City of Davis

Agricultural Preservation Program

Adopted November 1995
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City of Davis Open Space Inventory

Open Space Inventory Map

Right to Farm and Farmland Preservation Ordinance Staff Report, November 1995

Right to Farm and Farmland Preservation Ordinance

Nexus Study and Evaluation of the Right to Farm and Farmland Preservation Ordinance
Program Description
The City of Davis is bordered on all sides by active farmland. The City retains a connection with its rural heritage and has maintained a strong commitment to preserving prime farmlands and agricultural activities. The Davis General Plan reflects this commitment with specific policies calling for the protection of prime farmland, creation of buffers between urban and agricultural uses, and maintaining a compact urban form. One of the primary methods of implementing these policies is the farmland preservation ordinance. The ordinance carries out two primary functions: (1) minimizing conflicts between land uses at the rural-urban edge and (2) preserving prime farmlands. Conflicts at the rural-urban edge are addressed through deed restriction requirements notifying home owners that nearby agricultural operations have the right to continue, grievance procedures to handle urban-agricultural conflicts, and requirements for buffers between rural and urban land uses. Farmland preservation is addressed through a requirement that for every acre of farmland converted to urban uses, two acres of comparable farmland is preserved in perpetuity (2:1 ratio). Lands identified by developers to satisfy this requirement must meet several standards including: (1) comparable soil quality, (2) adequate water supply to allow continued farming, and (3) no encumbrance of the land that precludes future farming (e.g., partial urban development). Flexibility is built into the ordinance allowing the City to accept in-lieu fees to cover the cost of acquisition and management of agricultural conservation easements. Location of easements accepted or purchased by the City have been coordinated through an open space plan. Easement lands are organized to provide large contiguous blocks of land that provide farmland value, habitat value, and serve to define urban form.

Farmland protection policies included in the 2001 General Plan Update increased the replacement ratio from 1:1 to 2:1 – requiring the conservation of two acres of prime farmland for every acre converted to urban uses and required mitigation lands to be located adjacent to new projects.

Results
- Since passage of the ordinance in 1995, the City has secured agricultural conservation easements totaling over 2,000 acres.
- The City has received over $1.2 million dollars in in-lieu fees as a result of the farmland preservation ordinance.
- In-lieu fees have been used as matching funds for California Farmland Conservancy Program and Federal Farm and Ranch Land Protection Program grants.

Details
- The City approves the location and terms of each conservation easement. The Yolo Land Trust co-holds many of the easements with the City. The primary responsibility of the Land Trust for co-held easements is monitoring compliance with the terms of the easement.
- All easements must be located within the Davis Planning Area (160 sq. miles) – new requirements for adjacent mitigation are being developed.
- Development of the original ordinance took nearly a year to complete. The process involved substantial public input from citizen groups, the farming community, developers, County staff, and the Land Trust.
- Prior to adopting the ordinance, the City conducted an economic analysis and nexus study.

Contacts
City of Davis: Mitch Sears, Open Space Planner, (530) 757-5626
Web site: www.cityofdavis.org

Yolo Land Trust: Kathryn Kelly, Executive Director, (530) 795-3110
Web Site: www.yololandtrust.org
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The inventory includes the open space and agricultural properties either owned in fee or held as conservation easements by the City and its partners.
Initial Staff Report and Ordinance
Staff Report

October 18, 1995

TO: City Council

FROM: Jeff Loux, Planning Director
       Doris Michael, Senior Planner

SUBJECT: Draft Right-to-Farm and Farmland Preservation Ordinance

Recommendation
1. Open the public hearing.

2. That the City Council introduce the draft Right-to-Farm and Farmland Preservation Ordinance (Attachment 1).

3. That the City Council accept the analytical report (Attachment 2) prepared by Economic Planning Systems.

4. Provide any recommendations regarding the draft ordinance dated October 19, 1995 and final report.

5. Concur with the Planning Commission recommendation that the Planning and Building Department in cooperation with the county ag commissioners establish an annual community noticing process and pursue the concept of establishing additional wind monitoring stations.

6. Concur with the Planning Commission recommendation to reevaluate the farmland preservation portion of the ordinance when the Habitat Management Plan is adopted to ensure that the two programs are fully consistent.

7. Concur with the Planning Commission recommendation that the Council ask the Natural Resources Commission to investigate what measures the city can take to address pesticide drift.
Fiscal Impact
The report prepared by Economic Planning Systems (EPS) analyzes the fiscal implications the ordinance would have on the farm and development community, the city and the public, and addresses the relationship or "nexus" between the ordinance requirements and the impacts of development. There would be some increased costs in administering the ordinance, although these can be offset with fees. There would be some overall capital savings in achieving a part of the Davis Greenbelt.

Background
Jan. 1994 Davis City Council directed city staff to prepare a Right-to-Farm and Farmland Mitigation Ordinance to codify current city practice. (Attachment 3 summarizes the city's current agricultural mitigations.)

Summer '94 Staff contacted 60 people and two general plan committees asking for their thoughts about the city drafting an ordinance to protect farmland.

Oct. 1994 First Draft Right-to-Farm and Farmland Mitigation Ordinance was distributed to 50 interested parties for comments.


Jan-May '95 Staff reconsidered parts of the draft ordinance based on the comments received; and hired EPS to assist staff in developing a fiscally feasible, legally defensible and implementable ordinance.

7/13/95 125 people were invited to provide comments on second draft ordinance by August 14, 1995. Mailing list included: farmers, landowners, chairs of Open Space and Environment Committees, ag commissioners, developers, and others. Letters are found in attachment 4.

8/31/95 Natural Resources Commission and public provided comments. Summarized comments are found in attachment 5.

9/7/95 25 people attended a general public workshop and provided comments about the ordinance. Refer to attachment 6 for a summary of the comments.
Planning Commission held a public hearing. The commissioners expressed a concern about spray in the buffer areas. The commissioners supported the concept of in-lieu ag fees so that easement location would not conflict with the city's ultimate size. Comments are summarized in attachment 7.

Staff worked with City Attorney Harriet Steiner to revise the draft ordinance to address the public and Planning Commissioners' concerns.

The Natural Resources Commission held a public hearing and recommended approval of the draft Right to Farm and Farmland Preservation Ordinance, subject to a few changes. Attachment 8 summarizes comments and action.

The Planning Commission held a public hearing and by a six to one vote, recommended approval of the draft Right to Farm and Farmland Preservation Ordinance, subject to a few changes. Attachment 9 summarizes comments and action.

Staff worked with Harriet Steiner to make final revisions to the ordinance to address the commissions' comments.

Environmental Review/General Plan Consistency
An initial study (Attachment 10) was prepared that revealed that the previous 1990 Open Space Element, 1987 General Plan and 1993 Transportation and Circulation Element EIRs already addressed the impacts associated with the implications of this ordinance.

This ordinance is also an implementation measure of the Open Space Element and the General Plan. The EPS report listed all relevant general plan policies and notes the impacts the loss of farmland would have on the community.

Analysis
The purpose of this ordinance is to help preserve farmland. This is not explicitly a spray buffer ordinance. The City does not regulate agricultural pesticides, herbicides or similar materials. Only the State via the ag commissioners or federal government can regulate farming herbicides and pesticides.
The Draft Right-to-Farm and Farmland Preservation Ordinance comprises three primary components:
- Right-to-Farm
- Farmland Preservation
- Agricultural Buffers

Right-to-Farm
The Right-to-Farm portion is mainly a property owner or tenant notification process for any new subdivisions where the land is located within 1000 feet of farmland. The notice will state that the city of Davis is a farming community that supports legally operated farming practices. The notice will inform the public that the city has a grievance process with a hearing officer for those legal activities that are considered by the neighbors to be a nuisance. The complainant and farmer are urged to seek the ag commissioner’s opinion as to whether the activity under question is considered a legal standard farming activity or not.

Separate from the ordinance, staff intends to work the agricultural commissioners of both Yolo and Solano counties to establish an annual noticing process so that people who are concerned about a farming operation activity will know whom to contact. Staff also intends to work with the ag commissioners to investigate the concept of adding wind monitoring stations in the area to assist farmers in spraying under the best wind conditions.

This ordinance went through a series of changes. The most notable changes involved making the notice easier to read and it advises the public that the city does not condone illegal farming activities. It also states that the Ag Commissioner should be contacted should some one suspect illegal farming activities.

Two people requested that the noticing requirements be expanded. The ordinance was not changed to increase the 1000 foot distance noticing requirement nor does it include notification of existing developments for the following reasons:

- The distance proposed in the ordinance is double what the city now requires.
- Most right-to-farm ordinances require notifications of between 500 feet to 1000 feet.
- A citywide annual noticing program, as now proposed, would reach more people for less cost, time and effort.
- The Urban Ag Task Report prepared in 1989 recommended the city implement a right-to-farm ordinance for new developments only.
City Council Staff Report  
Subject: Draft Right-to-Farm and Farmland Mitigation Ordinance  
October 18, 1995  
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- Some of the public in existing areas felt it would be more difficult for them to sell their land, even conceivably affecting property values, if a notice was now placed in the deed.
- It would be an extra burden for title companies, realtors and property owners that could be handled by an annual community notice.

Farmland Preservation (Mitigation)  
This portion of the ordinance would require developers to partially mitigate the loss of agricultural land on a 1 to 1 replacement basis on land within the Davis Planning area with either a conservation easement or by payment of in-lieu fees. (The Davis Planning Area encompasses 55,000 acres and is bordered on the north by County Road 27, to east by the Yolo Bypass, to the south by Tremont Road and to the west by County Road 97 D. See attachment 11.)

As was requested by the Planning Commission, staff revised the ordinance so that a developer would have two equal options in which to satisfy the 1 to 1 farmland conversion requirement. The options included are:

- 1 to 1 replacement on land with an easement; or

- In-lieu fees based on 1 to 1 replacement ratio based on fair market value and an adequate amount of fees to cover all city costs.

When people agree to place their land in an easement, the easement states that the land must remain in farming and that urban uses are prohibited. The owner retains fee title to the land and farms the land as usual. The only change is that the city and land trust would now oversee the easement provisions to ensure that the land would not be converted to urban uses.

The amount of the in-lieu fees would be set by Council at a later date by resolution and the fees would need to cover all administrative costs, including acquisition, negotiation, legal and recording fees. The in-lieu fees could only be used for farmland preservation purposes. The most likely scenario would be that the city would use the money to acquire land, place a conservation easement on the land and then sell the land.

Please note that whatever option is chosen, the Planning Commission and the City Council ultimately decide whether the land being proposed for the easement or mitigation would not conflict with the city's long term goals.
At one time, the ordinance included a 500 foot wide buffer option at the city edge, in lieu of paying in-lieu fees or placing an easement on land at a 1 to 1 replacement ratio. We eliminated this provision because it created confusion and complexity, and the likelihood of applicants choosing this option was low.

As a response to comments by the public and commission, the following changes were made:

- This ordinance allows 20 percent of the land to be enhanced for habitat instead of the original proposal of 10 percent.
- The standard for the similar amount of soils was generalized so there is no reference to the soil index.
- The ordinance was clarified so that the land with a specific easement cannot be double-counted for the same purpose by another person. It was also clarified that land without development potential, such as the Yolo Bypass or creek bottom, could not be used for farmland mitigation. The ordinance still allows the same land to be used for mitigation for more than one resource.
- The ordinance name was changed from farmland "mitigation" to farmland "preservation" ordinance, acknowledging that the city can only partially mitigate the loss of agricultural land.
- This section of the ordinance includes that the easement location would receive a recommendation from the cities of Woodland and Dixon and the Natural Resource Commission.
- The Planning Commission added that the Natural Resources Commission would be responsible for monitoring the easements with the Planning Commission making a recommending on the location.
- The Planning Commission also recommended the ordinance include an annual assessment.

Some people suggested that the agricultural mitigation replacement land should be allowed outside the planning area. Staff did not change this provision for the following reasons:

- It is a stronger nexus if the land is within the planning area;
- There is a considerable amount of land available for easements at this time;
- The property values are still very competitive with the rest of the surrounding county areas; and
The Farm Bureau has agreed that a 1 to 1 ratio is the appropriate level of mitigation for land within the Davis Planning area (Chair of the Land Use Committee stated that if the city decides to allow easements outside the planning area, then the requirement should be increased to a 6 to 1 replacement ratio.)

There may be a time when the area for mitigation should be expanded and the ordinance should be amended. Once the Habitat Management Plan is completed and the details are available, it might be appropriate for the city to amend the ordinance. For example, the city may find that it would be advantageous to encourage easements on certain lands outside the planning area for mitigating more than one resource. At this time, it appears that the draft habitat conservation plan will dovetail very well with the Davis agricultural preservation approach. Staff recommends that the Planning and Building Department revisit this issue after the Habitat Conservation Plan is completed, which should be within the next several months.

**Ag Buffer**

This section of the ordinance requires any developer proposing urban uses adjacent to agricultural land to provide a minimum 150 foot wide agricultural buffer. The buffer would contain two parts:

- 50 foot transition area that could contain bike/pedestrian paths or trails and landscaping; and

- 100 foot no public access area that would contain landscaping, native plants, or tree rows. Farming would be allowed if the developer agrees to use integrated pest management practices. In some instances this area could contain a storm retention pond, drainage channel or railroad.

