



# Farmland Working Group

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

## TRYING TO OVERTURN LAFCO VOTE IS WRONG

**The building industry must be expecting a boom. Why else would it be so intent on lowering its cost of doing business in Stanislaus County?**

The dust-up over how much should be paid when cities allow productive farmland to be paved over is a good indicator that builders are expecting to get busy. In one sense, that's good news. Stanislaus County has long welcomed new neighbors. Builders help make that possible.

But one of the things that makes life here attractive is that we still value the region's agriculture. We like the fact we can buy eggs fresh from the hens, cheese made on the farm, melons that grow sweet in the field and cherries, strawberries, tomatoes and apricots bursting with flavor. That's true only because there are still a lot of working farms (and farmers) nearby.

To help keep them here, we require homebuilders to preserve as much land as they take out of production.

Stanislaus County has a policy that requires cities to choose one of three ways to do that. One is to set urban growth limits, requiring a vote of the residents for any subsequent changes. Newman has done that, and voters in Modesto might require it of the city in November. Another is to require a builder to buy development rights on an equivalent amount of farmland and then guarantee the land will be farmed "in perpetuity."

The third, and now most controversial, is to pay a mitigation fee. It's easier for builders to just write a check, and most prefer to do that. The problem is

the size of the check.

Builders like a flat fee – a low flat fee. Those trying to protect the area want the amount based on the

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value of the land being developed. If top-notch farmland is being paved over, then top-notch farmland somewhere else should be preserved.

The issue came before the county's Local Agency Formation Commission on March 25. The commission voted 3-2 to charge 40 percent of the sale price of the land. At current values, that works out to roughly \$7,300 per acre. Obviously, builders would prefer it to be much lower.

Almost a year ago, Stockton's John Beckman, CEO of the Building

Industry Association of the Great Valley, sent a letter to Patterson's city manager recommending a fee of \$2,000 per acre – saying that would keep the city competitive with Tracy and Manteca. His suggestion was a bit off. According to LAFCO staff, actual mitigation fees in Manteca and Tracy are \$2,500 – or 25 percent more than he noted. And they haven't changed in 10 years.

Patterson, which has long been accommodating to builders, liked Beckman's number. But LAFCO has

authority over this issue, not the city.

Two county supervisors, two council members from the county's nine city councils and one community member sit on the LAFCO board. Both supervisors – Jim DeMartini and Terry Withrow – are ag-friendly. So is Hughson Mayor Matt Beekman. The three voted to require cities to follow the formula for figuring in-lieu fees rather than allowing flat fees.

That Beekman would vote against their wishes so angered some of the mayors that they're trying to kick him off the commission then force another vote. They've already started the process.

That's shortsighted and wrong. Beekman has served on the state LAFCO and clearly understands that one of the commission's core missions is to preserve farmland – which the in-lieu formula does best. He wasn't just "voting his conscience," as

some are saying, he was doing his job. A woefully low in-lieu fee encourages destruction of farmland.

Denny Jackman, who is leading the Stamp Out Sprawl initiative in Modesto, called the \$2,000 fee suggested by the BIA "almost laughable." In 2012, the city of Patterson itself said the fee should range from \$3,500 to \$15,000.

One sure way to lose political support in this county is to be seen as a lackey for builders.

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A woefully low in-lieu fee encourages destruction of farmland.

by the Editorial Board  
The Modesto Bee  
April 11, 2015

## Put a price on groundwater - Coming and Going



Denny Jackman and Vance Kennedy

**Our backup water source – groundwater – should be treated as an asset that is charged for when used and is paid for when added to. Treat it as a market.**

When we have a severe drought, there is not nearly enough surface water to go around, and groundwater becomes extremely valuable. That's why we need to encourage keeping our aquifers recharged, or full. Who is responsible for recharging the aquifers? The major source of recharge – or putting water into the aquifers – is flood irrigation by farmers. A significant second source is river infiltration, and the least important is rainfall.

