



## Office of the Mayor

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Recreation Division  
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Engineering &  
Maintenance  
Divisions  
(209) 845-3600

Building & Planning  
Division  
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FIRE DEPARTMENT  
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245 N. Second Ave.  
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CITY OF OAKDALE  
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March 25, 2015

Stanislaus Local Agency Formation Commission  
Attn: Sara Lytle-Pinhey, Assistant Executive Officer  
1010 Tenth Street, 3<sup>rd</sup> Floor  
Modesto, CA 95354

Dear Ms. Lytle-Pinhey:

The City of Oakdale is submitting this letter to respectfully request that Stanislaus LAFCO not amend its current Agricultural Mitigation Policy. The City believes that 1) the current policy already preserves farmland and 2) LAFCO should not interfere with local control by setting specific agricultural mitigation in-lieu fees.

### 1) The Current Policy Preserves Farmland

The current policy is just over two years old having been adopted on September 26, 2012. To date, there have been no indicators showing that the current policy is not fulfilling its purpose of preserving agricultural lands. In fact, this policy is very comprehensive and provides clear guidance on available methods to permanently preserve agricultural land.

### 2) LAFCO Should Not Interfere with Local Control

The City of Oakdale values the preservation of agricultural land and has worked hard to incorporate that in the City's 2030 General Plan and the Crane Crossing Specific Plan (CCSP). The City has required as a mitigation measure for its upcoming annexation the following:

**"Measure 4.1.3a:** Agricultural mitigation within the CCSP is required to occur at a ratio of at least 1:1 for conversion of Prime Farmlands, Farmland of Statewide Importance, and Unique Farmlands (as designated by the California Department of Conservation Farmland Mapping and Monitoring Program) to residential uses, consistent with Stanislaus LAFCO policy. This can be achieved by acquisition and dedication of agricultural land, development rights and/or conservation easements to permanently protect agricultural land, or payment of in-lieu fees to an established, qualified, mitigation program to fully fund the acquisition and maintenance of such agricultural land, development rights or easements."

With implementation of this mitigation measure, preservation of similar quality farmland would be permanently preserved within the region. This illustrates that steps have already been taken at the local level to ensure that agricultural land is preserved. An amendment describing how in-lieu fees should be determined is not needed in LAFCO's Agricultural Mitigation Policy. This decision should be left to local city councils.



The City of Oakdale recognizes that as our communities inevitably grow every effort should be made to preserve our precious agricultural land resources. The current LAFCO policy does just that and does not require an amendment at this time.

I urge the Commission to not approve the proposed Agricultural Mitigation Policy amendment.

Sincerely,

A handwritten signature in cursive script that reads "Pat Paul". The letters are fluid and connected, with a prominent loop at the end of the word "Paul".

Pat Paul  
Mayor



**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
CITY COUNCIL RESOLUTION 2015-29**



**A RESOLUTION OF THE CITY OF OAKDALE CITY COUNCIL  
OPPOSING PROPOSED AMENDMENTS TO THE  
AGRICULTURAL MITIGATION POLICY BY STANISLAUS COUNTY  
LOCAL AGENCY FORMATION COMMISSION (LAFCO)**

**WHEREAS**, on September 26, 2012, Stanislaus LAFCO adopted an Agricultural Preservation Policy; and

**WHEREAS**, the Agricultural Preservation Policy requires cities in Stanislaus County to prepare a Plan for Agricultural Preservation as a condition to annexation; and

**WHEREAS**, the Agricultural Preservation Policy provides two options for growing cities in preparing a Plan for Agricultural Preservation: (1) adopt a voter-approved urban growth boundary, or (2) establish a plan for agricultural mitigation at a ratio of at least 1:1, through the acquisition of agricultural land or conservation easements, or the payment of in-lieu fees, to permanently protect agricultural land; and

**WHEREAS**, Stanislaus LAFCO now proposes to amend the criteria for in-lieu fees to require, at the time of annexation, that proposed in-lieu fees will fully fund the costs associated with acquiring and managing an agricultural conservation easement, including the estimated transaction costs and the costs of administering, monitoring and enforcing the easement; and

