



Farmland Working Group

Striving to protect food, families & farmland. Since 1999.

CONNECTING LAFCO TO LOCAL ELECTIONS



by Jeani Ferrari
Advocacy Committee
Farmland Working Group

The Farmland Working Group is an educational and advocacy non-profit organization in Stanislaus County. Since 1999, the organization's efforts have focused on its mission statement: To preserve the agricultural foundation

of our region and promote smart growth in our urban communities through education, outreach and action.

At no time have our efforts been more important than this year. There are three factors that make this a worthy topic for discussion: Stanislaus County LAFCo, Measure L (the proposed county transportation tax) and the November 2016 countywide elections.

LAFCo is the acronym for Local Area Formation Commission. Neither the acronym nor the name give any indication as to the purpose of the commission or, more significantly, the important role the commission plays in every county in California; **the commission is a political powerhouse in each of California's fifty-eight counties.**

Measure L, the countywide ballot initiative, is a transportation tax that, if passed, would make Stanislaus County a "self-help" county and one of 21 counties in the state with that designation. If you care to see the implications of the "self-help" status, look no further than San Joaquin County. When driving through San Joaquin County, the roads are maintained and there are an abundant number of road projects underway. When crossing the border from San Joaquin County to Stanislaus County, there is an immediate change in road surfaces, from smooth sailing to teeth chattering.

Without the "self-help" status, Stanislaus County will never have quality roads to properly move goods and people. That is a fact. Stanislaus County will continue to be placed below the "self-help" counties and in competition with those counties that most need road maintenance.

In addition to federal and state elections, the November 2016 ballot includes county and city elections. This is where local elections and LAFCo are connected. The mayor of each city, on a rotational basis, appoints a council member (or his/her self) to serve as a commissioner on LAFCo. The commission has five voting members, a combination of county supervisors, city representatives and one member from the public.

The purpose for the formation of LAFCo, to protect agricultural land and open space and promote orderly and compact growth in the state's cities, was a very clear mandate. The history of the formation of LAFCo and its political stature in Stanislaus County is covered in "LAFCo: The Developers' Best Kept Secret" on page 4. When a city desires to expand its Sphere of Influence (SOI) or annex land from the county into the city, LAFCo must approve it.

Appointed commissioners are to uphold LAFCo's purpose. Period. This is not a committee that has the broad objectives of a board of supervisors or city council, taking into account economic development, job creation, transportation, public safety, etc. The appointed commissioners are to focus on the preservation of

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Continued page 2

Our Mission: To preserve the agricultural foundation of our region and promote smart growth in our urban communities through education, outreach and action.

agricultural lands and open space and to discourage sprawl and the imminent negative impacts it brings to cities. Some counties fulfill the purpose of the commission. Many do not.

On July 27, Stanislaus County LAFCo voted on a Sphere of Influence (SOI) application from the city of Riverbank. The city requested extending its footprint by 80 percent. The vote passed unanimously. Formal annexation is the next step before LAFCo. Comments from the commissioners regarding the Riverbank vote, including public member, Brad Hawn, demonstrate the influence of developers and the distancing from the purposes of the commission. Hawn stated, "In some respects, it's a little disingenuous when I say some other family from the Bay Area shouldn't have the same opportunity I have." It most certainly is not the obligation of Stanislaus County to house the workers from the Bay Area. In reflecting on this non-LAFCo issue, Hawn ignores the most important criteria of the commission. How can we protect our agricultural land, a non-renewable resource? How can we more efficiently utilize our urban inventory? These are the questions the commissioners should be addressing.

Losing sight of the commission's purpose, Mike Van Winkle, Waterford mayor (alternate commissioner) stated, "If a farmer wants to sell his property and

you put limits on where he's going to be allowed to sell, you're taking away some people's rights." This statement and the logic associated with it has nothing to do with protecting agricultural land or promoting compact and efficient development. It's not the role of the commission to address such issues and, indeed, it is not the role of the county to assure businesses (including agribusinesses) that their investments will be secure when they're ready to sell. Any investment is a risk.

Stanislaus County LAFCo and the November elections are inevitably tied together. If voters elect mayors, councilmembers and supervisors who recognize the importance of our agricultural lands, encourage compact, efficient growth for the long-term sustainability of our cities and uphold the purposes of LAFCo, we can avoid the high cost of sprawl and protect a non-renewable resource, agricultural land, that is in short supply world-wide.

Which brings us to Measure L. If our cities intend to provide jobs for our population, they need good transportation corridors. We need roads to move goods efficiently. Our cities need safe-paths to schools, safe bicycle trails and public transportation that meet the needs of the underserved in our communities. Our quality of life, and the promise of quality of life for our children and grandchildren, is dependent upon who we elect and how we decide our communities will be shaped by our tax investments.

