



Case Studies in Agricultural Land Protection in California
SUMMARY VERSION for ADVANCE RELEASE

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 the key objectives that will minimize the conversion of California’s irreplaceable farmland and help its agriculture prosper in a competitive global economy.

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. The following chart shows how the case studies summarized below address these issues. The case studies themselves will soon appear on AFT’s web site at www.farmland.org.

Case Study	Stabilize agricultural land use & values	Direct growth away from best farmland	Promote more efficient development	Finance permanent farmland protection	Promote agricultural economic viability
Marin Agricultural Land Trust & County Zoning	X	X	X	X	X
Monterey County Agricultural & Historical Land Conservancy	X	X	X	X	
Ventura "Save Our Agricultural Resources" Initiative	X	X	X		
Napa County Agricultural Land Preservation Initiative	X	X	X		
Tulare County Rural Valley Lands Plan	X	X	X		
Yuba City Sphere of Influence Adjustment	X	X	X		
South Livermore Agricultural Mitigation Plan		X		X	X
Yolo-Davis Development Control & Tax Sharing	X	X			
Visalia Concentric Growth Boundaries	X		X		
Gilroy-Santa Clara Joint Growth Boundary Agreement	X				X
Sonoma Agricultural & Open Space District		X		X	
San Diego County Plan for the Future of Agriculture		X			X
Fresno Landscape of Choice			X		
Sutter County Ranchette Zoning			X		
Davis Farmland Mitigation Ordinance				X	
Fairfield Mello-Roos Community Facilities Districts				X	
Martis Valley Real Estate Conveyance Fees				X	
Farmland Mitigation in San Joaquin County				X	

Marin Agricultural Land Trust

A MODEL "HYBRID" AGRICULTURAL CONSERVATION PROGRAM IN A HIGH-GROWTH AREA

Founded in 1980 by a coalition of ranchers and environmentalists, the Marin Agricultural Land Trust (MALT) was the first local organization of its kind in the United States dedicated explicitly and exclusively to preserving land for agricultural production. With the purchase of its first agricultural easement in 1983, MALT pioneered the concept of compensating farmers and ranchers for relinquishing the development value of their land, while permanently protecting its agricultural value through the purchase of agricultural conservation easements. Using this approach, now widely emulated, MALT has now permanently protected approximately 38,000 acres of land on 57 family farms and ranches in voluntary transactions with landowners. A critical reason for MALT's success at purchasing agricultural conservation easements is strong agricultural zoning in western Marin County that has reduced development pressure by limiting rural residences to one per 60 acres. By combining the "stick" of effective land use regulation with the "carrot" of conservation easement purchases, Marin epitomizes the "hybrid" approach used by most of the highly successful local farmland protection programs in the nation.

Monterey County Agricultural and Historical Land Conservancy

STRATEGIC CONSERVATION EASEMENT PURCHASES HELP DIRECT URBAN GROWTH

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 the Monterey Agricultural and Historical Land Conservancy to use voluntary conservation easements 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 more than \$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 this has been done with the support of city officials. Few other conservation groups can boast of using limited easement purchase funds as wisely or cleverly.

Ventura SOAR Initiatives

COORDINATED COUNTY AND CITY MEASURES CREATE URBAN BOUNDARIES
AND AGRICULTURAL PRESERVES

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 in strong agricultural protection policies for at least 15 years. The Save Open Space and Agriculture (SOAR) Initiatives, inspired by Napa County's 1990 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 urban infill development. Unlike similar initiatives in other counties, the Ventura effort was coordinated so that cities were not tempted to expand their boundaries even as county voters attempted to contain growth. SOAR remains the most ambitious and successful effort in California to delineate clear urban-rural boundaries.

Napa County Agricultural Lands Preservation Initiative

VOTER-PASSED MEASURE J LOCKED IN STRONG AGRICULTURAL ZONING
TO PREVENT FREQUENT GENERAL PLAN AMENDMENTS

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 hillside rangelands that are 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.

