

## Chapter Seven

# AGRICULTURAL ELEMENT

## INTRODUCTION

Agriculture is the leading industry in Stanislaus County generating an annual gross agricultural value in excess of a billion dollars into the local economy. This initial value of farm production has a ripple, or multiplier, effect in the economy by generating related activities such as food processing, retail and wholesale trade, marketing, transportation, and related services. Located in the Central Valley, which has long been known as California's agricultural heartland, Stanislaus County consistently ranks among the top ten agricultural counties in the State. Stanislaus County also plays a major role in agriculture at the national level, based on market value of agricultural product sold.

The success of agriculture in Stanislaus County is largely due to our favorable climate and the flat, fertile soils that comprise the resource base of our biggest industry. The availability of affordable, high quality irrigation water and low-cost electrical power also gives local agriculture a competitive advantage. Agriculture in Stanislaus County is characterized by a broad diversity of commodities. While overall production trends for leading commodities have continued to grow, these trends are not always reflective of the overall health of agriculture in Stanislaus County.

The same elements that make Stanislaus County so well suited for agriculture - favorable climate, flat land, available water and low-cost power - also make the County attractive for urban development. Like other areas of the Central Valley, the County has become a magnet for those in search of affordable housing within commuting distance of the San Francisco Bay Area and other major employment centers.

Confronted with unprecedented population growth, diminishing agricultural resources, and increased production costs, it can no longer be assumed local agriculture will always be a major supplier to the nation with fresh fruits and vegetables and remain the mainstay of our economy. The challenge of solving the problems confronting agriculture in Stanislaus County requires the coordinated efforts of both government and private citizens. The goals to sustain a healthy agricultural economy, conserve our agricultural land, and protect our natural resources are goals for which our community as a whole can strive, from which our community as a whole will benefit.

### **Purpose**

The purpose of the Agricultural Element is to promote and protect local agriculture through the adoption of policies designed to achieve three main goals:

1. Strengthen the agricultural sector of our economy.
2. Conserve our agricultural lands for agricultural uses.
3. Protect the natural resources that sustain agriculture in Stanislaus County.

The policies are intended to provide clear guidelines for County decision-making. The policies also are intended to express the County's commitment to specific programs and strategies that will ensure the continued success of our agricultural industry and productivity of our agricultural lands.

### **Focus**

The overall focus of the Agricultural Element is on the mitigation of negative economic and environmental impacts to agricultural land and the natural resources needed to support local agriculture. The Agricultural Element establishes policies to protect the economy of Stanislaus County by minimizing conflicts between agriculture, the environment, and urban development. By minimizing the impacts of urbanization on agriculture, the County will help protect local agriculture and ensure its continued success.

### **Scope**

This document represents a broad-based effort to analyze the status of local agriculture, address agricultural issues, consolidate existing County policies and propose strategies to solve problems that exist. Not limited to land use issues, this document goes beyond the scope of most agricultural elements to include strategies for economic development and resource protection related to agriculture. Because of its comprehensive approach, this document can be considered a strategic plan for agriculture in Stanislaus County.

### **Authority & Relationship to Other General Plan Elements**

In recognition of the importance of agriculture to our local economy, the Stanislaus County General Plan includes an Agricultural Element to promote and protect local agriculture. Under Section 65303 of the California Government Code, optional elements of the General Plan, are authorized but not mandated by the State Legislature. The Agricultural Element is coordinated with several other elements of the General Plan and must be consistent with the entire General Plan. It interacts primarily with agriculture-related policies of the Land Use, Conservation/Open Space, and Housing Elements. To avoid duplication, policies in these elements that affect or relate to agriculture are not repeated in this element. However, such policies are cross-referenced whenever appropriate. The policies in this document have the same legal status as any state-mandated element of the general plan.

### **Review**

The adoption of the Agricultural Element reflects the County's commitment for a strong agricultural economy. As a means of insuring the goals, objectives, policies, and implementation measures of this document remain relevant to the needs of local agriculture, periodic review of the this document is required. Adoption of this document includes a commitment to reviewing it every five years. Reviews shall be conducted by the Agricultural Advisory Board with assistance from both the County Agricultural Commissioner's Office and the Planning Department.

## GOAL ONE

Strengthen the agricultural sector of our economy.

Growth in Stanislaus County is both an opportunity for local agriculture and a threat to its stability. There are opportunities to expand markets for local agricultural products, and opportunities for the expansion of existing businesses and the formation of new enterprises. However, growth typically results in increased conflicts between farm and non-farm residents as well as contributing to the loss of productive farmland, the deterioration of air quality, increased competition for water supplies and other resource problems.

Goal one addresses these opportunities and threats by presenting strategies for agriculture-related economic development. These strategies include ways to improve marketing and promotion, provide education and technical assistance, minimize conflicts between farm and non-farm residents, provide adequate housing for farm workers, and ensure food safety.

Because many of these issues are not unique to Stanislaus County alone, but involve the entire Central Valley, the close cooperation of local governments through a voluntary multi-county association or confederation is essential for the continued success of agriculture and the health of our regional economy as a whole.

### **OBJECTIVE NUMBER 1.1: Enhance the marketing and promotion of agriculture in Stanislaus County**

The ability to market and promote agriculture on both a county-wide and farm level is essential to the success of agriculture in Stanislaus County. Direct marketing is one method farmers can use to gain market control, but for many crops a local infrastructure for marketing and promotion is needed for success. This local infrastructure is comprised of land, services, and the workforce needed for support industries such as food-processors, manufactures, distributors, suppliers, and retailers. A key factor to attracting and retaining the necessary infrastructure includes a strong local focus on economic development.

Stanislaus County plays an active role in economic development through its participation with private industry in efforts to add value to existing local economic development programs. The ability to market the productivity of agriculture in Stanislaus County is essential to the development of the support industry needed to enhance the sales of agricultural products. Marketing boards for the various agricultural commodities grown and raised in Stanislaus County serve as a link between the farmer, processor, and consumer.

Efforts to highlight the rich agricultural heritage of Stanislaus County help to bridge the gap between consumers and farmers by promoting the value of agriculture to the community as a whole. With the increase in population, the majority of Stanislaus County citizens now reside in urban areas. Clearly, community education of farming practices and the economic role of agriculture is important to the long-term health of agriculture as an industry in Stanislaus County. Direct marketing provides an opportunity for farmers to deliver their products directly to consumers, while allowing the farmer to maximize revenues.

The County supports direct marketing opportunities through the permitting of produce stands and produce markets, meeting adopted standards and incidental retail sales and tasting rooms in conjunction with authorized agricultural processing facilities in the agricultural zoning district. For many consumers farm-based direct marketing offers them their only physical connection to agriculture. However, to limit the potential for conflict, the County must take measures to insure direct marketing is conducted in a manner which promotes the health, safety, and welfare of both county residents and agricultural business in the County.

In addition to a strong local market, a strong export market for Stanislaus County agricultural products is a key element to sustaining our agricultural economy. Each year an increasing amount of agricultural products grown in and raised in Stanislaus County are shipped worldwide. Economic development efforts assist companies interested in exporting local agricultural products. In addition to local efforts, the County encourages state and federal efforts to expand agricultural export programs.

### **POLICY 1.1**

Efforts to promote the location of new agriculture-related business and industry in Stanislaus County shall be supported.

### **IMPLEMENTATION MEASURE**

1. The County shall continue to participate in economic development efforts to bring new agriculture-related business and industry to Stanislaus County.  
**Responsible Departments: Board of Supervisors**

### **POLICY 1.2**

The marketing and promotion of local agricultural products shall be encouraged.

### **IMPLEMENTATION MEASURES**

1. The County shall continue to implement existing ordinance provisions relating to direct-marketing of locally grown produce.  
**Responsible Departments: Agricultural Commissioner, Environmental Resources, Planning, Planning Commission, Board of Supervisors**
2. The County shall encourage efforts to establish direct marketing programs and a market identity for Stanislaus County.  
**Responsible Departments: Chief Executive Office, Planning, Board of Supervisors**
3. The County shall encourage the presence of agricultural marketing boards in Stanislaus County.  
**Responsible Departments: Chief Executive Office, Planning, Board of Supervisors**

### **POLICY 1.3**

Efforts to expand markets for the export of local agricultural products shall be encouraged.

### **IMPLEMENTATION MEASURE**

1. The County shall support and encourage efforts to create and expand export programs which seek to expand markets for commodities produced in Stanislaus County.

***Responsible Departments: Agricultural Commissioner, Board of Supervisors***

### **OBJECTIVE NUMBER 1.2: Support the development of agriculture-related uses**

Given its broad diversity, Stanislaus County agriculture involves a variety of commercial and industrial activities and requires a range of supplies and services. Roadside stands, processing services, maintenance and repair of farm machinery and equipment, custom farming services, and similar agriculture-related uses are all important for the success of agriculture.

Some of these activities and support services may be most appropriately located on agricultural lands, where they are convenient and accessible to farmers and ranchers. On the other hand, some of these uses may interfere with agricultural operations. The determination of which commercial activities and support services belong on agricultural lands depends on their connection to agriculture, the potential for conflicts, the size, scale and adaptability of the use, and the amount of land lost to farming.

The A-2 (General Agriculture) zoning district of the County Zoning Ordinance encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Tier one includes uses closely related to agriculture such as nut hulling and drying, wholesale nurseries, and warehouses for storage of grain and other farm produce grown on-site or in proximity to the site. Tier two includes uses such as agricultural service establishments serving the immediately surrounding area and agricultural processing plants of limited scale. Tier three includes uses that are not directly related to agriculture but may be necessary to serve the A-2 district or difficult to locate in urban areas. Since tier three uses can be people-intensive and thus can adversely impact agriculture, they are generally directed to lands within LAFCO-adopted Spheres of Influence.

