

SUSTAINABLE AGRICULTURAL LANDS CONSERVATION PROGRAM
COMMENTS RECIEVED: NOVEMBER 2015



November 19, 2015

Randall Winston
Acting Director, Strategic Growth Council
1400 10th Street
Sacramento, CA 95814

RE: Comments on the Sustainable Agricultural Lands Conservation Program Draft Guidelines

Dear Mr. Winston,

On behalf of Big Sur Land Trust (BSLT), I am pleased to submit comments on the Strategic Growth Council's (SGC) 2015-16 Draft Guidelines for the Sustainable Agricultural Lands Conservation (SALC) Program. BSLT's mission is to inspire love of the land and conservation of our treasured landscapes with a focus on Monterey County.

The SALC Program plays a critical role in helping local governments and other land conservation entities protect vulnerable agricultural lands from conversion to more carbon intensive uses. As part of SGC's Affordable Housing & Sustainable Communities Program, the SALC Program is designed to lock in urban limit lines by conserving agricultural land on the periphery of cities, thereby promoting infill development and reducing vehicle miles traveled (VMTs) and greenhouse gas (GHG) emissions.

While we are highly supportive of the SALC Program's goals overall, we respectfully request you consider two additional elements in the Guidelines:

1. Include Open Space as an Eligible Land Type for SALC Funding

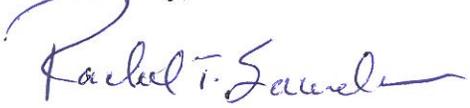
The SALC Program identifies the protection and management of California's agricultural lands as critical to preventing increases in GHG emissions by limiting opportunities for expansive, vehicle-dependent forms of development. While BSLT strongly supports this, **we also believe open space should be included as an eligible land type for funding because it also provides valuable avoided emissions benefits.** Open space provides necessary buffers between sprawling cities and natural lands, which prevents these cities from converting additional vulnerable lands, ecosystems and habitats into more carbon intensive uses, and therefore promotes infill development and reduces VMTs. Narrowing the scope of the SALC Program to only apply to agricultural lands limits SGC's ability to fulfill its broader emission reductions goal.

2. Include Fee Title Land Acquisitions as an Eligible Tool for SALC Funding

BSLT is very supportive of the SALC Program's funding of conservation easements to protect agricultural and ranch lands. **However, we believe that fee title land acquisitions should be considered as eligible projects for funding, as they also protect agricultural lands and open space from conversion.** There are multiple tools that land conservation entities use to protect agricultural lands and open space from conversion. However, limiting funding eligibility to only conservation easements unnecessarily deprives these entities of the flexibility needed to protect agricultural lands and open space. In many cases, landowners desire to sell their land outright rather than put a conservation easement on it. To protect this land and therefore fulfill SGC's broader emission reductions goal, land conservation entities need to be able to use fee title land acquisitions in addition to conservation easements.

BSLT is very grateful for the support the SALC Program provides to achieve the state's GHG emission objectives related to land conservation. As California looks to its post-2020 climate goals, land conservation will play an increasing role in sequestering carbon and limiting cities' vehicle-dependent development. Thank you for the opportunity to comment on the 2015-16 Draft Guidelines for the Sustainable Agricultural Lands Conservation Program.

Sincerely,



Rachel T. Saunders
Director of Conservation
Big Sur Land Trust



CALIFORNIA ASSOCIATION OF REALTORS®

November 18, 2015

Strategic Growth Council
Governor's Office of Planning and Research
1400 10th Street
Sacramento, CA 95814
Email: AHSC_AG@sgc.ca.gov

RE: DRAFT Program Guidelines 2015 Sustainable Agricultural Lands Conservation Program – October 2015 – OPPOSE

Chairman Alex:

Thank you for the opportunity to provide comments on the DRAFT Program Guidelines 2015 Sustainable Agricultural Lands Conservation Program (SALCP). The California Association of REALTORS® (C.A.R.) seeks to be a valuable contributor in the development of recommendations and policies related to open space and urban growth boundaries.

C.A.R. opposes urban limit lines and urban growth boundaries as they negatively impact housing affordability.

C.A.R. strongly opposes any proposal that would require cities and/or counties applying for SALCP funds to adopt green belts, urban limit lines, urban growth boundaries or restricted urban service areas in their general plans or resolutions. These limit lines and growth boundaries do not allow flexibility to accommodate population growth, will contribute to higher housing costs and will result in loss of property value to property owners outside the line. According to a recent Legislative Analyst Office (LAO) Report (California's High Housing Costs: Causes and Consequences, released on March 17, 2015) "Housing is more expensive in California than just about anywhere else." "As of early-2015, the typical California home cost \$437,000, more than double the typical U.S. home (\$179,000)."

C.A.R. believes that protection of agriculturally important lands and the reduction of greenhouse gas emissions should be accomplished through planning, zoning, and incentives such as property tax relief that are currently offered under the Williamson Act or Farmland Security Zones. C.A.R. also believes any homeowners that find their properties outside of any these proposed boundaries should be fairly compensated for the loss of value of the property.

The California Association of REALTORS® looks forward to collaborating with the Council, its staff and other key stakeholders to develop a comprehensive statewide program to reduce greenhouse gas emissions while providing affordable homes to all Californians.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Svec".

Jennifer Svec,
Legislative Advocate

Cc: Strategic Growth Council, Members



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California Natural and Working Lands Coalition

A partnership of



Ken Alex, Chair
Strategic Growth Council
1400 Tenth Street
Sacramento, CA 95814

October 12, 2015

Dear Chair Alex,

On behalf of the Natural and Working Lands Coalition, we write to support \$40 million in funding for the Sustainable Agricultural Lands Conservation (SALC) program for FY 2015-16, as recommended in the draft guidelines. We applaud the Strategic Growth Council's leadership in developing SALC and its companion urban in-fill program, the Affordable Housing and Sustainable Communities (AHSC) program.

Changes in land use will have profound impacts on the state's greenhouse gas emissions in the long-term. But to adequately meet the changes of transforming our communities to more compact, smart growth cities adjacent to vibrant, agricultural lands further investment is needed. Demand for the SALC program in FY 2014-15 far exceeded the current funding level of \$5 million with over \$45 million in funding requests for statewide projects.

Improved funding for SALC can achieve the GHG emissions reduction triple bottom line associated with agricultural land conservation: reduced vehicle miles traveled, increased carbon sequestration, and avoided emissions associated with land conversion and urban development.

California cannot meet its AB 32 or 2030 and 2050 GHG reduction goals without support for rural climate strategies that complement urban efforts to reduce emissions and move toward a clean energy economy. Farms and ranches provide unique carbon sinks and have much lower GHG emissions than urban areas; yet we continue to lose agricultural lands at the alarming rate of 50,000 acres per year.

The potential of SALC to reduce GHG emissions is significant. Using the calculations from the UC Davis researchers who compared emissions from agricultural versus urban land uses¹, if SALC efforts reduce agricultural land conversion by 40% or 20,000 acres per year, it would avoid GHG emissions by 1.2 million metric tons, equivalent to taking 240,000 cars off the road and reducing VMT by 2.9 billion miles annually. These benefits, to say nothing of the food production capacity, would be compounded every year.

As the state moves forward to tackle the most pressing challenges of climate change we must embrace efforts, like SALC, that provide multiple benefits to our communities. Sustainable farming projects contribute to regional economic development in California's poorest communities and improved health outcomes through improved management. SALC awards are contributing to SB 535 by providing grants in disadvantaged communities.

¹ See: <http://www.energy.ca.gov/2012publications/CEC-500-2012-032/CEC-500-2012-032.pdf>

To meet the demands of the program and the scope of the work, we support \$40 million in funding for SALC for FY 2015-16.

Thank you for your consideration.

Sincerely,

Michelle Passero
The Nature Conservancy

Jeanne Merrill
California Climate & Agriculture Network

Rico Mastrodonato
The Trust for Public Land

Paul Mason
Pacific Forest Trust

Chuck Mills
California ReLeaf

Juan Altamirano
Audubon California

Kim Delfino
Defenders of Wildlife

Cc: Secretaries John Laird (CNR) and Karen Ross (CDFA)

CALIFORNIA
RANGELAND
Trust

Sent via email to AHSC AG@sgc.ca.gov

November 19, 2015

Ken Alex, Chair
Strategic Growth Council
1400 Tenth Street
Sacramento, CA 95812

RE: Comments on the Sustainable Agricultural Land Conservation Program and
Quantification Methodology

Dear Chair Alex,

The California Rangeland Trust appreciates the opportunity to comment on the draft program guidelines for the second round of grants for the California Sustainable Agricultural Lands Conservation Program (SALC). The Rangeland Trust works with ranchers throughout the state to conserve working lands so families can continue livestock production while also providing numerous ecosystem benefits including carbon sequestration, clean air, water, food production, and wildlife habitat to name a few. We agree that agriculture and rangelands have an important role to play in reducing greenhouse gas emissions and avoiding future increases, and the SALC program is a good start.

The Department of Conservation has done a great job of developing and implementing this program and we look forward to working collaboratively with staff to conserve rangelands at risk of conversion. In drafting the guidelines last year, the Department agreed to allow the easements to restrict conversion of rangelands to cultivated agriculture, opening the door for the Rangeland Trust and other organizations to participate in the program. We are very grateful for that change in the guidelines. We hold rangeland conservation easements on 286,000 acres and have 60 landowners representing approximately 400,000 acres waiting to sell easements on their ranches. This is a strong indicator of the need for rangeland easement funding.

The Rangeland Trust is a signatory to the joint letter from CalCAN and numerous other agricultural groups and we agree with the changes requested in that letter. However, we felt it was important to highlight issues of special concern for us.

First of all, limiting eligible projects to those that just extinguish development rights is to overlook the additional benefits afforded by our rangeland conservation easements that prohibit conversion to cultivated agricultural uses. A 2012 UC Davis study (Jackson et al. 2012) found that urban land emits up to 70 times more greenhouse gas than the average acre of irrigated cropland, and rangeland releases even less than cultivated agriculture. We strongly encourage the inclusion of the emissions benefits from preventing the conversion of rangelands to intensive agriculture in addition to extinguishing development rights.

Secondly, we want to echo the request described in the CalCAN letter regarding the quantification methodology and the nine options for demonstrating risk listed on page 7 of the California Air Resources Board draft. Conversion risk should be described by each applicant in the request for funding given the threats that manifest differently depending on where they are in the state. Many ranches may be well beyond five miles of an urban area, but face a serious risk of rural residential development due to perfected certificates of compliance that circumvent local zoning ordinances.

On the positive side, the recommended funding level of \$40 million for the coming year is welcome news and we encourage the Strategic Growth Council to approve the amount. We also support the reduction of the matching fund requirement from 50% to 25% that will still leverage SALC funds but make it easier to bring easement protection projects to completion.

Sincerely,



Nita Vail
Chief Executive Officer



Darrel Sweet
Chairman



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

**PLANNING
SERVICES DIVISION**

EJ Ivaldi, Deputy Director

November 19, 2015

Randall Winston
Acting Director, Strategic Growth Council
1400 10th Street
Sacramento, CA 95814

RE: Comments on the Sustainable Agricultural Lands Conservation Program Draft Guidelines

Dear Mr. Winston,

On behalf of Placer County Planning Services Division (Placer), I am pleased to submit comments on the Strategic Growth Council's (SGC) 2015-16 Draft Guidelines for the Sustainable Agricultural Lands Conservation (SALC) Program.

The SALC Program plays a critical role in helping local governments and other land conservation entities protect vulnerable agricultural lands from conversion to more carbon intensive uses. As part of SGC's Affordable Housing & Sustainable Communities Program, the SALC Program is designed to clearly define the limits of urban development by conserving agricultural land on the periphery of cities, thereby promoting infill development and reducing vehicle miles traveled (VMTs) and greenhouse gas (GHG) emissions.

While we are highly supportive of the SALC Program's goals overall, we respectfully request you consider two additional elements in the Guidelines:

1. Include Open Space as an Eligible Land Type for SALC Funding

The SALC Program identifies the protection and management of California's agricultural lands as critical to preventing increases in GHG emissions by limiting opportunities for expansive, vehicle-dependent forms of development. While Placer highly supports this, **we also believe open space should be included as an eligible land type for funding because it also provides valuable avoided emissions benefits.** In addition to agricultural lands, Placer aims to protect threatened open space located on the periphery of cities. Narrowing the scope of the SALC Program to only apply to agricultural lands limits SGC's ability to fulfill its broader emission reductions goal. Open space also provides necessary buffers between sprawling cities and natural lands, which prevents these cities from converting additional vulnerable lands, ecosystems and habitats into more carbon intensive uses, and therefore promotes infill development and reduces VMTs.

