

County of Yolo
Agricultural Mitigation Program
Policy Options for Increased
Mitigation Ratios

2015 California Mitigation Summit

March 5, 2015



Genesis of the Study

- ◆ More than 50-years of land use policy commitment to protecting agricultural and open space resources
 - ◆ Agricultural mitigation ordinance established in 2000 and updated in 2008; refinement on-going
 - ◆ Requires one acre of agricultural land preserved for each acre of agricultural land rezoned or changed to urban use
 - ◆ 2009 General Plan Policy: continue to mitigate at a ratio of no less than 1:1 the conversion of land designated or zoned for agriculture to other uses
 - ◆ 2009 General Plan implementing action: conduct a study to determine whether a higher mitigation ratio for loss of agricultural land is warranted
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Approach & Methods

- ◆ Systematic and thorough
 - ◆ Foundation in policy
 - ◆ Legally defensible
 - ◆ Define options and analyze potential increases
 - ◆ Evaluate the options
- ◆ Research:
 - ◆ State policy on agricultural resources, environmental impact analysis, and mitigation fees
 - ◆ Analysis of recent court decisions
 - ◆ Parallels in other impact-benefit frameworks, i.e., mitigation for impacts to biological resources
 - ◆ Review practices in other jurisdictions
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Research Findings I

- ◆ Preserving agricultural land and mitigating farmland conversion impacts has a strong foundation in state law and policy
 - ◆ Court decisions support agricultural conservation easements as valid mitigation where there is general plan support and the agricultural sector is viable
 - ◆ Courts have found that mitigation ratios of 1:1 are valid CEQA mitigation because they substantially lessen the impact of agricultural land conversion
 - ◆ Troubling issue: the permanent loss of farmland can never be fully offset—acknowledged by courts and explored by policy initiatives
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Research Findings II

- ◆ Comments on CEQA documents acknowledge 1:1 mitigation as only partial compensation for the direct loss of farmland
 - ◆ In 2013, AB 823 broached the concept of formalizing and increasing agricultural mitigation ratios beyond 1:1—consistent, predictable statewide standards
 - ◆ Mitigation ratios greater than 1:1 are common for compensatory mitigation for the loss of habitat supporting biological resources
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California Cities and Counties with Existing Agricultural Land Mitigation Programs

			Allowed Mitigation Methods			
City or County	Year Adopted	Mitigation Ratio	Land Dedication	Ag. Conserv. Easements	In Lieu Fees	Mit. Land Banking
City of Brentwood	2002;2010	1:1	X	X	X	
City of Davis	1995; 2007	2:1	X	X	X	
City of Gilroy	2004 (est.)	1:1	X	X	X	
City of Hughson	2013	2:1		X	X	X
Cities of Lathrop, Manteca and Tracy	2005	n/a			X	
City of Livermore	2004 (est.)	1:1 + ^a		X		
City of Stockton	2006	1:1		X	X	
San Joaquin County	2006	1:1		X	X	
Stanislaus County	2007	1:1		X	X	X
Yolo County	2008	1:1		X	X	

California Cities and Counties with Existing Agricultural Land Mitigation Policies or Policies Under Consideration

			Allowed Mitigation Methods			
City or County	Year Policy Adopted	Proposed Mitigation Ratio	Land Dedication	Ag. Conserv. Easements	In Lieu Fees	Mit. Land Banking/TDRs
City of Morgan Hill	in process	0:5 - 2:1	X	X		
Butte County	2010	TBD	TBD	TBD	TBD	TBD
El Dorado County	2004	1:1	X	X		
Merced County	in process	TBD	TBD	TBD	TBD	TBD
Sacramento County	2011	1:1	TBD	X	TBD	TBD
San Benito County	2013	1:1	TBD	TBD	TBD	TBD
Solano County	2008	1.5:1		X		X
Tehama County	2009	TBD	TBD	TBD	TBD	TBD