Who is responsible for the use of groundwater? That list includes all electric ratepayers, including industry, cities and farmers using drip irrigation. They should be charged for the amount of groundwater used. Since flood-irrigating farmers on permeable soils are the major source for groundwater recharge, they should be paid for the water they allow to reach the aquifers – or at least not charged for it. Such an approach will discourage drip irrigation, encourage flood irrigation and also encourage conservation by cities. Admittedly, it will be a challenge to determine what fraction of flood-irrigation water recharges the aquifers, but some studies have looked at the problem already.

More and more farmers are going to drip irrigation. It is convenient and requires relatively little labor, once installed. I understand that one government agency actively encourages that practice because it conserves water. But there are definite negatives not usually recognized. Drip irrigation often uses groundwater instead of contributing to it.

That groundwater contains salts not found in snowmelt, which is used for flood irrigation. Over time, those salts can accumulate in the soils and destroy their structure, reducing soil fertility.

Looking ahead, global warming is expected to reduce snowpack in the mountains and possibly greatly increase the intensity of rainfall. That means groundwater storage is going to become even more important. But vertical infiltration is slow, especially on lesser soils. Hence, it is important that a maximum area of permeable soils – ground the water can pass through with relative ease – be kept for groundwater recharge through farming.

Of the three absolute requirements for life – water, food, air – water is important for its own sake and also for food production. It is imperative that we change our past habits and take a new look at our way of doing things.

*Kennedy, who farms north of Modesto, is a retired U.S. Geological Survey scientist.*

Vance Kennedy  
The Modesto Bee - November 17, 2014

## The Environmental Justice Project of Catholic Charities, Diocese of Stockton, Has been Educating and Advocating to Care for God's Creation since 2006.

Bishop Blaire's concern for climate change and his desire to support California's landmark climate change legislation, AB 32, initiated our work in San Joaquin Valley. Since then we have been active in policy and education on climate change as well as air and water pollution, especially as they harm poor and vulnerable communities.

In 2013, our scope expanded to land use and transportation with the beginning of the Sustainable Communities Strategy (SCS) process under SB 375. This legislation is one of the ways AB 32 is implemented, and asks Metropolitan Planning Organizations (MPOs) to integrate their land use and transportation planning with the goal of reducing vehicle miles traveled (VMT) and greenhouse gas emissions (GHG). In the San Joaquin Valley, this responsibility falls to the Councils of Governments (COGs).

In addition to the clear benefits to our environment and air quality from reduced emissions and reduced driving, successful SCSes have myriad co-benefits. These include reduced water consumption, reduced sprawl and increased farmland conservation, increased infill development, increased density, increased investment in alternative and active transportation, a greater variety of housing options, and walkable, bikeable, transit-oriented communities. In turn, communities become healthier, more equitable, more sustainable, and more economically vibrant.

The Environmental Justice Project, with our many partners, has been engaged in the creation and adoption process of the SCS in both Stanislaus and San Joaquin Counties. The good news is that both counties adopted plans that go a long way toward reducing GHGs, as well as realizing all of the co-benefits of equitable and sustainable land use and transportation planning.

The challenge now is making sure these plans are implemented and we actually see all of the improvements in air quality, public health, land conservation, etc. come to fruition! The Board of the Stanislaus Council of Governments needs to hear from groups like Farmland Working Group and Catholic Charities advocating for full and timely implementation of the SCS. "Implementation" includes a variety of initiatives including the proposed Urban Growth Boundary/ Modesto, a Transportation Sales Tax measure, updated General Plans, farmland mitigation policies, infill development projects, and active transportation projects.

The Environmental Justice Project is anxious to convene a number of partners to coordinate advocacy and education on these initiatives and the SCS, and we look forward to working with the Farmland Working Group to support sustainable and equitable land use for the future of Stanislaus County.



