



**VENTURA LOCAL AGENCY FORMATION COMMISSION**  
**SPECIAL MEETING**  
**Agricultural Mitigation Workshop – Part Two**  
**AGENDA**  
 Thursday, March 24, 2016

9:00 A.M.

City of Camarillo, Council Chambers  
 601 Carmen Drive, Camarillo, CA 93010

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Public Comments

This is an opportunity for members of the public to speak on items not on the agenda.

The Ventura Local Agency Formation Commission encourages all interested parties to speak on any issue on this agenda in which they have an interest; or on any matter subject to LAFCo jurisdiction. It is the desire of LAFCo that its business be conducted in an orderly and efficient manner. All speakers are requested to fill out a Speaker Card and submit it to the Clerk before the item is taken up for consideration. All speakers are requested to present their information to LAFCo as succinctly as possible. Members of the public making presentations, including oral and visual presentations, may not exceed five minutes unless otherwise increased or decreased by the Chair, with the concurrence of the Commission, based on the complexity of the item and/or the number of persons wishing to speak. Speakers are encouraged to refrain from restating previous testimony.

5. Agricultural Mitigation Workshop – Part Two

- A. Overview of the September 10, 2015 Agricultural Mitigation Workshop
- B. Public Input
- C. Commission Discussion
- D. Commission Direction to LAFCo Staff

**ADJOURNMENT**

**COMMISSIONERS AND STAFF**

<b>COUNTY:</b> Linda Parks John Zaragoza <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse, Chair Janice Parvin <i>Alternate:</i> Carmen Ramirez	<b>DISTRICT:</b> Bruce Dandy Elaine Freeman, Vice-Chair <i>Alternate:</i> Mary Anne Rooney	<b>PUBLIC:</b> Lou Cunningham  <i>Alternate:</i> David J. Ross
<b>Executive Officer</b> Kai Luoma, AICP	<b>Analyst</b> Andrea Ozdy	<b>Office Manager/Clerk</b> Richelle Beltran	<b>Legal Counsel</b> Michael Walker

WEB ACCESS:

LAFCo Agendas, Staff Reports and Adopted Minutes can be found at: [www.ventura.lafco.ca.gov](http://www.ventura.lafco.ca.gov)

**Written Materials** - Written materials relating to items on this Agenda that are distributed to the Ventura Local Agency Formation Commission within 72 hours before they are scheduled to be considered will be made available for public inspection at the LAFCo office, 800 S. Victoria Avenue, Administration Building, 4<sup>th</sup> Floor, Ventura, CA 93009-1850, during normal business hours. Such written materials will also be made available on the Ventura LAFCo website at [www.ventura.lafco.ca.gov](http://www.ventura.lafco.ca.gov), subject to staff's ability to post the documents before the meeting.

**Public Presentations** - Except for applicants, public presentations may not exceed five (5) minutes unless otherwise increased or decreased by the Chair, with the concurrence of the Commission. Any comments in excess of this limit should be submitted in writing at least ten days in advance of the meeting date to allow for distribution to, and full consideration by, the Commission. Members of the public who wish to make audio-visual presentations must provide and set up their own hardware and software. Set up of equipment must be complete before the meeting is called to order. All audio-visual presentations must comply with the applicable time limit for oral presentations and thus should be planned with flexibility to adjust to any changes to the time limit established by the Chair. For more information about these policies, please contact the LAFCo office.

**Quorum and Voting** – The bylaws for the Ventura LAFCo Commissioner's Handbook provide as follows:

**1.1.6.1 Quorum:** Four (4) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

**1.1.6.2 Voting:** Unless otherwise provided by law or these By-Laws, four affirmative votes are required to approve any proposal or other action. A tie vote, or any failure to act by at least four affirmative votes, shall constitute a denial.

**Americans with Disabilities Act** - In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the LAFCo office (805) 654-2576. Notification 48 hours prior to the meeting will enable LAFCo to make reasonable arrangements to ensure accessibility to this meeting.

**Disclosure of Campaign Contributions** - LAFCo Commissioners are disqualified and are not able to participate in any proceeding involving an "entitlement for use" if, within the 12 months preceding the LAFCo decision, the Commissioner received more than \$250 in campaign contributions from the applicant, an agent of the applicant, or any financially interested person who actively supports or opposes the LAFCo decision on the matter. Applicants or agents of applicants who have made campaign contributions totaling more than \$250 to any LAFCo Commissioner in the past 12 months are required to disclose that fact for the official record of the proceeding.

Disclosures must include the amount of the contribution and the recipient Commissioner and may be made either in writing to the Clerk of the Commission prior to the hearing or by an oral declaration at the time of the hearing.

The foregoing requirements are set forth in the Political Reform Act of 1974, specifically Government Code section 84308.



VENTURA LOCAL AGENCY FORMATION COMMISSION  
**STAFF REPORT**  
 Meeting Date: March 24, 2016

**TO:** LAFCo Commissioners  
**FROM:** Kai Luoma, Executive Officer   
**SUBJECT:** Agricultural Mitigation Workshop – Part 2

**BACKGROUND:**

On September 10, 2015, the Commission held a special meeting/workshop regarding agricultural mitigation. The purpose of the workshop was to receive information regarding LAFCo’s role in the preservation of agricultural lands, the rate of conversion of agricultural lands in the County in recent years, and the various forms of mitigation that might be available should the Commission consider the development of agricultural mitigation policies. At its October 2015 meeting, the Commission again discussed the matter and directed staff to arrange a follow-up workshop that would allow the Commission another opportunity to receive input from stakeholders and to further consider the matter.

**DISCUSSION:**

Following is a brief summary of the discussion that occurred at the September 10 workshop, including some additional information provided at the October Commission meeting. LAFCo staff and legal counsel will be presenting a summary of the following information at the March 24 workshop. Staff will also present information on mitigation policies adopted by other LAFCos.

1. ***Ventura LAFCo Responsibilities Regarding Preservation of Agricultural Land*** (see Attachment 1: Presentation materials from Kai Luoma, Executive Officer, Ventura LAFCo)

The Ventura LAFCo has adopted policies pertaining to the evaluation of proposals that would result in the conversion of agricultural land, but has not adopted specific agricultural

COMMISSIONERS AND STAFF

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<p><b>Executive Officer</b>                  Kai Luoma, AICP</p>	<p><b>Analyst</b>                  Andrea Ozdy</p>	<p><b>Office Manager/Clerk</b>                  Richelle Beltran</p>	<p><b>Legal Counsel</b>                  Michael Walker</p>

mitigation policies. For example, Ventura LAFCo Commissioner's Handbook (Handbook) Section 3.3.5.1 provides that in order for the Commission to approve a proposal for the conversion of prime agricultural land to other uses, it must find that "the proposal will lead to planned, orderly, and efficient development." To make that finding, the Commission must determine that:

- The territory is contiguous to other developed land.
- The territory is likely to be developed within five years.
- Insufficient non-prime agricultural or vacant land exists within the existing boundaries of the agency.
- The territory involved is not subject to voter approval for the extension of services or for changing of general plan land use designations.
- The proposal will have no significant adverse effects on the physical and economic integrity of other prime agricultural or open space lands.

