

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # \*D-1

Urgent  Routine

AGENDA DATE July 14, 2009

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Adopt a Resolution Approving the Easement Proposal to the California Department of Conservation California Farmland Conservancy Program for the Ulm Farm Conservation Easement and Certification that the Easement Proposal Meets the Eligibility Criteria Set Forth In California Public Resources Code 10251

STAFF RECOMMENDATIONS:

1. Adopt a Resolution approving the easement proposal to the California Department of Conservation California Farmland Conservancy Program for the Ulm Farm Conservation Easement; and,
2. Certify that the easement proposal meets the eligibility criteria set forth in California Public Resources Code 10251.

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-484

On motion of Supervisor Chiesa, Seconded by Supervisor Grover  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**DISCUSSION:**

The Central Valley Farmland trust (CVFT) intends to purchase an agricultural conservation easement on the Ulm Farm located in Stanislaus County. The farm is approximately 159 gross acres in area. This easement would protect the agricultural production on this property in perpetuity. The land will still be owned by the private landowner while the land conservation organization will hold and manage the easement for the purpose of conserving agricultural land and resources. The placement of these lands in the easement is voluntary on the part of this landowner, and portions of the funding for the purchase have come from agricultural land mitigation programs in the area.

The farm is located on the southeast corner of the Texas Avenue and State Route 132 (Maze Blvd.) intersection, west of the City of Modesto (5516 Maze Blvd., Modesto). The site is currently in production of almonds and grapes and soils are classified as prime farmland and include Madara and Oakdale sandy loam soils series. The subject parcel is located in the Modesto Irrigation District (M.I.D.) and has rights to irrigation water from the District.

Provisions contained in the easement will maintain the farm in agricultural production and protect the productivity of the soils. The farm is comprised of two legal parcels identified as Tax Assessor's Parcel Nos. 012-054-001 and 012-054-005 and has been enrolled in the Williamson Act Program since 1971.

The purchase of the conservation easement would, in part, be funded by the California Farmland Conservancy Program administered by the State Department of Conservation. In order for the State to act on the proposal, the Board must approve the easement proposal and certify the proposed easement meets the eligibility criteria set forth in Public Resources Code Section 10251:

*(a) The parcel proposed for conservation is expected to continue to be used for, and is large enough to sustain, commercial agricultural production. The land is also in an area that possesses the necessary market, infrastructure, and agricultural support services, and the surrounding parcel sizes and land uses will support long-term commercial agricultural production.*

This parcel is located in a long standing, very productive agricultural area of the County which is designated as "Agriculture" on the Land Use Element of the General Plan. The parcel is some of the most productive farmland in the area and consistently has exceeded average almond production in the County, and has rights to M.I.D. irrigation water.

Approval to Adopt a Resolution Approving the Easement Proposal to the California Department of Conservation California Farmland Conservancy Program for the Ulm Farm Conservation Easement and Certification that the Easement Proposal Meets the Eligibility Criteria Set Forth In California Public Resource Code 10251  
Page 3

*(b) The applicable city or county has a general plan that demonstrates a long-term commitment to agricultural land conservation. This commitment shall be reflected in the goals, objectives, policies, and implementation measures of the plan, as they relate to the area of the county or city where the easement acquisition is proposed.*

Stanislaus County is committed to the long-term conservation agricultural lands throughout the County. This commitment is reflected in the Goals, Policies and Implementation Measures in the Land Use, Conservation/Open Space, and Agricultural Elements of the General Plan. In addition, the subject parcel and several of the surrounding parcels have been enrolled in the Williamson Act since the early 1970's.

*(c) Without conservation, the land proposed for protection is likely to be converted to nonagricultural use in the foreseeable future.*

This area has been experiencing tremendous pressure to convert large farms into smaller parcels consistent with the zoning, but, inconsistent with the long-term utilization of the land for farming purposes. The parcel is located 2 ½ miles to the west of the City of Modesto's LAFCO approved Sphere of Influence. The CVFT has identified pressure from development from the east and north. The easement restricts the farm to two parcels and, since the farm already consists of two parcels, any addition subdivision is prohibited. Without conservation easement programs such as the one proposed, these important agricultural and watershed areas could be ultimately converted to uses not compatible with commercial agriculture.

Based on the preceding discussion, it is recommended the Board certify the easement proposal meets the eligibility criteria.

#### **POLICY ISSUES:**

The voluntary sale and acquisition of an agricultural lands easement as discussed in this report is consistent with the goals and policies contained in the General Plan, specifically the Agricultural Element. This project is consistent with the Board's priority of a strong agricultural economy and heritage.

#### **STAFFING IMPACT:**

There will be no staff impact as the easement will be maintained by the Central Valley Farmland Trust or its assignee.

