

# SECTION TWO: PUTTING IT ALL TOGETHER

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## BUILDING A COMPREHENSIVE PROGRAM TO PROTECT FARMLAND



The experiences of state and local farmland protection programs can serve as a guide for communities that are just beginning to address the challenges of sustaining agriculture in urban-influenced areas. Managers of existing farmland protection programs can also gain insight and ideas from a review of strategies used in other areas. The following case studies describe farmland protection programs in California, Maryland and Washington. California and Maryland were the first states to design comprehensive solutions to the problems facing farmers in developing communities, beginning in the 1950s and 1960s. In Washington, county governments began creating comprehensive plans, agricultural protection zoning ordinances and purchase of agricultural conservation easement programs in the 1970s, at a time when few local communities recognized the need to protect farmland.

## INTRODUCTION

The case studies show how government officials, planners, farmers and ranchers, conservationists and other citizens worked together to protect farmland and improve farm profitability in the three states and 12 counties—Marin, Napa, Sonoma and Solano counties in California; Carroll, Montgomery, Howard, Baltimore and Harford counties in Maryland; and King, Thurston and Walla Walla counties in Washington. Some of these counties were farmland protection pioneers; others were chosen because their programs are unique and successful. All of the case studies show how communities can combine regulatory and incentive-based approaches to meet the challenges of farming on the edge. They also demonstrate how state governments can facilitate local efforts to protect farmland, and how local farmland protection programs can complement state strategies.

## OVERVIEW OF FARMLAND PROTECTION STRATEGIES IN CALIFORNIA, MARYLAND AND WASHINGTON

Washington and Maryland have growth management laws, and California has a law that achieves similar purposes. Washington state's growth management legislation requires local governments to inventory important agricultural land and directs fast-growing jurisdictions to prepare detailed comprehensive plans. These requirements built a foundation for local farmland protection programs. Growth management legislation in Maryland outlines a set of goals to guide local planning into the next century. The law directs communities to develop comprehensive plans that will prevent sprawl and protect natural resources. In California, Local Agency Formation Commissions established by state law have helped prevent the annexation of prime farmland to cities.

Comprehensive planning is an important component of farmland protection programs in all the counties studied. In Montgomery and Baltimore counties, comprehensive plans prepared in the 1960s established a vision of the future that included a place for agriculture and directed the county governments to develop policies to protect farmland. In 1989, amendments to Sonoma County's General Plan initiated new zoning and marketing programs to support agriculture. Farmers in Walla Walla County have used sections of the county comprehensive plan as evidence in a court battle against a proposed subdivision on agricultural land.

Most of the counties studied have adopted some form of agricultural protection zoning. Napa County created its first agricultural zone in 1968, which called for a minimum lot size of 20 acres. The county has increased minimum lot sizes and expanded agricultural zoning

several times in the past 25 years. Carroll County created a 184,000-acre agricultural zone that encompassed 64 percent of its land base and limited development to one house per 20 acres. Thurston County downzoned approximately 13,000 acres of agricultural land as an emergency action to prevent imminent development during the early 1990s.

All three case study states began their farmland protection efforts by providing tax relief to owners of agricultural land. Maryland created the nation's first differential assessment program in 1956. California's Williamson Act offered tax relief to farmers beginning in 1965 and Washington enacted a differential assessment law in 1970. Harford and Howard Counties offer additional tax benefits to landowners who enroll land in an agricultural district or who sell agricultural conservation easements.

Maryland passed legislation to create a PACE program in 1977. The five Maryland case study counties participate in the state program, and all but Baltimore County have purchased easements on farmland through independent county PACE programs. King County, Wash., created its PACE program in 1979. More than 15 years later, planners in neighboring Thurston County used the lessons from King County to develop their own program. A California bond initiative provided some local funding for programs in the late 1980s and the state enacted PACE legislation in 1995. Sonoma County has its own program; Marin County funds a program administered by a nonprofit land trust and the Solano County city of Fairfield created a unique program to purchase easements in 1986.

Several of the counties profiled in this chapter have experimented with transfer of development rights programs, with varying degrees of success. Montgomery County has protected more land through transfer of development rights than any other jurisdiction in the nation. Marin County enacted a TDR ordinance in the 1980s but has protected only 660 acres using this technique to date. Thurston County created a complex regional TDR program in 1996.

Maryland, California and Washington all have right-to-farm legislation that provides farmers with limited protection from lawsuits. Napa, Solano, Sonoma and Walla Walla counties have also enacted local right-to-farm ordinances.

All of the Maryland counties studied have land enrolled in agricultural districts, and the four California counties in the case study have formed agricultural preserves under the Williamson Act. Maryland's agricultural district law offers eligibility for the state PACE program as a benefit of enrolling land in an agricultural district and agreeing not to develop the property for a term of five years.

Policymakers in many of the counties have recognized that protecting the land base is only one element of a comprehensive effort to address the challenges of farming on the urban edge. County governments in Montgomery, Howard, Harford and Sonoma counties have created programs to promote and market local farm products and services. King County is home to Pike Place Market, one of the nation's oldest and most successful public markets. A campaign to preserve and restore the market was one of the motivating forces behind the movement to protect the county's farmland.

## CASE STUDIES ARE EXAMPLES, NOT BLUEPRINTS

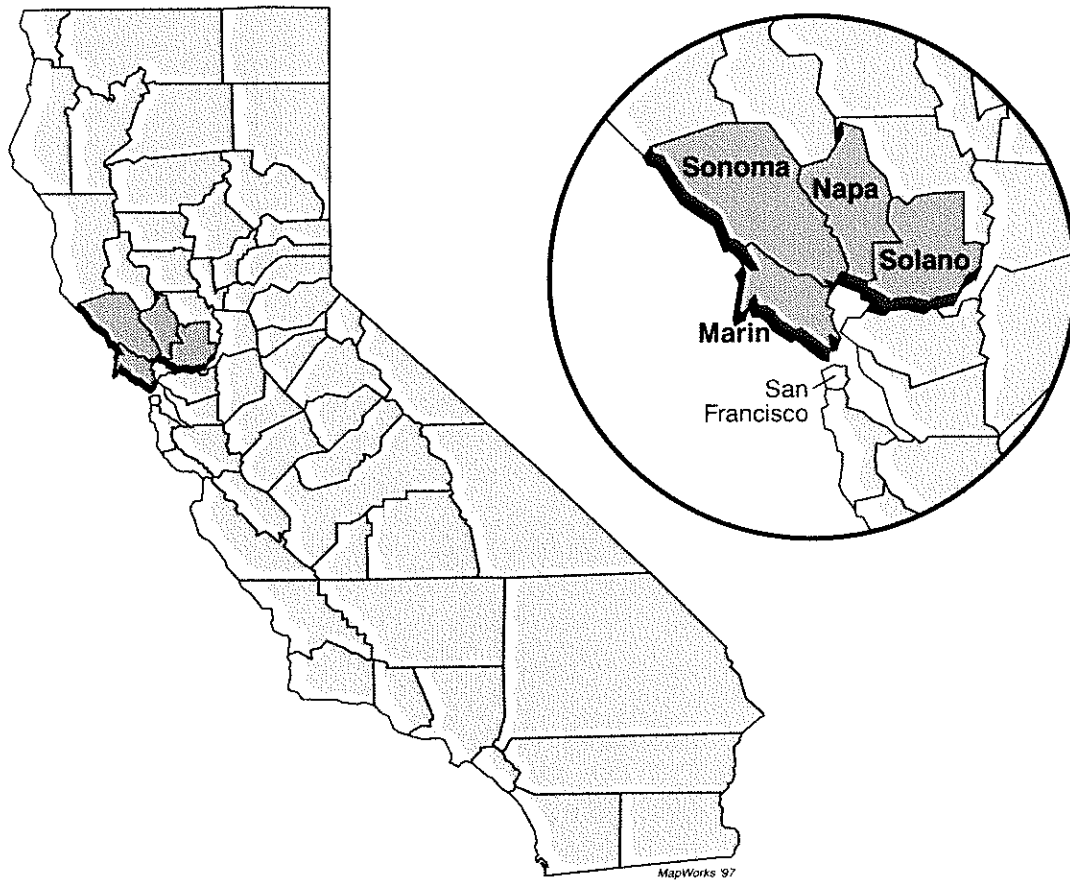
The following case studies provide a dynamic picture of how state and local governments, working together and using both regulatory and incentive-based strategies, can protect the land base and build a secure future for agriculture. It is important to remember, however, that there is no one “off-the-shelf” model farmland protection program. Nor is there one “right” way to implement a particular farmland protection technique. Agriculture is an industry shaped by local conditions and the issues facing farmers and ranchers change from state to state, region to region, and community to community. The selection, creation and implementation of a strategy, technique or program to protect agricultural land must be driven by the needs and circumstances of real people, places and problems. There is no wrong answer—as long as the answer works.