In addition, the Ventura LAFCo has adopted several general policies pertaining to changes of organization and reorganization that are intended to preserve agricultural land:

- *Consistency With Ordinances Requiring Voter Approval: For cities that have enacted ordinances that require voter approval for the extension of services or for changing general plan designations, LAFCo will not approve a proposal unless it is consistent with such ordinances and voter approval has first been granted, or unless exceptional circumstances are shown to exist. (Handbook Section 3.2.4.2)*
- *Guidelines for Orderly Development: LAFCo encourages proposals that involve urban development or that result in urban development to include annexation to a city wherever possible. In support of this policy LAFCo has adopted Guidelines for Orderly Development, the policies of which are incorporated by reference. (Handbook Section 3.2.4.3)*
- *Greenbelts: The County of Ventura and various cities in the County have adopted Greenbelt Agreements for the purposes of preserving agriculture and/or open space, providing separation between cities, and/or limiting the extension of urban services. The Ventura LAFCo is not a direct party to these Greenbelt Agreements, but has endorsed them as statements of local policy. As such, LAFCo will not approve a proposal from a city that is in conflict with any Greenbelt Agreement unless exceptional circumstances are shown to exist. LAFCo encourages that Greenbelt Agreements be amended by all parties involved prior to the filing of any proposal that may be in conflict with the Agreements. (Handbook Section 3.2.4.4)*

The adopted policies guide the Commission's actions regarding a proposal. However, they provide direction and guidance to applicants or the Commission regarding the *preservation* of, not *mitigation* for expected conversion or loss of, agricultural land.

**2. California Environmental Quality Act (CEQA) Requirements Regarding Feasible Mitigation for Conversion of Agricultural Land** (see Attachment 2: Presentation Materials from Michael Walker, Ventura LAFCo Legal Counsel/Chief Assistant County Counsel)

The presentation made by LAFCo legal counsel at the workshop documented that CEQA requires that public agencies are not to approve projects unless feasible (and available) mitigation measures are included to substantially lessen any significant environmental effects of such projects. Pursuant to the CEQA Guidelines, *mitigation* is defined to include compensation for an impact by "replacing or providing substitute resources or environments" and *feasible* is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

In order to comply with CEQA requirements regarding mitigation for conversion or loss of agricultural land, several mitigation options have been identified as being legitimate forms of mitigation to be evaluated in environmental documents: (1) "no project" alternative to a project, (2) agricultural conservation easements (perpetual limitation on land use for the purpose of retaining land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition), and (3) in-lieu fees that are paid to an organization that has the primary purpose to preserve land in agricultural use or a purpose to conserve agricultural lands.

Case law has addressed the issue of feasibility and appropriateness of agricultural conservation easements and in-lieu fees.

The presentation included conclusions that:

- Lead agencies must consider agricultural conservation easements and in-lieu fees as potential mitigation measures for a project involving the direct loss of farmland.
- A lead agency's lack of a comprehensive farmland mitigation program is immaterial to the feasibility of in-lieu fees as a potential mitigation measure.
- A lead agency is not necessarily required to adopt agricultural conservation easements or in-lieu fees as mitigation measures for a project involving the direct loss of farmland. Economic feasibility will be a key consideration.
- At best, agricultural conservation easements or in-lieu fees will only partially mitigate the conversion of farmland.

**3. *Agricultural Land Conversion in Ventura County*** (see Attachment 3: Presentation Materials from Henry Gonzales, Ventura County Agricultural Commissioner)

The presentation made by the Ventura County Agricultural Commissioner identified several tools used in Ventura County to preserve agricultural resources:

- Ventura County General Plan policies to preserve agricultural resources.
- 40-acre minimum lot size for *Agricultural-Exclusive* zoned land in the County to maintain agricultural parcels of a commercially viable size.
- Five percent maximum lot coverage for land designated *Agricultural* in the County General Plan.
- Right-to-Farm ordinance to protect agriculturalists from complaints by urban neighbors.
- The Guidelines for Orderly Development to encourage urban development to occur within cities.
- Greenbelt agreements to preserve separation between cities.
- Save Open-Space and Agricultural Resources (SOAR) ordinances to require voter approval prior to conversion of protected land to non-agricultural or non-open space uses.
- LAFCo policies to preserve agricultural resources.
- California Land Conservation Act (also known as the Williamson Act) to provide tax benefits to agriculturalists in exchange for a promise to keep agricultural land in agricultural uses.

The following information regarding the rate of farmland conversion was requested by the Commission at the September workshop and provided to the Commission at the October 2015 LAFCo meeting.

The aforementioned tools are intended to preserve agricultural resources. However, they do not preclude the conversion of agricultural land and, in fact, make allowances for such conversion. Mitigation would apply to land that is subject to conversion. As discussed below, several thousand acres of agricultural land has been converted to non-agricultural uses in recent years.

*Total farmland conversion:* Based on the discussion at the September workshop, the Commission desired additional information regarding the rate of farmland conversion in Ventura County. According to the State Department of Conservation's Division of Land Resource Protection, from 1984-2012 a total of 13,588 acres of important farmland and

14,913 acres of grazing land have been converted to non-agricultural uses in Ventura County, as shown in the following table:

<b>Ventura County 1984-2012 Land Use Summary – Farmland Mapping and Monitoring Program – California Department of Conservation</b>		
<b>Type of Farmland</b>	<b>1984-2012 Net Acreage Changed</b>	<b>Average Annual Acreage Change</b>
Prime	-15,568	-556
Statewide Importance	-6,580	-235
Unique	5,747	205
Local Importance	2,813	100
<b>Important Farmland Subtotal</b>	<b>-13,588</b>	<b>-485</b>
Grazing Land	-14,913	-533
<b>Agricultural Land Total</b>	<b>-28,501</b>	<b>-1,018</b>

*LAFCo-approved farmland conversion:* Since 2000, LAFCo has approved 26 annexations to cities that have resulted, or are anticipated to result, in the conversion of approximately 1,350 acres of prime farmland.

**4. Mitigation Options** (see Attachment 4: Materials Presented by John Lowrie, Assistant Director, California Department of Conservation, and Attachment 5: Materials Presented by E.J. Remson, Senior Program Manager, The Nature Conservancy)

The presentation made by the Assistant Director of the California Department of Conservation included information regarding eligibility requirements for entities to receive mitigation land for protection or stewardship of natural resources. In addition, various mitigation methods were discussed, including:

- Agricultural conservation easements.
- Agricultural land mitigation banks and credits.
- In lieu fees.
- Fee title (transfer of ownership to a conservation organization).
- Fee payments or agreements towards future conservation easements or fee title.

The presentation made by the Senior Program Manager of The Nature Conservancy included discussion on how various mitigation methods work and the potential benefits to the landowners.

- 5. Case Studies: How agricultural mitigation policies have worked for other LAFcos** (see Attachment 6: materials presented by Marjorie Blom, retired Executive Officer for Stanislaus LAFCo. See also Attachment 7 for additional materials regarding the mitigation policies for San Luis Obispo, Santa Clara, and Yolo LAFcos)

The former Executive Officer for Stanislaus LAFCo discussed that LAFCo's agricultural mitigation policies. Due to time constraints, the materials prepared on the mitigation policies for other LAFcos were not presented at the September workshop, but are included in Attachment 7. This information will be presented to the Commission at the March 24, 2016 workshop.

Attachments:

1. Kai Luoma PowerPoint Presentation
2. Michael Walker PowerPoint Presentation
3. Henry Gonzales PowerPoint Presentation
4. John Lowrie PowerPoint Presentation
5. E.J. Remson PowerPoint Presentation
6. Marjorie Blom PowerPoint Presentation
7. Kai Luoma PowerPoint Presentation



VENTURA LOCAL AGENCY  
FORMATION COMMISSION

Overview of LAFCo's  
Responsibilities Pertaining to  
Preservation of  
Agricultural Land



VENTURA LOCAL AGENCY  
FORMATION COMMISSION

What does LAFCo law say  
about preserving agricultural lands?

### Govt. Code 56301

Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.

### Govt. Code 56377

In reviewing and approving or disapproving proposals...development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands...