**WHEREAS**, Stanislaus LAFCO proposes to add the requirement that in-lieu fees that are determined by LAFCO to be less than 35% of the average per-acre price for five comparable land sales in Stanislaus County, plus a 5% endowment, shall require evidence that the amount will in fact be used to acquire agricultural easements; and

**WHEREAS**, the City Council finds that the proposed amendment to the Agricultural Mitigation Policy would unreasonably interfere with the City's ability to implement and administer an agricultural mitigation plan; and

**WHEREAS**, the City Council finds the requirement to show evidence of in-lieu fees and easement acquisitions at the time of annexation will deter annexations and future growth of the City; and

**WHEREAS**, the City Council finds that the proposed policy will inflate the cost of agricultural mitigation, deterring future growth of the City; and

**WHEREAS**, the City Council finds that, overall, the proposed amendment to the Agricultural Preservation Policy will be detrimental to the City.



**CITY OF OAKDALE**  
**City Council Resolution 2015-29**


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**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Oakdale hereby formally opposes the proposed amendments to LAFCO's Agricultural Mitigation Policy and directs staff to prepare a letter expressing opposition to the proposed amendment for the Mayor's signature.


**THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 16th DAY OF MARCH, 2015**, by the following vote:

AYES:	COUNCIL MEMBERS:	Bairos, Dunlop, McCarty and Paul	(4)
NOES:	COUNCIL MEMBERS:	None	(0)
ABSENT:	COUNCIL MEMBERS:	None	(0)
ABSTAINED:	COUNCIL MEMBERS:	None	(0)

SIGNED:

  
\_\_\_\_\_  
Pat Paul, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathy Teixeira, CMC  
City Clerk

## Comment on the Proposed Amendment to LAFCO's Agricultural Preservation Policy

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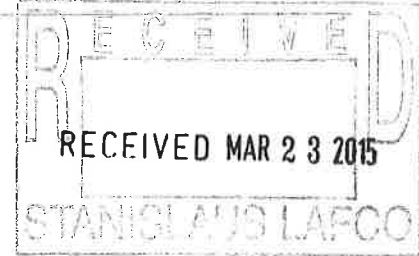
**From:** Bradley Barker <braddebarker@gmail.com>  
**To:** "pinheys@stancounty.com" <pinheys@stancounty.com>, "blomm@stancounty.com" <blomm@stancounty.com>, <gossj@stancounty.com>  
**Date:** 3/23/2015 7:57 AM  
**Subject:** Comment on the Proposed Amendment to LAFCO's Agricultural Preservation Policy

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March 21, 2015

To: Stanislaus LAFCO, 1010 10th Street, 3rd Floor, Modesto, CA 95354

Re: Proposed Amendment to LAFCO's Agricultural Preservation Policy



On behalf of the Yokuts Group of the Sierra Club, I am writing to express our support for the proposed amendment to LAFCO's Agricultural Preservation Policy. Please make this letter available to LAFCO commissioners and include it in the packet of relevant public comments.

Our group has nearly 800 members in Stanislaus County, and we strongly endorse LAFCO's stated objectives to preserve agricultural lands and to discourage urban sprawl. These goals are among our highest priorities.

A 2013 report from the American Farmland Trust, "Saving Farmland, Growing Cities," shows Stanislaus County as the worst county in the San Joaquin Valley for the percentage of development that converts high quality farmland. Sadly, it's 87%. Much of the fault here lies with the nine cities of Stanislaus County including the cities raising "concerns" with the proposed amendment.

Stanislaus County has consistently been among the top ten agricultural producing counties in the United States. The farmland here is quite literally among the most productive farmland in the history of the world. Farm production and the connected industries -- packing, processing, transporting, marketing, etc. are the backbone of our local economy. The general plans of all nine cities and Stanislaus County recognize the importance of farmland preservation. (Relevant quotes from local General Plans are included with this letter.) And yet, some city officials in some cities are objecting to a fairly-imposed plan to mitigate the loss of agricultural lands. We find that surprising and disheartening.