Tulare County Rural Valley Lands Plan

ONE OF THE NATION'S EARLIEST AND MOST SUCCESSFUL EXCLUSIVE AGRICULTURAL ZONES

Tulare County was one of the first localities in the U.S. to adopt an exclusive agricultural zone, where only farming is permitted, in order to sustain the viability of agriculture. In 1975, as part of its general plan update, it adopted the Rural Valley Lands Plan covering 856,000 acres on the floor of the Central Valley. The area was zoned for 20, 40 and 80 acre parcels, depending on soil fertility and other features related to agricultural productivity. The only residential development permitted is houses for the farmer-owners, their families and employees. An innovative point system is used to determine when a parcel can be rezoned for non-farm residential or other uses. Since 1985, only 270 acres have been rezoned and the number of applications has declined over the years. The Rural Valley Lands Plan would be an unqualified success were it not for the fact that it does not limit annexation and development of land by the 15 incorporated cities that exist within the plan area. Further changes in the Plan may result from the general plan update the county is now conducting.

Yuba City LAFCO Sphere of Influence Reduction

LAFCO REQUIRES CITY TO SHRINK ITS DEVELOPABLE AREA
TO DIRECT GROWTH AND PROMOTE MORE EFFICIENT USE OF PRIME FARMLAND

In 1990, the Sutter County Local Area Formation Commission removed 5,000 acres (about 40%) from Yuba City's sphere of influence, the area officially designated for future urban growth. The move was triggered by a developer's request to annex 150 acres into the city after almost 2,400 acres had already been annexed in the previous three years, greatly enlarging its area. The geographic area in question is composed of prime farmland along the Feather River south of the city, an area designated in the county general plan for agricultural use. The action preceded the Hertzberg Amendments to the Local Government Reorganization Act that now require LAFCOs to update spheres of influence every five years. In 2006, the Sutter LAFCO voted to retain the existing Yuba City sphere until substantial build-out has occurred.

South Livermore Agricultural Mitigation Plan

INTERGOVERNMENTAL COOPERATION ON CREATIVE AGRICULTURAL DEVELOPMENT

After clashing over a development proposal, Alameda County and the City of Livermore, with plenty of citizen input, worked closely together on an innovative regional plan to direct growth into the city, completing a permanent southern urban boundary, while generating funds for the Tri-Valley Conservancy to permanently protect 3,300 acres of farm and ranch land, and to expand wine grape plantings and the viticulture industry. The South Livermore Valley Area Plan, adopted in 1993 as part of the county's general plan, and the South Livermore Valley Specific Plan, adopted by the City of Livermore in 1997 to implement it, both require that for every acre and housing unit developed within a specific urban area, one acre of farm or rangeland in a designated rural area must be preserved under conservation easements and be planted in wine grapes, both at developer expense. A transfer of development rights program was added to the City's toolbox in a 1999 amendment to its Specific Plan, thus far resulting in permanent protection of another 490 acres of rangeland at no cost to taxpayers.

Yolo-Davis Development Control and Tax Sharing Agreement

A POTENTIALLY EFFECTIVE SOLUTION TO THE "FISCALIZATION" OF LAND USE

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

UNIQUE SERIES OF BOUNDARIES LINKED TO POPULATION GROWTH
ESTABLISHES A *DE FACTO* DEVELOPMENT EFFICIENCY STANDARD

In 1991, the City of Visalia took a creative approach to promoting orderly growth by adopting a series of three concentric urban 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 another 4 million people are expected within the next generation, the efficiency levels implied by Visalia's policy do not rise above the Valley's prevailing average of 8 people per urbanized acre. To improve on this, the city has recently amended its conditional use ordinance to promote higher density development.

