



A G E N D A

**GONZALES PLANNING COMMISSION
REGULAR MEETING
CITY COUNCIL CHAMBERS – 117 FOURTH STREET
GONZALES, CA 93926
MONDAY, MARCH 13, 2023
6:00 P.M.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

1. **ROLL CALL -** Chair Gloria Velasquez, Chair Pro Tem Ernesto Mancera, Commissioner Myrna Morales, Commissioner Adrian Paco, Commissioner Tencia Vargas

PUBLIC NOTICE

This meeting is being conducted consistent with the State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. The public may participate in person or online via zoom at <https://us06web.zoom.us/j/84529005224> or call 1-1669-900-6833 and use Meeting ID: 84529005224. If you wish to make a general public comment or comment on a specific agenda item, please use the Raise Hand function. You will be allowed three minutes for your comments.

If you choose not to attend the meeting but wish to comment on a specific agenda item, please submit your comment limited to 250 words or less by noon on Monday, March 13, 2023 to the City Clerk at cityclerk@ci.gonzales.ca.us

BUSINESS FROM THE PUBLIC

2. Business from the Public not on the Agenda; any member of the Public may address the Commission for a period not to exceed three minutes on any subject not on the Agenda. The Commission will listen to all communications but may take no action.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine by the City Commission and will be adopted by one action of the Commission unless any Commission Member has a question or wishes to make a statement or discuss an item. In that event, the Chairperson will remove the item from the Consent Calendar for separate consideration.

3. Approve the Planning Commission - Regular Meeting – November 14, 2022 Minutes

Any writing or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at City Hall located at 147 Fourth Street, Gonzales, California, during normal business hours.

4. Approve the Joint City Council and Planning Commission Meeting – February 21, 2023 Minutes

REGULAR AGENDA

5. Consider Approval of Resolution No. PC2023-01, A Resolution of the Planning Commission of the City of Gonzales Recommending that the City Council Adopt an Ordinance Adding New Chapter 12.150 – Agricultural Resource Mitigation to Title 12 – Zoning Regulations, Part 5, Regulations Applying in All Districts
 - a) Staff Report
 - b) **Public Hearing**
 - c) Commission Discussion
 - d) Commission Action

Staff Recommended Action- Adopt Resolution No. PC2023-01

BUSINESS FROM PLANNING COMMISSION

6. Oral Communications

BUSINESS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

7. Oral Communication

ADJOURNMENT

In compliance with the American Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (831) 675-5000. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (CFR 35.102-35.104 ADA Title II). This is a public meeting and as such, can be seen live by people present or online and is being recorded; therefore, anything you say or do here is public information. The recordings are available online.



MINUTES

GONZALES PLANNING COMMISSION
REGULAR MEETING
MONDAY, NOVEMBER 14, 2022
6:00 P.M.

CALL TO ORDER

The meeting was called to order at 6:00 PM by Chairperson Gloria Velasquez

PLEDGE OF ALLEGIANCE

All present saluted the flag.

1. ROLL CALL

Attendee Name	Title	Status
Gloria Velasquez	Chairperson	Present
Ernesto Mancera	Chair Pro Tem	Present
Myrna Morales	Commissioner	Present
Adrian Paco	Commissioner	Present
Tencia Vargas	Commissioner	Present

STAFF PRESENT

Community Development Director Taven Kinison Brown, and Development Services Tech/Admin Analyst Alejandra Flores.

PUBLIC NOTICE

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Minutes Acceptance: Minutes of Nov 14, 2022 6:00 PM (CONSENT AGENDA)

DRAFT**UNAPPROVED**

If you choose not to attend the meeting but wish to comment on a specific agenda item, please submit your comment limited to 250 words or less by 12:00p.m. on Monday, November 14th to the City Clerk at cityclerk@ci.gonzales.ca.us <<mailto:cityclerk@ci.gonzales.ca.us>>.

BUSINESS FROM THE PUBLIC

2. Business from the Public not on the Agenda; any member of the Public may address the Commission for a period not to exceed three minutes on any subject not on the Agenda. The Commission will listen to all communications but may take no action.

There was none.

CONSENT AGENDA

3. Approve the Planning Commission - Regular Meeting – October 10th, 2022

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tencia Vargas, Commissioner
SECONDER:	Myrna Morales, Commissioner
AYES:	Vargas, Velasquez, Mancera, Morales, Paco

REGULAR AGENDA

4. Community Development Department Report - Presentation

Staff Report: Community Development Director Taven Kinison Brown presented an oral report on Community Development Department Master Tasks, that include Project Level Reviews, Program Level Items, State Reporting requirements General Operational Responsibilities, and Regional Level Activities that require department time and attention.

Public Comment: No comment came forward.

Commission Discussion: General Discussion took place.

BUSINESS FROM PLANNING COMMISSION

5. Oral Communications

Chair Gloria Velasquez pointed out that trees located on the property where the proposed Community Center Complex is to be built, are coming down and asked for an update on what is the next step.

Community Development Director Taven Kinison Brown apologized for not having an update on that project and stated that the lead department head overseeing it is the Public Works Director Patrick Dobbins.

Commissioner Tencia Vargas commented about how she is aware of the project and the removal of everything in that location and how this is affecting the lighting. She added that in the afternoons she picks up her son after school at the school gym adjacent to the

DRAFT

UNAPPROVED

property and pointed out that is now very dark, and hard to see the children walking by. She suggested the City put a spotlight, as a way to prevent an accident.

Community Development Director Taven Kinison Brown stated that he will check in with the Public Works department.

Chair Gloria Velasquez thanked the director for the presentation very enlightening.

Community Development Director Taven Kinison Brown stated that he is doing all he can and that he is one call away; everything he is doing is part of his duties and responsibilities and will always have an open door for all members of the commission.

BUSINESS FROM COMMUNITY DEVELOPMENT DIRECTOR/BUILDING OFFICIAL

- 6. Oral Communications
Nothing further to report.