Agricultural service establishments designed to serve the immediate area and agricultural processing plants such as wineries and canneries are allowed when the Planning Commission finds that (1) they will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity; (2) the establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and (3) it is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned commercial or industrial. Limited visitor-serving commercial uses including retail sales, tasting rooms and/or facilities for on-site consumption of agricultural products are allowed in conjunction with agricultural processing facilities.

In general, agricultural service establishments can be difficult to evaluate due to their wide diversity of service types and service areas. This diversity often leads to requests for uses which provide both agricultural and non-agricultural services and/or have a wide-spread service area. Maintaining a focus on production agriculture is key to evaluating agricultural service

establishments in the agricultural area. In order to control the scale and intensity of processing facilities, such as wineries and canneries, the County requires such facilities in the agricultural area to show a direct connection to production agriculture in Stanislaus County and applies limitations on the number of employees.

Visitor-serving commercial uses can be especially problematic. Direct marketing and promotion of local products is beneficial to the agricultural industry, yet the people who come to enjoy the rural setting may interfere with necessary farming practices. This "people versus practice" conflict makes it necessary to limit the location and intensity of visitor-serving commercial uses in agricultural areas.

#### **POLICY 1.4**

Limited visitor-serving commercial uses shall be permissible in agricultural areas if they promote agriculture and are secondary and incidental to the area's agricultural production.

#### **POLICY 1.5**

Agricultural service establishments shall be permissible in agricultural areas if they are designed to serve production agriculture in the immediately surrounding area as opposed to having a widespread service area, and if they will not be detrimental to agricultural use of other property in the vicinity.

#### **POLICY 1.6**

Processing facilities and storage facilities for agricultural products either grown or processed on the site shall be permissible in agricultural areas.

#### **POLICY 1.7**

Concentrations of commercial and industrial uses, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for agriculture and shall not be allowed.

#### **POLICY 1.8**

To encourage vertical integration of agriculture, the County shall allow research, production, processing, distribution, marketing, and wholesale and limited retail sales of agricultural products in agricultural areas, provided such uses do not interfere with surrounding agricultural operations.

#### **IMPLEMENTATION MEASURE**

1. The County will continue to implement its existing General Agriculture (A-2) zoning provisions for agriculture-related uses consistent with policies 1.6 - 1.10 of the Agricultural Element.

***Responsible Departments: Planning, Planning Commission, Board of Supervisors***

### **OBJECTIVE NUMBER 1.3: Minimizing Agricultural Conflicts:**

Urbanization and the proliferation of rural residences throughout the County has led to increased conflicts over agricultural operations. Homeowners complain about noise, odors, flies, chemical spraying and similar impacts of commercial agricultural practices; farmers complain about vandalism, theft and trespassing on farm properties. To minimize these conflicts, the County can implement a variety of tools designed to minimize the interaction between people and agriculture which results in the conflict. These tools include continuing to implement its right-to-farm ordinance, requiring buffers between non-agricultural development and adjacent agricultural operations, and establishing setbacks from agricultural zones.

Stanislaus County is one of many counties in California to have enacted a right-to-farm ordinance to protect farmers from nuisance suits as a result of normal farming practices. The ordinance requires disclosure to home buyers in farming areas that they are subject to noise, dust, odors, and other impacts of commercial agricultural operations. The ordinance also provides a notification system to make residents more aware of the right-to-farm policy and provides a voluntary agricultural grievance procedure as an alternative to court proceedings.

In practice, the right-to-farm ordinance primarily serves as a tool for making adjacent landowners aware of a right which cannot be fully protected by the ordinance. When faced with non-agricultural development in agricultural areas, farmers often lose their rights to implement normal farming practices, such as spraying, due to the increased risk of exposure to surrounding people. Without question, the right-to-farm ordinance is a critical tool in the effort to protect agricultural land, but beyond awareness it is limited in the true protection it can provide. The success of the right-to-farm ordinance is dependent on supporting policies limiting non-agricultural development in and around agricultural areas.

To lessen the impacts of development by minimizing conflicts between agricultural and non-agricultural uses, buffers should be required when incompatible development is approved in or adjacent to agricultural areas. A buffer is a physical separation such as a topographic feature, a substantial stand of trees, a water course, a landscaped berm, or similar feature. Buffers serve as both a physical and visual barrier between agricultural uses and the people in non-agricultural areas. By separating incompatible uses, a buffer minimizes the impacts of non-agricultural development on surrounding agricultural operations and decreases the likelihood of conflict. Buffers are not intended to stop people from entering an area, but rather to limit people as a means of avoiding a situation where conflict is known. Buffers need to take into account 'no spray' policies enforced by the Agricultural Commissioner.

Setbacks from agricultural zones also help minimize conflicts over agricultural practices. For example, standards for residential zones may be amended to require all structures be setback a specified distance from an adjacent agricultural zone. Standards will need to take into account existing residential areas where lots may be too small to accommodate effective setbacks. However, the purpose for adopting setback standards is to insure existing circumstances which have resulted in conflict over agricultural practices are not repeated. As with buffers, setbacks need to take into account 'no spray' policies.

Impacts to agriculture also occur when lands are removed from agricultural production and remain fallow or crops are abandoned. While this type of impact generally occurs on the edge of urban development, it can also occur in the middle of an agricultural area. Fallow and abandoned farmland becomes habitat to invasive and noxious pests which may damage plants, lower production, and cause the need to increase the use of pesticides and rodenticides on

adjacent farmland. State law grants authority to the County Agricultural Commissioner to address these types of nuisances, but it ultimately is the responsibility of individual property owners to avoid impacting adjacent farmland.

#### **POLICY 1.9**

The County shall continue to protect agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance.

#### **IMPLEMENTATION MEASURES**

1. The County shall continue to implement the Right-to-Farm Ordinance.  
**Responsible Departments: Tax Collector, Clerk Recorder, Planning, Planning Commission, Board of Supervisors**
2. The County shall utilize complaints related to agricultural activities as educational opportunities.  
**Responsible Departments: Agricultural Commissioner, Planning, Board of Supervisors**

#### **POLICY 1.10**

The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

#### **IMPLEMENTATION MEASURES**

1. The County shall require buffers and setbacks for all discretionary projects introducing or expanding non-agricultural uses in or adjacent to an agricultural area consistent with the guidelines presented in Appendix "A".  
**Responsible Departments: Agricultural Commissioner, Planning, Planning Commission, Board of Supervisors**

#### **POLICY 1.11**

The County shall support state regulations requiring landowners to manage noxious weeds and pests on fallow or abandoned lands.

#### **IMPLEMENTATION MEASURE**

1. The Agricultural Commissioner shall enforce state regulations requiring landowners to manage noxious weeds and pests on fallow or abandoned lands.  
**Responsible Departments: Agricultural Commissioner, Board of Supervisors**

#### **OBJECTIVE NUMBER 1.4: Provide Housing for Farmworkers**

Efficient farm management requires a stable work force to provide labor when needed. To ensure the availability of that labor, adequate numbers of employees must be housed on both a temporary and a permanent basis. Farmworker housing issues involve the location, amount, and type of housing for seasonal and year-round farm workers.

State and federal housing programs for farm workers in Stanislaus County are administered by the Stanislaus County Housing Authority, which is an independent public agency entirely separate from County government. Farmworker housing projects currently administered by the Housing Authority are located throughout the County. Other efforts to provide farmworker housing come mainly from individual farmers. The Stanislaus County Department of Environmental Resources is the local agency responsible for enforcing state regulations of farmworker housing.

The County appoints the Housing Authority Board, which is the agency's policy-making body, and otherwise assists the Housing Authority as outlined in a cooperative agreement. The Housing Element of the General Plan includes a commitment that the County shall continue to assist the Housing Authority in its administration of state and federal housing programs for farm workers.

The General Agriculture (A-2) zoning district allows, with use permit, farm labor camps and permanent housing for persons employed on a full-time basis in connection with any agricultural work or place where agricultural work is being performed. The County Zoning Ordinance also recognizes the use of manufactured housing (mobile homes) under a temporary permit when specific criteria can be met to substantiate the need to provide housing for a full-time employee. Manufactured housing (mobile homes) are preferred over standard housing because they can be moved off the property if circumstances change and the employees are no longer needed.

#### **POLICY 1.12**

To help provide a stable work force for agriculture, the County shall continue to facilitate efforts of individuals, private organizations, and public agencies to provide safe and adequate housing for farm workers.

#### **IMPLEMENTATION MEASURES**

1. The County shall continue to implement the farm worker housing policies of the Housing Element of the General Plan. The County also shall facilitate the efforts of other public agencies, private organizations, and individuals to provide safe and adequate housing for farm workers.  
**Responsible Departments: Planning, Board of Supervisors**
2. The Stanislaus County Department of Environmental Resources shall continue to enforce state regulations regarding farmworker housing.  
**Responsible Departments: Environmental Resources**
3. The County shall consider adoption of expedited permitting procedure for construction of temporary farmworker housing.  
**Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors**

#### **POLICY 1.13**

Temporary housing for full-time farm employees in connection with any agricultural work or place where agricultural work is being performed shall be supported.

#### **POLICY 1.14**

Permanent, new housing for seasonal farm workers preferably shall be located in areas supplied with public sewer and water services.

#### **POLICY 1.15**

Housing for year-round, full-time farm employees shall be permissible in addition to the number of dwellings normally allowed by the density standard.

#### **IMPLEMENTATION MEASURE**

1. The County shall continue to implement existing General Agriculture (A-2) zone provisions for farmworker housing consistent with policies 1.16 - 1.18 of the Agricultural Element.

***Responsible Departments: Planning, Planning Commission, Board of Supervisors***

#### **OBJECTIVE NUMBER 1.5: Support Education and Technical Assistance**

Farmers and ranchers often lack the means to undertake the wide range of activities necessary to pursue new agricultural market opportunities and develop new products. Public educational institutions, including the University of California, California State University Stanislaus, and Modesto Junior College all provide some form of technical assistance to agriculture. However, these public institutions can be better utilized to help agricultural groups and individuals conduct market analyses, identify direct marketing opportunities, promote exports, and coordinate other economic development activities in support of local agriculture.