## Govt. Code 56668

Factors to be considered in the review of a proposal shall include...The effect of the proposal on maintaining the physical and economic integrity of agricultural lands



VENTURA LOCAL AGENCY  
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What is  
“prime agricultural land”?

## Govt. Code 56064

"Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
- b) Land that qualifies for rating 80 through 100 Storie Index Rating.

## Govt. Code 56064 (cont.)

- c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

### Govt. Code 56064 (cont.)

- d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.



VENTURA LOCAL AGENCY  
FORMATION COMMISSION

Where is the  
prime agricultural land in  
Ventura County?

## It could be anywhere...

Any undeveloped area can be Prime Agricultural Land:

- Can be of any size. There is no minimum parcel size.
- Can have any general plan land use designation and zoning.
- Can be in a city or unincorporated area.
- Can be vacant land not being used for agriculture.



VENTURA LOCAL AGENCY  
FORMATION COMMISSION

How does Ventura LAFCo  
evaluate proposals that  
involve the conversion of  
prime agricultural land?

## Govt. Code 56300 (a)

It is the intent of the Legislature that each commission...shall establish written policies and procedures and exercise its powers...in a manner consistent with those policies and procedures and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns.

## Ventura LAFCo Commissioner's Handbook

### Division 4 – Spheres of Influence

- Section 4.3.2 Agricultural and Open Space Preservation

### Division 3 – Changes of Organization and Reorganization

- Section 3.3.5 Agricultural and Open Space Preservation

## Findings for Ventura LAFCo Sphere of Influence Amendments and Updates

LAFCo will approve sphere of influence amendments...only if the Commission finds that the amendment or update will lead to **planned, orderly, and efficient development.**"

- likely to be developed within 5 years and designated for nonagricultural or open space use by applicable general and specific plans
- Insufficient non-prime agricultural or vacant land exists within the sphere of influence of the agency
- no significant adverse effects on the physical and economic integrity of other prime agricultural or existing open space lands
- not within an area subject to a Greenbelt Agreement adopted by a city and the County of Ventura
- consistent with local plan and policies

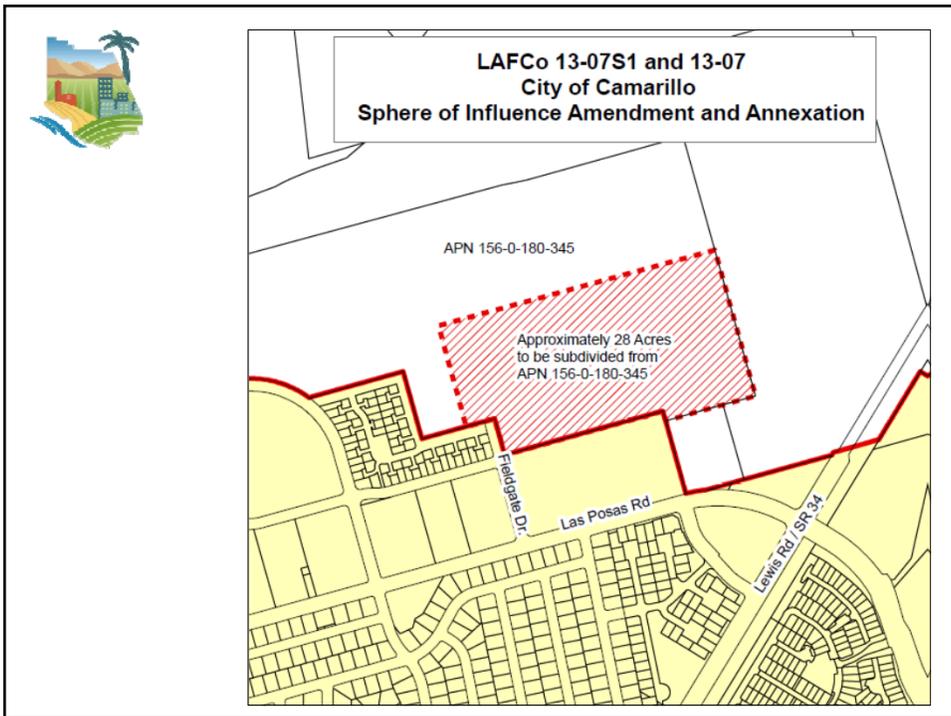
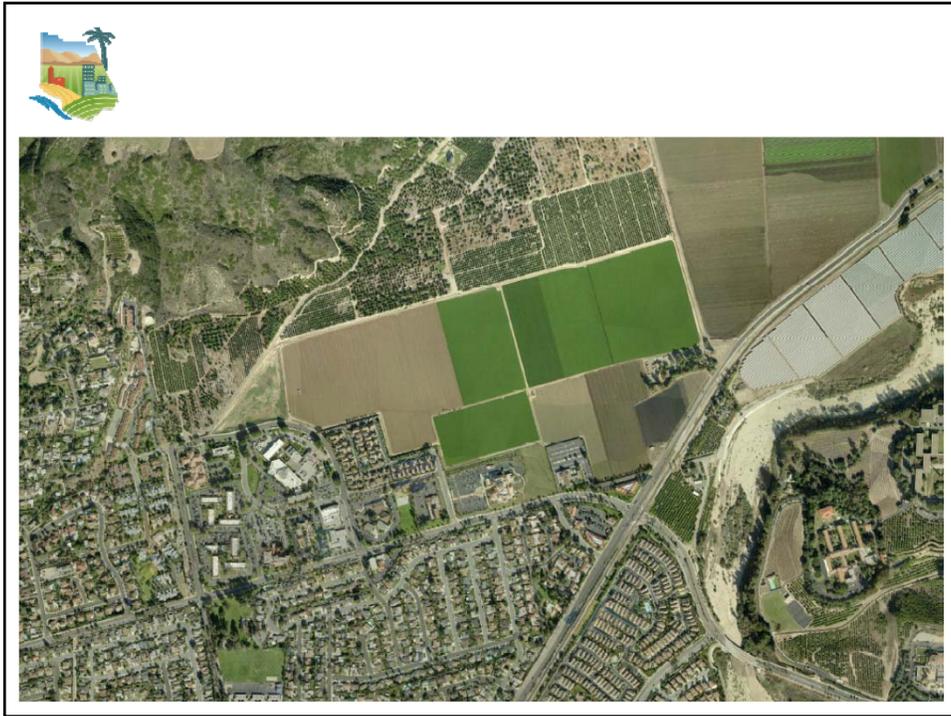
Handbook Section 4.3.2.1

## Findings for Ventura LAFCo Proposals

LAFCo will approve a proposal "which is likely to result in the conversion of prime agricultural or existing open space land use to other uses only if the Commission finds that the proposal will lead to **planned, orderly, and efficient development.**"

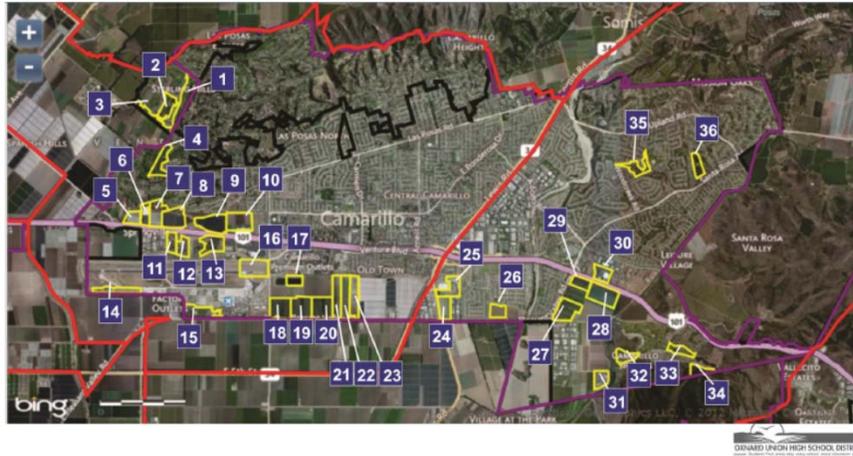
- contiguous to either lands developed with an urban use or lands which have received all discretionary approvals for urban development
- likely to be developed within 5 years and has been pre-zoned for nonagricultural or open space use
- insufficient non-prime agricultural or vacant land exists within the existing boundaries of the agency
- not subject to voter approval for the extension of services or for changing general plan land use designations
- no significant adverse effects on the physical and economic integrity of other prime agricultural or existing open space lands

Handbook Section 3.3.5.1





Group B represents 36 parcels that are from 15 to 44 acres in size. While these parcels would be too small to provide a school site on their own, some might be useable in aggregation with other parcels to create a site of 45 acres or greater.



