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**OPTIONAL POLICIES AND TOOLS FOR FARMLAND AND
OPEN SPACE PROTECTION IN CALIFORNIA**

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This outline is divided into three parts: (1) Overall strategies or approaches; (2) Tools specific to farmland protection; and (3) Tools applicable to urban development generally. We recognize that specific techniques and policies have coherence only as they are a part of broader strategic objectives identified by governments and their communities, and that steps taken to protect farmland and to generally direct urban development are closely interrelated.

Overall Strategies

1. DIRECT GROWTH TO CITIES

Some counties prohibit or firmly limit development in their unincorporated areas, diverting it instead to cities. As well as serving to protect farmland and other open space, city referral policies also have the purpose of reducing public infrastructure and service delivery costs, limiting the role of county government as an urban service provider, and promoting compact and contiguous development. Such policies are often backed up by formal county-city agreements, that may require county-to-city referral of development proposals in certain areas and may include revenue sharing arrangements. (See Fiscal Agreements.)

Examples: Fresno, Tulare, Yolo counties

2. LIMIT RURAL RESIDENTIAL DEVELOPMENT

California counties vary in their acceptance of rural residential proposals, particularly in agricultural areas. Although most have zoning categories that allow such development, conditions relating to density, etc. may be placed on new rural residential projects. A related but separate issue is the number of new homesites allowed on agriculturally-zoned parcels. (See Agricultural Zoning.)

Examples: Fresno and Yolo counties

3. PROVIDE ECONOMIC INCENTIVES TO LANDOWNERS

Another approach to farmland protection, besides the conventional planning and regulatory techniques, is to provide economic incentives to encourage landowners to keep their property in agricultural use. (See Williamson Act Contracts and Conservation Easements.)

4. BOOSTING LOCAL FARM ECONOMIES

Also in the area of economic incentives are programs that assist farmers to better market their products and use their assets for related income-producing activities. Included are agritourism opportunities, on-farm sales of products, farmer's markets, programs that promote local agriculture products, and on-farm hunting and fishing opportunities.

5. AGRICULTURAL ELEMENT IN THE GENERAL PLAN

This is an optional element that concentrates in one part of the General Plan a variety of provisions relating to agriculture, thus indicating an emphasis on supporting farming. The element may refer to overall farmland policy, marketing of agricultural products, farm labor housing, irrigation water, drainage, and farm-related businesses.

Examples: Stanislaus and Merced counties

6. REDUCE LAND USE CONFLICTS AT THE FARM-URBAN EDGE

California agriculture and nonfarm residences and other urban development are usually incompatible land uses, producing serious problems for each sector when farms and urban homes are adjacent to each other. The effects of the incompatibility can be considerably lessened, however, through mutual adjustments and land use techniques. On the agricultural side of the edge, this means changes in farm cultivation and other practices (required in many cases through pesticide and other regulations). The appropriate strategies on the other side call for urban design that is sensitive to adjacent agricultural production and for a degree of tolerance on the part of non-farm neighbors. Maintaining a permanent or long-term farm-urban edge in certain locations is a way of protecting farmland and stimulating compact growth. (See Agricultural Buffers; Right to Farm Ordinances.)

7. MAKE MORE EFFICIENT USE OF LAND IN CITY EXPANSION

Municipal expansion through annexations and new development is the primary source of farmland conversions in California. More efficient use of land in the city development process, through higher density and infill, minimizes the rate and extent of conversion.

Examples: cities of Turlock, Woodland, Modesto

8. DEVELOP NEW TOWNS

Assuming that they are located in areas of poor soils and minimally productive agriculture, large planned communities offer the possibility of diverting urban growth away from a region's best farming areas. If economically self-contained and large enough to offer diverse employment, new towns have the potential to maintain a decent jobs-housing balance and reduce commuting costs. California's permit and land use procedures, however, make it very difficult to advance this approach beyond the proposal stage.

Examples: Mountain House development in San Joaquin County

1. AGRICULTURAL ZONING

This is a common land use tool used by virtually all California counties that is intended to segregate farms from all other land uses. Critical features include minimum parcel sizes and allowable uses (including homesites and farm related businesses). A major distinction is between “Exclusive” and other forms of agricultural zoning which allow multiple uses of farm properties.

2. WILLIAMSON ACT CONTRACTS—PREFERENTIAL TAXATION

This is California's Land Conservation Act of 1965, under which farmland owners and counties voluntarily enter into 10-year, renewable contracts restricting landowners development options in exchange for lowered property taxes. The state compensates counties for a portion of the lost property taxes, based on a formula of \$5 per acre of prime land and \$1 for nonprime. **Super Williamson**, legislated in 1998 as the Farmland Security Zone program, adds an option to the basic program for farmland of statewide or local importance that is threatened by development. The new option provides for 20-year or longer contracts with a 35% decrease in property taxes. This also allows the immediate termination of a 10-year contract in return for placing a conservation easement (acquisition of development rights) on comparable farmland.

Examples: 49 counties, several cities.

3. RIGHT TO FARM ORDINANCES

County and city ordinances which attempt to reduce complaints from urban dwellers about farming practices (pesticides, dust, noise, etc.) on adjacent agricultural lands. The ordinances typically require that purchasers of residences adjacent to farms be notified about the nuisances associated with agriculture. In some cases notices are distributed with property tax bills. The ordinances of a few jurisdictions establish formal procedures for handling complaints about farming practices..

