

Trend in California Land Use

Protecting Farmland *and* Growing Efficient Cities

California has an extraordinarily complex set of land use and public finance laws that make it difficult for local communities to protect farmland from excessive and premature development. Nevertheless, over the past two decades, local governments and private conservation organizations have devised some very innovative ways of coping with the vagaries of state law to achieve key objectives that will minimize the conversion of California's irreplaceable farmland and help its agriculture prosper in a competitive global way.

In brief, those objectives are: (1) stabilize agricultural land uses and values; (2) direct growth away from the most important farmland; (3) promote more efficient urban development; (4) finance permanent protection of the best farmland; and (5) promote agricultural economic viability.

Below are examples of approaches to agricultural land protection in several counties in California.

Monterey County Agricultural and Historical Land Conservancy – Impelled by sprawl in nearby Silicon Valley and inspired by the Marin Agricultural Land Trust, in 1985 farmers and civic leaders in the country's third leading agricultural county formed Monterey Agricultural and Historical Land Conservancy to use voluntary conservation ease-

ments to preserve some of the nation's richest and rarest agricultural land. To date, MCAHLC has protected about 15,000 acres of land, two-thirds of it in the incomparable Salinas Valley, the nation's "salad bowl" that produces 3 billion in agricultural sales annually. However, the true significance of the conservancy's work – and measure of the genius and perseverance of its leadership – is that most of the conservation easements it has acquired are strategically located next to cities so as to guide their expansion away from the valley's best farmland. Even more remarkably, in most cases their expansion has been done with the help of city officials.

Ventura SOAR Initiatives – Prompted by rapid growth, voters in eight cities in Ventura County and the county itself have over a seven-year period (1995-2002) passed initiatives that create urban growth boundaries and lock strong agricultural protection policies for at least 15 years. The Save Open Space and Agriculture Resources (SOAR) Initiatives, inspired by Napa County's Measure J, require voter approval of any changes in urban boundaries or agricultural zoning. To address concerns that the boundaries would prevent cities from building needed housing, general plans have been updated to promote infill development.

(Continued on page 5)

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



WE ARE WATCHING...

Merced County

In October, Central Valley Farmland Trust placed agricultural conservation easements on two family farms in the Delhi area. The Okuye Family Farm and the Espinosa Family Farm will support agriculture and the communities they serve for future generations. Merced County now has conservation easements on over 9,000 acres of farmland.

County Planning Commission meetings can now be seen live on MeTV, the local area's cable channel 96 and on the county website www.co.merced.ca.us

On November 20, 2007 the Board of Supervisors denied an appeal by Bear Creek Ranch Partnership to subdivide farmland for development.

For additional opinions and information check out: valleylandalliance.org and mercedfarmbureau.com

A **Public Hearing** will be held by the Board of Supervisors on Tuesday, December 18, 2007 at 10:00 a.m. in the Board of Supervisors Chambers, Third Floor, County Administration Building, 2222 "M" Street, Merced, California to consider: 2007 Cycle IV General Plan Amendment.

Get involved with the **Blueprint Process**

Stanislaus County

Measure E, a citizens' ballot measure, commonly known as Stamp Out Sprawl, will be on the February 5, 2008 presidential primary election ballot. Measure L is also on the February ballot. It was placed on the ballot by the Board of Supervisors as a counter to Measure E.

City of Modesto

A General Plan update is to start in 2008. It may include plans to withdraw from the Salida area and push to the lesser soils east of the city.

San Joaquin County

Robert Mondavi, 94-year-old Lodi-born winemaker, was named to California's Hall of Fame, December 5, 2007. DFV Winery (Delicato) of Manteca was named Winery of the Year by Wine Enthusiasts Magazine.

City of Stockton

A lawsuit filed on behalf of the Building Industry Association of the Delta against the city for its adoption of a new farmland mitigation ordinance is still pending. The downturn in housing and the fact that Stockton was reported as the highest area in the nation for home foreclosures in October, 2007, may be reason for the delay in negotiations. Meanwhile, the judge should decide soon on the merits of the suit.