For more information: <http://www.climateplan.org/californias-new-vision/sub-page-2/>  
StanCOG/Sustainable Communities Strategy (SCS):  
<http://www.stancog.org/vvs.shtm>

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Catholic Charities  
Diocese of Stockton

*Help for Today...Hope for Tomorrow*

March 23 meeting with Carlos Yamzon, Executive Director and Rosa Park, Deputy Executive Director on StanCOG. From left: Edgar Garibay, Environmental Justice/Stanislaus Coordinator, Catholic Charities; Carey Knecht, Associate Director, ClimatePlan; Jeani Ferrari, Farmland Working Group/Advocacy Committee and Katelyn Roedner Sutter, Environmental Justice Program Director, Catholic Charities.



# WE ARE WATCHING...



I attended the March 25 Stanislaus LAFCO (Local Agency Formation Commission) meeting. At that meeting, staff proposed a methodology that would act as a guideline for calculating a minimum in-lieu fee amount for a proposal to fully fund 1-1 mitigation in the county. It puts one more option on the table for the cities in Stanislaus County to choose from. The commission addressed the issue of “fully funding 1-1 mitigation” when the city of Patterson was ready to vote for a 1-1 mitigation fee of \$2,000 – this amount would not “fully fund” 1-1 mitigation – the fee must be sufficient to acquire a conservation easement on an acre of comparable farmland in the county.

Six cities submitted letters (not including Hughson, Turlock and Modesto) in opposition to the amendment and each had incorrect facts supporting their arguments. While staff was available to answer questions and explain the methodology, the cities chose to be misinformed. The City of Oakdale wrote, “To date, there have been no indicators showing the current policy is not fulfilling its purpose of preserving agricultural lands. In fact, this policy is very comprehensive and provides clear guidance on available methods to permanently preserve agricultural land.” This is an incredibly lofty statement, as the city of Patterson clearly didn’t understand “fully fund 1-1 mitigation.”

A letter written by the California Building Industry Association stated, “the proposed mitigation policy would artificially increase the price of agricultural conservation easements.” There is no evidence that backs this. Bill Martin, Executive Director for Central Valley Farmland Trust, addressing the commission during public comment, stated that not only does easement value not rise under such conditions, as farmland values increase, conservation easement values go down.

Ed Thompson, California Director for American Farmland Trust, submitted a letter stating, “The staff report provides sound reasoning and justification for the improvement the LAFCO mitigation policy represents, clarifying that an agricultural mitigation policy proposed by a city as a condition of LAFCO approval of annexation or sphere of influence expansion, must charge a fee sufficient to acquire a conservation easement on an acre of comparable farmland for each acre developed.

LAFCO has ample authority to adopt such a policy as a means of fulfilling its legal mandate to conserve farmland. A policy such as this that applies to all cities in the county will level the playing field, so that no city may gain what it may perceive to be a competitive advantage by taking a less robust approach to conserving farmland. In any event, that advantage is likely to be small, given that even the highest current farmland mitigation fee appears to be but a small fraction of the average cost of new housing – as well as of the gains to be made by those who develop farmland.”

The cost of the average home in Stanislaus County, estimated to be \$220,000, would be increased by one-half of one percent or \$1,042. This is using the current average of 7 dwellings per acre in the county. The Stanislaus Regional Transportation Plan/Sustainable Communities Strategy calls for 11 dwellings per acre and the mitigation fee would add \$663 to the cost of the dwelling or about 3/10 of one percent. While this is an added cost, without permanent farmland preservation, the land will continue to be viewed as land waiting to be developed. It is doubtful this modest increase would slow the housing market that appears to be heading toward pre-recession numbers.

The role of LAFCO must be considered in this scenario. LAFCO is the last line of defense in protecting agricultural land and open space and promoting orderly growth. The commissioners who sit on LAFCO are not selected to balance the panel so that developers have a voice. The commission was established to protect the people of California from the high cost of sprawl and the associated loss of farmland. It is the responsibility of the commissioners to uphold the goals of LAFCO. It then becomes extremely important for the commissioners to read and understand the Memorandum prepared by staff. It was disheartening to hear some commissioners make statements that were misleading, obviously having not read the clearly written staff-report.