2. Include Fee Title Land Acquisitions as an Eligible Tool for SALC Funding

Placer is very supportive of the SALC Program's funding of conservation easements to protect agricultural and ranch lands. **However, we believe that fee title land acquisitions should be considered as eligible projects for funding because they also protect agricultural lands and open space from conversion.** There are multiple tools that land conservation entities can use to protect agricultural lands and open space from conversion. However, limiting funding eligibility to only conservation easements unnecessarily deprives these entities of the flexibility needed to protect agricultural lands and open space using a variety of tools. In many cases, landowners sell their land outright rather than put a conservation easement on it. To protect this land and therefore fulfill SGC's broader emission reductions goal, land conservation entities need to be able to use fee title land acquisitions in addition to conservation easements.

Placer is very grateful for the support the SALC Program provides to achieve the state's GHG emission objectives related to land conservation. As California looks to its post-2020 climate goals, land conservation will play an increasing role in sequestering carbon and limiting vehicle-dependent development.

Thank you for the opportunity to comment on the 2015-16 Draft Guidelines for the Sustainable Agricultural Lands Conservation Program.

Sincerely,

A handwritten signature in cursive script that reads "Loren E. Clark".

Loren Clark
Assistant Agency Director
Placer County Community Development Resource Agency



County of San Diego

MARK WARDLAW
DIRECTOR
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PLANNING & DEVELOPMENT SERVICES
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November 4, 2015

Sustainable Agricultural Lands Conservation Program
Strategic Growth Council
1400 Tenth Street
Sacramento, CA 95814

Via Email to: AHSC_AG@sgc.ca.gov

RE: COMMENTS ON THE CALIFORNIA SUSTAINABLE AGRICULTURAL LANDS CONSERVATION PROGRAM DRAFT PROGRAM GUIDELINES FUNDED BY THE GREENHOUSE GAS REDUCTION FUND

The County of San Diego (County) has received and reviewed the Sustainable Growth Council's draft "Sustainable Agricultural Lands Conservation (SALC) Program Guidelines" dated October 2015, and appreciates this opportunity to comment. While the County of San Diego supports the premise behind the SALC Program in that we believe in supporting the protection of agricultural lands, the County of San Diego Planning & Development Services (PDS) offers the following comments on the Agricultural Conservation Easement Grants (Section 3) for your consideration.

GENERAL COMMENTS

- 1) The County Planning & Development Services has developed a Purchase of Agricultural Conservation Easements (PACE) Program intended to promote the long-term preservation of agricultural land. To date the County has secured 1,195 acres of agricultural conservation easements and is eager to continue this preservation effort throughout the County. Additional funding sources, such as the SALC Program are needed to assist in the continuation of the long-term preservation of agricultural land. However, the selection criteria outlined in the Draft California Sustainable Agricultural Lands Conservation Program Guidelines can drastically limit the number of potential applications a County like San Diego, with its unique agricultural attributes can process.
- 2) The County's Multiple Species Conservation Program (MSCP) recognizes the additional conservation values of agricultural lands as habitat for some wildlife species and as buffers between development and County preserve lands. Within San Diego County, agricultural lands which provide additional conservation values and are likely to be

developed, may not have prime agricultural soils. Additionally, some agricultural lands may not currently be in production due to drought or other issues. It is recommended that agricultural lands not currently in production, but that have been in production in the past, be considered eligible for an agricultural easement.

SECTION 3: AGRICULTURAL CONSERVATION EASEMENT GRANTS

Page 26 & Page 28 – Agricultural Conservation Easement (ACE) Eligibility and Selection Criteria

*Criteria: The parcel proposed for conservation is expected to continue to be used for, and is **large enough** to sustain, commercial agricultural production. It is in an area that possesses the necessary market, infrastructure, and agricultural support services, and the surrounding parcel sizes and land uses will support long-term commercial agricultural production. (PRC §10251 (a))*

- a) Typical agricultural properties within San Diego County are less than 10 acres in size; the eligibility requirement of "**large enough**" is ambiguous and capricious.
- b) Per the 2014 Crop Statistics and Annual Report prepared by the County of San Diego Department of Agriculture, Weights and Measures (available online here: <http://www.sandiegocounty.gov/content/dam/sdc/awm/docs/Crop%20Report-Final.pdf>), the County has over 268,592 acres of commercial agriculture, of which 68% of farms are one to nine acres in size.
- c) With over 5,700 farms in the County, the median size farm is only four (4) acres, but is large enough to sustain and produce commercial agriculture.
- d) The County's varied topography creates a wide fluctuation of microclimates resulting in nearly 30 different types of vegetation communities, which do not necessarily require large acreages to produce commercial agriculture.
- e) For the reasons stated above, the County suggests clarifying the selection criteria to allow for the acquisition of smaller size parcels.

Criteria: The proposed easement is not part of a local government's condition placed upon the issuance of an entitlement for use of a specific property. (PRC §10243)

- a) This criteria is also noted on Page 20. Ineligible Projects. This section states, should the proposed ACE be a part of the government's condition placed upon the issuance of an entitlement for use of a specific property, that ACE would not be eligible for grant funding.
 - 1. Would this extend to the scenario of the ACE being placed in a farmland mitigation program, in which the land can later be utilized as an agricultural mitigation credit for impacts to agricultural resources? If so, that would contradict Section 2: Agricultural Land Strategy and Outcome Grants, which allow for the inclusion of farmland mitigation programing as an eligible Sustainable Agricultural Land Strategy Plan. The County recommends that this be clarified to allow those ACEs that are part of a larger, comprehensive permanent protection plan into the SALC Program.

Criteria: The size of the parcel or parcels comprising the property are above their current minimum zoning.

- a) The County recently adopted an updated General Plan, in which a number of parcels have been deemed 'legal and non-conforming' in regards to minimum zoning with these updates. This requirement would prevent grant funding for existing agricultural operations on such lands. The County suggests amending this requirement to allow for those lands that are recognized as 'legal and non-conforming' to be eligible for selection.

Criteria: The agricultural conservation easement would act as a community separator or green-belt, or is located near a city Sphere of Influence.

- a) This selection criterion contradicts other selection criteria including "surrounded by other parcels with [...] land uses likely to support long-term commercial agriculture..." and "adjacent to other permanently protected property..."; therefore, it must be realized that an application would not be able to satisfy every selection criteria currently required.

Criteria "Commercial Agricultural Production" should be a defined and included within Appendix A – Glossary.

The County appreciates the opportunity to participate in the drafting process for this SALC Program. We look forward to receiving any future documents related to this program or providing additional assistance at your request. If you have any questions regarding these comments, please contact Bulmaro Canseco, Purchase of Agricultural Conservation Easement (PACE) Program Manager at 858-694-2216 or via email at Bulmaro.Canseco@sdcounty.ca.gov.

Sincerely,



Joseph Farace, Planning Manager, Advance Planning
Planning & Development Services

e-mail cc:

Bulmaro Canseco, PACE Program Manager, Planning & Development Services



November 7, 2015

Strategic Growth Council
1400 Tenth
Sacramento CA 95814
AHSC_AG@sgc.ca.gov

RE: Draft Program Guidelines for the Sustainable Agricultural Lands Conservation (SALC) Program

Gentlepersons:

Endangered Habitats League (EHL) appreciates the opportunity to provide comments on draft SALC guidelines. For your reference, EHL is a Southern California regional conservation group dedicated to ecosystem protection and sustainable land use. We are active in local land use planning endeavors.

EHL supports the SALC program as a component of a comprehensive Cap and Trade auction proceeds expenditure plan. Avoiding land conversion at the urban fringe to GHG-intensive uses will have many benefits to the urban form and transportation. We also specifically wish to reiterate the comments made by the County of San Diego, which can lead to very effective state-local partnerships for agricultural preservation.

SALC should be flexible enough to allow important Southern California agricultural lands to be eligible. Particularly in San Diego, these lands have a strong growth management function. But due to the unique characteristics of farming in Southern California, which for example may focus on high value products, relatively small parcels will also have long term agricultural value and should be open to protective easements when part of a larger agricultural matrix.

SALC should also account for comprehensive local efforts, which may include innovative mitigation banking, in which proceeds from the selling of credits will be reinvested in additional agricultural easements. Again, flexibility should be retained when such benefits exist.

Thank you for considering our views.

Yours truly,

Dan Silver
Executive Director

Comments on the Draft 2015-16 Sustainable Agricultural Lands Conservation
Program guidelines and the Draft Quantification Methodology
Comments by E. Seth Wilson

Thank you for the opportunity to provide public comment on the Draft 2015-16 Sustainable Agricultural Lands Conservation Program guidelines and the Draft Quantification Methodology. I am a resident of Riverside, California, and actively involved in developing sustainable urban food systems throughout Riverside, the Inland Empire and Southern California. While I serve in leadership roles in a number of organizations involved in urban food development, the comments presented are my own.

My comments are offered within the context of “Urban Agriculture,” defined as the production, distribution, marketing and disposal of food and other associated products within the cores and edges of metropolitan areas. Looked at broadly, urban agriculture is a complex activity, addressing issues central to community food security, neighborhood development, environmental sustainability, land use planning, agricultural and food systems, farmland preservation, and other concerns (North American Urban Agriculture Committee).

Within this urban agriculture context, I respectfully ask the Strategic Growth Council and Air Resources Board to:

1. Broaden the list of eligible Agricultural Land Strategies and Outcomes to include additional policies and programs that protect lands for agricultural development in urban and periurban environments, including:
 - a. Establishing urban agriculture incentive zones (AB 551, Ting. Local government: urban agriculture incentive zones)
 - b. Preserving undeveloped property or recreation space by designating those areas as “protection districts” or “overlay protection zones” that allow for agricultural use.
 - c. Establishing a land bank that takes title to tax-delinquent property and transfers it back to private ownership, with a set-aside for urban agricultural use.
 - d. Establishing a market-based, transfer of development rights (TDR) program that encourages the transfer of growth from agricultural and open spaces to places designed for more dense development.
 - e. Incorporating land use policies in the General Plan that promote urban agriculture as an important community feature.

- f. Establishing zoning ordinances that promote urban agriculture within a community and eliminate unnecessary barriers while ensuring safe practices and adequate protection for gardeners, farmers and neighboring landowners.
 - g. Establishing an Enhanced Infrastructure Financing District (SB 628, Beall, Enhanced Infrastructure Financing District, EIFD) that promotes the development of local food system infrastructure, and includes agricultural lands within parks, recreational facilities, and open spaces, and potentially to support brownfield restoration and other environmental mitigation.
2. Expand the GHG Emission Reductions Quantification Approach used to evaluate SALC proposals to include:
 - a. Reductions in VMTs associated with agricultural lands located closer to ultimate consumer use markets.
 - b. Reductions in off-road emissions associated with intensive farming (no farm equipment) techniques.
 - c. Consideration of development rights based upon an area mix of commercial and residential zoning density to recognize the increased threat imposed upon the community by other forms of development that may have greater GHG emission impacts than residential only (e.g. warehouses and associated increases in diesel truck emissions).
3. Expand the scoring and selection criteria to consider how the project leverages other GGRFs, provided by either SGC or other agencies.
4. For projects located in Disadvantaged Communities where the applicant can demonstrate economic hardship (e.g. City of San Bernardino bankruptcy, below investment grade bond rating, etc.), waive the requirement that the applicant must cover the costs to complete work related to the development and execution of the strategy, without reimbursement by the State, until the final deliverable has been successfully achieved.

As stated in the Draft Proposal, “the principal goal of the SALC Program is to avoid increases in the greenhouse gas emissions associated with the conversion of California’s **irreplaceable agricultural resources land** to urban and rural residential development (emphasis added). Indeed, The Inland Empire counties of Riverside and San Bernardino have been among the 'Top Ten Urbanizing Counties' as mapped by FMMP during every update cycle since mapping began in 1984. Riverside has been the number one urbanizing county in all updates except

1990-92.ⁱ According to the DOC's Farmland Mapping and Monitoring Program (FMMP), from 1984 through 2012, prime farmland in Riverside County has been reduced by 41% (from 202,000 to 119,000 acres) while urban and built-up lands have increased 99% (from 164,000 to 325,000 acres).