# SECTION TWO: PUTTING IT ALL TOGETHER

## CHAPTER 8: CALIFORNIA CASE STUDY

MAP 8.1: CALIFORNIA CASE STUDY COUNTIES







California's mediterranean climate and thousands of acres of unique and nutrient-rich soils create ideal growing conditions for more than 250 different crops and livestock, including some that are not produced commercially anywhere else in the country. As a result, California's agricultural industry plays a critical role in the state, national and world economies. It employs more than 500,000 people directly and boosts the gross state product. In 1995, the state's agricultural industry showed cash sales receipts of \$22 billion. Agriculture-related industries, such as processing and packaging, generate about \$70 billion for California's economy each year<sup>1</sup>, and employ approximately 260,000 people<sup>2</sup>.

STATE AND COUNTY  
FARMLAND PROTECTION  
PROGRAMS IN  
CALIFORNIA

Since 1947, California has been the nation's number-one ranking agricultural state. It produces 55 percent of the fruits, vegetables and nuts and 25 percent of all table food consumed in the country. Nearly 10 percent of all U.S. farm exports come from California.

The temperate climate that is so conducive to agriculture also makes California one of the most attractive places to live in the United States. Between 1940 and 1990, the state's population more than quadrupled, growing from seven million to 30 million. This number is expected to double within the next 50 years, making California one of the most populated and fastest growing states in the nation<sup>3</sup>.

The result is a tug of war over much of the state's 23 million acres of agricultural land, 18 percent of which is classified as prime. On one end of the rope are people, mostly farmers, fighting to retain the land for agricultural use. On the other end are people who want to use agricultural land to build houses and businesses for the streams of newcomers to the state. Three of California's most productive farming regions—the Central Valley, Imperial Valley and Coastal Valleys—are among the 20 areas in the nation most threatened by development pressure<sup>4</sup>.

#### STATE FARMLAND PROTECTION PROGRAMS

##### Tax Incentives: The Williamson Act

Recognizing these development pressures, California has implemented a variety of incentive-based programs, regulations and funding measures to protect the state's agricultural industry and its land base. In 1965, the state legislature approved the California Land Conservation Act. The legislation, commonly known as the Williamson Act, created a program that offers tax relief to landowners who agree to sign 10-year contracts restricting the use of their land to agricultural or open space uses. Landowners who sign contracts are taxed preferentially, based on the agricultural value of their land. The state then reimburses counties with Williamson Act acreage for approximately one-third of the total property taxes lost. The program was created in response to high, speculation-driven land taxes spurred by California's rapid population growth after World War II.

The amount of acreage enrolled in the Williamson Act program peaked at 16.2 million in 1980-81 and has fluctuated between 15 million and 15.8 million since then. As of 1995, half of the state's agricultural land was enrolled in the program and more than 70 percent of the state's estimated acreage of prime farmland was under contract.

Proposition 13 offers tax relief to farmland owners, although it was not specifically targeted to the farming community. Prop 13, approved by the state's voters in 1978, limits ad valorem property taxes to 1 percent of the assessed property value.

#### **State funding for land protection**

In addition to tax relief, the state has taken several other steps to protect agricultural land. In 1984, the legislature approved the California Park and Recreational Facilities Act, which earmarked \$50 million for the California State Coastal Conservancy's Agricultural Land Preservation Program. The conservancy was created by the legislature in 1976 to enhance, protect and restore the resources of the state's coastal zone, particularly the agricultural resources. The \$50 million was used by the conservancy, as well as by local public agencies and nonprofit organizations, primarily to acquire conservation easements or land.

Another substantial source of funding came in 1988, when state voters approved a \$776 million general bond initiative called the California Wildlife, Coastal and Parkland Initiative. Commonly referred to as Proposition 70, the initiative provides funding for protecting parkland, wildlife and agricultural land; \$53 million was earmarked for the protection of agricultural land. Farmland protection funding was divided among seven counties. The California Coastal Conservancy received \$15 million, which it used to buy easements on or title to 7,000 acres of agricultural land in the state's coastal counties.

#### **The Mello-Roos Community Facilities Act**

The Mello-Roos Community Facilities Act of 1982 enables local governments to create community facilities districts to finance the creation and protection of parks, parkways and open space. Because farmland has been included in the legal definition of open space, revenues also may be raised for farmland protection. The districts are funded by tax revenues paid by people living within the districts. The legislation provides local governments with great flexibility in how to apportion and assess special taxes, although it prohibits taxes based on the assessed value of real property. It is usually based on the density of development, square footage of construction or flat acreage charges. The districts may issue revenue bonds based on the guaranteed income from these assessments<sup>5</sup>.

#### **Controlling urbanization through Local Agency Formation Commissions**

In 1963, California enacted legislation allowing for the formation of Local Agency Formation Commissions (LAFCOs) in each of the state's counties except San Francisco. The legislation came in response to the post-World War II development boom, which resulted in exorbitant costs associated with expanding infrastructure and the rapid conversion of agricultural land to nonagricultural use. Each LAFCO is made up of two city council members, two members of the county Board of Supervisors and a member of the public selected by the other members. A county employee (usually the planning director) acts as the executive officer.

The goal of LAFCOs is to contain growth to areas in and around cities. In 1985, the Cortese/Knox Local Government Reorganization Act reiterated the state's intent for LAFCOs to have as one of their primary functions the protection of California's farmland and open space resources. To accomplish this goal, LAFCOs are given the authority to approve or deny

city requests to incorporate and annex land. They may also establish and modify “sphere of influence” boundaries, which are the lines around cities that represent the point beyond which urban development may not occur. Because LAFCOs develop their own policies, their effectiveness varies. The Marin County LAFCO has the most stringent policies regarding the annexation of agricultural land of any LAFCO in the state. Solano County’s policies are more vague, and its LAFCO has been relatively lax in rejecting proposals to annex prime agricultural land or expand spheres of influence into agricultural areas.

### Urban growth boundaries

The effectiveness of LAFCOs also is limited by the fact that their decisions are temporary. Policies and sphere of influence boundaries can be changed by one vote of the LAFCO. The nonprofit Greenbelt Alliance is thus promoting another approach to controlling urban sprawl. Since the organization opened its first North Bay office in 1995, it has urged city councils to adopt 20-year urban growth boundaries and ratify them at the ballot box.

A UGB is a line drawn on a city’s land use map that represents the point beyond which urban development is prohibited. Usually, land within the line is reserved for housing, businesses and city parks, while land outside the boundary is designated for agriculture, recreation and natural resource protection. By separating agricultural land from developable land, UGBs can lower the price of agricultural land. They are functionally similar to LAFCO spheres of influence, but they have a 20-year lifetime and can be changed only by popular vote. In 1996, four cities in Sonoma County voted to create UGBs.

### LOCAL FARMLAND PROTECTION PROGRAMS: THE NORTH BAY REGION

While UGBs, LAFCOs, the Mello-Roos Act, state PACE funding and the Williamson Act are helpful in protecting the state’s agricultural land in general, they are most effective when used in conjunction with initiatives implemented at the local level. Napa and Marin counties, located just north of San Francisco, were two of the first counties in the state to use agricultural protection zoning to prevent farmland conversion. Local officials and citizens in the North Bay region, which includes Sonoma and Solano counties as well as Napa and Marin, have developed some of the nation’s most innovative farmland protection programs.

