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Jeani Ferrari: Having a high enough in-lieu fee protects precious farmland

By Jeani Ferrari

UPDATED FEBRUARY 04, 2015 10:51 PM



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At the Jan. 28 Stanislaus County Local Agency Formation Commission meeting, I was interested to hear the discussion around the city of Patterson's almost-proposed farmland mitigation fee of \$2,000 an acre. The meat of that discussion was to determine what kind of in-lieu fee should be established.

Jim De Martini, who sits on the commission because he's on the Stanislaus County Board of Supervisors, reminded the others that the commission needed to come up

with a reasonable method for establishing an in-lieu fee, saying, “It is doable.”

I served as a charter member of the Stanislaus Farmland Trust, which has grown to encompass Merced, San Joaquin and Sacramento counties and is now called Central Valley Farmland Trust. I understand the importance of a county having an in-lieu fee that realistically mitigates for the loss of prime/productive farmland to development. An explicitly written policy guarantees that each of the cities in the county is abiding by the same rules and achieving the same goal – preserving, for the long term, productive farmland.

It appeared it would take the commission time to look at the success of other agricultural counties (and cities) that mitigate for farmland loss. De Martini suggested that using Yolo County’s policy “seems fair and reasonable.” Commissioner Annabel Gammon had investigated Yolo County’s program and recommended that staff do the same. Commissioner Matt Beekman, also familiar with Yolo’s policy, said using a percentage of land value for mitigation was defensible.

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Terry Withrow, like De Martini on LAFCO as a member of the Board of Supervisors, said “a percentage is a good way to go.”

Supervisor Bill O’Brien and commissioner Brad Hawn felt that fluctuating land prices were a sticking point. They discussed how such a moving target could be handled fairly by cities using a percentage of land value.

Central Valley Farmland Trust has a record of assessing easement values, which have varied little through the boom-and-bust economic cycles of the past decade. Farmland appraisals, and a complex formula for determining easement values, are generally \$6,000 to \$9,000 an acre. It will be interesting to learn if Yolo County’s 35 percent of land value approximates those prices.

Land trusts are nonprofit, community organizations founded and run by volunteers and small staffs. No California county or city governments directly operate agricultural easement programs, though they frequently require the donation of easements as mitigation for approving development projects. Bill Martin, executive director of CVFT, addressed the LAFCO commissioners to explain the parameters of the trust and the problems in finding land with proper criteria for in-kind mitigation. Martin said the average per-acre cost of an in-lieu transaction was \$7,200, with about half coming from state and federal sources.

County planning staff was asked to come up with options, including Yolo County's mitigation policy, to be heard at March's LAFCO meeting. The commissioners can move forward with a realistic policy to fund the acquisition and maintenance of conservation easements that comply with the county's mitigation requirement.

If the staff should report on San Joaquin County's mitigation requirements and in-lieu fees, it will report a figure of \$8,900-plus per acre. This is consistent with Martin's in-lieu figure. The San Joaquin County Board of Supervisors notes that San Joaquin County farmland is of "exceptional productive quality" and the loss of farmland is irreparable. The county also says the loss of farmland will have a cumulative negative impact on the county's economy and cities. Using zoning and other land-use mechanisms has been inadequate to preserve farmland.

During public comment, community activist Brad Barker reminded commissioners to refer to the Stanislaus County LAFCO brochure, which states the role of LAFCO is to preserve agricultural resources and discourage urban sprawl. Barker asked the commissioners "please do the right thing" when establishing an in-lieu figure for farmland mitigation. If the commissioners and staff do their homework, it should be easy to establish an in-lieu figure that reflects the county's intent to preserve farmland. That would be the right thing.

Jeani Ferrari is a Turlock resident and member of the Advocacy Committee of the Farmland Working Group.

This story was originally published February 4, 2015, 9:07 AM.

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