

Contra Costa LAFCO's Agricultural & Open Space Preservation Policy Background and Chronology - December 2016

Development of a LAFCO agricultural & open space preservation policy (AOSPP) was identified years ago as part of the Commission's ongoing efforts to update its Policies & Procedures. The discussion was elevated in March 2015, at which time LAFCO's Policies and Procedures Committee ("the Committee") presented a report to the Commission, along with a summary of the Committee's research, relevant LAFCO statutes, and a collection of LAFCO policies and procedures representing 18 different LAFCOs from around the State.

On July 8, 2015, Contra Costa LAFCO hosted an (AOSPP) workshop featuring 15 speakers representing a broad range of regional and local interests including: Brentwood Agricultural Land Trust, Building Industry Association of the Bay Area, California Rangeland Trust, Contra Costa Association of Realtors, Contra Costa County Agriculture/Weights & Measures, Contra Costa County Department of Conservation & Development, Contra Costa County Farm Bureau, Contra Costa LAFCO, East Bay Leadership Council/Contra Costa Economic Development Partnership, East Bay Regional Park District, Greenbelt Alliance, Save Mt. Diablo, Sierra Club (East Bay), and The American Farmland Trust.

The workshop was well attended and provided time at the end for questions and dialogue. The workshop was also aired on CCTV. *Many of the stakeholder organizations that participated in the July 2015 LAFCO AOSPP workshop have informative websites. We have provided links to these stakeholder organizations at the end of this chronology.*

The purpose of the workshop was to engage stakeholders and begin a discussion as to whether or not Contra Costa LAFCO should develop a local AOSPP, like other LAFCOs around the State; and if so, what should the Contra Costa LAFCO policy address.

The conversation continued throughout the summer and fall. The Committee and County GIS presented a series of maps depicting prime agricultural soil, important farmland, land covered under Williamson Act land contracts, parks and protected open space areas, areas with and without urban services, urban growth boundaries, and related features. The maps were intended to show important agricultural and open space areas that could potentially be at risk. *Please contact the LAFCO office for additional AOSPP background information (e.g., July 2015 Workshop Material, maps, comments letters/emails, etc.).*

Subsequently, the Commission directed the Committee to reach out to various local agency groups to gauge their level of interest in a LAFCO AOSPP. In October and November 2015, the Committee reported on its meetings with these groups, including the Contra Costa Transportation Authority (CCTA), Contra Costa Public Managers Association (PMA), County/City Planning Directors (CCPD), and the Contra Costa Special Districts (CCSDA). Through these meetings, we learned that the groups are generally interested in a LAFCO AOSPP and wish to be kept apprised of LAFCO's progress.

In November 2015, the Commission directed the Committee to draft guidelines relating to agriculture and open space preservation that focus on the LAFCO application requirements and procedures.

In January 2016, the Committee presented proposed revisions to LAFCO's *Questionnaire for Amending a Sphere of Influence (SOI), Questionnaire for Annexations, Detachments and*

Reorganizations, and Procedures for Processing Boundary Changes. The Commission agreed with the proposed revisions, and also directed the Committee to draft an AOSPP and discuss the draft policy with the various local agency groups (i.e., CCTA, PMA, CCPD, CCSDA). Meetings with these groups occurred in March and April 2016.

In March 2016, the Committee presented to the Commission the first draft AOSPP. Based on the Commission's prior direction, the draft policy complements the recent updates to the LAFCO questionnaires and procedures, which now include an agricultural and open space impact analysis. Also in March 2016, the Commission received a number of written and verbal comments. The Commission directed the Committee to reach out to the County, cities/towns, and special districts to solicit input on the draft LAFCO AOSPP.

In late March 2016, the Committee sent letters to the County Administrator and City Managers, County and City Planning Directors, and all independent special districts. The letter included a brief history of LAFCO's work on the AOSPP, copies of the revised LAFCO application forms and procedures, and the draft AOSPP. The letter urged the local agencies to discuss LAFCO's draft AOSPP with their councils, boards, and other interested parties in their communities.

Following the March 2016 LAFCO meeting, Committee members and the LAFCO Executive Officer discussed the draft AOSPP with other interested parties including the Martinez Kiwanis Club, East Bay Regional Park District's Liaison Committee, and the Watershed Forum. And at the City of Brentwood's request, Commissioner Tatzin and the LAFCO Executive Officer made presentations to the Brentwood City Council on May 10th and to the Brentwood Land Use and Development Committee on June 2nd.

In July 2016, the Committee returned to the Commission with a revised draft AOSPP which incorporated comments received from stakeholders and Commissioners. In response to the policy presented in July, LAFCO received dozens of written comments and heard from 13 public speakers, many of whom requested that stronger mitigation measures be included in LAFCO's policy.

While the Commission agreed that the draft policy presented in July 2016 was more robust, the Commission requested further clarifications and refinement of the policy. In addition, the Commission asked that the Committee also prepare an alternative version of the policy to include required mitigation.

