

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
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November 1, 2006

TO: Sacramento Local Agency Formation Commission

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

RE: **Workshop: (rescheduled from October 4, 2006)**
Open Space and Agricultural Land Preservation Policy (LAFC 12-03)

RECOMMENDATION

1. Staff recommends that your Commission receive the eleven 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 action at the regularly scheduled meeting of February 7, 2007.

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.

BACKGROUND

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 participants for this evening's Workshop.

Your Commission began this policy development some 3 years ago. The **Open Space and Agricultural Land Preservation** policies are intended to implement a key tenet of Smart Growth – that is, *certainty of outcome in the development process*.

As your Commission has previously discussed, the policies are not proposed to add a redundant layer of regulation. Quite the contrary, by informing stakeholders, including affected cities of your Commissions criteria, the land use planning process may more

fully anticipate and address LAFCo concerns at the local governance level, resulting in time and resource savings.

The legislative charge to your Commission regarding provision of affordable housing, and agriculture and open space resource preservation is very clear. The Workshop this evening represents the culmination of extensive outreach to the county, cities, agricultural, environmental, development and regulatory stakeholders. Nearly 400 combined US Mail and e-mail invitations were sent out. More than 50 parties, including interests from the up and down the Valley, and the Bay Area are in the audience tonight.

This evening you will hear from academic, environmental, agricultural, development, and regulatory interests who have been gracious enough to volunteer their time in the furtherance of your policy development.

The policies reflect that your Commission is obliged to approach policy development with a broad, countywide, and even regional view.

PRESENTATIONS

The Workshop will consist of brief presentations by academic, environmental, development, and flood control interests. Your Commission may wish to further engage the speakers, as well as the audience as a whole.

U.C. Davis School of Landscape Architecture

Steve Greco

Assistant Professor Steven E. Greco's research centers on the relationships and interactions between natural and cultural landscape systems. With a B.Sc. in landscape architecture and M.S. and Ph.D. in ecology, Steve draws from a wide range of theory and methodology ranging from ecological sciences to planning/urban design and computer sciences, to examine to what degree natural systems can be sustained in cultural landscapes and to devise ways in which both can co-exist equitably and prosperously.

In addition to teaching site and landscape ecology to undergraduate students, and graduate seminars in landscape ecology and GIS, Greco founded and heads the Landscape Analysis and Systems Research (LASR) Laboratory, which employs several graduate students conducting research on patterns and regenerative processes of habitats for terrestrial vertebrates. Steve has received several major grants, most recently from the California Department of Water Resources, to study the patterns of riparian vegetation and processes shaping their structure and change through time on the Sacramento River. He also continues to collaborate with an interdisciplinary team of scientists to develop a predictive model of landscape dynamics on the Sacramento River between the cities of Red Bluff and Colusa (over 100 river-miles), and is actively working on wetland restoration protocols and designs for an urban ecology project at the UC Davis campus.

Habitat 2020 Committee

Glen Holstein,
AltaTura
Chris Lewis

Habitat 2020 is a joint committee formed in 1997 by Sacramento environmental organizations. Christina Lewis is the current chair. The committee's goal is to protect lands and waters where our wildlife and native plants live, including riparian woodlands, grasslands, vernal pools, wetlands, oak woodlands, waterways, lakes, reservoirs and the delta.

Member Organizations: Sacramento Audubon Society, Save the American River Association, Urban Creeks Council of Sacramento, California Native Plant Society-Sacramento Valley Chapter, ECOS, Sierra Club-Mother Lode Chapter, SOS Cranes, and Friends of Swainson's Hawk.

Sacramento Valley Open Space Conservancy

Aimee Rutledge, Executive Director

Sacramento Valley Conservancy was founded in 1990 on two basic principles - that open lands are necessary for quality of life and that we must care for the land today so future generations may enjoy its physical and spiritual benefits tomorrow.

SVC's mission is to preserve the beauty, character and diversity of the Sacramento Valley landscape by working with citizens, property owners, developers, public agencies and other nonprofit organizations. It creates dedicated open space by the acceptance of gifts, private purchase, facilitation of public acquisition, conservation easements and by cooperative efforts. It arranges for the preservation of these lands for agricultural, natural resource protection, recreation, and wildlife habitat purposes.

SVC is a private, non-profit land trust and buys land only from willing sellers. We work cooperatively with private landowners and public and private funding sources to create win-win solutions.

Save Our Sandhill Cranes (SOS)

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

Save Our Sandhill Cranes (SOS Cranes) is a non-profit organization which is dedicated to the conservation of the California Central Valley's Sandhill Crane populations through education, outreach, and community activism. Of particular concern to SOS Cranes are

the threats to the remaining suitable winter habitats in the Central Valley of California. Pending urban development and the shift from corn and rice production to vineyards is likely to dramatically diminish what little remains of the winter migratory habitat of the Lesser and Greater Sandhill Cranes in this region. The Greater Sandhill Crane, which is a state listed endangered species, exhibit a high degree of loyalty to its specific wintering grounds, and any disturbance there will result in them being uprooted. If we lose the present population, it is highly unlikely that Sandhill Cranes from another location and population will come and take their place. The Lesser Sandhill Crane - a similar but smaller version of the Greater Sandhill Crane - is subject to the same threats of habitat loss as the Greater Sandhill.

