

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Barry K. Hogan, Community Development Director
Prepared By: David A. Bobardt, Planning Manager 

DATE: December 8, 2006 (CC Meeting of 12/20/2006)

SUBJECT: Consider Ventura County Local Agency Formation Commission (LAFCO) Draft Policies to Address Mitigation for Impacts to Agricultural Land Resources

BACKGROUND

On December 6, 2006, Councilmember Parvin requested an agenda item for the December 20, 2006 Council meeting to discuss draft Local Agency Formation Commission (LAFCO) policies related to agricultural land resource impact mitigation.

DISCUSSION

LAFCO's authority in determining public agency boundaries is established by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, found in Section 56000 et seq. of the Government Code. In this Act, the legislature recognized that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services. The act specifically addresses the conversion of agricultural lands in §56377 as follows:

In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission (LAFCO) shall consider all of the following policies and priorities:

(a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.

(b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.

In response to this state legislation, the Ventura County LAFCO adopted agricultural land preservation policies as part of its Commissioner's Handbook (Attachment 1). LAFCO has also more recently been considering specific policies related to environmental documentation and mitigation of agricultural land resource impacts (Attachment 2). These policies have been proposed in order to encourage cities to prepare environmental documents for projects involving annexations that also meet LAFCO's need (as a California Environmental Quality Act (CEQA) responsible agency) to:

- analyze agricultural land resource impacts consistent with the Cortese-Knox-Hertzberg Act definition of prime agricultural land, and
- identify potentially feasible mitigation measures for farmland conversion and conflicts between agricultural and urban uses.

Compliance with these draft policies would save time for LAFCO review and avoid duplicative analyses by using the Cortese-Knox-Hertzberg Act definition for prime agricultural land at the beginning of the project review process during preparation of the environmental document. This definition (Gov. Code §56064) is as follows:

"Prime agricultural land" means 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 that 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 actually irrigated, provided that irrigation is feasible.

(b) Land that qualifies for rating 80 through 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 Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.

(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 dollars (\$400) per acre for three of the previous five calendar years.

It should be noted that the latest revised draft policies are directory and not mandatory. LAFCO held a public workshop and public hearing on November 9, 2006 and December 6, 2006, respectively, to discuss these draft mitigation policies. A copy of the draft policies as amended per direction given at the December 6, 2006 hearing is included as Attachment 2. The Commission has continued the public hearing open to January 17, 2007. Written comments on the draft policies will be accepted up to the time of the hearing.

STAFF RECOMMENDATION

Direct staff as deemed appropriate.

Attachments:

1. Section 3.1.5 of the Ventura LAFCO Commissioner's Handbook
2. Draft LAFCO Agricultural Land Mitigation Policies



COMMISSIONER'S HANDBOOK

THE POLICIES AND PROCEDURES OF THE VENTURA LAFCO

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JANUARY 1, 2002

With Amendments and Updates through April 16, 2003

CC ATTACHMENT 1

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SECTION 3.1.5 AGRICULTURE AND OPEN SPACE PRESERVATION

3.1.5.1 Findings and criteria for prime agricultural and open space land conversion: LAFCO will approve a proposal for a change of organization or reorganization which is likely to result in the conversion of prime agricultural or open space land use to other uses only if the Commission finds that the proposal will lead to planned, orderly, and efficient development. For the purposes of this policy, a proposal for a change of organization or reorganization leads to planned, orderly, and efficient development only if all of the following criteria are met:

- i. The territory involved is contiguous to either lands developed with an urban use or lands which have received all discretionary approvals for urban development.
- ii. The territory is likely to be developed within 5 years and has been pre-zoned for non-agricultural or open space use. In the case of very large developments, annexation should be phased wherever possible.
- iii. Insufficient non-prime agricultural or vacant land exists within the existing boundaries of the agency that is planned and developable for the same general type of use.
- iv. The territory involved is not subject to voter approval for the extension of services or for changing general plan land use designations. Where such voter approval is required by local ordinance, such voter approval must be obtained prior to LAFCO action on any proposal unless exceptional circumstances are shown to exist.
- v. The proposal will have no significant adverse effects on the physical and economic integrity of other prime agricultural or open space lands.

