

AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY APRIL 3, 2014

AMENDED IN ASSEMBLY MARCH 25, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1961

Introduced by Assembly Member Eggman
(Principal coauthor: Senator Wolk)

February 19, 2014

An act to add Section 65040.15 to, and to add Article 10 (commencing with Section 65550) to Chapter 3 of Division 1 of Title 7 of, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1961, as amended, Eggman. Land use: planning: sustainable farmland strategy.

(1) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, a land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. Existing law authorizes a local agency to charge fees for the funding of purposes that include the preparation and revision of land use plans and policies.

This bill would require each county to also develop, on or before January 2, 2018, a sustainable farmland strategy. The bill would require

the sustainable farmland strategy to include, among other things, a map and inventory of all agriculturally zoned land within the county, a description of the goals, strategies, and related policies and ordinances, to retain agriculturally zoned land where practical and mitigate the loss of agriculturally zoned land to nonagricultural uses or zones, and a page on the county’s Internet Web site with the relevant documentation for the goals, strategies, and related policies and ordinances, as specified. The bill would exempt any county with less than 4% of its land use base in agriculture, as specified. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(2) Existing law establishes in the Office of the Governor the Office of Planning and Research with duties that include developing and adopting guidelines for the preparation of and content of mandatory elements required in city and county general plans.

This bill would require the Office of Planning and Research, when it adopts its next edition of general plan guidelines, to include best practices that support agricultural land retention and mitigation, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California is the nation’s leader in food production and
- 4 contributes significantly to our food security.
- 5 (b) California agricultural production depends on soil, water,
- 6 and climate conditions found in one of only five Mediterranean
- 7 growing regions on Earth.
- 8 (c) California agriculture is vulnerable to the impacts of global
- 9 warming, including constrained water resources, increases in
- 10 extreme weather events, and rising sea levels.
- 11 (d) California agriculture is also positioned to provide climate
- 12 benefits by reducing greenhouse gas emissions. Research funded

1 by the California Energy Commission’s Public Interest Energy
2 Research (PIER) program found that an acre of urban land emits
3 70 times more greenhouse gas emissions than an acre of irrigated
4 crop land.

5 (e) California’s growing population places additional demands
6 on both our food supply and on the development of agricultural
7 land for nonagricultural purposes. Over the past 30 years, an
8 average of approximately 30,000 acres of California agricultural
9 land is permanently converted to nonagricultural uses annually.

10 (f) The conservation of a maximum amount of the limited supply
11 of California’s agricultural land is necessary for the maintenance
12 of the agricultural economy of the state, climate change mitigation,
13 enhancement of the state’s natural resources and the assurance of
14 an adequate, healthy and nutritious food supply for the residents
15 of this state and nation.

16 (g) California’s statewide land use planning priorities include
17 the goal of protecting, preserving, and enhancing the state’s most
18 valuable natural resources, including working landscapes such as
19 farm, range, and forest lands.

20 (h) Counties have jurisdiction over the majority of the state’s
21 agricultural land and play a vital role in regulating the use of land,
22 including the conservation of agricultural lands through appropriate
23 zoning and planning activities, as well as determinations of the
24 potential environmental impacts of proposed land use changes.
25 When farmland is converted to nonagricultural uses, agricultural
26 conservation easements can constitute feasible mitigation to lessen
27 impacts on local and regional agricultural resources.

28 (i) It is the intent of the Legislature to ensure that counties
29 recognize that farmland is a limited and valuable resource which
30 must be conserved wherever possible. It is also the intent of the
31 Legislature to ensure that counties with significant agricultural
32 land resources prepare and carry out a sustainable farmland
33 strategy, which along with state and regional programs, will protect,
34 preserve, and enhance the state’s agricultural lands.

35 (j) Certain actions by lead agencies, including those to protect
36 natural resources and the environment, have been identified by the
37 Office of Planning and Research as classes of projects that do not
38 have a significant effect on the environment, and are therefore not
39 subject to the California Environmental Quality Act. The adoption

1 of a sustainable farmland strategy ~~would~~ *could* be considered to
2 be an action to protect natural resources or the environment.