As was requested by the Planning Commission, the staff sought City Attorney, Harriet Steiner's advice as to whether the city could regulate the use of pesticides and herbicides in the proposed buffer areas. Ms Steiner said the city could regulate pesticide/herbicide use through a voluntary arrangement, such as, a development agreement, an easement or a lease.
The staff revised the list of permitted uses in the buffer area as a result of the planning commissioners' interest in seeing spray use in the buffer area reduced even though the most hazardous materials can not be legally used in this area. The ordinance lists various uses as permitted uses (landscaping, native plants, tree rows, hedgerows and ponds) with agricultural being permitted if the uses are consistent with intent to encourage the use of integrated pest management practices in the buffer area.

Since a management plan and an easement is required for the buffer area, staff feels we can work with the property owner to propose appropriate agricultural uses for the buffer area and see that the amount of spray is minimal. The most likely scenario for this land would be similar to our original proposal of seeing the no public access buffer land containing native plants, landscaping, trees and a fence. We also expect that the developer would elect to deed this land to the city. The ordinance was also changed so that the maintenance plan would also include monitoring pesticide residue. Please refer to attachment 12 to see what the buffer would look like.

As noted in the Natural Resources Commission September 28, 1995 minutes, the Natural Resources Commission recommends the Council increase the buffer requirements by 50 feet so that developers would be required to provide a 200 foot wide buffer consisting of a 100 foot public access area and a 100 foot no public access area. The Natural Resources Commission felt the public access portion of the buffer needed to be wider to help protect the public from farming operations. The Planning Commission concurred with the staff recommendation that the buffer should be 150 feet wide.

Reasons for Recommendation

Right-to-Farm
- The notification process is consistent with past city practice for seven projects.
- Would double current 500 foot noticing distance to 1000 feet.
- Is consistent with Farm Bureau model ordinance.

Farmland Preservation
- Consistent with past City Council direction for seven projects.
- Consistent with the American Farmland Trust (AFT), Yolo Land Conservation Trust and Yolo County Farm Bureau recommendations. (Please note that the AFT would encourage a higher replacement ratio, but noted there is legal precedent for 1 to 1 ratio.)
- Consistent with legal precedence set for mitigating the loss of various resources.
Ag Buffer

- Consistent with the buffer design that exists at Northstar and at the Putah Creek Parkway.
- 150 foot wide buffer concept is supported by the Yolo County Farm Bureau.
- Similar with City practice to require nine developers to provide an ag buffer.
- Consistent with Ag Commissioner rules and deals with the incompatible uses listed in the general plan as permitted uses. (For example, organic farms, habitat, parks, stables or pastures when animals or humans are present would require an additional 500 foot aerial spray setback.)
- Soils around Davis are some of the best in the world and the city should encourage much of this land to remain in farming.
- Purpose of ordinance is to support farming and it seemed counterproductive to use farmland for purposes other than farming.
- The farming industry needs a critical mass to remain competitive and to support necessary incidental uses so keeping as much land in farming seemed imperative.
- The farmer would not be able to spray differently with a bigger buffer because aerial spraying could not legally occur until 500 feet for category one materials. (In Yolo and Solano counties, farmers can spray within 100 feet using a ground rig for category one materials. Rules vary for less restrictive materials.)
- City has limited funds for improvement and maintenance of various city projects so the buffer size needs to be carefully considered.
- Complements the Davis Greenbelt Major Project Financing Project which includes costs for acquisition and improvement of a 1500 foot area around certain areas of the city.

Process for Reviewing the Ordinance

This ordinance comprises three components, with each section addressing different ideas. For the ease of recording the council's action, we ask that the council address each component separately with the right to farm being acted on first, the ag mitigation second and ag buffer last. The council should feel free to recommend changes to any part of the ordinance.
Spray Buffer
One final topic that the council should be aware of is that there is no perfect distance in which to eliminate all spray drift. Although Rick Crawford of the Sierra Club and Norman Akesson, a retired UC Davis professor, are both concerned about spray drift, both men stated that spray drift occurs for many miles, and that even if we tried to create a 1000 to 2000 foot buffer, spray could still drift. Pesticide or herbicides, even when not recently sprayed, release chemicals in the air as it sits on the dirt and this causes some people to be concerned. There appears to be no solution to create a buffer for zero tolerance as this time.

Most people would prefer to live in a chemical free environment, but chemical use is currently part of many farming operations. The dilemma staff faced when dealing with the buffer topic is that most people focus on spray, but there are other reasons for a buffer, such as, dust, noise, lights, vibrations and pests/vectors. Uses such as tree rows, fences and landscaping can help reduce dust, lights, and pests/vectors. Also, questions that the city needs to address are who should pay for buffer area, what uses are appropriate, who should pay for improving it, if needed, and who should be responsible for maintaining it. Staff addressed all of these concerns and this was the basis for our recommendation.

People’s opinions differ dramatically on what the appropriate buffer width should be, although no one has proposed a list of uses in the buffer that would comply with ag commissioner rules, be economical and still keep the land in a productive use. The opinions as to how wide the buffer should be vary from some farmers saying a buffer is not needed to some people saying you need a mile.

Below summarizes the widths that have been proposed to date:

- 0 foot buffer - just provide a fence;
- 100 foot buffer to coincide with the ag commissioner rules for ground rig spraying;
- 150 foot wide area was considered appropriate by the Yolo County Farm Bureau if you have to allow for the 50 foot circulation component;
- A 200 to 250 foot buffer was proposed as a way to split the buffer equally between the developer and the farmer;
A 500 foot buffer would coincide with the current ag commissioner rules for aerial spray for the most restrictive materials; and

1000 foot buffer with 500 feet in sensitive uses like wildlife habitat or organic farms and then a 500 foot area of uses that were not specified.

Most people agree that to have some kind of buffer is desirable. In October 1994, staff originally proposed a 200 foot buffer, but then reduced it to 150 feet to keep the costs as low as possible, to keep as much land in farming as possible and because we felt the difference that 50 feet would make was not of great value to the farmer given current ag commissioner regulations.

On September 29, 1995, the Natural Resources Commission spent a considerable amount of time addressing the ramifications of this ordinance. Their recommendations were similar to the Planning Commission. The only major difference was that they recommended that the ordinance require a 200 foot buffer which would comprise a hundred foot public access area and a 100 foot no public area. They felt the public needed an additional fifty feet away from the adjoining farmland.

On October 3, 1995, Planning Commission recommended that the buffer be 150 feet wide.

Should the council believe there is justification to increase the buffer to 200 or 250 feet, possible reasons for increasing the buffer could include:

- The size of the buffer would be consistent with the City Council September 1992 ag buffer interpretation that the buffer width should be a guideline of 200 feet and a minimum of 100 feet.
- It would be generally consistent with the ag buffer requirement for Wildhorse.
- It would be consistent with the Yolo County Farm Bureau’s letter requesting a 150 foot no public access area.
- It would be consistent with the Open Space General Plan Committee recommendation that the buffer should be 200 feet wide.
- It would allow more land to create a larger landscape area for the bike/pedestrian path.
- It would allow a larger separation from the transition area and adjoining farmer.
Should the council believe there is justification to recommend increasing the width of the no public access portion by 50 feet, please note that this would add costs of land, landscaping and maintenance. The EPS report estimated the cost for acquiring land for a buffer would range from $6,000 to 10,000 an acre and the improvement costs for a landscape buffer would be from $0.93 to $1.50 a square foot depending upon how extensive the improvements are. Maintenance costs for a mile long 50-foot wide bicycle/pedestrian path with landscaping are estimated at being $2500 a year. Should the Council recommend that the ordinance requires a 150 foot wide no public buffer and assume it would be landscaped, then the maintenance cost would be at least equal or more than the $2500 a year cost for a mile area.

Summary

We believe the revised ordinance addresses most of the concerns that were raised by the commissions and the public and offers an approach that meets the city's objective of preserving farmland and helping farming interests remain as viable as possible while not overly burdening developers and new homeowners with costs. The ordinance will also notify people of the impacts associated with living near ag operations and the legal recourse that is available. It will also offer some relief from the inconveniences Davis residents experience by living near farmland, which is now only being provided by a case-by-case basis or not at all.

Attachments
Attachment 1 - Revised Draft Right to Farm and Farmland Preservation Ordinance, dated October, 1995
Attachment 2 - EPS Report
Attachment 3 - Summary of City’s Agricultural Mitigation
Attachment 4 - Letters received concerning the July, August and September 1995 versions of the draft ordinance
Attachment 5 - August 31, 1995 Natural Resource Commission meeting comments
Attachment 6 - September 7, 1995 general meeting summary notes
Attachment 7 - September 12, 1995 Planning Commission minutes
Attachment 8 - September 29, 1995 Natural Resources Commission minutes
Attachment 9 - October 3, 1995 Planning Commission summary notes
Attachment 10 - Initial Study
Attachment 11 - Planning Area map
Attachment 12 - Diagrams and photos depicting the buffer concept
ORDINANCE NO. 1823

AN ORDINANCE AMENDING THE CITY OF DAVIS CODE TO PROVIDE A RIGHT TO FARM AND FARMLAND PRESERVATION REQUIREMENTS

THE CITY COUNCIL OF THE CITY OF DAVIS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 30 is added to the Davis Municipal Code to read as follows:

CHAPTER 30

RIGHT TO FARM AND FARMLAND PRESERVATION

Article I. Right to Farm

§30-10 Purpose
§30-20 Definitions
§30-30 Deed Restrictions
§30-40 Notice to Transferees
§30-50 Agricultural Buffer Requirement

Article II. Dispute Resolution

§30-100 Properly Operated Farm Not a Nuisance
§30-110 Resolution of Disputes

Article III. Farmland Preservation

§30-200 Purpose and Findings
§30-210 Definitions
§30-220 Requirements
§30-230 Comparable Soils and Water Supply
§30-240 Eligible Lands
§30-250 Instruments; Duration
§30-260 Advisory Committee

Article IV. Violation

§30-300 Violation

Article V. Precedence

§30-400 Precedence
Article I. Right to Farm

Section 30-10. Purpose.

(a) It is a goal of the City of Davis General Plan to work cooperatively with the Counties of Yolo and Solano to preserve agricultural land in the Davis planning area which is not otherwise identified in the General Plan as necessary for development. It is the policy of the City of Davis to preserve and encourage agricultural land use and operations within the City of Davis and Yolo and Solano counties, and to reduce the occurrence of conflicts between agricultural and non-agricultural land uses and to protect the public health. One purpose of this law is to reduce the loss of agricultural resources by limiting the circumstances under which agricultural operations may be deemed a nuisance.

(b) It is also the policy of the City of Davis to provide purchasers and tenants of non-agricultural land close to agricultural land or operations with notice about the City’s support of the preservation of agricultural lands and operations. An additional purpose of the notification requirement is to promote a good neighbor policy by informing prospective purchasers and tenants of non-agricultural land of the effects associated with living close to agricultural land and operations.

(c) It is further the policy of the City of Davis to require all new developments adjacent to agricultural land or operations to provide a buffer to reduce the potential conflicts between agricultural and non-agricultural land uses.

(d) Implementation of these policies can be strengthened by establishing a dispute resolution procedure designed to amicably resolve any complaints about agricultural operations that is less formal and expensive than court proceedings.

Section 30-20. Definitions. For the purpose of this chapter, the following terms shall have the following meanings:

(a) Agricultural land. Those land areas of Yolo County specifically zoned as Agricultural Preserve (A-P), Agricultural Exclusive (A-E), and Agricultural General (A-I), as those zones are defined in the Yolo County Zoning Ordinances, those land areas of Solano County specifically zoned Exclusive Agricultural (A-40), as those zones are defined in the Solano County Zoning Ordinances, and those land areas of the City of Davis specifically zoned as Agricultural (A), Planned Development or any other zoned land as defined by the Davis Municipal Code where the land use on the land within the city limits is agricultural.

(b) Agricultural operations. Any agricultural activity, operation, or facility including, but not limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any commercial agricultural commodity, including timber, viticulture, apiculture or horticulture, the raising of livestock, fur-bearing animals, fish or...
poultry, agricultural spoils areas, and any practices performed by a farmer or on a
farm as incidental to or in conjunction with such operations, including the legal
application of pesticides and fertilizers, use of farm equipment, storage or
preparation for market, delivery to storage or to market, or to carriers for
transportation to market.

(c) Agricultural processing facilities or operations. Agricultural processing
activity, operation, facility, or appurtenances thereof includes, but is not limited to,
the canning or freezing of agricultural products, the processing of dairy products, the
production and bottling of beer and wine, the processing of meat and egg products,
the drying of fruits and grains, the packing and cooling of fruits and vegetables, and
the storage or warehousing of any agricultural products, and includes processing for
wholesale or retail markets of agricultural products.

(d) Property. Any real property located within the city limits.

(e) Transferee. Any buyer or tenant of property.