For years now, cities have asked for a "level playing field" when it comes to farmland preservation so that cities with lax development standards don't grab unfair advantage. Developers have asked for more "certainty" in the process. The proposed amendment would help to achieve both of those outcomes. And yet, the usual suspects find new reasons to object. Some people, it appears, are difficult to please.

The preservation of farmland is a core belief of the people of Stanislaus County. Last year, Modesto City Council chambers overflowed with residents protesting the possible annexation of Wood Colony. In 2009, Modesto voters rejected all five advisory growth measures proposed by the city. The most successful of the five still lost by 60%. In 2008, Stanislaus County voters overwhelmingly approved Measure E to restrict residential development on county lands outside the nine cities. The measure passed two-to-one (67%). Certainly the voters were not voting to protect county farmland so that it could be gobbled up by sprawling cities. So the question arises: Why do some local officials seem so insulated from the values of the people they represent?

A region that was devastated by the foreclosure crisis needs leaders who are smart about growth. Did we learn anything from the housing bubble that popped and splattered financial ruin on thousands of local residents? That bubble was at

least partially fueled by bad land use decisions by local officials. It seems odd to us that some officials appear eager to return to those old patterns. Ag mitigation is not a cure for previous bad decisions, but is a step in a better direction. We feel strongly that planning officials should focus on revitalizing downtowns and existing neighborhoods. Officials need to find ways to re-invest in the many neighborhoods that suffered greatly during the recession. A return to the patterns of sprawl would once again drain public revenues and spread public services too thin. Ag mitigation will help. Smart, orderly growth that protects important resources is a conservative idea.

At the Planning and Conservation League's annual symposium at UC Davis last month (2/21/2015), a number of top California planning officials gave presentations. In the opening session, the Director of the Governor's Office of Planning & Research, Ken Alex, asked, "Why aren't LAFCOs doing what they're chartered to do?" Later in the day, the Executive Director of the California Association of LAFCOs (CALAFCO), Pamela Miller, explained that some LAFCOs are trying. Nine LAFCOs have already adopted Ag Preservation policies (including Stanislaus), and three more are in the process. We thank Stanislaus LAFCO for adopting such a policy, and we commend the LAFCO staff for proposing a reasonable plan for cities to fairly mitigate the future loss of agricultural lands.

Thank you for considering our comments. --Brad Barker, Conservation Chair, Yokuts Group of the Sierra Club, 1305 Edgebrook Drive, Modesto, CA 95354, Email: [bradbarker@gmail.com](mailto:bradbarker@gmail.com)

**Important addendum:** Here are direct quotes from the General Plans of the six Stanislaus cities that are raising "concerns" about the proposed amendment to the LAFCO Ag policy. Perhaps city officials should be more concerned about living up to their own policies. --BB

**Patterson GP** (adopted 11/2010) Policies NR-2.1 Agricultural land preservation. Undeveloped lands that are State designated as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland shall be preserved, to the greatest extent feasible, for open space or agricultural use. ...NR-2.4 Support for County agricultural land preservation. The City shall support strategies adopted by Stanislaus County aimed at maintaining agricultural lands in viable farming units in areas not designated for urban development. NR-2.5 Regional farmland preservation. The City shall continue to work with the County and other jurisdictions to implement conservation plans that preserve prime farmland.

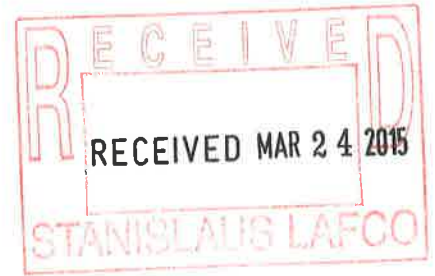
**Riverbank GP** (adopted 2009) Policy CONS-3.1 The City will prepare a comprehensive Sustainable Agricultural Strategy intended to conserve agricultural production in the Stanislaus River Watershed... This strategy should provide flexibility so that it can be tied to land-use and regional agricultural preservation policies, and is intended to be funded on a fair-share basis by those projects that have a significant impact on the conversion of Important Farmlands, a non-renewable resource, to urban use. ["Sustainable Agricultural Strategy" did not have a successful search on the Riverbank website.]