Local initiatives used in the North Bay counties include APZ, caps on development, voter approval for zoning amendments, tax sharing, using sales tax revenues to purchase agricultural conservation easements, and marketing programs. The initiatives vary from county to county because, despite their similar development pressures and proximity to one another, each jurisdiction acts independently.

One exception is a joint effort to protect the coastal dairy industries in Marin and Sonoma counties. As the Agricultural Element of Marin’s general plan states, “Any discussion of agriculture in Marin County is incomplete without a recognition of its relationship to agriculture in Sonoma County.” A joint approach is necessary because most of the agricultural support services that used to exist in Marin have relocated to Sonoma, where the agricultural industry as a whole is stronger. California Gold Dairy Products, the major point of delivery for local milk, is located in the Sonoma County city of Petaluma. The region’s only slaughterhouse also is located in Petaluma and many Marin County dairies import hay and grain from Sonoma.

## INTRODUCTION

### FARMLAND PROTECTION IN MARIN COUNTY

Marin County's famed rainy and foggy weather provides ideal conditions for grazing. Miles of open rangeland, combined with easy access to food markets in neighboring San Francisco, made Marin northern California's leading dairy county for much of the 20th century.

The industry began losing ground in the 1960s. The number of dairies decreased from 150 to fewer than 100, as the result of several factors. For one, federal and state water projects were implemented in the state's Central Valley, eventually making it more attractive than Marin for dairy farming. At the same time, the county began feeling significant development pressures from San Francisco, which was beginning to outgrow itself.

Marin agriculture took its biggest hit in the 1970s, when the federal government purchased 90,000 acres of shoreline property in West Marin, much of which was used for dairy farming. The land was converted to two federal parks: Point Reyes National Seashore and Golden Gate National Recreation Area.

The impact of the change in land use was not felt until after the parks opened in 1972. The parks were supposed to attract visitors and had long been promoted by county conservationists as an alternative to development. But nobody had prepared for the onslaught of people who would want to stay in Marin for a day or even a lifetime. West Marin, which had been a virtual secret to all but the dairy farmers who dominated the area, became a hot spot for San Francisco residents looking for a permanent or temporary respite from the city. Homes and businesses were built on the outskirts of the park to cater to the needs of visitors and newcomers. One proposed development would have led to 41,000 homes being built on 51,000 acres. It was rejected by the Board of Supervisors. The demand for property in Marin County increased so rapidly that the price for one acre of land near the park climbed from \$100 to \$700 per acre just after the park opened<sup>6</sup>.

At this point, the viability of the county's dairies was in question. Not only were dairy farms closing, but the support services for the agricultural industry began to relocate to other counties. This decline created concern throughout the county. For farmers in West Marin, the loss of farms and agricultural land represented a threat to their livelihood. Non-farmers in the relatively cramped quarters of East Marin were concerned that the failure of dairy farms would result in loss of open space. Both sides wanted to ensure the future of agriculture in their county, but with no incentives or techniques in place to do so, uncertainty prevailed.

## TECHNIQUES AND STRATEGIES

### Comprehensive planning

In 1973, when the loss of farmland had become a crisis in this conservation-oriented county, the Board of Supervisors adopted the Marin Countywide Plan. The plan's Agriculture Element is designed to "...enhance, promote and protect agricultural land uses and the agricultural industry in Marin County." It does so, in part, by dividing the county into three corridors: The City-Centered Corridor on the eastern side of the county, the Inland Rural Corridor in the middle of the county and the Coastal Recreation Corridor along the western side. Agricultural uses take high priority in the Inland Rural and Coastal Recreation corridors.

**Agricultural protection zoning**

The Marin County zoning ordinance was amended in 1973 to implement the new plan, and has been modified several times since then. It establishes seven agricultural zoning districts. Densities for properties in each district are assigned on the county's zoning map. On 90 percent of the land within these districts, the maximum density and/or minimum lot size is one house per 60 acres. Prior to 1973, the minimum lot size in most of the county was one acre. The agricultural zoning districts are:

TABLE 8.1: AGRICULTURAL ZONING DISTRICTS, MARIN COUNTY

District	Minimum lot size range	Maximum density range
A (Agriculture)	30-60 acres*	
A2 (Limited Agricultural)	6,000 square feet to 2 acres	
R-A (Suburban Agricultural)	6,000 square feet to 1 acre	
ARP (Agricultural Residential Planned)		1 residential unit per 2 to 60 acres
C-R-A (Coastal, Residential Agricultural)	6,000 square feet to 1 acre	
C-ARP (Coastal Agricultural Residential Planned)		1 residential unit per 2 to 60 acres
C-APZ (Coastal, Agricultural Production Zone)		1 residential unit per 60 acres

The most stringent agricultural zoning is in the C-APZ and C-ARP districts, which combine new requirements with restrictions that also apply to other districts. Master plans are required for principal permitted uses in the A, ARP, C-APZ and C-ARP districts, and clustering is mandatory. Permanent conservation easements must be established over the non-developed portion of the property. Agricultural management plans are required in the ARP, C-APZ and C-ARP districts. There are stringent design and development standards for the C-APZ and C-ARP districts. Transfer of development rights is allowed in the ARP and C-APZ zones, but the technique has not been used widely.

\*In this district, as in all the districts, properties are assigned densities on the zoning map. Therefore, a range of densities may exist.

Most farmers were opposed to the zoning when it was first implemented. They believed their property rights were taken when the federal government used eminent domain to acquire farmland for the coastal parks. While farmers were allowed to lease their old pasture back from the government and continue grazing cattle in the parks, they no longer controlled the land. Erosion regulations and grazing restrictions accompanied the leases. Farmers responded to the new zoning as “another government invasion.” In addition, many resisted zoning as a weak solution to the challenge of improving the economic viability of agriculture. They argued that zoning might protect agricultural land, but that it would not protect the agricultural industry. Non-farmers, obviously including the county politicians who approved the zoning, were more convinced that zoning would be an effective tool to protect agriculture.

The effectiveness of agricultural zoning, particularly 60-acre zoning, quickly became an issue of debate in Marin and still remains under discussion. Some residents, particularly county officials, believe Marin County’s zoning and land use regulations have sent the majority of interested home-buyers elsewhere. As Marin has become known as a county with high land values and stringent development guidelines, people have located in other counties, particularly Sonoma. On the other hand, most farmers, and some non-farmers, believe that the zoning has not done what it was set out to do. Not all developers have been scared off by the high price of land in Marin. As San Francisco has become a wealthier city, more people have been willing to spend money on a home in the country. This is true even though inflation and demand have increased housing costs in Marin. As a result, 60-acre ranchettes have sprung up throughout much of western Marin, particularly in the town of Nicasio. Ranchettes generate several significant problems. First, they increase the price of neighboring farmland. The value of one acre of farmland in west Marin is approximately \$400 to \$1,000, but increases to \$3,500 if the land is developed<sup>7</sup>. Second, ranchettes create the potential for right-to-farm conflicts between farmers and their non-farming neighbors. Finally, by fragmenting what once were large blocks of agricultural land, they can endanger the area’s agricultural industry.

Despite these opposing views, there was a general consensus that the new zoning required farmers to make a financial sacrifice because it limited the development potential of their land. People on both sides of the debate recognized that the county needed to do more to improve farm profitability. They also agreed that farmers should have a non-mandatory option for protecting their land. Finally, there was a general recognition that zoning could not ensure the permanence of agriculture, because it could be changed by one vote of the county Board of Supervisors.

#### **Purchase of agricultural conservation easements: Marin Agricultural Land Trust (MALT)**

Marin found a solution to these problems in 1980, when the private nonprofit Marin Agricultural Land Trust (MALT) was formed to purchase conservation easements on the county’s agricultural land<sup>8</sup>. At the time, there were 431 land trusts in the country, but MALT was the first to focus specifically on the preservation of agricultural land<sup>9</sup>. MALT represented the “carrot” that went with the zoning “stick.” It provided the permanence that zoning lacked and presented an alternative to development that farmers and ranchers could choose if they were faced with having to sell their land.

