

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

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October 4, 2006

TO: Sacramento Local Agency Formation Commission

FROM: Peter Brundage, Executive Officer
Donald J. Lockhart AICP, Assistant Executive Officer

RE: **Workshop:**
Open Space and Agricultural Land Preservation Policy (LAFC 12-03)

RECOMMENDATION

1. Staff recommends that your Commission receive the seven stakeholder presentations and receive public comments regarding the **Open Space and Agricultural Land Preservation Policy**.
2. Direct staff to finalize **Open Space and Agricultural Land Preservation Policy** for consideration at the regularly scheduled meeting of December 6, 2006.

The Guidelines will encourage cities to develop General Plan policies, ordinances, and programs that consider and mitigate impacts on open space and prime agricultural resources.

OUTREACH EFFORTS

Staff is indebted to Commissioner Tooker for his leadership on this important policy matter. The Workshop this evening is the result of outreach to nearly 300 interested parties throughout Northern California. Also, staff expresses our appreciation for the time and effort put forth by the speakers for this evening's presentations.

PRESENTATIONS

SACOG will provide a brief overview of the Regional Blueprint effort, infill development, and the application of Smart Growth principles.

The Workshop will consist of brief presentations by environmental, development, and flood control interests. After the speakers, your Commission may wish to further engage the speakers, as well as the full audience.

Habitat 2020 Committee

Glen Holstein,
AltaTura
Chris Lewis

Sacramento Valley Open Space Conservancy

Aimee Rutledge, Executive Director

Save Our Sandhill Cranes (SOS)

Mike Savino, President
Tara Hansen, Board Member
Sean Wirth, Treasurer
Tina Suarez-Murias, Board Member

Friends of the Swainson's Hawk

Jude Lamare
Jim Pachl

North State Building Industry Association

Ardie Zahedani

Law Offices of George Phillips

George Phillips

Sacramento Area Flood Control Agency

Stein M. Buer, Executive Director

Conclusion

Your Commission has considered the Draft Policies on several previous occasions.

LAFCo is required to evaluate Sphere of Influence and reorganization proposals for consistency with an affected city's applicable policies and adopted General Plan. These factors provide a comprehensive framework for the review of proposals. The overall focus is to avoid or minimize growth impacts on open space and prime agricultural resources. By placing the emphasis on the LAFCo mandate to preserve these resources, city General Plans should encourage growth consistent with the LAFCo legislative mandate. Your Commission reserves the right to deny a proposal if a city has not made a good faith effort at addressing any of the above listed factors.

I recommend:

1. Your Commission your Commission receive the seven stakeholder presentations, and receive public comments regarding the **Open Space and Agricultural Land Preservation Policy**.
2. Direct staff to finalize **Open Space and Agricultural Land Preservation Policy** for consideration at the regularly scheduled meeting of December 6, 2006.

Respectfully Submitted

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

**Peter Brundage
Executive Officer**

PB:DL:Maf

Attachments:

Exhibit A	Revised Draft Policies
Exhibit B	Definitions of Open Space and Agricultural Lands
Exhibit C	Workshop RSVP List
Exhibit D	Workshop Outreach List
Exhibit E	Presentation Materials

EXHIBIT A

REVISED August 2, 2006

(To be inserted into the Sacramento LAFCo Polices, Procedures and Guidelines.)

PROPOSED OPEN SPACE RESOURCES AND PRIME AGRICULTURAL LAND PRESERVATION POLICIES

Generally

LAFCo would favor a proposal where the city has adopted General Plan policies, implementing ordinances and programs that address:

- demand analysis – timing of buildout and use of existing land inventory
- habitat preservation as applicable
- mitigation and acquisition program for prime agricultural and open space resources
- infill, reuse, and redevelopment programs - level of assessment of infill development capacity and goals.
- Smart Growth Principles and Civic Standards for:
 - transit supportive land uses
 - efficient density distribution and land use intensities
 - capacity and ability to provide or extend services
 - sustainable water supply
 - performance standards for meeting Regional Housing Needs Allocations

If an affected agency's General Plan does not address these policy concerns, your Commission has the authority to modify, conditionally approve, or deny any proposal.

Proposed Specific Standards

I. Open Space and Agricultural Mitigation Policies

Unless otherwise provided in this Policy, the provisions of this Policy shall apply to all proposals requiring approval by the Sacramento Local Agency Formation Commission, related to city annexation proposals or out-of-agency service contracts.

1. Where feasible, the city should direct development away from prime agricultural land to non-prime agricultural land, encouraging logical and efficient growth patterns.

