

#### 4.9 AGRICULTURAL MITIGATION

Except as expressly noted in sections 4.13 and 4.14 below, annexation of prime agricultural lands shall not be approved unless one of the following mitigations has been instituted, at not less than a 1:1 replacement ratio:

- a) The acquisition and dedication of farmland, development rights, and agricultural conservation easements to permanently protect ~~adjacent and other~~ agricultural lands within ~~the~~ Yolo County per the requirements in Policy 4.10.
- b) For mitigation less than 20 acres, the ~~The~~ payment of fees determined per Policy 4.15 that is sufficient to fully fund the acquisition and maintenance of such farmland, development rights, or easements. ~~The per acre fees shall be specified by a Fee Schedule or Methodology, noted in Section 4.15, which may be periodically updated at the discretion of the Commission.~~
- c) ~~Any such measures must preserve prime agricultural property of reasonably equivalent quality and character that would otherwise be threatened, in the reasonably foreseeable future, by development and/or other urban uses~~ Payment of in-lieu fees determined per Policy 4.15 to the Yolo Subbasin Groundwater Authority towards groundwater recharge projects in its Central Management Area.

~~The loss of fewer than twenty (20) acres of prime agricultural land generally shall be mitigated by the payment of in lieu fees as mitigation rather than the dedication of agricultural conservation easements. The loss of twenty (20) acres or more of prime agricultural land generally may be mitigated either with the payment of in lieu fees or the dedication of agricultural conservation easements.~~ In all cases, the Commission reserves the right to review and adjust such mitigation on a case-by-case basis.

#### 4.10 AGRICULTURAL EASEMENT REQUIREMENTS

If an applicant provides agricultural easements or other permanent restrictions to satisfy this requirement, the easements and restrictions must conform to the following characteristics:

- a) The land used to mitigate ~~the loss for a city annexation~~ of prime agricultural land must also be prime agricultural land as defined in this Policy and the CKH Act and be located such that at least a portion is within a radius from the subject City: a four-mile radius for the larger cities (i.e. Cities of Davis, West Sacramento, and Woodland) and a two-mile radius for the City of Winters.

- b) In addition, ~~it~~ the land used to mitigate must also be of reasonably equivalent quality and character as the mitigated annexed prime agricultural land as measured using both of the following methodologies:
- i. Average Storie Index – The USDA calculation methodology will be used to calculate the average Storie Index or Revised Storie Index score. The mitigating land's average Index score shall be no more than 10% less than the mitigated annexed land's average Index score. The decision of whether to use the Storie Index or Revised Storie Index is within LAFCo's sole discretion.
  - ii. Land Equivalency and Site Assessment ("LESA") Model – The LESA calculation shall be in accordance with the methodology adopted by this Commission (see appendices). The mitigating land's LESA score shall be no more than 10% below the mitigated annexed land's LESA score.
- c) ~~As a general rule, the~~ The Commission will not accept, as mitigation required by this Policy, an agricultural conservation easement or property that is "stacked" or otherwise combined with easements or property acquired for habitat conservation purposes, nor for any other purposes that are incompatible with the maintenance and preservation of economically sound and viable agricultural activities and operations. ~~The Commission retains the discretion to make exceptions on a case-by-case basis, based upon whether the applicant made a good faith effort to mitigate separately for the loss of habitat in accordance with the Yolo Natural Heritage Program process but such efforts were infeasible, and whether the proposed "stacked" mitigation for the loss of prime agricultural land and habitat involves one of the following, whichever results in the greatest acreage of preserved land:~~
- ~~i. Mitigation at a ratio of no less than 2:1 for the loss of prime agricultural soils; or~~
  - ~~ii. Mitigation at a ratio of no less than 1:1 for the loss of all agricultural lands in the proposal area; or~~
  - ~~iii. The property subject to the agricultural conservation easement is larger than the proposal area, meets the conditions specified in this Policy, and encompasses a complete field, legal parcel, or farm line.~~
- d) Easements that enlarge the existing agricultural clusters identified by the Yolo Land Trust as Cache Creek, Dhillon Ranch, Eoff Farms, Heidrick/Merritt, and Los Rios are encouraged. Please see Appendix 8.2.

- e) The presence of a home or other non-agricultural improvements on land that is subject to an agricultural conservation easement ~~is generally incompatible with the maintenance and preservation of economically sound and viable agricultural activities and operations on that land shall not be included in the easement area. The presence or introduction of a home may diminish the value of the agriculture conservation easement as mitigation for the loss of prime agricultural land. Consequently, an agricultural conservation easement will generally not be accepted as mitigation for the loss of prime agricultural land if the easement permits the presence of a home, except an existing home that has been present on the proposed easement for at least twenty-five (25) years, or construction of a comparable replacement for such a home. Exceptions to this section of the Policy may be granted by the Commission on a case-by-case basis if the home site is less than two acres and if the applicant can provide sufficient evidence that a home site on the agriculture conservation easement is necessary to further the goals of maintaining and preserving economically sound and viable agricultural activities and operations on that easement.~~