ADJOURNMENT

The meeting was closed at 7:00 PM

Gloria Velasquez, Chairperson

ATTEST:

Alejandra Flores, Administrative Analyst

Minutes Acceptance: Minutes of Nov 14, 2022 6:00 PM (CONSENT AGENDA)



City of Gonzales

PLANNING COMMISSION

AGENDA
ITEM

4

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: March 13, 2023
TO: Honorable Jose Rios and Planning Commission
FROM: Taven Kinison Brown, Community Development Director
THROUGH: Trevin W. Barber, City Manager
SUBJECT: Minutes of Feb. 21, 2023 Joint Meeting

Attachments:

1. 02-21-23 CC-SA-PC Mtg MINUTES



MINUTES

JOINT MEETING OF THE GONZALES CITY COUNCIL, GONZALES SUCCESSOR AGENCY, AND PLANNING COMMISSION TUESDAY, FEBRUARY 21, 2023 6:00 P.M.

CALL TO ORDER

The meeting was called to order at 6:00 PM by Mayor Jose L. Rios.

PLEDGE OF ALLEGIANCE

The flag salute was recited by all present.

ROLL CALL - City Council/Successor Agency

Attendee Name	Title	Status
Jose L. Rios	Mayor/Chair	Present
Scott Funk	Mayor Pro Tem/Vice Chair	Present
Liz Silva	Council/Agency Member	Present
Lorraine Worthy	Council/Agency Member	Present
Maria Orozco	Council/Agency Member	Present

ROLL CALL - Planning Commission

Attendee Name	Title	Status
Gloria Velasquez	Chair	Present
Ernesto Mancera	Chair Pro Tem	Present
Myrna Morales	Commissioner	Absent
Adrian Paco	Commissioner	Present
Tencia Vargas	Commissioner	Present

YOUTH COMMISSIONERS

Absent: Sherlyn Flores and Luke Naegle.

STAFF PRESENT

City Manager Trevin Barber, City Attorney Michael F. Rodriguez, Director of Community Engagement and Strategic Partnerships Carmen Gil, Community Development Director Taven Kinison Brown, Executive Assistant to the City Manager/Deputy City Clerk Mary Villegas, Development Services Technician/Admin. Analyst Alejandra Flores, Administrative Assistant II Marisol Gomez, Public Works Director/City Engineer Patrick Dobbins, Police Chief Keith Wise, and Finance Director Mike Howard.

Successor Agency Item

PUBLIC NOTICE

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If you choose not to attend the City Council meeting but wish to make a comment on a specific agenda item, please submit your comment limited to 250 words or less by 12:00p.m. on the day of the meeting to the City Clerk at cityclerk@ci.gonzales.ca.us

JOINT ITEM WITH THE PLANNING COMMISSION

2. Water Supply Assessment - Administrative Draft: Vista Lucia Specific Plan Area

Staff Report: Community Development Director Kinison Brown presented the staff report via powerpoint presentation. He gave a project introduction, and explained the proposed project estimated water demands, estimated water demands for existing and other planned uses, water supply characterization, and sufficiency analysis.

Public Comment: Henry Martinez Sr., 112 Tenth Street, talked about doing ditches on the road like Pleasanton; and irrigation water recycling.

Council Discussion: Greg Young from Zanjero AMS Company, and City staff asked questions from the Council regarding drawing water from the aquifers; how the water estimate was measured; City's wells, and agencies in charge of the groundwater sustainability plan.

No action required. The Council and Planning Commission received the presentation and acknowledged that the Water Supply Assessment will be used to inform environmental review for the Vista Lucia Specific Plan Project and may be used as an informational foundation for other development projects under review, including the Rianda Family Cooler Project, the Puente Del Monte Specific Plan, the development of the D'Arrigo 138 acres within City limits east of Hwy 101, and future buildout of the Gonzales Agricultural Industrial Park.

Mayor Rios asked for a moment of silence in honor of brothers and community members Brian and Kirk Violini, who passed tragically last weekend.

A moment of silence was observed by all present.

ADJOURN TO REGULAR COUNCIL-SA MEETING

The Joint City Council and Planning Commission meeting was adjourned at 6:41pm.

ATTEST:

Mary Villegas, Deputy City Clerk

Attachment: 02-21-23 CC-SA-PC Mtg MINUTES (2654 : Minutes of Feb. 21, 2023 Joint Meeting)



City of Gonzales

PLANNING COMMISSION

AGENDA
ITEM

5

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: March 13, 2023

TO: Honorable Jose Rios and Planning Commission

FROM: Taven Kinison Brown, Community Development Director

THROUGH: Trevin W. Barber, City Manager

SUBJECT: Consider Approval of Resolution No. PC2023-01

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. PC2023-01, A Resolution of the Planning Commission of the City of Gonzales Recommending that the City Council Adopt an Ordinance Adding New Chapter 12.150 – Agricultural Resource Mitigation to Title 12 – Zoning Regulations, Part 5, Regulations Applying in All Districts.

BACKGROUND

In March of 2014 the City of Gonzales and the County of Monterey entered into a Memorandum of Agreement dated March 25, 2014 (“2014 MOA”) that requires that these two entities work cooperatively on common planning, growth, and development issues in the City of Gonzales. The 2014 MOA came about as the City and County were negotiating how to expand the City’s Sphere of Influence into the (county) lands east of our developed town. Broadly, when cities are able to negotiate and expand their Sphere of Influence, they can later apply through LAFCo (the Local Agency Formation Commission) to grow and expand their city limits into those sphere areas (anticipated growth areas). The LAFCO brokered incorporation process accounts for the expenses of municipal and utility and infrastructure costs that will now be borne by the city among other duties and responsibilities as it assumes responsibility for new city territories.