Vocational agriculture programs provide education and hands-on experience for high school and MJC students in Stanislaus County. The 4-H and Future Farmers of America (FFA) programs also play an important role in agricultural education. 4-H programs are part of the U.C. Cooperative Extension, which receives County funding. FFA programs operate in conjunction with vocational agriculture programs in the public high schools and are not directly related to U.C. Cooperative Extension. However, U.C. Cooperative Extension works with vocational agriculture teachers and provides assistance to vocational agriculture programs, both at the high school and the junior college levels.

Several public agencies conduct agricultural research and provide educational services at the County level: the U.S.D.A. Natural Resource Conservation Center, the East and West Stanislaus Resource Conservation Districts, U.C. Cooperative Extension and the Stanislaus County Agricultural Commissioner's office. Three of these agencies are centrally located in the County Agricultural Center.

#### **POLICY 1.16**

Public education institutions shall be encouraged to provide more technical assistance related to agricultural economic development in Stanislaus County.

#### **POLICY 1.17**

The County shall continue to encourage vocational agriculture programs in local high schools and at Modesto Junior College.

## **POLICY 1.18**

Public agencies providing agricultural services shall be encouraged to continue agricultural research and education.

## **POLICY 1.19**

The County shall continue to encourage 4-H and FFA programs for local youth.

### **IMPLEMENTATION MEASURES**

1. Local 4-H programs will be encouraged by continued support of U.C. Cooperative Extension.  
**Responsible Departments: U.C. Cooperative Extension, Agricultural Advisory Board, Board of Supervisors**
2. The County will continue to support the County fair, which involves vocational agriculture, FFA, and 4-H programs.  
**Responsible Departments: U.C. Cooperative Extension, Agricultural Advisory Board, Board of Supervisors**

## **POLICY 1.20**

The County shall continue to support the Agricultural Center where offices of public agencies providing agricultural services are centrally located.

### **IMPLEMENTATION MEASURE**

1. The County will continue to support the County Agricultural Center that houses the public agencies directly related to agriculture, including the U.C. Cooperative Extension, the Agricultural Commissioner, the U.S. Department of Agriculture, and the California Department of Food and Agriculture.  
**Responsible Departments: U.C. Cooperative Extension, Agricultural Commissioner, Board of Supervisors**

### **OBJECTIVE NUMBER 1.6: Protect Food Safety**

A safe food supply is a major concern to all consumers and, as such, is critical to the economic health of our agricultural community. Food borne pathogen outbreaks, the use of chemicals in growing and storing crops, the use of antibiotics and hormones in raising poultry and livestock, and the use of radiation to prolong the shelf-life of our food are types of issues that worry consumers who are concerned about food safety and its long-term impacts on their health.

Food borne pathogen outbreaks related to agricultural production practices and operations, whether confirmed or alleged through media sources, can be extremely costly and greatly impact agriculture. The Food Safety Modernization Act (FSMA) authorizes the United States Department of Agriculture (USDA) to develop more extensive regulations and guidelines designed to prevent food borne illness through recordkeeping and trace back requirements of agricultural commodities. The Agricultural Commissioner, who is responsible for promoting and protecting the agricultural industry, may become responsible in assisting the California

Department of Food and Agriculture with implementing provisions of the FSMA. Such a program will be designed to quickly address reports of food borne pathogen outbreaks and to diminish impacts to the agricultural industry and the community in general.

The public is also concerned about the impact of agricultural chemicals on the environment. Air, soil and water quality problems can result from the unsafe application and disposal of agricultural chemicals. A viable agricultural industry requires a sustainable regulatory framework promoting economic viability and environmental safety.

The primary responsibility for regulating and monitoring the sale and use of pesticides rests with the California Department of Pesticide Regulation, which classifies and registers pesticides, and the Stanislaus County Agricultural Commissioner, who issues permits to possess and use restricted pesticides. In general, no restricted pesticide material can be possessed or used in any way until the applicator has obtained a permit from the Agricultural Commissioner. The Agricultural Commissioner also operates programs for the inspection of fruits, vegetables, and eggs to ensure quality produce; the inspection of nurseries and seed crops to guard against diseases and inferior plants; pest exclusion to prevent crop-destroying pests from becoming established in California; and pest detection to find pests at the lowest population and in the smallest area possible in order to minimize the effects and costs of an eradication program.

The U.C. Cooperative Extension conducts educational and applied-research programs in integrated pest management and all other aspects of pest control.

#### **POLICY 1.21**

The County shall continue to work with local, state, and federal agencies to ensure the safety of food produced in Stanislaus County and to maintain a local regulatory framework promoting environmental safety while ensuring the economic viability of agriculture.

#### **IMPLEMENTATION MEASURES**

1. The Agricultural Commissioner will continue to work with government agencies and farmers to ensure the safe use of agricultural chemicals.  
**Responsible Departments: Agricultural Commissioner, U.C. Cooperative Extension**
2. As regulations are established, the Agricultural Commissioner will work with state and federal agencies and the farming community in the implementation of a food safety program to include a record keeping and trace back system to ensure minimal impacts related to food borne pathogens and associated outbreaks.  
**Responsible Departments: Agricultural Commissioner**
3. The County shall support the rights of growers to utilize the widest range of newest available technologies.  
**Responsible Departments: Agricultural Commissioner, U.C. Cooperative Extension, Board of Supervisors**

4. The U.C. Cooperative Extension will continue to conduct educational and applied-research programs to promote food safety and agricultural practices that are environmentally sound.

***Responsible Departments: Agricultural Commissioner, U.C. Cooperative Extension***

#### **OBJECTIVE NUMBER 1.7: Encourage Regional Coordination in the Central Valley**

The Central Valley has long been one of the premier agricultural regions in the world. Yet the Central Valley's population is growing rapidly, resulting in far-reaching demographic, social, and economic changes. Some of the most obvious changes include crowded highways, polluted air, homes and shopping centers sprouting from what used to be farmland. These types of regional impacts will likely have cumulative effects on agriculture, exerting a powerful influence over its future viability in the Central Valley.

One way to address regional impacts of growth and help ensure the continued success of agriculture in the Central Valley is to encourage regional coordination among the various counties and cities in the Central Valley. Currently there are nine councils of government in the Central Valley, including Stanislaus Council of Governments (StanCOG). These groups provide a forum for communication between the County government and municipalities within the County. However, there is no agency that coordinates planning and development activities of counties and cities for the entire Central Valley.

#### **POLICY 1.22**

The County shall encourage regional coordination of planning and development activities for the entire Central Valley.

#### **IMPLEMENTATION MEASURE**

1. The County shall participate in regional efforts to address long-range planning, infrastructure, conservation, and economic development issues facing the Central Valley.

***Responsible Departments: Board of Supervisors***

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## GOAL TWO

Conserve our agricultural lands for agricultural uses.

Agricultural land is a finite, irreplaceable resource. Once agricultural land has been taken out of production and paved over to provide streets for residential subdivisions and parking lots for shopping centers, it is not likely to be farmed again. The urbanization of productive agricultural land means the permanent loss of an irreplaceable resource.

With population in the Central Valley projected to increase dramatically, Stanislaus County faces greater pressure to convert agricultural lands to non-farm residential, commercial and industrial uses. The policies presented in Goal Two of this document are intended to provide a practical, effective framework for land use decisions regarding agricultural lands, with the overall goal of conserving agricultural lands for agricultural uses.

While not all agricultural land in Stanislaus County can be conserved, it is possible to protect agricultural areas through a combination of agricultural zoning and policies that clearly direct growth to cities and unincorporated communities with appropriate services to foster a sustainable community. By balancing the need to create housing and job opportunities for an expanding population with the need to protect our agricultural lands, we will help ensure the continued success of local agriculture.

Unlike urbanization, the parcelization of farmland has the potential to result in a gradual loss of farmland associated with the creation of parcels for 'residential purposes' and not 'agricultural purposes'. Parcels created in the agricultural area for 'residential purpose' are commonly referred to as 'ranchette' parcels. Ranchettes are characterized as rural homesites valued primarily for their residential development potential. What is classified as a ranchette size will vary based on soil type, terrain, irrigation water availability, and other such factors. The land costs associated with ranchettes are driven by residential potential which cannot be supported by the agricultural income potential of the land. As the use of land transitions from production agriculture to ranchettes, landowner priorities in the areas shift from the protection of agricultural rights to the protection of residential rights.

In recognition of the legitimate agricultural reasons for parcelization of farmland there are options available to insure ranchettes are not inadvertently created. These options include maintaining minimum parcel size requirements suitable for production agriculture, restricting use of farmland to production agriculture, and establishing 'no build' provisions for the development of dwellings on newly created parcels which are not used for production agriculture or capable of production agriculture. These options may also be applied to lot line adjustments of farmland, which also have the potential to result in the creation of ranchette parcels.

### **OBJECTIVE NUMBER 2.1: Continued Participation in the Williamson Act**

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is a tax relief measure for owners of farmland. The Williamson Act permits a landowner, whose land is used for farming, to sign a contract with the County guaranteeing that the land will continue to remain in farming for a period of at least ten years. In return for this guarantee, the County assesses taxes based on the agricultural value of the land rather than the market value.

Generally, this means taxes for a farmer are reduced, sometimes greatly. Participation in the Williamson Act has been a fundamental part of Stanislaus County's agricultural land conservation program.

Local jurisdictions implement the Williamson Act by adoption of agricultural preserves and rules governing the administration of the agricultural preserves. Adopted rules must be applied uniformly throughout the preserves and, as such, are commonly termed uniform rules. Stanislaus County has adopted the A-2 (General Agricultural) zoning district as its agricultural preserve. While the Williamson Act itself does not establish permitted uses within an agricultural preserve, permitted uses must be consistent with Principles of Compatibility outlined within the Williamson Act. The Williamson Act does establish presumed minimum parcel sizes for lands enrolled under contract. Minimum parcel sizes apply to both the creation of new parcels and parcels involved in a lot line adjustment.