Stanislaus County's Ag Element Update

The most significant changes from the original Ag Element adopted in 1990 are:

1. A definitive agreement to mitigate the conversion of ag. land from future General Plan land use map changes with the use of conservation easements on at least an equal number of acres from that being converted.
2. The restriction on subdividing and building on parcels smaller than 160 acres, this is Supervisor DeMartini's effort to prevent 40 acre splits of large properties off the valley floor (i.e., Lake Road east of Hickman).
3. The shift to discouraging "remote" developments away from existing urban areas (the old ag. element and the current land use element of the General Plan encourages remote development on our lesser soils).

Farmland mitigation is an important tool for conserving farmland and is a significant addition to Stanislaus County's Ag Element. Rather than the Board of Supervisors approving specific conservation easement projects or fees, FWG recommends that both be subject to the approval of the Planning Director with appeals going to the Planning Commission or Board.



www.farmlandworkinggroup.org

Stanislaus County - February 5, 2008 Election

Measure E

On February 5, 2008 citizens will have the opportunity to vote on a growth initiative, Measure E. Over 16,000 citizens signed this initiative, commonly known as ‘Stamp out Sprawl,’ in only 6 weeks. I will explain what it does and try to answer some of the opposing arguments.

So, what is Measure E? Simply put, Measure E requires voter approval for any conversion of agricultural land to housing within Stanislaus County. It is meant to drive growth and housing into the cities and off Ag land.

But why do we need it? For decades the County Board of Supervisors have allowed residential developments outside of cities. Their stated goal of directing growth into cities is often disregarded as they approve large-scale housing developments on county lands.

Does ‘E’ restrict agricultural uses? Measure E does not place any restrictions on Ag uses. It actually exempts farm and farm labor housing from the vote requirement.

Doesn’t this take away property rights? NO, NADA, NOT AT ALL! All property owners have the right to use their land as it is zoned, this does not change. Zoning is important because it helps to concentrate similar uses and practices.

Doesn’t it stop County planning? No, it only adds the protection of letting the taxpayer decide if the loss of agriculture is worth the cost of residential. If the County puts forth quality plans, they will be approved by the voters.

Shouldn’t we build off the Valley floor to protect Ag? That sounds like a good argument by the Board of Supervisors. But, in reality, the County has never built a real community off the valley floor. And they have never even introduced or made any serious attempt to build in the foothills. Plus, wouldn’t nearly everybody vote to approve a great foothill project that supplies housing, needed services, AND preserves farmland?

Shouldn’t this also apply to cities? The opponents have commonly raised this question. By law, county measures cannot be applied to cities. Each city must enact what is right for them.

Why should growth be only in cities? Cities are meant for housing and are set up to provide the needed services. Cities have the sewers, roads, water, police and fire systems already in place to support the population. It is a financial drain to provide housing and proper services in the county. Since Stanislaus County only receives 11 cents of every property tax dollar, each new house puts the county further in the hole. It is time to stop draining our services for the sake of developers.

Is residential in the county really bad? Yes. If you look at all the distressed housing areas of our County, they are all County approved projects. There is over \$500,000,000 worth of infrastructure deficiencies, lack of sewer, water, storm drain, sidewalks, street lights, and police, within these County areas. The County’s last major project approved and built in the 1990’s – let’s call it “Salida Then” – is so bad, so costly that they are still trying to fix it. So “Salida Now” is the Supervisor’s attempt to solve that financial fiasco by digging the hole deeper.

Isn’t Measure E too little, too late? No. Had Measure E been in place 20 years ago, we would not have the annual County budget deficit that is caused by housing outside cities. We would not be losing much needed county services to cover the cost of poorly planned residential development. And, we would not have thousands of acres of prime farmland under concrete and congestion. Most importantly, this may be the last reasonable chance before it really is too late. County officials and developers in Los Angeles, and San Fernando Valley, and San Jose’s Santa Clara Valley, would say “its only one more project.” Today Ag is gone from all those areas. Let us not repeat that here. Our heritage is too important.

Garrad Marsh, Modesto City Council member and co-author of Measure E

Stanislaus County - February 5, 2008 Election

Measure L

At the July 17, 2007 Board of Supervisors meeting, staff was requested to review alternatives to the “30 year Land use Restriction Initiative” (Measure E) that is scheduled for the February 5, 2008 ballot. Measure E, if approved, would amend the Stanislaus County General Plan to require voter approval of decisions by the Board of Supervisors of rezoning land designated open space or agriculture to residential.

