

Referendum Against Resolution 98-071 Passed by the

Board of Supervisors

The complete text of Resolution No. 98-071 is as follows:

BEFORE THE BOARD OF SUPERVISORS IN AND FOR THE  
County of Monterey, State of California

Resolution No. 98-071

Resolution to 1) Approve the proposed General Plan )  
Amendment from "Farmlands, 40 acre Minimum" and )  
"Public/Quasi-Public" to "High Density Residential, 14 )  
Units Per Acre: "High Density Residential, 7 Units per )  
Acre", "Public/Quasi-Public" and "Light Commercial" )  
for the Rancho Chualar 11 Combined Development )  
Permit (SH95002), Chualar area.

The Board of Supervisors of Monterey County resolves as follows:

Section 1. The Board of Supervisors finds:

FINDINGS OF FACT

Findings of Fact for Approval of General Plan Amendment and  
Reclassification

- I FINDING: The proposed Amendment would amend the Central Salinas Valley Area Plan from "Farmlands, 40 Acre Minimum" and "Public/Quasi-Public" to "High Density Residential, 14 Units per Acre". "High Density Residential, 7 Units per Acre", "Public/Quasi-Public" and "Commercial"; and would Reclassify the subject property from "F/40" (Farmlands, 40 Acre Minimum) and "PQP" (Public/Quasi-Public) to "HDR/14" (High Density Residential, 14 Units per Acre), "HDR/T" (High Density Residential, 7 Units per Acre), "PQP" (Public/Quasi-Public) and "LC" (Light Commercial).
- EVIDENCE: Project file SH 95002, EIR file 95002, administrative record, application materials, record of hearings.
2. FINDING: The General Plan Amendment and Rezoning are consistent with the Housing Element of the Monterey County General Plan and the Central 4. Salinas Valley Area Plan in the following critical respects:
- a. The creation of housing is a priority in Monterey County with a specific emphasis on low cost housing". (Housing Elements page x)
  - b. In comparison with other areas of the state, Monterey County has a higher percentage of large households, causing a need for continued production of large affordable homes. (Housing Element, page 3). Moreover, the number of housing units available to farmworkers has sharply declined in the unincorporated area. (Housing Element, page 13)
  - c. Under the Housing Element, Monterey County set a goal to provide 5,692 new affordable housings units by July 1, 1996. (Housing Element, Table 22). Many of these housing units, however, have not been built.
  - d. In adopting the Housing Element, the County identified undeveloped areas of the County which could accommodate low/moderate income housing. In 1992, most of the incorporated areas of the

County had already been developed, so the County attempted to identify additional areas which could be developed. Chualar was identified as one of only five areas in the County where higher density development could be allowed. In 1992 Chualar was planned to accommodate approximately 200 units.

- e. In its five identified Development Incentive Zones (DIZ), of which Chualar is one, the County has approved to date only 160 affordable homes, thereby meeting only 2 1% of its stated goal after five years.
- f. Improvements in the housing situation require a number of local initiatives. The County needs to increase the supply of new homes to meet the demands of first time home buyers. Housing production is boosted by removing unnecessary obstacles to housing developers and by focusing development and County resources in target areas. Chualar is one such target area. (Housing Element, page 104).
- g. The County has a commitment to helping lower income households and people who have suffered housing discrimination. Special needs groups include people within the society that are at a disadvantage in obtaining housing. These groups include large households, [and] farmworker households."(Housing Element, page 23).
- h. Rancho Chualar II will deed-restrict 25% of its homes under the County's Inclusion Housing Ordinance. This will provide more than 200 affordable homes to Chualar.
- i The Housing Element describes the incentives for affordable housing 5.
- h. Rancho Chualar 11 will deed-restrict 25% of its homes under the

County's Inclusion Housing Ordinance. This will provide more than 200 affordable homes to Chualar.

- I. The Housing Element describes the incentives for affordable housing

developers. Under the Housing Element, "the County shall continue to provide incentives to developers of low and moderate income housing. Incentives may include density bonuses, waiver of land or fees required for public purposes, waiver from environmental and facility limitations, flexibility of development standards, issuance of assessment district and improvement district bonds for infrastructure improvements, use of publicly generated funds to reduce development costs, and any other incentive specified by the existing Inclusionary Housing Ordinance." (Housing Element, page 113).

- j. The Housing Element describes the Development Incentives

Program for Affordable Housing as a means of encouraging developers to build affordable housing by lowering development costs." (Housing Element, page 113).

EVIDENCE: Project file SH 95002, EIR file 95002, administrative record, application materials, record of hearings.