The 2014 MOA was signed by both parties and demonstrates basic agreements with the County regarding future planning, growth, and development issues in and around the City of Gonzales. In Section 6 of the 2014 MOA, Agricultural Land Conservation Program, the City agreed to implement an Agricultural Land Conservation Program for development of land within the City's Urban Growth Boundary/Sphere of Influence (UGB/SOI).

Several years later, approximately in 2019, the City of Gonzales gathered and convened an Agricultural Committee to advise the City Council; comprised of two City Council members, the Community Development Director, a representative for agriculture, a representative of an Agriculture conservation/preservation organization (Monterey County Agricultural Land Trust), a representative of the building industry/development community, a representative of the County Ag Commissioner's Office, and the Monterey County Third District Supervisor. City staff met with the Agricultural Committee on numerous occasions to develop the city's mitigation program and has met with the Monterey County Agricultural Land Trust, County Planners, and the Monterey County Agricultural Commission and has discussed agricultural mitigation with local development interest who wish to develop in the new city areas once they are incorporated into City limits.

City staff, with help of the Committee in August of 2022 and again in February of 2023, further refined and gave greater detail to how the City would implement an Agricultural Resource Mitigation program by drafting: "An Ordinance Of The City Council Of The City Of Gonzales Adding New Chapter 12.150 - Agricultural Resource Mitigation To Title 12 – Zoning Regulations, Part 5 Regulations Applying In All Districts.

Our present activity now is that the Gonzales Agricultural Mitigation Committee recommends that the Planning Commission consider the draft Agricultural Resource Mitigation Ordinance, (new Chapter 12.150) as agreed to in the 2014 Memorandum of Agreement with the County.

REVIEW AND ANALYSIS

The draft ordinance is organized with recitals up front (often referred to as, "the Whereases") that tell the foundation, reasoning and need for the new legislation. Following the recitals, the draft ordinance itself (new City Code) is introduced in a format very close to how it will appear in the municipal code, as below:

CHAPTER 12.150 AGRICULTURAL RESOURCE MITIGATION

- 12.150.010 - Purpose and Findings
- 12.150.020 - Title of Ordinance
- 12.150.030 - Definitions
- 12.150.040 - Mitigation Obligation
- 12.150.050 - Reserved
- 12.150.060 - Requirements for Agricultural Mitigation Easements
- 12.150.070 - Requirements for Qualified Entities
- 12.150.080 - Approval and Completion
- 12.150.090 - Miscellaneous

This draft agricultural resource mitigation ordinance represents the culmination of efforts anticipated in the City's 2010 General Plan, the 2014 MOA with the County of Monterey, staff work, and the efforts of the City of Gonzales Agricultural Advisory Committee. The commission

is encouraged to read and the draft ordinance and engage with staff, the public who may be in attendance and with each other on the dais, to determine if this draft ordinance also reflects YOUR best recommendation to the City Council. With respect to all parties and interests to date, staff will identify several of the notable features of the Ordinance below.

The draft ordinance:

- Defines relevant definitions used in the document.
- Describes when the ordinance comes into play for a development project.(Conversion of Land).
- Describes what mitigation is available to implement. (Required Mitigation: 5 options)
- Describes who is responsible for mitigation. (Development Project Applicants)
- Describes exemptions (Very Low and Low Income housing, Public Uses and City Projects)
- Describes how mitigation may be calculated, purchased in-lieu, or negotiated.
- Describes the quality and character of appropriate mitigation and proximity to the City of Gonzales.
- Describes the qualifications to be an entity trusted with agricultural mitigation and monitoring.
- Describes approval and completion of mitigation.

The Planning Commission is encouraged engage the attached Draft Ordinance in full and prepare for a motion to the City Council. Such motion could include items and recommendations coming from this review and the public hearing.

ENVIRONMENTAL REVIEW (CEQA)

A lot of environmental consideration has transpired over the course of the City's General Plan process in 2010, the negotiations with County in 2014 as embodied in the MOA and since. This ordinance is implementation at a programmatic level for impacts to agriculture, which have already had CEQA review under the 2010 General Plan EIR, and its Statement of Override, the 2014 MOU Environmental Addendum and the Sphere of Influence Amendment, and these documents are hereby incorporated and included by reference. Furthermore, none of the exceptions under CEQA Guidelines Section 15300.2 are applicable to the proposed ordinance.

Additionally, the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) on the grounds that it can be seen with certainty that the proposed Ordinance will not have a significant, adverse effect on the environment, and merely implements requirements already mandated by law. Supplementally the city further finds and determines that the proposed Ordinance is also subject to a Class 8 Categorical Exemption per CEQA Guidelines Section 15308, as it consists of actions taken by the City as a regulatory agency, as authorized and mandated by State law (and the 2014 MOU), to assure the protection of the environment through enhanced requirements for the conversion of protected agricultural resources.

CONCLUSIONS

Following a duly noticed public hearing and taking public testimony on March 13, 2023, Staff recommends that the Planning Commission adopt Resolution No. PC2023-01, A Resolution of the Planning Commission of the City of Gonzales Recommending that the City Council Adopt an Ordinance

Adding New Chapter 12.150 – Agricultural Resource Mitigation to Title 12 – Zoning Regulations, Part 5, Regulations Applying in All Districts.