Approval to Adopt a Resolution Approving the Easement Proposal to the California Department of Conservation California Farmland Conservancy Program for the Ulm Farm Conservation Easement and Certification that the Easement Proposal Meets the Eligibility Criteria Set Forth In California Public Resource Code 10251  
Page 4

**ATTACHMENTS:**

1. Proposed Resolution
2. Map
3. Letter dated June 4, 2009, from Central Valley Farmland Trust requesting a Resolution of Support

i:\bos\ag land conservation program\ulm farms\_5516 maze blvd\ulm farm conservation easement rpt.doc

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

Date: July 14, 2009

No. 2009-484

On motion of Supervisor Chiesa Seconded by Supervisor Grover  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # \*D-1

**RESOLUTION OF THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY APPROVING THE  
EASEMENT PROPOSAL TO THE CALIFORNIA DEPARTMENT OF CONSERVATION'S CALIFORNIA  
FARMLAND CONSERVANCY PROGRAM FOR THE ULM FARMS CONSERVATION EASEMENT**

WHEREAS, the California Legislature has established the California Farmland Conservancy Program within the Department of Conservation, and through a grant program is providing assistance to conserve important agricultural land resources that are subject to conversion pressures; and,

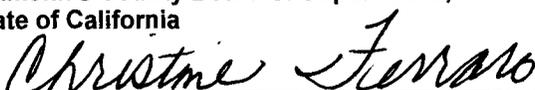
WHEREAS, the Central Valley Farmland Trust, a nonprofit organization, intends to purchase an agricultural conservation easement on the 159 acre Ulm Farm property, which lies in Stanislaus County along State Highway 132 and Texas Avenue. This easement will protect the agricultural production on this property in perpetuity. Private landowners will retain ownership of the land, while a nonprofit land conservation organization will hold and manage the easement on the property for the purpose of conserving priority agricultural land resources; and,

WHEREAS, the Stanislaus County Board of Supervisors approves the easement proposal and certifies that the easement proposal meets the eligibility criteria set forth in Public Resources Code Section 10251, to wit:

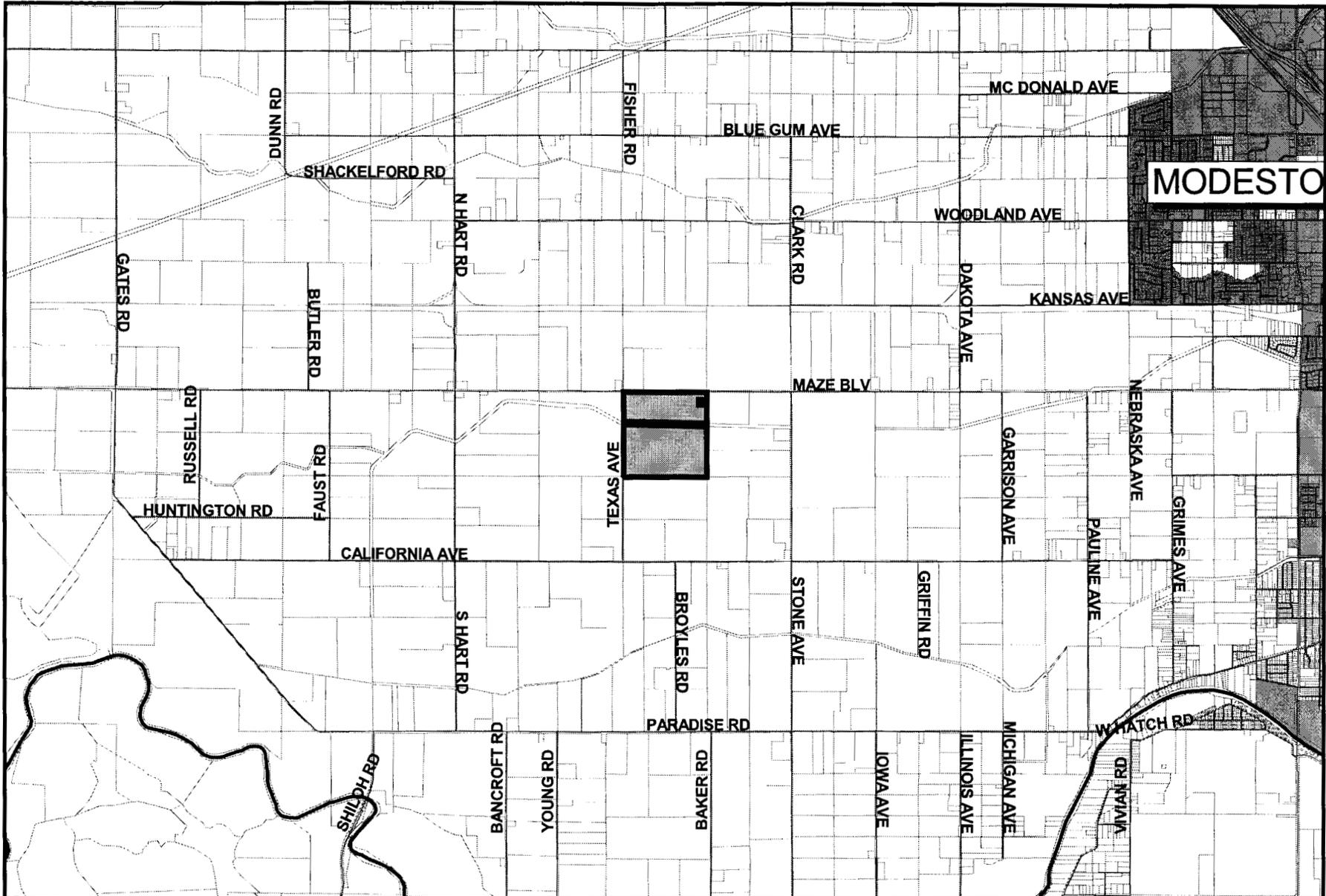
- (a) The parcel proposed for conservation is expected to continue to be used for, and is large enough to sustain, commercial agricultural production. The land is also in an area that possesses the necessary market, infrastructure, and agricultural support services, and the surrounding parcel sizes and land uses will support long-term commercial agricultural production.
- (b) The applicable city or county has a general plan that demonstrates a long-term commitment to agricultural land conservation. This commitment shall be reflected in the goals, objectives, policies, and implementation measures of the plan, as they relate to the area of the county or city where the easement acquisition is proposed.
- (c) Without conservation, the land proposed for protection is likely to be converted to nonagricultural use in the foreseeable future.