- 3. FINDING: The proposed Amendment and Reclassification would be consistent with the Monterey County General Plan and the Central Salinas Valley Area Plan in the following respects:

- a. The Central Salinas Valley Area Plan (CSVAP) states, "The existing conditions regarding overcrowding and vacancy rates indicate that a housing shortage exists in Central Salinas Valley." (CSVAP, page 77).

b. The Central Salinas Valley Area Plan identifies Chualar as an "unincorporated urban center." (page 2) and an "unincorporated community .... wherein the County may be able to stimulate affordable housing projects for the County's lower income households" (page 77). The general plan amendment and rezoning will allow for additional affordable housing in the Chualar area.

C. CSVAP policy 26.1.13.1 states that "development of any kind on the Broome property in Chualar, APN 145-011 -08," shall require certain conditions placed on a development on this property. One of the conditions referred to in Policy 26.1.13.1 involves placing 'a permanent agricultural conservation easement ... on all farmland adjoining any developed property" on APN 145-011-09. Another condition involves placing "a permanent, open space easement.. . along the entire eastern and southern boundaries of any developed property" to create a buffer between the residential and agricultural uses.

Policy 26.1.13.1, however, does not limit or define the area of "development" or "developed property" on the Broome property.

The only reference is to development on APN 145-011-08.

Since the Broome property (APN 145-011-08) contains over 540 acres and the location of "developed property" is not defined in Policy 26.1.13. 1, the County can proceed with an application which will allow the County to define the area of "development" on the Broome property, in light of other pressing and competing needs such as affordable housing.

EVIDENCE: Project file SH 95002, EIR file 95002, administrative record, application materials, record of hearings.

FINDING: The proposed Amendment and Reclassification would be consistent with the Housing Element of the Monterey County General Plan and the Central Salinas Valley Area Plan in that it would enhance the goals and policies of the Inclusionary Housing Ordinance:

- a. A decent home and a suitable living environment for all is a priority of the highest order; this priority confirms with State and Federal policies. The goal of the county is to achieve a balanced community with housing available for persons of all economic levels, with priority given to those persons currently residing within the county.
- b. There is an inadequate supply of housing in Monterey County which is affordable to low and moderate income households. Federal and State housing finance and subsidy programs are not sufficient in themselves to meet that need.
- c. The cost of housing in new developments has increased and will continue to perpetuate this housing shortage. Further, land for residential development in the county is limited, and the amount of land which can be used for development of housing for low and moderate income households is being depleted by development of high cost housing.
- d. The provision of housing affordable to low and moderate income households is a countywide responsibility, and the provision for such housing is a goal of the Housing Element of the County General Plan.
- e. The housing shortage for persons of low and moderate income is detrimental to the public health, safety and welfare, and particularly

the provision of low and moderate income housing is fundamental to maintenance of an adequate, growing workforce and market place for the local economy. (18.40.0203)

- f. The County adopted its Housing Element and enacted the Inclusionary Housing Ordinance with the intention that it be carried out. If the County does not amend its general plan land use designations to provide for affordable housing projects, it cannot meet its affordable housing goals. Rancho Chualar II presents a significant opportunity for the County to further its objective of providing the affordable housing it desperately needs.

EVIDENCE: Project file SH 95002, EIR Me 9500Z administrative record, application materials, record of hearings.

FINDING- The proposed Amendment and Reclassification would be consistent with the Monterey County General Plan and the Central Salinas Valley Area Plan in the following respects:

- a. The General Plan Amendment and Rezoning are consistent with Monterey County *General Plan* policy 30.0. 1. The Central SAW Valley Area Plan (CSVAP) states, "The existing conditions regarding overcrowding and vacancy rates indicate that a housing shortage exists in Central Salinas Valley". The Central Salinas Valley Area Plan identifies Chualar as an "unincorporated urban center." (page 2) and an "unincorporated community wherein the County may be able to stimulate affordable housing projects for the County's lower income households" (page 77). The general plan amendment and rezoning will allow for additional affordable housing in the Chualar area. The General Plan is broader than the Central Salinas Valley Area Plan (CSVAP). The specific governs the general. The CSVAP states that affordable housing should be promoted in Chualar. Chualar is surrounded by agricultural land.

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The land proposed for this general plan amendment and rezoning is not prime agricultural land. The report prepared by Ronald Hoppes, soils indicates this is not prime agricultural land with a Storie Index rating of 77; the USDA affirmed Mr. Hoppes analysis; Mr. Nutters memo reviewing Mr. Hoppes' report acknowledges that the land is less than prime; the Agricultural Cooperative-Extension acknowledges that Mr. Hoppes findings are thorough and scientifically sound; the letters and declaration from Floyd Griffin, who farms the land, states this is "relatively poor/marginal farming ground" and is "difficult to farm". The Agricultural Capability Report for the Rancho Chualar If site prepared by Fellows dated June 24, 1995 states the tenants farming the ranch, consider the top bench area to be relatively poor/marginal farming ground; using 401/9 more irrigated water because the soil requires a five day irrigation schedule rather than the typical nine day rotation; and costing an additional cost of \$40-\$60 per acre in fertilizer and \$80-125 per crop for added lime to farm this area. The area is less productive than the adjacent lower bench area as well as below the average production reported for Monterey County.