**Oakdale GP** (adopted 8/2013) LU-8.3 Retain Agricultural Uses. Work with Stanislaus County and other applicable agencies to retain viable agricultural and rural uses within and adjacent to Oakdale's Planning Area...NR-2.3 Plan for Agricultural Preservation. Prepare and adopt a Plan for Agricultural Preservation consistent with the provisions of and implementing the Stanislaus County LAFCO Agricultural Preservation Policy to minimize the loss of agricultural land, in conjunction with any new Specific Plan adoption or annexation/Sphere of Influence modification. One of the strategies consistent with the LAFCO Policy may require permanent protection of similar quality farmland at a 1:1 ratio for conversion of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland (as designated by the California Department of Conservation Farmland Mapping and Monitoring Program) to residential uses. (RDR, NR-IP2, NR-IP3)

**Waterford GP** (adopted 2006) The general plan recognizes that the urban form of the City of Waterford will be shaped through the retention of open space and agricultural lands....OS-B-1a Explore the use of Farmland Trusts, exclusive agricultural zoning, and the transfer of development rights to protect prime agricultural areas. The City, in cooperation with the County of Stanislaus, can explore various agricultural preservation programs in proximity to the City....SD-1 In practical terms, sustainable growth in the City of Waterford means accommodating growth and development without unnecessarily: • Consuming our valuable and limited agricultural soils....

**Ceres GP** (adopted 2/1997) Ceres' agricultural and natural resources... contribute to the city's economy and are important elements in the quality of life of Ceres' residents. These resources...are at risk of destruction or degradation through continued urban development... 6.A.6.The City shall encourage and support Stanislaus County in the implementation of its agricultural preserve program.

**Newman GP** (adopted 4/2007) Goal NR-1 Promote the continued productivity of agricultural land surrounding Newman and prevent the premature conversion of agricultural land to urban uses....Action NR-1.1 Adopt an Agricultural Mitigation Fee as a private, marketbased approach to mitigate the direct and indirect impacts of urban development under the General Plan on the loss of agricultural land. The mitigation fee shall be used by either the City and/or a qualifying land trust, such as the Central Valley Farmland Trust, to acquire easement or fee interest in agricultural land that restricts the primary use of the land to agricultural production in perpetuity and precludes subdivision of the property, non-farm development, and other uses inconsistent with agricultural production.



March 24, 2015

Ms. Marjorie Blom  
Executive Officer  
Stanislaus LAFCO  
1010 Tenth St., 3<sup>rd</sup> Floor  
Modesto, CA 95354

Re: Proposed Amendment to Agricultural Preservation Policy

Dear Ms. Blom:

American Farmland Trust, a national conservation organization that has been active in the San Joaquin Valley for 20 years, wholeheartedly supports the proposed change in Stanislaus LAFCO's agricultural preservation policy, which is to be considered at this week's meeting.

The staff report provides sound reasoning and justification for the improvement that this policy represents, clarifying that an agricultural mitigation policy proposed by a city as a condition of LAFCO approval of annexation or sphere of influence expansion, must charge a fee sufficient to acquire a conservation easement on an acre of comparable farmland for each acre developed.

LAFCO has ample authority to adopt such a policy as a means of fulfilling its legal mandate to conserve farmland. A policy such as this that applies to all cities in the county will level the playing field, so that no city may gain what it may perceive to be a competitive advantage by taking a less robust approach to conserving farmland. In any event, that advantage is likely to be small, given that even the highest current farmland mitigation fee appears to be but a small fraction of the average cost of new housing – particularly for denser, more affordable housing – as well as of the gains to be made by those who develop farmland.

We urge Stanislaus LAFCO to adopt the policy as proposed, bringing the county in line with most other jurisdictions that have adopted farmland mitigation fees in California.