Even though the county farm bureau backed the creation of MALT, many farmers were wary of PACE at first. Critics did not like the permanence associated with conservation easements (all of MALT's easements are in perpetuity). They also questioned whether offers for easements would be fair. It took MALT three years to acquire its first easement, but this was not seen as a model because it involved a farmer in dire financial trouble. Over the next few years, several easements were donated by wealthy landowners, including a 2,538-acre easement on film producer George Lucas' Skywalker Ranch. These, too, were not inspiring because they did not reflect the economic situation facing commercial farmers.

The first convincing arrangement was a 978-acre easement acquired in 1991. The landowner sold the easement so he would have enough money to buy his neighbor's farm, which already had a conservation easement on it. Eleven easements were sold in 1992, representing the most transactions for MALT in one year.

MALT currently holds 38 easements on 25,504 acres of land. The average easement is 670 acres. Purchase prices have ranged from \$275 to \$1,500 per acre and currently average \$980 per acre. Easement prices range from 25 to 50 percent of the unrestricted market value of the property. Farmers generally consider these prices fair.

MALT's success is due in part to its funding sources. In 1984, the land trust received \$1 million from the California Coastal Conservancy. This allotment was matched by the Leonard and Beryl Buck Trust, a charitable foundation specifically restricted to Marin projects. Also, in 1988, Marin County was allocated \$20 million in Proposition 70 funds, \$15 million of which was directed to MALT. Marin received the second largest allocation of Proposition 70 funds in the state.

The land trust's success is also due to general agreement between the county's farming and non-farming communities about the use of agricultural land. This consensus began evolving before MALT was created. Two county residents—a farmer and a conservationist—proposed the formation of the land trust. Several years later, the farming and conservation sectors worked together to get 25,000 signatures on a petition for Proposition 70 funds and to raise \$15,000 for MALT. Both of these moves showed unified community support for MALT and are, therefore, considered to be largely responsible for the decision to allocate \$15 million to the land trust<sup>10</sup>.

The economy also played a role in MALT's success. During the early 1990s, when most of the conservation easements were acquired, agriculture in the county was in a slump. The dairy industry in particular was suffering because of the federal buyout that had occurred in the late 1980s. It also was affected by several droughts and freezes. Between 1990 and 1991, the county's agricultural production value dropped 7 percent, or \$3 million<sup>11</sup>.

MALT suffered a setback in 1992 when voters defeated a ballot initiative that would have generated new funding for PACE. Critics of the initiative said the county should not be spending money on protecting agricultural land when affordable housing needs were not being met. A 1996 ballot measure for PACE funding also failed.

Now MALT is at a crossroads. Only \$600,000 remains in Proposition 70 funds, all of which must be used for acquisition, not operating expenses. The land trust receives approximately \$100,000 from the Marin Community Foundation (formerly the Buck Trust), \$200,000 in other donations and \$25,000 from the county annually for its operating expenses. However, this is not considered enough to acquire the easements that are on MALT's waiting list or to even come close to protecting the remaining 100,000 acres of unprotected land in the county. To increase support for PACE, some MALT members have proposed an organization modeled on the Vermont Housing and Conservation Board, which serves the dual purposes of protecting agricultural land and developing affordable housing.

### LAFCO policies

Marin County also is protecting agricultural land by concentrating growth within the boundaries of its 11 cities. This responsibility lies primarily with the Marin LAFCO, which has established several policies designed to prevent the urbanization of agricultural land. Among them are:

- The agency has authority to reject the annexation of productive agricultural land that is identified as agricultural by zoning classification, Williamson Act contract or general plan designation.
- LAFCO considers vacant or non-prime agricultural land within a city or a city's sphere of influence before any approving any proposal that would allow for or lead to the development of existing agricultural land outside the city's limits or sphere of influence.
- LAFCO tries to keep urban development in the cities. To achieve this objective, cities are directed to annex only the unincorporated lands located within their LAFCO-adopted municipal urban service area or sphere of influence boundary.

The strength of the Marin LAFCO is based on several factors. Compared to the other North Bay counties, Marin's cities are not anxious to annex land. This attitude goes hand in hand with the desire to protect agricultural land and open space. Also, there is no farmland in east Marin; mountains separate the eastern and western parts of the county.

### IS IT WORKING?

The success of Marin's efforts can be measured in several ways. For one, only 642 acres of agricultural land were converted for urban use between 1984 and 1994. Of this total, 62 percent of the land was categorized by the state as important farmland. Also, in the North Bay, Marin has the most land (48.7 percent of the land) categorized as secured greenbelt and the second least amount of land (2.2 percent of the land) at high risk of being developed<sup>13</sup>.

Non-statistical measures of success are perhaps better indicators of whether the county's agriculture has a viable future. Among the most important is that the county's residents—including its farmers, conservationists and politicians—are generally supportive of the need to protect agricultural land and recognize that doing so requires supporting the agricultural industry as well. Agriculture-related businesses have stayed in the county.



The end result is that farmers, developers and other residents generally believe that the future of agriculture in Marin County is reasonably secure.

## INTRODUCTION

Since the 1950s, Napa County residents have voted in favor of programs and techniques designed to protect agriculture, specifically the vineyards that wind through the Napa Valley. Warm sunshine and moderate cooling create an ideal climate for growing wine grapes. The Valley's vineyards have earned a reputation for producing some of the best wine grapes in the world.

## FARMLAND PROTECTION IN NAPA COUNTY

County residents are supportive of the wine industry because the vineyards demand little space compared to other forms of agriculture, yet play a major role in boosting the county's economy. Less than 7 percent of the county's land (31,500 acres) is planted in grapes but vineyards are responsible for 95 percent of the total agricultural production value. In 1995, grapes had a gross production value of \$144 million. When other industries that benefit from the wineries, such as retail and tourism, are factored in, the total economic value of the wine grape industry is close to \$1 billion<sup>14</sup>. The economic value to the individual landowner is also significant. The annual return on one acre of vineyard is \$10,000. An acre of vineyard can sell for as much as \$50,000<sup>15</sup>.

*Photo: Napa Valley's vineyards have earned a reputation for producing some of the best wine grapes in the world.*



Jill Schwartz

These factors make it easier for Napa County landowners to resist the pressure to develop their land. Being so close to San Francisco, the temptation is strong. But between 1984 and 1994, only 2,609 acres—mostly agricultural land—were converted for urban use. Many landowners also are supportive of regulations, such as APZ, that limit development.

The result is that despite several lawsuits and initial criticism, Napa County has taken the lead in farmland protection in the North Bay. As early as 1953, the county adopted a master plan that recognized the need for growth management, particularly in the rural agricultural areas. At the time, there was little recognition in California of the need for cooperative planning at a countywide level. The plan resulted in the adoption of zoning and subdivision ordinances for the county and its cities. In 1995, the county received a National Historic Planning Landmark Award from the American Institute of Certified Planners for its 1953 plan and other early farmland protection efforts.

Napa continues to make agriculture a high priority and today has a reputation for having some of the most stringent farmland protection regulations in the North Bay. These include APZ and two initiatives designed to slow growth.

## TECHNIQUES AND STRATEGIES

### Agricultural protection zoning

In 1968, the Napa County Board of Supervisors voted 5-0 to amend the zoning ordinance to include an AP (Agricultural Preserve) District, a 29,000-acre area of Napa Valley where agriculture is the predominant use. The district is confined to the valley's floor. Napa was the first county to create an agricultural preserve under the state's Williamson Act.

Although it was supported by a group of vintners, the agricultural preserve was controversial within the farming community. At the heart of the controversy was the county government's desire to enforce a 40-acre minimum lot size within the preserve. Prior to 1968, the minimum lot size was one acre. Supporters of the zoning included farmers who thought urban areas were expanding too rapidly in the Napa Valley and were beginning to infringe upon agriculture. The opposition was led by farmers who said the zoning could devalue their property and force them out of farming<sup>16</sup>. The county compromised by establishing a 20-acre minimum lot size. Opponents filed a lawsuit challenging the new zoning, but a judge ruled in favor of the county.