#### **4.11 EASEMENT HOLDER**

LAFCo favors the use of a local non-profit agricultural conservation entity or the regional branch of a nationally recognized non-profit agricultural conservation entity as the easement holder. The Commission will use the following criteria when approving the non-profit agricultural conservation entity for these purposes:

- a) Whether the entity is a non-profit organization that is either based locally or is a regional branch of a national non-profit organization whose principal purpose is holding and administering agricultural conservation easements for the purposes of conserving and maintaining lands in agricultural production;
- b) Whether the entity has a long-term proven and established record for holding and administering easements for the purposes of conserving and maintaining lands in agricultural production;
- c) Whether the entity has a history of holding and administering easements in Yolo County for the foregoing purposes;
- d) Whether the entity has adopted the Land Trust Alliance's "Standards and Practices" and is operating in compliance with those Standards; and
- e) Any other information that the Commission finds relevant under the circumstances.

A local public agency may be an easement co-holder if that agency was the lead agency during the environmental review process. LAFCo also favors that applicants transfer the easement

rights or in lieu fees directly to the recognized non-profit agricultural conservation entity in accordance with that entity's procedures. The Commission retains the discretion to determine whether the agricultural conservation entity identified by the applicant and the local lead agency has met the criteria delineated above.

#### **4.12 AGRICULTURAL MITIGATION IMPOSED BY OTHER AGENCIES**

The Commission prefers that mitigation measures consistent with this Policy be in place at the time that a proposal is filed with the Commission. The loss of prime agricultural land may be mitigated before Commission action by the annexing city, or the County of Yolo in the case of a district annexation, provided that such mitigation is consistent with this Policy. LAFCo will use the following criteria in evaluating such mitigation:

- a) Whether the loss of prime agricultural land was identified during the project's or proposal's review process, including but not necessarily limited to review pursuant to the California Environmental Quality Act;
- b) Whether the approval of the environmental documents included a legally binding and enforceable requirement that the applicant mitigate the loss of prime agricultural land in a manner consistent with this Policy; and
- c) Whether, as part of the LAFCo application, an adopted ordinance or resolution was submitted confirming that mitigation has occurred, or requiring the applicant to have the mitigation measure in place before the issuance of a grading permit, a building permit, or final map approval for the site.

#### **4.13 MITIGATION FOR PUBLIC AGENCY PROJECTS**

As noted in Section 4.2, the Commission has concluded that, in the case of proposals that are undertaken exclusively for the benefit of a public agency, the Commission should review the applicability of the mitigation requirements set forth in this Policy on a case-by-case basis to determine the appropriateness of requiring mitigation in any particular case. In making such a determination, the Commission will consider all relevant information that is brought to its attention, including but not limited to the following factors:

- a) Whether the public agency had any significant, practical option in locating its project, including locating the project on non-prime or less prime agricultural land;
- b) Whether the public agency is subject to or exempt from the land use regulations of another public agency;
- c) Whether the public agency identified the loss of agricultural land as an environmental impact during the project's review, including but not limited to California Environmental

Quality Act review, and, if so, whether it adopted a "Statement of Overriding Considerations" for that impact;

- d) When the public agency learned of the agricultural conservation mitigation requirements of the Commission's Policy or that of another public agency (whether or not it was subject to that agency's land use control);
- e) Whether the public agency could reasonably have allocated or obtained sufficient revenues to provide for some or all of the mitigation required by this Policy if it had learned of that requirement before submitting its proposal to this Commission;
- f) Whether the public good served by the public agency's proposal clearly outweighs the purposes served by this Policy and its mitigation requirements; and
- g) Whether the proposal is necessary to meet the immediate needs of the public agency.

If the Commission determines that it is not appropriate to require mitigation for the loss of agricultural land resulting from a public agency's proposal, or to require less mitigation than otherwise prescribed by this Policy, it shall adopt findings, and a statement of overriding considerations if applicable, supporting that determination.

#### **4.14 LESS THAN SIGNIFICANT AGRICULTURAL LAND LOSS**

Mitigation shall not be required for the annexation of less than five (5) acres of land if the Commission finds that the land:

- a) Scores in the fourth tier of LESA;
- b) Is "infill" as defined in this Policy; and
- c) Has not been used for active agriculture purposes in the previous 20 years.

#### **4.15 AGRICULTURAL CONSERVATION POLICY PAYMENT IN LIEU FEE METHODOLOGY**

In lieu of the dedication of agricultural conservation easements that would otherwise be required by the Agricultural Conservation Policy, the Commission may permit the payment of fees as set forth in this Schedule to fully fund the acquisition and maintenance of farmland, development rights or agricultural conservation easements.

No less than 35% of the average per acre price for full and unencumbered fee title price in the last five (5) unimproved land purchases plus a five percent (5%) endowment of the cost of the easement, and the payment of the estimated transaction costs associated with acquiring an

easement. The purchases must be within the general vicinity of the annexing entity and of a size equal to or greater than the total acreage of prime soils within the subject territory.

