



CITY OF HUGHSON
PLANNING COMMISSION MEETING
 City Hall Council Chambers
 7018 Pine Street, Hughson, CA

AGENDA
TUESDAY, NOVEMBER 20, 2012 – 6:00 P.M.

CALL TO ORDER: Chair Jared Costa

ROLL CALL: Chair Jared Costa
 Vice Chair Julie Ann Strain
 Commissioner Karen Minyard
 Commissioner Harold Hill
 Commissioner Kyle Little

FLAG SALUTE: Chair Jared Costa

INVOCATION:

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the Audience may address the Planning Commission on any item of interest to the public pertaining to the City and may step to the podium, State their name and City of Residence for the record (requirement of Name and City of Residence is optional) and make their presentation. Please limit presentations to five minutes. Since the Planning Commission cannot take action on matters not on the Agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. PRESENTATIONS: None.

3. NEW BUSINESS:

3.1: Approve the Minutes of the regular meeting of October 16, 2012.

4. PUBLIC HEARING TO CONSIDER THE FOLLOWING:

4.1: Consideration of Resolution No. PC 2012-05, A Resolution of the Planning Commission of the City of Hughson Recommending to the City Council Adoption of Ordinance No. 2012–XX, An Ordinance of the City Council of the City of Hughson Adding Chapter 16.50 Concerning the City of Hughson’s Farmland Preservation Program to the Hughson Municipal Code.

5. INFORMATIONAL ITEMS:

5.1: *Regional Partnerships Provide Leadership*, by Yvonne Hunter and Steve Sanders.

6. CORRESPONDENCE: None.

7. COMMENTS:

7.1: Staff Reports and Comments: (Information Only – No Action)

Community Development Director:

City Clerk:

City Attorney:

7.2: Commissioner Comments: (Information Only – No Action)

ADJOURNMENT:

WAIVER WARNING

If you challenge a decision/direction of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

UPCOMING EVENTS:

November 22-23	▪ Thanksgiving- Holiday- City Hall will be Closed.
November 26	▪ City Council Meeting, Council Chambers, 7:00pm (Tuesday)
December 1	▪ Downtown Christmas Festival and Tree Lighting Ceremony 3- 9:00p.m.
December 1	▪ Hughson Historical Society Open House, 6:00pm
December 10	▪ City Council Meeting, Council Chambers, 7:00pm
December 11	▪ Parks & Recreation Meeting, Council Chambers 6:00p.m.
December 18	▪ Planning Commission Meeting, Council Chambers, 6:00pm

December 24	▪ Christmas Eve, City Council Meeting Cancelled.
December 25	▪ Christmas Day- City Hall Closed.

RULES FOR ADDRESSING PLANNING COMMISSION

Members of the audience who wish to address the Planning Commission are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.**

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
NOTIFICATION FOR THE CITY OF HUGHSON**

This Agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a Planning Commission meeting, please contact the City Clerk's office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

AFFIDAVIT OF POSTING

DATE: November 16, 2012 **TIME:** 1:00pm
NAME: Dominique Spinale **TITLE:** Deputy City Clerk

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson Planning Commission shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

General Information: The Hughson Planning Commission meets in the Council Chambers on the third Tuesday of each month at 6:00 p.m., unless otherwise noticed.

PC Agendas: The Planning Commission Agenda is now available for public review at the City's website at www.hughson.org and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the Deputy City Clerk at (209) 883-4054

Any documents produced by the City and distributed to a majority of the Planning Commission regarding any item on this Agenda will be made available at the City Clerk's counter at City Hall located at 7018 Pine Street, Hughson, CA.



CITY OF HUGHSON
PLANNING COMMISSION MEETING
 City Hall Council Chambers
 7018 Pine Street, Hughson, CA

MINUTES
TUESDAY, OCTOBER 16, 2012 – 6:00 P.M.

CALL TO ORDER: Chair Jared Costa

ROLL CALL:

Present: Chair Jared Costa
 Vice Chair Julie Ann Strain
 Commissioner Karen Minyard
 Commissioner Harold Hill
 Commissioner Kyle Little

Staff Present: Thom Clark, Community Development Director
 Dominique Spinale, Deputy City Clerk
 Monica Streeter, Deputy City Attorney

FLAG SALUTE: Chair Jared Costa

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

No Public Comments.

2. PRESENTATIONS: None.

3. PUBLIC HEARING TO CONSIDER THE FOLLOWING: None.

4. NEW BUSINESS:

4.1: Approve the Minutes of the regular meeting of September 18, 2012.

Strain/Hill 5-0-0-0 motion passes to approve the Minutes of September 18, 2012.

4.2: Review and Discuss Farmland Preservation Programs – Study Session.

Director Clark prepared and presented a variety of articles and Farmland Preservation Programs for the Planning Commission to review and discuss. The Planning Commission reviewed Farmland Easement Programs of six Northern California Counties: Marin, Monterey, Napa, Sonoma, Alameda, and Yolo. The Commission also reviewed and discussed the Farmland Preservation Programs of four valley cities: Stockton, Manteca, Tracy, and Davis.

Director Clark discussed and reviewed with the Commission the California Department of Conservation Farmland Conservancy Program Funded Easements 1997-2012 map and spreadsheet. He also reviewed and discussed the Farmland Preservation Programs in Stanislaus County, including Stanislaus County’s and Stanislaus LAFCO programs.

No action was taken by the Planning Commission on this item.

5. CORRESPONDENCE: None.

6. COMMENTS:

6.1: Staff Reports and Comments: (Information Only – No Action)

Community Development Director: Provided updates on the Hatch Road Overlay Project and the Pine Street Infill Project.

City Clerk:

City Attorney:

6.2: Commissioner Comments: (Information Only – No Action)

Commissioner Strain reminded the Commission about the 20th Century Club Arts & Crafts Festival in November.

Chair Costa discussed an article from the New York Times newspaper concerning houses and appraisals. Staff made copies of the article for each of the Commissioners so they may read it.

ADJOURNMENT: Chair Costa adjourned the meeting at 7:26 p.m.

JARED COSTA, Chair

DOMINIQUE SPINALE, Deputy City Clerk



PLANNING COMMISSION AGENDA

ITEM NO. 4.1

SECTION 4: PUBLIC HEARING

Presented By: Thom Clark, Community Development Director
Meeting Date: November 20, 2012
Subject: Consideration of Resolution No. PC 2012-05, A Resolution of the Planning Commission of the City of Hughson Recommending to the City Council Adoption of Ordinance No. 2012-XX, An Ordinance of the City Council of the City of Hughson Adding Chapter 16.50 Concerning the City of Hughson's Farmland Preservation Program to the Hughson Municipal Code.

Enclosures:

1. General Plan Important Farmland Map
2. Map Showing Urban Change from 1984 to 2008
3. Map of Natural Recharge Areas in Stanislaus County
4. Resolution No. PC 2012-05
5. Ordinance No. 2012-XX

Desired Action: Adopt Resolution No. PC 2012-05

Background:

The Planning Commission has requested an agricultural easement program tied to a change in use from agricultural to residential. Staff has put together the attached Farmland Preservation Program (FPP) for consideration by the Commission.

With a few exceptions, Hughson is surrounded by farmland which is listed on the attached General Plan Important Farmland Map as Prime Farmland. The soils around us are also in the top tier of the attached map titled Natural Recharge Areas in Stanislaus County.

Quality of farmland and soils are not the only reason why Stanislaus County has an agricultural industry that produces over a billion dollars a year. We also have a very unique climate that coupled with prime farmland and excellent recharge soils

gives us the opportunity to out-perform other areas, world-wide, with crops such as almonds.

Also attached is an excerpt from a California Department of Conservation's map showing what lands around us have been urbanized between 1984 and 2008. The lands shown in yellow are lands that have been converted from agriculture to urban use during that time period. This is only for background purposes. The City of Hughson has annexed about 110 acres since the map was made – all of it Prime Farmland.

Discussion:

The FPP is patterned after the Farmland Mitigation Program (FMP) adopted by Stanislaus County and their Program was used as a beginning template for this proposed program. It is the intent of the FPP to be consistent with the County's FMP so that future multi-jurisdictional coordination of agricultural preservation programs may be made easier.