Friends of the Swainson's Hawk

Jude Lamare
Jim Pachl

Friends of the Swainson's Hawk is dedicated to the survival and recovery of the California Sacramento/Central Valley population of Swainson's Hawk. FOSH is a non-profit, 501-c-3 organization incorporated in September 1994 and has a board of five. Our region's Swainson's Hawk population numbers less than 1,000 and is vulnerable to extinction, due primarily to habitat loss. FOSH wants to see this population flourishing in our region in perpetuity.

Protecting the Sacramento County population is essential to this goal. We are not biologists; we are environmental advocates. We consult with and listen to biological experts.

James P. Pachl, Attorney at Law represents various environmental organization clients, and has been legal counsel to FOSH since its inception.

Swainson's Hawk Technical Advisory Committee

Mike Bradbury

Mike is a biologist and Environmental Resource Coordinator for the California Department of Water Resources, and is also a Board member of the Natomas Basin Conservancy.

The Swainson's Hawk Technical Advisory Committee (SWTAC), is an independent group of public agency and private biologists, which collectively have conducted numerous scientific studies of the Central Valley Swainson's Hawks over the last two decades.

Sacramento County Farm Bureau

Charlotte Mitchell, Executive Director

The Sacramento County Farm Bureau (Farm Bureau) is a voluntary, nongovernmental, nonpartisan organization of farm and ranch families seeking solutions to problems that affect their lives, both socially and economically.

Farm Bureau's voluntary, elected leaders and professional staff work hard for all Californians to ensure the rural economy's growth...to protect the family farm...and to maintain the treasured natural resources that are so important to Sacramento County's vitality and lifestyle.

Sacramento County farmers and ranchers produce approximately 75 different agriculture commodities with a total crop value of over \$325 million. Indirectly, Sacramento County agriculture contributes nearly \$1.2 billion to the economy with transportation, processing and related services to getting our food to the consumer table.

Development Interests/ North State Building Industry Association

Phil Serna, Serna Consulting, LLC

Ardie Zahedani, Legislative Advocate & Political Director

The North State Building Industry Association (BIA) is a professional trade organization, whose goal is to secure a more favorable economic environment for homebuilding.

Through participation in BIA, the diverse members of the building industry are united into a dynamic institution with the power and expertise to confront and obtain solutions to a multitude of building-related problems.

The BIA proudly represents the following 20 county areas: Alpine, Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo and Yuba.

Law Offices of Gregory D. Thatch

Greg Thatch

Practices in the following areas of law:

Real Estate, Land Use, Environmental, Public Agency.

Year Established: 1977

Firm Size: 5

Representative Clients:

Lewis Planned Communities; KB Home; D.R. Horton; K. Hovnanian Forecast Homes; Centex, Reynen & Bardis; Tim Lewis Communities; Shea Homes; Sixells; Sacramento

Employment and Training Agency; McClatchy Co.; Alleghany Properties; Granite Construction Co; Arizona Partners, LLC; Regent Development; Newland Communities; JPI; Griffin Industries; Panattoni Development; Richland Planned Communities, Inc.; BCN Development, LLC; M & H Realty Partners; SunCal Companies, Kern Schumacher Properties; Thomas Martin & Associates, Inc.; Pardee Homes, Inc.; San Joaquin Delta Community College District; and Regis Homes.

Sacramento Area Flood Control Agency

Stein M. Buer, Executive Director

The Sacramento Area Flood Control Agency (SAFCA) was formed in 1989 to address the Sacramento area's vulnerability to catastrophic flooding. This vulnerability was exposed during the record flood of 1986 when Folsom Dam exceeded its normal flood control storage capacity and several area levees nearly collapsed under the strain of the storm. In response, the City of Sacramento, the County of Sacramento, the County of Sutter, the American River Flood Control District and Reclamation District 1000 created SAFCA through a Joint Exercise of Powers Agreement to provide the Sacramento region with increased flood protection along the American and Sacramento Rivers.

SAFCA's mission is to provide the region with at least a 100-year level of flood protection as quickly as possible while seeking a 200-year or greater level of protection over time. Under the Sacramento Area Flood Control Agency Act of 1990, the California Legislature has given SAFCA broad authority to finance flood control projects and has directed the Agency to carry out its flood control responsibilities in ways that provide optimum protection to the natural environment.

SAFCA's activities are funded from development fees and annual assessments imposed on benefiting properties in three separate districts in Sacramento and Sutter Counties. District 1 provides funding for annual operation and maintenance expenses and covers all of the properties in the Natomas Basin, including those lying within Sutter County, and all the properties in Sacramento County lying with the drainage basin of the American River. District 2 provides funding for capital improvements to the levees protecting Natomas and North Sacramento and covers all of the properties directly benefiting from these improvements. District 3 provides funding for capital improvements to Folsom Dam, the levees along the American River, and the levees and related flood control facilities along Morrison Creek and its tributaries in South Sacramento County and covers all the properties benefiting from these improvements.

Conclusion

Your Commission has considered the proposed 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 legislative mandate to preserve these resources, city General Plans should encourage growth consistent with the intent of the legislature. Your Commission reserves the right to modify or 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 eleven 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 February 7, 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 A

REVISED: August 2, 2006
October 26, 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:

(Note: Cities may adopt higher standards. These policies establish the “floor” or minimum standard.)

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

The policies respect that lands may have multiple values, as working agricultural landscapes, with open space and habitat resources. In light of this recognition, stacking of mitigation may be considered.

Example: The Cosumnes River Preserve includes agricultural lands that also provide flood control and habitat values.

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 (pre-zoning, 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.

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Attached are the related presentation materials.

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