

**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**  
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March 7, 2007

TO: Sacramento Local Agency Formation Commission  
FROM: Peter Brundage, Executive Officer  
RE: Agriculture - Open Space Policy Report

**RECOMMENDATION**

Direct staff to discontinue development of the proposed Agriculture - Open Space policies and reaffirm that Sacramento LAFCo will continue to use existing policies to review agricultural and open space on a case by case basis.

**DISCUSSION**

During the past several years staff has reviewed the Agriculture and Open Space Policies of other LAFCo's, conducted public outreach in Sacramento County, and drafted proposed policies for Commission consideration.

Most recently, the Commission has been presented with various legal opinions that relate to the Commission's legal authority to impose mitigation measures that require the purchase of either fees or easements to protect agriculture and open space.

The draft policies have recently met a great deal of opposition from cities, the development community, as well as the environmental community for widely varying reasons. Also, Commission Counsel believes that LAFCo will need to amend the proposed policies and conduct an environmental analysis of these policies. The cost for such an environmental study is unknown, but is estimated to be in the range of \$50,000 to \$100,000 if an EIR is prepared. The estimated cost range does not include staff time or legal review.

At this time, Yolo LAFCo is the only LAFCo to adopt a prime agricultural preservation policy that requires mitigation. Several other LAFCo's have initiated and are studying various proposals.

The proposed policies were intended to help process Spheres of Influence and Annexation proposals in a timely, cost-effective and consistent manner. By adopting clear policy direction, your Commission would lend greater certainty to the proceedings consistent with the principles of Smart Growth. ***Absent specific policies, LAFCo will review the impacts on agricultural and open space resources on a case by case basis, consistent with current LAFCo policies and State Statutes.***

### **Commission Options**

The Commission may also consider the following options:

1. Proceed with the current proposed policies and prepare the required CEQA Analysis.
2. Form a Subcommittee in order to navigate to a consensus on the mitigation issues in the proposed Agriculture - Open Space Policies and return to the Commission with a new proposal.

### **Analysis**

The proposed policies attempted to find a reasonable balance for the preservation of agricultural and open space lands between the interested stakeholders. The environmental community does not believe that the proposed policies go far enough in seeking protection for agriculture and open space lands. The development community and cities believe that the proposed policies go too far in seeking protection for agriculture and open space lands. ***I do not believe a consensus on this issue can be negotiated. Absent some external factor that would necessitate an agreement between the affected stakeholders, there is little motivation for the parties to come to agreement.***

Growth of a region is determined by the sum of individual choices. LAFCo's cannot and do not control population growth. However, LAFCo's have the ability to direct growth away from areas that are prime agricultural lands and toward areas that have existing municipal infrastructure and public investment. Sacramento LAFCo's current policies support these principles.

Staff does not have the resources to continue the outreach effort necessary to resolve the inherent conflict between the stakeholders on the proposed policies. A good faith effort has been made to reach consensus over the last several years.

Nonetheless, Sacramento County and cities could cooperatively work together to develop a regional open space plan that identifies strategic resources to protect. This plan could be funded through development impact fees approved by each jurisdiction or a special tax approved by the electorate. The funds could then be entrusted to a regional open space trust to administer. Without development fees or taxes, effective preservation strategies will not be obtained unless other funding sources, such as grants and donations, become available. As an alternative, residents can and may initiate referendums related to growth policies on a jurisdiction by jurisdiction basis.

PB:Maf

**(Agriculture - Open Space Policy Report)**