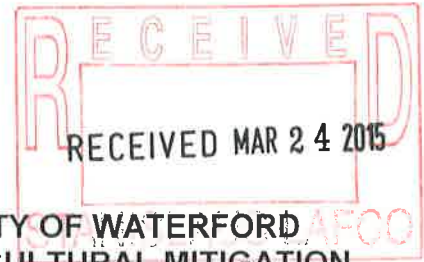
Respectfully,



Edward Thompson, Jr.  
California Director



**WATERFORD CITY COUNCIL  
RESOLUTION # 2015- 21**



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATERFORD  
OPPOSING PROPOSED AMENDMENTS TO THE AGRICULTURAL MITIGATION  
POLICY BY STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION**

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**WHEREAS**, on September 26, 2012, Stanislaus LAFCO adopted an Agricultural Preservation Policy; and

**WHEREAS**, the Agricultural Preservation Policy requires cities in Stanislaus County to prepare a Plan for Agricultural Preservation as a condition to annexation; and

**WHEREAS**, the Agricultural Preservation Policy provides two options for growing cities to prepare a Plan for Agricultural Preservation: (1) adopt a voter-approved urban growth boundary, or (2) establish a plan for agricultural mitigation at a ratio of at least 1:1, through the acquisition of agricultural land or conservation easements, or the payment of in-lieu fees, to permanently protect agricultural land; and

**WHEREAS**, Stanislaus LAFCO now proposes to amend the criteria for in-lieu fees to require, at the time of annexation, that proposed in-lieu fees will fully fund the costs associated with acquiring and managing an agricultural conservation easement, including the estimated transaction costs and the costs of administering, monitoring and enforcing the easement; and

**WHEREAS**, Stanislaus LAFCO proposes to add the requirement that in-lieu fees that are determined by LAFCO to be less than 35% of the average per-acre price for five comparable land sales in Stanislaus County, plus a 5% endowment, shall require evidence that the amount will in fact be used to acquire agricultural easements; and

**WHEREAS**, the City Council finds that the proposed amendment to the Agricultural Mitigation Policy would interfere with the City's ability to implement and administer an agricultural mitigation plan; and

**WHEREAS**, the City Council finds the requirement to show evidence of in-lieu fees and easement acquisitions at the time of annexation will deter annexations and future growth of the City; and

**WHEREAS**, the City Council finds that the proposed policy will inflate the already-high costs of agricultural mitigation, deterring future growth of the City; and

**WHEREAS**, the City Council finds that the proposed policy may incentivize development in unincorporated areas prior to annexation, encouraging urban sprawl

and eroding the City's control over land use matters and the efficient administration of public infrastructure and services; and

**WHEREAS**, the City Council finds that the proposed amendment to the Agricultural Preservation Policy will be detrimental to the future growth of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Waterford that the City Council formally opposes the proposed amendments to LAFCO's Agricultural Mitigation Policy that require the City to show evidence that conservation easements will be acquired at the time of annexation, inflates already-high costs of agricultural mitigation, and incentivizes unincorporated development and urban sprawl.

**PASSED AND ADOPTED** by the City Council of the City of Waterford at a regular meeting held on the 19<sup>th</sup> day of March 2015, by the following vote:

**AYES:** 5 Van Winkle, Aldaco, Krause, Whitfield, Gothan

**NAYS:** 0

**ABSENT:** 0

**ABSTAIN:** 0

**CITY OF WATERFORD**

\_\_\_\_\_  
Michael Van Winkle, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lori Martin, City Clerk