While the basics of the Hughson FPP are similar, it differs from the County's FMP in the following ways:

1. The word "mitigation" was changed to "preservation" throughout the document since you can't mitigate the loss of important farmland. Once it is lost, it's lost forever.
2. The description of Water Supply has been expanded to clarify that adequate water shall be available to support the current agricultural use of the preservation land.
3. The trigger for requiring farmland preservation is the County used zone changes and the Hughson FPP uses a change in use from agricultural to residential as the trigger for applicability of the Program.
4. The County's FMP uses a 1:1 ratio for one acre of agricultural land preserved for each acre taken out of agricultural production and our proposed FPP has a 2:1 ratio.

Farmland of the quality in and around Hughson is a finite and irreplaceable resource. What both programs do is to protect farmland in perpetuity using a voluntary easement or other means to do so. The County's FMP uses a ratio of 1:1. This means that for every acre of farmland converted to urban use, another acre will be preserved in agriculture. The outcome of a program with a 1:1 ratio is that only half of the farmland left in the County will be preserved. This FPP proposes a higher ratio of 2:1.

Commercial and industrial uses are not subject to the program. The rationale is such because these types of land uses have other positive outcomes for the City of Hughson (and the County in general), which residential development does not: such as job and sales tax creation.

End User Costs:

In 2011 the Central Valley Farmland Trust purchased three agricultural easements using funding made available through the California Department of Conservation. Farmland conservation easements were acquired in three counties: San Joaquin, Merced and Stanislaus. The easement acquired in Stanislaus County was on 151 acres of Prime Farmland 3 miles west of Modesto's Sphere of Influence. The cost was \$732,000 or \$4,848 per acre. If we use the approximate cost per acre from the Stanislaus County easement, let's say \$5,000 per acre, we can apply that to theoretical projects in Hughson to evaluate the cost to the end user.

A. The R-1 Single Family Residential density standard is 5 units per net acre. Applying a 2:1 preservation easement at \$5,000/acre divided by 5 residential units equates to \$2,000 per unit or less than 1% of the cost of the home.

B. The R-2 Medium Density Residential density varies from 5.1 to 14 units per net acre. The cost of farmland preservation will vary in this zoning district from \$1,960 to \$714 per unit depending on actual density.

C. The R-3 High Density Residential density varies from 10.1 to 27 units per net acre. The cost of farmland preservation will vary in this zoning district from \$990 to \$370 per unit depending on actual density.

Legal:

Stanislaus County's FMP was challenged legally by the Building Industry Association of Central California (BIA). The trial court found in favor of the BIA. However, the Court of Appeals overturned the ruling. "This sweeping opinion provides strong support for local governments seeking to protect farmland and the agricultural economy and culture it supports. The ruling will give cities and counties throughout California the confidence they need to ensure that developers mitigate the impact of new development on farmland," said Matthew Zinn of Shute, Mihaly & Weinberger, who represented the County in the case.

It should be noted that the Stanislaus Farm Bureau joined Stanislaus County in this case. Also, several conservation and local government organizations filed amicus briefs in support of the County and Farm Bureau including the Sierra Club,

the Planning and Conservation League, the Greenbelt Alliance, the League of California Cities, the California State Association of Counties, and the California Council of Land Trusts.

This is important to Hughson because now there is legal precedence for establishing a program to support and preserve agriculture as well as the culture that has grown around it here in the Central Valley. This is another reason why the Stanislaus County FMP was used for Hughson's FPP; the important legal issues have already been adjudicated.

The applicability of the proposed FPP is different from the County's FMP but both are based on discretionary actions by the governing body. There is no requirement for the County to change its zoning - which is the trigger for their program, just as there is no requirement for Hughson to approve a change in use which is the trigger in our program.

The FPP has been reviewed by the City Attorney's Office.

General Plan:

The FPP and other agricultural concerns are supported by the following General Plan goals, policies and actions:

- Goal LU-1 Control and direct future growth so as to preserve Hughson's existing small town character of the community and its agricultural heritage.
- Policy LU-1.3 The City will work with the County, surrounding jurisdictions and farmland preservation organizations to ensure that urban development occurs only in areas adjacent to existing urbanized areas and to develop a countywide program to permanently preserve agricultural community separators between urban areas.
- Action LU-1.3 Work with Ceres, the County and Stanislaus LAFCO to create a community separator program that includes or identifies the following:
 - ◆ Agreements between Hughson, Ceres and Stanislaus County to maintain permanent agricultural community separators between Hughson and Ceres.
 - ◆ Appropriate locations for urban separators between Hughson and Ceres.
 - ◆ Agreements between Hughson and the County to preserve agriculture to the north, east and south of Hughson.
 - ◆ Appropriate locations for expansion of the Hughson SOI to designate areas as Agriculture, thereby providing more

control to the City to avoid urbanization in areas targeted for agricultural preservation.

- ◆ Areas within separator areas to be targeted for property or conservation easement purchase to create barriers to development.
- ◆ Community partners, such as Central Valley Farmland Trust, and funding sources useful for program implementation.
- Action LU-1.4 Explore the creation of an agricultural mitigation fee program to generate fees to use for the purchase of farmland and farmland conservation easements. Community partners, such as Central Valley Farmland Trust, will be included in the formation of the program to assist in determining the best use of collected fees and to ensure the program's on-going success.
- Policy LU-3.6 New development should preserve views of the surrounding agricultural lands through building orientation and design.
- Policy LU-3.10 While the City recognizes that there will be a loss of orchard trees as development occurs, new development will be encouraged to design landscaping with mature trees to create a feeling similar to that of an active orchard.
- Goal COS-1 Preserve and protect agricultural lands in and around Hughson.
- Policy COS-1.1 Property owners within the Sphere of Influence will be encouraged to maintain their land in agricultural production until the land is converted to urban uses.
- Policy COS-1.2 The City should endeavor to direct new growth away from areas established as Prime Farmland and/or under Williamson Act contracts, and discourage the premature conversion of agricultural land to urban uses.
- Policy COS-1.3 The City will support Stanislaus County in its efforts to maintain agricultural lands in viable farming units for those areas not currently designated for urban uses.
- Policy COS-1.4 Any County proposals within the Hughson Planning Area that involve the development of urban uses on land designated as Agriculture outside of the City's Sphere of Influence will be discouraged by the City.
- Policy COS-1.5 The City will support the application and renewal of Williamson Act contracts or other conservation easements for areas outside of the City's Sphere of Influence.
- Policy COS-1.6 The City will work cooperatively with land trusts and other non-profit organizations to preserve agricultural land in the Planning Area.
- Policy COS-1.7 The City will minimize conflicts between agriculture and urban uses.

- Action COS-1.1 Work with the County and surrounding jurisdictions to create a county-wide policy to limit urban growth to areas adjacent to existing development and preserve permanent agricultural separators between urbanized areas.
- Action COS-1.2 Require that development projects include sufficient buffer zones within site designs, such as roads, setbacks and other physical boundaries, between agricultural uses and urban development.
- Action COS-1.3 Consider adopting a Right-to-Farm Ordinance to require new development adjacent to agricultural land to include deed restrictions recognizing the right to farm on neighboring parcels currently under agricultural production.

DISCUSSION ON GENERAL PLAN POLICIES, GOALS AND ACTIONS:

Although there is language in the General Plan regarding the use of agricultural easements as community separators (Policy LU-1.3, Action LU-1.3, Action COS-1.1), in conversation with Bill Martin of the Central Valley Farmland Trust (See Policy LU-1.4), restricting easements to a specific area does not work well in practice. Until the paradigm changes of farmers selling their property to developers as their legacy, it is hard enough to find property owners in the county willing to use an easement program, so restricting the area where easements can be placed just makes it harder. A successful County-wide agricultural preservation program can change this paradigm. The American Farmland Trust has proved this with their successes in the eastern United States. There is a statement in the FPP that we “prefer” the location of preservation efforts east of Highway 99, but it is not a restrictive statement for real life application by the Land Trusts. There is one restrictive statement in the FPP and that is that easements may not be purchased within a half mile of a city’s Sphere of Influence.

Staff has approached Ceres and Stanislaus County about agreements for community separators without much success. The County says basically they support agriculture wherever it is and don’t need an agreement to do so. During the Mayor’s Group’s push for urban growth boundaries staff had discussion with Ceres (again) regarding community separators and Ceres agreed to pull the eastern boundary of their 2050 Urban Growth Boundary back by a quarter mile to leave sufficient room between our two cities for practical farmland operations. Both City Councils subsequently adopted an Urban Growth Boundary map effective through 2050. The City of Hughson adopted the current Sphere of Influence as our Urban Growth Boundary.