Given the proximity of Riverside and San Bernardino Counties (Inland Empire) to LA and Orange Counties, and the economic incentives for urban sprawl (lower housing costs, cheap land and major transportation corridors that spur warehouse development driven by the LA and Long Beach Portsⁱⁱ, it is unrealistic to expect large-scale agriculture to compete under a "highest and best use" economic model. However, as communities begin to incorporate more sustainability and triple-bottom-line principles into their general plans, other non-financial, quality of life metrics will begin to add weight to long-term land use decisions. The SGC's Agricultural Land Conservation Strategy and Outcome Grant can provide a helpful resource and incentive to an urban/peri-urban region like the Inland Empire to pursue a more holistic land use planning approach.

The Draft Proposal notes SGC's statutory authority for committing GGRF funds - specifically to invest in projects that meet the goals of SB 862 through the "acquisition of easements **and other approaches or tools that protect agricultural lands** that are under pressure of being converted to nonagricultural uses, **particularly those adjacent to areas most at risk of urban and suburban sprawl or those of special environmental significance**" (emphasis added).ⁱⁱⁱ Additionally, the SGC is authorized to provide funding for "planning to support implementation of a sustainable communities strategy, including implementation of local plans supporting greenhouse gas emissions reduction efforts and promoting infill and compact development."^{iv} These authorizations are tied to a number of public policy objectives that include:

- Reducing greenhouse gas emissions and air pollution;
- Improving conditions in disadvantaged communities;
- Improving public health;
- Improving connectivity and accessibility to jobs, housing, and services;
- Increasing options for mobility;
- Increasing transit ridership;
- Preserving and developing affordable housing for lower income households;
- Protecting agricultural lands to support infill development.^v

The Inland Empire is ground zero for addressing urban and suburban sprawl within the State. It is the most at risk region within the State to increase greenhouse gas emissions associated with urban sprawl, while also bearing the associated consequences related to poverty, public health and affordable housing.

The Draft Proposal identifies a number of co-benefits that conservation of agricultural land provides, including economic benefits and "increases in local food

production promoting food security and resilience, and a greater understanding of agriculture's importance among both urban and rural Californians." These co-benefits can especially accrue in Disadvantaged Communities located in close proximity to vacant and abandoned lots with acreage ranging from ½ to 3 acres (lands that would qualify under AB 551, Ting. Local government: urban agriculture incentive zones). Jobs created around such incentive zones reduce VMTs to and from work. Food processing and distributions hubs created to support increased food production also creates jobs and reduces VMTs from farm to market. Such infrastructure improves food security, eliminates local food deserts and provides greater access to healthy food for individuals, children and populations who are at great risk for becoming obese or developing diabetes, heart disease and other preventable illness.

Land tenure for urban agriculture is determined by both the right to possess or occupy the land – in the present and the future – and the right to use the land for agriculture. There are a number of legal tools to ensure a gardener's right to occupy a plot of land: ownership, a property lease, or occupancy through a land trust or conservation easement. The right to use the land for urban agriculture occurs through zoning laws.^{vi}

No strategy individually or even in combination can guarantee that urban agriculture will be permanently protected. For example, lands historically protected under the Williamson Act have been placed into greater risk in a number of counties due to State budget cuts.

Additionally, protection strategies may vary depending upon the urban context. By considering the additional eligible Agricultural Land Strategies and targeted Outcomes, the project is better able to develop a land protection strategy most appropriate for its urban setting.

Saving water is critical to California. In urban agriculture, small-scale irrigation and plant production methods and schemes are possible solutions to save water. The use of reclaimed water in agriculture is often taken up in regions with water scarcity, growing urban populations and growing demand for irrigation water. Using reclaimed water in agriculture enables freshwater to be exchanged for more economically and socially valuable purposes, whilst providing farmers with reliable and nutrient-rich water. This exchange also has potential environmental benefits, reducing the pollution of wastewater downstream and allowing the assimilation of its nutrients into plants.^{vii} Saving water saves energy and reduces GHGs.

The CDFA is coordinating a Healthy Soils initiative under its existing authority provided by the Environmental Farming Act. Southern California generates approximately 1.4 million wet tons of biosolids.^{viii} Around 46% of those biosolids are sent to landfills or spread over lands suitable for Class-B (non-retail use) biosolids. This material is trucked an average of 130 miles, one-way, for disposal.

Improving this material to Class-A for urban agricultural use would eliminate the VMT for disposal and generate income instead of cost to dispose.

Saving water and transforming biosolids into healthy soils are co-benefits to additional GHG reductions, created through developing a vibrant urban agriculture system. To the extent projects can demonstrate such savings potential, these metrics should be given consideration. Also, if projects can demonstrate synergistic program benefits (e.g. Healthy Soils, and urban lands reserved for agricultural use), such merits should weigh into the overall scoring and selection of a project.

Thank you for your consideration of these comments.

E. Seth Wilson
Riverside, CA

ⁱ <http://www.conservation.ca.gov/dlrp/fmmp/trends/TimeSeriesImg/Pages/corona.aspx>

ⁱⁱ The proposed World Logistics Center (WLC) project area in Moreno Valley, CA is approximately 3,818 acres and includes a new 2,610 acre Specific Plan area. The project is envisioned to accommodate up to 40.6 million square feet of high cube industrial warehouse distribution development and related uses (<http://www.moval.org/misc/wlc-deir.shtml>).

ⁱⁱⁱ Public Resources Code section 75212 (h)

^{iv} Public Resources Code section 75212 (i)

^v Public Resources Code section 75210

^{vi} Seeding the City: Land Use Policies to Promote Urban Agriculture, ChangeLab Solutions, 2011,
http://www.changelabsolutions.org/sites/default/files/Urban_Ag_SeedingTheCity_FINAL_%28CLS_20120530%29_20111021_0.pdf

^{vii} The wealth of waste: The economics of wastewater use in agriculture, Food and Agriculture Organization of the United Nations, 2010,
<http://www.fao.org/docrep/012/i1629e/i1629e00.htm>

^{viii} SCAP 2014 Biosolids Trends Survey,
<http://scap1.org/Biosolids%20Reference%20Library/2014%20SCAP%20Biosolids%20Trends%20Update.pdf>



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November 19, 2015

Ken Alex, Chair
Strategic Growth Council
1400 Tenth Street
Sacramento, CA 95812

Dear Chairman Alex:

On behalf of the Marin Agricultural Land Trust (MALT) I want to thank you and the Council for your continued leadership in the effort to protect California's agricultural lands through implementation of the Sustainable Agricultural Lands Conservation Program (SALC Program). As a grantee of the first year of the program and a leader in the field of agricultural land protection, we are pleased to have an opportunity to comment on the proposed guidelines for year two of the SALC Program.

While we are generally pleased with the improvements to the program, there are two areas of concern that MALT urges you to consider:

First, in its revised "Greenhouse Gas Quantification Methodology," issued in draft on November 6, 2015, the California Air Resources Board (CARB) inserted a new standard for program applicants to establish what agricultural lands are "at risk for purposes of this quantification methodology." (See Green House Gas Quantification Methodology for the Strategic Growth Council SALC Program - Page 7.) As drafted this list is not a method of quantifying GHG emissions; it simply creates, through the back door, a minimum standard by which California's agricultural lands have to qualify in order to be considered for protection under the program.

Whether it is on the urban edge in Fresno County, in suburban Marin County or rural Modoc County, *all* of California's agricultural lands are at risk of conversion to non-agricultural uses. The Department of Conservation reports that between 1984 and 2000, California lost more than 1.4 million acres of farm and grazing land, more than 54,000 acres a year. The new minimum threshold requirement is misguided and will likely result in good projects being rejected even though there is likely to be adequate funding available. We believe that all easement acquisitions that will protect California's agricultural lands from conversion to other uses should be considered for funding through the SALC Program. Instead of establishing a threshold through the quantification methodology, the council should keep the existing program criteria and then should choose to fund as many projects as possible given the annual program funding. Only then will we stem the tide of ongoing loss of agricultural land across California.

Secondly, we continue to urge the Council to allow for and to provide funding for the construction of agricultural worker housing on easement protected agricultural lands. It is not enough to simply retire non-agricultural development rights on these properties when in many of our communities,



agricultural workers may commute for more than an hour to work. In Marin County, for example, most of our agricultural workers commute from Santa Rosa (80 mile round trip) or the Canals District of San Rafael (52 mile round trip). MALT easements allow for agricultural housing that is reasonable and necessary for the agricultural operations but it is usually cost prohibitive for our producers to construct necessary housing. By providing low-cost, safe agricultural worker housing on protected agricultural properties that have the capacity to host them without negatively impacting protected values, we will further reduce GHG emissions while serving one of California's most disadvantaged communities. We urge you to direct your staff to work to craft an agricultural worker housing component within the SALC Program.

Thank you for your consideration of our comments.

Sincerely,



Jeff Stump
Director of Conservation

Cc: Randall Winston, Strategic Growth Council
Julie Alvis, Natural Resources Agency
John Lowrie, Department of Conservation
Shelby Livingston, California Air Resources Board



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

November 19, 2015

Mr. Ken Alex, Chair
Strategic Growth Council
1400 Tenth Street
Sacramento, CA 95812

RE: California Sustainable Agricultural Lands Program

Dear Mr. Alex:

On behalf of the Rural County Representatives of California (RCRC), we appreciate the opportunity to comment on the draft guidelines for the second round of grants for the California Sustainable Agricultural Lands Program (SALCP). RCRC is an association of thirty-four rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

RCRC's member counties cover approximately half of California's total 100 million acre land mass and encompass the northern border with Oregon to the southeast border with Mexico, from the Central Valley to the Eastern Sierra, and from the coast to California's wine country. RCRC represents local governments that have land use and public trust responsibilities over much of this rich landscape that benefits all of California.

Much of the State's agriculture is rooted in California's rural counties and it is imperative that public policies affecting the industry allow our farmers and ranchers to continue to provide the safest and most nutritious products that feed not only our state but the world as well as the additional critical benefits of California agriculture.

RCRC concurs with the recommendations as outlined in the California Climate and Agriculture Network letter dated November 19, 2015. RCRC believes with the recommendations incorporated into the SALCP that the program will be more flexible and accessible to the rural areas and well situated to achieve the long-term changes in California that reduce greenhouse gas emissions associated with development.

Sincerely,

MARY PITTO
Regulatory Advocate

1215 K Street, Suite 1650, Sacramento, CA 95814 | www.rcrcnet.org | 916.447.4806 | FAX: 916.448.3154



Sequoia Riverlands Trust
Conserving California's Heartland

November 19, 2015

Mr. Randall Winston
Acting Executive Director
Strategic Growth Council
P.O. Box 3044
Sacramento, CA 95812

Re: California Sustainable Agricultural Lands Conservation Program Draft Program Guidelines *and* Draft Greenhouse Gas Quantification Methodology for the Strategic Growth Council Sustainable Agricultural Lands Conservation Program

Dear Mr. Winston,

I am writing on behalf of Sequoia Riverlands Trust (SRT) to comment on the California Sustainable Agricultural Lands Conservation Program Draft Program Guidelines (“Draft Guidelines”) and Greenhouse Gas Quantification Methodology for the Strategic Growth Council Sustainable Agricultural Lands Conservation Program (“Draft Methodology”). As an accredited regional land trust that works with farmers, ranchers and others to conserve farmland and rangeland in the Southern Sierra and Southern San Joaquin Valley, we are grateful for the opportunity to participate in this process.

Given recent findings that per-acre emissions from farmland in California are an average of 58 times lower than those from the state’s urban areas,¹ and that per-acre emissions from rangeland may be up to 217 times lower,² SRT believes that agricultural conservation has a critical role to play in meeting our state’s GHG reduction targets. We agree with the Strategic Growth Council (SGC) that more resources should be devoted to this strategy, and strongly support the proposed increase in Sustainable Agricultural Lands Conservation Program (SALCP) funding from \$5

¹ Shaffer, S. and Thompson, E. 2015. A New Comparison of Greenhouse Gas Emissions from California Agricultural and Urban Land Uses. Retrieved from <https://4aa2dc132bb150caf1aa-7bb737f4349b47aa42dce777a72d5264.ssl.cf5.rackcdn.com/AFTCrop-UrbanGreenhouseGasReport-February2015.Edited-May2015.pdf>.