The local governing jurisdiction has the ability to establish compatible uses, alternative minimum parcel sizes, and criteria for lot line adjustment based on the individualized needs of the community, provided the overall purpose and minimum standards of the Act are maintained.

Generally, the Williamson Act enjoys widespread support among landowners and government officials. The Williamson Act has helped to stabilize farm income and keep many operators in business by limiting the tax burden on contracted parcels. The Open Space Subvention Program, which is the companion to the Williamson Act, requires the State to partially reimburse local governments for forgone property tax revenues.

Stanislaus County has voluntarily participated in the Williamson Act program since 1970. Although the County's participation rate is one of the highest in the State, the percentage of land enrolled under contract has declined by 4 percent since the height of enrollment in 1981-82. The decline is primarily attributed to lands annexed by cities and contracts which have expired as result of notices of nonrenewal filed by property owners. Notices of nonrenewal are common in areas adjacent to city boundaries and unincorporated communities where development pressures are increasing. The passage of state legislation in 2003 establishing procedures and penalties for material breach of contracts have resulted in an increase of notices of nonrenewal throughout the entire A-2 zoning district.

Despite the trend of increasing notices of nonrenewal, cancellation requests in Stanislaus County have remained low. Generally, the Williamson Act continues to be an effective tool to help keep agricultural land in agricultural use. One reason for the increase in notices of nonrenewal may be attributed to the significant number of undersized parcels currently enrolled under contract. Since the County started participating in the Williamson Act, there have been periods when no minimum parcels size requirements existed for enrollment under contract. Currently, a minimum of 10 acres is required for enrollment under contract. While these undersized parcels may not benefit, they do face restrictions. The County has taken action to notify owners of undersized parcels of the process of nonrenewal, but few have taken advantage of the process. Increases in notices of nonrenewal in recent years have been the result of changes in state legislation.

## **POLICY 2.1**

The County shall continue to provide property tax relief to agricultural landowners by participating in the Williamson Act.

### **IMPLEMENTATION MEASURE**

1. The County shall continue to participate in the Williamson Act, thereby providing property tax relief to farmers and ranchers who volunteer to keep their land in agricultural use.  
**Responsible Departments: Planning, Planning Commission, Board of Supervisors.**

## **POLICY 2.2**

The County shall support reasonable measures to strengthen the Williamson Act, making it a more effective tool for the protection of agricultural land.

### **IMPLEMENTATION MEASURES**

1. The County shall encourage the State Legislature to increase Williamson Act subvention payments to local governments based on cost-of-living increases and/or a restructuring of the Williamson Act subventions schedule.  
**Responsible Departments: Chief Executives Office, Board of Supervisors**
2. The County will supplement the Williamson Act with other conservation tools in a comprehensive program for the protection of agricultural land.  
**Responsible Departments: Planning, Planning Commission, Board of Supervisors**

## **POLICY 2.3**

The County shall ensure all lands enrolled in the Williamson Act are devoted to agricultural and compatible uses supportive of the long-term conservation of agricultural land.

### **IMPLEMENTATION MEASURE**

1. The County shall initiate the filing of notices of nonrenewal on any parcel being used, or of a size, inconsistent with adopted uniform rules and applicable state regulations.  
**Responsible Departments: Assessors Office, Planning, Board of Supervisors**

### **OBJECTIVE NUMBER 2.2: Discourage urbanization and the conversion of agricultural land in unincorporated areas of the County**

In Stanislaus County, urbanization and farmland conversion are like two sides of the same coin. As urban areas expand to accommodate a growing population, surrounding farmland is converted to residential subdivisions, shopping centers, and industrial parks.

Like many other farming areas, the towns in Stanislaus County began as agricultural service centers and located where the farms were, on the valley floor. As these towns have expanded beyond their original functions, they have expanded outward onto our richest, most productive soils. Today, population growth continues to push urban development onto farmland once in agricultural production. If the trend continues outward onto productive agricultural land to

accommodate population growth, the resource base of our biggest industry will be seriously threatened.

Remote development, or development that takes place away from existing cities or urban centers, has traditionally been discouraged by planners and County officials in favor of the compact expansion of already existing urban centers. Existing County policy regarding remote development is stated in Policy Ten of the Land Use Element: "New areas for urban development (as opposed to expansion of existing areas) shall be limited to less productive agricultural areas." In theory, remote development offers a better alternative to the unlimited expansion of established cities and towns into our most productive agricultural areas. However, the benefits of remote development are diminished by the impact to surrounding agricultural uses and the introduction of urban infrastructure in an agricultural area.

In defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor. With modern management techniques, almost any soil type in Stanislaus County can be extremely productive. At the same time, many of our most valuable agricultural commodities are produced on lesser quality soils. For example, milk is the County's top-grossing commodity and yet most of the dairy farms in Stanislaus County are located in areas that might be considered less productive agricultural lands, based solely on soil capability. Although soil types should be considered, the designation of "most productive agricultural areas" also should be based on existing uses and their contributions to the agricultural sector of our economy.

Conversion of agricultural land also occurs when nonagricultural uses are introduced into agricultural areas and when agricultural land is parceled or adjusted into sizes too small to sustain an agriculturally viable independent farming operation. The County's Agricultural land use designation and corresponding A-2 (General Agriculture) zoning recognize ranchette areas with minimum lot size requirements of 3, 5, 10, and 20 acres. Ranchette areas have been identified based on significant existing parcelization of property, poor soil, location, and other factors which limit the agricultural productivity of the area. The inclusion of ranchette minimum parcel sizes in the A-2 zoning district creates the potential for future expansion of ranchette areas without the need to amend the lands Agricultural land use designation.

#### **POLICY 2.4**

To reduce development pressures on agricultural lands, higher density development and in-filling shall be encouraged.

#### **IMPLEMENTATION MEASURE**

1. The County shall encourage higher density development and in-filling of already existing urban areas.  
***Responsible Departments: Planning, Board of Supervisors***

#### **POLICY 2.5**

To the greatest extent possible, development shall be directed away from the County's most productive agricultural areas.

## IMPLEMENTATION MEASURE

1. Until the term "Most Productive Agricultural Areas" is defined on a county-wide basis, the term will be determined on a case-by-case basis when a proposal is made for the conversion of agricultural land. Factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the local economy. As an example, some grazing lands, dairy regions, and poultry-producing areas as well as farmlands can be considered "Most Productive Agricultural Areas." Failure to farm specific parcels will not eliminate them from being considered "Most Productive Agricultural Areas." Areas considered to be "Most Productive Agricultural Areas" will not include any land within LAFCO-approved Spheres of Influence of cities or community services districts and sanitary districts serving unincorporated communities.

**Responsible Departments: Agricultural Commissioner, Planning, Planning Commission, Board of Supervisors**

2. Uses on agricultural land located outside a LAFCO-adopted Sphere of Influence shall be primarily devoted to agricultural and compatible uses supportive of the long-term conservation of agricultural land. Agriculturally - related uses needed to support production agriculture and uses which by their unique nature are not compatible with urban uses, may be allowed on agricultural land provided they do not conflict with the agricultural use of the area.

**Responsible Departments: Planning, Planning Commission, Board of Supervisors**

3. The County shall encourage the development of alternative energy sources on lands located outside "Most Productive Agricultural Areas".

**Responsible Departments: Planning, Planning Commission, Board of Supervisors**

## POLICY 2.6

Agricultural lands restricted to agricultural use shall not be assessed to pay for infrastructure needed to accommodate urban development.

## IMPLEMENTATION MEASURE

1. The County shall continue to exempt agricultural buildings designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products from payment of Public Facility Fees. Exempt structures shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.

**Responsible Departments: Board of Supervisors**

## POLICY 2.7

Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are consistent with the County's conversion criteria.

## IMPLEMENTATION MEASURE

1. Procedures for processing General Plan amendments shall incorporate the following requirements for evaluating proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses:

Conversion Consequences. The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of agricultural land shall be fully evaluated.

Conversion Considerations. In evaluating the consequences of a proposed amendment, the following factors shall be considered: plan designation; soil type; adjacent uses; proposed method of sewage treatment; availability of water, transportation, public utilities, fire and police protection, and other public services; proximity to existing airports and airstrips; impacts on air and water quality, wildlife habitat, endangered species and sensitive lands; and any other factors that may aid the evaluation process.

Conversion Criteria. Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses shall be approved only if the Board of Supervisors makes the following findings:

- A. Overall, the proposal is consistent with the goals and policies of the General Plan.
- B. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data.
- C. No feasible alternative site exists in areas already designated for the proposed uses.
- D. Approval of the proposal will not constitute a part of, or encourage, piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act).
- E. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.
- F. Adequate and necessary public services and facilities are available or will be made available as a result of the development.
- G. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to agricultural lands, fish and wildlife resources, air quality, water quality and quantity, or other natural resources.

***Responsible Departments: Planning, Planning Commission, Board of Supervisors***

## **POLICY 2.8**

In order to further the conservation of agricultural land, the subdivision of agricultural lands shall not result in the creation of parcels for 'residential purposes'. Any residential development on agriculturally zoned land shall be incidental and accessory to the agricultural use of the land.

### **IMPLEMENTATION MEASURE**

1. The subdivision of agricultural land consisting of unirrigated farmland, unirrigated grazing land, or land enrolled under a Williamson Act contract, into parcels of less than 160-acres in size shall be allowed provided a "no build" restriction on the construction of any residential development on newly created parcel(s) is observed until one or both of the following criteria is met:
  - 90% or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For land which is not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.
  - Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.

***Responsible Departments: Planning, Planning Commission, Board of Supervisors***

## **POLICY 2.9**

Lot line adjustments involving agricultural land shall be primarily created and properly designed for agricultural purposes without materially decreasing the agricultural use of the project site.