In accordance with Action COS-1.3 the City of Hughson has adopted a Right-to-Farm Ordinance. Additionally, the mandate for creation of a farmland preservation

program is directly addressed under Policy LU-1.3, Action LU-1.4, and Policy COS-1.6.

Following are the General Plan definitions of farmland quality.

TABLE COS-2 DEFINITIONS OF FARMLAND QUALITY TERMS

Name	Description
Prime Farmland	Land which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops within the last three years
Farmland of Statewide Importance	Land other than Prime Farmland which has a good combination of physical and chemical characteristics for the production of crops. It must have been used for the production of irrigated crops within the last three years.
Unique Farmland	Land which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance that is currently used for the production of specific high economic value crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality or high yields of a specific crop when treated and managed according to current farming methods. Examples of such crops may include oranges, olives, avocados, rice, grapes and cut flowers.
Farmland of Local Importance	Land other than Prime Farmland, Farmland of Statewide Importance or Unique Farmland that is either currently producing crops or that has the capability of production. This land may be important to the local economy due to its productivity. The county-specific definition for Stanislaus County is farmlands growing dryland pasture, dryland small grains and irrigated pasture.

CONSERVATION EASEMENTS:

The California Legislature has declared “that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California”. They subsequently enacted Chapter 4 of Title 2 of Part 2 of Division 2 of the Civil Code, to further the public policy of encouraging “the voluntary conveyance of conservation easements to

qualified nonprofit organizations”. The easements under the proposed FPP qualifies as a Conservation Easement under Section 815, et seq. Staff believes the FPP follows the intent of the Legislature to preserve agricultural land by using a voluntary conveyance of conservation easements to a qualified land trust as one of the methods to preserve farmland. In fact, Section 816 states that, “The provisions of this chapter shall be liberally construed in order to effectuate the policy and purpose of Section 815.

Conservation easements under the Civil Code include much more than just agricultural land. They include all the land types mentioned in the first sentence of the preceding paragraph, as well as wildlife habitat easements, grazing easements, etc.

Stacking of conservation easements is discussed in two places in the FPP. Under the section Agricultural Preservation Lands - Locations and Characteristics, subsection 6, Previous Encumbrances, the PFF states that land already effectively encumbered by a conservation easement of any nature is not eligible to qualify as agricultural preservation land. This is good policy because it ensures the agricultural preservation easement will not be impaired by a previous conservation easement and will therefore have full force for the intended outcome.

The second place the FPP discusses stacking of easements is the last section of the FPP that says it is possible to put a conservation easement upon property that already has an agricultural easement, pending the approval of the City Council. I would caution the use of this section since it does not take into account the changing economy and what affect that may have on a farming operation. If for instance an agricultural easement is placed on a parcel, then a Swainson’s hawk foraging easement is later approved, the second or stacked easement will not allow the planting of orchards because of the hawk foraging requirement. So even if the market changed and the farmer wished to change to orchard crops, they would not be allowed to do so because of the stacked easement. Yolo County, for one, has had land owner problems with this very same issue. If this section is to remain in the FPP, it should be used sparingly and with changing economic conditions for farming operations as a major concern of approval.

WATER:

The County’s FMP’s definition of water supply for the agricultural land to be preserved used the term “adequate”. This is a very vague term and subsequently, the proposed FPP has expanded this definition to require an adequate water supply sufficient to support the current agricultural use of the land. The Stanislaus Farm Bureau agrees this is better language.

There have been instances with other agricultural preservation programs where land owners have purposely let the land to be converted to urban use go fallow so as to avoid the requirement of having sufficient water for an agricultural operation on the preservation land. In our case, since any change in use will involve Prime Farmland, and since Prime Farmland must have been used for the production of irrigated crops within the last three years (see definitions), the expanded definition of water supply should be sufficient to assure that abuse of this provision will not occur.

CEQA:

It has been determined that the FPP is exempt from CEQA pursuant to Section 15061(b)(3) or 15307, 15308 of the CEQA Guidelines. The Program is consistent with Civil Code Section 815, et seq which states in part that agricultural preservation is among the most important environmental assets of California. As such, it has been determined that there is no possibility the Program will have a significant effect on the environment and a Notice of Exemption has been prepared.

SUMMARY:

The preservation of farmland is an issue of statewide concern. In Stanislaus County the agricultural industry generates an annual gross agricultural value in excess of a billion dollars into the local economy. Hughson, like other cities in the County, is converting farmland to urban use; in many cases Prime Farmland, at a rate that is not sustainable for long-term agricultural viability within Stanislaus County. Hughson is an agricultural town and supports agriculture through many policies, goals and actions in the General Plan. An agricultural preservation program is one of the mandates of the General Plan as reflected in the adopted policies.

The proposed Farmland Preservation Program is hereby presented pursuant to that mandate as well as the legislative mandate to preserve agricultural land as an asset to California. The FPP requires the permanent protection of farmland on a 2:1 ratio to the amount of farmland converted to a residential use.

Recommendation:

Adopt Resolution No. PC 2012-05, A Resolution of the Planning Commission of the City of Hughson Recommending to the City Council Adoption of Ordinance No. 2012-XX, An Ordinance of the City Council of the City of Hughson Adding Chapter

16.50 Concerning the City of Hughson's Farmland Preservation Program to the Hughson Municipal Code.



CITY OF HUGHSON FARMLAND PRESERVATION PROGRAM

Purpose and Intent:

The purposes of the Farmland Preservation Program (FPP) is to aid in slowing the loss of farmland resulting from urban development; and at the same time, require the permanent protection of farmland based on a 2:1 ratio to the amount of farmland converted from an agricultural use to a residential use. The FPP is designed to utilize agricultural conservation easements or other means granted in perpetuity as a means of minimizing the loss of farmland.

This program establishes standards for the acquisition and long-term oversight of agricultural conservation easements purchased in accordance with the FPP. It is purposely patterned after the Farmland Mitigation Program adopted by Stanislaus County for ease of future coordination between jurisdictions.

Applicability:

These guidelines shall apply to development projects which will convert agricultural land over 1 acre in size to a residential land use. The acreage requiring preservation shall be the overall size of the legal parcel underlying a change in use from agricultural to a residential use.

Definitions:

Agricultural Preservation Land:

Agricultural land encumbered by an agricultural conservation easement or other conservation mechanism acceptable to the City Council. "Agricultural land" is used synonymously with "farmland" in these guidelines.

Agriculture Conservation Easement:

An easement over agricultural land for the purpose of restricting its use to agriculture consistent with these guidelines. The interest granted pursuant to an agricultural conservation easement is an interest in land which is less than fee simple. Agricultural conservation easements acquired in accordance with these guidelines shall be established in perpetuity (or shall be permanently protected from future development via enforceable deed restriction).

Building Envelope:

An area delineated by the agricultural conservation easement within which existing structures may remain or future structures may be permitted to be built.

Development Interest:

The property owner, developer, proponent, and/or sponsor of a discretionary development project subject to these guidelines.

Land Trust:

A nonprofit public benefit 501(c)(3) corporation or other appropriate legal entity operating in Stanislaus County for the purpose of conserving and protecting land in agriculture, and approved for this purpose by the City Council.

Legal Parcel:

A portion of land separated from another parcel or portion of land in accordance with the Subdivision Map Act. A separate Assessor's Parcel Number alone shall not constitute a legal parcel.

Methods of Farmland Preservation: Farmland preservation at a 2:1 ratio shall be satisfied by using one or more of the following techniques:

- 1) Where the total land area subject to an application which would result in the conversion of agricultural land to a residential use, and is less than 20-acres in size, farmland preservation shall be satisfied by direct acquisition of an agricultural conservation easement or purchase of banked mitigation credits as set forth in these guidelines. Payment of an in-lieu mitigation fee may be authorized by the City Council only when the development interest can show a diligent effort to obtain an agricultural conservation easement or banked mitigation credits have been made without success. Facts the City Council may consider in making a decision regarding a request for payment of an in-lieu fee include, but are not limited to; a showing of multiple good faith offers to purchase an easement or banked mitigation credits having been declined by the seller(s).
- 2) Where the total land area subject to an application which would result in the conversion of agricultural land to a residential use, and is 20-acres or more in size, farmland preservation shall be satisfied by direct acquisition of a farmland conservation easement as allowed by these guidelines and the Land Trust's program. It shall be the development interest's sole responsibility to obtain the required easement.
- 3) Alternative Farmland Preservation Methods - Alternative methods may be authorized by the City Council provided the land will remain in agricultural use consistent with this program. Any request for consideration of an alternative Farmland Preservation Method shall be reviewed by the Planning Commission for consistency with this program prior to a decision by the City Council.