3 SEC. 2. Section 65040.15 is added to the Government Code,
4 to read:

5 65040.15. The Office of Planning and Research, when it adopts
6 its next edition of general plan guidelines pursuant to Section
7 65040.2, shall include best practices that support agricultural land
8 retention and mitigation, including, but not limited to, the
9 following:

- 10 (a) Right to farm ordinances with real estate disclosure.
- 11 (b) Farmland mitigation ordinances.
- 12 (c) Conservation easement purchase programs.
- 13 (d) Economic incentives to promote local agriculture.
- 14 (e) Use of zoning to prevent nuisances and land use conflicts,
15 and to promote commercial agriculture by limiting parcelization
16 of agricultural lands.
- 17 (f) Urban growth boundaries in coordination with incorporated
18 jurisdictions.
- 19 (g) Locally adopted thresholds of significance for California
20 Environmental Quality Act (Division 13 (commencing with Section
21 21000) of the Public Resources Code) review for conservation of
22 grazing lands and farmland of local importance, in addition to
23 existing thresholds for conversion of prime farmland, unique
24 farmland, and farmland of statewide importance.

25 SEC. 3. Article 10 (commencing with Section 65550) is added
26 to Chapter 3 of Division 1 of Title 7 of the Government Code, to
27 read:

28
29 Article 10. Sustainable Farmland Strategy
30

31 65550. For the purposes of this article, the term “agriculturally
32 zoned land” means land that is determined by a county to be
33 designated in agriculture as the primary purpose or use of the zone.

34 65551. (a) The board of supervisors of any county other than
35 a county described in subdivision (e), shall develop a sustainable
36 farmland strategy.

37 (b) (1) The sustainable farmland strategy shall include all of
38 the following:

39 (A) A map and inventory of all agriculturally zoned lands within
40 the county as of February 21, 2014. A county may use the

1 county-level maps of agricultural land developed by the Farmland
2 Mapping and Monitoring Program of the Department of
3 Conservation, general plan maps, or other available local and state
4 maps and resources.

5 (B) A description of the goals, strategies, and related policies
6 and ordinances to retain agriculturally zoned land, where practical,
7 and mitigate the loss of agriculturally zoned lands to
8 nonagricultural uses or nonagricultural zones.

9 (C) A page on the county's Internet Web site that assembles all
10 of the relevant documentation for the goals, strategies and related
11 policies, and ordinances, as described in subparagraphs (A) and
12 (B), as well as reporting on the manner of compliance with this
13 article as required by subdivision (f). The board of supervisors
14 shall also include, on the Internet Web site, a table and map
15 showing the location of lands enrolled in the California Land
16 Conservation Act of 1965, also known as the Williamson Act
17 (Article 1 (commencing with Section 51200) of Chapter 7 of Part
18 1 of Division 1 of Title 5).

19 (2) The board of supervisors of each county shall consult with
20 the *cities located within county boundaries and the local agency*
21 *formation commission and the cities within county boundaries* on
22 the development of the sustainable farmland strategy for that
23 county to ensure that the plans and policies of the cities and the
24 local agency formation commission are taken into consideration
25 and are compatible *promote compatibility of the sustainable*
26 *farmland strategy with the plans and policies of the cities and local*
27 *agency formation commission, including adopted spheres of*
28 *influence and municipal service reviews.*

29 (c) A county may comply with this article by relying on existing
30 inventories and maps of agricultural lands, and existing goals,
31 strategies, and related policies and ordinances that substantially
32 comply with subdivision (b). Any county complying under this
33 subdivision shall summarize and incorporate by reference on the
34 county's Internet Web site a description of how each requirement
35 of this subdivision has been met.

36 (d) The board of supervisors shall update the sustainable
37 farmland strategy as determined to be necessary by the board of
38 supervisors.

39 (e) Any county with less than 4 percent of its land base in
40 agriculture, as determined by the most recent Census of Agriculture

1 by the United States Department of Agriculture, is exempt from
2 this article.

3 (f) On or before January 1, 2018, each county shall affirm
4 compliance with this article by one of the following means:

5 (1) Developing and adopting a sustainable farmland strategy
6 consistent with subdivision (b).

7 (2) Adopting a resolution ~~finding~~ *determining* that the existing
8 county goals, policies, and ordinances have a functionally
9 equivalent strategy that meets the requirements of subdivision (b),
10 pursuant to subdivision (c).

11 (3) Adopting a resolution ~~finding~~ *determining* that the county's
12 agricultural land resources do not meet the threshold described in
13 subdivision (e), and that the county is not required to develop a
14 sustainable farmland strategy.

15 SEC. 4. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 a local agency or school district has the authority to levy service
18 charges, fees, or assessments sufficient to pay for the program or
19 level of service mandated by this act, within the meaning of Section
20 17556 of the Government Code.