### **IMPLEMENTATION MEASURE**

1. In terms of minimum parcel size and residential building intensity, a greater number of nonconforming parcels shall not be created by lot line adjustment. The following criteria shall apply when nonconforming parcels are involved in a lot line adjustment:
  - Nonconforming parcels greater than 10 acres in size shall not be adjusted to a size smaller than 10 acres, unless the adjustment is needed to address a building site area or correct for a physical improvement which is found to encroach upon a property line. In no case shall a parcel enrolled in the Williamson Act be reduced to a size smaller than 10 acres.
  - Nonconforming parcels less than 10 acres in size may be adjusted to a larger size, 10 acres or greater in size if enrolled in the Williamson Act, or reduced, if not enrolled in the Williamson Act, as needed to address a building site area or correct for a physical improvement which is found to encroach upon a property line.

***Responsible Departments: Planning, Planning Commission, Board of Supervisors.***

## **POLICY 2.10**

Minimum parcel sizes allowed for lands designated Agriculture shall not promote the expansion of existing, or creation of new, ranchette areas.

### **IMPLEMENTATION MEASURES**

1. Minimum parcel sizes of 40 or 160 acres shall be appropriate for lands designated Agriculture.  
**Responsible Departments: Planning, Planning Commission, Board of Supervisors**
2. In recognition of 3, 5, 10, and 20 acre minimum parcel sizes being appropriate for ranchette areas, no additional land designated as Agriculture shall be rezoned to A-2-3, 5, 10, or 20.  
**Responsible Departments: Planning, Planning Commission, Board of Supervisors**
3. The County shall evaluate and modify as needed, the remote development policy of the Land Use Element as part of a comprehensive General Plan update to insure such development does not impact surrounding agricultural uses or introduce urban infrastructure into an agricultural area.  
**Responsible Departments: Planning, Planning Commission, Board of Supervisors**

### **OBJECTIVE NUMBER 2.3: Expansion of Cities and Unincorporated Communities**

The Stanislaus Local Agency Formation Commission (LAFCO) is the local agency responsible for coordinating logical and timely changes in local governmental boundaries, including Spheres of Influence (SOI). The spheres of influence delineate the probable ultimate boundaries and service areas of the cities, and are intended to promote the efficient provision of urban services, including sewer, water, police protection, and fire protection. Similarly, community services districts and sanitary districts serving unincorporated communities also have adopted spheres of influence that indicate their probable ultimate boundaries. LAFCO's efforts are directed to seeing that services are provided efficiently and economically while agricultural and open-space lands are protected.

With the approval of LAFCO, spheres of influence can be expanded to accommodate growth. The question of whether or not proposed expansions should be allowed is decided solely by LAFCO. LAFCO is an independent agency created by state law. In Stanislaus County, the LAFCO is composed of two county supervisors; two city council representatives; and one public member. As an independent agency, LAFCO is not required to adhere to county policies, but state law requires LAFCO to consider conformity with all applicable general plans in the review of all proposals. As such, this Agricultural Element, and the County General Plan as a whole, can have an effect on the actions of LAFCO.

In recognition that unincorporated land within the established spheres of influence will be urbanized, these lands generally are designated Agriculture and zoned General Agriculture (A-2) until annexed by the city or special district.

Existing policy in the Land Use Element delineates the County's role in managing the development of agriculturally zoned lands within city spheres of influence. Reflecting agreements between the County and all nine cities, these policies provide that the County shall refer all development proposals to the appropriate city to determine whether or not the proposal

should be approved. Development, other than agricultural uses and churches, cannot be approved by the County unless written communication is received from the city memorializing their approval.

The Land Use Element also includes policies regarding the development of unincorporated communities and the expansion of urban boundaries (Policies Six and Thirteen). The County is actively encouraging the upgrading of unincorporated communities through the redevelopment and community development block grant programs, which provide significant tools for improving infrastructure and enhancing the quality of life in these areas.

#### **POLICY 2.11**

The County recognizes the desire of cities and unincorporated communities to grow and prosper and shall not oppose reasonable requests consistent with city and county agreements to expand, provided the resulting growth minimizes impacts to adjacent agricultural land.

#### **IMPLEMENTATION MEASURES**

1. The County shall continue to urge LAFCO to strengthen its policies, standards, and procedures for evaluating proposed annexations of agricultural land and proposed expansions of service districts or spheres of influence onto agricultural land to insure resulting urban growth minimizes impacts to adjacent agricultural lands.

***Responsible Departments: Agricultural Commissioner, Planning, Planning Commission, Board of Supervisors***

2. The County shall actively review LAFCO referrals to insure proposed projects are consistent with County General Plan polices.

***Responsible Departments: Agricultural Commissioner, Planning, Board of Supervisors***

#### **POLICY 2.12**

In order to minimize impacts to adjacent agricultural land, the County shall encourage LAFCO to use physical features such as roads and irrigation laterals as the boundaries for sphere of influence expansions.

#### **IMPLEMENTATION MEASURE**

1. The County shall encourage LAFCO to consider buffer guidelines adopted by the County when cities or community services districts and sanitary districts serving unincorporated communities propose to expand their boundaries.

***Responsible Departments: Agricultural Commissioner, Planning, Planning Commission, Board of Supervisors***

#### **POLICY 2.13**

In recognition that unincorporated land within spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities ultimately will be urbanized, the County shall cooperate with cities and unincorporated communities in managing development in sphere of influence areas.

## **IMPLEMENTATION MEASURES**

1. The County will continue to implement its policies and agreements with cities regarding the development of unincorporated lands within spheres of influence.  
***Responsible Departments: Planning, Planning Commission, Board of Supervisors***
2. The County will continue to implement policies in the Land Use Element regarding the development of unincorporated communities and expansion of their urban, or service district boundaries.  
***Responsible Departments: Planning, Planning Commission, Board of Supervisors***

### **OBJECTIVE NUMBER 2.4: Assessing and mitigating Impacts of farmland conversion**

The conversion of agricultural land to non-agricultural uses has far-reaching impacts on the land, water, and air resources that support our biggest industry. For example, taking out an almond orchard to accommodate urban development may involve paving over groundwater recharge areas, which will have a long-term effect on groundwater resources. Similarly, new roads providing access to the development may increase traffic congestion, resulting in a cumulative impact on air quality.

The California Environmental Quality Act (CEQA) requires the County to consider the environmental consequences of development-related projects and to ensure that adverse environmental impacts are avoided or minimized as much as possible. If the County determines in its Initial Study that a project could have a significant adverse environmental effect, the County must require preparation of an Environmental Impact Report (EIR) to fully assess potential impacts, propose ways to minimize or mitigate those impacts, and consider alternatives to the proposed project. The County may approve a project only if mitigation measures are adopted whenever feasible to avoid or reduce all significant environmental impacts or findings of "overriding considerations" are adopted.

Under CEQA Guidelines, the County has some discretion in determining whether the conversion of agricultural land will have a significant adverse effect on the environment. A project will normally have a significant effect on the environment if it will convert prime agricultural land to non-agricultural use or impair the productivity of prime agricultural land. "Prime agricultural land" is not defined under CEQA. Several attempts have been made in years past to allow or require local governments to establish a threshold of agricultural land loss for the purpose of determining a significant effect on the environment and thereby necessitating an EIR. However, instead of using an arbitrary threshold such as 100 acres to trigger an EIR, the County prefers to evaluate each project on a case-by-case basis. When the County determines that under the specific circumstances of the proposed project the conversion of agricultural land could have a significant effect, the County requires preparation of an EIR.

The analysis of the impacts of farmland conversion are often limited to a discussion of the prime soils that the project would make unavailable for farming, but rarely identifies the impacts on surrounding farming operations. Neither CEQA nor the State CEQA Guidelines contain detailed procedures or guidance concerning when and how agencies should address farmland conversion impacts. The County may amend its own CEQA Guidelines to include local guidelines for assessing the impacts of farmland conversion.

A common strategy for mitigating the loss of farmland is to require the permanent protection of farmland based on an identified ratio to the amount of farmland converted. A viable option for permanent protection is purchase of an agricultural conservation easement on farmland. Agricultural conservation easements generally restrict the non-agricultural use of property in perpetuity and are overseen by a trust established with a goal of promoting farmland conservation. The purchase of agricultural conservation easements is typically accomplished in one of two methods: 1) the developer works directly with a trust to purchase the required conservation easement prior to development or 2) the developer pays a fee to be used by a trust to purchase an agricultural conservation easement at a later date. While payment of a fee is typically easier for the developer, it is not always a guaranteed method to attaining the desired results. Fees paid at current cost may not keep pace with the escalating land costs and trusts must recover the cost of administering fees until a conservation easement is purchased. At the same time, a landowner wanting to sell an agricultural conservation easement may not be available at the time a development project is approved. A mitigation program focused on agricultural conservation easements must maintain a balance between the practical acquisition and actual cost of agricultural conservation easements.

To be effective, lands placed under easement must be strategically located to insure the viability of the surrounding farmland is protected. An isolated island of agricultural land surrounded by development or agriculturally non-viable parcels has little positive impact on efforts to protect farmland.

#### **POLICY 2.14**

When the County determines that the proposed conversion of agricultural land to non-agricultural uses could have a significant effect on the environment, the County shall fully evaluate on a project- specific basis the direct and indirect effects, as well as the cumulative effects of the conversion.

#### **IMPLEMENTATION MEASURES**

1. The County will continue to evaluate each project on a case-by-case basis to determine whether the conversion of agricultural land will have a significant adverse effect on the environment.  
**Responsible Departments: Agricultural Commissioner, UC Cooperative Extension, Planning, Planning Commission, Board of Supervisors**
2. When it determines that the conversion of agricultural land will have a significant adverse effect on the environment, the County will continue to require preparation of an EIR to fully assess the impacts of the conversion, propose mitigation measures, and consider alternatives to the proposed project.  
**Responsible Departments: Planning, Planning Commission, Board of Supervisors**

#### **POLICY 2.15**

In order to mitigate the conversion of agricultural land resulting from a discretionary project requiring a General Plan or Community Plan amendment from "Agriculture" to a residential land use designation, the County shall require the replacement of agricultural land at a 1:1 ratio with agricultural land of equal quality located in Stanislaus County.