## Findings for Ventura LAFCo Sphere of Influence Amendments and Updates

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Handbook Section 4.3.2.1

## Findings for Ventura LAFCo Proposals

LAFCo will approve a proposal “which is likely to result in the conversion of prime agricultural or existing open space land use to other uses only if the Commission finds that the proposal will lead to **planned, orderly, and efficient development.**”

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Handbook Section 3.3.5.1



VENTURA LOCAL AGENCY  
FORMATION COMMISSION

Questions?

# Ventura Local Agency Formation Commission

Overview of CEQA requirements with  
respect to feasible mitigation for conversion  
of agricultural land

Presentation by Michael G. Walker  
Ventura LAFCo Legal Counsel  
September 10, 2015



2

“[I]t is the policy of the state that public agencies should not approve projects as proposed if there are . . . *feasible mitigation measures* available which would *substantially lessen* the significant environmental effects of such projects . . .” (CEQA, § 21002, italics added.)

3

“An EIR *shall* describe feasible measures which could *minimize* significant adverse impacts . . .” (CEQA Guidelines, § 15126.4, subd. (a)(1), italics added.)

4

“‘Mitigation’ includes . . . [c]ompensating for the impact by replacing or providing substitute resources or environments.” (CEQA Guidelines, § 15370, subd. (e).)

5

“Feasible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, § 15364.)

### **Types of Feasible Mitigation for Conversion of Farmland**

6

- No project
- Agricultural conservation easements (ACEs)
- In-lieu fees

## Agricultural Conservation Easements (ACEs) under the Civil Code

7

“The Legislature finds and declares that the preservation of land in its natural, scenic, *agricultural*, historical, forested, or open-space condition is *among the most important environmental assets of California*. The Legislature further finds and declares it to be the public policy and in the public interest of this state to *encourage the voluntary conveyance of conservation easements* to qualified nonprofit organizations.” (Civ. Code, § 815, italics added.)

## Agricultural Conservation Easements (ACEs) under the Civil Code

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“For the purposes of this chapter, ‘conservation easement’ means any limitation [perpetual in duration] in a deed, will, or other instrument in the form of an easement, restriction, covenant, or condition, which is or has been executed by or on behalf of the owner of the land subject to such easement and is binding upon successive owners of such land, and *the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition.*” (Civ. Code, §§ 815.1, italics added, 815.2, subd. (b).)

## Agricultural Conservation Easements (ACEs) under the Public Resources Code

9

“Agricultural conservation easement” “means an interest in land . . . *which represents the right to prevent the development or improvement of the land, as specified in Section 815.1 of the Civil Code, for any purpose other than agricultural production. . . .* It shall be granted in perpetuity . . . .” (Pub. Resources Code, § 10211, italics added.)

## In-Lieu Fees

10

In lieu of acquiring an ACE, a project proponent, as a mitigation measure, pays a fee to an organization that “has as its primary purpose the preservation . . . of land in its . . . agricultural . . . use” (Civ. Code, § 815.3, subd. (a)) or “has among its purposes the conservation of agricultural lands” (Pub. Resources Code, § 10221).

## Issues

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- In the CEQA process, to what extent should – or must – a public agency *consider* an agricultural conservation easement or in-lieu fee to mitigate conversion of farmland?
- In the CEQA process, to what extent should – or must – a public agency *adopt* an agricultural conservation easement or in-lieu fee as a mitigation measure in approving a project that converts farmland?

### ***Cherry Valley Pass Acres & Neighbors v. City of Beaumont (2010) 190 Cal.App.4th 316***

12

Specific plan to build 560 residential units on a 200-acre site “long used for agricultural purposes.” EIR challenged under CEQA.

***Cherry Valley Pass Acres & Neighbors v. City of  
Beaumont (2010) 190 Cal.App.4th 316***

13

- Challengers contended that there was no evidence to support the EIR determination that the specific plan's adverse impacts on agricultural land uses "could not be feasibly mitigated because such land uses were no longer economically feasible."
- The court of appeal disagreed.

***Cherry Valley Pass Acres & Neighbors v. City of  
Beaumont (2010) 190 Cal.App.4th 316***

14

- The court held that substantial evidence supported the EIR's rejection of agricultural conservation easements and similar mitigation measures as economically infeasible because the pace of urban development in the area made long-term farming no longer financially viable.
- "Given these circumstances, the EIR properly treated any offsite land purchases, agricultural easements, Williamson Act contracts, and similar mitigation measures as *facially* infeasible and properly declined to analyze them in any detail."

***Citizens for Open Government v. City of Lodi***  
**(2012) 205 Cal.App.4th 296**

15

- Project for proposed Wal-Mart shopping center involving conversion of approximately 40 acres of prime farmland. EIR challenged under CEQA.

***Citizens for Open Government v. City of Lodi***  
**(2012) 205 Cal.App.4th 296**

16

The EIR stated:

- “[N]o mitigation is available which would reduce [the farmland loss] *to a less-than-significant level* except an outright prohibition of all development on prime agricultural lands.” (Italics added.)
- “[I]t is not feasible to *fully* mitigate for the loss of prime farmland, short of denying all proposed development projects.” (Italics added.)
- It is not feasible to fully mitigate for the loss of prime farmland because “the land ‘once converted, loses its character as agricultural land and is removed from the stock of agricultural land.’”

***Citizens for Open Government v. City of Lodi***  
**(2012) 205 Cal.App.4th 296**

17

- The city adopted a statement of overriding considerations as to the loss of farmland but . . . .
- In the statement of overriding considerations, the city explained that while there were “no feasible mitigation measures available that would avoid the significant loss of agricultural land if the project wa[s] implemented, . . . [t]he acquisition of an off-site agricultural conservation easement would provide **partial mitigation.**” (Italics and boldface added.)

***Citizens for Open Government v. City of Lodi***  
**(2012) 205 Cal.App.4th 296**

18

- The city thus required the applicant to obtain an ACE over 40 acres of prime farmland, amounting to a 1:1 ratio.
- The challenger urged the city to require a 2:1 ratio, arguing that the city’s rejection of the 2:1 ratio was not supported by substantial evidence.

***Citizens for Open Government v. City of Lodi***  
**(2012) 205 Cal.App.4th 296**

19

- The court of appeal rejected both the challenger’s argument and its framing of the issue: “[T]he question is not whether there was ‘substantial evidence’ to support the rejection of a ‘heightened [2:1] mitigation ratio,’ but rather, whether the finding there were no feasible mitigation measures was supported by substantial evidence.”

***Citizens for Open Government v. City of Lodi***  
**(2012) 205 Cal.App.4th 296**

20

- The court of appeal found that “substantial evidence supported the finding there were no feasible mitigation measures.”
- “Since the *Lodi* court expressly recognized that the ACE requirement would mitigate a significant impact, it is clear the court intended the phrase ‘there were no feasible mitigation measures’ to mean there were no feasible mitigation measures that would reduce the project’s impact to a level of insignificance.” (*Friends of the Kings River v. County of Fresno* (2014) 232 Cal.App.4th 105.)
- Indeed, the court of appeal recognized that the ACE “would minimize and substantially lessen the significant effects of the proposed project.”