\_\_\_\_\_  
Corbett J. Browning, City Attorney



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**2015 OFFICERS**

*Chair*  
**EILEEN REYNOLDS**  
Tejon Ranch Company

*Vice Chair*  
**DON HOFER**  
Shea Homes

*CFO/Secretary*  
**CHRIS AUSTIN**  
DPFG

**MEMBER ASSOCIATIONS**

Building Industry  
Association of  
the Bay Area

Building Industry  
Association of  
Fresno/Madera Counties

Building Industry  
Association of  
the Greater Valley

Building Industry  
Association of  
San Diego County

Building Industry  
Association of  
Southern California

Home Builders  
Association of  
Central Coast

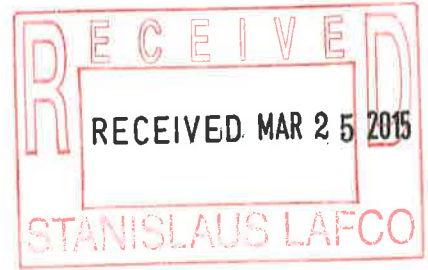
Home Builders  
Association of  
Kern County

Home Builders  
Association of  
Tulare & Kings Counties

North State Building  
Industry Association

March 23, 2015

Chair DeMartini & Commissioners  
Stanislaus LAFCO  
1010 10<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Modesto, California 95354



Subject: Proposed Amendment to Policy 22 – Agricultural Preservation Policy  
**OPPOSITION**

Dear Chair DeMartini & Commissioners:

I write to express my opposition to the proposed amendment to your Stanislaus LAFCO Policy 22 setting a minimum price for an in-lieu fee to your one-to-one acre agricultural land mitigation requirement. This price would be at 35% of the fair market value of comparable lands plus 5% for overhead.

I believe the policy amendment to be misguided for a number of reasons.

First, the policy amendment will artificially increase the price of agricultural land conservation easements. Having spent most of my career as a land appraiser and three years as the Stanislaus County Assessor, it is clear to me that your policy will have the effect of artificially raising prices for agricultural land conservation easements. This methodology will inevitably establish a price floor. Furthermore, the policy will likely result in less land being placed into conservation easements because of the artificial nature of your pricing structure.

Second, I believe that broad-based funding should be used for policies that provide broad based benefits. Instead of squarely placing the burden of this policy on the buyers of new homes, advocates of agricultural land preservation would be better served by seeking broad-based funding sources for such preservation efforts, with a focus on private sources such as charitable foundations.

Third, this policy amendment will further hamper economic development efforts in Stanislaus County and its cities. Like many of you, I spent a number of years seeking viable economic development strategies for our community. As a member of the Modesto City Council, the State Assembly and the State Senate, I worked with many individuals and organizations seeking effective strategies to increase prosperity in our region. Yet, year after year, we in the San Joaquin Valley were-and are-ranked with the highest unemployment rates and the lowest educational attainment rates in the nation. I concluded that we would not break this cycle of deprivation by making economic development of any kind more expensive than absolutely necessary. Your proposed policy amendment will have that ill effect.

Fourth, by ignoring matters of principle like property rights in this policy matter, you leave economic minorities - whether farmers or home builders at a significant disadvantage against the unending demands of government regulators. You are engaging in the very type of regulation you find intolerable when it is done by the federal Fish and Wildlife Service in protecting endangered species or the State Water Resources Control Board in increasing water flows to endangered fish. Issues like these cannot be fought as popularity contests. They rather must be understood as matters involving key principles like economic freedom, property rights and free enterprise from which we all benefit.

Having viewed this issue from a number of different perspectives - a private citizen, a land appraiser, a small businessman, a city councilmember, a state legislator, a county assessor and now as the President & CEO of the California Building Industry Association - I can say without hesitation that I believe this policy to be ill advised and if implemented, will not achieve its intended goals.

Contrary to your well-meaning intentions, this policy will ensure that our part of the San Joaquin Valley will remain under-invested, under-employed and subject to the pathologies that undermine our communities. In addition, this policy will leave agriculture squarely in the sights of activists and regulators who fervently wish agriculture to be curtailed in the Valley.

I encourage you to vote against the policy amendment.

Sincerely,

A handwritten signature in blue ink that reads "David E. Cogdill Sr." The signature is fluid and cursive, with the first name "David" being the most prominent.

David E. Cogdill Sr.  
President and CEO  
California Building Industry Association