➤ **Direct Acquisition (In-Kind Acquisition):**

- 1) The City Council may approve the acquisition of any agricultural conservation easement intended to satisfy the requirements of these guidelines.
- 2) The location and characteristics of the agricultural preservation land shall comply with the provisions of these guidelines.
- 3) The development interest shall pay an administrative fee equal to cover the costs of administering, monitoring and enforcing the farmland conservation easement. The fee amount shall be determined by the Land Trust and approved by the City Council.
- 4) The Planning Commission shall review each agricultural conservation easement for consistency with these guidelines prior to approval by the City Council. The Commission shall make a formal recommendation to the City Council for consideration.

- **In - Lieu Fees:** The payment of an in-lieu fee shall be subject to the following provisions:
 - 1) The in-lieu fee shall be determined case-by-case in consultation with the Land Trust and approved by the City Council. In no case shall the in-lieu fee be less than 35% of the average per acre price for five (5) comparable land sales in Stanislaus County.
 - 2) The in-lieu fee shall include the costs of managing the easement, including the cost of administering, monitoring and enforcing the farmland conservation easement, and a five percent (5%) endowment of the cost of the easement, and the payment of the estimated transaction costs associated with acquiring the easement. The costs shall be approved by the City Council based on information relating to the costs provided by the Land Trust.
 - 3) The Planning Commission shall review the final in-lieu fee proposal for consistency with this program prior to approval by the City Council. The Commission shall make a formal recommendation to the City Council for consideration.
 - 4) The City Council shall approve the final amount and other terms of the in-lieu fee.
 - 5) Projects that qualify to pay the in-lieu fee shall be subject to a 2.5% administration fee.

Use of In-lieu Fees - In-lieu fees shall be administered by the Land Trust in fulfillment of its programmatic responsibilities. These responsibilities cover, without exception, acquiring interests in land and administering, monitoring and enforcing the agricultural conservation easement or other instrument designed to conserve the agricultural value of the land for farmland preservation purposes and managing the land trust. The location and characteristics of agricultural preservation land shall comply with the provisions of these guidelines.

- **Agricultural Preservation Land Credit Banking:** preservation land credits may be banked and utilized in accordance with the following provisions:
 - 1) **Purpose** - The purpose of establishing a method of banking preservation land credits is to equalize the imbalance between the acreage size of farmland suitable, and available, for purchase of farmland conservation easements and the amount of acreage required to meet a 2:1 ratio.
 - 2) **Process** - Any project requiring the acquisition of an agricultural conservation easement in accordance with this program may be approved by the City Council to bank conservation credits on the acreage in excess of the acreage required for the original project. The conservation credits shall be held by the individual/entity purchasing the agricultural conservation easement.
 - 3) **Credit Value** - Each acre in excess of the required acreage for farmland preservation may be utilized at a 2:1 ratio to satisfy the conservation requirements of another development.
 - 4) **Negotiations** - Negotiations to purchase agricultural preservation land credits shall not involve the City and shall be subject to free market values. The City shall make available a contact list of individuals/entities with banked credits on record. The sale of banked credits shall not alter the terms of the original farmland conservation easement which generated the credits.
 - 5) **Authorization** - The City Council shall accept purchased credits upon

receipt of a sales agreement, provided the credits have been banked within Stanislaus County.

- 6) **Records** - The City shall maintain a record of banked credits and purchased credits to insure the Farmland Preservation Program is maintained whole.

Agricultural Preservation Lands - Locations and Characteristics:

- 1) **Location** - Agricultural preservation land shall be: A) located in Stanislaus County; B) designated Agriculture by the Land Use Element of the Stanislaus County General Plan; C) zoned A-2 (General Agriculture); and D) located at least one-half mile outside a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence of a city.
- 2) **Allowable Uses** - Agricultural Mitigation land shall be in conformance with the Stanislaus County's A-2 zoning district. Any legal nonconforming use of the property shall be abandoned prior to execution of the agricultural conservation easement and shall not be allowed to reestablish except as authorized within a building envelope. The type of agricultural related activity allowed on preservation land shall be specified as part of the agricultural conservation easement and shall not be less restrictive than the A-2 zoning district.
- 3) **Parcel Size** - Agricultural mitigation land shall consist of legal parcel(s) of twenty (20) net acres or more in size. Parcels less than twenty (20) net acres in size shall only be considered if merged to meet the minimum size requirement prior to execution of the farmland conservation easement. Any building envelope allowed by the Land Trust shall not be counted towards the required parcel size.
- 4) **Soil Quality** - The agricultural preservation land shall be of equal or better soil quality than the agricultural land whose use is being changed to nonagricultural uses. Priority shall be given to lands designated as 'prime farmland', 'farmland of statewide importance' and 'unique farmland' by the California Department of Conservation's Farmland Mapping and Monitoring Program.
- 5) **Water Supply** - The agricultural preservation land shall have an adequate water supply sufficient to support the current agricultural use of the land. The water rights on the agricultural preservation land shall be protected in the farmland conservation easement.
- 6) **Previous Encumbrances** - Land already effectively encumbered by a conservation easement of any nature is not eligible to qualify as agricultural preservation land.

Final Approval:

Final approval of any project subject to this program shall be contingent upon the execution of any necessary legal instrument and/or payment of fees as specified by this program. Final approval shall be obtained prior to whichever of the following shall occur first: (1) the issuance of any building grading or encroachment permit(s) required for development; (2) recording of any parcel or final subdivision map; or (3) operation of the approved use.

Legal Instruments for Encumbering Agricultural Preservation Land:

Requirement - To qualify as an instrument encumbering the land for agricultural preservation: 1) all owners of the agricultural preservation land shall execute the

instrument; 2) the instrument shall be in recordable form and contain an accurate legal description of the agricultural preservation land; 3) the instrument shall prohibit any activity which impairs or diminishes the agricultural productivity of the agricultural preservation land; 4) the instrument shall protect the existing water rights and retain them with the agricultural preservation land; 5) the interest in the agricultural preservation land shall be held in trust by the Land Trust in perpetuity; 6) the Land Trust shall not sell, lease, or convey any interest in the agricultural preservation land except for fully compatible agricultural uses; and 7) if the Land Trust ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall pass to the City of Hughson to be retained until a qualified entity to serve as the Land Trust is located.