Joint Agreement on Gilroy Growth Boundary & Agricultural Area

LAFCO, CITY AND COUNTY COOPERATE TO CREATE STABLE URBAN-AGRICULTURE EDGE

In 1996, the City of Gilroy, Santa Clara County and the county Local Area Formation Commission (LAFCO) entered into a formal agreement that established a 20-year growth area for the city east of Highway 101, thus providing greater certainty that agricultural land beyond the boundary will not be threatened by development. The agreement, which has been incorporated into the city and county general plans, and in LAFCO annexation review policies, will facilitate development approvals within the growth boundary in exchange for stronger protections for farmland outside it in the designated Gilroy Agricultural Lands Area. As recommended in the study that preceded the agreement, entitled Strategies to Balance Planned Growth and Agricultural Viability, the County will also take pro-active steps to promote and support the agriculture industry.

Sonoma County Agricultural & Open Space District

THE STATE LEADER IN PUBLICALLY-FINANCED FARMLAND PROTECTION
FOLLOWS A STRATEGIC ACQUISITION PLAN

In 1990, the voters of Sonoma County approved two measures to create and finance a program to purchase conservation easements and fee interests in farmland and other open space lands. It thus became the first jurisdiction in the U.S. to establish a special district for agricultural land protection. The one-quarter percent county sales tax authorized by the original measure – and reauthorized in November 2006 by a 75% vote – has generated \$13-17 million annually (a total of \$169 million to date), enabling the county's Open Space District to permanently protect 65,400 acres, much of it productive farm and ranch land. The District recently updated its strategic acquisition plan to target coastal agriculture and small farm areas around Sonoma's cities, generally west of Highway 101. It also has an easy to use, comprehensive web site that documents its success.

San Diego County Farming Program & Plan for Agriculture

AN URBAN COUNTY RECOGNIZES THE IMPORTANCE OF FARMING
AND HELPS PRIVATE SECTOR PLAN FOR THE FUTURE

Of the top 12 agricultural producing counties in the U.S., San Diego is the most urbanized and has the smallest farms. Recognizing that its agriculture industry faces unique challenges, county officials have joined with the local Farm Bureau and American Farmland Trust to devise an innovative strategic plan for the future of agriculture. The plan reflects the views of dozens of growers who turned out at workshops, and addresses land use, environmental and economic viability issues affecting the county's \$950 million a year industry, led by avocados and horticultural crops. It will guide a new county Farming Program intended to cut through red tape and otherwise help growers improve their competitiveness. The plan is expected to be released to the public early next year.

Fresno Growth Alternatives Alliance

LANDSCAPE OF CHOICE: A COLLABORATIVE BLUEPRINT FOR SMART GROWTH

In 1996, a unique and remarkable consortium of leading civic organizations came together in Fresno County to produce a blueprint for what has come to be known as "smart growth." The partners in the Fresno Growth Alternatives Alliance included the Fresno Business Council, Fresno Chamber of Commerce, Fresno County Farm Bureau,

Building Industry Association of the San Joaquin Valley and American Farmland Trust. It took them a year to produce the publication *A Landscape of Choice: Strategies for Improving Patterns of Community Growth*, which recommended specific development policies focused on three goals: use urban land as efficiently as possible through compact growth and infill; develop livable communities that emphasize pedestrian or transit-oriented design; recognize the importance of agriculture and the need to protect productive farmland. The consortium then persuaded Fresno County and its 15 cities to adopt these principles, and followed up by publishing a model Livable Neighborhood Development ordinance, which has been adopted by at least one city. The Alliance is now reorganizing itself to participate in the San Joaquin Valley Blueprint planning process.