Attachments:

1. Resolution No. PC2023-01 w/ Exhibit A
2. GONZALES MOA (2014)
3. PROOF OF PUBLICATION

RESOLUTION NO. PC2023-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GONZALES
RECOMMENDING THAT THE COUNCIL OF THE CITY OF GONZALES ADOPT
AN ORDINANCE ADDING NEW CHAPTER 12.150 - AGRICULTURAL RESOURCE
MITIGATION TO TITLE 12 – ZONING REGULATIONS, PART 5
REGULATIONS APPLYING IN ALL DISTRICTS**

WHEREAS, the City of Gonzales and the County of Monterey entered into a Memorandum of Agreement dated March 25, 2014 (“2014 MOA”) that requires that these two entities work cooperatively on common planning, growth, and development issues in the City of Gonzales; and

WHEREAS, the 2014 MOA was signed by both parties and demonstrates basic agreements with the County regarding future planning, growth and development issues in and around the City of Gonzales; and

WHEREAS, in **Section 6 Agricultural Land Conservation Program** of the 2014 MOA, the City agreed to implement an Agricultural Land Conservation Program for development of land within the City’s Urban Growth Boundary/Sphere of Influence (UGB/SOI); and

WHEREAS, the City of Gonzales gathered and convened an Agricultural Committee to advise the City Council; comprised of two City Council members, the Community Development Director, a representative for agriculture, a representative of an Agriculture conservation / preservation organization (Monterey County Agricultural Land Trust), a representative of the building industry/development community, a representative of the County Ag Commissioner's Office, and the Monterey County Third District Supervisor; and

WHEREAS, the City of Gonzales met with the Agricultural Committee on numerous occasions to develop the city’s mitigation program, and has met with the Monterey County Agricultural Land Trust to discuss a mutually agreeable mitigation program; and

WHEREAS, City staff, with help of the Committee in August of 2022 and again in February of 2023, further refined and gave greater detail to how the City would implement an Agricultural Resource Mitigation program by drafting: “An Ordinance Of The City Council Of The City Of Gonzales Adding New Chapter 12.150 - Agricultural Resource Mitigation To Title 12 – Zoning Regulations, Part 5 Regulations Applying In All Districts; and

WHEREAS, the Gonzales Agricultural Mitigation Committee recommends that the Planning Commission consider the draft Agricultural Resource Mitigation Ordinance, (new Chapter 12.150) as agreed to in the 2014 Memorandum of Agreement with the County, and as modified and contained herein and below; and

WHEREAS, following a duly noticed public hearing and taking public testimony on March 13, 2023, the Gonzales Planning Commission recommends that the City Council adopt this

Ordinance to implement the agreements of the 2014 MOA as contained herein and below to create an **Agricultural Land Conservation Program** for the City of Gonzales; and

WHEREAS, the City of Gonzales Planning Commission recommends that the City Council implement the agreements of the 2014 MOA to create an **Agricultural Land Conservation Program** by adding Chapter 12.150 to Title 12 – Zoning Regulations, Part 5 Regulations Applying In All Districts - Agricultural Resource Mitigation, for the City of Gonzales.

NOW THEREFORE, the Planning Commission of the City of Gonzales recommends that the City Council of the City of Gonzales ordain as follows:

SECTION 1. Recitals. The above recitals are hereby incorporated herein by reference.

SECTION 2. CEQA. The City Council finds and determines that this ordinance is implementation at a programmatic level for impacts to agriculture, which have already had CEQA review under the 2010 General Plan EIR, and its Statement of Override, the 2014 MOU Environmental Addendum and the Sphere of Influence Amendment, and these documents are hereby incorporated and included by reference. Furthermore, none of the exceptions under CEQA Guidelines Section 15300.2 are applicable to the proposed ordinance.

Additionally, the City Council finds and determines that the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) on the grounds that it can be seen with certainty that the proposed Ordinance will not have a significant, adverse effect on the environment, and merely implements requirements already mandated by State law. In the alternative, the City Council further finds and determines that the proposed Ordinance is also subject to a Class 8 Categorical Exemption per CEQA Guidelines Section 15308, as it consists of actions taken by the City as a regulatory agency, as authorized and mandated by State law (and the 2014 MOU), to assure the protection of the environment through enhanced requirements for the conversion of protected agricultural resources.

SECTION 3. Enactment. New Chapter 12.150 – “Agricultural Resource Mitigation” is hereby added to Title 12 - Zoning Regulations Part 5 Regulations Applying to All Districts, to read in its entirety as in the Attached Ordinance (Exhibit A) .

SECTION 4. Severability. If any provision(s) of the Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted the ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 5. Posting. The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council and shall cause this ordinance to be published or posted in accordance with Government Code section 36933 as required by law.

SECTION 6. Effective Date. This ordinance shall be effective thirty (30) days following its adoption.

PASSED AND ADOPTED by the Planning Commission of the City of Gonzales at a meeting held on this 13th day of March 2023 by the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

Gloria Velasquez, Chair

ATTEST:

Mary Villegas, Deputy City Clerk

Attachment: Resolution No. PC2023-01 w/ Exhibit A (2655 : Resolution No. PC2023-01)

Exhibit A

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GONZALES ADDING NEW CHAPTER 12.150 - AGRICULTURAL RESOURCE MITIGATION TO TITLE 12 – ZONING REGULATIONS, PART 5 REGULATIONS APPLYING IN ALL DISTRICTS

WHEREAS, agriculture is a crucial component of the City’s economy and cultural heritage, and the use provides numerous jobs for residents and substantial tax revenue for the City; and

WHEREAS, loss of agricultural land will result in loss of jobs and tax revenue for the City as well as impact the City’s invaluable contribution to the region, state, and national agricultural economy; and

WHEREAS, the City therefore desires to require that developers proposing to convert agricultural land to other uses must mitigate the loss of agricultural land through various means, including but not limited to the provision of permanent agricultural mitigation easements either on or offsite, the purchase of mitigation credits, and payment of in-lieu fees; and

WHEREAS, the City has the inherent police power to regulate the use of land to protect the public health, safety, and welfare of its residents pursuant to Article XI, section 7 of the Constitution of the State of California; and

WHEREAS, adoption of this Ordinance No. 2023-XX enacting new Chapter 12.150 is implementation at a programmatic level for impacts to agriculture, which have been subject to CEQA review under the 2010 General Plan EIR process, and its Statement of Override, the 2014 MOA with the County of Monterey regarding a Sphere of Influence Amendment that included an Addendum to the 2010 General Plan EIR, and these documents are hereby incorporated and included by reference. Furthermore, none of the exceptions under CEQA Guidelines Section 15300.2 are applicable to the proposed ordinance.