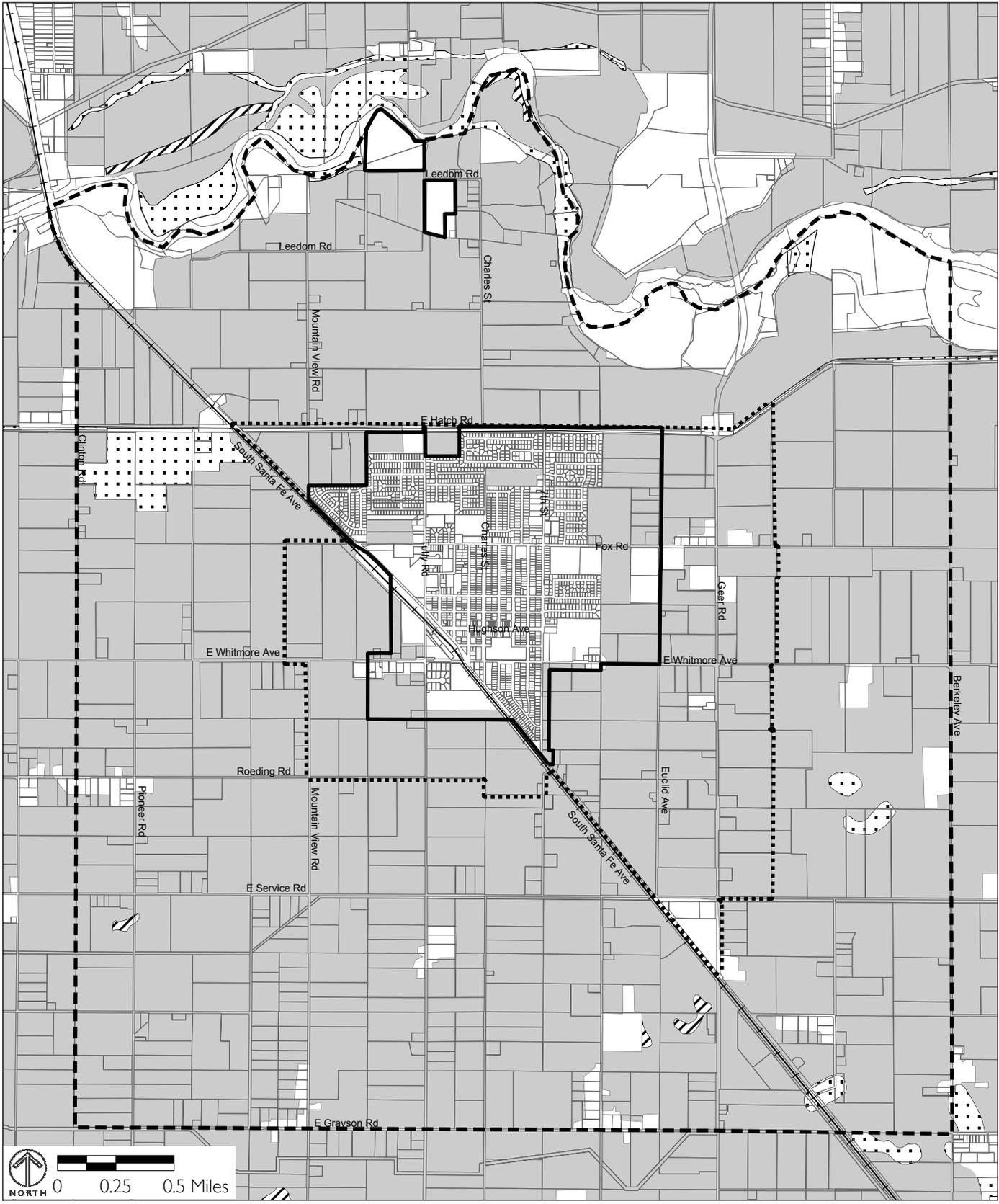
Monitoring, Enforcing, and Reporting:

- 1) **Monitoring and Enforcing** - The Land Trust shall monitor all lands and easements acquired in accordance with these guidelines and shall review and monitor the implementation of all management and maintenance plans for these lands and easement areas. It shall also enforce compliance with the terms of the conservation easement or agricultural preservation instruments.
- 2) **Reporting by the Land Trust** - Annually, beginning one year after the adoption of this program, the Land Trust shall provide to the Hughson City Manager an annual report delineating the activities undertaken pursuant to the requirements of this program and assessment of these activities. The report(s) shall describe the status of all lands and easements acquired in accordance with this program, including a summary of all enforcement actions.

Stacking of Conservation Easements:

Stacking of easements for both habitat conservation easements on top of an existing agricultural easement granted in accordance with these guidelines may be allowed if approved by the City Council provided the habitat needs of the species addressed by the conservation easement shall not restrict the active agricultural use of the land.

- The Planning Commission shall review all stacking proposals to insure the stacking will not be incompatible with the maintenance and preservation of economically sound and viable agricultural activities and operations. The recommendation of the Planning Commission shall be considered by the City Council.



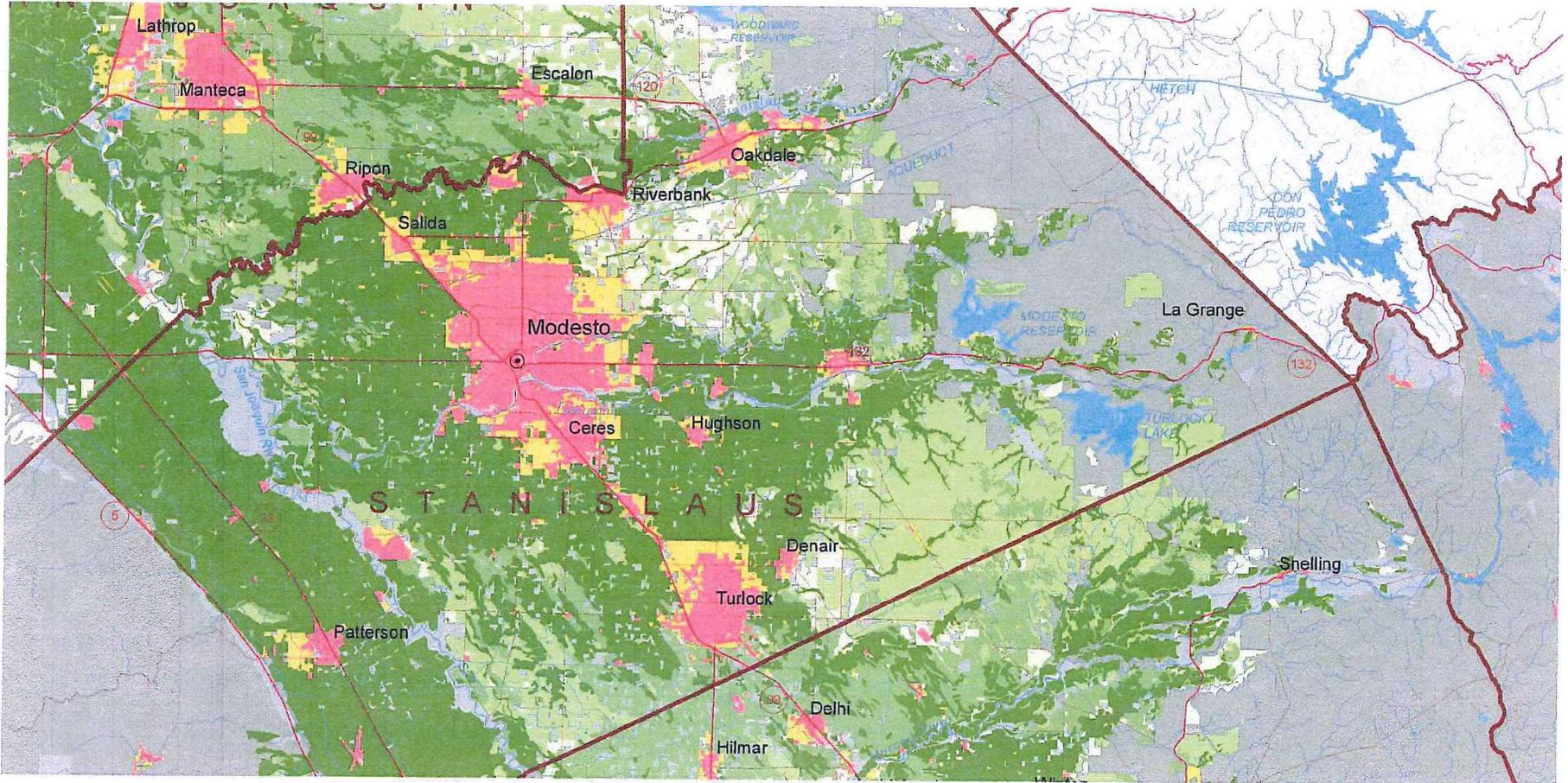
Data Source: California Department of Conservation, Farmland and Monitoring Program, 2002.
 Note that recently-urbanized areas within the city limits have been removed from farmland data layer.

