

September 5, 2018

To: Board of Supervisors

From: Charlene Carveth, Agricultural Commissioner

Re: Establishment of an Agricultural Conservation Easement program

TITLE/DEPARTMENT RECOMMENDATION

Department of Agriculture recommending the Board:

1. Develop an Agricultural Conservation Easement program utilizing outside private organizations to hold funds, set up agricultural conservation easements and monitor and enforce the easements to minimize County staff costs.
2. Direct staff to prepare a program and resolution to bring back to the Board.

FUNDING: Voluntary easement donations by property owners requesting General Plan amendments or rezones from agricultural to non-agricultural zones, voluntary donations, grants.

DISCUSSION / BACKGROUND

The General Plan lists multiple objectives for the conservation and protection of grazing lands and other agricultural lands. Policy 8.2.4.1 states “Programs shall be developed that provide tax benefits and enhance competitive capabilities of farms and ranches thereby ensuring long-term conservation, enhancement, and expansion of viable agricultural lands. Examples of programs include but are not limited to, the following”:

- A. Support and allow private organizations to utilize conservation easements or other appropriate techniques to voluntarily restrict land to agricultural uses only.
- B. Continued use of Williamson Act Contracts (agricultural preserves).
- C. Formation of land trusts to preserve agricultural lands.
- D. Make available voluntary purchase or transfer of development rights from agricultural areas to appropriate non-agricultural areas.

El Dorado County has established various protections for agricultural lands such as; the General Plan Agricultural District overlay with minimum parcel sizes, the Agricultural Zones, Right to Farm, Ranch Marketing, Wineries, and Agricultural Preserves (Williamson Act) sections of the Zoning Ordinance. Even with these protections the

California Department of Conservation's Farmland Mapping and Monitoring Program continues to show conversions of farm and grazing lands to urban uses in the county.

Urban development next to agricultural lands indirectly reduces the agricultural potential of remaining farms by increasing the potential for urban and agricultural conflicts. These conflicts can also reduce the current and future uses of the surrounding land for agricultural purposes.

The County's agricultural lands are currently facing two key development pressures. One is the pending retirements of many of the existing farmers and how the farm land will be handed down to family members and secondly, the subdivision of former grazing lands next to existing ranches.

Agricultural Conservation Easements

An Agricultural Conservation Easement program is another tool that can protect farm and grazing lands. The program involves the voluntary purchase or donation of development rights from willing landowners to public agencies or nonprofit organizations such as a land trust. The easement can be tailored to meet conservation objectives and allows farming/ranching to continue. It is a deed restriction that runs with the land in perpetuity. Easement prices are established by an appraiser with the expertise to segregate the value of the development rights. Voluntary funds collected from property owners or developers requesting General Plan Amendments can be held in a trust by the public agency or transferred to a nonprofit like the Community Foundation. The funds would be held until a willing seller with property that meets the County's conservation objectives (number of acres, adequate water supply, soils, etc.) is available. The public agency or land trust would monitor and enforce the restrictions set forth in the easement agreement.

Agricultural Conservation Easement benefits include:

- Keeping families on their farms by easing the intergenerational transfer of property,
- Keeping land in farming or ranching uses
- Increased access to capital for agricultural uses by property owners
- Undeveloped grazing lands cost less in public services
- Can contribute to watershed or oak woodland protections

ALTERNATIVES

1) A stronger mitigation program could be enacted following General Plan Policy 8.1.3.4 where projects found to have a significant impact on agricultural lands have a mitigation of 1:1 replacement or conservation for loss of land in agricultural production or suitable for agricultural production.

2) The Board could choose to not take any action at this time.

PRIOR BOARD ACTION

Resolution No. 245-99 and 188-2002 which established agricultural preserve (Williamson Act) criteria.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel, Planning Services

FINANCIAL IMPACT

Staff time to outline elements of the program administration, determine the program goals, priorities and criteria. Bring the program/resolution back to the Board of Supervisors. Outreach to organizations, and landowners

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

This recommendation is in alignment with the County' Strategic Plan, the Economic Development Component to enable a prosperous and vibrant economy – Objective 1; Attract, develop and retain businesses that provide economic sustainability and quality job creation.

CONTACT

Charlene Carveth, Agricultural Commissioner
Department of Agriculture/Weights & Measures