(f) Transferor. The owner and/or transferor of title of real property or
seller’s authorized selling agent as defined in Business and Profession Code
Section 10130 et. seq., or Health and Safety Code Section 18006, or a landlord leasing
real property to a tenant.

(g) Transfer. The sale, lease, trade, exchange, rental agreement or gift.

Section 30-30. Deed Restriction.

(a) As a condition of approval of a discretionary development permit,
including but not limited to tentative subdivision and parcel maps, use permits, and
re zoning, pre zoning, and planned developments, relating to property located within
one thousand (1000) feet of agricultural land, agricultural operations or agricultural
processing facilities or operations, every transferor of such property shall insert the
deed restriction recited below in the deed transferring any right, title or interest in
the property to the transferee.

RIGHT TO FARM DEED RESTRICTION

The City of Davis, Yolo and Solano Counties permit operation of
properly conducted agricultural operations within the City and the
Counties.

You are hereby notified that the property you are purchasing is located
within 1000 feet of agricultural land, agricultural operations or
agricultural processing facilities or operations. You may be subject to
inconvenience or discomfort from lawful agricultural or agricultural
processing facilities operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents and/or the operation of machinery (including aircraft) during any 24 hour period.

One or more of the inconveniences described may occur as a result of agricultural operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector.

Lawful ground rig or aerial application of pesticides, herbicides and fertilizers occur in farming operations. Should you be concerned about spraying, you may contact either the Yolo or Solano County Agricultural Commissioners.

The City of Davis’ Right to Farm Ordinance does not exempt farmers, agricultural processors or others from compliance with law. Should a farmer, agricultural processor or other person not comply with appropriate state, federal or local laws, legal recourse is possible by, among other ways, contacting the appropriate agency.

In addition, the City of Davis has established a grievance procedure to assist in the resolution of disputes which arise between the residents of the City regarding agricultural operations.

This Right To Farm Deed Restriction shall be included in all subsequent deeds and leases for this property until such time as the property is not located within 1000 feet of agricultural land or agricultural operations as defined by Davis City Code Section 30-20.

Section 30-40. Notification to Transferees.

(a) Every transferor of property subject to the notice recorded pursuant to Section 30-30 shall provide to any transferee in writing the Notice of Right to Farm recited below. The Notice of Right to Farm shall be contained in each offer for sale, counter offer for sale, agreement of sale, lease, lease with an option to purchase, deposit receipt, exchange agreement, rental agreement, or any other form of agreement or contract for the transfer of property; provided that the Notice need be given only once in any transaction. The transferor shall acknowledge delivery of the notice and the transferee shall acknowledge receipt of the notice.
(b) The form of Notice of Right To Farm is as follows:

NOTICE OF RIGHT TO FARM

The City of Davis, Yolo and Solano Counties permit operation of properly conducted agricultural operations within the City and the Counties.

You are hereby notified that the property you are purchasing/leasing/renting is located within 1000 feet of agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facilities operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents and/or the operation of machinery (including aircraft) during any 24 hour period.

One or more of the inconveniences described may occur as a result of agricultural operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector.

Lawful ground rig or aerial application of pesticides, herbicides and fertilizers occur in farming operations. Should you be concerned about spraying, you may contact either the Yolo or Solano County Agricultural Commissioners.

The City of Davis' Right to Farm Ordinance does not exempt farmers, agricultural processors or others from compliance with law. Should a farmer, agricultural processor or other person not comply with appropriate state, federal or local laws, legal recourse is possible by, among other ways, contacting the appropriate agency.

In addition, the City of Davis has established a grievance procedure to assist in the resolution of disputes which arise between the residents of the City regarding agricultural operations.

This notification is given in compliance with Davis City Code Section 30-40. By initialling below, you are acknowledging receipt of this notification.

Transferor's Initials

Transferee's Initials
(c) The failure to include the foregoing notice shall not invalidate any
grant, conveyance, lease or encumbrance.

(d) The notice required by this Section 30-40 shall be included in every
agreement for transfer entered into after the effective date of this chapter, including
property subject to the deed restriction cited in Section 30-30.

Section 30-50. Agricultural Buffer Requirement.

(a) In addition to the right to farm deed restriction and notice
requirement, the City of Davis has determined that the use of property for
agricultural operations is a high priority. To minimize future potential conflicts
between agricultural and non-agricultural land uses and to protect the public health,
all new developments adjacent to designated agricultural, agricultural reserve,
agricultural open space, greenbelt/agricultural buffer, Davis greenbelt or
environmentally sensitive habitat areas according to the land use and open space
element maps shall be required to provide an agricultural buffer/agricultural
transition area. In addition, development limits or restricts opportunities to view
farmlands. Public access to a portion of the agricultural buffer will permit public
views of farmland. Use of nonpolluting transportation methods (i.e. bikes), and use
of the land to fulfill multiple policies including, but not limited to, agricultural
mitigation and alternative transportation measures meets the policy objectives of
the Davis General Plan. The agricultural buffer/agricultural transition area shall be
a minimum of one hundred fifty (150) feet measured from the edge of the
agricultural, greenbelt or habitat area. Optimally, to achieve a maximum separation
and to comply with the five hundred (500) foot aerial spray setback established by the
counties of Yolo and Solano, a buffer wider than one hundred fifty (150) feet is
encouraged.

(b) The minimum one hundred fifty (150) foot agricultural
buffer/agricultural transition area shall be comprised of two components: a fifty (50)
foot wide agricultural transition area located contiguous to a one hundred (100) foot
wide agricultural buffer located contiguous to the agricultural, greenbelt, or habitat
area. The one hundred fifty (150) foot agricultural buffer/transition area shall not
qualify as farmland mitigation pursuant to Article III of this Chapter.

(c) The following uses shall be permitted in the one hundred (100) foot
agricultural buffer: native plants, tree or hedge rows, drainage channels, storm
retention ponds, natural areas such as creeks or drainage swales, railroad tracks or
other utility corridors and any other use, including agricultural uses, determined by
the Planning Commission to be consistent with the use of the property as an
agricultural buffer. There shall be no public access to the one hundred (100) foot
agricultural buffer unless otherwise permitted due to the nature of the area (e.g.,
railroad tracks). The one hundred (100) foot agricultural buffer shall be developed
by the developer pursuant to a plan approved by the Parks and Community Services
Director or his/her designee. The plan shall include provision for the
establishment, management and maintenance of the area. The plan shall include the use of integrated pest management techniques. An easement in favor of the City shall be recorded against the property which shall include the requirements of this article or, at the developer’s discretion, the property shall be dedicated to the City in fee title.

(d) The following uses shall be permitted in the fifty (50) foot agricultural transition area: bike paths, native plants, tree and hedge rows, benches, lights, trash enclosures, fencing and any other use determined by the Planning Commission to be of the same general character as the foregoing enumerated uses. There shall be public access to the fifty (50) foot agricultural transition area. The fifty (50) foot agricultural transition area shall be developed by the developer pursuant to a plan approved by the Parks and Community Services Director or his/her designee. Once the area is improved and approved by the Parks and Community Services, the land shall be dedicated to the City and annexed to a lighting and landscaping assessment district to pay for the maintenance of the area. The City shall maintain the agricultural transition area once the land is improved, dedicated and annexed.

Article II. Dispute Resolution

Section 30-100. Properly Operated Farm not a Nuisance.

(a) Agricultural operations shall not be considered a nuisance under this chapter unless such operations are deemed to be a nuisance under California Civil Code Sections 3482.5 and 3482.6. Agricultural and agricultural processing operations shall comply with all state, federal and local laws and regulations applicable to the operations.

(b) Notwithstanding any other provision of this Chapter, no action shall be maintained under this Chapter alleging that an agricultural or agricultural processing operation has interfered with private property or personal well-being or is otherwise considered a nuisance unless the plaintiff has sought to obtain a decision pursuant to the agricultural grievance procedure provided in Section 30-110 (Resolution of Disputes) or a decision has been sought but no decision is rendered within the time limits provided in said section. This subsection shall not prevent any party or person from proceeding or bringing a legal action under the provisions of other applicable laws without first resorting to this grievance procedure.

Section 30-110. Resolution of Disputes.

(a) The City of Davis shall establish a grievance procedure to settle any disputes or any controversy that should arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation of the parties involved. Either party shall submit the controversy to a hearing officer as set forth below or to Community Mediation Services, if agreed to
by the parties, in an attempt to resolve the matter prior to the filing of any court action.

(b) Any controversy between the parties shall be submitted to the hearing officer within ninety (90) days of the later of the date of the occurrence of the particular activity giving rise to the controversy or the date a party became aware of the occurrence.

(c) The effectiveness of the hearing officer for resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy and are encouraged to seek a written statement from the agriculture commissioner as to whether the activity under dispute is consistent with adopted laws and regulations and accepted customs and standards.

(d) The controversy shall be presented to the hearing officer by written request of one of the parties within the time limit specified. Thereafter the hearing officer may investigate the facts of the controversy but must, within twenty-five (25) days, hold a meeting to consider the merits of the matter and within five (5) days of the meeting render a written decision to the parties. At the time of the meeting both parties shall have an opportunity to present what each considers to be pertinent facts. No party bringing a complaint to the hearing officer for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. The time limits provided in this subsection for action by the hearing officer may be extended upon the written stipulation of all parties in a dispute.

(e) Any reasonable costs associated with the functioning of the hearing officer process shall be borne by the participants. The City Council may, by resolution, prescribe fees to recover those costs.

Article III. Farmland Preservation

Section 30-200. Purpose and Findings.

(a) The purpose of this chapter and this article is to implement the agricultural land conservation policies contained in the Davis general plan with a program designed to permanently protect agricultural land located within the Davis planning area for agricultural uses.

(b) The City of Davis City Council finds this chapter and this article are necessary for the following reasons: California is losing farmland at a rapid rate; Yolo and Solano county farmland is of exceptional productive quality; loss of agricultural land is consistently a significant impact under CEQA in development projects; the Davis general plan has policies to preserve farmland; the City of Davis
is surrounded by farmland; the Yolo and Solano county general plans clearly include policies to preserve farmland; the continuation of agricultural operations preserves the landscape and environmental resources; loss of farmland to development is irreparable and agriculture is an important component of the city's economy; and losing agricultural land will have a cumulatively negative impact on the economy of the City and the counties of Yolo and Solano.

(c) It is the policy of the City of Davis to work cooperatively with Yolo and Solano Counties to preserve agricultural land within the Davis planning area beyond that deemed necessary for development. It is further the policy of the City of Davis to protect and conserve agricultural land, especially in areas presently farmed or having Class 1, 2, 3 or 4 soils.

(d) The City of Davis City Council finds that some urban uses when contiguous to farmland can affect how an agricultural use can be operated which can lead to the conversion of agricultural land to urban use.

(e) The City Council further finds that by requiring conservation easements for land being converted from an agricultural use and by requiring a 150 foot buffer, the City shall be helping to ensure prime farmland remains an agricultural use.

Section 30-210. Definitions.

(a) Advisory committee. The City of Davis Planning Commission shall serve as the advisory committee.

(b) Agricultural land or farmland. Those land areas of the county and/or city specifically classed and zoned as Agricultural Preserve (A-P), Agricultural Exclusive (A-E), or Agricultural General (A-1), as those zones are defined in the Yolo County Zoning Ordinance; those land areas classed and zoned Exclusive Agriculture (A-40), as defined in the Solano County Zoning Ordinance; and those land areas of the City of Davis specifically classed and zoned as Agricultural (A), Agricultural Planned Development-or Urban Reserve where the soil of the land contains Class 1, 2, 3 or 4 soils, as defined by the Soil Conservation Service.

(c) Agricultural mitigation land. Agricultural land encumbered by a farmland deed restriction, a farmland conservation easement or such other farmland conservation mechanism acceptable to the City.

(d) Farmland conservation easement. The granting of an easement over agricultural land for the purpose of restricting its use to agricultural land. The interest granted pursuant to a farmland conservation easement is an interest in land which is less than fee simple.
(e) **Farmland deed restriction.** The creation of a deed restriction, covenant or condition which precludes the use of the agricultural land subject to the restriction for any non-agricultural purposes, use, operation or activity. The deed restriction shall provide that the land subject to the restriction will permanently remain agricultural land.

(f) **Qualifying entity.** A nonprofit public benefit 501(c)(3) corporation operating in Yolo County or Solano County for the purpose of conserving and protecting land in its natural, rural or agricultural condition. The following entities are qualifying entities: Yolo Land Conservation Trust and Solano Farm and Open Space Trust. Other entities may be approved by the City Council from time to time.

Section 30-220. Agricultural Land Mitigation Requirements.

(a) Beginning on November 1, 1995, the City of Davis shall require agricultural mitigation by applicants for zoning changes or any other discretionary entitlement which will change the use of agricultural land to any non-agricultural zone or use.

