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# California Farmland Conservancy Program

## Focus on Farmland



Volume 2, Number 3

Newsletter of the CFCP

Winter 2004

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### This edition of Focus on Farmland features:

- Updates on farmland preservation activities in the North coast
- A recent CFCP grant to the Marin Agricultural Land Trust
- Recent legislative changes strengthening the Williamson Act, and
- An update on CFCP funding availability

Read on!

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### Northcoast Regional Land Trust and Partners Preserving Agricultural Lands

Like many areas in California, agricultural lands in the North coast region are being converted to residential development. Between 1992 and 1997, Humboldt County lost 13,228 acres of farmland and 82 farms. In order to sustain the base industries of farming, ranching and dairy production in the area, the Northcoast Regional Land Trust (NRLT) is beginning work on a comprehensive plan for the region, establishing conservation priorities and promoting landowner incentives to preserve agricultural use of their land. The NRLT is beginning this exciting work with the partnership of the local Farm Bureau, County Planning Departments, and a planning grant from the California Farmland Conservancy Program.

Currently, more than 25 percent of the land in Humboldt County is in agricultural use, including 75,000 acres of highly productive, tillable, and irrigable soils. Much of this productive land is located around Humboldt Bay and in the alluvial plains of the Eel and Mad Rivers. Unfortunately, escalating development pressures presently place these productive agricultural lands at risk.



Eel Canyon Farm in Southern Humboldt County. Photo by Carrie Grant.

The Northcoast Regional Trust (NRLT) was established in 2000 to protect the attributes that make North Coast (Humboldt, Del Norte and Trinity Counties) quality of life unique: including sense of community, culture, and connection to the landscape. The NRLT's mission is dedicated to protecting farms, forests and grazing lands, as well as preserving land for natural, educational, scenic and historic values. As a land trust partner, NRLT works with landowners on a voluntary basis to promote stewardship of Northern California's healthy and productive resource base, natural systems and quality of life.

Through NRLT's Northcoast Working Lands Conservation Program, the land trust is taking the

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lead on these issues and initiating conservation easements with interested landowners. To date, the NRLT has received overwhelming response from landowners interested in protecting their land through a conservation easement as a way to make their farm or ranch more economically and ecologically viable amidst mounting development pressures. To address this need, NRLT's Working Lands Conservation Program will focus on the Humboldt Bay and Eel, Mad, and Smith River fertile bottomlands utilizing the support from the Department of Conservation's California Farmland Conservancy Program.

*Thanks to Maya Conrad, NRLT Executive Director, for supplying information for this article.*

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## Strategic Marin County Farmland Protected

The Marin Agricultural Land Trust (MALT) recently purchased an agricultural conservation easement on the 870-acre James Grossi Ranch, with assistance from a CFCP grant. Located on the edge of the City of Novato in an area threatened by conversion to ranchettes and country estates, Grossi Ranch's productive grassland is used to raise replacement heifers. It is also a part of the Stafford Lake watershed, which contributes to the North Marin Water District's drinking water supply. The Grossi family and MALT hope that this easement transaction will be a catalyst for other MALT projects in the vicinity of the Grossi Ranch.



James Grossi, family and friends. *Photo courtesy of Marin Agricultural Land Trust.*

MALT purchased the easement with \$700,000 in funding from the California Farmland Conservancy Program, \$585,000 from the State Coastal Conservancy, and \$585,000 of its own funding. It is the second transaction that MALT has completed with the CFCP. The CFCP's contribution was made with Proposition 12 bond funds, 20% of which are mandated to be available to the five counties adjoining San Pablo Bay.

MALT was founded in 1980, the first land trust in the country to focus exclusively on farmland preservation. In 2003, its agricultural conservation easement program has preserved 32,000 acres on 48 family farms and ranches in Marin County.

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## CFCP Funding Update

The Governor's proposed Budget for Fiscal Year 2004-05 was released on January 9, 2004. At this point, the Administration has decided to defer decisions on the appropriation of bond funds from Proposition 40 until the spring. As such, programs utilizing bond funds, including the CFCP, have no grant funding currently identified in the Governor's 2004-05 Budget.

The CFCP received \$10 million in grant funding from Proposition 40 during the current 2003-04 Fiscal Year, and continues to allocate grant funds from this source. Even with the uncertainties of additional funding in the upcoming fiscal year, we continue to encourage grant applicants to move forward with specific agricultural conservation easement grant proposals, and will provide funding updates as we progress to the new fiscal year.

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## Recent Legislative Updates Strengthen the Williamson Act

As one of the more talked about land conservation bills in recent memory, Assembly Bill 1492 (Laird, Chapter 694, Statutes of 2003) warrants a mention. AB 1492 became law on January 1, 2004, and affects the Williamson Act program. The Williamson Act is the state's most widely utilized agricultural land protection program, protecting more than 16 million acres through contracts between private landowners and local governments. Many of the easement acquisitions funded by CFCP involve land protected by a Williamson Act contract.

