

MERCED COUNTY UNIVERSITY COMMUNITY PLAN POLICY DISCUSSION PAPER

Agricultural Resources

For CPAC Discussion: May 31, 2001

INTRODUCTION

Merced County is located near the center of California in the San Joaquin Valley. It is bounded by the Sierra Nevada Mountain to the east and the Coast Range to the west. Merced County ranks as one of the top ten agricultural counties in the state for the overall production of agricultural good and in the top five for some crops. The soil consists of a large fertile alluvial fan in the east side of the county resulting from centuries of erosion in the Sierras.

Various row crops and orchards are grown in the eastern portion of the County due to the water supply and superior soil quality.

ISSUES

Development of the University Community Plan (UCP) area will result in the loss of productive agricultural lands. With the exception of the portion of the Merced Hills Golf Course included in the UCP area, the northern portion of the site is actively used for grazing cattle and the southern portion is used for the production of tomatoes and corn rotated with oats and wheat. Furthermore, lands to the south and southeast are rich farmland soils planted in crops such as almonds, walnuts, cotton, tomatoes and corn. In addition to the loss of agricultural lands within the UCP area, implementation of the UCP could result in the premature conversion or development of surrounding agricultural lands. Given the importance and value that Merced County places on the preservation and conservation of farmland and agricultural productivity, all reasonable efforts should be taken to avoid adverse effects on nearby farmland or agricultural productivity. The following policies would prevent the premature loss of agricultural lands and use within the UCP area and would preserve and protect important agricultural lands surrounding the UCP area.

PRELIMINARY POLICY FRAMEWORK

Agricultural Preservation within the UCP area

Goal 1: Continued agricultural productivity within the UCP area prior to development.

Objective A: Orderly development within the UCP area to minimize impacts to agricultural resources.

Policy 1A-1: Development will be phased from north to south. Locate initial uses in the northern portion of the Community with subsequent phases extending southerly along Lake Road, and the last phases located in the southeast along Yosemite Avenue.

Policy 1A-2: Establish urban development boundaries to define each phase of development.

Policy 1A-3: Require all new development and infrastructure to locate within the defined UCP urban development boundary until a majority of its capacity (75 percent or greater) has been exhausted through the entitlement process. When this threshold is reached, the County will consider expansion of the urban development boundary to the next planned phase.

Objective B: Maximize use of productive agricultural soils within the UCP area

Policy 1B-1: Allow agricultural production to occur within the UCP area, for as long as possible, during development of the site.

Policy 1B-2: Provide materials such as brochures and pamphlets to all future residents of the UCP area informing them about the effects of agricultural activities that states residents within the UCP area may be subject to inconveniences or discomfort arising from the use of agricultural chemicals, such as fertilizers and pesticides; and from the pursuit of agricultural operations including but not limited to, plowing, spraying, and burning which occasionally may generate dust, smoke, noise and odor.

Objective C: Mitigate for the loss of prime farmland within the UCP area.

Policy 1C-1: Require preservation of off-site prime agricultural lands at a one to one (1:1) mitigation ratio for the loss of prime agricultural land within the UCP area.

Implementation

Requirements

Agricultural mitigation shall be required for zone changes from an Agricultural Zoning Classification to a Non-Agricultural Zoning Classification within the UCP area, prior to or concurrent with approval of a change in zoning by the County. Preservation of one acre of agricultural land shall be required for each acre of agricultural land changed to a non-agricultural zoning classification (1:1 ratio). Agricultural mitigation shall be satisfied by one of the following:

1. Granting, in perpetuity, a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to, or for the benefit of, the County and/or other qualifying entity acceptable and approved by the County; and, the payment of fees sufficient to compensate for all administrative costs incurred by the County, easement holder inclusive of trust funds for the purpose of legal defense, monitoring and all other services provided; or
2. Upon adoption of an Agricultural Conservation Easement Program by the County, payment of an in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation easement mechanism consistent with the provisions of this section; and, the payment of fees sufficient to compensate for all administrative costs incurred by the County inclusive of trust funds for the purpose of legal defense, monitoring and all other services provided. The in lieu fee, paid to the County, shall be used for agricultural mitigation purposes only, i.e. purchases of conservation easements.

Eligible Lands

Lands shall meet all of the following criteria to qualify as agricultural mitigation:

1. The soil quality (Storie Index of 60 or greater) of agricultural mitigation land shall be comparable to or better than the land which is converted to a non-agricultural zone or better;
2. The land shall have an adequate water supply for the purposes of irrigation. The water supply shall be comparable to, or better than, the land that is the subject of a change in zoning classification, and shall be sufficient to support ongoing agricultural uses. The water supply shall be protected through legal instrument acceptable to County Counsel which ensures that water rights permanently remain with the mitigation land;
3. The mitigation land shall be located within the County of Merced east of the City of Merced and south of the UCP area.
4. The mitigation land may overlap partially with existing habitat easement areas, as determined by the County and approved by the California Department of Fish and Game; however, land previously encumbered by any other agricultural conservation easement shall not qualify, or be used for agricultural mitigation.