² Jackson, L., Haden, Van R., Hollander, A.D., Lee, H., Lubell, M., Mehta, V.K., O’Geen, T., Niles, M., Perlman, J., Purkey, D., Salas, W., Sumner, D., Tomuta, M., Dempsey, M., and Wheeler, S.M. 2012. Adaptation Strategies for Agricultural Sustainability in Yolo County, California. California Energy Commission. Publication number: CEC-500-2012-032. Retrieved from <http://www.energy.ca.gov/2012publications/CEC-500-2012-032/CEC-500-2012-032.pdf>.

million to \$40 million. In order to maximize the resulting impacts on GHG emissions, however, we respectfully recommend the following changes to the Draft Guidelines and Draft Methodology:

- 1) ALL CATEGORIES OF STRATEGY AND OUTCOME GRANTS SHOULD BE MADE AVAILABLE TO COMMUNITIES IN THE SOUTHERN SAN JOAQUIN VALLEY.

We are grateful to see that the Draft Guidelines would increase the upper limit for Strategy and Outcome grants from \$100,000 to \$250,000,³ and that funding in advance will be available to develop farmland mitigation programs, easement purchase programs and certain types of greenbelt policies in association with an easement project in the same county. But for communities in the Southern San Joaquin Valley—the poorest region of the state, and one of the regions where farmland conversion is happening on the largest scale—the requirement that applicants fund other types of planning projects in advance effectively puts those projects out of reach. We understand the need to show that cap and trade investments will lead to GHG reductions, but urge SGC to allow applicants to make this showing and receive funding upfront for all categories of Strategy and Outcome grants.

- 2) IN ORDER TO MAXIMIZE GHG REDUCTIONS AND HAVE THE GREATEST IMPACT ON LAND USE PATTERNS, SALCP FUNDING DECISIONS SHOULD BE INTEGRATED WITH SCS IMPLEMENTATION.

Sustainable Communities Strategies (SCSs), which are mandated by SB 375 and completed by Metropolitan Planning Organizations (MPOs), are an Air Resources Board-sanctioned planning framework for reducing GHG emissions through changes in land use and transportation patterns.⁴ So far, however, SCS implementation has been limited by MPOs' lack of land use planning authority and by the need for funding to support urban infill and agricultural conservation. SALCP funding can help close these gaps by 1) supporting the development of agricultural conservation policies by agencies that have land use planning authority, and 2) directly preventing conversion of agricultural land in ways that reinforce conservation-oriented land use patterns in adopted SCSs. In order to realize this potential, we respectfully recommend that the Draft Guidelines provide a more explicit framework for linking SALCP funding to SCS implementation.⁵

³ Draft Guidelines, 5.

⁴ 2008 Cal. Stat. Ch. 728, § 1(c).

⁵ For regions outside the jurisdiction of California's eighteen MPOs, SALCP funding could be used to support (or help create) alternative policy processes that link conservation, compact growth and GHG reductions.

3) THE DRAFT METHODOLOGY SHOULD TAKE INTO ACCOUNT GHG EMISSIONS FROM BOTH RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT TYPES.

We are grateful that the Draft Methodology takes into account conversion risk and likelihood of upzoning in assessing GHG reductions associated with each project. But its measure of extinguished development rights, under which “one development right is equivalent to a single-family dwelling unit,”⁶ effectively excludes “agricultural lands . . . at risk of conversion to commercial, industrial, or recreational development.”⁷ In order to provide a fuller and more accurate picture of the GHG reductions associated with each project, we respectfully request that SGC adopt a methodology that considers emissions from both residential and non-residential development types.

4) THE DRAFT METHODOLOGY SHOULD INCORPORATE MEASURES OF GHG EMISSIONS BEYOND VEHICLE MILES TRAVELED.

As currently written, the Draft Methodology calculates avoided GHG emissions as a function of reductions in vehicle miles traveled (VMT).⁸ Incorporating additional types of GHG reductions, such as avoided building energy use, carbon sequestration in vegetation, and changes in emissions associated with carbon-focused land management practices, would provide a fuller and more accurate measure of the impacts of each project. We urge SGC to adopt a methodology that considers emissions from these and other sources. If that is not possible for the current round, we respectfully request that more time be allowed for analysis, comment and revision when a GHG quantification methodology is released for the next round, and that the process include discussion of additional measures of GHG reductions.

We appreciate your work on the Draft Guidelines and Draft Methodology, and are grateful for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Soapy Mulholland". The signature is written in a cursive, flowing style.

Soapy Mulholland
Executive Director
Sequoia Riverlands Trust

⁶ Draft Methodology, 8.

⁷ Draft Methodology, 8.

⁸ Draft Methodology, 12.



November 19, 2015

Mr. Randall Winston, Executive Director
Strategic Growth Council
P.O. Box 3044
Sacramento, CA 95812

Re: California Sustainable Agricultural Lands Conservation Program Draft Program Guidelines and Draft Greenhouse Gas Quantification Methodology for the Strategic Growth Council Sustainable Agricultural Lands Conservation Program

Dear Mr. Winston,

On behalf of Sierra Business Council (SBC), a non-profit network of 4,000 business, local government and community partners working to foster vibrant, livable communities in the Sierra, we appreciate the opportunity to comment on the California Sustainable Agricultural Lands Conservation Program Draft Program Guidelines (“Draft Guidelines”) and Greenhouse Gas Quantification Methodology for the Strategic Growth Council Sustainable Agricultural Lands Conservation Program (“Draft Methodology”).

Given recent findings that per-acre emissions from farmland in California are an average of 58 times lower than those from the state’s urban areas,¹ and that per-acre emissions from rangeland may be up to 217 times lower,² we agree with our land conservation partners that agricultural conservation has a critical role to play in meeting our state’s GHG reduction targets. As such, we support the Strategic Growth Council’s recommendation that more resources be devoted to this strategy, and we strongly support the proposed increase in Sustainable Agricultural Lands Conservation Program (SALCP) funding from \$5 million to \$40 million. In order to maximize the resulting impacts on GHG emissions, however, we ask that you consider the following recommendations:

- 1) All Categories of Strategy and Outcome Grants Should Be Allowed Advance Funding.

We are grateful to see that the Draft Guidelines would increase the upper limit for Strategy and Outcome grants from \$100,000 to \$250,000,³ and that funding in advance will be available to develop farmland mitigation programs, easement purchase programs and certain types of greenbelt policies in association with an easement project in the same county. But for many

¹ Shaffer, S. and Thompson, E. 2015. A New Comparison of Greenhouse Gas Emissions from California Agricultural and Urban Land Uses. Retrieved from <https://4aa2dc132bb150caf1aa-7bb737f4349b47aa42dce777a72d5264.ssl.cf5.rackcdn.com/AFTCrop-UrbanGreenhouseGasReport-February2015.Edited-May2015.pdf>.

² Jackson, L., Haden, Van R., Hollander, A.D., Lee, H., Lubell, M., Mehta, V.K., O’Geen, T., Niles, M., Perlman, J., Purkey, D., Salas, W., Sumner, D., Tomuta, M., Dempsey, M., and Wheeler, S.M. 2012. Adaptation Strategies for Agricultural Sustainability in Yolo County, California. California Energy Commission. Publication number: CEC-500-2012-032. Retrieved from <http://www.energy.ca.gov/2012publications/CEC-500-2012-032/CEC-500-2012-032.pdf>.

³ Draft Guidelines, 5.

disadvantaged or underserved communities, the requirement that applicants fund other types of planning projects in advance effectively puts those projects out of reach. We understand the need to show that cap and trade investments will lead to GHG reductions, but we ask that individual applicants be allowed to justify their requests as part of the application process rather than having that serve as an eligibility hurdle.

2) In Order to Maximize GHG Reductions and Have the Greatest Impact on Land Use Patterns, SALCP Funding Decisions Should Be Integrated with SCS Implementation.

Sustainable Communities Strategies (SCSs), which are mandated by SB 375 and completed by Metropolitan Planning Organizations (MPOs), are an Air Resources Board-sanctioned planning framework for reducing GHG emissions through changes in land use and transportation patterns.⁴ So far, however, SCS implementation has been limited by MPOs' lack of land use planning authority and by the need for funding to support urban infill and agricultural conservation. SALCP funding can help close these gaps by 1) supporting the development of agricultural conservation policies by agencies that have land use planning authority, and 2) directly preventing conversion of agricultural land in ways that reinforce conservation-oriented land use patterns in adopted SCSs. In order to realize this potential, we respectfully recommend that the Draft Guidelines provide a more explicit framework for linking SALCP funding to SCS implementation, including any future rural-focused program within the AHSC that will account for the fact that rural areas by-and-large lack MPOs as program delivery mechanisms.⁵

3) The Draft Methodology Should Take into Account GHG Emissions from Both Residential and Non-Residential Development Types.

We appreciate that the Draft Methodology takes into account conversion risk and likelihood of upzoning in assessing GHG reductions associated with each project. But its measure of extinguished development rights, under which "one development right is equivalent to a single-family dwelling unit,"⁶ effectively excludes "agricultural lands . . . at risk of conversion to commercial, industrial, or recreational development."⁷ In order to provide a fuller and more accurate picture of the GHG reductions associated with each project, we ask that SGC adopt a methodology that considers emissions from both residential and non-residential development types.

4) The Draft Methodology Should Incorporate Measures of GHG Emissions beyond Vehicle Miles Traveled.

As currently written, the Draft Methodology calculates avoided GHG emissions as a function of reductions in vehicle miles traveled (VMT).⁸ Incorporating additional types of GHG reductions, such as avoided building energy use, carbon sequestration in vegetation, and changes in emissions associated with carbon-focused land management practices, would provide a fuller

⁴ 2008 Cal. Stat. Ch. 728, § 1(c).

⁵ For regions outside the jurisdiction of California's eighteen MPOs, SALCP funding could be used to support (or help create) alternative policy processes that link conservation, compact growth and GHG reductions.

⁶ Draft Methodology, 8.

⁷ Draft Methodology, 8.

⁸ Draft Methodology, 12.

and more accurate measure of the impacts of each project. We urge SGC to adopt a methodology that considers emissions from these and other sources. If that is not possible for the current round, we request that more time be allowed for analysis, comment and revision when a GHG quantification methodology is released for the next round, and that the process include discussion of additional measures of GHG reductions.

Thank you again for your work on the Draft Guidelines and Draft Methodology.

All best,

A handwritten signature in black ink that reads "Kerri J. Timmer". The signature is written in a cursive style with a long horizontal flourish at the end.

Kerri Timmer
Government Affairs Director



October 13, 2015

Mr. Ken Alex, Chair
Strategic Growth Council
1400 Tenth Street
Sacramento, CA 95814

Dear Chairman Alex,

On behalf of the Sustainable Communities for All Coalition (SC4A), we write to support increased funding for the Sustainable Agricultural Lands Conservation (SALC) program for FY 2015-16. Please note that our coalition intends to provide written and verbal comments on the AHSC guidelines through the upcoming workshops and the October 31st comment deadline; and that this letter reflects only one of many priorities of the SC4A in relation to the SGC programs.

The SC4A is comprised of 10 organizations from the environment, housing, and transportation sectors who believe California can achieve smart growth and the vision of SB 375 by supporting transportation, housing and land use choices that allow all Californians to drive less, reduce household costs (especially for low-income residents), and connect with nature through green infrastructure.

Strategic farmland conservation investments that protect agricultural lands at the urban/suburban edge are an important complement to the smart growth strategies pursued by the Strategic Growth Council; and SALC is a key component of that strategy. Sustainable communities depend upon vibrant, intact agricultural lands on their urban and suburban edges that provide needed services, including acting as buffers against sprawl development. As found in a recent study by CalThorpe Analytics and Energy Innovations smart growth strategies, including farmland conservation, are critical to meeting the Governor's 2030 greenhouse gas reduction goals¹.

SALC received \$5 million in FY 2014-15 and used this modest sum to permanently protect 14,000 acres of agricultural lands and fund strategic farmland conservation planning grants for 5 local governments. This was an important start to this new program. But we must scale up SALC to meet the demands for the program, which included over \$45 million in requests this year. We urge the Council to increase funding for SALC in FY 2015-16.