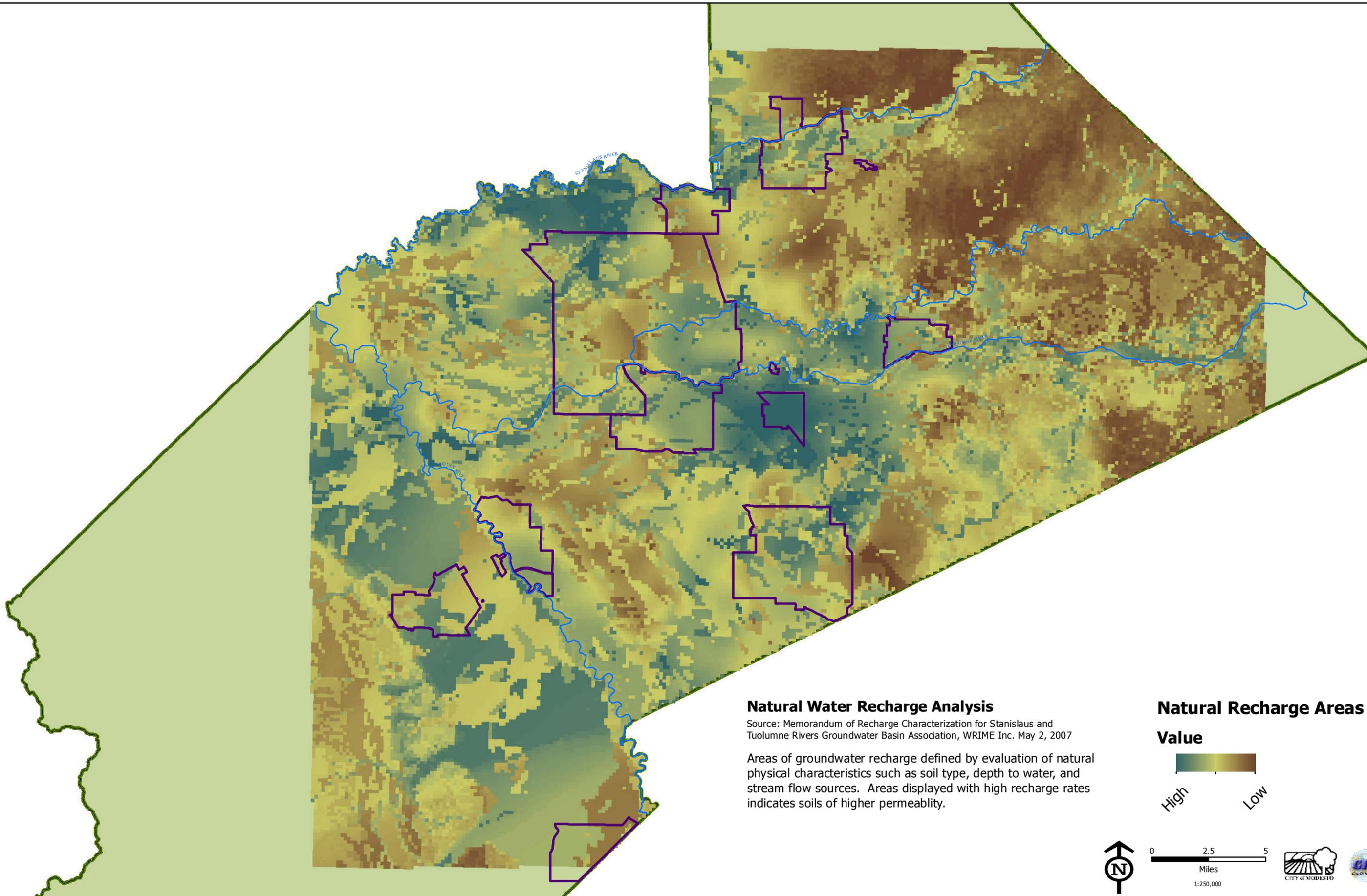
FIGURE COS-1

- Prime Farmland**
- Farmland of Statewide Importance**
- Unique Farmland**
- Urban, Built Up, Other Land**
- City Limits**
- Sphere of Influence**
- Planning Area**

IMPORTANT FARMLAND

URBAN CHANGE - 1984 TO 2008





Natural Water Recharge Analysis

Source: Memorandum of Recharge Characterization for Stanislaus and Tuolumne Rivers Groundwater Basin Association, WRIME Inc. May 2, 2007

Areas of groundwater recharge defined by evaluation of natural physical characteristics such as soil type, depth to water, and stream flow sources. Areas displayed with high recharge rates indicates soils of higher permeability.

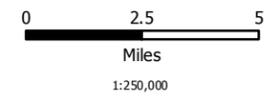
Natural Recharge Areas

Value



High

Low



HUGHSON PLANNING COMMISSION

RESOLUTION NO. PC 2012-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HUGHSON RECOMMENDING TO THE CITY COUNCIL ADOPTION OF ORDINANCE NO. 2012-XX, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON ADDING CHAPTER 16.50 CONCERNING THE CITY OF HUGHSON'S FARMLAND PRESERVATION PROGRAM TO THE HUGHSON MUNICIPAL CODE

WHEREAS, preservation of agricultural lands is a Statewide priority;
and

WHEREAS, the City of Hughson is an agriculturally oriented community surrounded by Prime Farmland; and

WHEREAS, Hughson's General Plan through its policies, goals, and actions mandates adoption of an agricultural preservation plan to slow the conversion of farmland to urban usage; and

WHEREAS, a Farmland Preservation Program to implement that General Plan mandate is attached hereto as Exhibit A; and

WHEREAS, it has been determined that the Program will not have a significant effect on the environment and a Notice of Exemption will therefore be filed following approval of the Program; and

WHEREAS, following a public hearing to consider the Farmland Preservation Program and after receiving public testimony the Planning Commission, using its own independent judgment does hereby approve the Farmland Preservation Program in Exhibit A:

WHEREAS, NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Hughson, does hereby recommend to the City Council of the City of Hughson adoption of Ordinance No. 2012-XX, an Ordinance of the City Council of the City of Hughson Adding Chapter 16.50 Concerning the City of Hughson's Farmland Preservation Program to the Hughson Municipal Code.

PASSED AND ADOPTED by the Hughson Planning Commission at a special meeting thereof, held on November 20, 2012, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

JARED COSTA, Chair

ATTEST:

THOM CLARK, Secretary

**CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2012-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HUGHSON ADDING CHAPTER 16.50 TO THE CITY OF
HUGHSON MUNICIPAL CODE CONCERNING THE CITY OF
HUGHSON'S FARMLAND PRESERVATION PROGRAM TO THE
HUGHSON MUNICIPAL CODE**

WHEREAS, the California Legislature has declared that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California. The Legislature further declared it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations; and

WHEREAS, the Hughson city limits are surrounded by Prime Farmland as defined and determined by the California Department of Conservation; and

WHEREAS, Prime Farmland is a finite and irreplaceable resource; and

WHEREAS, Hughson is an agriculturally oriented community linked culturally and financially to agricultural production; and

WHEREAS, Stanislaus County has an agricultural industry that produces over a billion dollars per year; and

WHEREAS, the City desires to preserve its agricultural heritage as well as the county-wide agricultural industry through preservation of farmland within the County; and

WHEREAS, a farmland preservation policy is consistent with the City's General Plan, the Valley-wide Blueprint, and Chapter 4 of Title 2 of Part 2 of Division 2 of the Civil Code, Section 815; and

WHEREAS, at its regularly scheduled meeting of November 20, 2012, the Hughson Planning Commission held a public hearing to receive public input on the Farmland Preservation Policy and subsequently adopted Resolution No. PC 2012-05, A Resolution of the Planning Commission of the City of Hughson Recommending to the City Council Adoption of Ordinance No. 2012-XX, An Ordinance of the City Council of the City of Hughson Adding Chapter 16.050 to the Hughson Municipal Code Concerning the City of Hughson's Farmland Preservation Program; and

WHEREAS, the City Council finds that this Ordinance will to aid in slowing the loss of farmland resulting from urban development; and at the same time, require the permanent protection of farmland based on a 2:1 ratio to the amount of farmland changed from an agricultural use to a residential use:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1 Chapter 16.50 of the Hughson Municipal Code is adopted to read in full as follows:

16.50 Title.

The title of this chapter is the City of Hughson's Farmland Preservation Program

16.50.010 Purpose and Intent.

The declared purposes of this chapter are to aid in slowing the loss of farmland resulting from urban development; and at the same time, require the permanent protection of farmland based on a 2:1 ratio to the amount of farmland converted from an agricultural use to a residential use. The Farmland Preservation Program (FPP) is designed to utilize agricultural conservation easements or other means granted in perpetuity as a means of minimizing the loss of farmland.

This program establishes standards for the acquisition and long-term oversight of agricultural conservation easements purchased in accordance with the FPP. It is purposely patterned after the Farmland Mitigation Program adopted by Stanislaus County for ease of future coordination between jurisdictions.

16.50.020 Applicability.

These guidelines shall apply to development projects which will convert agricultural land over one acre in size to a residential land use. The acreage requiring preservation shall be two times the overall size of the legal parcel undergoing a change in use from agricultural to a residential land use.