## **IMPLEMENTATION MEASURE**

1. Mitigation shall be applied consistent with the Farmland Mitigation Program Guidelines presented in Appendix "B".

***Responsible Departments: Agricultural Commissioner, UC Cooperative Extension, Planning, Planning Commission, Board of Supervisors***

## **POLICY 2.16**

The County shall participate in local efforts to identify strategic locations for the purchase of agricultural conservation easements by land trusts and shall promote the long-term viability of farmland in areas surrounding existing farmland held under conservation easements.

## **IMPLEMENTATION MEASURE**

1. To facilitate the mitigation of the impacts of farmland conversion, the County may make information available on private, non-profit agricultural land trusts, may serve on committees that are formed for the purpose of establishing an agricultural land trust, and may coordinate County mitigation programs with the land trust once it is established.

***Responsible Departments: Agricultural Commissioner, UC Cooperative Extension, Planning, Board of Supervisors***

## **POLICY 2.17**

The County shall work cooperatively with the nine cities within the County and to encourage them to adopt agricultural conservation policies or ordinances which are consistent with County policies or ordinances in order to undertake an integrated, comprehensive countywide approach to farmland conservation. It is the ultimate goal of the County to have all nine cities participate in or adopt an agricultural mitigation ordinance that is the same as or substantially similar.

## **IMPLEMENTATION MEASURE**

1. The County shall facilitate efforts to have all nine cities participate in or adopt an agricultural mitigation ordinance that is the same as or substantially similar to adopted County ordinances addressing agricultural mitigation.

## **OBJECTIVE NUMBER 2.5: Limit the Impact of Antiquated Subdivisions**

One of the biggest threats to Stanislaus County's agricultural economy is the potential creation of hundreds of ranchettes in antiquated subdivisions.

Antiquated subdivisions are subdivisions created in the early part of the 1900's and exist on paper but have never been developed or sold in lots. Numerous antiquated subdivisions are located throughout Stanislaus County, involving more than 3,000 lots ranging in size from 3,250 square feet to 20 acres or more. If these lots were sold and developed, the loss of agricultural land coupled with the impact on surrounding agricultural operations could be devastating to the long-term viability of the agricultural economy.

Created prior to enactment of the State Subdivision Map Act and the California Environmental Quality Act, antiquated subdivisions were created without any kind of formal review to evaluate their economic and environmental consequences to the County. In addition to having adverse

impacts on agriculture, antiquated subdivisions pose a variety of environmental threats including groundwater contamination from the concentration of on-site septic systems and the generation of dust and auto emissions from increased traffic on unimproved access roads. The County's ability to provide emergency services such as fire protection, sheriff, and ambulance services also could be adversely affected. Similarly, potential impacts of antiquated subdivisions on schools, parks, and recreation have never been fully evaluated.

In 2000 the Stanislaus County Board of Supervisors amended the County Zoning Ordinance to address antiquated subdivisions. The amendment addresses antiquated subdivisions in the General Agriculture (A-2) zoning district by limiting the ability to place a dwelling on parcels of less than 20 acres in size without approval of a discretionary permit. The ordinance is based on the need to find the dwelling will be consistent with the County's General Plan, will not likely create a concentration of residential uses in the vicinity or induce other similarly situated parcels to become developed with single-family dwellings, and will not be substantially detrimental to or in conflict with agricultural uses of other property in the vicinity.

### **POLICY 2.18**

Construction of a dwelling on an antiquated subdivision parcel shall only be allowed when such development does not create a concentration of residential uses or conflict with agricultural uses of other property in the vicinity.

### **IMPLEMENTATION MEASURE**

1. The County shall continue to implement existing zoning ordinance provisions addressing antiquated subdivisions.

***Responsible Departments: Planning, Planning Commission, Board of Supervisors***

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## **GOAL THREE**

Protect the natural resources that sustain our agricultural industry.

Agriculture depends directly on the land, air, water, and soil resources to sustain its productivity. The success of agriculture in Stanislaus County can be largely attributed to the availability of these resources for the production of a wide variety of products.

The continued availability of soil, high quality water, and clean air cannot be taken for granted. In the process of urbanization to accommodate a booming population, Stanislaus County is losing farmlands to urban development by cities. At the same time, there is increasing competition between agriculture and urban uses for limited water resources. Ultimately these problems threaten the County's agricultural economy and our ability to help feed the nation.

Urbanization and the conversion of agricultural land are addressed under Goal Two, which focuses primarily on land use issues regarding our agricultural lands. Other resource problems such as air quality, water quality and supply, and soil quality are addressed in the following section of this document. The policies presented under goal three are intended to ensure the long-term protection of the natural resources that sustain our agricultural industry.

### **OBJECTIVE NUMBER 3.1: Air Quality**

Air quality in the San Joaquin Valley is monitored and standards are enforced by the California Air Resources Board and the San Joaquin Valley Air Pollution Control District, which is composed of the eight counties in the San Joaquin Valley air basin. The District was formed in recognition of the fact that air pollution is not limited by County lines--it is a regional problem affecting the entire valley. The lack of consistent standards and enforcement from one County to another makes it difficult to effectively address the cumulative impacts of pollution.

The Conservation/Open Space and Circulation Elements of the General Plan include policies and implementation measures to improve air quality by promoting communication, cooperation, and coordination among agencies involved in air quality programs; working to accurately determine and mitigating air quality impacts of proposed projects; to ensure that circulation systems shall be designed and maintained to minimize traffic congestion and air pollution; and to support efforts to increase public awareness of air quality problems and solutions.

### **POLICY 3.1**

The County shall continue to coordinate with the San Joaquin Valley Air Pollution Control District.

### **IMPLEMENTATION MEASURE**

1. The County shall continue to refer development proposals to the San Joaquin Valley Air Pollution Control District for their review and analysis of impacts on air quality.

## **POLICY 3.2**

The County shall assist the San Joaquin Valley Air Pollution Control District in implementation of adopted plans and regulations.

### **IMPLEMENTATION MEASURE**

1. The County shall require development proposals to incorporate all applicable air quality regulations and, where required, to include reasonable mitigation measures.

***Responsible Departments: Planning, Planning Commission, Board of Supervisors***

## **POLICY 3.3**

The County shall encourage the development and use of improved agricultural practices that improve air quality and are economically feasible.

### **IMPLEMENTATION MEASURE**

1. The County shall encourage and support the development and use of improved agricultural practices aimed at reducing the production of fine particles and other sources of air pollution.

***Responsible Departments: Agricultural Commissioner, U.C. Cooperative Extension, Board of Supervisors***

## **OBJECTIVE NUMBER 3.2: Water Resources**

Water is the lifeblood of agriculture in Stanislaus County. To supplement an average rainfall of just 12 inches per year, local agriculture relies on a network of irrigation water delivery systems to sustain its broad diversity of valuable crops.

Compared to many other areas of the arid Central Valley, Stanislaus County has abundant water resources, at least in times of normal rainfall. The availability of high-quality, low-cost irrigation water traditionally has given local agriculture a competitive edge and has been largely responsible for its success. The main sources of irrigation water are the Stanislaus, Tuolumne and San Joaquin River watersheds, all of which originate in the Sierra Nevada Mountains. Groundwater is used to supplement irrigation supplies, and is the major source of domestic and industrial water.

The quality of groundwater is determined by the geological formations through which it filters and thereby cannot be controlled. Groundwater recharge occurs by water conducting through the gravels of major streams and rivers, seepage from reservoirs, irrigations and rainfall of well drained alluvial soils in the valley portions of the County. Decreasing groundwater quality in areas of the county is having adverse effects on domestic water suppliers, as well as the agricultural lands. As groundwater becomes unavailable for domestic use, other sources have to be found. As a result, urban and agricultural users are becoming more competitive for water supplies.

Conservation is the most cost-effective way to ensure adequate water supplies for all residents of Stanislaus County. Local farmers long have practiced conservation methods, and their ability to survive dry years is indicative of their success. Research is continually improving agricultural technology, and water-saving innovations are continually being adapted by local growers.

Domestic and industrial users also need to be informed about the need for conservation and methods of lowering their water requirements. All types of water sources in the County are increasingly interdependent. The availability of irrigation water is affected by the use of water by city-dwellers and businesses; the availability of drinking water and industrial water is affected by agricultural practices.

#### **POLICY 3.4**

The County shall encourage the conservation of water for both agricultural, rural domestic, and urban uses.

#### **IMPLEMENTATION MEASURES**

1. The County shall encourage water conservation by farmers by providing information on irrigation methods and best management practices and coordinating with conservation efforts of the Farm Bureau, Resource Conservation Districts, Natural Resource Conservation Service, and irrigation districts.  
**Responsible Departments: Agricultural Commissioner, U.C. Cooperative Extension, Board of Supervisors**
2. The County shall encourage urban water conservation and coordinate with conservation efforts of cities, local water districts and irrigation districts that deliver domestic water.  
**Responsible Departments: Environmental Resources, Board of Supervisors**
3. The County shall continue to implement adopted landscape and irrigation standards designed to reduce water consumption in the landscape environment.  
**Responsible Departments: Planning, Planning Commission, Board of Supervisors**
4. The County shall work with local irrigation districts to preserve water rights and ensure that water saved through conservation may be stored and used locally, rather than "appropriated" and moved to metropolitan areas outside of Stanislaus County.  
**Responsible Departments: Board of Supervisors**
5. The County shall encourage the development and use of appropriately treated water (reclaimed wastewater and stormwater) for both agricultural and urban irrigation.  
**Responsible Departments: Board of Supervisors**

#### **POLICY 3.5**

The County will continue to protect the quality of water necessary for crop production and marketing.