(b) Agricultural mitigation shall be satisfied by:

(1) Granting a farmland conservation easement, a farmland deed restriction or other farmland conservation mechanism to or for the benefit of the City of Davis and/or a qualifying entity approved by the City of Davis. Mitigation shall only be required for that portion of the land which no longer will be designated agricultural land, including any portion of the land used for park and recreation purposes. One time as many acres of agricultural land shall be protected as was changed to a non-agricultural use in order to mitigate the loss of agricultural land; or

(2) In lieu of conserving land as provided above, agricultural mitigation may be satisfied by the payment of a fee based upon a one to one replacement for a farmland conservation easement or farmland deed restriction established by the City Council by resolution or through an enforceable agreement with the developer. The in lieu fee option must be approved by the City Council. The fee shall be equal to or greater than the value of a previous farmland conservation transaction in the planning area plus the estimated cost of legal, appraisal and other costs, including staff time, to acquire property for agricultural mitigation. The in lieu fee, paid to the City, shall be used for farmland mitigation purposes, with priority given to lands with prime agricultural soils and habitat value.

(c) The land included within the 100 foot agricultural buffer required by section 30-50(c) shall not be included in the calculation for the purposes of determining the amount of land that is required for mitigation.
(d) It is the intent of this program to work in a coordinated fashion with
the habitat conservation objectives of the Yolo County Habitat Management
Program, and, therefore, farmland conservation easement areas may overlap
partially or completely with habitat easement areas approved by the State
Department of Fish and Game and/or the Yolo County Habitat Management
Program. Up to 20% of the farmland conservation easement area may be enhanced
for wildlife habitat purposes as per the requirements of the State Department of Fish
and Game and/or Yolo County Habitat Management Program; appropriate
maintenance, processing or other fees may be required by the habitat program in
addition to the requirements set forth herein.


(a) The agricultural mitigation land shall be comparable in soil quality with
the agricultural land whose use is being changed to non-agricultural use.

(b) The agricultural mitigation land shall have adequate water supply to
support the historic agricultural use on the land to be converted to nonagricultural
use and the water supply on the agricultural mitigation land shall be protected in
the farmland conservation easement, the farmland deed restriction or other
document evidencing the agricultural mitigation.

Section 30-240. Eligible Lands.

(a) The agricultural mitigation land shall be located within the Davis
planning area as shown in the Davis General Plan. The criteria for preferred
locations or zones for agricultural mitigation land shall be determined by the Davis
City Council after receiving input from the advisory committee, Yolo and Solano
counties, Woodland, Dixon, the Davis Open Space Committee, the Natural
Resources Commission and Yolo and Solano Farm Bureaus. In making their
determination, the following factors shall be considered:

1. The zones shall be compatible with the Davis general plan and
the general plans of Yolo and Solano counties.

2. The zones shall include agricultural land similar to the acreage,
soil capability and water use sought to be changed to non-agricultural use.

3. The zones shall include comparable soil types to that most likely
to be lost due to proposed development.

4. The property is not subject to any easements or physical
conditions that would legally or practicably preclude modification of the property's
land use to a non-agricultural use.
(b) The advisory committee shall recommend to the City Council acceptance of agricultural mitigation land of twenty (20) acres or more by a qualifying entity and/or the City, except that it may consider accepting smaller parcels if the entire mitigation required for a project is less, or when the agricultural mitigation land is adjacent to larger parcels of agricultural mitigation land already protected. Contiguous parcels shall be preferred.

(c) Land previously encumbered by a conservation easement of any nature or kind is not eligible to qualify as agricultural mitigation land, unless the conservation easement meets the requirements of Section 30-220(f).

Section 30-250. Requirements of Instruments: Duration.

(a) To qualify as an instrument encumbering agricultural mitigation land, all owners of the agricultural mitigation land shall execute the instrument.

(b) The instrument shall be in recordable form and contain an accurate legal description setting forth the description of the agricultural mitigation land.

(c) The instrument shall prohibit any activity which substantially impairs or diminishes the agricultural productivity of the land, as determined by the advisory committee.

(d) The instrument shall protect the existing water rights and retain them with the agricultural mitigation land.

(e) The applicant shall pay an agricultural mitigation fee equal to cover the costs of administering, monitoring and enforcing the instrument in an amount determined by City Council.

(f) The City shall be named a beneficiary under any instrument conveying the interest in the agricultural mitigation land to a qualifying entity.

(g) Interests in agricultural mitigation land shall be held in trust by a qualifying entity and/or the City in perpetuity. Except as provided in subsection (h) of this Section, the qualifying entity or the City shall not sell, lease, or convey any interest in agricultural mitigation land which it shall acquire.

(h) If judicial proceedings find that the public interests described in Section 30-200 of this chapter can no longer reasonably be fulfilled as to an interest acquired, the interest in the agricultural mitigation land may be extinguished through sale and the proceeds shall be used to acquire interests in other agricultural mitigation land in Yolo and Solano Counties, as approved by the City and provided in this Chapter.
(i) If any qualifying entity owning an interest in agricultural mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall pass to the City of Davis.

Section 30-260. City of Davis Farmland Conservation Program Advisory Committee.

(a) The Davis Planning Commission shall serve as the Davis Farmland Conservation Advisory Committee.

(b) It shall be the duty and responsibility of the Planning Commission to exercise the following powers:

1. To adopt rules of procedure and bylaws governing the operation of the advisory committee and the conduct of its meetings.

2. To recommend the areas where mitigation zones would be preferred in the Davis planning area.

3. To promote conservation of agricultural land in Yolo and Solano counties by offering information and assistance to landowners and others.

4. To recommend tentative approval of mitigation proposals to City Council.

5. To certify that the agricultural mitigation land meets the requirements of this chapter.

6. Any denial from the advisory committee may be appealed to City Council.

(c) The Natural Resources Commission shall monitor all lands and easements acquired under this Chapter and shall review and monitor the implementation of all management and maintenance plans for these lands and easement areas. The Natural Resources Commission shall provide advice to the Planning Commission on the establishment of criteria for the location of agricultural mitigation lands.

(d) All actions of the Planning Commission and the Natural Resources Commission shall be subject to the approval of the Davis City Council.

Section 30-270. Annual Report. Annually, beginning one year after the adoption of this Chapter, the City Planning Director shall provide to the Advisory Committee an annual report delineating the activities undertaken pursuant to the requirements of this Chapter and an assessment of these activities. The report shall
list and report on the status of all lands and easements acquired under this Chapter. The Planning Director shall also report to the Natural Resources Commission.

Article IV. Violation

Section 30-300. Violation. Any person or entity who violates any provision of this chapter shall be deemed guilty of an infraction and, upon conviction thereof, shall be punished by a fine not exceeding the maximum prescribed by law. In addition, any person or entity who violates any provision of Article I of this chapter shall be liable to the transferee of the property for actual damages. In an action to enforce such liability or fine, the prevailing party shall be awarded reasonable attorneys' fees.

Article V. Precedence

Section 30-400. Precedence.

This Chapter shall take precedence over all ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith.

Section 2. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this ordinance. The Davis City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

PASSED AND ADOPTED by the City Council of the City of Davis, State of California, this 15th day of November, 1995, by the following vote:

AYES: KANEKO, PARTANSKY, SKINNER, WOLK, ROSENBERG.

NOES: NONE.

ABSENT: NONE.

Dave Rosenberg, Mayor

ATTEST:

Bette Racki, City Clerk
“Nexus” Study Contracted for by the City of Davis
FINAL REPORT

EVALUATION OF THE CITY OF DAVIS
RIGHT TO FARM AND FARMLAND MITIGATION ORDINANCE

Prepared for:
The City of Davis

Prepared by:
Economic & Planning Systems, Inc.

July 1995
EPS #4230
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I. INTRODUCTION AND CONCLUSIONS

INTRODUCTION

The City of Davis has placed a high priority upon protecting the prime farmlands that surround the City from urbanization. This concern is expressed in the City's General Plan and specifically in the Open Space Element. The Open Space Element was adopted in 1990 and further studied in 1993. Among other concerns, the City's agricultural policies call for the creation of a Greenbelt around the City and the dedication of agricultural buffers by developers on the urban edge.

Towards implementation of the Open Space Element, the City of Davis is now considering an ordinance that would require agricultural buffers and require "right to farm" deed restrictions and related noticing requirements. The City staff and legal counsel prepared a draft ordinance An Ordinance Amending the City of Davis Code to Provide a Right to Farm and Farmland Mitigation Ordinance (the Ordinance) in December 1994. Economic & Planning Systems (EPS) was hired to conduct a review of this draft Ordinance. EPS produced a memorandum in March 1995 which raised several organizational questions and offered recommendations for clarification of the Ordinance. During May 1995, the City staff issued a revised draft Ordinance. This report presents the policy issues raised by the proposed Ordinance, and presents "nexus" and other legal justification arguments.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

1. The Ordinance provides a standardized approach to agricultural mitigation and the creation of agricultural buffers. The Ordinance, if adopted, would establish policy on agricultural buffers which is currently conducted in a discretionary project-by-project approach.

2. The City's methods, as proposed in the Ordinance, for creating and managing agricultural buffers are sound from a planning, management, and legal standpoint.

3. The planning, management and legal framework established by the Ordinance will reduce agricultural/urban conflicts and help offset the significant adverse impact associated with the loss of prime farmland to urban development. The Ordinance, if implemented as proposed, will be more equitable and cost-effective than the current project-by-project approach.

4. Loss of prime farmland due to urbanization is a significant adverse impact under CEQA. Developers have an obligation under CEQA to mitigate such adverse impacts. Agricultural lands dedicated or secured as a part of project approval provide a "public benefit" that can partially offset the loss of prime farmland through urbanization.
While it is not possible to completely mitigate for the loss of prime farmland, this Ordinance provides developers with a feasible approach to mitigation and allows development on the urban/agricultural edge to proceed while preventing further losses of agricultural land close to the City's urban edge.

5. The deed restrictions and notice requirements will help to reduce agricultural/urban conflicts which in turn should reduce the number of farmland conversions and loss of prime agricultural soils.

IMPLEMENTATION RECOMMENDATIONS

The proposed Ordinance, while establishing a basic framework for agricultural impact mitigation, will require a set of corresponding implementation actions to assure its effectiveness:

1. As a part of project approvals, require "management plans" for the 100-foot wide agriculture buffer which, as specified by the Ordinance, will be owned and maintained by the developer. It will be important to assure coordination of the individual buffer parcels with the adjoining parcels. Most developers will not want the liability and the long-term maintenance costs of owning a few acres of agricultural land so they will be motivated to find an adjoining farmer willing to sell a conservation easement over a 100-foot wide segment of their farmland. The developer also has the option of planting the buffer with native landscaping or creating a drainage swale or other amenity. The City may need to establish a mechanism for monitoring the maintenance of component B of the agricultural buffer to ensure that it is maintained to a required standard.

2. The precise amount of the proposed agricultural mitigation in-lieu fee should be determined and adopted by a separate resolution of the City Council. The fee should reflect an assessment of agricultural property values in the Davis Planning Area.

3. The fees charged should accrue to an "Agricultural Mitigation Fund" that will be used for the express purpose of acquiring agricultural conservation easements and/or fee simple acquisition of land. It would be helpful to establish an "agricultural mitigation land bank," using a variety of funding sources to assure that key lands are secured and that developer acquisitions and/or purchases made with in-lieu fees are properly targeted.

4. Identify supplemental funding sources for the acquisition of agricultural conservation easements. Depending on the urban growth policies set in the Updated General Plan, fees and dedications from development may be too slow to accomplish important public policy goals for farmland preservation. Therefore, the City may want to sustain and promote a broad-based supplementary funding source for purchasing agricultural easements, such as a countywide open space sales tax similar to Sonoma County. (See previous report completed by EPS for a full discussion on funding sources and opportunities Davis Open Space Element Opportunities and Constraints, April 1993).
II. EVALUATION OF ORDINANCE

The proposed Ordinance, as presently drafted, has five major sections (Articles). Article I describes a Right to Farm deed restriction, a notice requirement and the creation of an agricultural buffer for all developments adjoining agricultural land. Article II describes a dispute resolution process in the event that conflicts between urban and agricultural uses do occur. Article III defines and describes the requirements for Farmland Mitigation if lands are converted from agricultural to non-agricultural uses. Articles IV and V cover violations and precedence, respectively.

The policy intent of the Ordinance is to minimize conflicts between agricultural and urban uses, and encourage cooperation with the Counties of Yolo and Solano in the preservation of agricultural land within the Davis Planning Area. In particular, the goal of the Ordinance is to prevent the conversion of productive farmland and agricultural operations by limiting the circumstances under which farms and their activities may be deemed a nuisance. There are three generally-accepted methods for achieving this goal (see Conflicts and Solutions when Agricultural Land Meets Urban Development, 1994 by Mary E. Handel):

1. Creation of Agricultural Buffers on the urban edge
2. Adoption of Right to Farm Ordinances
3. Promotion of Sustainable and Organic Agriculture

The first of these methods requires land use changes that need to be implemented through the local government’s General Plan and zoning policies. The second method requires changes in urban developers’ practices and possibly also in farming practices. The third method requires changes in farming practices. Each method varies in the mode of implementation, the financial burdens created, and the incidence of those burdens.

