

LAFCO Is Charged With Discouraging Urban Sprawl And Preserving Open Space And Prime Agricultural Land

LAFCO DOES

- Approve or reject annexations and SOI changes
- Approve or reject new incorporations and district formations and dissolution of same
- Comment on the effectiveness of cities and districts and identify opportunities and threats
- Establish local policies within the latitudes of the enabling legislation

LAFCO DOES NOT

- Designate prime ag land
- Establish general plans and zoning
- Determine how tax revenue is allocated among jurisdictions for incorporations and annexations
- Have a direct role in city and district management

LAFCO's influence Comes From Acting On And Conditioning Applications

- 56375. The commission shall have all of the following powers and duties...
 - To review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization...
 - ...consistent with written policies, procedures, and guidelines adopted by the commission.

Contra Costa LAFCO is determining whether to adopt an agricultural land and open space policy.

LAFCO's AUTHORITY

- Balance competing interests of development with preserving open space and prime agricultural lands (56001)
- Guide development away from prime agricultural and open space lands (56377(a) and 56668 (d))
- No island annexation if prime agricultural land (56375.3 (b)(5))
- Consider effect of a proposal on maintaining the physical and economic integrity of agricultural lands (56668 (e))
- May require pre-zoning, but may not specify the zoning (56375)

Other LAFCOs Use A Range Of Ag Land Policies

Examples

Develop non-Prime Ag Land First

Offset Annexation with Preservation

Applications Require Assessments and Mitigations

Consider Detaching Ag Land

Enact "Right-to-Farm" Conditions

Annexations Can Require Ag Land-Owner Consent

Discourage Annexations of Ag Land

Establish Buffers Around Agriculture

Restate
CKH Law

Strengthen
Processing
Procedures

Require
Mitigation and
Protection

Policy Example 1: Restate CKH

- **Madera LAFCO**
- **Key features**
 - Retain prime ag land while facilitating logical and orderly urban expansion
 - Guide development away from prime ag land except when that undermines land use plans
 - Obtain landowner consent for annexations of prime ag land
- **Example:** Annexation of 1,509 acres (including some ag land) to City of Chowchilla for economic development purposes (race track); project fell through (2012)
- **Current issue:** City of Madera is looking to expand its SOI to include prime farmland; will require a LAFCO Municipal Service Review

Policy Example 2: Enhance Application Requirements

- **Monterey LAFCO**
- **Key requirements for proposals**
 - **Discuss how balance preservation of ag land and open space with requirements for orderly development**
 - **Discuss impact on physical and economic integrity of open space and ag lands**
 - **Discuss potential cumulative effects of proposal on additional conversion of ag land and open space**
- **Example: 2014 City of Gonzales SOI expansion (2,038 acres) MOU between City and County – features**
 - **Compact development**
 - **Permanent urban edge**
 - **Rezone land to “ag” previously zoned for development**
 - **Work with other agencies on Valley-wide ag land mitigation program**

POLICY EXAMPLE 3: PRESERVATION

- **Yolo LAFCO**
- **Key features**
 - **Discourages annexation of prime agricultural land and encourages detachment of such land**
 - **Except in limited circumstances requires 1:1 preservation of prime ag land for areas annexed**
 - **Prefers third parties to hold protected ag land or preservation easements**
 - **Encourages compliance with policy prior to submitting application to LAFCO**
- **Example: 2004 annexation of 44 acres to City of Woodland (senior/community center) conditioned on working with Yolo Land Trust to provide 40 acres of conservation easements.**
- **Current issues: City of Davis increased its ag mitigation to up to 2:1 ratio; County is considering the same – decision is expected in June 2015**

POLICY EXAMPLE 4: CONTROVERSY

- **Stanislaus LAFCO**
- **Key features**
 - **Recognizes that ag is vital to the County's economy and environment**
 - **Encourages local agencies to adopt their own ag policy**
 - **Proposals that include ag land must include a Plan for Ag Preservation as described in the LAFCO Ag policy**
 - **Contains strategies (e.g., removing ag land from SOIs, at least 1:1 mitigation, in-lieu fees, conservation easements, option to exempt annexation of industrial/commercial land from mitigation, etc.)**
 - **Provides criteria for LAFCO's evaluation of a Plan for Ag Preservation**

POLICY EXAMPLE 4: CONTROVERSY

- **Examples:**
 - **Annexation of 80 acres to City of Modesto (residential development); 78 acres of prime ag; mitigation - 1:1 preservation**
 - **Annexation of 1,000 acres to City of Patterson (industrial/commercial); Commission waived 1:1 mitigation per policy**

POLICY EXAMPLE 4: CONTROVERSY

- **Current issues:**
 - Stanislaus LAFCO amended the ag mitigation in lieu fee to fully fund loss of ag land
 - Several cities are protesting the amendment
 - City member of LAFCO facing possible recall by Mayors' Conference