



# **Ag Conservation Easement Ordinance Recommendations**

Adopted by Consensus, November 2006

To: David Morrison, John Bencomo; Yolo County Planning, Resources, and Public Works Department  
From: Yolo County Agriculture Futures Alliance (AFA)  
Re: Recommendations regarding Yolo County Agricultural Conservation Easement Ordinance  
Date: November 28, 2006

Yolo County staff presented the proposed Yolo County Agricultural Conservation Easement Ordinance to the Board of Supervisors for the first public hearing on October 24, 2006. As a result of comments from the public, including the Ag Futures Alliance, the Supervisors postponed the first public hearing until January 2007. The Supervisors directed staff to work with interested members of the public to address concerns articulated by the Supervisors, as well as the comments of the members of the public who testified.

The AFA would like to suggest the possibility of incorporating the following changes into the ordinance. These changes are consistent with the mitigation principles adopted by the AFA and distributed to the Supervisors at the October 27, 2006 meeting.

The AFA also requests that the Yolo County staff use the General Plan Update process to evaluate the feasibility of creating a farmland mitigation bank in Yolo County, developing agricultural conservation zones or an alternative planning area to designate important farmland in Yolo County, creating an agriculture prosperity fund, creating farmland buffer policy, and adding a density component to mitigation requirements.

### **Recommended Ordinance Changes**

**1) Leave open the possibility of creating farmland mitigation banks to replace in-lieu fees. Consistent with AFA mitigation principle to not support the use of in-lieu fees.**

Change Section 8-2.2416. Agricultural Conservation Easement Program, 3(b)(2) to read (amendment in italics):

If the area to be converted is less than 40 acres in size, granting a farmland conservation easement as described in (1), above, or payment of an in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism consistent with the provisions of this section; and, the payment of fees sufficient to compensate for all administrative costs incurred by the County inclusive of trust fund for the purpose of legal defense, monitoring, and all other services provided. The in-lieu fee, paid to the County, shall be used for agricultural mitigation purposes only, i.e. purchases of conservation easements. *If Yolo County or a qualifying entity establishes a farmland mitigation bank, farmland mitigation may be satisfied by the purchase of credits from the mitigation bank equal to the amount of the required in-lieu fees. The farmland mitigation bank must be approved by the Yolo County Board of Supervisors to satisfy farmland mitigation requirements.*

**2) Leave open the possibility of allowing farmland mitigation to be satisfied by the purchase of a farmland conservation easement in a farmland preservation zone, if such zones are established. This recommendation is consistent with the AFA recommendation to amend the General Plan scope of work to explore the feasibility of establishing farmland preservation zones that help protect large, contiguous tracts of productive farmland.**

Amend Section 8-2.2416. Agricultural Conservation Easement Program (4)(d) to read (amendments in italics):

The mitigation land shall be located within the County of Yolo, within a two (2) mile radius of the land that is the subject of a conversion from agricultural to non-agricultural use. If the land within a two (2) mile radius is unavailable, lands outside the two (2) mile radius area but within a four (4) mile radius, may be obtained for the purpose of the agricultural mitigation provided that the land is of equal or better conservation easement market value to the land inside the two (2) mile radius area. *Lands within a designated farmland preservation zone, or an alternative planning area used to designate the location of important farmland, if such zones or planning areas are established, may be obtained for the purpose of farmland mitigation provided that the land is of equal of better conservation easement market value to the land inside the two (2) mile radius area. The Yolo County Board of Supervisors must approve farmland preservation zones, or alternative planning areas used to designate important farmland, before the purchase of farmland conservation easements in these zones or planning areas will qualify as farmland mitigation.*

- 3) Increase the minimum mitigation ratio from 1:1 to 2:1, and leave open the possibility of establishing greater ratios to achieve full mitigation. This recommendation is consistent with the AFA mitigation principle to create a variable mitigation ratio-based system.**

Amend Section 8-2.2416. Agricultural Conservation Easement Program (3)(a) to read (amendments in italics):

Agricultural mitigation shall be required for conversion or change from agricultural use to a predominantly non-agricultural use prior to, or concurrent with, approval of a zone change, permit, or other discretionary or ministerial approval by the County. A minimum of *two (2) acres* of agricultural land shall be preserved for each acre of agricultural land changed to a non-agricultural use *(2:1 ratio), and the ratio will be reviewed every three (3) years in order to adjust to density and development patterns.*

### **Recommended Changes to the General Plan Update scope of work**

The Yolo County AFA requests that Yolo County staff amend the General Plan scope of work to conduct the following work as part of the General Plan process. This work may take place as part of the proposed white paper on agricultural conservation tools:

- 1) Evaluate the feasibility of creating a farmland mitigation bank in Yolo County.**
- 2) Evaluate the feasibility of creating farmland preservation zones in Yolo County, or alternative planning areas that designate the location of important farmland or agricultural areas.**
- 3) Evaluate the feasibility of creating a Farmland Prosperity Fund that reduces the impacts of development on agriculture and helps sustain a productive, vibrant, thriving agriculture economy. Each development project built on quality farmland has a cumulative impact on farming that extends beyond the project foot print. This fund would address that cumulative impact by strengthening the remaining agricultural uses in the County and maintaining a critical mass of producers and infrastructure necessary to meet the goals outlined above. Examples of what these funds could be used for include, but are not limited to, the following:**

- Seed money to develop local processing facilities
- Agricultural economic development and outreach (i.e. convince small breweries to relocate or expand to Yolo County)
- Development of farm-sized bio-diesel production equipment and knowledge
- Revolving fund (or micro-loans) for the development of small, high-value operations (i.e. goat dairy/creamery; slaughter/packing for small-scale pastured meat production)
- Consultants to assist farmer co-op groups in implementing ideas for small, high-value operations
- Traffic mitigation to facilitate safe movement of agricultural equipment on county roads
- Development of programs to attract new and retain existing innovative producers and processors who will pioneer new methods of agricultural production, sustainable practices, and marketing

**4) Evaluate the feasibility of creating a farmland buffer zone policy in the General Plan.**

**5) Evaluate the feasibility of including an incentives-based density component in calculating farmland mitigation requirements.**

**(6) Conduct a study to determine how much farmland can be lost without negative impact to agriculture in order to establish the basis for an appropriate mitigation ratio and/or strategy.**