As the wine industry became profitable, opposition to large minimum lot sizes decreased. In 1973, the county zoning ordinance was amended to increase the minimum lot size in the agricultural preserve to 40 acres. In 1975, it was amended again to create another agricultural zone, called the AW (Agricultural Watershed) District. These two agricultural zones combined cover 90 percent of the county's total land base.

The AW zone dominates Napa Valley's hillsides. The minimum lot size in the zone originally ranged from 40 to 160 acres, depending on the physical constraints of the land. Lot size was increased to 160 acres across the entire zone in 1994. This change was supported by the Napa County Farm Bureau, which viewed it as a means of discouraging the creation of ranchettes that are not agriculturally viable. A higher minimum lot size has not been implemented along the valley floor because this area was already substantially divided into small parcels.

Certificates of compliance are a challenge for zoning. These certificates allow old "paper" subdivisions, many of which date back to the 1800s, to be legalized regardless of the

area's zoning. The result has been the creation of numerous five-acre parcels in the Agricultural Preserve. When residential units are built on these parcels, the value of surrounding agricultural land increases.

### **Ballot measures that limit growth**

#### *Measure A*

In 1980, Napa County voters approved Measure A, which sets a limit on the number of new residential units that can be constructed in the unincorporated area of the county. Measure A required the Board of Supervisors to amend the General Plan to include a Growth Management System Element, which includes these two standards:

- Limit the number of new housing units allowed in the unincorporated area of the county to enough housing to accommodate an annual population growth rate of 1 percent or the annual population growth rate of the nine Bay Area counties, whichever is less. This translates to approximately 134 residential units annually. This limit applies through the year 2000.
- Set aside at least 15 percent of the annual allowable number of housing permits for housing that will be purchased or rented by persons with average or below-average income.

Measure A was challenged in court by a group of developers, but the plaintiffs gave up their fight after losses in Superior Court and Appellate Court.

#### *Measure J*

In 1990, county residents voted 2-1 in favor of Measure J. The initiative, which was the first of its kind in California, took land use authority away from the county's supervisors to prevent them from approving unnecessary or premature conversion of agricultural and other important resource lands. It states that all elements of the General Plan designed to protect agricultural, watershed and open space lands will remain in place until 2020 unless a change is approved by popular vote. The Board of Supervisors cannot rezone these lands unless the action is necessary to prevent an unconstitutional taking of property, or unless they make six specific findings:

1. Annexation to or otherwise including the land within a city is not likely;
2. The land is immediately adjacent to areas developed in a manner comparable to the proposed use;
3. Adequate public services and facilities are available and have the capability to accommodate the proposed use by virtue of the property being within or annexed to appropriate service districts;
4. The proposed use is compatible with agricultural uses, does not interfere with accepted agricultural practices and does not adversely affect the stability of land use patterns in the area;

5. The land proposed for redesignation has not been used for agricultural purposes in the past two years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions or other reasons; and

6. The land proposed for redesignation does not exceed 40 acres for any one landowner in any calendar year, and one landowner may not obtain redesignation in the general plan of "Agriculture, Watershed and Open Space" or "Agricultural Resource" land more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.

Measure J was challenged by a group of developers and farmers who claimed it went beyond voters' authority to pass local initiatives. They maintained the measure conflicted with state law and the county general plan by preventing the county from meeting local and regional housing needs, and failed to meet a state requirement to identify all the changes needed to make the county general plan consistent. Finally, the challengers argued that Measure J imposed illegal limits on property rights by placing such strong restrictions on development that it would be impossible to build on 90 percent of the county's land. In *DeVita v. County of Napa*, the plaintiffs lost in Napa County Superior Court and the District Court of Appeals. The California Supreme Court reviewed the case in March 1995 and affirmed the county's right to initiate amendments to the land use element of a general plan.

#### **Donation of easements**

The Napa County Land Trust was established in 1976 and is funded primarily by donations from members. It holds easements on 7,845 acres of agricultural land.

#### **Tax sharing**

Commercial and industrial growth in the unincorporated area is controlled in part through a tax-sharing agreement between the county and all of its cities except American Canyon. The agreement requires each of the cities to give the county five cents of every sales tax dollar generated within their boundaries. This policy increases county revenues and helps farmland protection advocates reject the argument that development is needed to increase the county tax base.

#### **Agricultural marketing**

In 1990, voters approved a winery ordinance that was designed to support the county's agricultural sector. The ordinance requires that at least 75 percent of the grapes used to make wine and other products at the county's wineries be grown within Napa County. Prior to the ordinance, a large number of wineries were growing grapes in other areas where land is cheaper, then using the grapes to produce wine in Napa so the prestigious Napa label could be put on the bottle.

Opinions were divided about how the ordinance would affect Napa's wineries and agricultural land. Advocates argued that it would increase the demand for vineyard land, which would result in stronger support for farmland protection efforts. Others maintained that additional land would not be needed because improved technology would increase yields, or

because vineyards would simply relocate to other counties. Critics charged that the ordinance would hurt the county's wineries by increasing production costs.

Observers report that in the seven years since it was approved, the ordinance has protected the agricultural viability of Napa's wine-grape industry. Land use consultant and Napa County Planning Commissioner Mary Handel believes that the ordinance has allowed Napa grape growers to continue making a profit from grapes and wine, and at the same time reduced the trend of farmland being converted for tourist facilities that have little to do with the county's agriculture<sup>17</sup>.

#### IS IT WORKING?

Which came first, the wineries or farmland protection? Some county residents say the wineries would never have earned a reputation worldwide if the county had not made farmland protection a high priority. Others say farmland protection would not have been a high priority had the wineries not been successful.

Either way, the county's residents and business people recognize the need to maintain Napa's agricultural industry. Their support of the policies and regulations described above indicates that they understand the need to protect farmland for agriculture, not just for open space. This understanding will help ensure the future of agriculture in the Napa Valley.

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#### INTRODUCTION

Sonoma County's most effective farmland protection programs and policies were not implemented until 1989. As a result, today the county faces several challenges to protecting its agricultural land base. The first is development pressure. Sandwiched between Napa and Marin, which have been relatively progressive in protecting agricultural land, Sonoma is believed to receive much of the development that is steered away from its neighbors by high land prices and strict land use regulations. Sonoma is also much larger than the other North Bay counties—more than twice the size of Napa and three times that of Marin. The large size of the county makes land cheaper in Sonoma than in Napa or Marin. Finally, Sonoma, unlike Marin and Napa, has a major highway running its length. Highway 101 links the North Coast and San Francisco, and bedroom communities have sprung up along both sides of the freeway.

#### FARMLAND PROTECTION IN SONOMA COUNTY

The results of this pressure are evident in the county's population figures. Sonoma's population increased by at least 30,000 every five years between 1980 and 1995, when it reached 400,000. It is expected to climb another 35,000 by 2000, according to county officials. Population estimates vary depending on the source, but the rate of growth is not disputed.

The diversity of agriculture in Sonoma creates another challenge. While Marin is almost exclusively a dairy county and Napa is almost exclusively a wine grape county, Sonoma has a little of both, and more. Poultry and poultry products, apples, nursery stock, sheep and prunes are the largest products in Sonoma, in terms of dollar value, following wine grapes and market milk. Sonoma also has more specialty crops and a larger organic farming community than its neighboring counties. Some county officials and residents contend that this diversity

works against efforts to protect land and the agricultural industry because each niche can become too focused on its own needs, forgetting about the larger picture. Others believe that the diversity is an asset because it broadens the base of support for agriculture, especially in the non-farm community. It also increases the amount of land available for agricultural use because different crops require different types of terrain, such as hilly, flat or grazing land.

Historically, the most significant challenge for Sonoma has been the lack of cooperation between the farming and non-farming communities. This was most evident in 1984, when open space advocates and other non-farmers led an effort to create a farmland protection program. Measure C, the Farmland Initiative, called for the creation of an agricultural policy council to establish boundaries for agricultural production zones and the implementation of TDR, PACE and/or agricultural districts.