The proposed Ordinance addresses the first two methods: it requires developers to dedicate agricultural buffers at the urban edge and requires deed restrictions and notification to future purchasers of land that is being developed adjacent to agricultural uses. In addition, the Davis General Plan Committee is looking at the issue of sustainable and organic agriculture, and the City as a whole promotes agriculture through such activities as the Farmer’s Market.

RIGHT TO FARM DEED RESTRICTION, NOTIFICATION AND DISPUTE RESOLUTION

DESCRIPTION

Deed Restriction

As a condition of approval of a discretionary development permit, (including but not limited to tentative subdivision maps, use permits, and rezoning, prezoning, and planned
developments) relating to property located within 1,000 feet of agricultural land or agricultural operations, the transferor of such property shall record a deed restriction. The deed restriction specifically notifies all future buyers of that property that they are within 1,000 feet of agricultural uses, and lists the type of operations and possible nuisances or inconveniences that can be associated with agricultural practices such as dust, noise, smoke, odors, insects and rodents. Future purchasers of that property are warned that they must accept such potential nuisances, and in the event of any disputes between the landowner and the adjoining agricultural users, that a standard dispute resolution will be followed. Agricultural operations shall not be considered a nuisance unless they are deemed a nuisance under California Civil Code Sections 3482.5 and 3842.6.

Resolution of Disputes

Any controversy between parties shall be submitted in writing to a hearing officer within 30 days of the date of the controversy. The hearing officer must investigate the facts of a dispute and hold a meeting to consider the dispute within 25 days and must render a written decision to the parties involved within five days of that meeting. Participants in the dispute resolution must bear any reasonable costs associated with the hearing officer process. Parties to the dispute will be encouraged to exchange relevant information concerning the controversy and seek a written statement from the Agricultural Commissioner as to whether the activity under dispute is consistent with adopted laws and regulations and accepted customs and standards.

RATIONALE AND LEGAL BASIS

The arguments for a Right to Farm deed restriction and notice requirements can be made as follows:

1. **Preservation of Agricultural Land**: This Ordinance will help to protect agricultural operations on the periphery of the City by reducing the opportunities for urban/agricultural conflicts and minimizing the risk to farmers from predation of domestic animals, crop theft and damage, and nuisance suits from neighboring urban dwellers. The notification requirements and the deed restriction on land being developed close to the Davis agricultural/urban edge will minimize opportunities for future conversions of agricultural land to urban uses and thereby promote the long-term viability of agriculture in the region. The Ordinance supports the farmers right to carry on normal agricultural operations and so helps to ensure that prime farmlands in the Davis area are maintained in viable long-term agricultural uses.

2. **Adverse Impact Mitigation under CEQA**: Urban and agricultural uses when in close proximity can create reciprocal negative impacts on each other, as described above. Urban dwellers can create negative impacts on agriculture, ultimately causing the loss of productive farmland, and agriculture can be disturbing to urban dwellers. The provision of the Right to Farm and Notice Requirements recognizes these potential adverse impacts and provides a mechanism for solving disputes.
3. **Consistency with the City’s General Plan and Land Use Policies:** The Davis General Plan and specifically the Open Space Element provide policies on agricultural preservation, the creation of urban growth limits, and the creation of a Greenbelt around the City.

4. **Public Health and Safety:** Under the police power of the City, the notice requirements and the dispute resolution process are necessary to protect urban dwellers from the potentially hazardous aspects of agricultural operations, including pesticide drift, fertilizer use, dust, noise and rodents.

**FINANCIAL ANALYSIS**

The proposed Ordinance will assure that City agricultural mitigation measures are equitably applied, with agricultural landowners, urban dwellers and developers all paying "a fair share" of the costs of mitigation. The Right to Farm deed restriction and notice requirements will be borne directly by urban dwellers living next to agricultural land and by farmers adjacent to the City edge. Any developer wishing to buy and develop land at the City’s agricultural urban edge will have early notice of the City’s requirements under this Ordinance. While it is hard to quantify the costs of such a deed restriction, it is not likely to have a significant negative impact on land value. The benefits for both agricultural landowners and developers could be substantial if the Ordinance succeeds in reducing the number of agricultural/urban conflicts. A negotiated grievance procedure is also likely to cost significantly less than litigation if a dispute does arise; therefore, this Ordinance is a cost effective measure.

**AGRICULTURAL BUFFER REQUIREMENT**

**DESCRIPTION**

In order to reduce the opportunities for urban/agricultural conflicts, all new developments in the City of Davis adjacent to land that is designated agriculture, agricultural reserve, agricultural open space, Greenbelt/agricultural buffer, Davis Greenbelt or environmentally-sensitive habitat areas, according to the General Plan Land Use Map (Map 1) and the Open Space Element Map (Map 2), shall be required to provide a 150- to 550-foot wide buffer measured from the edge of the agricultural land. The intent of the agricultural buffer requirement is to form a permanent buffer at the future urban edge of the City and to minimize future potential conflicts between agricultural and non-agricultural land uses.
As illustrated in Figure 1, the proposed agricultural buffer has three components: (A) a mandatory 50-foot wide agricultural transition area; (B) a mandatory 100-foot wide agricultural buffer; and (C) a voluntary 400-foot wide additional buffer provided by the dedication of conservation easements. A typical policy of many Agricultural Commissioners, including Yolo and Solano Counties', is to require a 500-foot aerial spray setback between the agricultural and urban uses. This Ordinance requires, at a minimum, that the developer shall provide a 150-foot wide physical barrier between the urban and agricultural uses and developers are encouraged to provide up to a 550-foot wide buffer. The agricultural buffer shall consist of the following three components:

A. A 50-foot wide agricultural transition area shall be located between the urban development and the remainder of the buffer. This transition area would allow public access and must be improved according to a plan approved by the Davis Parks and Community Services Director, or designee, and shall be dedicated to the City. The agricultural transition area shall be annexed to the City’s existing lighting and landscaping assessment district. The City shall be responsible for the maintenance and upkeep of the agricultural transition area and shall use lighting and landscape revenues for this purpose. Allowable uses in the agricultural transition areas include bicycle paths, native plants, tree or hedge rows, benches, lights, trash receptacles, and fencing or any other similar uses determined to be acceptable by the Planning Commission.

B. A 100-foot wide buffer shall be located between the transition area and the agricultural uses. The developer shall be required to provide, utilize and maintain a 100-foot wide agricultural buffer according to the Parks and Community Services Director or designee. This buffer shall be owned and maintained by the developer and a conservation easement must be dedicated to the City. Allowable uses include agricultural uses, native plants, tree or hedge rows, roads, freeways, drainage channels, storm detention ponds, natural areas such as creeks or drainage swales, railroad tracks or other utility corridors, or any other similar uses determined to be acceptable by the Planning Commission.

C. In addition to the mandatory 150-foot wide buffer, a developer may dedicate a conservation easement over another 400-foot wide buffer between buffer components (A) and (B) and the agricultural land.

Buffer components (A) and (B) do not qualify as agricultural mitigation for the loss of agricultural land because the buffer land may not be farmed or be viable as productive farmland. The developer may receive a waiver against the farmland mitigation requirement if they provide a continuous 550-foot wide buffer of agricultural land that is protected by a perpetual conservation easement. No public access would be allowed outside the agricultural transition area. A developer will not receive credit for a 150-foot buffer with agricultural mitigation land provided elsewhere (i.e., mitigation land that is not contiguous to the agricultural buffer).
Figure I
Agricultural Buffer Components
Davis Agricultural Buffer and Farmland Mitigation Ordinance

County Farmland

C. Agricultural Mitigation Area

Voluntary
400 ft.

Use: Agricultural Land

Terms: Permanently Protected with Conservation Easements; No Public Access

B. Urban/Agricultural Buffer

Mandatory
100 ft.

Use: Agricultural land, Drainage Ditches, Swales, Roadways, Native Plant Landscaping, Trees/Hedge Rows.

Terms: Protected by Conservation Easement and maintained by the Developer. (No Public Access unless a Roadway.)

A. Agricultural Transition Area

Mandatory
50 ft.

Use: Bike Path and Landscaping with Public Access.

Terms: Must be Dedicated to City.

Urban
City of Davis
The creation of an agricultural buffer may also assist in achieving the goals of the Yolo Habitat Conservation Plan (HCP). It is the intent of this Ordinance to work in a coordinated fashion with the habitat conservation objectives of the Yolo HCP. Up to ten percent of an agricultural easement area (buffer components B and C) may be enhanced for wildlife habitat purposes as per the requirements of the State Department of Fish and Game and/or the Yolo HCP. Appropriate maintenance, processing, or other fees may be required by the Yolo HCP in addition to the agricultural requirements described in this Ordinance.

RATIONALE AND LEGAL BASIS

The arguments for the Agricultural Buffer Requirement can be made as follows:

1. **Preservation of Agricultural Land:** This Ordinance will help to protect agricultural operations on the periphery of the City by reducing the opportunities for urban/agricultural conflicts and minimizing the risk to farmers from predation of domestic animals, crop theft and damage, and nuisance suits from neighboring urban dwellers. The creation of agricultural buffers along the Davis urban edge minimizes the opportunities for future conversions of agricultural land to urban uses and thereby promotes the long-term viability of agriculture in the region.

2. **Consistency with the City's General Plan and Land Use Policies:** The Ordinance will implement policies expressed in the Davis General Plan, specifically the Open Space and the Circulation Elements.
   a) **Open Space Element** — the Davis Open Space Element contains policies for creating a Greenbelt (which has an agricultural buffer component), policies for the development of a network of trails and for creating connector greenways which provide for a continuous system of on-and off-street bicycle paths for recreation and transportation (see Chapter IV: Regulatory Framework).
   b) **Circulation Element** — the Davis Circulation Element contains policies that aim to reduce automobile trips by ten percent citywide, strongly encourage the use of bicycles as a viable and attractive alternative to cars, and assure safe and convenient bicycle access to all areas of the City (General Plan Policies 4.3 B, 4.2 G and 4.4 A and B). Currently, it is estimated that approximately 25 percent of all trips are via bicycle. Given this traffic mode split, it is clear that bicycles are a significant mode of transportation in Davis. The creation of bicycle paths that provide a continuous linked route around the City will help reduce automobile trips and so further the goals established in the Circulation Element. Therefore, the agricultural transition buffer, component A, can be considered a transportation mitigation measure by providing bicycle paths and reducing traffic congestion in the City. (See Chapter IV).

3. **Consistency with the City’s Major Projects Financing Plan (MPFP):** The City has made a major commitment to agricultural preservation and to the completion of a continuous Greenbelt around the City's urban edge. The City has committed funding and applied
other techniques for acquiring and developing a 1,500-foot wide Greenbelt around the City's perimeter. At the present time, the MPFP contains approximately $13 million, presently funded by MPFP Dwelling Unit Equivalent (DUE) fees and the construction tax, for the acquisition and development of the Davis Greenbelt. This Ordinance will help to achieve completion of a portion of the planned Davis Greenbelt; therefore, a developer dedicating and improving an agricultural transition area could receive a partial credit against the MPFP DUE fees. This Ordinance will complement the goals of the MPFP and will help the City achieve completion of the Greenbelt. The City's commitment to agricultural preservation and the completion of the City's Greenbelt/agricultural buffer is illustrated by the following efforts:

a) **Oakshade and Waggoner Davis Greenbelt Sections**—Approximately one mile (between 60 to 150 feet wide) along the North Fork of Putah Creek was dedicated to the City as part of the Oakshade and Waggoner Ranch development projects. This area, the Putah Creek Parkway, was identified in the MPFP for acquisition and development as part of the Davis Greenbelt. The City contributed about $400,000 of MPFP revenues to improve the Putah Creek Parkway with a 50-foot wide bicycle path with lights, benches and landscaping.

b) **North Davis Farms Greenbelt Section**—Approximately 11 acres of agricultural easements were deeded to the City as part of the Davis Greenbelt/agricultural buffer along the agricultural/urban edge. (The total parcel is 13.78 acres and the landowner retained a 2.78-acre home site.) The City developed a bike path along the south side of the buffer.

c) **Northstar Greenbelt Section**—Approximately 1.11 miles (100 feet wide) of agricultural buffer were dedicated along the Covell Channel and a 15- to 31-foot wide landscaped bicycle path was developed as part of the Davis Greenbelt.

d) **Sutter Hospital Greenbelt Section**—A 200-foot wide area has been reserved along the north side of this urban reserve parcel. This area may be increased to 300 feet wide if the hospital development abuts onto agricultural land.

e) **El Macero Estates 2**—a 100-foot wide agricultural easement and a 35-foot connector greenway with a landscaped bicycle path is planned and approved along the urban edge.

f) **Riparian and Agricultural Preservation**—The City spent $1,000,000 of Proposition 70 money to acquire and protect 192 acres in South Davis along the South Fork of Putah Creek (the Dow site located along Mace Boulevard). The project may include an agricultural buffer/mitigation component of about 120 acres. A wetlands reconstruction and preservation project is planned on the north side of the property.

g) **Wildhorse**—a 100-foot wide agricultural easement and a 100-foot public access corridor (35 feet along horse ranch), with a landscaped bicycle path planned and approved along the urban edge.
h) Davis Golf Course Agricultural/Swainson Hawk Mitigation – The City is dedicating a 150-foot wide buffer west of new residential subdivision planned on the west side of the Davis Municipal Golf Course. Approximately 70 acres of land west of the Golf Course will serve as mitigation for loss of agricultural land and Swainson Hawk habitat under the Yolo County Habitat Conservation Plan.

