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# **Plan for Agricultural Preservation**

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for the Fairview Village No.2  
Reorganization

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February 2022

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# Plan for Agricultural Preservation

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## 1.1 Introduction and Purpose

Agriculture is a leading industry in Stanislaus County. Accordingly, changes to the urban development boundary that would lead to the conversion of existing agricultural lands to uses other than agricultural uses, must be evaluated such that growth and vitality of agriculture within the County is maintained and encouraged.

LAFCO's mission is to "discourage sprawl, preserve open space and prime agricultural lands, promote the efficient provision of government services and encourage the orderly formation of local agencies." Consistent with the legislative intent, Stanislaus County LAFCO adopted the Agricultural Preservation Policy on March 27, 2019. The goals of the policy are as follows:

Guide development away from agricultural lands where possible and encourage efficient development of existing vacant lands and infill properties within the agency's boundaries prior to conversion of additional agricultural lands.

Fully consider the impacts a proposal will have on existing agricultural lands.

Minimize the conversion of agricultural lands to other uses.

Promote preservation of agricultural lands for continued agricultural uses while balancing the need for planned, orderly development and the efficient provision of services.

In order for LAFCO to determine how a development proposal meets the stated goals of the Agricultural Preservation Policy, a Plan for Agricultural Preservation must be provided with the LAFCO application requirements. This document contains the Plan for Agriculture Preservation associated with the annexation of the Fairview Village No. 2 annexation.

## 1.2 Project Setting and History

The annexation area is composed of 178 acres located northeast of Carpenter Road and Whitmore Avenue. The property abuts the existing City limits and is adjacent to existing development to the east.

The Plan Area is within the LAFCO-approved sphere of influence of the City of Modesto, in unincorporated Stanislaus County, and has been slated for development since the adoption of the Urban Growth Policy in 1974:

The Plan Area has been within the City's sphere of influence since 1985.

The Plan Area is a part of the Fairview Village Specific Plan, adopted in 1995.



### **1.2.2 Agricultural Resources**

Approval and annexation of the Fairview Village No. 2 annexation would result in permanent conversion of farmland to urban uses. Development of the Plan Area would result in the permanent conversion of approximately 148 acres of Prime Farmland.

### **1.2.3 Williamson Act Lands**

There are no Williamson Act contracts in the Fairview Village Specific Plan Area.

## **1.3 Vacant Land Inventory and Absorption Study**

The City of Modesto conducts periodic review of vacant or underutilized residential, commercial and industrial lands to assist the City Council in determining the direction and timing of growth to areas that can be served by urban infrastructure. In 2015 the Urban Growth Review (the Review) was prepared in conjunction with the City of Modesto Urban Area General Plan. The primary purpose of the Review is to “assure adequate inventory of vacant land served with urban infrastructure to accommodate anticipated economic development during the next five years as a minimum time frame.”

The Review identifies 910 adjusted acres of vacant land available for residential development within the incorporated area as of 2015. The 910 acres of residential inventory was considered sufficient land for residential development until 2022. In 2012 the City of Modesto was operating at a deficit, unable to meet the “Five-Year Target Inventory” to maintain a five year supply of vacant residential land on an annual basis. The purpose of the “Five-Year Target Inventory” is to provide sufficient inventory on an annual basis to reduce over-inflated land values and to fulfill local housing needs as part of the Urban Area General Plan Housing Element.

The land absorption analysis includes some residential lands which are in unincorporated Stanislaus County, slated for development and that have completed the Measure M advisory vote. The 2015 Review identified the Fairview Village area as vacant, although it is developing. Likewise, areas in the Tivoli area are also moving forward with development projects.

The 2015 Urban Growth Review dovetails with the City’s Housing Element to identify lands for residential development in order to meet State-mandated regional housing needs. Together, these two documents,

stipulate how the City of Modesto will meet its share of residential units as identified by Stanislaus Council of Governments (StanCOG) in the Regional Housing Needs Plan (RHNP).

#### **1.4 Regulatory Framework and Policy Consistency**

The Specific Plan Area must be assessed in accordance to the regulations of the jurisdiction and the region. City, county and regional planning policies apply to the Specific Plan Area and may potentially affect the type of development allowed within the Plan Area. To follow is a list of relevant policies, regulations and programs for which the Plan Area must comply.

