

## Synopsis of Selected Agriculture and Open Space Policies of California LAFCOs

Staff and the Policies & Procedures Committee reviewed the agriculture and open space policies adopted by the following 11 LAFCOs:

Kings	Plumas	Stanislaus
Madera	San Joaquin	Tuolumne
Mariposa	San Luis Obispo	Yolo
Monterey	Santa Clara	

The Plumas policy was adopted by six other LAFCOs (Calaveras, Colusa, Lake, Lassen Modoc, Yuba) because they share an Executive Officer.

Copies of all reviewed policies can be obtained from the LAFCO Executive Officer.

While all policies are based on the CKH Act, they differ substantially in form of presentation, detail, and statement of how LAFCO's ability to condition applications will be used in considering annexations of agricultural and open space land. The policies are diverse and reflect the local conditions and characteristics.

The adoption date was not apparent for all policies, but the oldest dated policy is from 2006 and is for Kings County LAFCO. Mariposa County LAFCO has one of the more recent agricultural land preservation policy, dated 2014.

The remaining portion of this attachment summarizes what is similar and what differs among the policies.

### **Consistent Provisions**

All policies acknowledge LAFCO's role to preserve prime agricultural and open space while balancing that with the need to approve orderly development. The policies also encourage jurisdictions to develop land within their boundaries and SOIs before annexing more land. Jurisdictions are discouraged from developing prime agricultural land, even when such land is in the SOI. In some cases, they are encouraged to detach prime agricultural land. A few policies create exemptions for developing prime agricultural land when that is consistent with an adopted City or County land use plan. A number of policies include special provisions that apply to Williamson Act land.

### **Differentiated Provisions**

Almost all of the policies go beyond restating the basic CKH tenants that apply to agricultural lands and open space. These policies use the power of LAFCO to condition approvals to guide the application and review processes and to establish conditions that mitigate to a degree the effects of annexation of agricultural land. This section discusses the provisions that appear in individual policies by topic.

#### **1. Pre-Application Planning and Application Requirements**

Several counties encourage jurisdictions to participate in planning to minimize the amount of and mitigate the effects of annexing agricultural land. For example, Kings County LAFCO requires that an application show that development of proposed annexed agricultural land is imminent, contiguous to current development, and anticipated in applicable land use plans.

Madera County is unlikely to support the annexation of prime agricultural land unless the property owner is supportive, and requires that the application demonstrate how agricultural and open space land will be preserved.

The requirements of Mariposa, Monterey, and Plumas Counties are similar to the ones stated above.

Stanislaus County requires applicants to submit a plan for agricultural preservation as part of an SOI or boundary expansion. The plan's purpose is to help LAFCO understand how the proposal is consistent with LAFCO policy. The required components of the plan are substantial and require declarations from the applicant regarding how they will mitigate the impacts of annexing agricultural land for non-open space purposes. Several options are included in the policy.

Santa Clara County encourages city applicants to develop agricultural mitigation policies before applying to LAFCO.

San Luis Obispo is similar to Stanislaus in that an application to annex agricultural and open space land must include substantial analysis of the surrounding area and the impacts of the application on agriculture.

Yolo LAFCO indicates that it wants mitigation measures consistent with their agricultural preservation policy in place at the time a proposal is filed with the Commission.

## **2. Necessary Findings**

Several LAFCOs indicate what findings are likely required before the Commission would approve annexation of agricultural land. For example, Mariposa LAFCO will not approve a proposal that has significant adverse effects on the physical and economic integrity of other agricultural and open space land. Furthermore, the LAFCO is unlikely to annex agricultural and open space land that will not be developed unless maintenance of the agricultural or open space use is an integral part of the development and is protected from future development.

Plumas LAFCO must find that the applicant has identified and preserved all agricultural and open space land within the SOI and has an adopted plan to encourage infill. The LAFCO must also find that the annexation will not affect the physical and economic integrity of open space and agricultural land.