4. Public Health and Safety: The provision of agricultural buffers (component B) are necessary to protect urban dwellers from the potentially hazardous aspects of agricultural operations, including pesticide drift, fertilizer use, dust, noise and rodents.

5. Adverse Impact Mitigation under CEQA: Urban and agricultural uses when in close proximity can create reciprocal negative impacts on each other, as described above. Urban dwellers can create negative impacts on agriculture, ultimately causing the loss of productive farmland, and agriculture can be disturbing to urban dwellers. Agricultural buffers can reduce these impacts by providing a physical separation between urban and agricultural uses. Agricultural buffers dedicated to protect farmland uses (component C) provide a public benefit by encouraging locally-produced foodstuffs and promoting viable long-term productive agricultural uses of the land. Developers are provided a feasible method for partially mitigating the loss of prime farmland due to urbanization.

FINANCIAL FEASIBILITY

The Costs of Agricultural Buffer Dedication

Using the project-by-project mitigation approach, approximately 98 acres of agricultural buffers surrounding the City have been dedicated or are planned and approved as part of development projects on the City’s agricultural/urban edge. The proposed Greenbelt nearly encircles the City except for the southwest quadrant which borders on the UC Davis Campus and the eastern edge which borders on the Yolo Bypass and which requires no agricultural buffer/Greenbelt. It has been estimated that it will be necessary to acquire and protect over 11 miles of buffers to complete the Davis Greenbelt/agricultural buffer (based on data from the Davis Community Development Department and the MPFP) (Figure 2).

There are currently about 4.5 miles of agricultural buffers along the urban edge which represent about 38 percent of the total length of the proposed Greenbelt. Therefore, in order to complete the almost continuous ring of buffers around the City, it will be necessary to secure approximately 7 miles or 142 acres of agricultural buffers (assuming an average buffer width of 150 feet). The balance of the proposed 1,500-foot wide Greenbelt could be acquired over time using MPFP funding sources.

As proposed in the Ordinance, the cost of the agricultural buffer will be borne directly by the developer. The cost of dedicating land and conservation easements over these 7 miles or 142 acres of buffers could be in the range of $852,000 to $1.4 million (assuming a land cost
### Figure 2

**Davis Greenbelt/Agricultural Buffer Sections**  
City of Davis

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| Completed Greenbelt/ Agricultural Buffers | 4.45 | 98.06 |

Percentage Completion Achieved: 38% 41%

* Acreage is currently unknown. For illustrative purposes an average buffer width of 150 feet is assumed.
** These projects were not initially included in the Major Projects Financing Plan Greenbelt.

Sources: Doris Michael  Davis Community Development Department, and Davis Major Projects Financing Plan (MPFF) page 47.

*Economic & Planning Systems, Inc.  7/12/95*
of $6,000 to $10,000 per acre for land adjacent to the urban edge and designation as agriculture, agricultural reserve, agricultural open space, Greenbelt/agricultural buffer, Davis Greenbelt or environmentally-sensitive habitat areas).

Costs of Improvements to Agricultural Buffers

The developer is required to improve the agricultural transition area (component A) according to plans that must be approved by the Director of Parks and Community Services (Section 30-50). The total cost of the agricultural buffer requirement will depend on how extensive the required improvements are. The more extensive the required improvements, the greater the cost to the developer. The Ordinance as currently drafted suggests that the appropriate uses in the agricultural transition area include bicycle paths, native plants, tree or hedge rows, benches, lights, trash receptacles, and fencing.

Depending on the quality of the improvements required, a landscaped bicycle path could cost between $0.93 per square foot (Davis MPFP, page 49) and $1.50 per square foot (Davis Public Works Department based on recent Putah Creek Parkway improvements). Assuming that the agricultural transition area is developed with a 26-foot wide pathway (a 10-foot wide bicycle path with a 16 foot wide swath of landscaping with native plants and additional dirt trails), the cost of the improvements to complete the remaining 7 miles of agricultural transition area could range between $889,000 and $1.44 million.

FISCAL ISSUES

Agricultural Buffer Maintenance

The Ordinance provides for the maintenance of the agricultural transition area (component A) by the City by including it in the City's existing landscape and lighting district. This means in effect that the new urban development that created the need for the agricultural buffers will pay for the maintenance and upkeep of the agricultural buffers by paying lighting and landscape assessments. The cost of maintaining a 50-foot wide, mile long, landscaped bicycle path is approximately $2,500 per year for recurring maintenance (Davis Open Space Alternatives Workbook, July 1993). The cost of maintaining 7 miles of agricultural transition area could be approximately $17,500 per year.

The 100-foot wide agricultural buffer (Component B) is the responsibility of the developer to maintain, preferably in agricultural uses. However, as the City will need to provide for long-term monitoring of the terms of the conservation easement, there could be some future fiscal implications for the City associated with buffer component B.
FARMLAND MITIGATION

DESCRIPTION

Dedication of Farmland Conservation Easement/In-lieu Fee Payment

All applicants for zoning changes or any other discretionary entitlement, which will change the use of agricultural land to any non-agricultural land zone or use, will be required to provide agricultural mitigation. Agricultural mitigation shall be in the form of a perpetual farmland conservation easement, or a deed restriction granted to the City of Davis or a qualifying entity approved by the City. One acre of agricultural land must be permanently protected as mitigation for every one acre of land converted to non-agricultural uses. Alternatively, a developer may pay an in-lieu fee pursuant to a mutually agreed upon valuation of a one-to-one replacement of an agricultural conservation easement.

Interaction with the Agricultural Buffer Requirement

As described above, the developer may receive a waiver of the agricultural mitigation requirement if the developer provides a continuous 550-foot wide separation between the urban edge and land designated as agricultural/buffer/habitat land uses. The one to one mitigation requirement may only be waived if the developer meets all the requirements of agricultural buffer components A, B and C, as described above.

Eligible Mitigation Lands

Land provided for mitigation purposes must have similar soils and water supply, and must be located within the Davis Planning Area. Zones of eligible agricultural mitigation land shall be determined by the Davis City Council with input from an advisory committee.

Mitigation Administration Fee

A developer seeking a zoning change to convert agricultural land must also pay an agricultural mitigation fee to cover the costs of administering, monitoring and enforcing the terms of the easement or deed restriction. The amount of the fee is yet to be determined, but it has been suggested by the American Farmland Trust that a one percent administrative fee might be appropriate based on other similar programs.

Farmland Conservation Program Advisory Committee

The Davis Planning Commission shall serve as the Davis Farmland Conservation Advisory Committee. The Committee shall recommend preferred mitigation zones; promote conservation of agricultural land; recommend tentative approval of mitigation lands to the City Council; and certify that mitigation lands are eligible under the terms of the Ordinance.
RATIONALE AND LEGAL BASIS

The following nexus arguments can be made for requiring farmland mitigation:

1. **The Police Power**: While no express statutory authority exists for the imposition of farmland mitigation fees, according to Anne E. Mudge in *Protecting Farmland through Impact Fees in California* (Land Use Law Journal, January 1992), the police power can be used to justify exactions based solely on the burdens placed on natural resources, such as agriculture, created by new development.

   The police power has been used to protect, mitigate for, or replace coastal open space and biologically-sensitive areas. In *Nollan v. California Coastal Commission* the court recognized that burden alone can justify the imposition of an exaction as long as there is a logical nexus between the burden created and the type of condition imposed. In *Remmenga v. California Coastal Commission* (1985) the court upheld the imposition of a fee in-lieu of dedication of a public access easement. In *Paoli v. California Coastal Commission* (1986) the court relied on the power to uphold a coastal commission condition requiring the dedication of an open space easement and made the direct linkage between the loss of open space in the coastal region and the development project's contribution to that loss. In *Commercial Building Association of Northern California v. City of Sacramento* (1991) the court justified the imposition of a fee based on "the conclusion that commercial development is related to an increase in the need for low-income housing".

2. **Subdivision Map Act -- Environmental Impacts**: Government Code Section 66474(e) requires local governments to deny a subdivision approval if the subdivision is likely to cause "substantial environmental damage". According to Mudge, the same code section also gives local governments the power to impose lesser conditions to mitigate those impacts. Therefore, argues Mudge, the local government has the implied power to impose the payment of mitigation fees as an alternative to denying subdivision approval, if that subdivision is found to cause an adverse impact due to the loss of farmland.

3. **Subdivision Map Act -- Plan Inconsistencies**: Government Code Sections 66474 and 66473.5 gives the local government the power to deny approval of a subdivision if it is inconsistent with the General Plan. Therefore, argues Mudge, if the local government has explicit policies that require the protection of farmland in their General Plan, there is an implied authority for requiring mitigation if a subdivision results in the loss of farmland. Adequate mitigation could be required if the subdivision approval results in the loss of prime farmland and such loss is inconsistent with the General Plan. The Davis General Plan provides policies for promoting agricultural preservation and ensuring the continued viability of active agricultural operations in the Davis Planning Area (see Chapter IV).

4. **Adverse Impact Mitigation under CEQA**: Loss of prime farmland is a significant adverse impact under CEQA. Agricultural lands dedicated or secured as a part of project approval provides a "public benefit" that can offset the loss of prime farmland through urbanization. Thus, the proposed Ordinance imposes a policy which can be considered
as a part of the Statement of Overriding Considerations as a "merit" of the project. In addition, the creation of a physical barrier between the urban and the agricultural land and the creation of a buffer with farmland placed in permanent conservation easements will help reduce farmland conversions caused by agricultural/urban conflicts. (The preceding sections were abstracted from Anne E. Mudge in Protecting Farmland through Impact Fees in California, Land Use Law Journal, January 1992).

FINANCIAL FEASIBILITY

Cost of Purchasing the Mitigation Easements

Developers and home buyers will bear the cost of agricultural mitigation requirements directly and indirectly. The costs of the agricultural mitigation requirement will depend on a variety of factors, including the location of the mitigation land, the agricultural landowner's expectations, the value of the farming operation, the desire of the farmer to remain in farming, and soil capability.

According to the Davis Planning & Building Department, there are approximately 446 acres of potential future development in the City of Davis, either within City limits or within the Sphere of Influence (SOI) that could be converted from agricultural to urban uses and therefore could be subject to agricultural mitigation requirements. Agricultural land values in the Davis Planning Area range between $2,500 and $10,000 per acre, depending on proximity to the City limits. If conservation easements average 60 percent of the fee simple market value, the cost of acquiring conservation easements on 446 acres of farmland, to meet the one-to-one acreage agricultural mitigation requirement, could be in the range of $670,000 to $2.7 million. Conservation easements in the Davis Planning Area have recently been purchased for around $1,500 per acre.
III. DEFINITION OF POTENTIAL AGRICULTURAL/URBAN CONFLICTS

The question of potential agricultural/urban conflicts is critical since the City is entirely surrounded by prime agricultural soils devoted to a variety of crop production activities including field crops, row crops and orchards. This chapter describes the type of urban/agricultural conflicts that can arise, thus establishing the public purpose in attempting to avoid such problems, including public health and safety considerations.

Urban uses and agriculture have inherent conflicts. Typically these conflicts are not major issues in small communities which are economically tied to agricultural production (examples include many San Joaquin Valley towns such as Hanford). However, when significant non-agricultural development begins to take place, including the construction of non-agricultural residences and public access to agricultural areas, conflicts can become a significant problem. As the intensity and/or extent of urban development grows, the potential for conflicts increase proportionately.

The most severe conflict between agricultural and urban land occurs when land is removed from production for other purposes. Many aspects of agricultural production are simply incompatible with urban land use and recreational activities. Agricultural operations can create hazards and nuisances. Conversely, urban land uses and the associated population create operational difficulties for agriculture. Hazards and nuisances to urban populations potentially created by agricultural operations in surrounding Davis include:

- Exposure to pesticide and herbicide applications.
- Exposure to smoke (from burns) and dust (from soil preparation).
- Exposure to noise from machinery and trucks, and nighttime cultivation.
- Attractive hazards to children (irrigation ponds, channels, and ditches).
- Exposure to mosquitoes breeding in flooded fields.
- Slow moving traffic from agricultural production machinery.
- Odors.
- Rodents and vectors.

Operational difficulties for agriculture caused by urban land uses and recreationalists include:

- Restrictions upon agricultural operations (e.g., limitations on pesticide/herbicide applications, predator control, burning, operational hours, and traffic etc.).
- Increased trespassing, vandalism, and theft due to the proximity of urban uses or linear access to private agricultural lands.
- Exposure to increased fire risk and crop losses.
• Predation by domestic dogs.

• Liability for injuries to members of the public occurring on private lands.

• Significant increases in operational costs and stress on farmers, ranchers, and farm employees as they must deal directly with the conflicts and possible nuisance suits and related regulatory programs.

• Fragmentation of agricultural areas due to urban or rural residential development which reduces potential farm size and increases conflicts with other uses, and limits access to agricultural infrastructure such as irrigation water, agricultural aircraft landing strips, etc.