Update - Stanislaus LAFCO's Agricultural Preservation Policy

Stanislaus LAFCO's Agricultural Preservation Policy was originally adopted in Sept. 2012, with a minor amendment in March 2015. We've only had a handful of applications since 2012 that have been subject to the policy. The Policy requires a city to prepare a "Plan for Agricultural Preservation" indicating a strategy that it will use to minimize the loss of ag lands.

The Policy outlines three strategies in particular that the Commission encourages a city to select from: removal of ag lands from an existing sphere to offset expansion in another area, 1:1 mitigation (or in-lieu fees)--which may occur in a manner consistent with the County's policy (e.g. for conversions to residential uses), and a voter-approved urban growth boundary. This "menu" approach was meant to accommodate the varying policies/strategies of cities.

I do not believe that any acreage has been encumbered under a conservation easement yet. This is because the requirement to acquire the easement and/or pay in-lieu fees must occur just prior to development (typically triggered by building permit

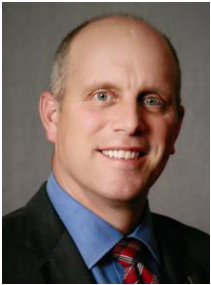
or final map recordation). There are two annexations LAFCO has approved recently that included this requirement:

- Crane Crossing annexation to the City of Oakdale: 20+/- acres to be preserved
- Woodglen annexation to the City of Modesto: 74+/- acres to be preserved

For Sphere of Influence proposals, we also ask that cities prepare a Plan for Agricultural Preservation detailing their strategy for agricultural preservation. So, as an example, Riverbank's SOI included a Plan for Ag Preservation requiring 1:1 mitigation for conversions of important farmland to residential development in the proposed SOI area. The Commission would expect to see this requirement carried forth in all annexations within the proposed SOI area and, consistent with the policy, it would be required to occur prior to development. (This has the potential for conservation of hundreds of acres of ag land.)

Sara Lytle-Pinhey
Executive Officer
Stanislaus LAFCO

Measure L: Local Roads First



My family has been farming in Stanislaus County for more than 65 years. I know first hand how difficult the State has made it for me and my fellow farmers to be successful. With water restrictions, environmental regulation and increasing taxes in general, it's harder than ever to run a family farm. And with all that knowledge, I join the Stanislaus

County Farm Bureau in my complete support of Measure L: Local Roads First. It's time to take charge of our roads.

"Each farmer and rancher in Stanislaus County uses our local roads whether it is to work on our farms and ranches, go to school, go to church, buy parts, feed our families, or transport our products to market," said SCFB President David Van Klaveren. "Without sufficient infrastructure, a thriving society and economy cannot function."

California's local streets and roads network is currently funded through a variety of sources including the state gas tax, federal transportation funds, local tax and bond measures, and local General Funds. Because funding sources have not kept pace with inflation, we face an ongoing annual deficit of \$7.8 billion in the area of streets and roads, and other components of the state transportation system face similar shortfalls.

Shortfalls? The average county resident currently pays about \$135 a year in gas taxes. By the time the State takes its money, applies some to debt and then distributes what's left over – we get less than 7¢. Less than 7¢! Streets and roads in the Modesto-Metro area are currently ranked as the 20th worst in the entire country. Those of us trying to deliver product know how important safe, reliable and drivable roads are to our families and our livelihood.

This is a half-cent sales tax that would be collected over 25 years, resulting in almost a billion dollars in revenue. That money would be used exclusively to maintain our existing streets and roads, improve public transportation and upgrade routes to increase connectivity throughout the County. Sacramento can't touch it. Without this investment, our roads will continue to deteriorate and we will be unable to fix them or to accommodate badly needed economic growth in the future.

Voters in 20 "self-help counties" representing 81 percent of California's population have passed sales tax measures specifically for transportation that are expected to fund over \$95 billion of voter-approved transportation investments by 2050.

Because self-help counties are able to exercise con-

trol over locally raised transportation funds, they have considerably more influence over how transportation projects are delivered for the benefit of their residents. This, in turn, enables residents to hold county officials accountable for results.

Measure L provides specific investments for each and every jurisdiction as well as clearly defined regional projects that will yield positive economic and connectivity benefits county-wide.

This package of investments was based on a substantial amount public outreach, which explains why 65% of the revenues would be controlled by local agencies with 50% going to repair local streets and roads, 10% percent would be used to address traffic congestion, and 5% for local bike and pedestrian projects. The remaining money would be allocated at 7% for transit services and 28% for regional projects that will help us transport our products in a safer more efficient manner.