In closing, it was clear that Mayor Beekman was one of the most informed members of the commission. It is also clear that Mayor Beekman sits on the commission to uphold LAFCO’s goals and mission. In that respect, he is first, and foremost, a voice for the public. All the commissioners should follow Mayor Beekman’s example and serve for all the right reasons, one of the most important being to protect agricultural land... hopefully, for the long-term.

Jeani Ferrari - Advocacy Committee



Mayor Matt Beekman

# Support Matt Beekman

On March 25, 2015 Local Agency Formation (LAFCO) Commissioner Matt Beekman cast one of three votes supporting an equal farmland mitigation formula which applies to the nine cities and Stanislaus County. LAFCO policy requires that one acre of farmland be set aside and preserved for each acre that is lost to residential development.

The formula was discussed and implemented because the City of Patterson was requiring too little in mitigation fees from developers to preserve equal quality farmland.

To retaliate, the mayors of six of the nine cities in Stanislaus County are holding a hearing to remove Matt Beekman from LAFCO. If you support saving farmland, we need you to speak up against Matt Beekman's removal from LAFCO. Please consider doing any or all of the following:

1. Write a Letter to the Editor of the Modesto Bee  
<http://www.modbee.com/opinion/letters-to-the-editor/submit-letter/>

2. Write a protest letter to the six mayors who have called for the hearing:

Riverbank Mayor – Richard O'Brien – [robrien@riverbank.org](mailto:robrien@riverbank.org)

Waterford Mayor – Michael Van Winkle – [mvanwinkle@cityofwaterford.org](mailto:mvanwinkle@cityofwaterford.org)

Patterson Mayor – Luis Molina – [lmolina@ci.patterson.ca.us](mailto:lmolina@ci.patterson.ca.us)

Oakdale Mayor – Pat Paul – [ppaul@ci.oakdale.ca.us](mailto:ppaul@ci.oakdale.ca.us)

Newman Mayor – Ed Katen – [edk10@sbcglobal.net](mailto:edk10@sbcglobal.net)

Ceres Mayor – Chris Vierra – [chris.vierra@ci.ceres.ca.us](mailto:chris.vierra@ci.ceres.ca.us)

3. Attend the hearing that will be held on:

Wednesday, May 13 at 6 pm

Turlock City Hall Council Chamber

156 S. Broadway Ave., Turlock

LIKE the "Citizens for Matthew Beekman" Facebook page  
[www.facebook.com/weR4mattbeekman](http://www.facebook.com/weR4mattbeekman)

*This flyer compiled by "Citizens for Matthew Beekman" and is not affiliated with, nor created by, Matt Beekman or Farmland Working Group.*

**"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."**

**- Margaret Mead**

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# Farmland Working Group

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[www.farmlandworkinggroup.org](http://www.farmlandworkinggroup.org)

**BUILD UP MODESTO, NOT OUT!**

**Save Farmland  
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[www.savewoodcolony.com](http://www.savewoodcolony.com)

On March 25th, Stanislaus LAFCO amended its Ag Preservation Policy to recommend a formula for farmland mitigation. The intention was to let wayward local cities know that they must provide 1-for-1 full mitigation for the loss of farmland to new housing.

This was a huge (3-2) victory for smart planning. Commissioners Jim DeMartini, Terry Withrow and Matt Beekman voted in favor. Brad Hawn and Amy Bublak voted with the building industry. Now, six minor mayors are trying to replace Hughson Mayor Beekman on LAFCO.

That would be ridiculous. Beekman is excellent. He needs to stay.

by Brad Barker, Yokuts Group Conservation Chair, Sierra Club  
Excerpt from *Six Local Mayors Attempt a Coup to Curry Favor with  
The Building Industry* - The Valley Habitat, May 2015