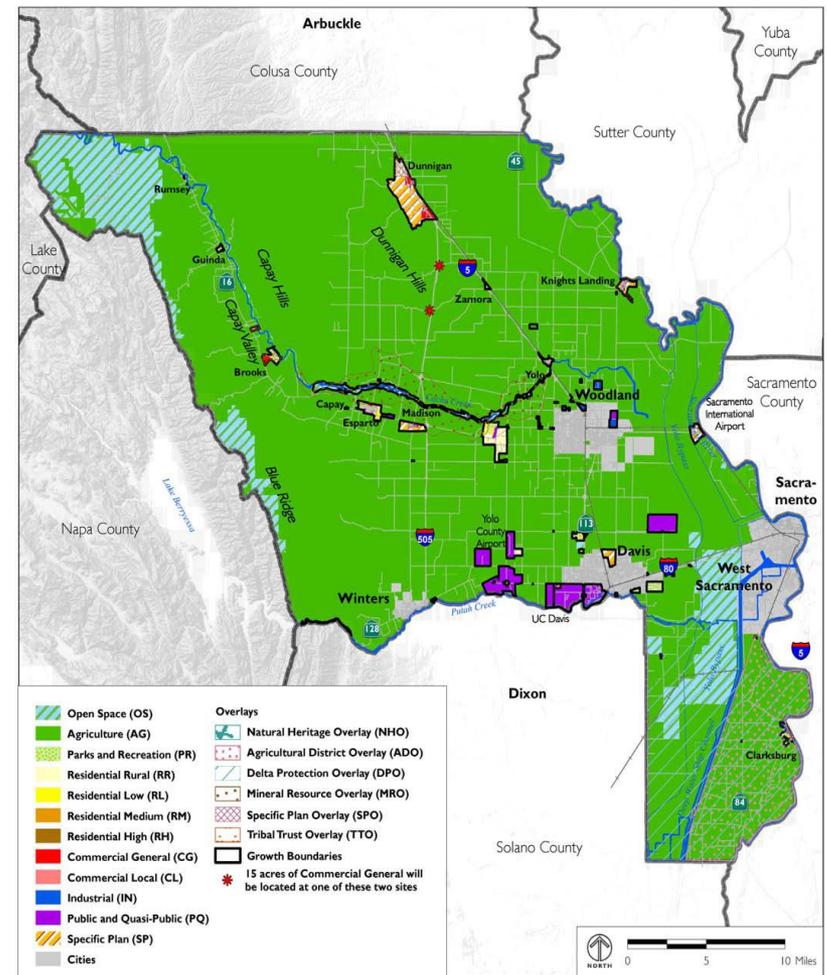
Yolo County Context - Strong land use policies support agriculture

- ◆ General Plan policy puts agriculture and open space “front and center” —defining the rural character of Yolo County
 - ◆ Agricultural preservation is central to the General Plan’s land use goals and policies
 - ◆ Goal LU-2 Agricultural Preservation – preserve farmland and expand opportunities....to ensure a strong agricultural economy
 - ◆ Goal LU-3 Growth Management – Manage growth to preserve and enhance Yolo County’s agriculture....
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Yolo County Context – General Plan

Land Use and Ag Mitigation

- ◆ 2030 General Plan designates **544,723** acres of land for agricultural use—88% of the unincorporated land area
- ◆ The plan designates less than **5,000** acres of existing agricultural land for conversion to urban and supporting public uses in the unincorporated area—less than 1% of land in agricultural use



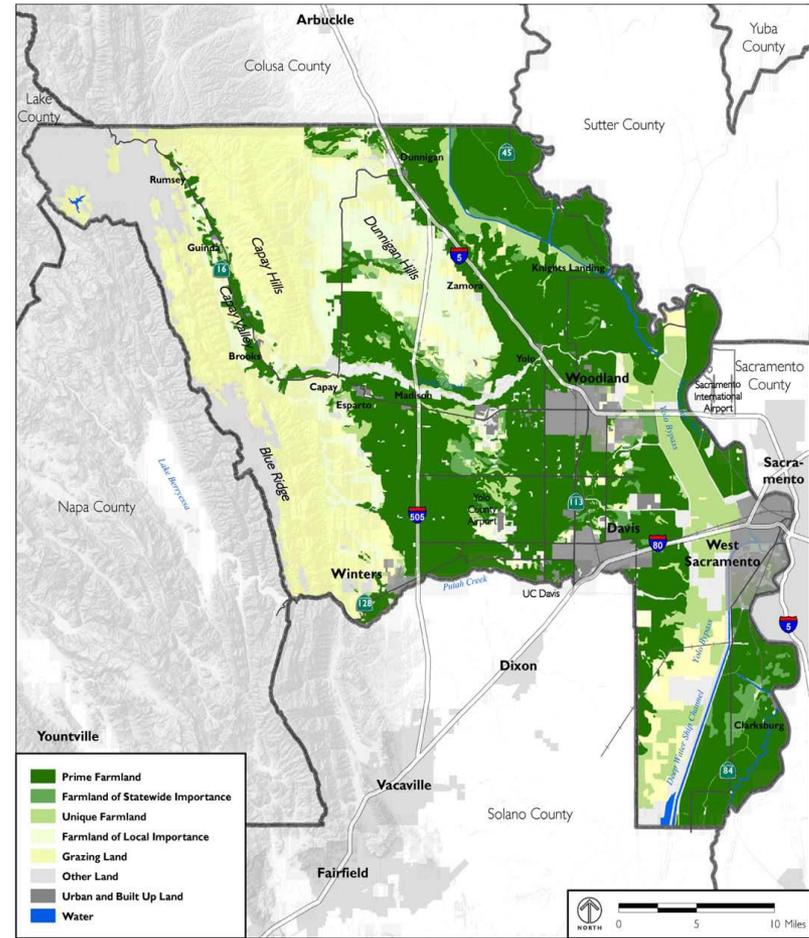
Source: Yolo County GIS, 2009.