• Loss of "critical mass" of a particular crop needed to support needed agricultural services, marketing, and processing facilities.

• Increased (speculative) land values due to proximity to developing areas. Such proximity tends to increase land value in anticipation of future urban development. The pattern typically involves spot sales within surrounding agricultural blocks, increasing demand for peripheral, relatively undervalued blocks of land. This speculative increase in land value reduces the probability that farmers will make long-term investments to maintain the productive potential of the land.

• Increased pressure for sale or subdivision as farming becomes less viable or the descendants of farmers desire larger economic returns.

The Ordinance now being considered by the City of Davis staff is designed to prevent, reduce, and/or mitigate these type of urban/agricultural conflicts.
IV. REGULATORY FRAMEWORK

The Ordinance is supported by existing regulatory frameworks in the City of Davis and the neighboring Counties of Yolo and Solano that support agricultural preservation policies, create agricultural buffers, and establish urban growth limits that guide and direct future urban development within an established urban boundary. The City of Davis is currently updating its General Plan. It is expected that the policies described below will continue to be supported.

EXISTING LAND USE REGULATION

AGRICULTURAL BUFFER/GREENBELT POLICIES

The 1987 Davis General Plan calls for the creation of agricultural buffers and agricultural preserves. "Buffers" are defined under the City’s "Greenbelt" policy in the Open Space Element, and are described as areas that mitigate the adverse effects of urban development on adjoining land by dedicating land to the Greenbelt. The Greenbelt is intended to be used for a variety of purposes, including agricultural, recreational, and storm drainage uses.

The City of Davis General Plan Land Use Map, as well as other graphic expressions of General Plan policy, indicate the geographic extent of various land uses, resources, and public facilities. The pattern of land use categories can be delineated to avoid or minimize conflicts between land uses and activities. The City of Davis General Plan (adopted December 1987 and revised August 1992) designates several land use categories related to agriculture and greenbelts:

- **Greenbelt/Agricultural Buffer**: Policy 2.1 L of the Land Use Element and Policies 3.2 D and 3.2 E of the Open Space Element provide the basis for establishment of a strip of land on the City's periphery. These policies describe appropriate uses. Suitable agricultural buffer uses may include agricultural uses not inconsistent with adjacent urban development, and suitable greenbelt uses include public access for community and non-commercial recreational uses. The appropriate uses, as well as the size or configuration of the Greenbelt/Agricultural Buffer, may vary at different locations. In some cases it is anticipated that the Greenbelt/Agricultural Buffer would be situated on property annexed to the City, while other portions might be acquired or dedicated for public use.

The variation in size and configuration of the greenbelt/agricultural buffer within the City may affect the actual development potential of parcels on which it is located.

The General Plan Map delineation of the buffer portrays the concept, but does not indicate boundaries or widths at specific locations. Zoning regulations, deed restrictions, development agreements, and acquisition will be used to establish the buffer.
• **Davis Greenbelt**: The Davis Greenbelt lies adjacent to urban development surrounding the City. It consists of continuous open space with a public access and circulation component that has minimal interaction with vehicles and a component of ongoing agricultural use. The Davis Greenbelt provides public recreation areas, semi-public areas, and buffer areas.

Possible uses include: public access, public access for community and non-commercial open space and recreational uses, community gardens, urban forests, biking, jogging, hiking, and equestrian trails, retention ponds, athletic fields, horse stables, filed and row crops, orchards, organic farms, natural habitat preserves, landmark or historic sites, and drainage channels and/or overflow area for flood control. The Greenbelt shall have an average width of 1500 feet and a minimum width of 500 feet. The public access portion of the greenbelt shall be a minimum of 100 feet in width.

• **Connector Greenway**: Connector Greenways, following natural and manmade drainage channels, roadways, railroad and utility easements, link the outside edge of urban development and activity to outlying nature reserves, wetlands, City recreational facilities, and future regional parks and open space. Connector Greenways will vary in width and include a variety of land uses, including passive recreation. Possible uses include: bikeways, native plants, rest stops, trails, and directional and interpretive signs.

• **Agricultural Reserve**: Areas designated Agricultural Reserve are those areas identified by the City of Davis as permanent agriculture. These lands will ensure a permanent buffer between adjacent jurisdictions that will maintain the separate identities of surrounding cities.

• **Agricultural Open Space**: Agricultural open space shall serve to protect valuable natural resources such as Class I and II (agricultural) soils. Uses include farmlands (including houses and farm buildings), and land to be used for the production of food and fiber during and beyond the 23-year planning period.

**GENERAL PLAN POLICIES**

The 1987 Davis General Plan has many policies that support agricultural preservation, the creation of agricultural buffers, the creation of a Greenbelt and an interconnecting bicycle path. There follows a summary of the most pertinent guiding policies.
2. LAND USE ELEMENT

2.1 GROWTH MANAGEMENT AND GROWTH LIMITS

Land Use Guiding Policy 2.1 A: Maintain Davis as a small, University-oriented city surrounded by farmland, greenbelt, and natural habitats and reserves.

Land Use Guiding Policy 2.1 E: Urge Yolo County and Solano County to preserve agricultural land within the Davis Planning Area beyond that proposed for development.

Land Use Implementing Policy 2.1 L: Create public access for community and non-commercial open space and recreational uses (e.g., community gardens, urban forests and biking, jogging, hiking or equestrian trails) on periphery of the urban area.

Land Use Implementing Policy 2.1 M: Negotiate with affected jurisdictions and public and private agencies to obtain support for permanent designation of open space and agricultural zoning within the Davis Planning Area beyond proposed urban development.

Land Use Implementing Policy 2.1 O: Seek adoption by Yolo County and Solano County of the following open space preservation policies in their respective General Plans. Open space uses include agriculture, outdoor recreation, and natural habitat preserves.

Maintain open space land uses including outdoor recreation and natural habitat preserves within the Davis General Plan Planning Area beyond the proposed urban development boundaries.

2.2 COMMUNITY IMAGE

Land Use Guiding Policy 2.2 A: Plan for completion of Davis as a city surrounded by agriculture and open space uses, rather than a continuously expanding segment of a metropolitan area in which all cities eventually are expected to grow to meet their neighbors.

Land Use Guiding Implementing Policy 2.2 F: Create open space between urban and agricultural uses to provide a visual edge.
3. OPEN SPACE ELEMENT

3.1 OPEN SPACE FOR THE PRESERVATION OF NATURAL RESOURCES

Environmentally Sensitive Habitat Areas

Open Space Guiding Policy 3.1 E: Determine species to be encouraged or preserved in transitional zones between agriculture and other land uses and provide landscaping that supports those species (e.g., highest priority for rare and endangered species). This may involve restricting public access in nesting areas of certain species such as Swainson's hawks or burrowing owls.

Open Space Guiding Policy 3.1 F: Encourage habitat enhancement in the Greenway for migratory wetland wildlife in existing drainage ponds and other appropriate areas.

3.2 OPEN SPACE FOR THE MANAGED PRODUCTION OF RESOURCES

Agriculture Open Space

Open Space Guiding Policy 3.2 A: Support the Yolo County General Plan goal calling for protection of prime and other agricultural land from urban development.

Open Space Implementing Policy 3.2 D: Seek adoption by Yolo County and Solano County of the following open space preservation policies in their respective General Plans. Open space uses include agriculture, outdoor recreation, and natural habitat preserves.

- Maintain open space land uses including outdoor recreation, and natural habitat reserves within the Davis General Plan Planning Area beyond the proposed urban-development boundaries.

- Support tax and economic incentives that enhance the economic competitiveness of agriculture, and wildlife habitat restoration.

- Apply or retain land-use controls to protect the scenic rural corridors between neighboring communities.

- Encourage voluntary restriction of development through dedication of scenic or conservation easements.

- Support activities of nonprofit land trusts and conservation organizations in acquiring development rights to open space lands by gift or purchase by fee simple title.

Open Space Implementing Policy 3.2 E: Use all available mechanisms for preservation of open space. This may include a fee applied to land annexed to the city.
Open Space Implementing Policy 3.2 F: The City shall ensure through signage, access restriction, fines, and other available means that trespassing into agricultural areas will be minimized.

3.3 OPEN SPACE FOR OUTDOOR RECREATION

Davis Greenbelt

Open Space Guiding Policy 3.3 D: Develop trails network that minimizes conflicts between pedestrians, bicyclists, equestrians, and minimizes impacts on wildlife.

Open Space Guiding Policy 3.3 E: Develop the Davis Greenbelt to have segments which vary in overall size and configuration, level of development, and type of intended activity; follow property lines where feasible when establishing the boundaries.

At the northeast and northwest portions that are adjacent to Covell and Mace Boulevards, the width should be greater to separate public use from traffic impacts.

Open Space Guiding Policy 3.3 F: Provide informal areas for people, especially children and teens, to interact with nature and natural landscapes.

Connector Greenways

Open Space Guiding Policy 3.3 G: Create new links where access to the existing system is currently lacking.

Open Space Guiding Policy 3.3 H: Provide a continuous system of on- and off-street interconnected bikeways for recreational use and transportation.

Open Space Guiding Policy 3.3 I: Pursue bicycle route connections with neighboring communities. Coordinate planning of these facilities with Yolo and Solano counties.

3.4 OPEN SPACE FOR PUBLIC HEALTH AND SAFETY

Open Space General Policy 3.4 A: All projects constructed as part of the Davis Greenway system shall be reviewed by the appropriate City departments to ensure that public safety concerns are met. This review shall include measures such as incorporation of fire protection by provision of access to open space uses and assurance that all bicycle and pedestrian paths are sufficiently wide and durable to support emergency vehicles for routine patrol or medical response.

Davis Greenbelt

Open Space Guiding Policy 3.4 B: In order to allow efficient cultivation, pest control, and harvesting methods to be employed on agricultural land, require those property owners wishing to develop to provide a buffer or other means of mitigating the adverse effects of
urban development on adjoining agricultural land. Urban development may accomplish this by dedicating land for the Davis Greenbelt. Any project developed within the Davis Greenbelt must also comply with this policy.

4. TRANSPORTATION AND CIRCULATION ELEMENT

Circulation Implementing Policy 4.2 G: Consider bicycle lanes as an integral part of collector streets so that bike lanes and pathways form an integrated system.

Transportation Systems Management (TSM)

TSM Implementing Policy 4.3 B: Develop and maintain a trip-reduction program designed to achieve a 10 percent reduction in vehicle trips. Traffic model projections of Levels of Service assume 10 percent trip reduction from trip generation rates.

Bicycles

Bicycle Guiding Policy 4.4 A: Assure safe and convenient bicycle access to all areas of the city. The City Safety Advisory Commission shall develop a process to inform the public and encourage and regularly receive public comments regarding the existing bicycle infrastructure. The process should identify what parts of the infrastructure work, what does not work, and where problems needing immediate attention exist. The Safety Advisory Commission should address the long-term issues in the same manner as roadways are handled. The immediate problems should be corrected as quickly as possible. The Commission should implement a volunteer riding group to monitor recommended safe bicycle routes in order to maintain them as such. Special emphasis should be given to receiving input from local school PTA Safety Committees regarding the safety of children.

Bicycle Guiding Policy 4.4 B: Promote use of bicycles as a viable and attractive alternative to cars.

6.2 WILDLIFE AND VEGETATION

Conservation Guiding Policy 6.2 B: Maintain existing trees, and continue to encourage tree planting.

Conservation Implementing Policy 6.2 D: Encourage use of native plants in public and private landscaping.

Conservation Implementing Policy 6.2 F: Where appropriate, encourage landscaping that provides wildlife habitats.

Conservation Guiding Policy 6.5 C: Promote preservation of prime agricultural land.
Conservation Implementing Policy 6.5 K: Require tree rows or other windbreaks in buffers on the edges of urban development and in other areas where required to prevent soil erosion.

Agricultural Buffer Policies

The Davis Urban Development Ag Buffer Task Force (1989) recommended that the Agricultural Buffer should be termed a "transition zone" and that it should average 1,500 feet in width. However, they allowed that the transition zone could vary substantially in width overall and that it could even be non-existent in some areas. The Yolo County Agricultural Commissioner has recommended a minimum width of 500 feet as a setback for aerial spraying, and 100 feet setback from public access, for ground application of Class 1 pesticide chemicals.

The document entitled "Agricultural Buffers - General Plan Policy Interpretation," adopted by the City Council on September 16, 1992, lays out some definitions for implementing these policies. These guidelines include the following:

- Agricultural Buffers should have a guideline width of 200 feet and a minimum width of 100 feet.

- No public access should be allowed in the agricultural buffer.

- Where a proposed development site adjoins agricultural land or is separated from agricultural uses by the public access portion of the Davis Greenbelt or a Connector Greenway, the developer must provide a 200-foot wide (minimum 100-foot wide) agricultural buffer easement between the urban development and the agricultural use. The easement shall NOT allow general public access.

- The easement may be located on the development site or off-site. Allowable uses within the agricultural buffer easement include: organic vineyards; pastures; portions of greenhouses and nurseries with no public access; urban forests; detention ponds and drainage channels.