##### **1.4.1 Stanislaus County Local Agency Formation Commission Policies**

In consideration of changes to city and district boundaries, including spheres of influence, LAFCO must consider the possible loss of agricultural lands, and adherence with the Government Code 56377:

LAFCO policies direct that the development or use of land for uses other than open space will be guided away from existing prime agricultural lands, unless such actions would not promote the planned, orderly, efficient development of an area; and that urban uses will be directed to within existing local agency jurisdiction or sphere of influence.

The comprehensively-planned community stipulates orderly and efficient development of the Specific Plan Area through the regulatory document, the Fairview Village Specific Plan. Given that the Fairview Village Specific Plan is within the sphere of influence and promotes planned, orderly development as a logical extension of the surrounding neighborhood.

##### **1.4.2 Stanislaus County Policies**

The Stanislaus County General Plan provides the following relevant policies related to agricultural land, and for which the Plan Area already complies:

Policy 2.4: To reduce development pressures on agricultural lands, higher density development and infilling shall be encouraged. (County General Plan, Agricultural Element)

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, providing the resultant growth minimizes impact to adjacent agricultural land. (County General Plan, Agricultural Element)

Policy 2.13: In recognition that unincorporated land within the sphere of influence of cities or community services districts and sanitary districts serving unincorporated communities ultimately urbanize, the County shall cooperate with cities and unincorporated communities in managing development in the sphere of influence areas. (County General Plan, Agricultural Element)

### **1.4.3 City of Modesto Policies**

The City's Urban Area General Plan provides the following relevant policies related to agricultural land, and for which the Plan Area already complies:

Policy VII-D.4[a]: The City will not annex agricultural land unless urban development consistent with the General Plan has been approved by the City. (Modesto Urban Area General Plan)

Policy VII-D.4[b]: The City shall support the continuation of agricultural uses on lands designated for urban uses until urban development is imminent. (Modesto Urban Area General Plan)

Policy VII-D.4[d]: Where necessary to promote planned City growth, the City shall encourage the development of those agricultural lands that are already compromised by adjacent urban development or contain property required for the extension of infrastructure or other public facilities, before considering urban development on agricultural lands that are not subject to such urban pressures. (Modesto Urban Area General Plan)

The City's Urban Area General Plan stipulates a land use intensity as a range of typical densities on an area-wise basis (Modesto Urban Area General Plan, Chapter 3, Community Development Policies, page III-4). This requirement seeks to encourage higher-density developments, creating less demand for urban land and discouraging sprawl. The General Plan requires a minimum density of 6.6 dwelling units per gross acres.

### **1.4.4 Regional Planning Efforts**

StanCOG participated in the San Joaquin Valley Blueprint Plan along with eight other Valley Regional Planning Agencies. The Blueprint Plan establishes a vision for future

growth in the San Joaquin Valley and provides a framework for implementing that growth. Early on in this multi-year planning process, 12 Smart Growth Principles were established as the core values of the Valley and the basis for future Blueprint planning and implementation:

- Create a range of housing opportunities and choices
- Create walkable neighborhoods
- Encourage community and stakeholder collaboration
- Foster distinctive, attractive communities with a strong sense of place
- Make development decisions predictable, fair and cost-effective
- Mix land uses
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Provide a variety of transportation choices
- Strengthen and direct development towards existing communities
- Take advantage of compact building design
- Enhance the economic vitality of the region
- Support actions that encourage environmental resource management

The Fairview Village Specific Plan is consistent with the 12 Smart Growth Principles established by the Blueprint and exemplifies the core vision for future development within the San Joaquin Valley—an efficient, sustainable and livable community.

The San Joaquin Valley Blueprint Plan established a preferred growth scenario, B+. This growth scenario seeks to protect environmental resources and agricultural lands by emphasizing compact growth within existing communities. The preferred scenario serves as a guideline for Valley cities and encourages increased densities in all eight valley counties. The preferred growth scenario recommends that Stanislaus County achieve 5.6 dwelling units per gross acre on average.



### 1.5 Analysis of Mitigation Measures

As a proposed residential development on Prime Farmland, methods or strategies for minimizing the loss of agricultural lands must be identified. During the preparation of the initial study associated with the Specific Plan amendments, staff identified that, consistent with the General plan Master Environmental Impact Report (MEIR), the Fairview Village No. 2 annexation is subject to General Plan mitigation AL-21, requiring preservation of farmland.