NOW, THEREFORE, BE IT RESOLVED THE STANISLAUS COUNTY BOARD OF SUPERVISORS HEREBY approves the filing of an application for funding from the California Farmland Conservancy Program.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
Stanislaus County Board of Supervisors,  
State of California



# ATTACHMENT 2 - LOCATION MAP - ULM FARM



MODESTO

Ulm Farm  
Proposed Conservation Easement  
Stanislaus County, California





# Central Valley Farmland Trust

8788 Elk Grove Blvd, Bldg 1, Ste I  
Elk Grove, CA 95624  
916-687-3178 phone  
916-685-1041 fax  
www.valleyfarmland.org

BOARD OF SUPERVISORS

2009 JUN -8 P 3: 55

June 4, 2009

Jeff Grover  
Stanislaus County Supervisor  
1010 10<sup>th</sup> Street, Suite 6500  
Modesto, CA 95354

#### Board Officers

Maxwell Norton,  
Atwater  
*President*

Ken Oneto, Elk Grove  
*First Vice President*

Denny Jackman,  
Modesto  
*Second Vice President*

Mike Van Horn,  
Merced  
*Secretary*

Monica Bianchi,  
Linden  
*Treasurer*

#### Directors

Markus Bokisch  
Tim Byrd  
Jeani Ferrari  
Robin Flournoy  
Linda Macedo

### **Re: Acquisition of an Agricultural Conservation Easement on the Ulm Farm located in Stanislaus County, California.**

Dear Supervisor Grover:

The Central Valley Farmland Trust (CVFT) is working with landowners in Stanislaus County to permanently protect their land with an agricultural conservation easement (ACE). As part of the acquisition grant application process through the California Department of Conservation we are requesting a resolution of support be passed by Stanislaus County.

The following summarizes the property and inherent features of the Ulm Farm:

1. Ownership: William C. Ulm and Marilyn M. Ulm
2. Acres: 159
3. Location: 5516 Maze Blvd, Modesto; property is located kitty corner across Highway 132 from Menghetti Farm
4. APN(s): 012-054-011 and 012-054-005
5. Current use: Almond and grapes (French Coloumbard)
6. Agricultural Viability: Ulm Farm is some of the most productive farmland in Stanislaus County. Their almond orchard yields consistently exceeded the county average production figures. Almonds are a major commodity in Stanislaus County.
7. Threat of Conversion: The farm is located 2 ½ miles west of Modesto's sphere of influence boundary. The Farm is threatened by ranchette development in the short term and urban development in the long term.
8. Surrounding area description: Immediate neighborhood is primarily agricultural and rural residential in nature. Area is prime agricultural land with productive orchards and vineyards, farmed by long time farm families.

*Protecting farmland today, securing the future . . . acre by acre . . . day by day . . . year by year  
Preserving the rural landscape of the Central Valley and the land that feeds us*

**ATTACHMENT 3**

**Fiscal Impact**

Stanislaus County is not expected to contribute to the easement acquisition and therefore should not realize a direct fiscal impact from the project.

A number of studies have shown that agricultural lands demand less in public service costs than the property tax revenues they generate, while urban development often costs more than it demands in services. To the extent this property remains in agricultural production there may be a long-term savings to the county.

**Requested Action**

In order for the California Department of Conservation under its Farmland Conservancy Program to consider a grant request for easement acquisition, a resolution of the County Board of Supervisors supporting the easement and finding that the project is consistent with long-term land use plans is required. The requested action does not appear to be in conflict with current County policies.

We respectfully request the Board of Supervisors review and approve the above listed agricultural conservation easement during the July 14 or July 21 Board of Supervisors' meeting. I would be happy to answer any questions you or the board may have.

Thank you in advance.

Sincerely,



Bill Martin  
Executive Director

- cc. Kirk Ford, Planning Director, Stanislaus County Planning Department
- Angela Freitas, Deputy Director, Stanislaus County Planning Department
- Tom Scharffenberger, Scharffenberger Land Planning and Design