Sincerely,

Chuck Mills
Director, Public Policy
California ReLeaf

Michelle Passero
Senior Climate Policy Advisor
The Nature Conservancy

Ryan Wiggins
Cap-and-Trade Campaign Manager
TransForm

Lisa Hershey
Sustainable Communities Coordinator
Housing California

¹ See page 3. <http://energyinnovation.org/wp-content/uploads/2015/09/Moving-Forward-Summary-for->

Julie Snyder
Legislative Advocate
Public Advocates

Chanell Fletcher
Senior California Policy Manager
Safe Routes to School National Partnership

Jeanie Ward-Waller
Policy Director
California Bicycle Coalition

Megan Kirkeby
Policy Director
California Housing Partnership Corporation

Denny Zane
Executive Director
Move LA

Richard Mastrodonato
Senior Government Relations Manager
The Trust for Public Land

November 18, 2015

Ken Alex, Chair
Strategic Growth Council
1400 10th Street, #100
Sacramento, CA 95814

RE: Comments on the Draft Program Guidelines for the Sustainable Agricultural Lands Conservation (SALC) Program

Dear Chair Alex:

The Trust for Public Land (TPL) appreciates the opportunity to comment on the Draft SALC Program (“Program”) Guidelines (“the Guidelines”). Overall, we applaud the direction that the Guidelines take and believe that the program will make strides to protect critical working lands from conversion to more greenhouse gas-intensive uses and help to accomplish the dual and complementary goals of greater in-fill development and working land conservation in California. Having said that, we think there are a few areas that need to be strengthened and improved, and we would like to offer the following comments.

Support the Staff funding recommendation to increase SALC Program funding

We strongly support the staff recommended increase in Program funding to \$40 million this year. The need for SALC strategies is great and the potential for these strategies to reduce greenhouse gas emissions is significant. Development is now consuming an average of about 40,000 acres of agricultural land per year.¹ Improved funding for the Program can prevent subdivision and sprawl conversion of working lands while reducing vehicle miles traveled and related greenhouse gas emissions in California.

Section 1: SALC Program Introduction and Program Summary

1. Co-benefits, p. 2:

A number of co-benefits were removed since the first round and we strongly recommend that these be added back into the list, in order to align with other statewide priorities and investments:

- *Water conservation, through on site efficiencies, groundwater recharge, flood control, or recycling of urban wastewater.*
- *Nutrient cycling that decreases potential for water pollution.*

Section 3: Agricultural Conservation Easement Grants

We are grateful to see many of the proposed changes in the draft guidelines related to the Agricultural Conservation Easements component of the Program. For example, we strongly support the change in the matching fund requirements, particularly as it pertains to disadvantaged communities. However, we have a few suggestions to improve this part of the program:

¹ https://www.cdfa.ca.gov/agvision/docs/Agricultural_Loss_and_Conservation.pdf

1. Eligible Applicants, p. 18:

"In most circumstances, the applicant will become the holder of the agricultural conservation easement...." We request that a change be made to this section to language that does not necessitate that applicants are the ultimate easement holder. Similar programs commonly allow applicants to assign their interest in the easement to a conservation entity through an Assignment and Assumption Agreement. We request that his transfer be eligible under this program. This change will permit a broader range of applications to be submitted under the Program.

2. Application Funding, p. 18:

We recommend that disadvantaged communities be exempt from the match requirements. As currently stated, to be considered for reduced match requirements for agricultural conservation easements located within DACs, a current appraisal must be submitted at the same time as the application. This requirement may prove an impediment to applicants in disadvantaged communities and we suggest its removal. We suggest using the same standard for all applications (appraisal within three months of the start date of the grant agreement). If an appraisal must be required for agricultural conservation easements in DACs at the time of application, we suggest that the shelf life of these appraisals be one year, rather than six months.

3. Ineligible Project, p. 19:

The second bullet states that projects that would restrict agricultural husbandry practices on the land would be ineligible. We suggest that the Guidelines make an exception to allow easements to exclude husbandry in targeted areas like wetlands or riparian corridors in order to conserve wildlife habitat and protect water quality.

4. Additional Conservation Values, p. 23:

We suggest that these guidelines make more explicit room for circumstances in which substantial greenhouse gas emission reductions or water quality improvements can be made by targeted wetland establishment and/or riparian buffer strip protection under the easement. The dominant use of the encumbered acreage must be cultivated and/or non-cultivated agricultural production. However, the guidelines should clarify that the easement doesn't mean to exclude projects that include wildlife, water, and carbon best management practices for working lands. We believe that these changes can be made to the guidelines while remaining consistent with PRC §10252.5.

5. Suggested Revisions to Agricultural Conservation Easement Selection Criteria: p. 26-28:

Referring to the table provided on p. 26-28, we would suggest the following changes:

- "The property is not encumbered with third party mineral rights." We suggest removing this criterion as mineral rights are a fact of life in much of California. Many properties that retain the ability to be residentially developed can at the same time be exploited via mineral extraction. For those agricultural properties bordering urban areas that are currently also being used for mineral extraction we see a benefit of preventing future sprawl. These mineral rights often have no effect on agricultural production or are unlikely to be exercised based on the lack of mineral deposits or local code.
- "The property is adjacent to other permanently protected property..." Suggest replacing "adjacent" with *within strategic proximity to other permanently protected property* in order to make the criteria less binary, and provide flexibility for high priority projects that are not directly adjacent to protected property.

- Finally, we would recommend you add following as ‘Selection Criteria’: *The proposal demonstrates the potential to reduce sprawling, auto-reliant development.*

Thanks very much for your leadership on climate change and specifically for your consideration of our comments on these Guidelines.

Sincerely,

A handwritten signature in black ink, reading "Mary Creasman" in a cursive script. The signature is written in a fluid, connected style with a long horizontal flourish extending to the right.

Mary Creasman
California Director of Government Affairs



Tulare County Resource Conservation District

3530 West Orchard Court · Visalia, CA 93277
Phone (559) 622-0378

November 18, 2015

SALC Comment

Dear Folks:

Representing the Tulare County Resource Conservation District, I have participated in the outreach program for the "2015-16 Sustainable Agricultural Lands Conservation Program", have studied the plan and have a comment.

Certainly, the basic intent of the program to conserve farmland is noble. The fine folks that are employed to implement the plan are, also, well intentioned. With 40 million of taxpayer dollars to spend on the effort, observers have the expectation that something tangible will be the result. However, the broader view would indicate that all of this is a futile effort. It is a costly endeavor to re-invent the "flat tire".

In the final analysis, farmland conservation is not driven by good intentions but rather by economics, plain and simple. There is insufficient compensation for growers to "conserve" to offset the incentive to sell for "development". This will not change until farmland is appreciated for its' true value; that being the essential element providing a supply food and fiber for our national security. This dawning will not likely happen in our lifetime but will have dramatic ramifications for future generations.

The "SALC" program, like its much simpler predecessor, the Williamson Act, will inevitably fail because of pressure from development dollars. Farmers have neither the political power nor the numbers to offset the pressure from development. Many farmers today see the sale and ultimate conversion of their land as "unfortunate" but also their only hope or even their private property right. To change that it will take far more dollars than the State of California has to spend.

To truly change the direction of farmland loss it is essential to understand what drives the economic vehicle the first place. Counties and cities chase the subventions revenues based on "growth". They believe that the desired revenue for infrastructure repair, public services, etc., can be found in one more strip mall and spec home. The notion of development as being inevitable and desirable is firmly entrenched in our planning departments, city councils and even boards of supervisors. Changing that mindset, prioritizing land use and adopting true cultural land-based value system is a huge job. But in the long run, it is where successful farmland conservation can be assured.

Labeling programs as “sustainable” doesn’t make it so. Recognizing that the term “sustainable” is understood differently by all parties in the land-use struggle, developers, government, farmers, and environmentalists, is also essential if there is a solution to be found.

As one that lived through the loss of the prime farmland that now sleeps with limited purpose beneath the pavement of Orange and L.A. Counties, and all subsequent land booms that have followed, I do not rest easy at the prospects of a real and meaningful solution. People have a way of not recognizing the dangers right before their eyes.

Sincerely,

A handwritten signature in black ink that reads "Robert S. Puls". The signature is written in a cursive style with a large, prominent initial 'R'.

Robert Puls, Representative
TCRCD

(559) 783-4148 cell/direct
bob_puls@tularecountyrcd.com

SANTA MONICA MOUNTAINS CONSERVANCY

LOS ANGELES RIVER CENTER & GARDENS
570 WEST AVENUE TWENTY-SIX, SUITE 100
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November 19, 2015

Randall Winston
Executive Director, Strategic Growth Council
1400 10th Street
Sacramento, CA 95814

Comments on the Draft Cap-and-Trade Auction Proceeds Second Investment Plan

Dear Mr. Winston:

The Santa Monica Mountains Conservancy (Conservancy) is grateful for this opportunity to provide comments to the Strategic Growth Council (SGC) with regard to the Draft 2015-2016 Sustainable Agricultural Lands Conservation Guidelines (Guidelines). The Conservancy has long been an enthusiastic partner in the State's efforts to achieve the greenhouse gas (GHG) emission reductions goals of AB 32 (Nunez and Pavley), SB 375 (Steinberg) and the State Implementation Plans. The Conservancy continues to work on issues important for adapting to and mitigating climate change: providing carbon sinks, stabilizing carbon in soils, restoring natural habitats, mitigating heat islands, building sustainable communities, increasing active transportation options, public education, engaging in climate-smart comprehensive planning, and engaging in environmental justice issues related to climate change and GHG emissions. The Conservancy believes that the Sustainable Agricultural Lands Conservation Program (SALCP) could be improved by changing the Guidelines to allow for funding to conserve open space.

Acquisition and protection of undeveloped land is a core function of the Conservancy that provides many benefits to local residents, including providing outdoor recreation, connecting people with nature, creating wildlife corridors, enhancing habitat and limiting even greater sprawl from development. Other state conservancies and similar entities acquire and protect undeveloped lands for similar reasons.

Even in greater Los Angeles, one of the State's most intensely developed and heavily urbanized areas, there still exist significant tracts of undeveloped and unprotected lands that continue to be targeted for GHG-intensive sprawl development. Protecting these lands in their natural state will be critical to achieving the goals of SB 375 and the

Affordable Housing and Sustainable Communities (AHSC) Program the Strategic Growth Council administers. This will help increase the region's sustainability, reduce sprawl, reduce the vehicle miles travelled (VMTS) and associated GHG emissions that will come with development of these lands. Protecting these lands will encourage developers to build up instead of out as well as near public transit hubs, increasing urban land use efficiency and reducing per capita GHG emissions. Currently, no component of the AHSC Program funds protection of these undeveloped lands because they are not agricultural lands, and, therefore, not eligible for SALCP funding.

The AHSC should modify its approach to locking in urban limit lines and creating greenbelts by expanding eligible SALCP projects to include non-agricultural open spaces. SALCP is supposed to help lock in urban limit lines by conserving agricultural land on the periphery of cities. In greater Los Angeles, there is a negligible amount of agricultural lands, but there exist multiple unprotected open spaces that can help achieve this same and very important conservation goal. Furthermore, including non-agricultural open space is important to ensuring that the SALCP projects achieve maximum benefits by also providing opportunities for direct action to limit urban sprawl, protecting disadvantaged communities from negative air quality impacts, limiting heat island effects, opening up lands for natural storm water capture and providing carbon sinks. While the Conservancy's comments focus on Los Angeles and Ventura counties, similar issues face other areas around the State.

The Conservancy has embarked on a strategic climate change plan to curb peripheral sprawl development and create greenbelts while encouraging infill, smart development in urban areas. The Conservancy commissioned Calthorpe Analytics to assess development and associated GHGS on a business-as-usual model and under the Conservancy's proposed conservation strategies on a 2040 timeline. The resulting data show that conserving the undeveloped lands the Conservancy has identified and concentrating development in urban centers will avoid 0.8 million metric tons of GHGS annually. A significant portion of these avoided GHG emissions are due to an annual reduction of 1.5 billion VMTS by 2040.

The establishment of greenbelts and urban limit lines must take into account the practicalities of growth and conservation in California. Some areas will need greenbelts to contain urban growth, but, because of water availability, climate change, topography and changes in economic patterns, would not qualify under the Program as currently drafted. The greenbelts envisioned under this Program should work together with other land conservation mechanisms and programs that do not focus primarily on agriculture. For example, the Eligible Strategies and Outcomes elements should be designed to be

integrated and get credit for achieving and complementing the land conservation goals of Habitat Conservation Programs and Habitat Conservation Plans, including Natural Community Conservation Planning programs. Local jurisdiction's should be able to propose plans and receive funding under the Sustainable Agricultural Land Conservation Program that include more than just agricultural lands, but also open space, parklands, conservation easements, undevelopable parcels, and lands held in conservation trusts.