2. The city **should** adopt policies that mitigate for the **net** loss of agricultural/ **open space** land as follows:

a. Proposed Mitigation Requirement

Soil Type	Mitigation (acres)
Prime	1:1
Statewide Importance	¾:1
Unique	½:1
Local Importance	¼:1

Mitigation should be based on the net loss of agricultural/open space land.

(i.e. 100 acres proposed to be annexed; 20 on-site acres zoned for open space and recreation equaling 80 net acres to be mitigated).

100 acres (total)
-20 dedicated to Open Space
= 80 acres to be mitigated per table

b. How:

1. Fee purchase with adequate O&M endowment.
2. Easement purchase/dedication.
3. Payment of in-lieu fees.

c. Where: Within Sacramento County or shared soil setting, proximate to the affected territory **if possible, or areas designated to provide regional benefits (e.g. flood control, recreation, habitat conservation, etc.)**

d. When: Optimally, Mitigation Measure imposed during land use entitlement process (prezoning, etc.) prior to LAFCo consideration/approval of annexation.

e. Public Agencies are exempt but are encouraged to avoid annexing prime agricultural soils for municipal services such as sewer treatment plants and landfills.

f. Any city or the county may adopt and implement more stringent mitigation measures addressing any and all open space and agricultural lands, not just prime agricultural lands.

OPEN SPACE DEFINITION:

Cortese-Knox-Hertzberg refers the definition of Open Space to California Planning, Zoning & Development Law Section 65560b: "Open-space land" any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in this section, and which is designated on a local, regional or state open-space plan as any of the following:

- (1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.
- (2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.
- (3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
- (4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

Definition of Agricultural Land Designations

Government Code Section 56016 defines Agricultural Land:

Agricultural lands means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.

Government Code Section 56064 defines Prime Agricultural Land:

"Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

(a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

(b) Land that qualifies for rating 80 through 100 Storie Index Rating.

(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.

(d) Land planted with fruit or not-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.

(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

October 4, 2006 Ag/OS Preservation Workshop RSVP List (Speakers in **BOLD**)

1. CC Giacoma, Sherman Island
2. Karen Diepenbrock, Diepenbrock – Harrison Law Firm
3. Cindy / Centex Homes
4. Mike Garibidian
5. **Aimee Rutledge, SVOSC**
6. Eric Nickell, EPS
7. Jennifer Hogan, Staff Environmental Scientist, CA Dept. of Fish and Game
Habitat Conservation Planning Branch
8. Eric Ross, Save Our Sandhill Cranes (SOS)
9. McKay and Soms
10. Wildlands, Matt Gause
11. Katheryn Lyddan, Brentwood Ag Land Conservancy
12. Danny Yeung PMC
13. **Jude Lamare, Friends of the Swainson's Hawk**
14. Steve Mayo, San Joaquin HCP JPA SJCOG
15. Linda Fiack, Executive Director of the Delta Protection Commission
16. Elisa Carvalho, Management Analyst, Yolo County LAFCO
17. Stephanie Parsons, Senior Planner/Wildlife Biologist Quad Knopf
18. Edward J. Hard, Water Quality Specialist, Office of Agriculture and Environmental
Stewardship CA Dept. of Food and Agriculture
19. Rick Bettis –League of Woman Voters
20. Helen Selph, Assistant Planner, City of Sacramento
21. Mindy Cecchetti, South County Citizens for responsible Growth
22. **Glen Holstein, Habitat 2020 Committee**
23. **Stein M. Buer, Executive Director, Sacramento Area Flood Control Agency**
24. Mark Hanson, Project Manager, SBM
25. Jeff Beiswenger, Rancho Cordova
26. Daniel Hamilton, AICP, Senior Planner PMC
27. Michael Devereaux, Law Offices of Gregory D. Thatch
28. Matt Conover
29. Jennifer Moore, Kleinfelder
30. Pamela Wee, Kleinfelder
31. Kateri Harrison, Senior Planner & Ecologist, Kleinschmidt Associates
32. Heidi Tschudin, Principal, Tschudin Consulting Group
33. Curtis Alling, Vice President, EDAW
34. Cindy Davis, Senior Regulatory Specialist, EDAW
35. Maria Wong, AICP, Executive Director, Yolo County Habitat/Natural Community
Conservation Plan JPA
36. **Ardie Zahedani, North State BIA**
37. Ward Winchell, General Manager, Southgate R&P District
38. Cynthia Garcia SOS
39. Mike Savino SOS
40. Wildlands, Dan Kominek
41. Kevin Torell, San Joaquin HCP JPA SJCOG
42. **AltaTura, Habitat 2020 Committee**
43. **Chris Lewis, Habitat 2020 Committee**
44. **Jim Pacht, Friends of the Swainson's Hawk**
45. **George Phillips, Law Offices of George Phillips**
46. Maureen Casey, Planning Manager, Southgate R&P

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