Measure C incorporated most of the recommendations of a Sonoma County Farm Bureau study that suggested the county consider PACE. Still, the farm bureau campaigned against the initiative. Many farmers feared that the programs and regulations being proposed would place too many restraints on the development of land. They were particularly concerned that APZ would cause them severe financial hardship. Measure C failed 2-3 at the polls. A 1988 property rights initiative backed by some farmers was also defeated.

Although the ballot initiatives were unsuccessful, many Sonoma County residents say the standoff at the polls was the impetus for protecting the county's agricultural land base and supporting its agricultural industry. One outcome of the failed measures was the understanding that the farming and non-farming communities must work together and make compromises before change can occur.

Sonoma County got off to a late start, but its efforts are noteworthy. They include the creation of a program for acquiring conservation easements, new zoning designations for agricultural areas and the establishment of a marketing program.

## TECHNIQUES AND STRATEGIES

### **Purchase of agricultural conservation easements: Sonoma County Agricultural Preservation and Open Space District**

The Sonoma County Agricultural Preservation and Open Space District was created in November 1990, following a 70-percent vote of approval from the county's residents. The purpose of the district is to acquire outright or purchase easements on approximately 600,000 acres of agricultural, natural resource and open space land, which represents 60 percent of the county's land base. Several California counties, including Marin, have created special districts for acquiring open space. Sonoma was the first to establish a special district the purpose of which includes acquiring agricultural land.

The district is funded by a 20-year, one-quarter-percent sales tax approved by 55 percent of the voters during the same election in which the measure establishing the district was approved. The tax increased the total sales tax within the county to 7.5 percent, and has generated \$8 million to \$11 million per year since it was imposed. Ninety-five percent of this

funding is used for acquisitions, and the remaining 5 percent is for operating expenses. The district has spent approximately \$30 million to date.

Sonoma is the only jurisdiction in the country that uses revenues from a broad-based sales tax to purchase conservation easements on agricultural land. Widespread support for this kind of funding measure is usually hard to find. But in Sonoma, there was little doubt from the outset that the county's voters would support the idea. The funding proposal came along at the right time—two years after Proposition 70 was approved. Seventy percent of Sonoma's voters backed the state proposition. Many were believed to be new residents who had moved from larger cities in the Bay Area to escape urbanization. With the mood set for protecting open space, county supervisors appointed a board to study a citizens' group's proposal for a district. The most likely opponents, including business leaders and farmers, were appointed to the board with the hope that they would resolve their differences early on. They did, and many believe that is why the county's voters backed the measures to create the district and the tax. Since most tourists visit Sonoma County to enjoy its natural beauty, the sales tax measure is a pay-as-you-go way for visitors to support open space protection. During the same year the tax was approved, county voters turned down a half-cent sales tax to widen Highway 101.

The five-member Sonoma County Board of Supervisors serves as the district's Board of Directors and makes all final decisions on land and easement purchases. A 17-member Citizens' Advisory Committee appointed by the board advises the board and staff on policy matters and makes acquisition recommendations. A six-member Open Space Authority reviews and approves the district's budget.

To decide which land to include in its program, the board held six public hearings shortly after the district was created. Input from the hearings was used to create an Acquisition Plan in 1992. The Acquisition Plan groups land into three categories:

- Category One: Most of the land in this category is within the county's community separators along Highway 101. Community separators are one- to two-mile strips of land between the county's major cities.
- Category Two: The second-priority category encompasses 250,000 acres of hillside and grazing land. Most of the protected land is located on the edge of cities.
- Category Three: Land in this category is not considered to be under immediate threat, and is thus listed in the district's Acquisition Plan as the lowest priority. The district cooperates with other agencies to acquire land or easements when important resources are threatened, or when parcels of land become available through gifts or bargain sales.

The district acquires interests in land throughout the county to remedy serious threats to agriculture, open space or natural resources. It provides a 50-percent match to cities' purchases of easements on open space and recreational land. A \$1 million fund has been set aside for such acquisitions.

The per-acre value of easements within each category ranges from \$10,000 in Category One to \$200 in Category Three, and the average price is \$1,500. Higher prices were

paid when the district was first created, to compensate landowners whose land had decreased in development value when stricter agricultural zoning was implemented.

### **Sonoma Land Trust**

The Sonoma Land Trust was founded in 1975, and was the sole organization in the county that acquired agricultural easements prior to the formation of the Agricultural Preservation and Open Space District. The nonprofit conservation group owns title to 2,076 acres and holds easements on 9,110 acres. Most of this land is wildlife habitat that is not farmed. Private donations support many of the purchases. Grants from the California Coastal Conservancy (including a \$1 million grant in 1984) and membership dues from the state Fish and Game Department also are used for acquisitions. The number of transactions has decreased since the county district was formed. The land trust charges a fee of 10 percent of the easement value to monitor the land it acquires, which makes the county acquisition program more attractive.

### **Comprehensive planning**

Conservationists clearly stated the need to support Sonoma's farmland protection efforts throughout the 1980s. In 1984, they diligently campaigned for the Farmland Initiative (Measure C), and became even more vocal after it was defeated. Their efforts paid off in 1989, when the County Board of Supervisors amended the Sonoma County General Plan to include an Agricultural Resources Element.

The Agricultural Resources Element was proposed by a county-appointed committee of five farmers following 18 months of meetings and public hearings. It established zoning and marketing policies designed to ensure the stability and productivity of the county's agricultural lands and industries. Similar policies were spelled out in 1989 amendments to the Open Space and Land Use elements of the General Plan. The Agricultural Resources Element also established policies on farm employee housing, such as a more efficient construction permitting process. The American Planning Association gave the county an award in 1994 for its farm employee housing policies.

The Agricultural Resources Element represented a new approach to protecting farmland in Sonoma County. Prior to 1989, the General Plan emphasized that land use controls should support agriculture, but it did not contain language or requirements to implement this goal. Different elements of the plan seemed to be in direct conflict with each other. For example, one observer noted that “. . .while the policies on agriculture reflect[ed] an intent to avoid subdividing large tracts, policies on housing specifically state[d] that rural residential areas should be encouraged as a way of creating a diversified housing base<sup>18</sup>.” The 1989 General Plan, in contrast, showed strong support for protecting agricultural land and took an economic, rather than an environmental or land use approach, to supporting agriculture. It included language from the Farmland Initiative and received support from the Farm Bureau. This agriculture-friendly approach is evidence of improved communication between the farming and non-farming communities.



## Agricultural protection zoning

Sonoma County's zoning ordinance includes regulations designed to carry out the goals of the 1989 General Plan. Specifically, the ordinance seeks to maintain parcels in agricultural areas predominantly in sizes that farmers would be willing to lease.

The ordinance establishes three agricultural zoning districts, which differ primarily in the types and intensities of agricultural support services and residential densities. Clustering is allowed in each district. If development is clustered, a conservation easement must be placed on the undeveloped area of the parcel and conveyed to the county or another nonprofit organization, according to the ordinance. The districts are:

- LIA (Land Intensive Agricultural) District: This area includes highly productive agricultural land, mainly vineyards. The minimum lot size is 20 acres and the density range is 20 to 100 acres per residential unit. (Density in each agricultural district is assigned on the county's zoning map). Only small-scale agricultural support services are allowed.
- LEA (Land Extensive Agricultural) District: This area is mainly grazing land where soil and climate conditions result in relatively low production per acre. The minimum lot size is 1.5 acres and the density range is 60 to 320 acres per residential unit. The minimum lot size is 1.5 to 10 acres if the units are clustered. Small- and large-scale agricultural support services are allowed.
- DA (Diverse Agricultural) District: This area includes land where farming may not be the principal occupation of the farmer. The minimum lot size is 10 acres and the density range is 10 to 60 acres per residential unit. Small-scale agricultural support services are allowed.