Example: Many counties and cities

4. MITIGATION FOR FARMLAND LOSS

In concept related to the purpose under CEQA of minimizing through “mitigation” measures the environmental impacts of development, this technique is applied in a few California jurisdictions to require that farmland lost to urban development be matched with the preservation of a comparable amount and quality of other agricultural acres in the same area. The match may be on a 1-1 acre or greater basis. Mitigation is typically accomplished by putting conservation easements on the preserved acres, either purchased directly by the developers or accomplished through a development fee arrangement. The requirements are established through local ordinance or as a result of the settlement of litigation over specific development projects.

Example: city of Davis and Yolo County ordinances, South Livermore Valley, city of Fairfield

5. LESA--LAND EVALUATION AND SITE ASSESSMENT

LESA is a tool for quantifying the merits of retaining in agricultural use parcels proposed for conversion to more intensive, urban purposes. Originally developed by the USDA Soil Conservation Service (now the Natural Resource Conservation Service), LESAs employ a system of numerical weights assigned to different characteristics of a parcel--soil quality, agricultural productivity, water availability, location in an agricultural preserve, uses of adjacent parcels, proximity to urban services, etc. LESAs can be used in connection with CEQA reviews. A model LESAs system for California has been prepared by the Department of Conservation.

Example: Tulare County (Rural Valley Lands Plan)

6. AGRICULTURAL BUFFERS

Buffers are designated strips of land of various widths (sometimes known as "setbacks") intended to separate farmland from urban uses, thus reducing the conflict at the agricultural-urban edge. New development may be required to provide buffers as a condition for approval. A major issue is the nature of the land use permitted in a buffer zone.

Examples: various counties and cities

7. ACQUISITION OF CONSERVATION EASEMENTS ON FARMLAND

Agricultural easements involve permanent restrictions on the use of land for more intensive purposes; the property ownership does not change. Usually administered by local nonprofit land trusts or government agencies, easements are acquired either by purchase (PDR--Purchase of Development Rights), as a mitigation of development approved on parcels elsewhere (TDR--Transfer of Development Rights), or by landowner donation for tax benefits. California has two state government programs that fund local easements on agricultural lands. The California Farmland Conservancy Program, administered by the Department of Conservation and enacted in 1965 (originally as the Agricultural Land Stewardship Program), is statewide in scope and provides grants for both easement acquisitions and planning. It has been funded by state bonds and general appropriations. An older easement program that applies just to coastal areas is administered by the California Coastal Conservancy and funds open space as well as agricultural easements.

Examples: PDRs--The most active California local programs are operated by the Sonoma Agricultural Preservation and Open Space District and the Marin Agricultural Land Trust. TDRs--City of Davis (mitigations) and Yolo Land Trust

8. MONITORING FARMLAND CONVERSIONS

Accurate information on the location and extent of farmland conversions in particular regions, or around particular urban areas, can be a useful guide to the planning and regulation of urban development in relation to farmland protection and a tool for public education. GIS (Geographic Information Systems) technology is the principal means for mapping such patterns, both past trends and projected future scenarios.

Example: California's statewide Farmland Mapping and Monitoring Program, operated by the Department Of Conservation, maps and calculates farmland conversions every two years for the state and individual counties.

9. RESOURCE INCENTIVES TO LANDOWNERS

This recently emerging concept calls for the compensation of agricultural landowners for the long-term avoidance of urban development through environmental regulatory relief or other

benefits. A specific version is to provide a reliable and/or less costly supply of irrigation water to

landowners who agree to forsake development options for 25 or more years. (See Marc Reisner, *Water Policy and Farmland Protection: A New Approach to Saving California's Best Agricultural Lands*, American Farmland Trust, September, 1997.)

Specific Land Use and Conservation Tools—Applied to Urban Development Generally

1. CEQA--CALIFORNIA ENVIRONMENTAL QUALITY ACT

Under CEQA, the conversion of farmland parcels to urban uses may be considered a "significant" environmental impact that should be addressed via a formal study. Factors to be considered in determining whether the agricultural impacts of a proposed development are significant include (a) the extent to which farmland which is prime, unique, or of statewide importance will be converted and (b) conflict with existing agricultural zoning or Williamson Act contracts.

2. URBAN LIMIT LINES

Also called "Urban Growth Boundaries", such boundaries intended to establish the long-term extent of urban growth in an area as a means of protecting farmland and producing compact development. They are established either by a county or city governing board or as the result of voter initiative.

Examples: Butte County, city of Woodland, Sonoma County cities, Ventura County cities.

3. LAFCO STANDARDS--MUNICIPAL BOUNDARY CONTROLS

In reviewing and approving sphere of influence amendments and city annexations, LAFCOs throughout California vary greatly in the policy standards applied and how closely the proposals are studied. A few commissions take pains to examine existing land use patterns (available land for development, infill possibilities, etc.) in a city as a guide to approving, scaling back, or denying a proposal.

Example: Agricultural Conservation Policy, Yolo LAFCO

4. FISCAL AGREEMENTS

City-county revenue sharing agreements, covering sales and property taxes and other revenue sources, are a mechanism for maintaining intergovernmental cooperation on land use and growth matters. As used by a few Central Valley jurisdictions, county sharing in city revenues supports a policy of diverting growth away from unincorporated areas to cities. Such agreements sometimes are reached only after cities are forced to negotiate because their annexation efforts are blocked by county government refusal to approve the changed property tax split produced by the annexation.

Examples: Fresno and Yolo counties