(Note: For the purposes of the proposed Right to Farm and Farmland Mitigation Ordinance some of these allowable uses were removed due to the spray setback requirements).

Urban Growth Policies

In addition to the Open Space Element and other General Plan Policies regarding agricultural protection and open space preservation, the City of Davis has instituted the following policies which may affect directly or indirectly agricultural preservation policies:

- Housing Growth Policies. In 1986, 58 percent of Davis' electorate voted in favor of an advisory measure calling for Davis to grow "as slow as legally possible." The General Plan adopted in 1987 assumes a population of between 73,000 and 75,000 at buildout in the year 2010. Davis' growth management policies thus favor the maintenance of Davis as a small, University-oriented city surrounded by farmland, greenbelt, and natural
habitats. The City of Davis has a growth control policy which allocates authorization to build single family housing on a rolling five-year basis. Total growth of residential units in the City since the General Plan was adopted (late 1987 to January 1994) averaged 1.98 percent per year. The number of units built per year since 1987 has ranged from 96 to 414 units (Davis Planning Department).

- **Core Area Residential Infill Policies.** The City of Davis has a "C-RI" zoning designation, which implements the policies of the "core area plan," protects the district's residential character as expressed by older architecture and "tree-shaded ambiance," promotes a greater variety of residential uses, and ensures that new structures harmonize with surrounding residences. Permitted uses include single and multiple (maximum of two) family dwellings, non-commercial agriculture, and day care facilities.

- **Annexation Policies and Urban Growth Boundaries.** The Davis General Plan requires annexation as a condition of approval of urban development proposals. LAFCO has found that the City's General Plan goals are consistent with LAFCO's mandate to discourage urban sprawl and to provide for logical and orderly growth and development. Thus, Davis fully recognizes Yolo County's policy of providing infrastructure items as a product of growth, rather than inducing growth, whereby annexation is a means of providing a full range of services as resources permit. Despite the limitations of Propositions 13 and 4, Davis anticipates that servicing a population increase of 25,000 by 2010 is achievable. This level of population growth would not necessitate an expansion of the urban service boundary.

The City's policies are generally supported by bordering Yolo and Solano Counties' agricultural preservation policies. Both Yolo and Solano Counties have adopted Right to Farm Ordinances and have strong agricultural zoning policies.

**Solano County**

Solano County lands comprise approximately 20 percent of the City's open space in the Davis Planning Area. Some key regulatory issues include the following:

- **Agricultural Zoning.** The majority of the land immediately adjacent to the City of Davis within Solano County is designated Exclusive Agriculture (A). The base zoning for agricultural land in Solano County has been 1 unit per 40 acres since 1979. This is expected to be changed to 1 unit per 80 acres for irrigated land in the Revised General Plan (1995), while grazing lands will be subject to 1 unit per 160 acre base zoning. Since Proposition A limits the re-zoning of agricultural land to cases where land is annexed by cities, unincorporated development has not occurred in northern Solano County's agricultural lands in the past.

- **Proposition A.** In 1985, in reaction to a proposal for a new town in the northeast County, voters passed an initiative — Proposition A. Proposition A has limited urban development to areas inside municipalities, with the exception of those lands already zoned for development at the time of passage. The effect of Proposition A has been to direct growth toward Solano County's existing cities along the I-80 corridor —
particularly in Fairfield and Vacaville. On July 26, 1994 the Solano County Board of Supervisors adopted resolution 94-170 which extended Proposition A and restricted re-designation of lands designated Agricultural or Open Space through December 31, 2010.

Proposition A is not an effective restriction to northward growth by the City of Dixon. The County, as represented by its LAFCO (which has a strong representation from city officials), is under Proposition A, at liberty to approve large annexations proposed by the City of Dixon. The City of Dixon is experiencing market pressure for northward growth, driven by the rapidly increasing population growth of the Sacramento region.

- **City of Dixon.** The sphere of influence of the City of Dixon extends to Tremont Road. It is expected that the City's growth in this direction will occur to the south side of the I-80 corridor. The City's General Plan revision proposes an annexation of the land directly north of the present city limits to the Pedrick Road/I-80 interchange. This annexation is expected to encompass commercial and industrial development.

In the past, officials of the City of Dixon had stated that their City reserves the right to develop its sphere of influence up to the Solano/Yolo County line. However, in May 1995 the LAFCO sphere of influence for the City of Dixon was changed and now extends only as far as Tremont Road. The City of Davis may request a permanent non-urban open space designation to separate the two cities.

- **Williamson Act.** Overall, filings for non-renewal in Solano County have increased over the last ten years. In the northern portion of the County, along Putah Creek, withdrawal activity peaked in 1990 and 1991, with 1,527 and 1,811 acres removed respectively. In particular, a large area just south of the County line adjacent to the U.C. Davis airport filed for non-renewal in 1990. Ideas that have been "floated" in the past regarding this general area include an agricultural/biotech research park taking advantage of U.C. Davis' strength and reputation in that field. This prospect has been discounted by many in the County as unrealistic and improbable however, and is probably prohibited under Proposition A.

- **Right to Farm Ordinance.** The County has implemented a Right to Farm Ordinance which limits the circumstances under which agricultural operations may be considered a nuisance. The Ordinance is implemented through a notice to purchasers of real property which is placed on all grant deeds, quitclaims, and land sale contracts. The notice states that if the property to be purchased is located close to agricultural lands or operations, certain inconveniences and/or discomforts may be experienced and the buyer should be prepared to accept them. An Agricultural Grievance Committee has been created to arbitrate and mediate any disputes that may arise.

However, the notice is "for informational purposes only," and nothing in the Ordinance prevents a property owner from taking an available remedy concerning "unlawful or improper agricultural practice." Thus, the Ordinance does not represent a disclosure,

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1 Assessor's books 101, 103, 104, 107, and 110.
and it does not protect farmers from claims related to application of pesticides and
fertilizers, production, irrigation, pruning, harvesting, and processing agricultural
commodities.

Historically, according to County officials, urban/agricultural conflicts have been at a
minimum in Solano County. However, continued growth in the Dixon area could
potentially lead to conflicts, and there is insufficient evidence to determine whether or
not farming practices will be upheld in the face of nuisance claims.

Yolo County

Yolo County lands comprise approximately 65 percent of the City's open space in the Davis
Planning Area. Yolo County has an excellent record regarding agricultural preservation.
Some key regulatory issues include the following:

- **Agricultural Zoning.** The majority of land immediately adjacent to the City of Davis
  within Yolo County is zoned Agricultural Preserve Zone (AP). The purpose of the AP
  zone is to preserve land best suited for agricultural use from the encroachment of
  nonagricultural uses. The minimum lot size for land in the AP zone was recently
  increased from 20 acres to 80 acres for irrigated lands; 160 acres for non-irrigated soils
  capable of cultivation; and to 320 acres for range land and soils not capable of
  cultivation (Ordinance No. 1157 Blue Ribbon Committee Recommendations adopted
  December 1992). This zoning will be in line with Solano County's minimum lot size for
  agricultural land if the new Solano County General Plan is revised as discussed above.

- **Williamson Act Withdrawals.** There has been an increase in the number of non-renewals
  in Yolo County recently. According to the Yolo County Planning Department, as of
  January 1995 a total of 53,219 acres on 368 parcels have filed for non-renewal under the
  Williamson Act. Since 1985, the volume of acreage and the number of contracts filed for
  non-renewal has increased. During the period from 1985 to 1987, an average of 985
  acres per year were filed. Between 1989 and 1994, an average of 9,104 acres per year
  filed for non-renewal. Non-renewals peaked in 1989 and 1990 with 10,876 and 15,466
  acres respectively. However, very few of these non-renewals were in the Davis
  Planning Area.

According to UC Davis Professor Al Sokolow, in his recent study of Williamson Act
withdrawals, although there is a general trend in increasing acreage filed for non-
renewal, this does not indicate a "flight from farming." Rather, the large annual acreage
involved in non-renewals in the most recent years are associated with large
developments such as the Conaway project, the Dunnigan Community Plan — both of
which are located on non-prime soils. There has also been a major withdrawal around
the Winters area. However, if the number of Williamson Act non-renewals continues to
increase, this could be a cause for concern, depending on what the landowners'entions are for these properties over the next decade.
• **Right to Farm Ordinance.** In December 1991, Yolo County adopted a Right to Farm Ordinance (Ordinance No. 1133) which aims to provide protection of certain agricultural operations from nuisance claims and establishes a grievance procedure. The Ordinance provides for the notification of all existing property owners in the County by a one-time mailing with property tax statements about the potentially objectionable circumstances associated with agricultural operations. Title insurers have agreed to notify property purchasers about the provisions of the Ordinance when issuing preliminary title reports. However, the Ordinance does not provide for a permanent deed restriction on property being developed adjacent to agricultural land. The Ordinance provides for the establishment of a grievance committee to deal with disputes when they arise in a timely and cost-effective manner.

The Yolo Ordinance, like the Solano Right to Farm Ordinance, is mainly for informational and educational purposes. According to County officials the grievance procedure has been utilized at least once so far.

• **Yolo County Conservation Easement Ordinance.** In December 1991, a draft Yolo County Farmland Conservation Easement Ordinance was considered by the Yolo County Planning Commission. As currently drafted, the Ordinance would require 6:1 mitigation for conversion of farmland from any agricultural zoning to non-agricultural zoning. Yolo County LAFCO would be encouraged to adopt a similar mitigation policy for annexations. A landowner seeking a rezoning would be required, as a condition of approval, to purchase conservation easements on six acres for each one converted. Easement purchase zones would be established by the County Board of Supervisors which would be compatible with existing County and City General Plan policies. These purchase zones should give the greatest emphasis to the higher risk areas nearest to the cities. Restrictions imposed by the conservation easements would be similar to those imposed by the Ag Preserve (AP) zoning and the easements would be deeded to the Yolo Land Conservation Trust. A Yolo County Conservation Easement Ordinance has not as yet been adopted. It is still under consideration and it appears that there is some interest among County officials in adopting some form of this Ordinance, although it seems unlikely that it will require such a high mitigation ratio.

**EFFECTIVENESS OF EXISTING POLICIES**

The strong agricultural preservation policies of both Solano and Yolo Counties and their County LAFCOs have worked well to contain urban growth within City boundaries, and there have been relatively few conversions of agricultural lands due to annexations in the Davis Planning Area Boundary. In Yolo County, there has been a long history of support for agricultural preservation and these policies have contained growth mostly within existing urban boundaries. According to a Yolo LAFCO official, approximately 90 percent of the County population lives within the four cities of Davis, West Sacramento, Woodland and Winters. The six townships in unincorporated Yolo County have been in existence since the turn of the Century.
In Solano County, Measure A has also been quite effective in restricting urban growth within existing cities. However, the City of Dixon’s sphere of influence extends to Tremont Road and while Proposition A has discouraged urban development on unincorporated land, Dixon may continue to develop northward towards the southern edge of the Davis Planning Area.

The City of Davis has also been relatively successful in maintaining compact growth patterns due to existing policies, especially the housing growth policy established in 1986, which limits the number of residential units that can be approved on an annual basis. Davis has experienced only moderate growth within the past 14 years, from a population of 36,450 in 1980 to 48,866 in 1994 (DOF January 1994) -- an increase of 34 percent (or an annual growth rate of 2.12 percent).

As noted earlier, there has been quite a marked increase in the number of Williamson Act withdrawals in recent years. While this may not represent an immediate flight from farming, if the trend continues on lands inside the Davis Planning Area, this could be a sign that some farmers in the immediate ring around Davis view the City’s policies towards agriculture as a holding zone rather than a long-term commitment to permanent agricultural preservation.

While there is some evidence of speculation in the Davis Planning Area it has not resulted in a steep gradient in land values. Land values close to the City border are somewhat higher than strictly agricultural values in the lands outside the Davis planning boundaries. Lands close to Davis in Yolo County are selling for between $6,000 to $10,000 per acre while agricultural lands beyond the planning boundaries are selling in the range of $2,500 to $5,000 per acre.

The proposed Ordinance, if adopted, will result in the rationalization of City policy and will have two beneficial outcomes:

1) **Minimizing Urban/Agricultural Conflicts:** The buffering of agricultural uses from the urban edge and the notification requirements will reduce urban/agricultural conflicts and benefit farmers by minimizing the possibility of nuisance suits and crop theft and damage. Buffering of agricultural land from urban development and the creation of linked landscaped bicycle paths will benefit urban dwellers by minimizing the potentially-negative impacts of agriculture such as noise, dust and pesticide use while creating attractive alternative circulation routes.

2) **Promoting Agricultural Preservation:** While the two bordering counties have strong agricultural protection policies, ultimately, long-term farmland protection requires the purchase of permanent conservation easements over land within the Davis Planning Area and strictly enforced urban limit lines. The proposed Ordinance will benefit both City of Davis urban dwellers and neighboring farmers by allowing development at the urban/agricultural edge to proceed according to current land use policies, while minimizing the impacts of such urbanization on both existing and future farmers. Urban dwellers will benefit from having their City contained within compact growth patterns surrounded by protected farmland.