## Agricultural marketing

As a companion piece to agricultural zoning, the Board of Supervisors created a marketing program for the county's agricultural industry in 1989. One objective of the program is to help offset any potential or perceived loss in the value of agricultural land that results from agricultural zoning. Another objective is to meet one of the goals of the 1989 General Plan, which is to financially support the marketing and promotion of agricultural products grown and/or processed in Sonoma, as well as agriculture as a major county industry. The intent of each objective is to increase farmers' revenues so they will stay in agriculture instead of converting their land for non-agricultural use.

The county contributed \$25,000 to the startup of the nonprofit program known as Select Sonoma County. Half of the program's \$100,000 annual budget is funded by revenues from the county's Transient Occupancy Tax (bed tax) and half is funded by grants, special events and dues from its 350-person membership base. Funding is used to advertise the county's products, educate consumers and sponsor special promotional events. Select Sonoma County has its own logo and a monthly newsletter.

Independent of Select Sonoma County, wineries in each of the county's four valleys established a marketing group that receives county bed tax revenues. Marketing and

promotion of the wine industry have helped make Sonoma County's vineyards famous throughout the world.

### LAFCO policies and urban growth boundaries

Growth of Sonoma's nine cities is a significant issue for the county. Between 1990 and 1995, the cities grew 12 percent, twice the rate of growth in the unincorporated area. The largest increases in population during that period were 46 percent in Windsor and 28 percent in Cloverdale.

The Sonoma LAFCO has taken a stronger stance on development within community separators during the 1990s. LAFCO policies established in 1992 forbid community separators from being annexed or included in spheres of influence. On the other hand, LAFCO policies for agricultural land are still relatively weak; the LAFCO follows state policy, which is broad and thus open to interpretation<sup>19</sup>.

The 1989 General Plan directed the county to encourage the LAFCO to make one of the following findings before approving annexations or changing spheres of influence: (1) The proposed development would not be at the expense of agriculture, or (2) the community's need for the development in the proposed location is paramount. Also, the plan requires the county to seek advice from the agricultural community for any consideration by LAFCO of requests to change spheres of influence or urban service boundaries next to or near agricultural lands.

The Greenbelt Alliance is promoting urban growth boundaries as a more effective alternative to LAFCO. In November 1996, voters in the cities of Santa Rosa, Healdsburg, Sebastopol and Rohnert Park approved UGBs.

### IS IT WORKING?

Because of its late start and the weaknesses of some of its emerging farmland protection programs, as well as significant population growth, Sonoma County lost the largest amount of agricultural land in the North Bay between 1984 and 1994. During this period, 7,568 acres of agricultural land were converted for urban use, 91 percent of which was classified by the state as important farmland<sup>20</sup>.

The amount of Sonoma's land at risk of urban and residential development decreased 11 percent between 1991 and 1994, but Sonoma still has more land at risk than any other county in the nine-county Bay Area. Almost 12.5 percent (or 126,100 acres) of the county's total land base is threatened. Most of this land surrounds the cities in the northern part of the county. In the North Bay, Sonoma also has the smallest share of its open lands—7.6 percent—in the secure greenbelt category<sup>21</sup>.

Despite these figures, Sonoma is making progress. The Sonoma County Agricultural Preservation and Open Space District offers landowners a timely and financially competitive conservation alternative to selling land for development. Most important, community support for protecting the county's irreplaceable agricultural land is now widespread and continues to grow.

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 INTRODUCTION

 FARMLAND PROTECTION  
 IN SOLANO COUNTY

Solano County resembles neighboring Sonoma more than Marin or Napa. An interstate highway traverses the county, and development pressures are high. Home prices are low and development restrictions weak compared to those in neighboring counties. Solano's population grew 45 percent during the 1980s and is expected to increase an additional 66 percent by the year 2020, which would be the greatest increase in the Bay Area.

Solano also is similar to Sonoma in that its agricultural industry is highly diverse. With a total agricultural value of \$37 million, tomatoes are the most important crop, but sugar beets, cattle and calves, nursery stock, alfalfa hay, wheat, lambs, corn and walnuts are significant million-dollar products. The county ranks second in the state in the production of corn, sheep and lambs; third in wheat; fourth in pears, sugar beets and tomatoes; and fifth in barley. As in Sonoma County, this diversity can be an asset or a hindrance to efforts to protect farmland.

A commitment to agriculture, however, is evolving more slowly in Solano than in Sonoma. This is partly due to geography and resources. Water is not as available in Solano as in the other North Bay Counties. Demographics also hinder efforts to protect farmland. The rapid expansion of Solano's cities has resulted in very high annexation rates. Approximately 13,000 acres of land were annexed during the 1980s<sup>22</sup>. This is a critical impediment to protecting farmland and the agricultural industry.

Objections to the county's annexation policy began to emerge in the 1970s, after the Board of Supervisors agreed to allow Anheuser-Busch to build a brewery on prime agricultural land less than two miles outside the city of Fairfield. The brewery set the stage for industrial development of the area. Criticism peaked in 1983, when developers proposed two amendments to the General Plan. The first proposal was to rezone 2,400 acres for Rancho Solano, a 1,200-unit residential community near Fairfield. The second was to rezone 886 acres for Manzanita, a mixed-use development two miles from Vacaville. Critics charged that the proposed developments were contrary to the General Plan policy of urban-centered growth.

### Proposition A

In response to the proposed rezonings, a group of conservationists and a few farmers founded the Orderly Growth Committee. The group sponsored a 1984 ballot initiative that was designed to change the process governing land use decisions for the unincorporated part of the county. Proposition A gave voters the power to approve or deny rezonings from the General Plan's open space and agricultural land use designations. The Board of Supervisors could approve proposed changes only to comply with state law requirements regarding the provision of low-income housing, or if supervisors could make any of six findings outlined in the measure. Findings included:

- The land to be redesignated is not prime agricultural land;
- The land is immediately adjacent to existing comparably developed areas serviced by infrastructure; or
- The use and density proposed would not interfere with accepted farming practices.

Proposition A was narrowly approved by 300 votes. Opponents were concerned that it would slow the pace of development so drastically that the county would suffer from loss of property tax and sales tax revenues, and that individual landowners would lose the development potential of their land. But support for the measure has increased since it was passed. In 1995, the Board of Supervisors voted to reapprove the initiative through 2010. Solano County Farm Bureau President Albert Medvitz backed the Supervisors' decision. His analysis of Proposition A stated that the initiative "... has not damaged and may have helped local government fiscal circumstances by keeping new development in urban housing, commerce and industry within existing urban infrastructure and service areas<sup>23</sup>."

Medvitz's opinion was consistent with conclusions reached by the California Employment Development Department and the Association of Bay Area Governments. These agencies found that during the first nine years of the initiative, Solano's cities annexed 15,143 acres of land. The majority of the annexed land was used for grazing, not crop production. The agencies noted that

[d]espite the size of these annexations, the rate of expansion of Solano city areas is only 25 percent in comparison to a 42-percent increase in population over the same time span. Assuming land conversions would take place because of rapid population growth, by allowing annexations, Proposition A has assured that conversions from rural to urban purposes remain localized around existing municipalities. Large agricultural areas not adjacent to urban areas remain undisturbed by inappropriate urban intrusions<sup>24</sup>.

#### **The Rancho Solano lawsuit and the Solano County Farmland and Open Space Foundation**

Shortly after Measure A was approved in 1984, the Fairfield City Council voted to annex the 2,400 acres of land needed for the development of Rancho Solano. The developers had proposed the annexation after their rezoning request to the county was rejected. The Orderly Growth Committee sued the city over the annexation. The committee stated that the environmental impact report for the development did not contain enough mitigations and that the whole project was unnecessary because considerable land within the city was available for development.

The committee accepted a settlement agreement that included a provision requiring Fairfield to create and fund a private, nonprofit organization the goal of which is to preserve the key agricultural land and open space buffers between Fairfield and its neighboring cities. The city created the Solano County Farmland and Open Space Foundation in 1986. It contributed \$100,000 for start-up costs and lent the foundation \$75,000 for administrative expenses during its first two years. Other than having the power to veto acquisitions (which it has never done), the city's authority and involvement with the foundation ends there.