Use of lesser valued agricultural land is appropriate and consistent with the County's overall goals and policies which must provide a balance between protecting the most valuable agricultural land

for agricultural use and providing much needed housing as well as the fact that overall agricultural land in Monterey County has increased by 51,545 acres over the past 35 years.

b. The General Plan Amendment and Rezoning are consistent with Monterey

County General Plan Policy 30.0.2

A buffer will be provided between the residential uses and the adjoining agricultural uses. There is a significant drop in elevation of approximately 30-40 feet between the proposed residential area and the agricultural land to the south. This drop in elevation adds an additional natural buffer to reduce the level of conflict between residential and agricultural uses. Also the prevailing wind in the valley is from the north. This too will lessen UK level of conflict with the agricultural land on the south. Floyd Griffin, the farmer farming the Broome Ranch, states he has had no conflicts with the neighboring Rancho Chualar I and that a residential use next to his farming operation will not interfere with his operation.

C. The General Plan Amendment and Rezoning are consistent with Monterey

County General Plan Policy 30.0.3

A buffer will be provided between the adjacent agricultural land and the proposed housing to reduce the potential conflict between housing and the remaining agricultural uses. There is a significant drop in elevation of approximately 30-40 feet between the proposed residential area and the agricultural land to the south. This drop in elevation adds an additional natural buffer to reduce the level of conflict between residential and agricultural use. Also the

prevailing wind in the valley is from the north. This too will lessen the level of conflict with the agricultural land on the south. Floyd Griffin, the farmer farming the Broome Ranch, states he has had no conflicts with the neighboring Rancho Chualar I and that a residential use next to his farming operation will not interfere with his operation. Additionally, the proposed project will serve the need of low/moderate income housing, much of which will be occupied by agricultural workers, as was seen with the Rancho Chualar I project where approximately 90% of the units are occupied by agricultural workers. The conversion of the site from less productive farmland to low/moderate housing uses serving agricultural workers is consistent with this policy.

d. The General Plan Amendment and Rezoning are consistent with Monterey

County General Plan Policy 30.0.4.

The Central Salinas Valley Area Plan (CSVAP) states, "The existing conditions regarding overcrowding and vacancy rates indicate that a housing shortage exists in Central Salinas Valley" and that "[t]he unincorporated communities of Chualar and San Lucas are two areas wherein the County may be able to stimulate affordable housing projects for the Planning Area's lower income households. The General Plan is broader than the Central Salinas Valley Area Plan (CSVAP). The specific governs the general. The CSVAP states that affordable housing should be promoted in Chualar. Chualar is surrounded by agricultural land.

The land proposed for this general plan amendment and rezoning is not prime agricultural land. The report prepared by Ronald Hoppes, soils scientist, indicates this is Dot prime agricultural land with a Storie Index rating of 77; the USDA affirmed Mr. Hoppes analysis; Mr. Nutter's memo reviewing Mr. Hoppes' report acknowledges that the land is less than prime; the Agricultural Cooperative-Extension acknowledges that Mr. Hoppes findings are thorough and scientifically sound; the letters and declaration from Floyd Griffin, who farms the land, states **this** is "relatively poor/marginal farming ground" and is "difficult to farm". The Agricultural Capability Report for the Rancho Chualar II site prepared by Fellows dated June 24, 1995 states the tenants farming the ranch, consider the top bench area to be relatively poor/marginal farming ground, using 40% more irrigated water because the soil requires a five day irrigation schedule rather than the typical nine day rotation; and costing an additional cost of \$40-\$60 per acre in fertilizer and \$80-125 per crop for

added lime to farm this area. The area is less productive than the adjacent lower bench area as well as below the average production reported for Monterey County

Use of lesser valued agricultural land is appropriate and consistent with the County's overall goals and policies which must provide a balance between protecting the most valuable agricultural land for agricultural use and providing much needed housing as well as the fact that overall agricultural land in Monterey County has increased by 51,545 acres over the past 35 years.

C. The General Plan Amendment and Rezoning are consistent with Monterey

County General Plan Policy 30.0.5.

Approximately 390 acres to the south of Rancho Chualar 11 have been placed in an agricultural conservation easement and open space easement by the same owners of the Rancho Chualar 11 project.