WHEREAS, adoption of this Ordinance No. 2023-XX enacting new Chapter 12.150 is also exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) on the grounds that it can be seen with certainty that the proposed Ordinance will not have a significant, adverse effect on the environment, and supplementally the proposed Ordinance is also subject to a Class 8 Categorical Exemption per CEQA Guidelines Section 15308, as it consists of actions taken by the City as a regulatory agency, as authorized and mandated by State law (and the 2014 MOA), to assure the protection of the environment through enhanced requirements for the conversion of protected agricultural resources.

File name:

Exhibit A

NOW, BE IT ORDAINED by the City Council of the City of Gonzales, as follows:

SECTION 1: The foregoing findings are true and correct and are incorporated herein.

SECTION 2: This Ordinance No. 2023-XX shall take effect and be in force 30 days from the date of its passage, and before the expiration of 15 days after its passage, it or a summary of it shall be published in a newspaper of general circulation.

SECTION 3: New Chapter 12.150 -Agricultural Resource Mitigation shall be added to the Gonzales City Municipal Code Title 12- Zoning Regulations as follows:

CHAPTER 12.150 AGRICULTURAL RESOURCE MITIGATION

12.150.010 - Purpose and Findings

12.150.020 - Title of Ordinance

12.150.030 - Definitions

12.150.040 - Mitigation Obligation

12.150.050 - Reserved

12.150.060 - Requirements for Agricultural Mitigation Easements

12.150.070 - Requirements for Qualified Entities

12.150.080 - Approval and Completion

12.150.090 - Miscellaneous

12.150.010 PURPOSE AND FINDINGS.

- A. This chapter is adopted under the City's police power to regulate the use of land to protect and promote the public health, safety, and welfare of its residents, as recognized by Article XI, Section 7 of the California Constitution.
- B. Agriculture is a crucial component of the City's economy and cultural heritage. Agriculture provides numerous jobs for City residents and substantial tax revenue for the City.
- C. Agricultural lands within and adjacent to the City contribute to our national food security and are an essential foundation of the City's agricultural economy.
- D. Most of the non-urbanized soils within the Gonzales Planning Area are classified as "prime" based on the State Department of Conservation's Important Farmlands Inventory and as "Class I" or "Class II" based on the SCS Land Capability System. These classifications are based on a variety of factors, such as drainage, salinity, slope, thickness, permeability, and susceptibility to erosion. Those local soils not classified as prime are classified as "soils of statewide significance." In Gonzales, the yields per acre are comparable on both the prime soils and the soils of statewide significance. (*City of Gonzales General Plan Conservation and Open Space Section, January 2011*)

File name:

Exhibit A

- E. Requiring agricultural conservation easements over an equal area of comparable agricultural land to compensate for those that are to be developed, provides protection for the stock of agricultural land.
- F. New development also benefits from the conservation of agricultural land that supports the overall economy and culture of the City.
- G. As the City must balance the need for agricultural land conservation with other public goals, prohibiting the conversion of agricultural land in some circumstances will not be in the best interest of the people of the City . An overriding consideration in balancing other public goals may include the City’s needs to facilitate housing, commercial, industrial, and infrastructure development, and habitat restoration.
- H. To balance these competing public purposes, the City Council has determined that it is in the best interest of the people of the City to allow some conversion of agricultural land to proceed, but to also require that such conversion be accompanied by mitigation that provides increased protection for other, comparable agricultural land proximate to the City. This chapter mandates that mitigation.
- I. Policy COS 4.2 of the City of Gonzales General Plan - *Agricultural Easements*, includes Implementing Action COS-4.2.1. Require new development to contribute to the cost of purchase of permanent agricultural easements beyond the permanent agricultural edges identified in the Land Use Diagram.
- J. Policy COS 4.3 of the City of Gonzales General Plan – *No Urbanization Outside of Growth Area*, includes Implementing Action COS-4.3.3 – *Agricultural Impact Fund*. Establish an agricultural impact mitigation fund structured to purchase agricultural easements on lands shown on the Land Use Diagram as adjacent to but outside the General Plan Growth Area boundary.
- K. In some circumstances, it may be appropriate to implement a method of mitigation other than directly obtaining agricultural conservation easements over comparable agricultural land or paying in-lieu fees, if the alternative method of mitigation would provide a comparable mitigation benefit. This chapter accordingly provides development applicants alternatives.
- L. This chapter is further intended to foster coordination and cooperation by the City with the County of Monterey as embodied in the March 25, 2014 Memorandum of Agreement (2014 MOA) that requires that these two entities to work cooperatively on common planning, growth, and development issues in the City .
- M. The 2014 MOA was signed by both parties and demonstrates basic agreements with the County regarding future planning, growth and development issues in and around the City.
- N. The 2014 MOA demonstrated agreement along eight (8) major principles in several sections, including *Section 6 - Agricultural Land Conservation Program*.

File name:

Exhibit A

- O. In *Section 6 Agricultural Land Conservation Program* of the 2014 MOA, the City agreed to implement an Agricultural Land Conservation Program for development of land within the City’s Urban Growth Boundary/Sphere of Influence (UGB/SOI).
- P. This Chapter satisfies components of the City’s Agricultural Land Conservation Program.

12.150.020 TITLE OF ORDINANCE.

This chapter shall be entitled “Chapter 12.150 Agricultural Resource Mitigation.” References herein to “ordinance” shall refer to this chapter.