3.1.5.2 Findings that insufficient non-prime agricultural or vacant land exists: The Commission will not make affirmative findings that insufficient non-prime agricultural or vacant land exists within the boundaries of the agency unless the applicable jurisdiction has prepared a detailed alternative site analysis which at a minimum includes:

- i. An evaluation of all vacant, non-prime agricultural lands within the boundaries of the jurisdiction that could be developed for the same or similar uses.
- ii. An evaluation of the re-use and redevelopment potential of developed areas within the boundaries of the jurisdiction for the same or similar uses.
- iii. Determinations as to why vacant, non-prime agricultural lands and potential re-use and redevelopment sites are unavailable or undesirable for the same or similar uses, and why conversion of prime agricultural or open space lands are necessary for the planned, orderly, and efficient development of the jurisdiction.

3.1.5.3 Impacts on adjoining prime agricultural or open space lands: In making the determination whether conversion will adversely impact adjoining prime agricultural or open space lands, the Commission will consider the following factors:

- i. The prime agricultural and open space significance of the territory and adjacent areas relative to other agricultural and open space lands in the region.
- ii. The economic viability of the prime agricultural lands to be converted.
- iii. The health and well being of any urban residents adjacent to the prime agricultural lands to be converted.
- iv. The use of the territory and the adjacent areas.
- v. Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of prime agricultural or open space land outside of the agency's sphere of influence, or will be extended through prime agricultural or open space lands outside the agency's sphere of influence.
- vi. Whether natural or man-made barriers serve to buffer prime agricultural or open space lands outside of the agency's sphere of influence from the effects of the proposal.
- vii. Applicable provisions of local general plans, applicable ordinances that require voter approval prior to the extension of urban services or changes to general plan designations, Greenbelt Agreements, applicable growth-management policies, and statutory provisions designed to protect agriculture or open space.
- viii. Comments and recommendations by the Ventura County Agricultural Commissioner.

SECTION 3.1.6 SCHOOL CAPACITY

In addition to the factors and determinations required by state law, LAFCO will consider whether or not the territory involved in a proposal for a change of organization or reorganization can be served by affected school districts. LAFCO will not favor any change of organization or reorganization proposal where any affected school district certifies that there is not sufficient existing school capacity, or will not be sufficient school capacity at the time of development, to serve the territory involved.



**DRAFT LAFCO POLICIES TO ADDRESS MITIGATION FOR IMPACTS TO
AGRICULTURAL LAND RESOURCES**

Revised 12/7/2006

1. Environmental documents associated with projects that require LAFCO approval that identify potential impacts to agricultural resources should disclose the degree of impact according to the definition of prime agricultural land as defined by Government Code Section 56064.
2. If the intent of a project, program or plan is to accommodate discretionary development that would result in a potentially significant loss of prime agricultural land as defined by Government Code Section 56064, project-specific environmental document (or the program EIR in the case of 'tiered' EIRs) should include an analysis of potentially feasible mitigation measures to minimize the loss of agricultural lands. The lack of a pre-adopted lead agency agricultural mitigation policy or program may not constitute an exemption from this Policy.
3. A land's current zoning, pre-zoning, general plan land use designation or location relative to any locally adopted growth boundary may not automatically exempt it from the provisions of LAFCO's polices regarding mitigation. Existing conditions should be considered as the CEQA "baseline" for the purpose of analysis.
4. If the intent of a project is to accommodate the development of discretionary, non-agricultural land uses adjacent to land designated as 'agricultural' in the applicable general plan, the CEQA document should include an analysis of the feasibility of imposing an agricultural buffer. When a buffer requirement is determined to be feasible, the lead agency should adopt a buffer requirement. All buffers should be consistent with applicable buffer ordinances or general plan policies. For those jurisdictions that have not adopted buffer ordinances/policies, buffers should be consistent with the current recommendations of the Ventura County Agricultural Commission's Office.

CC ATTACHMENT 2