



PATTERSON PLAN OMITTS FARMLAND - Modesto Bee, The (CA) - September 10, 2012 - page A1

September 10, 2012 | Modesto Bee, The (CA) | GARTH STAPLEYGSTAPLEY@MODBEE.COM ANDPATTY GUERRAPGUERRA@MO | Page A1

A growth-guiding agency is puzzled that **Patterson** dropped a farmland preservation strategy from the city's 1,100-acre **annexation** request.

Hoping to increase the city's size by nearly a third and lure 10,000 jobs, **Patterson** leaders last month blessed an industrial park expansion proposed by Jeff Arambel and KDN Enterprises.

But Stanislaus Local Agency Formation Commission members must sign off on the **annexation**, which no longer includes a promise to permanently preserve an acre of farmland elsewhere for every acre to be developed.

The timing might be bad for **Patterson** because:

\* After months of debate, LAFCo is expected to adopt a farmland preservation policy Sept. 26.

\* The last time LAFCo approved a major **annexation**, farming advocates sued the agency, saying it should have forced Ceres to come up with some sort of **plan** to make up for lost farmland.

**Patterson's** about-face is "incredibly frustrating," said Denny Jackman, a former Modesto councilman. His initiative requiring public input for some growth was embraced by voters across Stanislaus County in 2008.

"It's routine for good ol' boys -- 'We're going to do what we want, including taking something away that we said we were going to do,'" Jackman said.

**Patterson** City Manager Rod Butler said the mitigation was included in the first staff proposal but removed after discussion at the Planning Commission.

"Their recommendation was that it not be included as it went up the ladder to the City Council," he said. "The council agreed with that and did not include any ag mitigation, based primarily on the argument that the job creation outweighs any loss of ag land, especially ag land right there along the Interstate 5 corridor."

#### AIMING FOR OCTOBER

The Arambel **annexation** was fast-tracked in hopes of landing on LAFCo's October agenda, but Marjorie Blom, the agency's executive officer, said it could be delayed. City officials typically meet with her staff before submitting a growth request, but that didn't happen this time, she said.

Blom sent a letter to **Patterson** leaders noting several shortcomings in the application, including an explanation for leaving out farmland preservation.

"Please describe the circumstances that have changed," she wrote, saying the city "should demonstrate (reasoning), with substantial evidence."

Blom said Thursday, "We're waiting to hear."

Scott Davidson with PMC Planning is the city's consultant on the project.

"The Planning Commission ... felt the issue had been addressed," Davidson said. The city's general **plan** already had included the area in **Patterson's** sphere of influence, marking it for future development.

**Patterson** officials said they were not surprised by the response from LAFCo, nor the updates requested.

"It's a lot of work," Butler acknowledged. "The developer has set out a very aggressive time line on this."

Davidson and City Planner Joel Andrews "are really hustling on our end," Butler said. "There's a lot of work that has to be done by the developer and his team as well."

Davidson said he had been in discussions with LAFCo before the council acted on the expansion.

"We were looking to get just that kind of feedback when we provided them with the first submittal. ... We're actually pretty close at this point to having assembled our responses and are hoping to refile quickly."

County Supervisor Jim DeMartini led the charge for mitigation -- preserving a specified amount of land for every acre developed -- in the county's agricultural element, and **Patterson** is in his district. He is a LAFCo commissioner and pushed for that agency to adopt preservation rules.

Proposed rules would give cities options such as acre-for-acre mitigation, greenbelts or voter-approved growth boundaries.

"Anytime you talk about preserving ag land, cities always fold," DeMartini said. Rare exceptions include Kaiser's concession to Modesto and recent pledges by Hughson, DeMartini said.

"In a county like this where the ag economy is by far No. 1, you'd think cities would be more interested in preserving what ag land is left, but it's been an uphill battle," DeMartini continued. "They get convinced by developers that it's not important."

#### CERES CASE

However, DeMartini said **Patterson's** application arrived Aug. 1 and might not be subject to a LAFCo policy yet to be formalized -- the same logic offered by LAFCo when approving Ceres' 960-acre West Landing **annexation** in March.

Two weeks later, a group called Protect Agricultural Land sued LAFCo, saying Ceres' contention that preserving farmland is impossible was a lie and LAFCo should not have bought it. Ceres' **annexation** eventually could produce 3,600 homes.

A hearing for the case is scheduled for Sept. 18 in Stanislaus County Superior Court.

Butler said officials are confident that there's little risk of legal action over **Patterson's** Arambel **annexation**.

"We vetted pretty carefully this issue as it went through the review process," he said. "We're confident that the action that the Planning Commission and the council took will stand up to any legal challenges."

If there are any lawsuits, the city is indemnified by the developer as part of the agreement. "We feel like the taxpayers are protected by that provision."

Matt Beekman, a Hughson councilman and LAFCo alternate, noted that **Patterson's** Arambel **annexation** is devoted to industrial and commercial uses, not homes.

"It's a matter of consistency," Beekman said. "It's important that everyone be treated equally."

Said Jackman: "The job-creation side is very important, but a majority of us also agree that the ag side is very important. Why aren't they coming to the table to find a balance rather than cramming this down our throats?"

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