Following the July 2016 LAFCO meeting, the Committee had further discussions with building, environmental and farming representatives. Also, several Commissioners and LAFCO staff, toured Frog Hollow Farms and talked with farmer/owner Al Courchesne about farming and sustaining agriculture in Contra Costa County.

In September 2016, the Committee returned to the Commission with two policies – Version 1 (applicant proposed mitigation) and Version 2 (required mitigation) – both of which reflected the Commission's prior comments and direction, and many of the comments received from interested parties. At this time, the Committee also presented a *Frequently Asked Questions* document to provide further clarification on key issues, and respond to a number of recurrent questions and misperceptions (FAQ is available on the LAFCO website).

During the discussion in September, the Commission received valuable public input regarding the two versions. Commissioners appeared to be almost equally split between preferring Version 1 and Version 2. The Commission continued the matter to the November 9, 2016 LAFCO meeting to allow the Policy Committee to make further refinements based on comments provided in September, and to allow LAFCO staff to further analyze any potential CEQA implications associated with the policy.

In November 2016, the Committee presented a new version of the AOSPP – *Version 3* – that blends what the public and Commissioners said were the best features of *Versions 1 and 2*, while addressing other concerns. *Version 3* was designed to provide applicants with more flexibility to propose conditions, while outlining an example set of conditions that LAFCO would generally find to be sufficient for the purposes of preserving prime agricultural, agricultural, and open space lands.

In November 2016, the Commission considered all three Versions prepared by the Committee, and ultimately adopted Version 1 with edits subject to review on December 14, 2016.

Also in November, the Commission was provided a legal analysis which generally concluded that adoption of an AOSPP (e.g., Version 3) is not a project under CEQA because the policy only provides a framework for satisfying LAFCO’s existing obligations under state law.

Finally, after 18 months of policy work and extensive outreach, on December 14, 2016, the Commission made final edits to the Contra Costa LAFCO Agricultural & Open Space Preservation Policy, including a provision to review the policy again in one year. The policy reflects the interests of the many stakeholders in Contra Costa County, including the agricultural, environmental and development communities.

We extend our sincere thanks to all who participated and provided input.

Stakeholder Organization Website Links

American Farmland Trust

From the early days, American Farmland Trust (AFT) has been a strong advocate for voluntary conservation practices and programs that preserve not just land but also our precious soil and water supplies. In the 35 years since AFT began, it has seen farmland preservation transform into a national movement that has protected well over five million acres nationwide.

Brentwood Agricultural Land Trust

Brentwood Agricultural Land Trust (BALT) was established in 2002 to preserve Contra Costa’s productive agricultural land and work with farmers and the community to create a vibrant local agricultural economy. BALT has permanently protected nine farms and has been instrumental in reforming County zoning to support a sustainable economic future for Contra Costa farmers. Together with local government and other community-based organizations, BALT is creating food connections between Brentwood farmers and their urban neighbors.

Building Industry Association of the Bay Area

The Building Industry Association of the Bay Area (BIA) is a professional, nonprofit association committed to promoting housing for people of all income levels and the production of quality homes. BIA Bay Area’s membership comprises about 300 home builders, trade contractors, suppliers and industry professionals in the Bay Area. The BIA Governmental Affairs department advocates for public policies aimed at ensuring an adequate supply

of quality, affordable housing in the Bay Area. In doing so, BIA Bay Area is working hard to increase homeownership in the Bay Area and promote a healthy, growing regional economy.

California Rangeland Trust

The California Rangeland Trust (CRT) is a nonprofit organization founded by a group of innovative cattlemen and cattlemen in 1998, to conserve the open space, natural habitat and stewardship provided by California's ranches. To date this organization has helped permanently protect over 285,000 acres of privately owned rangeland.

Conservation Lands Network Explorer

This online mapping website allows users to easily access numerous data layers including vegetation types, species present, creeks, watersheds, and where a property fits into the Conservation Lands Network, a plan for conserving biodiversity in the Bay Area. It could be very useful for reviewing potential impacts of proposed projects to open space, although not so much for agriculture.

Contra Costa Association of Realtors

Contra Costa Association of Realtors (CCAR) serves its members with relevant products and services, promoting the highest standard of professionalism, while safeguarding real property rights.

Contra Costa County Department of Agriculture/Weights and Measures

The Contra Costa County Department of Agriculture, under the direction of the California Department of Food and Agriculture, Department of Pesticide Regulations and Division of Measurement Standards, is responsible for conducting regulatory and service activities pertaining to the agricultural industry and the consumers of our county. The primary purpose and objective of this office is the promotion and protection of the county agricultural industry, the environment, and the citizens.