16.50.030 Definitions

Agricultural Preservation Land:

Agricultural land encumbered by an agricultural conservation easement or other conservation mechanism acceptable to the City Council. "Agricultural land" is used synonymously with "farmland" in these guidelines.

Agriculture Conservation Easement:

An easement over agricultural land for the purpose of restricting its use to agriculture consistent with these guidelines. The interest granted pursuant to an

agricultural conservation easement is an interest in land which is less than fee simple. Agricultural conservation easements acquired in accordance with these guidelines shall be established in perpetuity (or shall be permanently protected from future development via enforceable deed restriction).

Building Envelope:

An area delineated by the agricultural conservation easement within which existing structures may remain or future structures may be permitted to be built.

Development Interest:

The property owner, developer, proponent, and/or sponsor of a discretionary development project subject to these guidelines.

Land Trust:

A nonprofit public benefit 501(c)(3) corporation or other appropriate legal entity operating in Stanislaus County for the purpose of conserving and protecting land in agriculture, and approved for this purpose by the City Council.

Legal Parcel:

A portion of land separated from another parcel or portion of land in accordance with the Subdivision Map Act. A separate Assessor's Parcel Number alone shall not constitute a legal parcel.

16.50.040 Methods of Farmland Preservation

Farmland preservation at a 2:1 ratio shall be satisfied by using one or more of the following techniques:

- 1) Where the total land area subject to an application which would result in the conversion of agricultural land to a residential use, and is less than 20-acres in size, farmland preservation shall be satisfied by direct acquisition of an agricultural conservation easement or purchase of banked mitigation credits as set forth in these guidelines. Payment of an in-lieu fee may be authorized by the City Council only when the development interest can show a diligent effort to obtain an agricultural conservation easement or banked mitigation credits have been made without success. Facts the City Council may consider in making a decision regarding a request for payment of an in-lieu fee include, but are not limited to; a showing of multiple good faith offers to purchase an easement or banked mitigation credits having been declined by the seller(s).
- 2) Where the total land area subject to an application which would result in the conversion of agricultural land to a residential use, and is 20-acres or more in size, farmland preservation shall be satisfied by direct acquisition of a farmland conservation easement as allowed by these guidelines and the Land Trust's program. It shall be the development interest's sole responsibility to obtain the required easement.

- 3) Alternative Farmland Preservation Methods - Alternative methods may be authorized by the City Council provided the land will remain in agricultural use consistent with this program. Any request for consideration of an alternative Farmland Preservation Method shall be reviewed by the Planning Commission for consistency with this program prior to a decision by the City Council.

16.050.041 Direct Acquisition (In-Kind Acquisition)

- 1) The City Council may approve the acquisition of any agricultural conservation easement intended to satisfy the requirements of these guidelines.
- 2) The location and characteristics of the agricultural preservation land shall comply with the provisions of these guidelines.
- 3) The development interest shall pay an administrative fee equal to cover the costs of administering, monitoring and enforcing the farmland conservation easement. The fee amount shall be determined by the Land Trust and approved by the City Council.
- 4) The Planning Commission shall review each agricultural conservation easement for consistency with these guidelines prior to approval by the City Council. The Commission shall make a formal recommendation to the City Council for consideration.

16.050.042 In-Lieu Fees

The payment of an in-lieu fee shall be subject to the following provisions:

- 1) The in-lieu fee shall be determined case-by-case in consultation with the Land Trust and approved by the City Council. In no case shall the in-lieu fee be less than 35% of the average per acre price for five (5) comparable land sales in Stanislaus County.
- 2) The in-lieu fee shall include the costs of managing the easement, including the cost of administering, monitoring and enforcing the farmland conservation easement, and a five percent (5%) endowment of the cost of the easement, and the payment of the estimated transaction costs associated with acquiring the easement. The costs shall be approved by the City Council based on information relating to the costs provided by the Land Trust.
- 3) The Planning Commission shall review the final in-lieu fee proposal for consistency with this program prior to approval by the City Council. The

Commission shall make a formal recommendation to the City Council for consideration.

- 4) The City Council shall approve the final amount and other terms of the in-lieu fee.
- 5) Projects that qualify to pay the in-lieu fee shall be subject to a 2.5% administration fee.

16.050.043 Use of In-Lieu Fees

In-lieu fees shall be administered by the Land Trust in fulfillment of its programmatic responsibilities. These responsibilities cover, without exception, acquiring interests in land and administering, monitoring and enforcing the agricultural conservation easement or other instrument designed to conserve the agricultural value of the land for farmland preservation purposes and managing the land trust. The location and characteristics of agricultural preservation land shall comply with the provisions of these guidelines.

A. Agricultural Preservation Land Credit Banking

Preservation land credits may be banked and utilized in accordance with the following provisions:

- 1) **Purpose** - The purpose of establishing a method of banking preservation land credits is to equalize the imbalance between the acreage size of farmland suitable, and available, for purchase of farmland conservation easements and the amount of acreage required to meet a 2:1 ratio.
- 2) **Process** - Any project requiring the acquisition of an agricultural conservation easement in accordance with this program may be approved by the City Council to bank conservation credits on the acreage in excess of the acreage required for the original project. The conservation credits shall be held by the individual/entity purchasing the agricultural conservation easement.
- 3) **Credit Value** - Each acre in excess of the required acreage for farmland preservation may be utilized at a 2:1 ratio to satisfy the conservation requirements of another development.
- 4) **Negotiations** - Negotiations to purchase agricultural preservation land credits shall not involve the City and shall be subject to free market values. The City shall make available a contact list of individuals/entities with banked credits on record. The sale of banked credits shall not alter the terms of the original farmland conservation easement which generated the credits.

5) **Authorization** - The City Council shall accept purchased credits upon receipt of a sales agreement, provided the credits have been banked within Stanislaus County.

6) **Records** - The City shall maintain a record of banked credits and purchased credits to insure the Farmland Preservation Program is maintained whole.

16.050.050 Agricultural Preservation Lands - Locations and Characteristics

1) **Location** - Agricultural preservation land shall be: A) located in Stanislaus County; B) designated Agriculture by the Land Use Element of the Stanislaus County General Plan; C) zoned A-2 (General Agriculture); and D) located outside a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence of a city.

2) **Allowable Uses** - Agricultural Mitigation land shall be in conformance with the Stanislaus County's A-2 zoning district. Any legal nonconforming use of the property shall be abandoned prior to execution of the agricultural conservation easement and shall not be allowed to reestablish except as authorized within a building envelope. The type of agricultural related activity allowed on preservation land shall be specified as part of the agricultural conservation easement and shall not be less restrictive than the A-2 zoning district.

3) **Parcel Size** - Agricultural mitigation land shall consist of legal parcel(s) of twenty (20) net acres or more in size. Parcels less than twenty (20) net acres in size shall only be considered if merged to meet the minimum size requirement prior to execution of the farmland conservation easement. Any building envelope allowed by the Land Trust shall not be counted towards the required parcel size.

4) **Soil Quality** - The agricultural preservation land shall be of equal or better soil quality than the agricultural land whose use is being changed to nonagricultural uses. Priority shall be given to lands designated as 'prime farmland', 'farmland of statewide importance' and 'unique farmland' by the California Department of Conservation's Farmland Mapping and Monitoring Program.

5) **Water Supply** - The agricultural preservation land shall have an adequate water supply sufficient to support the current agricultural use of the land. The water rights on the agricultural preservation land shall be protected in the farmland conservation easement.

6) **Previous Encumbrances** - Land already effectively encumbered by a conservation easement of any nature is not eligible to qualify as agricultural preservation land.

16.050.060 Final Approval

Final approval of any project subject to this program shall be contingent upon the execution of any necessary legal instrument and/or payment of fees as specified by this program. Final approval shall be obtained prior to whichever of the following shall occur first: (1) the issuance of any building, grading or encroachment permit(s) required for development; (2) recording of any parcel or final subdivision map; or (3) operation of the approved use.

16.050.061 Legal Instruments for Encumbering Agricultural Preservation Land

A. Requirement

To qualify as an instrument encumbering the land for agricultural preservation: 1) all owners of the agricultural preservation land shall execute the instrument; 2) the instrument shall be in recordable form and contain an accurate legal description of the agricultural preservation land; 3) the instrument shall prohibit any activity which impairs or diminishes the agricultural productivity of the agricultural preservation land; 4) the instrument shall protect the existing water rights and retain them with the agricultural preservation land; 5) the interest in the agricultural preservation land shall be held in trust by the Land Trust in perpetuity; 6) the Land Trust shall not sell, lease, or convey any interest in the agricultural preservation land except for fully compatible agricultural uses; and 7) if the Land Trust ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall pass to the City of Hughson to be retained until a qualified entity to serve as the Land Trust is located.