The foundation is funded through a Mello-Roos District. Properties that are taxed are those within Rancho Solano. This is a unique use of a Mello-Roos District, because these districts typically generate revenues to support projects and programs that will benefit the people paying the tax. The Rancho Solano district uses tax revenues to support conservation efforts outside the city.

Ironically, the survival of the foundation is largely dependent on development within Rancho Solano. Each property within Rancho Solano pays an annual tax of \$16 to \$33 per acre prior to development and \$80 per unit after construction. With approximately 800 units developed, the Mello-Roos district generates approximately \$64,000 annually. Annual revenues were expected to be about \$96,000, but development within Rancho Solano has been slower than expected.

The foundation uses money from the district to repay loans it takes out to acquire land or conservation easements. The district also is supported by fundraising and grants. To date, the foundation has purchased more than 2,000 acres of grazing land and 147 acres of cropland. It has paid between \$700 and \$4,000 per acre. The foundation also holds a 50-acre conservation easement donated by the city. The amount of land protected is relatively small because the demand for land is so high, and Solano County farmers are generally unwilling to sell easements. The approach the foundation feels it must use, therefore, is to buy land in fee simple, then sell it with a conservation easement attached.

### Agricultural protection zoning

Solano County strengthened its zoning ordinance after amending the General Plan in 1980. The plan, which incorporated recommendations from a citizens committee appointed to study land use issues, directs growth to the county's seven cities. It also created the following two categories of agricultural land:

- Essential Agricultural Land: This is productive farmland that has been identified by the local community as necessary to ensure a healthy agricultural economy. Criteria used to make this determination are soil capability, productivity level, parcel size and the overall size of a farming area relative to the ability of agricultural activities to support one another and to be a buffer from urban encroachment.
- Non-essential Agricultural Land: This is land that is to be retained for agricultural use but only until it is found to be necessary to convert these lands to non-agricultural use. The plan recognizes that some non-essential land may eventually be used for rural ranchettes, industry or urban expansion. The plan states, "Cities are encouraged to direct their growth into non-essential areas when the need for additional urban lands becomes necessary."

The zoning ordinance, as amended in 1980, applied these categories to the two categories of agricultural land that already existed: Extensive agricultural land, including non-irrigated agricultural land with lower quality soils (mainly grazing land), and intensive agricultural land, which is irrigated land with high-quality soils. The new zoning districts and their minimum lot sizes were:

- Extensive/non-essential land: 20 acres
- Extensive/essential land: 160 acres
- Intensive/essential land: 40 to 80 acres (the minimum is 40 if the landowner can prove the land is highly productive)

Prior to 1980, the minimum parcel size for intensive land was 10 acres, and for extensive land, 20 acres.

#### **LAFCO amendments**

As in Sonoma County, the Solano LAFCO has been relatively lax in prohibiting or limiting the annexation of agricultural land. In 1987, the LAFCO revised its annexation policy to include guidelines for steering growth away from prime agricultural land. The policy states that this should be done by creating urban growth lines and by encouraging and facilitating the infill of land within a city's limits. Infill is encouraged but not required, because a mandate could increase land values if landowners in the infill area were unwilling to sell. This could slow growth, according to the policy.

The LAFCO's sphere of influence policy is stronger. In 1993, the commission decided to shrink the spheres of influence around the county's major cities. In 1992, approximately 2,800 acres of Class I and II prime agricultural lands were removed from Vacaville's sphere of influence. Shrinking the spheres is designed to create open space between the cities and prevent the cities from merging. This serves the same purpose as creating community separators in Sonoma.

#### **Other farmland protection techniques**

Several other approaches that are unique in the North Bay have been implemented in Solano County. In 1974, Fairfield signed a 32-year agreement with the Solano Irrigation District to pay a penalty any time it extends water service to the Suisun Valley. The valley is dominated by prime soils and is heavily used for agriculture. It is also considered to be one of the county's most desirable areas for development. The agreement was an outgrowth of Anheuser-Busch's request to Fairfield to extend a water line to the Suisun Marsh located in the Suisun Valley. Critics of this proposal said that extending a water line would open up the Suisun Valley to major development. The request was denied and the agreement was signed. As of 1997, no requests had been made to extend services. The county signed a similar, 50-year agreement with the city of Vacaville in 1995.

In 1992, Solano County got a boost from the state with the passage of the Delta Protection Act. The act affects a delta that comprises 10 percent of the county's area, most of which is agricultural land and wetlands. It divides the delta into two zones. The primary zone, which represents 66 percent of the delta, is to remain in its current use. This was the only regional growth management bill passed by the state legislature and signed by the governor in 1992.

Also in 1992, the county and the cities of Benicia, Fairfield and Vallejo established a joint powers agreement designed to preserve 10,000 acres of open space between the three cities, most of which is in the county's extensive agriculture zone. Any proposed conversions of land within this zone must be approved by a group called the Tri-Cities and County Regional Park and Open Space Authority, which includes representatives of the three cities and the county. The Authority's preservation plan also calls for the use of TDR, PACE, clustering, Williamson Act contracts and private land protection initiatives in this area.

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## IS IT WORKING?

Solano County is unique in California in the extent that its population is concentrated in cities. Only 5 percent of the county's population lives in the county's unincorporated areas. Scattered rural development is uncommon. Observers attribute this pattern of growth to the effectiveness of Measure A. Urban growth and annexations, however, still present a serious threat to farmland in Solano County. Funding for the Solano County Farmland and Open Space Foundation is not adequate to address this threat. The future of agriculture in Solano is likely to depend on the use of creative strategies to increase urban density and limit the expansion of cities onto prime agricultural land.

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Napa began using zoning to protect farmland in the 1950s, and Marin implemented APZ in the 1970s. Getting an early start on farmland protection made a big difference for these two counties. Between 1970 and 1995, Napa's population grew by approximately 32 percent; Marin's, by 11 percent. Despite this increase in population, between 1978 and 1992, land in farms increased by approximately 8 percent in Napa and 6 percent in Marin.

## CONCLUSION

Sonoma and Solano counties, which started their farmland protection efforts later, have experienced much larger increases in population. In 1970, Marin and Sonoma counties had approximately the same number of residents—209,000 in Marin and 205,000 in Sonoma. Solano had 172,000, and Napa, just 80,000. Between 1970 and 1995, Sonoma's population grew by 51 percent, Solano's by 53 percent. Between 1978 and 1992, Sonoma lost 11 percent of its land in farms, Solano 5 percent.

Another clear lesson from the North Bay counties is that coalitions are a good strategy to build support for farmland protection. In Marin County, farmers and conservationists worked together to create a PACE program. In Sonoma, disagreements between farmers and conservationists obstructed efforts to protect farmland during the 1980s. When the different interests began to work together on a task force, they developed a proposal that a wide range of residents could support.

Napa and Solano counties provide interesting examples of how farmland protection strategies can be implemented by popular vote. Napa's Measure J and Solano's Proposition A address the impermanence of zoning by making it difficult for elected officials to rezone land from agricultural to other uses. While other jurisdictions have held public votes on PACE programs, Napa and Solano are unique in their use of ballot initiatives to reinforce APZ.

The agricultural land base in Napa and Marin counties appears to be stable and the profitability of Napa's wineries provides extra insurance for the future of the county's agricultural sector. Farmland faces greater challenges in Sonoma and Solano, where population growth is causing rapid urban expansion.

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14. Volker Eisele, *Twenty-Five Years of Farmland Protection in Napa County* (St. Helena, Calif., 1995).
15. *Ibid.*
16. Mary E. Handel and Alvin D. Sokolow, *Farmland and Open Space Preservation in the Four North Bay Counties* (Davis, Calif.: University of California at Davis, 1994).
17. Mary Handel, telephone communication with Erik Vink, May 30, 1997.
18. *Ibid.*
19. Handel and Sokolow, *op. cit.*
20. California Department of Conservation, *op. cit.*
21. Greenbelt Alliance, *op. cit.*
22. Harry Englebright, principal planner, Solano County Planning Department, personal interview with Jill Schwartz, 1995.
23. Albert G. Medvitz, *Six Counties: A Comparative Study of Proposition A in Solano County* (Rio Vista, Calif., no date).
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