## IMPLEMENTATION MEASURES

1. The County shall continue to require analysis of groundwater impacts in Environmental Impact Reports for proposed developments.  
**Responsible Departments: Environmental Resources, Planning, Planning Commission, Board of Supervisors**
2. The County shall investigate and adopt appropriate regulations to protect water quality.  
**Responsible Environmental Resources, Planning, Planning Commission, Board of Supervisors**

## POLICY 3.6

The County will continue to protect local groundwater for agricultural, rural domestic, and urban use in Stanislaus County.

## IMPLEMENTATION MEASURES

1. The County shall implement the existing groundwater ordinance to ensure the sustainable supply and quality of local groundwater.  
**Responsible Departments: Agricultural Commissioner, Environmental Resources, Planning, Planning Commission, Board of Supervisors**

## **OBJECTIVE NUMBER 3.3: Soil Resources**

The continued success of agriculture in Stanislaus County depends on conserving our soil resource. In addition to supporting the production of crops and livestock forage, soil is a vital part of the ecosystem and a record of past biological and physical processes. Formed slowly through the interaction of climate, living and decomposing organisms, local geology and erosion, soil is considered a non-renewable resource that requires proper management to ensure its continued productivity.

There are two main soil management problems in Stanislaus County: salinity, or the build-up of salts, and erosion caused by wind, water and irrigation. Salinity and irrigation induced salinity is especially problematic west of the San Joaquin River. Low quality irrigation water and poor drainage have resulted in the build up of salt and mineral concentrations in the soil. Wind erosion is more widespread in the coarse textured soils east of the San Joaquin River, resulting in the loss of productive topsoil and contributing to air and water quality problems.

Resource Conservation Districts (RCDs) provide assistance to control soil erosion and runoff, water conservation, stabilize soils, and protect water quality through cooperative agreements and grants with the USDA Natural Resources Conservation Service (NRCS). Through these agreements, the RCDs can prioritize resource concerns so that funding for conservation practices can be directed through NRCS.

The county is served by two Resource Conservation Districts. The East Stanislaus Resource Conservation District sphere of influence is east of the San Joaquin River and extends to the county lines. The West Stanislaus Resource Conservation District is located west of the San Joaquin River and extends to the county lines.

### **POLICY 3.7**

The County shall encourage the conservation of soil resources.

#### **IMPLEMENTATION MEASURES**

1. The County shall continue to provide soil management information and coordinate with soil conservation efforts of local, state, and federal agencies.  
**Responsible Departments: Agricultural Commissioner, U.C. Cooperative Extension**
2. The County shall support efforts of local Resource Conservation Districts in their activities to support local agriculture.  
**Responsible Departments: Board of Supervisors**
3. The County shall continue to refer proposed developments whenever appropriate to Resource Conservation Districts and irrigation districts for their review and analysis of impacts on soil resources.  
**Responsible Departments: Planning**

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## **DEFINITIONS**

Agricultural Land - Any land suited for agriculture.

Agricultural Uses - Land uses that are directly connected with or customarily incidental to agriculture.

Agriculture - The tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying, aquaculture, or animal husbandry, including all uses customarily incidental thereto but not including slaughterhouses, fertilizer yards, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

Agricultural Service Establishment - A business engaging in activities designed to aid production agriculture. Service does not include the provision of tangible goods except those sold directly to farmers and used specifically to aid in production of farm animals or crops. Nor does service include any business which has the primary function of manufacturing products.

Buffer - A physical separation such as a topographic feature, a substantial stand of trees, a water course or similar feature that serves to protect or insulate one type of land use from another.

Clustering - A development technique that involves the grouping together of residences and other structures in a relatively small area, as opposed to dispersing those structures over a larger area.

Farmland - The type of agricultural land best suited for growing crops. In this document, "farmland" is used synonymously with "agricultural land" to mean any land suited for agriculture.

Grazing Land - Land on which existing vegetation is suited for the grazing of livestock.

Non-Agricultural Uses - Land uses that are not directly connected with or customarily incidental to agriculture.

Prime Agricultural Land - Land which meets the criteria for prime agricultural land, as defined in the Stanislaus County Williamson Act Uniform Rules.

Production Agriculture - Agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes.

Ranchette - An individual parcel of land in an agricultural zone valued for its residential potential which cannot be supported by the agricultural income potential of the land.

Remote Development - Development that takes place away from existing cities or urban centers.

Right-to-Farm Ordinance - Stanislaus County Ordinance Code, Section 9.32.010, Chapter 9. A local ordinance that protects the rights of farmers to carry on their "normal" agricultural practices with a decreased risk of nuisance lawsuits.

Rural - Characteristic of the country, as distinguished from city or town.

Setback - The distance between the nearest point of the building or structure and the right-of-way or easement borderline or property line.

Urban - Characteristic of the city, as distinguished from the country.

Urban Development - In incorporated areas, development that is served by both public water and public sewer services; in unincorporated areas, development that is served by public water and/or public sewer services.

Urbanization - The process of changing from rural to urban in character.

**APPENDIX VII - A  
STANISLAUS COUNTY  
BUFFER AND SETBACK GUIDELINES**

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# Stanislaus County Buffer and Setback Guidelines

## **Purpose and Intent:**

The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district.

The intent of these guidelines is to establish standards for the development and maintenance of buffers and setbacks designed to physically avoid conflicts between agricultural and non-agricultural uses.

## **Applicability:**

These guidelines shall apply to all new or expanding uses approved by discretionary permit<sup>1</sup> in the A-2 zoning district or on a parcel adjoining the A-2 zoning district. Uses located within a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) for an incorporated city shall be subject to these guidelines if the project site is located within 300 feet of any production agriculture operation, as defined by the Stanislaus County General Plan Agricultural Element, or the outer boundary of the SOI at the time of approval.

Low people intensive Tier One and Tier Two Uses (such as nut hulling, shelling, dehydrating, grain warehousing, and agricultural processing facilities) which do not serve the general public shall not be subject to compliance with these guidelines; however, conditions of approval consistent with these guidelines may be required as part of the project approval. The decision making body shall have the ultimate authority to determine if a use is “low people intensive”.

Buffer and setback requirements established by these guidelines shall be located on the parcel for which a discretionary permit is sought and shall protect the maximum amount of adjoining farmable land.

## **Buffer Design Standards for New Uses:**

- 1) All projects shall incorporate a minimum 150 foot wide buffer setback. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300 foot wide buffer setback.
  - a. Permitted uses within a buffer area shall include:
    - i. Public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low people intensive uses. Walking and bike trails shall be allowed within buffers setback areas provided they are designed without rest areas.

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<sup>1</sup>For purposes of these guidelines discretionary permit shall mean any general plan amendment, community plan amendment, rezone, tentative map, parcel map, use permit (excluding single-family dwellings in the A-2 zoning district), or variance processed by the County Planning & Community Development Department.

- ii. Permitted non-agricultural uses adjoining or surrounding a project site (including but not limited to legal non-conforming uses and homesites) which are of a permanent nature and not likely to be returned to agriculture.
  - b. Landscaping within a buffer setback area shall be designed to exclude turf areas which could induce activities and add to overall maintenance costs and water usage.
- 2) A six foot high fence of uniform construction shall be installed along the perimeter of the developed area of the use to prevent trespassing onto adjacent agricultural lands. Fencing shall not be required for uses which do not directly establish the potential for increased trespassing onto adjacent agricultural lands.

**Buffer and Setback Design Standards for Expanding Uses:**

- Where existing development on a project site will allow, accommodation of a buffer as required for new uses shall be provided.
- Where existing development on a project site will not allow a buffer as required for new uses, the expansion may be permitted only if it does not intensify on-site activities or an alternative buffer and setback design standard is approved for the expansion.

**Buffer and Setback Maintenance**

- Projects subject to these guidelines shall be conditioned to require the property owner(s) be responsible for all aspects of on-going maintenance of buffers and setback areas. The property owner(s) shall be responsible for maintaining landscape plants in a healthy and attractive condition.
- A landowners association or other appropriate entity shall be required to maintain buffers to control litter, fire hazards, pests, and other maintenance problems when a project consists of multiple parcels which may be held, or have the potential to be held, under separate ownership.
- The property owner, landowners association, or responsible entity shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety within 30-days of weather permitting.
- When buffers are required as part of a specific plan, the County may require dedication of buffer areas and formation of service district to insure long-term up keep and maintenance of the buffer.

**Agricultural Transition:**

- The Board of Supervisors may authorize the abandonment and reuse of buffer areas if agricultural uses on all adjacent parcels within a 150-foot radius of the project site have permanently ceased.

**Alternative Buffer and Setback Design Standards:**

- Any alternative buffer and setback design standards proposed by a project applicant shall be referred to the Stanislaus County Agricultural Commissioner as part of the planning review process prior to consideration by the Stanislaus County Planning Commission. The Planning Commission shall consider the Agricultural Commissioner's referral response in making a determination on the proposed alternative. In no case shall the required standards be reduced, unless the proposed alternative is found to provide equal or greater protection to surrounding agricultural uses.

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**APPENDIX VII - B  
STANISLAUS COUNTY  
FARMLAND MITIGATION PROGRAM GUIDELINES**

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## **Stanislaus County Farmland Mitigation Program Guidelines**

### **Purpose and Intent:**

The purpose of the Farmland Mitigation Program (FMP) is to aid in mitigating the loss of farmland resulting from residential development in the unincorporated areas of Stanislaus County by requiring the permanent protection of farmland based on a 1:1 ratio to the amount of farmland converted. The FMP is designed to utilize agricultural conservation easements granted in perpetuity as a means of minimizing the loss of farmland.

The intent of these guidelines is to establish standards for the acquisition and long-term oversight of agricultural conservation easements purchased in accordance with the FMP.

### **Applicability:**

These guidelines shall apply to any development project requiring a General Plan or Community Plan amendment from 'Agriculture' to a residential land use designation of the Stanislaus County General Plan. The acreage requiring mitigation shall be equal to the overall size of the legal parcel subject to the land use designation amendment and not the portion of parcel actually being developed.

### **Definitions:**

#### **Agricultural Mitigation Land:**

Agricultural land encumbered by an agricultural conservation easement or other conservation mechanism acceptable to the County. "Agricultural land" is used synonymously with "farmland" in these guidelines.