B. Monitoring, Enforcing, and Reporting

1) **Monitoring and Enforcing** - The Land Trust shall monitor all lands and easements acquired in accordance with these guidelines and shall review and monitor the implementation of all management and maintenance plans for these lands and easement areas. It shall also enforce compliance with the terms of the conservation easement or agricultural preservation instruments.

2) **Reporting by the Land Trust** - Annually, beginning one year after the adoption of this program, the Land Trust shall provide to the Hughson City Manager an annual report delineating the activities undertaken pursuant to the requirements of this program and assessment of these activities. The report(s) shall describe the status of all lands and easements acquired in accordance with this program, including a summary of all enforcement actions.

C. Stacking of Conservation Easements

Stacking of easements for both habitat conservation easements on top of an existing agricultural easement granted in accordance with these guidelines may be allowed if approved by the City Council provided the habitat needs of the species addressed by the conservation easement shall not restrict the active agricultural use of the land.

1. The Planning Commission shall review all stacking proposals to insure the stacking will not be incompatible with the maintenance and preservation of economically sound and viable agricultural activities and operations. The recommendation of the Planning Commission shall be considered by the City Council.

Section 3 Effective Date: This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing Ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on _____, **2012**, and by a unanimous vote of the Council members present, further reading was waived.

On motion of Councilmember _____, seconded by Councilmember _____, the foregoing Ordinance was passed by the City Council of the City of Hughson at a regular meeting held on _____, 2012, by the following votes:

AYES:

NAYES:

ABSTAIN:

ABSENT:

APPROVED:

RAMON BAWANAN, Mayor

ATTEST:

DOMINIQUE SPINALE, Deputy City Clerk

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Regional Partnerships Provide Leadership

BY YVONNE HUNTER AND STEVE SANDERS



Yvonne Hunter is program director of the Climate Change Program for the Institute for Local Government (ILG) and can be reached at yhunter@ca-ilg.org. Steve Sanders is program director of the Land Use and Healthy Neighborhoods programs for ILG and can be reached at ssanders@ca-ilg.org. Jessica Aviña, Lindsay Buckley and Robin Evans, program coordinators for ILG, also contributed to this article.

The whole is more than the sum of its parts.

— Aristotle, *Metaphysica*

The current efforts of cities and counties to partner with others as they adopt sustainability policies and programs aptly epitomize this famous quotation. Such partnerships help cities and counties expand their information base and benefit from the expertise of collaborating partners, including other local and regional agencies, nonprofit organizations, universities, the private sector and philanthropic foundations. In today's adverse budgetary and economic climate, collaboration takes on more importance and contributes to local efforts to avoid duplicative activities and leverage outside resources and expertise.

Partnerships among public, private and nonprofit groups are nothing new, and examples abound. However, innovative partnerships that build capacity to address sustainability, energy efficiency, climate change and reductions in greenhouse gas (GHG) emissions are relatively new. Two examples illustrate the creativity and vibrancy of these efforts.

Philanthropic and Public Sector Leadership In the San Diego Region

The San Diego Climate Protection Network was launched in 2009 and provides a forum for regional stakeholders to address common issues related to sustainability and climate change. Participants include San Diego County and the 18 cities located there, San Diego County Water Authority, Port of San Diego,

San Diego County Regional Airport Authority, CleanTECH San Diego (a private nonprofit membership organization) and San Diego Gas & Electric Company. The San Diego Foundation provides financial support for the network. Examples of collaborative projects funded through the foundation include:

- Preparation of GHG inventories for 17 local agencies;
- Support for the Port of San Diego and its member cities to prepare for and manage the risks from sea-level rise; and
- Research by local scientists to identify the potential local impacts of global climate change and ways to reduce local GHG emissions and minimize climate change impacts.

The foundation convenes quarterly meetings of the network for agency staff, the University of San Diego's Energy Policy Initiatives Center, San Diego Gas & Electric and others to learn about resources and funding opportunities, share best practices and discuss topics of common interest. The San Diego County Water Authority and local universities, with support from the foundation, are also working together to integrate climate change projections into planning for the region's future water supply and demand.

"This represents an unprecedented collaboration of philanthropy, business, local governments and public agencies," says Emily Young, senior director of the Environment Program for the San Diego Foundation. "We believe that the region's leadership can serve as a national model for dealing with climate change."

Stanislaus County Region Creates a Sustainability Toolbox

Like many Central Valley cities, the communities of Stanislaus County have experienced both the benefits and disadvantages associated with rapid growth. Recently the region has faced high unemployment and foreclosure rates, a loss of farmland, insufficient infrastructure, increased traffic, heavy dependence on automobiles, and public health challenges including high rates of asthma, diabetes and heart disease. Recognizing that they share complex challenges, the communities of Stanislaus County decided to leverage their local resources by developing shared planning principles that could be incorporated into their respective local plans, policies and ordinances.

The communities successfully applied for a Sustainable Communities Planning Grant from the Strategic Growth Council to develop a Regional Sustainable Toolbox. The toolbox will include 11 planning components that can be used to develop local projects that meet community needs while helping the region achieve greenhouse gas emission reductions. Working together, the partner jurisdictions are creating a local planning framework to achieve:

- Appropriate urban development;
- Increased conservation of their rich agricultural land base and water resources;
- Improved public health; and
- Broader prosperity for the region.

In keeping with the project's collaborative nature, each city is leading the development of one toolkit component and will provide training for the other partner jurisdictions on how to implement the new tools. The 11 components of the Regional Sustainable Toolbox and the local leader for each are:

1. Water-Efficient Landscape Guidelines and Standards — City of Ceres;
2. Model Climate-Action Plan — City of Hughson;
3. Downtown Form-Based Code — City of Modesto;
4. Non-Motorized Transportation Plan and Policies — City of Newman;
5. Model Housing-Element Policies and Implementation Measures — City of Oakdale;

6. Sustainable Development Ordinance — City of Patterson;
7. Low-Impact Developments Standards and Specifications — City of Riverbank;
8. Fiscal Assessment of Greenfield Versus Infill Development — City of Turlock;
9. Urban Forest Plan, Valley Blueprint Compliance Matrix and California Environmental Quality Act Policies and Procedures — City of Waterford;
10. Countywide GHG Emissions Inventory — Stanislaus County; and
11. Coordinated Geographic Information System Central Database and GHG Tracking System — Stanislaus County.

Stretching Limited Resources

Local agencies can achieve goals that they might not otherwise be able to attain and stretch limited resources by partnering with other public agencies, nonprofits, foundations, colleges, universities and the private sector. In these difficult economic times, collaborating with others to leverage resources is a smart way to demonstrate leadership in promoting sustainability and enhancing economic development to benefit local residents.

Resources for Leaders

Collaboration provides opportunities to demonstrate leadership in reaching mutual policy goals and providing services to community residents. The Institute for Local Government offers resources on a variety of issues where collaboration can be beneficial. These issues include public engagement, intergovernmental collaboration and joint use of facilities as well as more focused collaborative activities surrounding sustainability and reducing greenhouse gas emissions.

San Diego Regional Collaboration

San Diego Foundation

Climate change program activities

Research commissioned by the Foundation

University of San Diego School of Law Energy Policy Initiatives Center

San Diego Regional Greenhouse Gas Mitigation Model: A Dynamic Decision Making Tool to Estimate the Impact of Policy Options

CleanTECH San Diego

Stanislaus County Regional Sustainable Toolbox

Stanislaus County Strategic Growth Council Planning Grant Application for the Regional Sustainable Toolbox

Stanislaus Council of Governments

Strategic Growth Council Planning Grant Information

Institute for Local Government Resources on Collaboration

Intergovernmental Collaboration

Public Engagement

How to Harness the Power of Your Community to Address Climate Change

Climate Leadership Stories on Civic Engagement

Tell Us About Your Efforts

Does your agency collaborate with others to promote or undertake sustainability activities? Do you have a story to tell? Share your story with the Institute for Local Government by e-mailing sustainability@ca-ilg.org.