080.7(c) that it reads "The legal instrument encumbering the agricultural mitigation land shall be in perpetuity."

VOTE:

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

NOES:

ABSENT:

Joe Petersen asked if the amendment could be resubmitted to the Board of Supervisors. Staff could present their proposal at the same Board of Supervisors meeting or at the next AgTAC meeting.

Jennifer Jolley stated that staff will draft an ordinance and the AgTAC will have an opportunity to take a look at it for the next meeting. The text amendment will be circulated using standard procedure, scheduled for a Planning Commission meeting, and then scheduled for a Board meeting. The AgTAC's text amendment and staff's text amendment would be taken concurrently. The amendments would be circulated to include the opportunity for the Delta Stewardship Council and the Delta Protection Commission to review and comment during the standard review process.

John Beckman summarized that the AgTAC has an amended ordinance that will be taken alongside with staff's proposal and discussions will be had at that time.

Tom Doucette asked if that reflects what the Board of Supervisors want. Are they expected to reconcile two documents or are they expecting to see one?

Jennifer Jolley stated that the Planning Commission may make a recommendation on a preferred alternative, but both will be carried forward. Zoey was asked if that was correct.

Zoey Merrill stated that it depends on how the letter is framed for the Planning Commission. The Board of Supervisors are not expected to reconcile two documents but are expecting some policy options that meet the concerns. The Planning Commission can recommend one or both to be reviewed by the Board of Supervisors.

IV. Public Comment Period

None.

V. Adjournment

The meeting adjourned at 11:30 A.M.

VI. Next meeting: June 23, 2022

John Beckman, Chair

David W. Kwong, Secretary