The SALCP envisions a variety eligible programs, but many of these programs do not allow for the flexibility to adapt to economic change, water realities and conservation needs. For example, Eligible Programs include establishing an Agricultural Land Mitigation Program, establishing an Agricultural Conservation Easement Purchasing Program, and adopting an Agricultural Greenbelt and Implementation Agreement. Each of these programs' greenbelt and urban growth goals for climate change depend on the program's ability to limit urban sprawl, not the program's ability to perpetuate agricultural use on a parcel. Land owners and local planners should identify and protect both agricultural land and open space from development. In addition, they also should be allowed the freedom under the same Program to protect agricultural land, and then convert these lands to open space and park areas without prejudice against SALCP eligibility, scoring or funding.

Hence, SALCP should be expanded to include open space, and the Conservancy and similar entities, given their strategic climate goals and local planning capacities, should be designated to help implement such programs.

The primary motivation for raising the funds used in the SALCP and the goal of the SALCP is to limit GHG emissions and mitigate climate change. Therefore, individual eligible projects should score better and have a higher likelihood of being funded if the land preserved has a low-carbon footprint. Many agricultural lands are net carbon emitters and some emit significantly more carbon per unit area than other lands. The SALCP should not treat carbon-intensive agricultural land uses the same as the Program treats carbon sink or low-carbon footprint land uses. While it may seem daunting to administer such a program and to measure net carbon from the parcels proposed for the Program, it is relatively easy to, at minimum, look at factors known to influence GHG emissions from land use. For example, the program could favor preserving lands that sustain organic farms or open space over non-organic agriculture. Land uses that allow for discharges of fertilizer, dairy operation effluent, animal waste and other nutrient sources that foster algae blooms should not be placed on equal footing for funding as lands that discharge little undesirable nutrients into the environment. The program

could account for irrigated water use on the lands because of the high carbon cost associated with conveying and supplying water in California.

Lastly, the metrics being proposed to calculate SALCP should be based on those developed to implement SB 375 that take into account rezoning of lands from agricultural to residential. This type of rezoning leads to more units of housing on lands surrounding urban centers than the business-as-usual approach currently utilized. Using SB 375 metrics will show the true and significant reduction in GHG emissions that will be realized through the conservation of open space as well as agricultural lands that SALCP may protect.

Thank you again for the opportunity to comment. Please do not hesitate to contact me if you have any questions.

Sincerely,

JOSEPH T. EDMISTON, FAICP, Hon. ASLA
Executive Director



November 19, 2015

Mr. Randall Winston
Acting Executive Director
Strategic Growth Council

Re: Staff Report - Suggested Changes to Sustainable Agricultural Land Conservation Program

Dear Director Winston:

Thank you for the opportunity to testify about the Sustainable Agricultural Land Conservation Program (SALCP) on October 15. This letter will summarize AFT's comments and suggested changes in the program to better enable it to fulfill its intended purpose of conserving high-quality farmland in the path of urban development and, thereby, avoiding the increase in greenhouse gases associated with conversion of farmland to urban land uses.

1. Agricultural Land Conservation Strategy and Outcome Grants

First, AFT would like to thank you for taking our previous comments into consideration and increasing the upper limit on these grants to \$250,000. The prior cap of \$100,000 was not sufficient for local jurisdictions to do the necessary technical analysis and to engage in a public process to arrive a consensus on highest priority lands for conservation. This new cap of \$250,000 has the potential to lead to a sizable portfolio of local sustainable agricultural land conservation plans.

However, although the funding is now on par with what is required to complete a public planning process, the new requirement that jurisdictions pay for projects up-front and then be reimbursed could be a significant barrier to participation, especially by disadvantaged communities. As you know, we were disappointed that that during the last round no applications were submitted from the San Joaquin Valley, the state's most important agricultural region and one of its most economically challenged. That is the region where the contest over California farmland will be won or lost, but these counties and cities have few internal resources and limited capacity to take on new, innovative projects. Considering the difficulty we experienced with getting these jurisdictions to submit proposals during the first round when time was the largest constraint, adding a significant financial risk may make the program politically and financially untenable. If the Council does decide to keep the reimbursement requirement, the guidelines should be completely clear on what constitutes a success. What specifically must be done and what

products must be delivered for a community to qualify for reimbursement? How should the applicant demonstrate a net GHG benefit? At what point in the project can it be deemed to have been a success in this regard?

Additionally, we still believe there is room for improvement in terms of clarifying the evaluation and scoring criteria. Combining the three sets of criteria, eligibility, selection, and scoring, into one list or table may help improve clarity. These criteria seem to fall into three categories: threshold, substantive and administrative. Making this clear may also help.

AFT would welcome the opportunity to work with DOC, ARB and anyone else to refine the guidelines so that they send clear signals to localities about what is expected of them under SALCP.

2. SALCP Conservation Easement Scoring

AFT applauds for the improvements made to the agricultural conservation easement program. We believe that \$40 million would represent an outstanding next step in satisfying the demand for conservation easement funding during this round of the program. Likewise, thank you for taking our past comments concerning the matching requirements into consideration; we are confident that requiring 10% matches, including in-kind contributions for disadvantaged communities, and 25% for non-disadvantaged communities will significantly reduce the barriers to acquiring urban-edge easements, which will provide the highest return in terms of GHG emissions avoided.

We also applaud the decision to recognize the potential for upzoning of agricultural land in determining how many dwellings and, hence, greenhouse gas emissions will be avoided by protecting farmland with conservation easements. This will more accurately better the reality on the ground and lead to a more accurate estimation of avoided greenhouse gases. The method now proposed for determining whether a property is at risk of development and quantifying how many dwellings will be eliminated is a step in the right direction. We would prefer to see the two tests be separated, but believe the what is currently proposed is workable with some changes that would broaden the circumstances under which farmland is deemed to be at risk of development, again better to reflect the reality on the ground. Thus, we would propose that the quantification scheme be modified as described and explained below.

Step 1B

Options #1 through #4 should be retained because they do, indeed, indicate risk of development.

Option #5 should be modified as follows: A subject property will be conclusively presumed to be at risk of development if it is within 2 miles of (a) a city sphere of influence, (b) an unincorporated area containing residential development where the average lot size is 2 acres or less, or (c) another property of comparable size that is zoned

for residential use. Property that does not meet any of these conditions may still be determined to be at risk based on clear and convincing evidence.

Rationale: Two additional options are included, reflecting other common factors that indicate risk of development at urban or suburban densities. One option recognizes that there are urban/suburban communities in unincorporated areas well beyond spheres of influence that can attract further development. The other recognizes that there are also areas in unincorporated areas that are, in fact, zoned for urban/suburban development, even though they may not yet have been developed. A comparable size test is proposed for properties zoned for residential development but not yet developed. The reasoning here is that unless the property zoned for residential use is large enough, it is unlikely to create the kind of development pressure that would put nearby land at risk. The three options are mutually exclusive, so that land within 2 miles of a sphere need not meet the other tests and land developed or zoned for residential use need not be within 2 miles of a sphere. Comparable options are proposed in the modified rural residential zoning test. Finally, the test is structured as a presumption, rather than an absolute bright line, to recognize the possibility that other, unanticipated factors could also put a property at risk of development. For example, the 2-mile limit may not adequately reflect the risk of development around larger, fast-growing cities. In any case, a clear and convincing case must be made for property that is not presumed to be at risk.

Option #6 should be modified as follows: A subject property will be conclusively presumed to be at risk of development if it is within 5 miles of (a) a developed rural residential area where the average lot size is between 2 to 10 acres, (b) or of a property or properties of comparable size that are designated in the applicable general plan or zoned for rural residential development at 2 to 10 acre density. Property that does not meet either of these conditions may still be determined to be at risk based on clear and convincing evidence.

Rationale: The first option was added to make it comparable to the one applicable to risk of residential development. For the same reason as above, a comparable size test was added to the existing option relying on planning and zoning as an indicator of development risk. Again, this test is structured as a presumption rather than a hard and fast line.

Option #7, proximity to land being advertised for sale for rural home sites, should be eliminated because the simple act of advertising property for this use has no bearing whatsoever on whether that use is or will be permitted on the land. The actual general plan or zoning designation of the property is a more reliable test that will be less subject to abuse.

Option #8, the proximity of property to land “sold for conversion to development,” should be eliminated because there is no objective test that can determine if that was, in fact, the purpose of the sale. While the price paid for a property may be an indication of the buyer’s expectation of its future use, the price could be purely speculative or even

contrived as a way of promoting a change in zoning. Again, the actual plan and/or zoning designation are a more reliable test.

Option #9 should be modified as follows: A subject property will be conclusively presumed to be at risk of development if it is located within 2 miles of a major highway intersection, a rural road planned for upgrading to accommodate non-agricultural traffic, casinos, golf courses, resorts, public recreational facilities or similar attractions. The number of development rights that a conservation easement on such property will extinguish is limited to the number of dwellings permitted under the current agricultural zoning, unless there is clear and convincing evidence to demonstrate that the property is likely to be developed at a higher residential density.

Rationale: This test rightly recognizes that highway intersections and other facilities can attract development. But it incorrectly presumes that the only development likely to occur in such places is what would amount to estates on parcels that are much larger than the typical rural residential lot. Our suggested changes allow evidence to demonstrate that there could be a market for higher density development in such areas.

Step 1C

The quantification methodology for properties at risk of residential development at urban and suburban densities now allows two approaches. We would suggest that it be modified as follows:

1) Average of recently approved residential developments on farmland or 2) average residential density within the applicable county or city determined by zoning map and code, whichever is greater. If the property is deemed at risk under Option 5(a) – its proximity to a city sphere of influence – the residential developments recently approved by that city or the zoning map and code of that city, shall be used to determine residential development rights extinguished on the subject property, even though the property may currently be within an unincorporated area. If the property is deemed at risk under another option, development approvals or the zoning code and map of the county in which the property is located shall be used to determine residential development rights extinguished.

Rationale: It makes logical sense that the development intentions of a nearby city – rather than of the surrounding county – be used to determine the potential density of properties deemed to be at risk because of their proximity to that city. This is, in fact, how the real estate market seems to work.

The quantification method for properties at risk of rural residential development also allows two approaches. We believe that it adequately reflects current market realities and needs no change, other than to stipulate that the greater number of extinguished development rights calculated under the two approaches should be used.

A final comment on both the quantification methodology and the guidelines themselves is that neither is clear on how the scoring of GHG reduction per dollar invested will affect the prioritization of easement acquisition funding. Is this to be considered only one factor in determining acquisition priorities and, if so, how comparatively important will it be? Or will it alone be dispositive of prioritization? Greater clarity on this point would give easement applicants a better understanding of their chances, which is important because they themselves will be making a considerable investment in the application process itself.

3. Integration of SALCP and the Affordable Housing/Sustainable Communities Program with Sustainable Communities Strategies under SB 375

We understand that this may be an issue that can only be addressed on longer-term basis. But AFT would like to emphasize the need for a more explicit linkage between both the SALCP and AHSC programs and the established Sustainable Communities Strategies mandated by SB 375 and completed by every MPO and COG in the state. The SCSes are the land use planning framework officially sanctioned by the Air Resources Board for reducing greenhouse gases. Each SCS embodies greenhouse gas reduction targets approved by ARB to be achieved through more compact land use patterns that rely less on auto travel. The land use prescriptions reflected in the SCSes will, if implemented, also achieve co-benefits such as more affordable housing and conservation of agricultural lands. The question, however, is the extent to which the SCSes will, in fact, be implemented on the ground.

There appear to be at least two significant challenges that must be addressed for the SCSes to be implemented and their greenhouse gas savings to be realized. First, the MPOs and COGs lack authority over land use and have only the power to prioritize transportation funding as a lever to encourage cities and counties to conform their general plans to the SCSes and then to carry out the intentions of those plans. Second, both urban infill and urban edge farmland conservation – key strategies for implementing the SCSes – require substantial funding.

Both the AHSC and the SALC program provide funding for these strategies, are administered by the Strategic Growth Council under the authority of AB 32 and are subject to Air Resource Board (ARB) guidance on funding priorities, which are aimed at maximizing greenhouse gas reduction. Yet, surprisingly, neither program is explicitly linked to implementing the SCSes that are themselves overseen by CARB. In the guidelines for both programs, we could find only one passing mention of SCSes and no suggestion or requirement that projects funded by AH/SC and SALCP should help implement the SCSes.