As directed by the Board of Supervisors, staff from the Chief Executive Office, County Counsel, Environmental Resources, Planning and Community Development and public works discussed the options available to place an alternative measure on the ballot. The Responsible Planning and Growth Control Initiative (Measure L) was developed and approved to be on the February 5, 2008 ballot.

Measure L has similar objectives to Measure E, such as an emphasis on farmland conservation and growth control. In contrast, Measure L provides an alternate approach to achieve those results. The measure would require the County to submit to the voters a new General Plan within two years. If approved by the voters, the Board of Supervisors will be required to appoint a 15-member General Plan Review Commission. The membership of this commission shall be a broad-based coalition of citizens from throughout the county, representing diverse stakeholder interests that would be tasked with creating a new General Plan. Measure L restricts conversion of agricultural land for residential uses until a new General Plan is adopted.

Development of a new General Plan will strive to maintain Stanislaus County’s agricultural heritage and quality of life. Agriculture is not open space – agriculture is a working environment. The General Plan Review Commission will consider policies that would encourage cities to adopt community boundaries. The Commission will strive for protection and conservation of existing agricultural lands by considering inclusion of mitigation measures to permanently protect farmland. Development of a new General Plan must ensure that proper planning occurs to address Stanislaus County’s projected growth. The Review Commission will consider policies that ensure that new growth is placed in locations that discourage urban sprawl, minimize impacts to agriculture, encourage economic development, and require that new growth pay its own way.

Measure L will not diminish the objectives of the Ag Element to the General Plan. If the new Draft updated Ag Element is approved, it will require a minimum of 1:1 mitigation for the loss of farmland by obtaining permanent conservation easements. The Ag Element will serve as a blueprint for the Commission to serve our agriculture industry.

It is essential to have broad public participation in creating and approving Stanislaus County’s land use blueprint for its future. It is critical to preserve our agricultural heritage and quality of life. Measure L will go a long way in achieving these objectives.

Wayne Zipser, Stanislaus County Farm Bureau Executive Director

A donation has been made:

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From the President

Farmland Working Group is a loud and persistent voice for balanced growth and we believe that we can influence city and county leadership to move to its highest aspirations. I hope you are encouraged by the many cities and counties that are protecting farmland and growing efficient cities.

(Continued from page 1)

Napa County Agricultural Lands Preservation Initiative – Measure J, an initiative approved by Napa County voters in 1990, amended the county’s general plan to forbid rezoning of agricultural land until 2021 without another public vote. The measure, inspired by a similar measure passed in 1984 in Solano County, effectively locked urban-rural boundary lines and minimum parcel requirements of 40-acres on the floor of the Napa Valley and 160-acres on the surrounding hill-side rangelands that are the valley’s watershed. A response to the widespread practice by local officials of frequently amending general plans at the request of developers. Measure J withstood a court challenge that set a precedent for growth management initiatives adopted elsewhere in California.

Yolo-Davis Development Control and Tax Sharing Agreement – In 1987, Yolo County and the City of Davis, seeking to end competition for development that generates revenue but induces urban sprawl over farmland, entered into an agreement under which the city controls the development of unincorporated land around it in exchange for sharing the property and sales tax revenue generated by new development with the county. It appears to be an effective solution to the “fiscalization” of land use. But whether it works in Yolo County will probably depend on whether Davis grows at all. In

2000, city voters passed Measure J, requiring voter approval of any new development of farmland around Davis, and in 2005 used this authority to reject Covell Village, a “new urbanist” development project proposed on farmland surrounded on three sides by existing development.

Visalia Concentric Growth Boundaries – In 1991, the City of Visalia took a creative approach to promoting orderly growth by adopting a series of three concentric growth boundaries linked to population increases. Before the next successive growth ring may be opened to development, the city’s population must reach a target level and the inner ring must be 90 percent built out. This linkage establishes what is the state’s first *de facto* urban development efficiency standard, anticipating that a specific number of people will be accommodated within a given geographic area. Though this kind of standard is critically needed to save farmland in the Central Valley, where 4 million people are expected within the next generation, the efficiency levels implied by Visalia’s policy do not rise above the 8 people per urbanized acre. To improve this, the city has recently amended its conditional use ordinance to promote higher density development.

*American Farmland Trust -
Case Studies in Agricultural Land
Protection in California*

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