#### **Agriculture Conservation Easement:**

An easement over agricultural land for the purpose of restricting its use to agriculture consistent with these guidelines. The interest granted pursuant to an agricultural conservation easement is an interest in land which is less than fee simple. Agricultural conservation easements acquired in accordance with these guidelines shall be established in perpetuity (or shall be permanently protected from future development via enforceable deed restriction).

#### **Building Envelope:**

An area delineated by the agricultural conservation easement within which existing structures may remain or future structures may be permitted to be built.

#### **Development Interest:**

The property owner, developer, proponent, and/or sponsor of a discretionary development project subject to these guidelines.

#### **Land Trust:**

A nonprofit public benefit 501(c)(3) corporation or other appropriate legal entity operating in Stanislaus County for the purpose of conserving and protecting land in agriculture, and approved for this purpose by the Board of Supervisors. The County may be designated as a Land Trust.

#### **Legal Parcel:**

A portion of land separated from another parcel or portion of land in accordance with the Subdivision Map Act. A separate Assessor's Parcel Number alone shall not constitute a legal

parcel.

**Methods of Mitigation:** Farmland mitigation at a 1:1 ratio shall be satisfied by using one of the following techniques:

- 1) Where the total land area subject to a General Plan or Community Plan Amendment is less than 20-acres in size, farmland mitigation shall be satisfied by direct acquisition of an agricultural conservation easement or purchase of banked mitigation credits as set forth in these guidelines. Payment of an in-lieu mitigation fee may be authorized by the Board of Supervisors only when the development interest can show a diligent effort to obtain an agricultural conservation easement or banked mitigation credits have been made without success. Facts the Board may consider in making a decision regarding a request for payment of an in-lieu fee include, but are not limited to, a showing of multiple good faith offers to purchase an easement or banked mitigation credits having been declined by the seller(s).
- 2) Where the total land area subject to the General Plan or Community Plan Amendment is 20-acres or more in size, farmland mitigation shall be satisfied by direct acquisition of a farmland conservation easement as allowed by these guidelines and the Land Trust's program. It shall be the development interest's sole responsibility to obtain the required easement.
- 3) Alternative Farmland Conservation Methods - Alternative methods may be authorized by the Board of Supervisors provided the land will remain in agricultural use consistent with these guidelines. Any request for consideration of an alternative Farmland Conservation Method shall be reviewed by the Planning Commission for consistency with these guidelines prior to a decision by the Board of Supervisors.

• **Direct Acquisition (In-Kind Acquisition):**

- 1) The Board of Supervisors shall approve the acquisition of any agricultural conservation easement intended to satisfy the requirements of these guidelines.
- 2) The location and characteristics of the agricultural mitigation land shall comply with the provisions of these guidelines.
- 3) The development interest shall pay an administrative fee equal to cover the costs of administering, monitoring and enforcing the farmland conservation easement. The fee amount shall be determined by the Land Trust and approved by the Board of Supervisors.
- 4) The Planning Commission shall review each agricultural conservation easement for consistency with these guidelines prior to approval by the Board of Supervisors. The Commission shall make a formal recommendation to the Board for consideration.

- **In - Lieu Fees:** The payment of an in-lieu fee shall be subject to the following provisions:
  - 1) The in-lieu fee shall be determined case-by-case in consultation with the Land Trust approved by the County Board of Supervisors. In no case shall the in-lieu fee be less than 35% of the average per acre price for five (5) comparable land sales in Stanislaus County.
  - 2) The in-lieu fee shall include the costs of managing the easement, including the cost of administering, monitoring and enforcing the farmland conservation easement, and a five percent (5%) endowment of the cost of the easement, and the payment of the estimated transaction costs associated with acquiring the easement. The costs shall be approved by the Board of Supervisors based on information relating to the costs provided by the Land Trust.
  - 3) The Planning Commission shall review the final in-lieu fee proposal for consistency with these guidelines prior to approval by the Board of Supervisors. The Commission shall make a formal recommendation to the Board for consideration.
  - 4) The Board of Supervisors shall approve the final amount and other terms of the in- lieu fee.

**Use of In-lieu Fees** - In-lieu fees shall be administered by the Land Trust in fulfillment of its programmatic responsibilities. These responsibilities cover, without exception, acquiring interests in land and administering, monitoring and enforcing the agricultural conservation easement or other instrument designed to conserve the agricultural value of the land for farmland mitigation purposes and managing the land trust. The location and characteristics of agricultural mitigation land shall comply with the provisions of these guidelines.

- **Mitigation Credit Banking:** Mitigation credits may be banked and utilized in accordance with the following provisions:
  - 1) **Purpose** - The purpose of establishing a method of banking mitigation credits is to equalize the imbalance between the acreage size of farmland suitable, and available, for purchase of farmland conservation easements and the amount of acreage required to meet a 1:1 ratio.
  - 2) **Process** - Any project requiring the acquisition of an agricultural conservation easement in accordance with these guidelines may be approved by the Board of Supervisors to bank mitigation credits on the acreage in excess of the 1:1 ratio required for mitigation of the original project. The mitigation credits shall be held by the individual/entity purchasing the agricultural conservation easement.
  - 3) **Credit Value** - Each acre in excess of the required 1:1 ratio for mitigation may be utilized at a 1:1 ratio to satisfy the mitigation requirements of another development.

- 4) **Negotiations** - Negotiations to purchase mitigation credits shall not involve the County and shall be subject to free market values. The County shall make available a contact list of individuals/entities with banked credits on record. The sale of banked credits shall not alter the terms of the original farmland conservation easement which generated the credits.
- 5) **Authorization** - The Board of Supervisors shall accept purchased credits upon receipt of a sales agreement.
- 6) **Records** - The County shall maintain a record of banked credits and purchased credits to insure the Farmland Mitigation Program is maintained whole.

**Agricultural Mitigation Lands - Locations and characteristics:**

- 1) **Location** - Agricultural mitigation land shall be: A) located in Stanislaus County; B) designated Agriculture by the Land Use Element of the Stanislaus County General Plan; C) zoned A-2 (General Agriculture); and D) located outside a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence of a city.
- 2) **Allowable Uses** - Agricultural Mitigation land shall be in conformance with the A-2 zoning district. Any legal nonconforming use of the property shall be abandoned prior to execution of the agricultural conservation easement and shall not be allowed to reestablish except as authorized within a building envelope. The type of agricultural related activity allowed on mitigation land shall be specified as part of the agricultural conservation easement and shall not be less restrictive than the A-2 zoning district.
- 3) **Parcel Size** - Agricultural mitigation land shall consist of legal parcel(s) of twenty(20) net acres or more in size. Parcels less than twenty (20) net acres in size shall only be considered if merged to meet the minimum size requirement prior to execution of the farmland conservation easement. Any building envelope allowed by the Land Trust shall not be counted towards the required parcel size.
- 4) **Soil Quality** - The agricultural mitigation land shall be of equal or better soil quality than the agricultural land whose use is being changed to nonagricultural uses. Priority shall be given to lands designated as 'prime farmland', 'farmland of statewide importance' and 'unique farmland' by the California Department of Conservation's Farmland Mapping and Monitoring Program.
- 5) **Water Supply** - The agricultural mitigation land shall have an adequate water supply to support the agricultural use of the land. The water rights on the agricultural mitigation land shall be protected in the farmland conservation easement.
- 6) **Previous Encumbrances** - Land already effectively encumbered by a conservation easement of any nature is not eligible to qualify as agricultural mitigation land.

### **Final Approval:**

Final approval of any project subject to these guidelines shall be contingent upon the execution of any necessary legal instrument and/or payment of fees as specified by these guidelines. Final approval shall be obtained prior to any of the following: 1) the issuance of any building, grading or encroachment permit(s) required for development, 2) recording of any parcel or final subdivision map, or 3) operation of the approved use.

### **Legal Instruments for Encumbering Agricultural Mitigation Land:**

**Requirement** - To qualify as an instrument encumbering the land for agricultural mitigation: 1) all owners of the agricultural mitigation land shall execute the instrument; 2) the instrument shall be in recordable form and contain an accurate legal description of the agricultural mitigation land; 3) the instrument shall prohibit any activity which impairs or diminishes the agricultural productivity of the agricultural mitigation land; 4) the instrument shall protect the existing water rights and retain them with the agricultural mitigation land; 5) the interest in the agricultural mitigation land shall be held in trust by the Land Trust and/or the County in perpetuity; 6) the Land Trust or County shall not sell, lease, or convey any interest in the agricultural mitigation land except for fully compatible agricultural uses; and 7) if the Land Trust ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall pass to the County to be retained until a qualified entity to serve as the Land Trust is located.

### **Monitoring, Enforcing, and Reporting:**

- 1) **Monitoring and Enforcing** - The Land Trust shall monitor all lands and easements acquired in accordance with these guidelines and shall review and monitor the implementation of all management and maintenance plans for these lands and easement areas. It shall also enforce compliance with the terms of the conservation easement or agricultural mitigation instruments.
- 2) **Reporting by the Land Trust** - Annually, beginning one year after the adoption of this chapter, the Land Trust shall provide to the County Planning Director an annual report delineating the activities undertaken pursuant to the requirements of these guidelines and assessment of these activities. The report(s) shall describe the status of all lands and easements acquired in accordance with these guidelines, including a summary of all enforcement actions.

### **Stacking of Conservation Easements:**

Stacking of easements for both habitat conservation easements on top of an existing agricultural easement granted in accordance with these guidelines may be allowed if approved by the Board of Supervisors provided the habitat needs of the species addressed by the conservation easement shall not restrict the active agricultural use of the land.

- The Commission, with input from the County Agricultural Advisory Board, shall review all stacking proposals to insure the stacking will not be incompatible with the maintenance and preservation of economically sound and viable agricultural activities and operations. The recommendation of the Commission shall be considered by the Board of Supervisors.