There is a growing recognition that success at reducing greenhouse gas emissions through land use transformation requires an “inside-outside” strategy. That is, infill and other forms of compact urban development (the inside component) must be accompanied by efforts to conserve farmland and other open lands at the periphery (outside) of cities. Employed together, the two strategies complement and reinforce each other. Infill takes

the pressure off farmland while conserving land at the urban edge makes infill more attractive in comparison with sprawl. When pursued individually, however, neither strategy is as likely to be successful because they cannot by themselves counter all the pressures for urban sprawl. Thus, as a practical matter, it makes sense to integrate the AH/SC and SALCP programs in a deliberate and measured manner, and to link them explicitly with the SCSes that have set targets for greenhouse gas reduction and, in the case of SALCP, for avoiding farmland conversion.¹ The financial incentives provided by the two programs, appropriately coordinated and targeted, could be a powerful inducement to local governments with land use authority to meet the targets of the SCSes.

AFT strongly suggests that both AH/SC and SALCP be transformed into programs designed to implement the adopted SCSes and their greenhouse gas reduction goals. Here are some ideas about how that might work:

Development projects and conservation easements should have to demonstrate how they will help implement the SCSes in order to receive AH/SC and SALCP funding. Planning grants should be awarded to jurisdictions for the purpose of amending their general plans or adopting other policy instruments, including accountability and enforcement mechanisms, to conform to the goals and targets of SCSes – an essential step in their implementation. Jurisdictions that have done so, or are in the process of doing so, should receive priority for development and easement funding. Until the amendment process is completed, some kind of equivalency test could be used to determine if development projects and easements would help implement SCSes.²

Ideally, amended local plans would identify spatially explicit “priority development areas” for affordable housing and other urban infill, as well as “priority conservation areas” that encompass farmland and other open lands that should remain undeveloped as part of the applicable SCS. These areas would receive priority for funding of development projects and easement purchases, respectively.

With these kinds of changes, AFT is confident that significantly increased funding for both the Affordable Housing/Sustainable Communities Program and the Sustainable Agricultural Land Conservation Program would be a justifiable investment in mitigating the impacts of climate change.

¹ SCSes were not required to establish targets for avoiding farmland conversion, but many of them include a calculation of the amount of farmland that would be saved by implementing the SCS. A caveat here is that because of the narrow definition of “farmland” in SB 375 many SCSes did not consider farmland within spheres of influence. Since many spheres are many times larger than needed to accommodate future growth, especially at higher densities, this probably resulted in underestimating the amount of farmland that the SCSes will save – once again, if they are implemented.

² The same approach could be taken to enable jurisdictions that are not within MPOs or COGs to participate in the programs, provided that they adopt some kind of functional equivalent of SCSes.

We appreciate your consideration of our comments and would welcome the opportunity to contribute to the finalization of these important programs.

Respectfully,

A handwritten signature in black ink, appearing to read 'ET', with a long horizontal flourish extending to the right.

Edward Thompson, Jr.
California Director
American Farmland Trust

cc: Hon. John Laird, Secretary of Natural Resources
Hon. Karen Ross, Secretary of Food & Agriculture
Hon. Mary Nichols, Chair, California Air Resources Board
Ken Alex, Chair, Strategic Growth Council
John Lowrie, Department of Conservation



November 19, 2015

Ken Alex, Chair
 Strategic Growth Council
 1400 Tenth Street
 Sacramento, CA 95812

Dear Chair Alex,

Thank you for the opportunity to comment on the draft program guidelines for the second round of grants for the California Sustainable Agricultural Lands Conservation Program (SALCP). Together with the Affordable Housing and Sustainable Communities (AHSC) Program, SALCP can help bring about long-term land use changes in California that reduce greenhouse gas emissions as well as provide many other benefits to our communities.

As leaders in our communities in agricultural conservation and sustainable agriculture we offer comments intended to strengthen the impact of SALCP. With these revisions, we believe the program will be well positioned to achieve strategic

farmland conservation investments and land use policy changes that support reduced greenhouse gas emissions associated with sprawl development.

Any of our recommendations on language additions we denote by *italics*; language deletions by **strike-out**.

1. Staff Funding Recommendation: Support

We strongly support the staff recommendation, as outlined in their October report to the Strategic Growth Council, to increase SALCP funding in the second year to \$40 million. The initial investment of \$5 million in the SALCP was a critical but a modest start to support the dual and complementary goals of greater in-fill development and farmland conservation in California. Demand for the program in the first year far exceeded current funding levels (with over \$45 million in initial funding requests), with additional local governments and land trusts expressing interest in the program in future years.

The need for SALCP strategies is great. California continues to lose farmland at alarming rates. Between 1984 and 2010 the state lost an average of over 50,000 acres of agricultural land annually. The potential of SALCP to reduce greenhouse gas emissions is significant. Using the calculations from the UC Davis researchers for greenhouse gas emissions from agricultural versus urban land uses¹, if SALCP efforts reduce agricultural land conversion by 40 percent or 20,000 acres per year, it would avoid emissions by 1.2 million metric tons, equivalent to taking 240,000 cars off the road and reducing VMT by 2.9 billion miles annually.

Improved funding for SALCP can achieve the greenhouse gas emissions reduction triple-bottom-line associated with agricultural land conservation: reduced vehicle miles traveled, increased carbon sequestration, and avoided emissions associated with land conversion and urban development.

2. Introduction and Program Summary: Strengthen goals, co-benefits

The new draft guidelines scale back the goals of the SALCP, focusing on reducing greenhouse gas emissions from automobile emissions associated with sprawl development (page 1). The previous program goals, as they were described in the first round of SALCP guidelines, were more inclusive, recognizing the multiple greenhouse gas emissions reduction benefits associated with limiting sprawl development onto agricultural lands.

We recommend returning to a more inclusive description of program goals to better capture the full depth and breadth of greenhouse gas emission reduction potential from protecting at risk agricultural lands. The goals inform critical aspects of the

¹ See: Jackson, Louise, Van R. Haden, Allan D. Hollander, Hyunok Lee, Mark Lubell, Vishal K. Mehta, Toby O'Geen, Meredith Niles, Josh Perlman, David Purkey, William Salas, Dan Sumner, Mihaela Tomuta, Michael Dempsey, and Stephen M. Wheeler. 2012. Adaptation Strategies for Agricultural Sustainability in Yolo County, California. California Energy Commission. Publication number: CEC-500-2012-032.

<http://www.energy.ca.gov/2012publications/CEC-500-2012-032/CEC-500-2012-032.pdf>

program, including project development and quantification of greenhouse gas emission reductions associated with funded SALCP projects.

We recommend the following language changes (page 1, 4th paragraph):

The principal goal of the SALC Program is to avoid increases in the greenhouse gas emissions associated with the conversion of California's irreplaceable agricultural **land** resources to urban and rural residential development. The rationale for these investments, and the justification under AB 32, is that by minimizing the conversion of farmland to urban land uses, it will prevent greenhouse gas emissions and **enhance carbon sequestration**. The SALCP serves to protect the broad agricultural land and soil resource base from sprawl development, ~~and~~ **In** doing so, SALCP avoids GHG emissions associated with increased automobile emissions from sprawl development, **avoids GHG emissions associated with urban conversion (e.g. zoning changes and building energy emissions), and protects and enhances our ability to sequester atmospheric carbon in our soils and trees.**

The co-benefits language in the current draft guidelines was also scaled back from the first year of the program. We recommend enhancing the co-benefits language to inform the applicants' discussion of their proposed projects.

We recommend the following language changes (page 1, under Co-benefits):

- Economic benefits (e.g. retention of local jobs and agricultural revenues, entrepreneurial opportunities, reduction in spending on municipal services for dispersed development, **allow the preservation of small, family held farms and ranches, and support generational farming and ranching**)
- Ecosystem services (e.g. wildlife habitat, **groundwater recharge, flood control**, pollination and natural food web adaptation).
- Open space values.
- Increases in local food production promoting food security and resilience, and a greater understanding of agriculture's importance among both urban and rural Californians.

3. Agricultural Land Strategy and Outcome Grants: Support project cap change; Alternatives to reimbursement policy, achieving desired outcomes

The Strategy and Outcome grants can expand the impact of the SALCP by bringing together local government and community stakeholders to develop and implement local land use programs that extend the impact of conservation easement strategies.

We support the proposed change in project cap on these grants from \$100,000 to \$250,000. We believe such a change will better support city and county governments, especially under-resourced local governments, in pursuing robust projects.

We also support the list of eligible strategies and outcomes as outlined on pages 5 and 6, but we encourage the Council to allow local governments to propose additional strategies and outcomes that meet the goals of the program.

If the project applicant can make a successful case that their proposed strategy and outcome project can reduce greenhouse gas emissions associated with limiting sprawl development and protecting agricultural land, then the Council should have the opportunity to fund such a project. We should encourage innovation that is grounded in quantifiable outcomes.

We recommend the following addition to the list of specific strategies and outcomes (pages 5-6, under Eligible Projects):

6. Other strategies and outcomes that increase agricultural land conservation and reduce greenhouse gas emissions associated with constraining sprawl development onto agricultural land: Applicants may propose additional strategy and outcome grant projects that are not listed here. Such strategies and outcomes must meet SALC Program goals by demonstrating how they will lead to greenhouse gas emission reductions associated with agricultural land conservation. We recommend contacting Department of Conservation staff to discuss their proposal in advance of submitting it to help determine its eligibility.

Another significant impediment to the Strategy and Outcome Grants is the proposed reimbursement policy. Under the draft guidelines, local governments would be required to do the work of the grant project and would not receive any of the grant funds “until the proposed strategy demonstrates an outcome that protects agricultural lands from conversion and results in an identifiable GHG reduction (page 5).” It is not clear from the reimbursement policy how the grantees must demonstrate that an outcome has been achieved. It is also not clear what the timeframe is for completion. What does completion look like? How long does the grantee have before they must demonstrate the outcome? We know of no other GGRF funded program that imposes this reimbursement requirement.

The reimbursement policy, as broadly defined in the draft guidelines, will likely result in few, if any, local governments pursuing grants under this program. We recommend reconsidering the policy by providing greater incentive for local governments to pursue such projects.

We suggest striking the reimbursement policy and replacing it with the following (page 5):

Grantees will receive 50 percent of their grant award upon announcement of their award by the Council. The grantee will have up to three years to complete their proposed grant project. Once work on the grant is complete, including local government approval of their final project outcome (e.g. creation of one of the 6 desired outcomes listed in the guidelines), then the grantee may seek reimbursement for the remaining 50 percent of their grant award. The grantee must provide the Department of Conservation with all necessary data to demonstrate the greenhouse gas emissions reductions that are associated with creation of their final grant project outcome.

We appreciate the recent proposed change to the reimbursement policy as discussed at the SALCP workshops. The proposed change would allow local

governments to receive their grant funding upfront if, for some of the grant types, the local government co-applies with an easement project located in their region. Since this will require greater coordination and could be challenging to effectively communicate this to potential applicants, we suggest the following:

1. Allow for more than one grant deadline. Some local governments may be interested in pursuing Strategy and Outcome grants but may not be able to gather the local input and buy-in needed to complete the grant application in time given the complexities of the program. We suggest that there be a second grant deadline in the fall to allow for more local governments to take advantage of this component of the SALCP.
2. Work with local government associations, including the California State Association of Counties, the Rural County Representatives of California (RCRC), the Local Government Commission, the California County Planning Directors Association, the California Chapter of the American Planning Association and others, to announce the new SALCP guidelines and grant opportunities. Offering an opportunity for association members or other interested parties to hear directly from the program administrators about the program – through newsletter articles, conference calls/webinars, etc. – may enhance interest in the program and result in more successful applications.

4. Agricultural Conservation Easement Grants: Seek changes/clarity on application eligibility and GHG quantification issues

We greatly appreciate the change in matching fund requirements. By lowering the match requirements, it will be easier to fund easements on agricultural lands on the urban/suburban edge where funding for such easements can be harder to come by.

We have a number of comments on the recently proposed changes to the program that can be found in the CA Air Resources Board (ARB) document “Greenhouse Gas Quantification Methodology for the Strategic Growth Council Sustainable Agricultural Land Conservation Program Greenhouse Gas Reduction Fund Fiscal Year 2015-16 (Methodology)”².

The proposed changes found in the ARB draft go beyond improving greenhouse gas emissions quantification for SALCP, but would also affect what proposals will be eligible for funding. We suggest separating the issues of GHG quantification of SALCP projects and project eligibility by returning to the narrative approach SGC took in the first round of SALCP.