12.150.030 DEFINITIONS.

- A. **Development Project or Discretionary Land Use Approval** means any project requiring a discretionary land use permit from the City including but not limited to a subdivision, conditional use permit, design review permit, or sign permit.
- B. **Permanent Agricultural Edge** means the area depicted in the Gonzales 2010 General Plan at page II-47 which the City intends to permanently protect for agricultural use.
- C. **Agricultural Mitigation Easement.** A perpetual easement or servitude, comparable to a conservation easement, as provided for in sections 815 to 816 of the Civil Code, or an open space easement, provided for in sections 51070 to 51097 of the Government Code, limiting the use of the encumbered land to agricultural and accessory uses, which easement or servitude is used to satisfy the mitigation obligation imposed by this chapter.
- D. **Agricultural Land.** Land that is either currently in agricultural use or substantially undeveloped and capable of agricultural use.
- E. **Agricultural Use.** Use of land to produce and process food, fiber, or livestock for commercial purposes. For purposes of this chapter, farm worker housing is considered an agricultural use in keeping with state law.
- F. **Conversion** means conversion of agricultural land to a non-agricultural use. Conversion includes but is not limited to: “rough” and formal grading for development for non-agricultural uses including the installation of roads anticipated for new development, the installation of utility structures and conveyances, the preparation of building pads and supporting infrastructure systems, and the removal of soil cover or the contamination of those soils. Conversion to a non-agricultural use includes those activities and uses that will result in the physical inability to farm the protected soils of the property.
- G. **Qualified entity.** An entity qualified to hold agricultural conservation easements in compliance with this chapter, including but not limited to an agricultural land trust, which entity has been approved by the City Council concurrently with approval of a

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development project's agricultural mitigation required by this Chapter or which has been approved by the City Council for a different development project in the past five years. A qualified entity must demonstrate sufficient background and experience in holding and maintaining agricultural or other conservation easements.

12.150.040 MITIGATION OBLIGATION

A. Conversion of land requiring mitigation.

The City shall require agricultural mitigation as a condition of approval of any development project or discretionary land use approval that proposes conversion of agricultural land to a non-agricultural use, regardless of the land use designation or zoning applicable to the land.

Temporary uses of agricultural land. The need for agricultural mitigation for temporary uses of agricultural land will be considered by the City of Gonzales on a case by case basis. Such uses may include the parking of vehicles, trailers, equipment, baker tanks, rigs, and other accessory activities in general support of farming practices, or special events as may be approved by the City. In determining the need for mitigation, the City will consider whether the proposed temporary use allows for the timely, purposeful and deliberate return of the property to its farmland utility.

B. Required Mitigation.

Where agricultural mitigation is required pursuant to subsections A and B above, the following mitigations shall be available to a project applicant, subject to final approval by the City:

1. **Offer on-site Agricultural Mitigation Easements.** Agricultural Mitigation Easements may be offered on the development project site consistent with the requirements of section 12.150.060 below.
2. **Purchase and/or otherwise provide Agricultural Mitigation Easements offsite.** Agricultural Mitigation Easements may be offered at a location other than the development project site consistent with the requirements of section 12.150.060 below.
3. **Purchase agricultural banked mitigation credits.** A development project can purchase agricultural mitigation credits from a qualified entity or the City, if available. Purchased credits must ensure that the amount of land preserved via the credit (in acres) is equivalent to the amount of land converted by the development project.
4. **Pay a fee in-lieu of preserving agricultural land.** A development project may pay a fee to the City in an amount equivalent to the cost to provide and maintain an agricultural mitigation easement in perpetuity. This amount shall be verified

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through appropriate independent City appraisal funded by the development project. In-lieu fees for agricultural mitigation will be updated with other City Impact Fees and schedules and kept current on a regular basis by the City. In lieu fees will be collected and deposited into the **Agricultural Impact Mitigation Fund**. Fees in-lieu will be collected by the City and used for city-sponsored programs in support of agriculture.

5. **Implement another approach as approved by the City.** A development project may propose another approach to be approved by the City Council, or combination of the above options, that:
 - i. Results in the preservation of the same acreage of agricultural land that is converted which is proximate to the City of Gonzales, or
 - ii. Includes agricultural mitigation easements in the Permanent Agricultural Edge.

C. Development Projects Responsible for Compliance.

Development project applicants must comply with this Chapter. It is the development project's responsibility to secure agricultural mitigation pursuant to this Chapter, and/or to pay fees in-lieu that satisfy the requirements of this Chapter.

Nothing in this chapter shall be construed to compel a development project to convey to the City or to a qualified entity an agricultural conservation easement on property owned by the applicant.

D. Exemptions.

1. **Affordable Housing.** The City Council shall exempt from the requirements to mitigate the conversion of prime farmland those specific land areas reserved to house persons of Very-Low Income (< 50% of AMI) and Low Income (50-80% of AMI).
2. **Land converted for public uses.** Agricultural land converted for the following public uses are exempt from the mitigation obligation imposed by this chapter: schools, public parks or public recreational facilities, permanent natural open space, trails and developed open spaces that are open to the public. (Fenced detention or retention basins are not exempt).
3. **City projects.** City projects and City-initiated zoning and/or General Plan amendments are exempt from the mitigation obligation imposed by this chapter.

E. Excess mitigation and credits.

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1. At its sole option, an applicant may choose to arrange for the imposition of an agricultural conservation easement on a larger area of land than the area of land proposed for conversion and thereby generate a mitigation credit equal to the excess net acreage encumbered with the easement.
2. Any excess area encumbered with the agricultural conservation easement shall fully comply with all requirements of this chapter and shall be comparable to the land proposed for conversion to the same degree as the portion of the land offered to satisfy the mitigation obligation in sections 12.150.040(A) and (B).
3. Mitigation credits created under this section 12.150.040(F) may be conveyed and used as provided in section 12.150.040(C)(3).
4. The City's Community Development Director shall maintain a ledger indicating the amount of credits created under this section, the holder of those credits, the administrative fees paid by the creator of the credits attributable to the mitigation land covered by the credits, and any subsequent transactions involving those credits.

12.150.050 - RESERVED.