Measure L includes strict oversight to ensure that all funds will be spent exactly as voters have been promised. A Citizens Oversight committee will review expenditures on a quarterly basis and provide annual reports for taxpayer review. The development community will continue to pay its fair share in transportation impact fees and local agencies would be required to maintain their current level of funding.

The most important aspect of Measure L is that Stanislaus County would be able to access part of that \$95 billion dollars that California's other self-help counties already have. We have the ability to potentially double or even triple our funding delivering between \$2 and \$3 billion dollars in local transportation projects over the next 25 years.

We can't wait for Sacramento. We must take charge and fix our transportation infrastructure now. Measure L? Oh 'L Yes!

Supervisor Vito Chisea
Chairman, StanCOG Policy Board
Former President of the Stanislaus County Farm Bureau

For more information:
www.stanislaus-localroadsfirst.com

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...Worth Repeating

LAFCo: The Developers' Best Kept Secret



Ask a Stanislaus County resident what LAFCo is, and there's a 99% chance you'll draw a blank look. That same resident may lament the ongoing loss of local farmland and the blighted appearance of empty houses and brown yards but never know that there exists a local government agency charged with preserv-

ing farmland and preventing sprawl. Unfortunately, that agency has been the developers' best kept secret.

By the 1950s, the people of California had realized that growth in the Golden State threatened the very resources that made California such a desirable destination. By 1959, the problems posed by urban growth were so severe that Governor Edmund Brown established the Commission on Metropolitan Area Problems to recommend remedies for runaway growth and its negative effects on the environment. The Commission found that growth and jurisdiction problems in California warranted the establishment of "Local Agency Formation Commissions," or "LAFCo."

LAFCo became a reality in all 58 California counties in 1963. Today, two of its chief objectives are "To Preserve Agricultural Land Resources" and "To Discourage Urban Sprawl."

And while all California counties have a LAFCo, the role of LAFCo in each county varies widely. In counties like Napa, Ventura, and Yolo, LAFCo has been a major force for the establishment of firm urban boundaries and the enduring preservation of farmland. In Stanislaus County, LAFCo has been rendered impotent by the Asphalt Empire and lack of media scrutiny.

The biggest impediment to LAFCo's influence is public ignorance about its existence and mandate, but a close second is the domination of its board by developers and promoters of urban expansion. Typical LAFCo commissioners include two county supervisors, two city council members from cities within the LAFCo county jurisdiction, and a member of the public. At least since the late 1980s, the Stanislaus County political arena has been dominated by developers who have backed politicians who oppose urban boundaries, oppose mitigation for losses of agricultural land, and oppose adherence to the values encoded in the California Environmental Quality Act (CEQA). These politicians in turn actively seek places as LAFCo Commissioners.

When Stanislaus County Supervisor Jim DeMartini became a LAFCo Commissioner several years ago, he was stunned at its failure to achieve its mission. He also found there are consequences to being an outspoken advocate of farmland preservation...

DeMartini is convinced that most of the harassment he's endured has been instigated by those who oppose urban boundaries and mitigation for agricultural losses. Because he funds his own campaigns and seems uninterested in a political career as his primary occupation, DeMartini has been far harder to discourage than most politicians...

But despite his dogged determination and a work ethic that keeps him on the job long past the time when most would have given up, DeMartini hasn't been able to achieve any measure of success in getting LAFCo to fulfill its state-mandated mission...

Recently, environmental groups like the Sierra Club and Audubon Society have taken a greater interest in farmland preservation, and DeMartini welcomes their presence. "I need all the help I can get," he says often.

Nonetheless, without greater public awareness of LAFCo's failures, it's very likely to remain not only the developers' best kept secret, but one of the Asphalt Empire's greatest allies.

The biggest impediment to LAFCo's influence is public ignorance about its existence and mandate, but a close second is the domination of its board by developers and promoters of urban expansion.

By Eric Caine
Valley Citizen - August 7, 2012

Stanislaus LAFCo Commissioners:

Commissioner

Amy Bublak
Tom Dunlop
Jim DeMartini
Terry Withrow
Brad Hawn
Michael Van Winkle
William O'Brien
Annabel Gammon

Member

City Member (Vice Chair)
City Member
County Member
County Member
Public Member (Chair)
Alternate City Member
Alternate County Member
Alternate Public Member



CENTRAL VALLEY FARMLAND TRUST

PROTECTING FARMS THAT FEED YOUR FAMILY

Farmland mitigation within San Joaquin County has

been fickle, yet very effective. It has provided the means for the CVFT to acquire nearly 2,200 acres of prime irrigated farmland which otherwise would have gone unprotected. The various city based ordinances require the payment of a fee ranging from approximately \$2,600 to \$9,600 per acre. With each ordinance having somewhat different requirements.