***Masonite Corp. v. County of Mendocino***  
**(2013) 218 Cal.App.4th 230**

21

- Project for sand and gravel quarry on land zoned industrial but involving conversion of 45 acres of prime farmland. EIR challenged under CEQA. The court opinion addressed both ACEs and in-lieu fees.

***Masonite Corp. v. County of Mendocino***  
**(2013) 218 Cal.App.4th 230 – ACEs**

22

- The EIR – unlike the EIR in *City of Lodi* – did not analyze ACEs as mitigation for the loss of farmland because it concluded that ACEs could not mitigate for the loss because they would “not replace the on-site resources.”
- . . . because, “while ACEs can be used to mitigate a project’s indirect and cumulative effects on agricultural resources, they do not mitigate its direct effect on those resources.”
- The court of appeal disagreed.

*Masonite Corp. v. County of Mendocino*  
(2013) 218 Cal.App.4th 230 – **ACEs**

23

- “We conclude that ACEs may appropriately mitigate the direct loss of farmland when a project converts agricultural land to a nonagricultural use, even though an ACE does not replace the onsite resources.”
- “To categorically exclude ACEs as a means to mitigate the conversion of farmland would be contrary to one of CEQA’s important purposes [“the preservation of agricultural lands”]. . . . ACEs should not ‘be removed from agencies’ toolboxes as available mitigation’ for this environmental impact.”
- “The economic feasibility of offsite ACEs to mitigate [a project’s] impact on the loss of . . . prime farmland must be explored.”

*Masonite Corp. v. County of Mendocino*  
(2013) 218 Cal.App.4th 230 – **In-Lieu Fees**

24

- The EIR did not consider in-lieu fees – payable to an organization whose purposes include the acquisition and stewardship of ACEs – as a mitigation measure because the County believed “it was legally precluded from accepting in-lieu fees because it does not have a comprehensive farmland mitigation program.”
- Again, the court of appeal disagreed.

*Masonite Corp. v. County of Mendocino*  
(2013) 218 Cal.App.4th 230 – ***In-Lieu Fees***

25

- “Whether the County lacks a comprehensive farmland mitigation program is immaterial [to the feasibility of in-lieu fees to be paid to a third party involved in acquiring and overseeing ACEs], and does not explain why in-lieu fees are not feasible mitigation. . . . This issue requires further analysis in the EIR.”

*Friends of the Kings River v. County of Fresno*  
(2014) 232 Cal.App.4th 105

26

- Project for aggregate mine and related processing plants involving permanent conversion of 600 acres of farmland. EIR challenged under CEQA.

***Friends of the Kings River v. County of Fresno***  
**(2014) 232 Cal.App.4th 105**

27

- The EIR considered ACEs as mitigation for the loss of farmland, but the County ultimately selected other mitigation measures:
  - The current agricultural use of the project site was required to continue until the land was prepared for mining activities.
  - The applicant was required to ensure that 602 acres within the project site were maintained as an agricultural buffer zone for the life of the CUP, estimated at 100 years.
  - The applicant was required to reclaim mine cells to farmland as adequate materials were generated to fill the empty mine cells.

***Friends of the Kings River v. County of Fresno***  
**(2014) 232 Cal.App.4th 105**

28

- The challenger argued that these were not mitigation measures and that the “failure to require compensatory mitigation [i.e., ACEs] is a violation of law.”
- The court of appeal disagreed.

***Friends of the Kings River v. County of Fresno***  
**(2014) 232 Cal.App.4th 105**

29

- While the *Masonite* court held that “ACEs may mitigate the direct loss of farmland” and that a lead agency errs by failing to consider ACEs as a potential mitigation measure for such a direct loss . . .
- “We do not read *Masonite*, however, to stand for the proposition that CEQA requires the use of ACEs as a mitigation measure in every case where ACEs are economically feasible and the project causes the loss of farmland.”
- “We decline to hold that County was required to adopt ACEs as a mitigation measure instead of the mitigation measures it did adopt.”

***City of Irvine v. County of Orange (June 12,***  
**2015) 238 Cal.App.4th 526**

30

- Project to expand an Orange County jail facility, formerly an “honor farm,” resulting in the conversion of 65 acres of farmland (previously farmed by inmates but no longer farmed because it is cost-prohibitive). EIR challenged under CEQA.

***City of Irvine v. County of Orange (June 12, 2015) 238 Cal.App.4th 526***

31

- The EIR discussed seven possible mitigation measures for the loss of the agricultural land, including ACEs. None of the proffered measures were found feasible.
- The challenger argued that the EIR “inadequately demonstrated that the loss of agricultural land as part of the project could not be mitigated,” including by the purchase of ACEs.
- The court of appeal disagreed.

***City of Irvine v. County of Orange (June 12, 2015) 238 Cal.App.4th 526***

32

- “Preliminarily,” the court noted that “the cost of raw land in Orange County is exorbitant, so finding 65 acres . . . to replace farmland that, up to 2009, was farmed by inmates trying to work off jail time, is cost-prohibitive.”
- The EIR “more than adequately documented that the cost of land near the project site was \$2 million per acre in 2012, and that was prior to the recovery from the Great Recession. (And the County average exceeds \$308,000 per acre.) But agriculture is not competitive if the cost of land exceeds \$60,000. Replacing what used to be farmed at the Musick Facility can’t be done at anything near a reasonable price.”
- “*The proposed mitigation measures must necessarily be viewed in the light of that overarching fact.*” (Italics added.)

***City of Irvine v. County of Orange* (June 12, 2015) 238 Cal.App.4th 526**

33

- “Even in the Central Valley, there are times when agricultural conservation easements or ‘ACEs’ are not feasible, as recently shown in *Friends of Kings River v. County of Fresno*. . . . And if . . . ACEs do not replace lost farmland in the Central Valley, they certainly are not going to do so in Orange County.”

***City of Irvine v. County of Orange* (June 12, 2015) 238 Cal.App.4th 526**

34

- “In Orange County, the sheer astronomical expense of land supports the finding of [the EIR] that *the purchase of ACEs is a non-starter*.” (Italics added.)
- “Owners of what little agricultural land is left know the value of that land if developed. The reasonable inference is that the purchase of a conservation easement means paying a large percentage of the market value of the land, so much so that this mitigation measure would be the functional equivalent of trying to buy land not already in agricultural use and convert it to agricultural use.”

***City of Irvine v. County of Orange (June 12, 2015) 238 Cal.App.4th 526***

35

- “[C]onservation easements have historically only worked in counties where the general plan and zoning laws already set aside land for exclusive agricultural use, and Orange County has no land use designations requiring land to be devoted exclusively to agricultural purposes.”

**So where are we?**

36

- Under CEQA, a lead agency must consider ACEs and in-lieu fees as potential mitigation measures for a project involving the direct loss of farmland.
- Under CEQA, a lead agency’s lack of a comprehensive farmland mitigation program is immaterial to the feasibility of in-lieu fees as a potential mitigation measure.
- But, under CEQA, a lead agency is not necessarily required to adopt ACEs or in-lieu fees as mitigation measures for a project involving the direct loss of farmland. Economic feasibility will be a key consideration.
- At best, ACEs or in-lieu fees will only partially mitigate the conversion of farmland.

## Questions and Discussion

37

Henry S. Gonzales

Henry S. Gonzales was born in Fresno, California, the son of migrant farm workers. As a child, he followed the crops around California, along with his family. The family finally settled in Salinas. At age 13, he started working on his own as a farm worker in the fields around the area during summer vacations from school and on weekends.