Yolo County Context – Mitigation Experience to Date

- ◆ Since 2000, 12 County-approved projects required to mitigate; 2 other projects voluntarily mitigated
 - ◆ Total amount of land conserved: **842.2** acres with another **413.7** acres pending parcel or subdivision maps or building permits
 - ◆ The County's agricultural mitigation program accounts for a small component of the total land protected by agricultural conservation easements in Yolo County—over **28,000** acres
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Yolo County Context – Viability of the Agricultural Sector

- ◆ **532,000** acres of land currently in agricultural use
- ◆ A disproportionate share of the state's prime farmland
- ◆ Production value of \$722 million in 2013
- ◆ Diverse crop base
- ◆ Foundation of the County's economic base



Source: California Dept. of Conservation, Farmland Mapping and Monitoring Program, 2004

Framework for Policy Options I

- ◆ Can a mitigation ratio greater than 1:1 be justified legally and supported by defensible technical analysis?
 - ◆ California policy, statute, and related case law are the frame for evaluating and establishing legally defensible mitigation ratios for agricultural land conversion
 - ◆ The Mitigation Fee Act requires a “reasonable relationship” between the impact and the benefit
 - ◆ With such a nexus between impacts and mitigation, “rough proportionality” is the acceptable standard for establishing the mitigation ratio
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Framework for Policy Options II

- ◆ Address concerns/issues with implementation of existing program
 - ◆ Leverage General Plan policy
 - ◆ Use and adapt existing tools
 - ◆ Evaluate at least one defensible option that could substantially increase the amount of farmland protected
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Introduction to the Policy Options

- ◆ 1:1 mitigation ratio is a reasonable minimum standard for mitigating impacts of agricultural land conversion
 - ◆ Six policy options explored
 - ◆ Evaluation:
 - ◆ Economic impacts
 - ◆ Property tax revenue impacts
 - ◆ Land market impacts
 - ◆ Climate action benefits
 - ◆ Other public benefits
 - ◆ Clarity and ease of implementation
 - ◆ Not mutually exclusive; can be combined for implementation
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Option 1: Development density benchmark