12.150.060 - REQUIREMENTS FOR AGRICULTURAL MITIGATION EASEMENTS

- A. Agricultural mitigation easements shall be held in perpetuity by a qualified entity, as defined in this chapter.
- B. Per the 2014 MOA with the County of Monterey, priority areas for the establishment of agricultural mitigation easements to perfect the **Permanent Agricultural Edge**, including those eight (8) properties depicted in the Gonzales 2010 General Plan at page II-47.
- C. Agricultural mitigation easements shall be comprised of the type and quality of soil comparable to the agricultural land converted and shall consist of the same acreage of land converted.
- D. The City shall not approve proposed agricultural mitigation easements unless it finds that the easements comply with each of the following requirements:
 1. **Location.** Either:
 - a. The agricultural mitigation easement is located within the Planning Area of the City as shown in Land Use maps of the City's General Plan as may be amended from time to time; or

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- b. The agricultural mitigation easement is within five (5) miles of the City’s boundary, and the applicant has demonstrated that the mitigation land contributes to the City’s agricultural economy.
2. **Existing interests and encumbrances.** The agricultural mitigation easement is not already subject to an encumbrance or interest that would legally or practicably prevent converting the land, in whole or in part, to a nonagricultural use, such as a conservation easement, open space easement, flowage easement, avigation easement, long term agricultural lease, profit, or an interest in the subsurface estate that would preclude development of the surface estate. A contract entered pursuant to the Land Conservation Act, Government Code section 51200 et seq (Williamson Act) shall not constitute an encumbrance for purposes of this section.
 3. **Public ownership.** The mitigation land is not owned by any public agency.
 4. **Activity Specified.** The type of agricultural related activity allowed on the agricultural mitigation easement is specified in the easement, and the easement prohibits land uses or activities that substantially impair or diminish the agricultural productive capacity of the land.
 5. **Declaration of Mitigation Intent.** The agricultural mitigation easement declares that it is intended to satisfy the mitigation obligation imposed by this chapter and that it is subject to the requirements set forth in this chapter.
 6. **Runs with the land.** The agricultural mitigation easement must run with the land and bind successor owners of the land in perpetuity. The agricultural mitigation easement must also provide that if the qualified entity holding the easement ceases to exist, ownership of the easement shall pass to another qualified entity, or if no other qualified entity is available, to the City.
- E. **Amendments to Agricultural Mitigation Easements.** After the City has approved an agricultural mitigation easement, the easement shall not be amended without further approval by the City Council and compliance with any approval requirements imposed by the Attorney General of the State of California for the amendment.
- F. **Extinguishment.** If a court issues a judgment declaring that the purposes of this chapter can no longer be fulfilled by enforcement of an agricultural mitigation easement, the qualified entity holding that easement may extinguish the easement by selling it to the fee owner of the mitigation land, if (a) the action was contested, and the judgment was not entered pursuant to stipulation, or (b) the City of Gonzales was a party to the action and stipulated to the judgment. In the event of such a sale, the qualified entity shall use the proceeds of sale to acquire an agricultural conservation easement or other mitigation land in compliance with this chapter.

12.150.070 - REQUIREMENTS FOR QUALIFIED ENTITIES

File name:

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- A. To be considered a qualified entity, an entity must (a) be a nonprofit public benefit corporation operating within the County of Monterey that is qualified to hold conservation easements under section 815.3 of the Civil Code and in compliance with the requirements of section 65965 et seq. of the Government Code, and (b) be approved by the City for the purpose of holding and managing agricultural conservation easements.
- A. **Approval criteria.** In considering whether to approve an entity as a qualified entity, the City shall consider the following criteria:
1. Whether the entity's principal purpose includes holding and administering easements for the purposes of conserving and maintaining lands in agricultural production; and
 2. Whether the entity has an established record of holding and administering easements for the purposes of conserving and maintaining lands in agricultural production; and
 3. The extent and duration of the entity's involvement in agricultural land conservation within the County of Monterey; and
 4. Whether the entity has been accredited by the Land Trust Accreditation Commission; and
 5. Whether the entity is a member in good standing of an established and widely recognized California statewide association of land trusts.

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- B. Although the City may hold agricultural conservation easements, it is the intent of the City to transfer most, if not all, of the easements that are received under this chapter to a qualified entity for monitoring, management, and enforcement.
- C. No qualified entity shall sell, lease, hypothecate, or encumber any interest in any agricultural mitigation easement within the Sphere of Influence of the City without the prior approval of the City Council.
- D. **Termination of qualified entity.** If a qualified entity intends or reasonably expects to cease operations, it shall assign any agricultural conservation easements it holds to another qualified entity or to the City .
- E. **Monitoring and enforcement.** The qualified entity shall monitor the use of all mitigation land subject to agricultural conservation easements held by the entity and enforce compliance with the terms of those agricultural conservation easements.
- F. **Reporting.** On or before December 31 of each year after a qualified entity is approved by the City Council, the entity shall provide to the City of Gonzales Community Development Director an annual report describing the activities undertaken by the entity under this chapter. That report shall describe the status of the mitigation land and/or agricultural conservation easements held by the entity, including a summary of all action taken to enforce its agricultural conservation easements, and an accounting of the use of administrative and in-lieu fees remitted to it by the City.

12.150.080 APPROVAL AND COMPLETION

- A. All mitigation proposed by an applicant to comply with this chapter shall be reviewed by the Planning Commission for consistency with the terms and purposes of this chapter. The Planning Commission shall recommend approval, conditional approval, or disapproval to the City Council. The Planning Commission shall not recommend approval of the proposed mitigation unless it finds that mitigation to be consistent with the requirements for mitigation land and agricultural conservation easements set forth in 12.150.060.
- B. The City Council shall consider the Planning Commission's recommendation and shall either approve, conditionally approve, or disapprove the proposed mitigation.
- C. The City shall not issue any permit or other approval for any project involving a conversion subject to the mitigation obligation under this chapter unless the City Council has previously approved proposed mitigation in compliance with this chapter.
- D. Completion of mitigation.
 - 1. The applicant for conversion must complete all required mitigation prior to initiating any activity resulting in interference with agricultural practices on the property subject to conversion. The City shall not issue any building, grading, or encroachment permits until mitigation has been completed.