Sutter County Ranchette Zoning

A DELIBERATE BUT CAREFUL EFFORT TO STEM RURAL RESIDENTIAL DEVELOPMENT

In 2002, Sutter County began to reconsider the wisdom of allowing large-lot rural residential development – often called “ranchettes – in its major agricultural production areas. To avoid land use conflicts and land price inflation, it has progressively tightened its standards for permitting rural residential subdivisions in its major agricultural production area. In 2002, a point system was adopted to determine the suitability of property for rezoning for ranchettes. It focuses on whether the surrounding area has already been fragmented into parcels too small for commercial agriculture, the configuration of proposed lots to minimize exposure to and conflicts with agricultural operations, and proximity to schools and public services. Parcel size and road frontage requirements further limit ranchette development. New applications for rural residential subdivisions appear to have declined as a result of this policy, which the county continues to monitor and re-evaluate.

Davis Farmland Mitigation Ordinance

WINDFALL FROM DEVELOPMENT USED TO PAY FOR FARMLAND CONSERVATION EASEMENTS

In 1995, the City of Davis became the first to require developers to protect an amount of farmland comparable to what they convert to non-agricultural use, either by purchasing conservation easements or by paying an in-lieu fee used by the Yolo Land Trust to purchase such easements. Six years later, the mitigation requirement was increased to 2 acres for every acre developed and the farmland protected was required to be adjacent to that being developed, creating a permanent community edge. Thus far, the program has collected more than \$1 million in fees and protected about 3,000 acres of farmland. The Davis mitigation program has inspired similar efforts in surrounding Yolo and Sacramento Counties – some of them for habitat preservation – that now compete for easement purchases, thus driving up their cost. Though mitigation is one of the most promising sources of conservation funding now available in California, the proliferation of these programs bespeaks a need for coordination and, perhaps, a more regional approach.

City of Fairfield Mello-Roos Community Facilities Districts

INNOVATIVE FINANCING OF AGRICULTURAL AND OPEN SPACE CONSERVATION EASEMENTS

The City of Fairfield is using special districts established under the state Mello-Roos Community Facilities Act to finance the preservation of farmland and other open space

surrounding the town. Annual fees levied on new homes and commercial buildings within the districts provide a steady stream of revenue to finance bonds used by the Solano Land Trust to purchase conservation easements. The fees have generated about \$3 million to date, which has been used to preserve ___ acres in the Green and Suisun Valleys.

Martis Valley Real Estate Conveyance Fees

ANOTHER NEW WAY OF FINANCING CONSERVATION EASEMENTS FOR COMMUNITY BENEFIT

The settlement of a lawsuit brought by Sierra Watch and other environmentalists led to a promising new approach to funding conservation of sensitive natural areas that could also be applied to agricultural land. Placer County and three large developers agreed to forego development within a designated conservation area, and to impose conveyance fees of up to one percent on the sale and resale of all new residential lots and dwelling units in an area deemed appropriate for development. Later incorporated into the county's 2003 Martis Valley Community Plan, the fee mechanism is expected to generate an estimated \$125 million over 20 years for conservation easement purchases, habitat restoration and affordable workforce housing.

Sierra Club's Farmland Mitigation Campaign in San Joaquin County

LITIGATION SETTLEMENTS RESULT IN POTENTIAL \$100 MILLION FOR FARMLAND MITIGATION

Over the course of a decade, the Sierra Club has through a series of lawsuits questioning large development projects proposed for farmland in San Joaquin County won settlements that will generate an estimated \$100 million in mitigation fees over the next 20 years. Agreements with the cities of Tracy, Manteca, Lathrop and Stockton, and with San Joaquin County, will produce fees ranging from \$2,000 to more than \$9,000 per acre developed. The fees will be used by the Central Valley Farmland Trust to purchase conservation easements on farmland in the northern San Joaquin Valley. Though not the first farmland mitigation program in California, the San Joaquin effort has attracted a lot of attention to this method of farmland protection and, hopefully, will encourage local officials elsewhere to consider farmland mitigation – without the threat of litigation.



AFT is now compiling exemplary provisions from existing and proposed local general plans in California to draft a Model Agriculture Element that will address land use, environmental and economic development issues. If you would like to contribute to this effort, please contact:

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