Instruments

All farmland conservation easements, farmland deed restrictions, or other farmland conservation mechanisms shall be implemented through a legal instrument acceptable to County Counsel and signed by all owners with an interest in the mitigation land. The instrument shall prohibit any activity which substantially impairs or diminishes the agricultural productivity of the mitigation land.

Instruments that convey interest in the mitigation land to a qualifying entity, shall name the County the beneficiary. If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall pass to the County, or other qualifying entity as acceptable and approved by the County.

- Policy 1C-2: During build-out of the UCP, designate areas of prime farmland as community gardens.
- Policy 1C-3: Where possible, existing prime agricultural land within the UCP area shall be incorporated as open space into the final design of the community. Open space uses could parks, community gardens, educational/research activities.

Agricultural preservation for lands outside the UCP area

Goal 2: Strengthen economic and social linkages between UCP urban consumers and regional small scale farms.

Objective A: Promote Community Supported Agriculture by allowing local farmers to deliver agricultural products directly to consumers.

Policy 2A-1: Encourage the development of agricultural retail businesses by promoting local agricultural events and other direct marketing programs by advertising for them through regional media.

Policy 2A-2: Facilitate a farmers' market in the UCP area by providing a suitable low-cost site in a central location and other resources to develop and promote it.

Policy 2A-3: Increase access to affordable fruits, vegetables, and healthy food for all UCP residents through support of farmer's markets, community supported agriculture, produce stands and other farm to neighborhood marketing strategies.

Policy 2A-4: Provide accurate, on-going, and culturally appropriate nutrition education to residents promoting increased consumption of fruits, vegetables and complex carbohydrates.

Policy 2A-5: When possible, encourage the use of local agricultural goods for use in local restaurants, schools, and grocery stores.

Goal 3: Permanent preservation of important farmlands south and east of the UCP area.

Objective A: Permanently protect land located south of Yosemite Avenue, east of the City of Merced, west of Arboleda, and north of Highway 140.

Policy 3A-1: Rezone land south of Yosemite Avenue, east of the City of Merced, west of Arboleda, and north of Highway 140, to allow a minimum parcel size of 80-acres per dwelling unit.

Policy 3A-2 : The SUDP boundary shall be an urban limit line, defining the ultimate development area of the UCP.

Policy 3A-3: Future conservation easements should be targeted for land located south of Yosemite Avenue, east of the City of Merced, west of Arboleda, and north of Highway 140.

Implementation

Refer to 1C-1

Policy 3A-4: Restrict urbanization of prime agricultural land east of the City of Merced's SUDP and south of the UCP SUDP.

Implementation

Lands shown under the "Agricultural" land use designation located south of Yosemite Avenue, east of the City of Merced, west of Planada, and north of Highway 140, maybe re-designated to an urban designation, or to a rural residential designation, if and only if the Board of Supervisors makes each of the following findings:

§ The approval will not constitute part of, or encourage, a piece-meal conversion of a larger agricultural area to nonagricultural uses, and will not alter the stability of land use patterns in the area;

- § The land proposed for re-designation is not prime agricultural land as defined by the California Department of Conservation;
- § The subject land is unsuitable for agriculture due to terrain, adverse soil conditions (Storie Index 59 or below), drainage, flooding, parcel size or other physical factors, such that it has no substantial economic value under the “Agriculture” designation;
- § The use and density proposed are compatible with adjacent agricultural uses and will not interfere with accepted farming practices;
- § The land is immediately adjacent to existing comparably developed areas and that the applicant for the redesignation has provided substantial evidence that existing public services can accommodate the development;
- § All re-designations shall be limited to a minimum of 80 acres for any one landowner, in any calendar year.

Objective B: Establish coordinated intergovernmental agricultural preservation strategy

Policy 3B-1: Establish an Agricultural Green Belt Agreement with the City of Merced.

Implementation

Enter into an agreement with the City of Merced that:

1. Reiterates the commitment of both jurisdictions to preservation of agricultural lands east of the City of Merced;
2. Requires approval by both the City Council and the Board of Supervisors for changes of zoning to urban uses within the area bounded by Yosemite Avenue, Highway 140, Arboleda Road, and the City of Merced SUDP.

Objective C: Infrastructure for the UCP area will be designed to accommodate development of the UCP.

Policy 3C-1: Infrastructure should be designed to only accommodate development within the UCP SUDP boundary.

Objective D: Minimize agricultural and urban land use conflicts

Policy 3D-1: A 250-foot buffer will be established at the southern edge of the UCP area. This buffer will allow passive uses such as open space, parks, organic farming, or natural preserves.

Implementation

A windrow of trees will be planted along Yosemite Avenue to clearly define the boundary edge and to shield residents from agricultural activities that occur south of the UCP area.

Policy 3D-2: Provide all future UCP residents with a copy of the Merced County Right-to-Farm ordinance and provide literature describing the effects of agricultural activities that states residents within the UCP area may be subject to inconveniences or discomfort arising from the use of agricultural chemicals, such as fertilizers and pesticides; and from the pursuit of agricultural operations including but not limited to, plowing, spraying, and burning which occasionally may generate dust, smoke, noise and odor.