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- 2. Mitigation shall be deemed complete when the approved agricultural mitigation easement has been recorded and the applicant has paid the required administrative fee. However, if the applicant elects to seek approval of an alternative mitigation option, mitigation shall be deemed complete when the City provides the applicant with a letter indicating that mitigation is complete.

12.150.090 MISCELLANEOUS

- A. The provisions of this chapter shall not be applicable to the extent, but only to the extent, that their application would violate the constitution or laws of the United States or of the State of California. The City shall apply the chapter to avoid such unconstitutionality or illegality.
- B. If any portion of this chapter is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter. The City Council declares that it would have enacted this chapter and each section, subsection, paragraph, sentence, clause, or phrase thereof even if a portion of the chapter were declared unconstitutional.
- C. Nothing in this chapter shall be construed to abridge or narrow the City’s police power. The City retains its full power and discretion to deny a proposed conversion on the basis that the proposed conversion is inconsistent with the public health, safety, or welfare because of the loss of agricultural land or otherwise.

SECTION 4: Adoption of this Ordinance No. 2023-XX enacting new Chapter 12.150 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) on the grounds that it can be seen with certainty that the proposed Ordinance will not have a significant, adverse effect on the environment, and supplementally the proposed Ordinance is also subject to a Class 8 Categorical Exemption per CEQA Guidelines Section 15308, as it consists of actions taken by the City as a regulatory agency, as authorized and mandated by State law (and the 2014 MOA), to assure the protection of the environment through enhanced requirements for the conversion of protected agricultural resources.

SECTION 5: Sections 1, 2, 4, and 5 of this Ordinance No. 2023-XX shall not be codified in the Gonzales Municipal Code. Section 3 shall be codified.

Passed, approved, and adopted by the City Council of the City of Gonzales on this _____ day of _____ by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

 Jose L. Rios, The Honorable Mayor

File name:

Exhibit A

ATTEST:

Mary Villegas, Deputy City Clerk

Attachment: Resolution No. PC2023-01 w/ Exhibit A (2655 : Resolution No. PC2023-01)

File name:

Memorandum of Agreement between the City of Gonzales and County of Monterey Regarding
Cooperation on Planning, Growth, and Development Issues

Link:

https://cityofgonzales1-my.sharepoint.com/:b:/g/personal/aflores_ci_gonzales_ca_us/EXTlc8skC5VKtl-JvV2MbKcBqPRwIVpeDIY9Jf9c2PucMA?e=K3IUOo

PROOF OF PUBLICATION

STATE OF CALIFORNIA
County of Monterey

This space is for the county clerk's filing stamp

I am a citizen of the United States and a Resident of the County aforesaid: I am Over the age of eighteen years and not a Party to or interested in the above-Entitled matter. I am the principal clerk of the printer of The King City Rustler, Greenfield News, Soledad Bee, and Gonzales Tribune (Salinas Valley Tribune) newspapers of general Circulation by The Superior Court of the County of Monterey, State of California: that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspapers and not in any supplement thereof on the following dates, to wit:

Notice of Public Hearing

Date: 3/1/2023

I certify (or declare) under penalty of perjury that the forgoing is true and correct.

Executed on: 3/1/2023

At King City, California

Alicia Trujillo
Alicia Trujillo, Office Manager

No:

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Gonzales will conduct a Public Hearing on Monday, March 13, 2023, at 6:00 pm in the Council Chambers, 117 Fourth Street, Gonzales, California, to consider the item referenced below.
RESOLUTION NO. PC 2023-XX, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GONZALES RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADDING NEW CHAPTER 12.150 - AGRICULTURAL RESOURCE MITIGATION TO TITLE 12 - ZONING

REGULATIONS, PART 5, REGULATIONS APPLYING IN ALL DISTRICTS
The purpose of this ordinance is to establish requirements that will serve to protect agricultural land in the City by creating mitigation measures applicable in all City Zoning Districts that offset the loss of agricultural land resulting from new development. Proposed mitigation will allow several equal-weighted approaches to provide for mitigation, such as providing for agricultural easements on comparable properties, providing for selected agricultural easements adjacent to the City's northern, western, and southern boundaries.

paying fees in-lieu, or other innovative approaches as may be approved by the City. The draft ordinance has been reviewed and recommended for adoption by the City of Gonzales's Agricultural Advisory Committee. The Planning Commission will be asked on Monday, March 13, 2023, to forward a recommendation for adoption to the City Council of the City of Gonzales, at their regularly scheduled April 3, 2023 meeting. All documents prepared for the above-described actions are available for review in the offices of the City Clerk, 147 Fourth Street, Gonzales, CA; between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Persons interested should appear at the above Public Hearing in order to make their comments known. Persons who are unable to attend may direct their written comments to the City Clerk. Should you be unable to attend the meeting, you may direct written comments to Taven M. Kinison Brown, Community Development Director, P.O. Box 647 / 147 Fourth St, Gonzales, CA 93926, or by e-mail at tkinisonbrown@

ci.gonzales.ca.us
En caso de que usted necesite ayuda en leer o en entender este aviso de audiencia pública, usted puede ponerse en contacto con la oficina del Edificio Municipal en 147 Fourth Street o llamar al número (831) 675-5000, y el aviso será traducido para usted.
Dated at Gonzales, California, this 24th day of February 2023
/s/ Taven M. Kinison Brown, Community Development Director
2339 - PUB 3/1/2023

Attachment: PROOF OF PUBLICATION (2655 : Resolution No. PC2023-01)