Henry graduated from California State University, Fresno, with a Bachelor of Science Degree in Agricultural Science. He was hired by the Monterey County Agricultural Commissioner's Office as a quarantine-insect trapper, and later promoted to Agricultural Inspector/Biologist, Deputy Agricultural Commissioner, and eventually to Chief Deputy Agricultural Commissioner.

While working for Monterey County, he obtained his Master's Degree in Public Administration from Golden Gate University.

For the past seven years as Ventura County's Agricultural Commissioner, Henry and his staff of 50, have overseen the County's \$2 billion agricultural industry. In his role as Agricultural Commissioner, he is both a promoter and a regulator of agriculture.

Henry is an ex-officio member of the Ventura County Agricultural Policy Advisory Committee, and he is also a member of the [California Agricultural Commissioners and Sealers Association \(CACASA\)](#). As a member of CACASA, he sits on the Pesticide Regulatory Affairs, Finance, and Nursery Committees. Henry also represents CACASA on the California Department of Pesticide Regulation's Worker Safety Regulation Work Group. Additionally, he is a member of the California Department of Food and Agriculture's Ad Hoc Advisory Committee to the Office of Pesticide Consultation and Analysis, and the Polyphagous Shot Hole Borer Working Group. He is also a member of the University of California Statewide Integrated Pest Management Program Advisory Committee.

# AGRICULTURAL LAND CONVERSION IN VENTURA COUNTY IN RECENT YEARS

Henry S. Gonzales  
Ventura County  
Agricultural Commissioner



## Outline

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- Ventura County
- Existing Mitigations
- Impacts on Agriculture
- Rate of Ag Land Conversion
- Recap

## Ventura County

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- Mediterranean type climate
- “...absolute most desirable place to live...”
- Deep, rich soils
- Variable climate
- Independent water supply



## Existing Mitigations

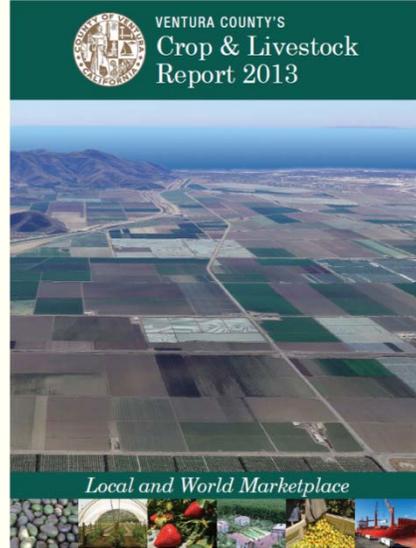
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- Ventura County General Plan
- LAFCO Policies
- Right-to-Farm ordinance
- S.O.A.R.
- Guidelines for Orderly Development
- CA Land Conservancy Act
- Mitigated Negative Declaration
- Greenbelts
- 40 acre Ag Exclusive minimum lot size
- 5% maximum lot coverage

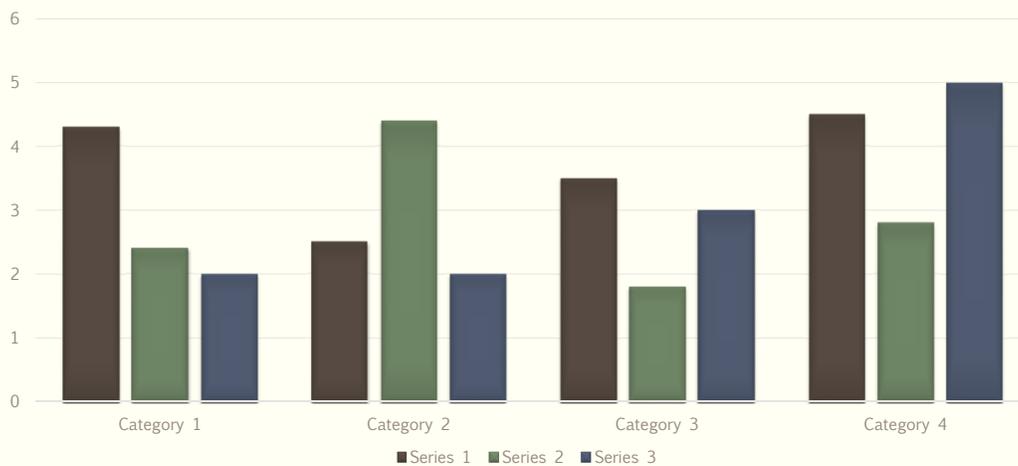


# Impacts on Agriculture

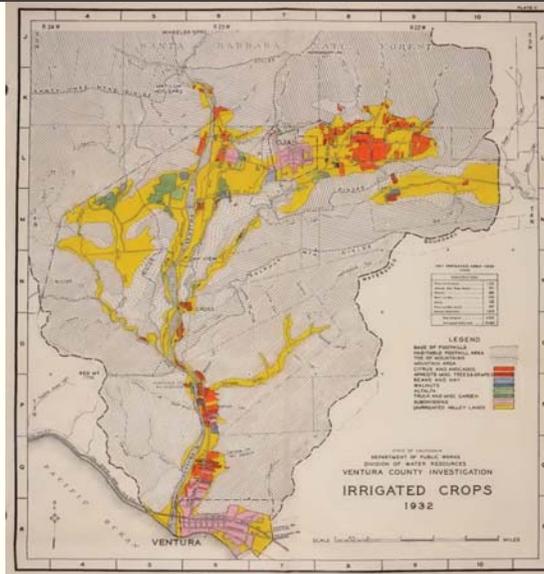
- \$2,094,915,000 in 2013
- 190,434 acres of cropland
- >50 crops generate over million
- Top Ten County
- Future



# Rate of Ag Land Conversion



# Irrigated Crops 1932



# Recap



John M. Lowrie

A native Californian, John is currently serving as Assistant Director for the Department of Conservation's Division of Land Resource Protection. His responsibilities include Land Conservation (Williamson) Act implementation, farmland conservation, farmland mapping, support for Resource Conservation Districts, a statewide watershed program and community planning and incentive grants implementation.

Prior to joining the Department John worked with the USDA Natural Resources Conservation Service, (29 years) with a wide variety of project and program management experience on the central coast, northcoast, northeastern, and Central Valley regions of California. John served for 10 years with the CALFED Bay Delta Program, serving as manager of their watershed program efforts. John has a B.S. in Agriculture from California State University – Chico.

# Agricultural Mitigation Tools and Effective Measures

## Guiding legislation:

### Senate Bill 436 and 1094 (Kehoe)\*

- ❖ Any non-profit holding the mitigation land must be qualified under 501 (c)(3) and have its primary purpose be protection or stewardship of natural resources.
- ❖ Allows selected entities to hold the endowment and title to the mitigation land (e.g., special district)
- ❖ Authorizes state and local agencies to require endowments to manage mitigation lands.
- ❖ Requires a state or local agency to exercise due diligence in reviewing the qualifications of a special district or non profit organization to effectively manage and steward land, water, or natural resources, as well as accompanying funds (endowment funds to steward the lands used as mitigation).

\*Government Code Sections 65965 et al

## Effective Farmland Mitigation Measures include:

- ❖ Reasoning for the mitigation using enforceable language
- ❖ Mitigation ratios and required number of acres to be preserved.
  - 1:1 ratio at a minimum
- ❖ Specific farmland type to be preserved according to the most current California Farmland Mapping and Monitoring Program Important Farmland Maps (e.g., Prime, Farmland of Statewide Importance, Unique Farmland)
  - if multiple types of farmland are to be mitigated for, the required mitigation acreage for each type of farmland needs to be identified
- ❖ Identification of related resources such as water necessary for agriculture to be protected.