San Luis Obispo LAFCO requires findings that there are measures to mitigate the loss of agricultural land, to preserve adjoining lands for agriculture, and to prevent their premature

conversion to other uses. Options of such measures are provided and include acquisition and dedication of land, assignment of development rights, and others.

### **3. Buffer Zone Conditions**

Four LAFCO policies require buffer zones around agricultural uses to reduce the likelihood of conflicts with urban uses. Plumas LAFCO suggests a 300' buffer or other acceptable and enforceable protection.

Monterey LAFCO states that "...agricultural buffers provide an important means to preserve open-space and agricultural lands and preserve the integrity of planned, well-ordered, efficient urban development patterns." This LAFCO encourages "Agreements between neighboring local agencies with regard to the preservation of open-space and agricultural lands..."

Santa Clara LAFCO supports agricultural buffers where the size, location, and allowed uses are sufficient to minimize conflicts between adjacent urban and agricultural uses. The LAFCO also supports Right to Farm Ordinances to ensure that urban residents on annexed land recognize the rights of adjacent property owners to conduct agricultural operations that comply with established standards.

San Luis Obispo LAFCO uses buffers to ensure that "Development near agricultural land...not adversely affect the sustainability or constrain the lawful, responsible practices of the agricultural operations."

### **4. Non-annexed Land Conservation Requirements**

Four LAFCOs indicate that they expect applicants that seek to add agricultural land, particularly prime agricultural land, to an SOI or a city or district boundary demonstrate how they will incorporate mitigation plans in the proposal. These plans should preserve and manage at least an equal amount of comparable land in perpetuity and/or provide funding for an acceptable land trust or other entity to do so. In most cases, the land need not be purchased. Rather conservation easements or development rights prohibitions that are held by a third party are acceptable. In all cases, continued agricultural use on the protected land is desired.

For example, Santa Clara LAFCO's policy states:

Proposals involving the conversion of prime agricultural lands should provide one of the following mitigations at a not less than 1:1 ratio (1 acre preserved for every acre converted) along with the payment of funds as determined by the city / agricultural conservation entity (whichever applies) to cover the costs of program administration, land management, monitoring, enforcement and maintenance of agriculture on the mitigation lands:

Agricultural lands or conservation easements acquired and transferred to an agricultural conservation entity should be located in Santa Clara County and be lands deemed acceptable to the city and entity.

The agricultural mitigation should result in preservation of land that would be:

- a. Prime agricultural land of substantially similar quality and character as measured by the Average Storie Index rating and the Land Capability Classification rating, and
- b. Located within cities' spheres of influence in an area planned/envisioned for agriculture, and
- c. That would preferably promote the definition and creation of a permanent urban/agricultural edge.

San Luis Obispo LAFCO indicates the Commission shall approve annexations of prime agricultural land only if there is mitigation that equates to a substitution ratio of at least 1:1 for prime land and that the mitigation is accepted by the applicant and the jurisdiction with land use authority.

Stanislaus LAFCO indicates that the protected land be of equal or better soil quality, have a dependable source of irrigation water, and be located in Stanislaus County. The policy further requires that mitigation be in place before the first occurrence of grading, building permits, or final map approval. Press reports provided by our Executive Officer at Contra Costa LAFCO's February meeting indicate that some Stanislaus County cities are considering mitigation ratios of 2:1 or 3:1.

Yolo LAFCO has provisions similar to those stated above.

Acceptable preservation entities can be a city, public, or non-profit agency that has the resources and skills to hold the land or protective easements. In Contra Costa County, the East Bay Regional Parks District, the Brentwood Agricultural Land Trust, and the Muir Heritage Land Trust could all be candidate entities, along with the County and cities.

Several policies explicitly state that protective easements or land acquisitions cannot be stacked, i.e., an acre of protected land can only apply to one application. No policy states the mitigations can be stacked.

San Luis Obispo and Santa Clara LAFCO policies include payment of in-lieu fees as an optional mitigation measure.