AB 1492 addresses material breaches of Williamson Act contracts -- what they are and how they are to be dealt with. A material breach on contracted land is defined as a commercial, industrial or residential building(s), exceeding 2,500 square feet that is not permissible under the Williamson Act or contract, local uniform rules or ordinances. These are generally structures that exceed the number or type allowed on contracted lands. Under AB 1492, local governments assume the lead role in addressing potential material breaches. This role includes determining if a material breach has indeed occurred, mailing notices to the landowner and Department of Conservation (DOC), and, if necessary, holding a hearing. If a material breach is identified, AB 1492 provides local governments and landowners with a new and alternate remedy from the cancellation petition process. If local governments fail to act regarding a breach, DOC is authorized to take action.

Landowners in material breach may eliminate the breach within 60 days or pay a penalty. The penalty is 25% of the unrestricted fair market value of the land rendered incompatible by the breach, plus 25% of the value of the incompatible building and any related improvements on the contracted land. This amount can be reduced to 12-½ % of land value and 12-½ % of improvement value if the local government finds it appropriate. Failure to pay the lien within 60 days of recording will result in simple interest of 10% per year accruing until the penalty is paid. Once payment of the lien is complete, the local government will record a release of the lien and a certificate of contract termination by breach with the county recorder for that portion of the contract made incompatible by the breach.

Among other exceptions, AB 1492 only applies to structure(s) that have been permitted and constructed after January 1, 2004. The bill also extends the Williamson Act's lot line adjustment provisions to 2009. For more information and links to the full text of AB 1492, please visit the Williamson Act portion of the Department of Conservation's website [www.conservation.ca.gov/dlrp/](http://www.conservation.ca.gov/dlrp/).

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### Reminder: Annual Monitoring Reports Due to CFCP by June 30<sup>th</sup>

For organizations holding easements acquired with CFCP funding, annual monitoring reports are due by June 30<sup>th</sup>. Reports can be in the format of a one-page letter. The letter should discuss the annual monitoring visit and specifically:

- Describe the method of monitoring
- Describe the condition of the property
- Note whether any violations were found during the reporting period
- Describe any corrective actions taken
- Explain the resolution of any violation
- Note if there has been any transfer of interest in the property

Please send any required reports to: Deanna Dobrinen, CFCP/DLRP, Department of Conservation, 801 K Street MS 18-01, Sacramento, CA 95814.

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Also, please note that we have starting phasing in our **new monitoring Memorandum of Understanding** (MOU) for easements funded by CFCP. This MOU reaffirms easement-monitoring requirements in a document that is outside of the easement and grant agreement. A number of CFCP easement holders have suggested this arrangement and we see the value in this approach. Our goal is to eventually execute a monitoring MOU will all of the organizations holding easements acquired with CFCP funding.

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## In Brief:

### **Institute for Local Self Government's Farmland Protection Guidebook Available**

The CFCP still has a limited number of copies of the Farmland Protection Action Guide. They are available to interested individuals at no charge. Published by the Institute for Local Self Government, in part through assistance from a CFCP planning grant, this handbook takes an in-depth look at farmland protection from the local agency perspective. The guide details 24 strategies that local officials can use to develop a comprehensive farmland protection program and build the public support necessary to implement it. More information about the guide can be found at the Institute for Local Self Government's website: <http://www.ilsg.org>. The Institute for Local Self Government is the nonprofit research arm of the League of California Cities.

**To request a copy of the guide, send an e-mail, along with your mailing address, to [ddobrine@consvr.ca.gov](mailto:ddobrine@consvr.ca.gov)**

### **National Assessment of Easement Programs Report Available**

California's own Al Sokolow collaborated with researcher Anita Zurbrugg to produce a study, *A National View of Agricultural Easement Programs*, which is perhaps the most in-depth and comprehensive analysis of agricultural easement programs undertaken in the United States. The first report in a series to be issued from the study profiles 46 agricultural easement programs in 15 states -- nearly half of all publicly funded farmland protection programs in the nation. The 46 programs studied have spent a total of \$1.8 billion to protect 887,000 acres on 5,800 farms. The study was sponsored by American Farmland Trust and the Agricultural Issues Center, University of California, in collaboration with Farm Foundation. To view the report, see <http://www.farmland.org/research/assessment.htm>, or contact Al Sokolow at 530-752-0979.

### **Staffing Changes at CFCP**

The CFCP has undergone changes in the last quarter: Robert Cacciari, our appraiser, has retired, and Deniz Tuncer has taken maternity leave. Remaining project staff Catherine Caldwell and Tim Bryant, as well as Program Manager Charles Tyson, are pitching in to manage Deniz's projects until her return hopefully sometime in the summer. We wish the best to Robert and Deniz in their new adventures!

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We hope you've found this issue of *Focus on Farmland* useful and informative. Please contact us with any questions or ideas you have for future editions. Feel free to forward this email to other interested parties.

*If you wish to be added or removed from this mailing list, please reply to [cfcpc@consvr.ca.gov](mailto:cfcpc@consvr.ca.gov).*

### **California Farmland Conservancy Program**

**Manager:** Charles Tyson  
(916) 324-0850  
[cfcpc@consvr.ca.gov](mailto:cfcpc@consvr.ca.gov)

Department of Conservation  
801 K Street, MS 18-01  
Sacramento, CA 95814  
<http://www.conservation.ca.gov/>