Government Code section 51292 allows the County to cancel a Williamson Act contract upon certain findings. A Notice of NonRenewal of the Williamson Act Contract was recorded in 1993 for the Rancho Chualar II property. Development on this property within the 6 years remaining in the contract will require cancellation of the contract. Cancellation of the Williamson Act on this property will require a full public hearing before the County Board of Supervisors to determine whether state mandated findings can be made. Whether the County can make such findings remains to be seen. The County, however, cannot prohibit a landowner from submitting a development application or requesting cancellation of the Williamson Act on their property.

f The General Plan Amendment and Rezoning are consistent with Monterey County General Plan Policy 30.0.7.

Under the Housing Element of the Monterey County General Plan Monterey County must provide affordable housing for its residents. In doing so, the County must balance the goals and policies of the General Plan. Use of less productive agricultural land for affordable housing is consistent with general plan policies to provide affordable housing while protecting the more valuable farming land. The proposed project will serve the need of low/moderate income housing, much of which will be occupied by agricultural workers, as was done with the Rancho Chualar I project where approximately 901/9 of the units are occupied by agricultural workers. The conversion of the site from less productive farmland to low/moderate housing uses serving agricultural workers is consistent with this policy.

EVIDENCE. Project file SH 9500Z EIR file 95002, administrative record, application materials record of hearings.

6. FINDING: For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Staff analysis contained in the FEIR 95002 and the record as a whole indicate the project may or will result in changes to the resources listed in Section 7535 (d) of the Department of Fish and Game regulations. As indicated in the findings prepared for the Certification of the Environmental Impact Report, the project will have unavoidable significant impacts; 1) loss of agricultural lands and 2) increases vehicle emissions.

NOW, THEREFORE BE IT RESOLVED THAT;

1. As discussed in the findings for certification of the EIR there are two significant environmental impacts that cannot be mitigated to a level of insignificance, namely, the loss of agricultural land and increased air pollution.
2. Notwithstanding the fact that these two significant environmental impacts cannot be mitigated to a level of insignificance, the Board finds that they are acceptable due to the following overriding considerations.
3. The Board of Supervisors, as the decision-maker on this project, have balanced the benefits of the proposed project against its environmental impacts and determined that the benefits of the proposed project outweigh any unavoidable adverse environmental effects.

Specifically, the Board finds that Monterey County suffers from an acute need for affordable housing and adoption of the amendment and reclassification will allow for an application for affordable housing project on this property by the applicant. The County of Monterey has set a goal in the Housing Element to provide 5,692 new affordable housing units by July 1, 1996. Many of these units have not been built, the amendment and reclassification will facilitate achievement of this goal. The Housing Element identifies Chualar as one of only five areas in the County to accommodate higher density development, the amendment and reclassification would facilitate such higher density development. Within the five Development Incentive Zones, only 160 affordable homes have been approved to date; meeting only 2.1% of the stated goal, the amendment and reclassification would facilitate achievement of a higher percentage of the stated goal.

Overall, agricultural land in Monterey County has increased by 5,445 acres over the past 35 years, removal of the subject property from agricultural use in order to achieve the County's housing goals is significant overriding consideration.

The report prepared by Ronald Hoppes, soils scientist, indicates this is not prime agricultural land with a stoniness index rating of 77; the USDA has affirmed Mr. Hoppes' analysis; Mr. Nutter's memo reviewing Mr. Hoppes' report acknowledges that the land is less than prime; the Agricultural Cooperative Extension acknowledges that Mr. Hoppes' findings are thorough and scientifically sound; the letters and declaration from Floyd Griffin, who farms the land, states this is "relatively poor/marginal farming ground" and is "difficult to farm". This is not prime farmland. Mr. Griffin confirms that he has had no problem farming next to Rancho Chualar I and he does not anticipate having any difficulty continuing to farm next to Rancho Chualar II.

The Central Salinas Valley Area Plan identifies Chualar as an 'unincorporated urban center.' (page 2) and an 'unincorporated community wherein the County may be able to stimulate affordable housing projects for the County's lower income households' (page 77).

This project will provide affordable housing for the Chualar Area. In weighing the general plan policies in favor of taking care of agricultural land with the policies which call for affordable housing, and in light of the evidence in the whole record, under the circumstances of this particular case, the need and policies in favor of low and moderate income housing outweigh the removal of agricultural land.

4. The Board of Supervisors approves the Rancho Chualar 11 General Plan Amendment. Plan Amendment.

PASSED AND ADOPTED on this 24th day of February 1998,

upon motion of Supervisor Perkins,  
Johnsen by the following vote, to-wit:

seconded by Supervisor

**AYES: Supervisors Salinas, Perkins and Johnson.**

**NOES: Supervisors Pennycook and Potter.**

**ABSENT: None.**

**I, ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 69, on February 24, 1998.**

**Dated- February 24, 1998**

**ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California.  
(signed)**