Under the San Joaquin County's jurisdiction (versus Cities) the mitigation requirement is "in kind". Meaning under the County's ordinance a developer must acquire an ag conservation easement to satisfy his or her mitigation requirement versus paying a fee. This form of ordinance can be problematic and less effective in strategically placing ACE's unless the developer engages a qualified ag land trust early in the process. The CVFT has worked closely with the various jurisdictions within San Joaquin County to strategically place ACEs on the most threatened farmlands within the County, yet allowing the growth objectives of those jurisdictions to remain ongoing and viable. Devel-

opment continues to thrive within the county.

To make farmland mitigation even more successful a standard mitigation ordinance would be most helpful. Each jurisdiction should then engage a qualified agricultural land trust early in the process of passing the ordinance to insure it does not negatively impact the land trust's ability to do quality work and allow that jurisdiction's growth initiatives to remain viable.

If all jurisdictions were committed to farmland protection and collectively worked to pass consistent and reasonable mitigation ordinances it is likely they will find minimum resistance from the development community. Why, because it creates a known (versus an unknown loathed by developers) and level playing field. The additional cost per building unit becomes less problematic and the cities can plan growth initiatives accordingly. Fighting the inevitable only protracts the process, creates "unknown", and ultimately is more costly for everyone. Not to mention the fact a precious and non-renewable resource found only in the San Joaquin Valley is placed at risk for extinction. Nobody wants that!

Bill Martin, Executive Director
Central Valley Farmland Trust

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**Don't forget to
VOTE
Tuesday
November 8
2016**

Central Valley Farmland Trust – Agricultural Conservation Easements

County	Property Name	Nearest Town	Ag Prod.	Year Closed	# of Acres	# Acres
Stanislaus	Menghetti Farm	Modesto	Almonds, walnuts	2009	155.83	306.94
	Ulm Farms, Inc.	Modesto	Almonds, walnuts	2011	151.11	
San Joaquin	Becker Ranch	Linden	Walnuts, cherries	2010	48.78	2180.98
	Brandstad Brothers	Linden	Walnuts, cherries	2014	158.18	
	Brandstad Farms	Linden	Walnuts, cherries	2011	174.24	
	Brazil-Van Ryn Farm	Stockton	Corn, oats	2011	216.30	
	Galeazzi	Lockeford	Walnuts	2012	253.75	
	Machado	Linden	Walnuts, cherries, peaches	2015	160.00	
	Mainstone I	Lathrop	Onions, asparagus, hay	2006	927.90	
Mainstone II	Lathrop	Tomatoes, hay	2011	241.83		
Sacramento	Kneppel Farm	Elk Grove	Corn and field crops	2013	166.20	709.08
	Mello Farm	Elk Grove	Hay	2003	97.00	
	Silva Farm	Howard Landing	Hay and grain	2007	225.00	
	Sutter Home	Elk Grove	Vineyard	2003	220.88	

Farmland Working Group

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 www.farmlandworkinggroup.org

**Be Informed
and
VOTE SMART
November 8**



LAFCO Commissioners,

Good evening. In 30 years of my direct and indirect participation to protect our best farmland from an unrecoverable commitment to urbanization, many processes have changed. Yet one condition remains. With the exception of 300 acres, three miles west of Modesto, all farmland in Stanislaus County remains on-the-table. It does not matter if it is the most useless type of farmland or world class food producing farmland, it is on the table for urban consumption.

There are some very effective policies on the books. Yet, there are no LAFCO rules or plans that are termed or perpetual commitments to protect any land for agriculture in Stanislaus County. Every process is designed to assist a better conversion plan to urbanize. Even the best plans don't spe-

cifically say "this is our best farmland, we shall protect it for future generations and the public good!" Not my own Measure E, at the county level. Not the City of Hughson 2-1 farmland mitigation. Not the LAFCO Ag preservation Policy. Measure E directs housing only into the cities. Hughson's policy charges more money to eventually go toward the purchase of farmland protection. And the LAFCO policy requires the cities to provide rationale for taking of prime farmland.

I am asking tonight that you use the tools currently at your disposal. **Don't allow any Sphere of Influence expansion upon prime farmland until you know and let all others know what land is OFF-THE-TABLE for urbanization. To do otherwise is to continue the follie that this LAFCO is responsible for farmland protection.**

Thank you.
Denny Jackman
LAFCO Meeting - July 27, 2016