CALIFORNIA
Yolo County Approves Farmland Mitigation Ordinance

In a unanimous vote on January 4, the Yolo County Board of Supervisors approved a farmland mitigation ordinance, modeled on the 1995 agricultural mitigation ordinance adopted by the City of Davis in southern Yolo County. The countywide ordinance is significant because it provides a clear, concise example of this relatively new farmland protection tool.

Under the new ordinance, any zoning change "from an Agricultural Zoning Classification to a Non-Agricultural Classification" will require mitigation at a 1:1 ratio. For every acre of agricultural land converted to non-agricultural zoning, one acre of equal or better quality land must be protected permanently by conservation easement or other mechanism. An easement may be granted to the County or another approved entity, or, "upon adoption of an Agricultural Conservation Easement Program by the County," a fee may be paid to fund the purchase of an acceptable easement by the County. The ordinance stipulates that mitigation land must:

- be of comparable or better soil quality than the converted land;
- have comparable water rights (sufficient to support ongoing agricultural use) that cannot be separated from the land;
- be within at least two miles of the converted land, or, if no suitable land is available within a two mile radius, must be of equal or greater conservation easement market value; and
- not be encumbered by an agricultural conservation easement, though it "may overlap partially with existing habitat easement areas."

Furthermore, the developer must provide an endowment to fund the stewardship of the easement. The endowment must be sufficient to compensate the easement holder for all administrative, monitoring and other stewardship costs, including trust funds for legal defense.

Mitigation policies also are found in Washington state and Massachusetts. In Washington, the King County Comprehensive Plan includes a "no net loss" provision regarding its Agricultural Production Districts (APDs). The provision stipulates that "conversion to other uses should occur only when it can be demonstrated that [APD] lands are no longer suitable for agricultural purposes and that their removal will not diminish the effectiveness of farming within the [APD] boundaries. Conversion of [APD] land may occur only if mitigated through the addition of agricultural land abutting a King County [APD] of equal acreage, and of equal or greater soils and agricultural value." In Massachusetts, Executive Order 193 (EO 193) seeks to lessen the extent to which state activities contribute to the conversion of agricultural land. Based on its interpretation of EO 193, the Massachusetts Department of Food and Agriculture seeks mitigation for projects involving state funds that lead to the conversion of agricultural lands, and has successfully secured funds for this protection. The Department also has negotiated for the removal of topsoil from development sites for use by area agricultural operations.


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Still, farmland mitigation is rare. The Yolo ordinance, which reinforces county land use regulations, is a particularly useful model for communities with effective agricultural zoning in place.

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