Contra Costa County Department of Conservation and Development (DCD)

The DCD oversees the County General Plan and land use activities, code enforcement & building inspections, coordination of planning activities (i.e., advance, current, transportation, water), housing & economic development programs, infrastructure, conservation & solid waste, federal and non-federal grant administration (e.g., CDBG, Measure WW, Keller Canyon, Housing Rehabilitation), vehicle abatement, and various resource conservation (i.e., habitat, Williamson Act, watershed) and sustainability (e.g., composting/gardening, green building, recycling, weatherization, etc.) programs. **(New description)**

Contra Costa Economic Partnership

Founded in 1995, the Economic Partnership is a coalition of business, education and public sector leaders dedicated to promoting economic vitality and an excellent quality of life in the East Bay region. The Partnership works collaboratively to support and expand existing businesses, and to attract high-wage, high-skill jobs and emerging technology companies to the region. The Partnership's vision includes implementing a comprehensive, long-term economic strategy to create a welcoming and innovative business environment to foster development of new industry and accelerate the growth of existing businesses.

East Bay Leadership Council

Employers and community leaders founded the East Bay Leadership Council (EBLC) nearly 80 years ago with one objective: to work together to advocate on public policy issues affecting the economic vitality and quality of life in our East Bay community. The EBLC remains focused on its founding principle by evolving to address the priorities of its diverse membership, collaborating with regional leaders, developing public policy in issues-driven task forces, taking action through direct advocacy, and sponsoring events that inform and engage the Contra Costa and Tri-Valley region.

East Bay Regional Park District

The East Bay Regional Park District (EBRPD) is a system of parklands and trails in Alameda and Contra Costa counties east of San Francisco. The system comprises 119,000 acres in 65 parks, including over 1,250 miles of trails. EBRPD acquires, manages, and preserves natural and cultural resources for all to enjoy now and into the future. EBRPD parks are ideal for healthful recreation and environmental education. All are invited to enjoy hiking, biking, picnicking, horseback riding, camping, fishing, golfing, boating and nature study in EBRPD parks.

East Contra Costa County Habitat Conservancy

The East Contra Costa County Habitat Conservancy is a joint exercise of powers authority formed by the Cities of

Brentwood, Clayton, Oakley and Pittsburg and Contra Costa County to implement the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP or Plan). The HCP/NCCP provides a framework to protect natural resources in eastern Contra Costa County, while improving and streamlining the environmental permitting process for impacts on endangered species. The Plan will allow Contra Costa County, the Contra Costa County Flood Control and Water Conservation District, the East Bay Regional Park District and the Cities of Brentwood, Clayton, Oakley, and Pittsburg (collectively, the Permittees) to control endangered species permitting for activities and projects in the region that they perform or approve. The Plan also provides for comprehensive species, wetlands, and ecosystem conservation and contributes to the recovery of endangered species in northern California. The Plan avoids project-by-project permitting that is generally costly and time consuming for applicants and often results in uncoordinated and biologically ineffective mitigation.

Greenbelt Alliance

Greenbelt Alliance (GA) advocates for, provides expertise on, and builds support behind public policy and planning that supports open space conservation and smart growth. GA defends the Bay Area's natural and agricultural landscape from development—from the natural lands that shelter wildlife and provide fresh water to the farms and ranches that provide local food. The organization shapes the rules that make great cities, towns, and neighborhoods—healthy places where people can walk and bike, communities with businesses, parks, shops, transportation options, and homes that are affordable. Together these amazing places drive the Bay Area's economic vitality and quality of life.

John Muir Land Trust (need to create a link)

The John Muir Land Trust (JMLT) was founded 25 years ago and is a steward of natural resources in Contra Costa County. Through land acquisition and protection, the JMLT continues to care for places that make Contra Costa special, for generations to come. **New organization**

Save Mount Diablo

Save Mount Diablo's (SMD) mission is to preserve Mount Diablo's peaks, surrounding foothills and watersheds through land acquisition and preservation strategies designed to protect the mountain's natural beauty, biological diversity and historic and agricultural heritage; enhance the area's quality of life; and provide recreational opportunities consistent with protection of natural resources. Among other efforts, SMD: • Protects natural lands through purchases, gifts and cooperative efforts with public and private entities; • Educates the public regarding threats to the mountain's flora, fauna, and beauty, and to the history and heritage of the mountain and its surrounding foothills; • Partners with landowners to preserve their property and to ensure that they receive fair value in any transaction aimed at preserving open space; • Works in partnership with Mount Diablo State Park, East Bay Regional Park District, and other public and private entities to increase and manage natural lands and to identify mitigation opportunities; and • Participates in the land use planning process for projects that could impact Mount Diablo and its surrounding foothills.

Sierra Club East Bay

The Sierra Club is a grassroots, volunteer-driven environmental advocacy organization. An executive committee composed of volunteers elected by their fellow Bay Chapter members oversees essential functions for the entire chapter. Among other responsibilities, the Chapter Executive Committee sets local conservation policy, endorses political candidates, and administers programs and activities. Elected volunteer leaders also serve on the Executive Committees of the Sierra Club's eight regional groups.