Payment of the In Lieu Fee is to be made directly to an agricultural conservation entity that meets the criteria set forth in Section 4.11 of this Policy. The agricultural conservation entity receiving these funds must present to the Commission a letter stating its intention to use these funds for the acquisition of farmland, development rights or agricultural conservation easements in Yolo County whose prime soils are reasonably equivalent to the proposal area's soils and that the location of the easements will be within the general vicinity of the annexing entity and in an area within the County of Yolo that would otherwise be threatened, in the reasonably foreseeable future, by development and/or other urban uses.

#### 4.16 DEFINITIONS

Except where noted, the following definitions are not defined in the California Government Code Sections 56000 et seq.

AFFECTED LOCAL AGENCY - any local agency which contains, or would contain, or whose sphere of influence contains or would contain, any territory for which a change of organization is proposed or ordered, either singularly or as part of a reorganization or for which a study is to be reviewed by LAFCo (Government Code § 56014).

AGRICULTURAL LAND - areas within which the ~~primary zoning or~~ general plan designation is AG, AP, or AE, or any other agricultural zone.

FEASIBLE - capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, social, and technological factors (Government Code § 56038.5).

INFILL ~~LAND~~ - property surrounded, or substantially surrounded, by urban uses or incorporated or special district boundaries.

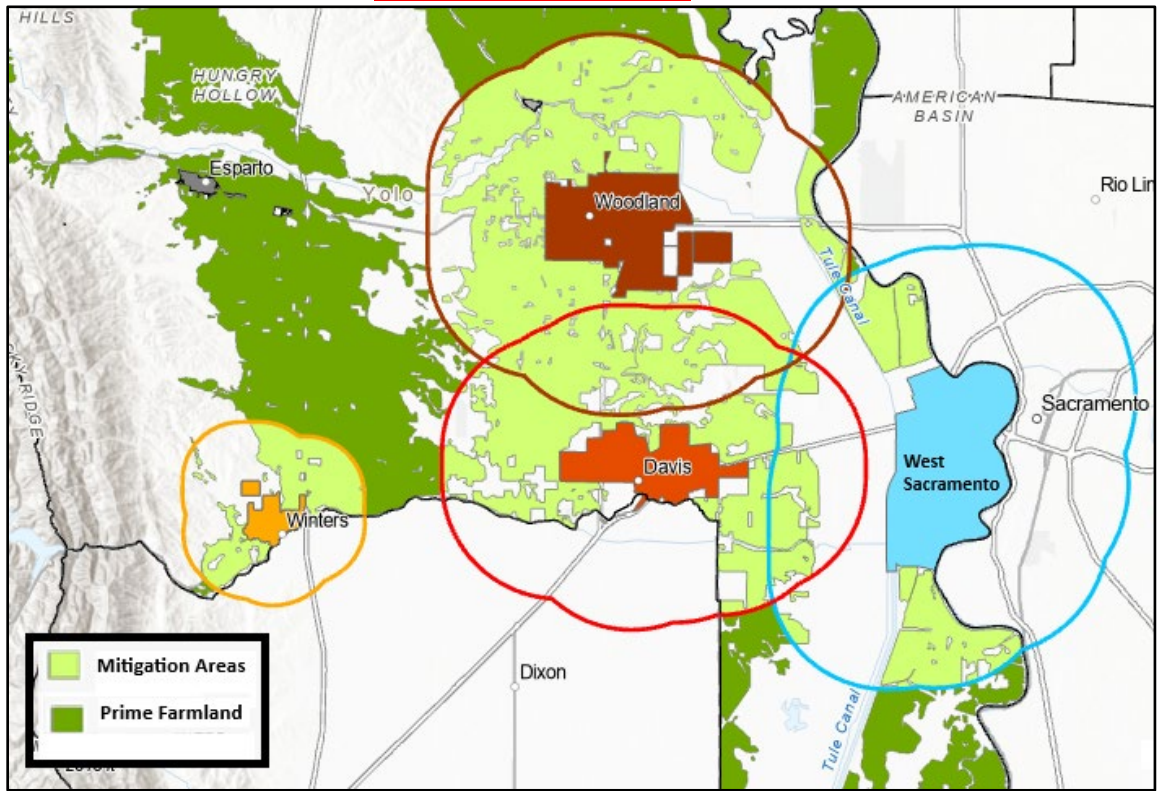
PRIME AGRICULTURAL LAND - (Government Code § 56064) an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and which meets any of the following qualifications:

- a) Land that qualifies, if irrigated, for rating as Class I or Class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is currently irrigated, provided that irrigation is feasible.
- b) Land that qualifies for rating 80 - 100 Storie Index rating.

- c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.
- d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred (\$400) per acre for three of the previous five calendar years.

URBAN DEVELOPMENT - a change of organization that contemplates or is likely to lead to the conversion of land from agricultural use to a primarily nonagricultural related use, generally resulting in the need for services such as sewer, water, fire protection, schools, drainage systems, and police protection.

### City Mitigation Radii



### Agricultural Easement Clusters (2025)