### 1.6 Strategies for Minimizing the Loss of Agricultural Lands

To meet the requirements of the LAFCO Agricultural Preservation Policy, the Plan for Agricultural Preservation must specify a method or strategy to minimize the loss of agricultural lands. As such, the Fairview Village Specific Plan area will provide agricultural mitigation at ratio of 1:1, consistent with the LAFCO Strategy No. 2. This Plan for Agricultural Preservation therefore provides the following, consistent with the Specific Plan, as amended:

*The Stanislaus Local Agency Formation Commission (LAFCO) has adopted a policy for the preservation of agricultural land. Every agency in Stanislaus County may choose to adopt its own agricultural preservation policy or to comply with LAFCO's adopted policy. The City of Modesto has chosen to use a portion of LAFCO's policy, as amended, which is summarized below in its current form.*

*In essence, LAFCO's policy requires the preservation of farmland, either indirectly or directly. The City of Modesto will require the payment of in-lieu fees at a 1:1 ratio of land proposed for annexation and development to land preserved for agriculture through conservation easements or other similar restrictions. Agricultural land preserved must be of an equivalent type to the land proposed for annexations and development, so for example, prime farmland to be developed will result in the preservation of prime farmland.*

### 1.7 Conclusion

The following justifications are offered in conclusion of the Plan for Agricultural Preservation for the Fairview Village Specific Plan.

1. *The project is slated for development, consistent with the City's General Plan and Zoning and is within the Sphere of Influence.* The Fairview Village Specific Plan is identified as a "Planned Urbanizing Area" in the City's General Plan and is within an urban transition (UT) zone of the A-2-10 County zoning designation, which specifically designates land for conversion from agriculture to urban land uses. In addition, the Plan Area is within the LAFCO-approved sphere of influence for the City of Modesto (1984). Therefore urban development is planned, consistent with the intent of LAFCO, the City of Modesto, and Stanislaus County.
2. *The project provides needed residential land.* As identified in the Urban Growth Review (2015), the City must maintain a "Five-Year Target Inventory" of lands available for residential development. This "Five-Year Target Inventory" assures available land to meet the region's housing needs and reduce over-inflation of land values. The Fairview Village Specific Plan will contribute to the "Five-Year Target Inventory." In addition, the City's Housing Element identifies the Fairview Village Specific Plan area as contributing to the residential inventory to meet the City's Regional Housing Needs Allocation.
3. *The project is consistent with the San Joaquin Valley Blueprint Plan.* The Fairview Village Specific Plan implements the 12 Smart Growth Principles established by the Blueprint and exemplifies the core vision for future development within the San Joaquin Valley. The Fairview Village Specific Plan proposes compact development with a range of housing types.
4. *The project is surrounded by urban corridors and urban infrastructure.* The Plan Area is surrounded by an existing transportation network which can accommodate the proposed development.

To the east of the annexation area are other existing single-family residential neighborhoods. In this context, the annexation is merely a logical expansion of the existing surrounding neighborhoods with sufficient transportation corridors and existing City services that extend to the site.

5. *The project incorporates policies and regulations that limit development pressure on Prime Farmland.* By proposing compact development near existing transportation and services, the Plan Area is guiding development away from other existing prime farmlands that lies to the south and west in unincorporated Stanislaus County.
6. *Preservation of agricultural lands is encouraged through increased density and infill development.* The Fairview Village Specific Plan represents the completion of a long-planned residential area and is consistent with the city's policies encouraging increased density and infill development.
7. *The project does not create impacts beyond what was anticipated in the MEIR associated with the City's General Plan, and addressed by the Statement of Overriding Considerations.* The Plan Area and surrounding lands are planned for residential development consistent with the intensity proposed by the project, as part of a Comprehensive Planning District of the General Plan. Impacts of the Fairview Village Specific Plan are within the scope of what was anticipated by the MEIR and are therefore addressed by the MEIR Statements of Overriding Considerations.

In conclusion, the provisions set forth in this Plan for Agricultural Preservation require the Fairview Village No. 2 annexation project to provide 1:1 agricultural mitigation, a strategy identified by the LAFCO Agricultural Preservation Policy. Based on this methodology and the analysis provided in this document, the proposal complies with LAFCO requirement for minimizing the loss of agricultural lands.