## Effective Farmland Mitigation Measures include:

### ❖ Identification of the mitigation method to be used:

- Agricultural Conservation Easement
  - Requires perpetuity(Government Code 65966, Civil Code Section 815, )
- Agricultural Land Mitigation Bank and Credits
  - Results in conservation easement or fee-title protected land.
- In Lieu Fees
  - Requires formal local government program- policies and ordinance
- Fee Title
  - Requires legal mechanism to document intent for conservation of agricultural lands
- Fee Payment or Agreement (MOU) towards a future conservation easement or fee-title conserved in perpetuity.

## Effective Farmland Mitigation Measures include:

- ❖ Identification of the geographic area where mitigation is to be located.
  - Consider use of general locations (e.g., county) instead of distinct boundaries (e.g., adjacent to a subdivision) to avoid escalating market value of mitigation lands.
  - Consider nexus connection requirements (Dolan/Nollan rules)
- ❖ Identify roles and responsibilities of county/city/agency, project proponent and mitigation holder for implementing and completing the mitigation.
- ❖ Identify related costs that need to be included in order to complete the final mitigation method (e.g., stewardship endowments, associated costs to complete conservation easement- appraisals, title policy, closing costs).
- ❖ Sufficient information to verify that the measure is feasible.

E.J. Remson

E. J. Remson, Senior Program Manager for The Nature Conservancy in California, supervises both the L.A.–Ventura Project and the Tehachapi Project. He joined The Nature Conservancy in 2000 as director of the L.A.–Ventura Project after working in the fields of urban planning and commercial real estate development for 24 years. Mr. Remson’s planning career spanned 12 years, much of it as planning administrator for the City of Pasadena.

He began his career in commercial real estate development, working on retail, industrial, office, and hotel projects throughout southern California. His interest in the preservation of natural lands led him to specialize in planning for growing communities without contributing to urban sprawl. With The Nature Conservancy he has acquired 33 properties for conservation totaling over 47,000 acres and has worked with local government agencies to protect open space.

He has a bachelor’s degree in urban planning from California State Polytechnic University, and a master’s degree in real estate development from the University of Southern California. He holds a California Broker’s License and has served on the boards of nonprofit organizations.

# Agricultural Conservation Easements

Governed by Civil Code Sections 815-816

Have been used in Ventura and many other counties. TNC, AFT, etc.

How do they work?

- Mitigation requirement is determined by lead agency.
- Developer seeks willing landowners to purchase development rights from.
- Price is negotiated between parties.
- Landowner sells development rights but retains fee ownership other rights.
- Development rights are retired.
- Landowner can farm, sell, borrow against the land as they did before.
- An Ag Conservation Easement is recorded on the property.
- 100% voluntary participation by seller.

Benefits to Landowner:

- It is a new market for landowners.
- Cash without debt.
- Solves some estate issues
- Continue to benefit from rising land values.

Easement Holders:

- Ventura land trusts. Ag conservation organization?
- Will require funds to monitor easement, insurance, etc. from developer.

Marjorie Olsson-Blom

Marjorie Olsson-Blom recently retired from the Stanislaus Local Agency Formation Commission (LAFCO) where she had served for 14 years, with the past nine years as the Executive Officer. Ms. Olsson-Blom also served for four years on the California Association of Local Agency Formation Commissions (CALAFCO) as a volunteer staff person. On September 3, 2015, Marjorie was awarded the "Outstanding CALAFCO Member" at the 2015 CALAFCO Conference in Sacramento.

In 2013, Stanislaus LAFCO received the CALAFCO "Project of the Year Award" for its Agricultural Preservation Policy. The Policy adopted in September 26, 2012, contains a requirement for applicants seeking boundary changes to prepare a "Plan for Agricultural Preservation" (Plan). The Plan shall specify the method or strategy proposed to minimize the loss of agricultural lands.

Marjorie previously worked in the community development field for over 12 years, where she worked for the Cities of Modesto, Newman, and Oakdale. In the mid-90s she was selected following a nationwide recruitment to fill a new planning position with the City of Fort Worth, Texas. Upon her return to California, she served as the former Executive Director of the Stanislaus County Affordable Housing Corporation (STANCO).

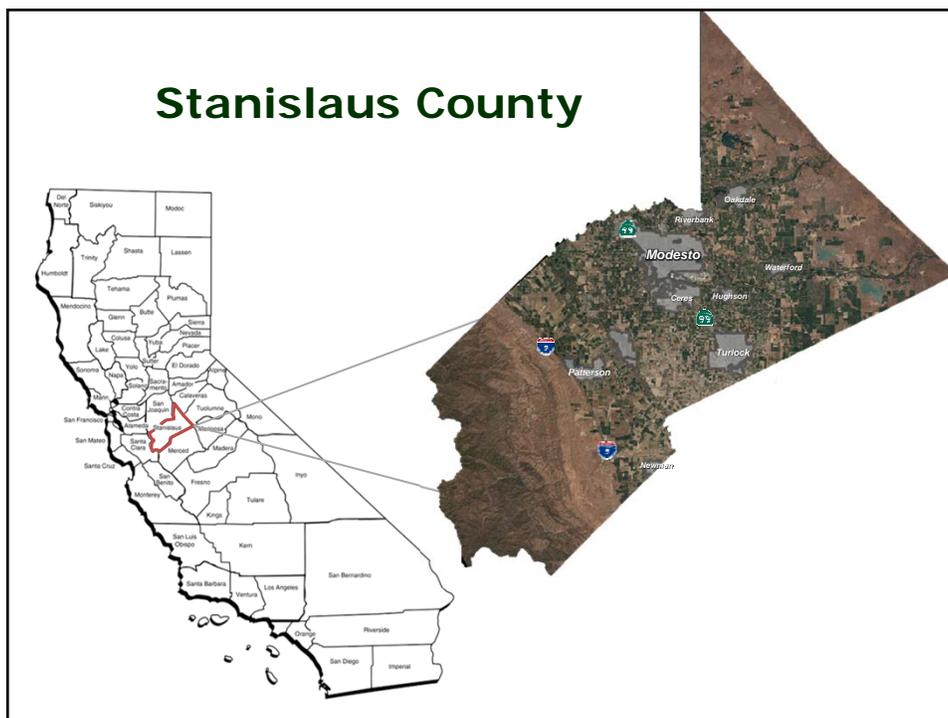
Marjorie is a 50-year plus Stanislaus County native, born and raised on a small ranch in Turlock, where her father and uncle owned and operated Olsson Brothers Trucking. Growing up in the country afforded Marjorie with the experience of learning how important agricultural is to our region.

Marjorie is a proud graduate of Stanislaus State (Cal State, Stanislaus). During her spare time she loves spending time with her family and traveling the world.



# Stanislaus LAFCO's Agricultural Preservation Policy

September 10, 2015





## Setting

- Unincorporated Areas:
  - Measure E: requires vote of the people for change from agricultural to residential zoning
  - County Ag Element requires 1:1 mitigation for conversion of ag to residential designations
- Cities (via the Mayors' Group):
  - Attempted to adopt urban growth boundaries




## Policy Development

- Commission was in agreement regarding the following:
  - Applicants needed to better address the loss of agricultural lands in their proposals (beyond a "Statement of Overriding Considerations")
  - A written policy should be adopted to communicate these expectations





## Policy Development

- Seeking inspiration: Commission looked at its existing policies, other LAFCOs, & legislative authority
- Commission could not agree on a single method or strategy for ag preservation
- Early interest in a “Plan for Services” concept



Stanislaus  
**LAFCO**  
LOCAL AGENCY FORMATION COMMISSION



## Final Product

- Policy requires applicants to prepare a “Plan for Agricultural Preservation”
  - Plan shall include:
    - Detailed analysis of direct/indirect impacts to ag lands
    - Vacant land inventory & absorption study
    - Method or strategy proposed to minimize the loss of ag lands.