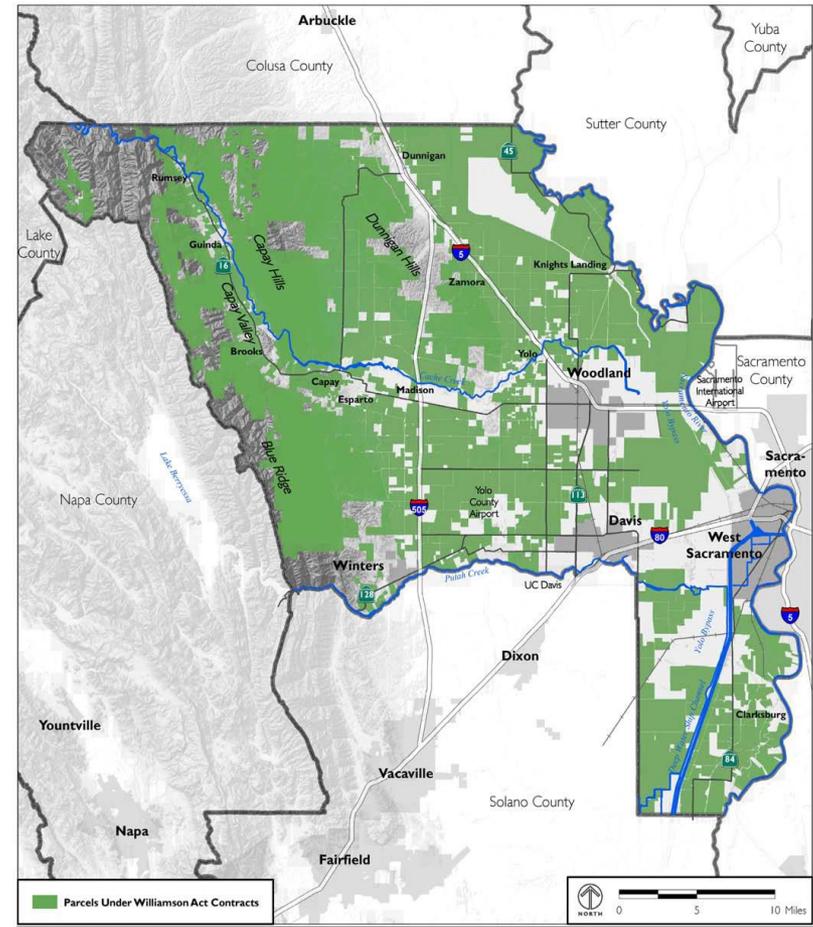
- ◆ 1:1 mitigation ratio applies if development meets or exceeds General Plan standard
 - ◆ Higher ratio would apply if average project density were below the General Plan target
 - ◆ Nexus: development at density lower than the GP target converts more agricultural land than planned
 - ◆ Complements General Plan policies including Climate Action Plan measures to reduce VMT
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Options 2 and 3: Ratios to direct the location of mitigation land

- ◆ Option 2: establish community-agricultural perimeter areas to reinforce community growth boundaries
 - ◆ Option 3: establish priority easement acquisition areas based on other criteria such as proximity to existing ag easements
 - ◆ Both adapt the objective measures in the LESA model to generate location-specific benchmark scores
 - ◆ Comparing scores for proposed mitigation land against benchmark scores provides grounds for mitigation ratios greater than 1:1
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Option 4: Maintain ratio of protected farmland to urban footprint

- ◆ Nexus: Farmland enrolled in the Williamson Act is an important community amenity, strengthening the County's rural character and working landscapes
- ◆ Permanent conservation through mitigation for farmland conversion impacts is the means to avoid reducing this amenity value
- ◆ The current ratio is 13.75 acres protected for every one acre developed



Option 5: Agricultural land values

- ◆ Current ordinance requires mitigation land to be “comparable to or better than” the farmland converted
 - ◆ Option 5 substitutes quantitative measures to compare different classifications of agricultural land
 - ◆ Those proportional relationships provide grounds for mitigation ratios greater than 1:1
 - ◆ Example: LESA model analysis used to generate a standard for average agricultural land value against which the value of the farmland proposed for conversion is measured
 - ◆ Converting farmland of higher than average value triggers a higher mitigation ratio
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Option 6: Capture impacts of public facilities

- ◆ The current program does not require mitigation for land conversion due to public uses
 - ◆ Increase the mitigation ratio applied to residential and commercial/industrial development to account for the proportionate share of conversion associated infrastructure and facilities needed to support that growth and development
 - ◆ Nexus: Public facilities and infrastructure needed to support new development also convert farmland; the need for the conversion is directly attributable to the population and employment accommodated in new development
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Evaluation of economic and fiscal impacts

Development feasibility

- ◆ Increased mitigation ratio could increase development cost in the short-term
 - ◆ Rough feasibility testing indicates a relatively small impact
 - ◆ Project proponent has the ability to find the most cost effective means of satisfying agricultural mitigation requirements
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Land market

- ◆ Only at a mitigation ratio of 6:1 would even 5% of the existing agricultural land base be targeted for mitigation
- ◆ Mitigation demand triggered gradually over time
- ◆ Localized effects possible under some options

Concluding Comments

- ◆ There are legally defensible options for increasing the agricultural land mitigation ratio beyond 1:1
 - ◆ Objective methods and analytical tools for establishing rough proportionality exist
 - ◆ Issues in refining the goals of the mitigation program:
 - ◆ How important is maximizing the number of acres protected?
 - ◆ Align agricultural and land use interests in program outcomes
 - ◆ Ag mitigation ratio as lever to achieve other general plan goals
 - ◆ Flexibility offsets some development feasibility concerns
 - ◆ Is the Yolo County policy discussion relevant elsewhere?
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