*(See Section A of the Policy for entire list.)*



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## Menu of Ag Pres. Strategies

- The Commission encourages the use of one or more of the following strategies:
  - For SOIs: removal of ag lands in ex. SOI order to offset an SOI expansion
  - 1:1 mitigation (may select to do 1:1 for residential only)
  - Voter-approved urban growth boundary



## Commission's Determinations

- Insufficient alternative land is available & growth has been directed away from prime lands where possible
- For SOIs--additional territory will not exceed the 10 & 20-year timeframes
- For Annexations--that development is imminent





## Commission's Determinations

- Loss of ag lands has been minimized based on the selected ag preservation strategy
- Proposal will result in planned, orderly, and efficient use of land & services
- For proposals using ag mitigation lands--minimum criteria must be met



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## In Practice

<p><i>Modesto Example:</i></p> <ul style="list-style-type: none"> <li>▪ 84-acre residential development</li> <li>▪ Within City's SOI</li> <li>▪ Majority considered prime farmland</li> <li>▪ Item continued for revised Plan for Ag Preservation</li> </ul>	<p><i>Patterson Example:</i></p> <ul style="list-style-type: none"> <li>▪ 1,119-acre SOI expansion &amp; annexation proposal</li> <li>▪ For 13.47 million sf of industrial / commercial uses</li> <li>▪ Majority considered prime farmland</li> </ul>
<ul style="list-style-type: none"> <li>▪ Approved w/ revised Plan including 1:1 mitigation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Approved (<i>without</i> one of the preferred strategies)</li> </ul>



## Latest Ag Pres. Efforts

- City of Hughson - 2:1 mitigation req. for conversion of ag to residential use
- City of Newman - Urban Growth Boundary will go to voters in Nov. 2014
- City of Modesto - Group collecting signatures for "Stamp Out Sprawl" initiative (urban limit & residential limit)
- City of Oakdale - Two specific plans using 1:1 mitigation for residential
- *Ag pres. policies being incorporated into General Plan Updates*




## Policy Development Tips

- Create "defensible space" with the policy language
  - Identify sources (e.g. CKH, existing policies, other "tested" language)
  - Maintain internal consistency

*(See "Staff's Notes" handout)*





## Policy Development Tips

- Include determinations that directly tie to State law & LAFCO's purpose
- Tell the complete "story" in the Commission's actions and resolution




## Policy Development Tips

- Stanislaus Policy as a Model
  - Info required in the Plan for Ag Preservation assists Commission with making determinations
  - Policy language can be strengthened ("encourages" vs. "requires")
  - Menu can be altered to meet an individual LAFCO's preferred method(s) of ag preservation





## *Contact Stanislaus LAFCO:*

 [www.stanislauslafco.org](http://www.stanislauslafco.org)

 @stanislauslafco

 [lafco@stancounty.com](mailto:lafco@stancounty.com)





**VENTURA LOCAL AGENCY  
FORMATION COMMISSION**

**Case Studies:  
How Agricultural Mitigation Policies  
Have Worked for Other LAFCos**



### San Luis Obispo LAFCo Policy



*San Luis Obispo County*

**Mitigation Triggered by:**

- Annexation of prime ag land

**Mitigation:**

- 1:1 mitigation ratio achieved by:
  - Acquisition and dedication of farmlands, development rights, and/or conservation easements
  - In-lieu fee
  - Other

**Mitigation Land:**

- Permanent protection of similar farmlands
- Within County Planning Area

### Santa Clara LAFCo Policy



*Santa Clara County*

**Mitigation Triggered by:**

- Proposals involving conversion of prime ag lands

**Mitigation:**

- 1:1 mitigation ratio (plus costs) achieved by:
  - Acquisition and dedication of ag land and/or conservation easements
  - In-lieu fee

**Mitigation Land:**

- Permanent protection of similar prime ag land
- Within County
- Within cities' SOI in area planned for ag

### Stanislaus LAFCo Policy



**Mitigation Triggered by:**

- Proposals involving SOI expansion or annexation to city or special district involving conversion of ag land

**Mitigation:**

- Plan for Agricultural Preservation:
  - 1:1 mitigation ratio achieved by:
    - Acquisition and dedication of ag land, development rights, and/or conservation easements
    - In-lieu fee
  - Removal of ag lands from existing SOI
  - Voter-approved urban growth boundary

**Mitigation Land:**

- Permanent protection of similar land
- Irrigation water supply
- Within County
- Not already protected

### Yolo LAFCo Policy



**Mitigation Triggered by:**

- Annexations of prime ag lands

**Mitigation:**

- 1:1 mitigation ratio (plus costs) achieved by:
  - Acquisition of farmland, development rights, and/or conservation easements
  - In-lieu fee
- Establishment of open space buffers

**Mitigation Land:**

- Permanent protection of similar prime ag land
- Within County
- Not already protected

Agricultural Mitigation Policy Summary – Comparison of LAFCoS			
LAFCo	Trigger	Mitigations	Eligibility Criteria for Mitigation Land
San Luis Obispo	Annexations of prime agricultural land	<ul style="list-style-type: none"> <li>• 1:1 minimum mitigation ratio by:                             <ul style="list-style-type: none"> <li>○ Acquisition/dedication of farmlands, development rights, and/or agricultural conservation easements</li> <li>○ In-lieu fee</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Permanent protection of similar farmlands</li> <li>• Within the County Planning Area</li> </ul>
Santa Clara	Proposals involving the conversion of prime agricultural lands	<ul style="list-style-type: none"> <li>• 1:1 minimum mitigation ratio (plus costs) by:                             <ul style="list-style-type: none"> <li>○ Acquisition/dedication of agricultural land, and/or agricultural conservation easements</li> <li>○ In-lieu fee</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Permanent protection of prime agricultural land of similar quality and character</li> <li>• Within the County</li> <li>• Within cities' sphere of influence in an area planned for agriculture</li> </ul>
Stanislaus	Proposals involving a sphere of influence expansion or annexation to a city or special district involving the conversion of agricultural land	<p>Plan for Agricultural Preservation:</p> <ul style="list-style-type: none"> <li>• 1:1 minimum mitigation ratio by:                             <ul style="list-style-type: none"> <li>○ Acquisition/dedication of agricultural land, development rights, and/or agricultural conservation easements</li> <li>○ In-lieu fee</li> </ul> </li> <li>• Removal of agricultural lands from existing sphere of influence as an offset</li> <li>• Voter approved urban growth boundary</li> </ul>	<ul style="list-style-type: none"> <li>• Permanent protection of mitigation land of equal or better soil quality</li> <li>• Within the County</li> <li>• Dependable and sustainable supply of irrigation water</li> <li>• Territory may not be otherwise permanently protected</li> </ul>
Yolo	Annexations of prime agricultural land	<ul style="list-style-type: none"> <li>• 1:1 minimum mitigation ratio by:                             <ul style="list-style-type: none"> <li>○ Acquisition of farmland, development rights, and/or conservation easements</li> <li>○ In-lieu fee</li> </ul> </li> <li>• Establishment of open space buffers</li> </ul>	<ul style="list-style-type: none"> <li>• Permanent protection of prime agricultural property of reasonably equivalent quality and character that would otherwise be threatened, in the reasonably foreseeable future, by development and/or other urban uses</li> <li>• Within the County</li> <li>• Territory may not already be protected for habitat conservation purposes, or for incompatible purposes</li> </ul>