Rather than a prescriptive approach to demonstrating conversion risk to agricultural lands, as outlined on page 7, eligible applicants should be able to demonstrate in their proposal how their conservation easement will protect agricultural lands that face the risk of urban/suburban/rural ranchette

² The document can be found here:
http://www.arb.ca.gov/cc/capandtrade/auctionproceeds/sgc_salcp_qm_15_16_draft.pdf

development and related increased greenhouse gas emissions. The approach of demonstrating risk through the nine options, as outlined on page 7, runs the risk of failing to be regionally relevant. For example, some farmland or rangelands within 5 miles of the city's sphere of influence will be at risk for leapfrog development, but under the current eligibility criteria they would be ineligible for SALCP funding. A narrative approach can allow the applicant to discuss in greater detail the local/regional land use policies and patterns that pose risks to agricultural land conversion.

If ARB and SGC remain committed to a more prescriptive approach, we recommend the following changes to the options outlined on page 7:

A. Big box store, strip mall and other commercial/industrial development threatens agricultural land conversion and can also significantly increase the greenhouse gas emissions associated with land use. We recommend the following change:

Valid options to demonstrate risk of conversion for which residential and **commercial/industrial** zoning can be used to calculate the number of extinguished development rights:

B. During the Great Recession sprawl development onto agricultural land slowed; therefore land use patterns over the past five years may not adequately reflect the risk of conversion or the density levels of past development projects. We recommend the following changes:

1. Agricultural land identified for development as evidenced by inclusion in a development proposal submitted to the local government, undergoing environmental review, or publicly available from controlling interests within the past ~~5~~ **10** years;
2. Agricultural land identified for potential rezoning to non-agricultural use by a jurisdiction as evidenced by a revised zoning proposal or land use plan, or undergoing environmental review, within the past ~~5~~ **10** years;
8. Agricultural land within five miles of other agricultural land sold for conversion to development within the last ~~three~~ **10** years.

C. Development pressures on agricultural land in California vary from region to region and include urban/suburban residential development, commercial development, as discussed above, and rural ranchette³ development – all of which require people to commute longer distances to homes, stores and other services. To better capture this regional variability of leapfrog and sprawl development we cannot limit concern to a narrow band of land near city spheres of influence. We recommend the following:

³ For more on ranchette development:
<http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1090&context=sdlp>

5. Agricultural land within ~~two miles~~ ***a reasonable proximity*** of a city's sphere of influence.

A less satisfactory alternative is to replace this within "five miles" of the city's sphere of influence. We make this recommendation based on a cursory review of agricultural land conversion risk by our coalition members and this designation would be much more relevant and realistic in our threatened landscapes than a too-restrictive two miles. Other related suggested changes:

6. Agricultural land ~~up to five miles from~~ ***within reasonable proximity*** to land zoned as Rural Residential (one to ten acres) in the county General Plan.

7. Agricultural land ~~within five miles~~ ***within reasonable proximity*** of other agricultural land advertised as rural home sites or rural recreational sites, as evidenced through multiple listing services or similar property sales tools.

8. Agricultural land ~~within five miles~~ ***within reasonable proximity*** of other agricultural land sold for conversion to development within the last ~~three~~ **10** years.

D. Finally, just because land is zoned agricultural does not mean that land is protected from subdivision development that threatens agricultural production. Some jurisdictions will allow for rural ranchette development on agricultural zoned land that does not require a change in zoning. Such developments can increase densities on the land and related VMT along with limiting the ability of commercial agriculture to thrive. We suggest the following changes to better reflect the threat to agricultural lands:

9. Agricultural land ***where current local zoning allows for subdivision that would increase densities and related greenhouse gas emissions.*** ~~located within two miles of a major highway intersection or roads which are planned for expansion, Indian casino, golf course community, public recreational facilities, or similar attractions.~~

5. Greenhouse Gas Emissions Quantification: Support additional refinements to the modeling of SALC Program projects.

We support efforts by staff working on the program to further refine the greenhouse gas emissions quantification of SALCP projects. To better capture the greenhouse gas reduction benefits of SALCP projects we recommend that in the second round of funding, the following variables be incorporated into the greenhouse gas emissions modeling for the program:

- Upzoning: Conversion of agricultural land necessitates changes in zoning to allow for greater densities. Typically residential zoning in California allows for 6 units per acre. Modeling how changes in zoning would impact the GHG emissions profile of land that would otherwise be converted to urban/suburban development would provide a more complete picture of the benefits of SALCP projects.

- Urban building energy: Conversion of agricultural land to non-agricultural uses, like residential development, brings with it changes in the intensity of building energy GHG emissions.
- Carbon sequestration: Under the Governor's Healthy Soils Initiative, California is seeking ways to enhance the carbon sequestration benefits of working and natural lands. By modeling the carbon sequestration benefits of protected agricultural land we can improve our understanding of the climate benefits of these lands.

The draft ARB Methodology for SALCP proposes including upzoning in the GHG emissions model for the second round of SALCP. We appreciate the inclusion of upzoning. However, it is not clear from the options outlined on page 7 that ARB would receive the density change information they would need to conduct the upzoning modeling. We are happy to discuss these issues further as this is an important component of demonstrating impact of the program.

Finally, CalEEMOD can include urban building modeling in its calculations. Let's not wait. By including urban building emissions in SALCP model now the program can better demonstrate its impact.

6. Land Management Incentives, Farmworker Housing: Support opportunities to expand and deepen program impacts

We support efforts to develop the third component to SALCP: incentives for farmers and ranchers to reduce greenhouse gas emissions through land management practices. There are many opportunities for farmers and ranchers to increase carbon sequestration and reduce potent greenhouse gases like methane and nitrous oxide⁴.

As you consider adopting this new SALCP component, we recommend that the land management incentives do not become a requirement of the SALCP conservation easements. Any land management incentives should be separate from landowner contracts for conservation easements. Such easements contracts are typically held by land trusts that have expertise in the acquisition and maintenance of easements, but do not have expertise in working with landowners on grazing or cropland management strategies. Furthermore, securing easement contracts on land with development pressures where speculation can be high can be challenging enough. Adding in contract requirements on how the land is managed will most likely act as a disincentive for landowners as they consider entering into an easement agreement. We can look to the federal conservation programs for an example of how on-farm conservation programs (e.g. EQIP, CSP, etc.) are implemented separately from the Agricultural Conservation Easement Program (ACEP) of the U.S. Department of Agriculture.

⁴ For a literature review of these issues, please see: <http://calclimateag.org/wp-content/uploads/2015/02/Climate-Benefits-of-Agriculture-2015.pdf>
For additional resources, see: <http://calclimateag.org/blueprint/>

Finally, we support efforts to develop a farmworker affordable housing component to the Strategic Growth Council programs. Many farmworkers have to travel long distances to their agricultural jobs because of a lack of affordable housing. Developing affordable farmworker housing in towns near agricultural jobs can reduce vehicle miles travelled by workers. Such efforts should focus on affordable farmworker housing in towns where workers can access needed services like schools, doctors and other services and not on remotely located farms and ranches.

Thank you for your consideration of our comments.

Sincerely,

Edward Thompson, Jr.
California Director
American Farmland Trust

Dan Medeiros
Projects Director
Land Trust of Santa Cruz County

John C. Terell AICP
Vice President, Policy & Legislation
American Planning
Association/California Chapter

Kate Meis
Executive Director
Local Government Commission

Kathryn Lyddan
Executive Director
Brentwood Agricultural Land Trust

Anne Cole
Executive Director
Mendocino Land Trust

Jeanne Merrill
Policy Director
California Climate & Agriculture
Network

Chris Coburn
Executive Director
Resource Conservation District of
Santa Cruz County

Nita Vail
Chief Executive Officer
California Rangeland Trust

Sibella Kraus
President
SAGE

David Runsten
Policy Director
Community Alliance with Family
Farmers

Andrea Mackenzie
General Manager
Santa Clara Valley Open Space
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Kay Ogden
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Eastern Sierra Land Trust

G. Craige Edgerton
Executive Director
Silicon Valley Land Conservancy

Sara Fain
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Sonoma County Agricultural
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Neil Thapar
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Laura Mercier
Executive Director
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Doug Parker
CEO
The Land Trust of Napa County

Rico Mastrodonato
Senior Governmental Relations
Manager
Trust for Public Land

Elizabeth O'Donoghue
Director of Infrastructure and Land
Use
The Nature Conservancy

Michele Clark
Executive Director
Yolo County Land Trust

cc: Randall Winston, Strategic Growth Council
Julie Alvis, CA Natural Resources Agency
John Lowrie, Department of Conservation
Shelby Livingston, Bonnie Soriano and Jessica Bede, CA Air Resources Board

Sent: Tuesday, November 16, 2015
From: Bill Martin <bmartin@valleyfarmland.org>
To: Molly@DOC Penberth <Molly.Penberth@conservation.ca.gov>
Subject: SALC proposed guidelines for determining density

I wanted to be original and provide a cutting edge response which had never been considered. But after reviewing the guidelines and attending the Tulare meeting last week I've fallen to the same conclusions as Tom and agree with his observations noted below.

My overarching concern is that lesser quality farmland in areas like Southern CA and or rangeland could potentially score higher under the greenhouse gas quantification methodology. If we are going to protect farmland, it should be the best quality farmland regardless if it is next to downtown Riverside.

I won't speak for Tom, but you are welcome to use my email as official input.

Bill Martin, Executive Director

Central Valley Farmland Trust



"Preserving Farms that Feed the World"

8788 Elk Grove Blvd, Bldg 1, Ste I
Elk Grove, CA 95624
(916) 687-3178 - Office
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www.valleyfarmland.org

Sent: Tuesday, November 10, 2015 12:27 PM
To: Molly@DOC Penberth <Molly.Penberth@conservation.ca.gov>
Cc: Bill Martin <bmartin@valleyfarmland.org>
Subject: SALC proposed guidelines for determining density

I think the overall the methodology is not that bad, as I know that SGC and ARB have to figure out some way of determining greenhouse gas avoidance, and extinguishment of development rights is likely the most appropriate method. However, a major flaw in determining development rights for CA rural properties, based solely on zoning density, is that in most parts of CA, especially those areas which are in high demand for rural residential conversions (Coastal counties, but also Valley counties near cities and in the foothills), subdividing your land is impractical and too expensive due to CEQA and other land use regulations. So achieving your land's county zoning density is a not realistic. And, of course, Williamson Act status plays into this (by the way, I am not sure if the SGC methodology figured in Williamson Act issues).

On the other hand, the number of legal, or potential legal parcels, within a rural county property often determines the property's real risk, and that is what appraisers often look at

when determining value. Legal parcels can be established through the certificate of compliance process, and often made more valuable through lot line adjustments, neither of which are subject to CEQA (with the exception of some coastal counties which have created strong ordinances to regulate lot line adjustments). Unfortunately, there is no way that land trusts, without heavy investments in title work, can determine a property's legal or potentially legal parcels. Legal parcels are based on historic conveyance of discrete portions of land prior to the Map Act, and often do not match the boundaries of assessor parcels, though assessor parcels sometimes can give an indication the number of legal parcels.

At any rate, good luck with all of this, Best, Tom

Tom Scharffenberger
Scharffenberger Land Planning
523 17th Ave
San Francisco, CA 94121
415-387-3077

Comments on proposed methodology to demonstrate risk of conversion

Valid options to demonstrate risk of conversion for which residential zoning can be used to calculate the number of extinguished development rights:	Comments
1. Agricultural land identified for development as evidenced by inclusion in a development proposal submitted to the local government, undergoing environmental review, or publicly available from controlling interests within the past 5 years;	OK unless the proposal is not likely to be approved
2. Agricultural land identified for potential rezoning to non-agricultural use by a jurisdiction as evidenced by a revised zoning proposal or land use plan, or undergoing environmental review, within the past 5 years;	OK
3. Agricultural land within a city’s sphere of influence and, if applicable, within the city’s urban growth boundary according to the city’s general plan;	OK if appropriate and City jurisdiction is in favor of this
4. Agricultural land within a proposed expanded city boundary (annexation), sphere of influence, or specific plan; or	OK if appropriate and City jurisdiction is in favor of this
5. Agricultural land within two miles of a city’s sphere of influence.	Depends on the size of the city, how fast the city is growing, whether the proposal is within a neighborhood on the growing edge of the city and the quality of the soils, water and other agricultural resources. For instance, some areas adjacent to SOI with poor soils or inadequate water supplies should not receive SALC funding as they are less sustainable to grow crops and have greater carbon needs for agricultural production, and it makes sense for the city to grow in that direction.
Valid options to demonstrate risk of conversion for which rural residential zoning can be used to calculate the number of extinguished development rights:	
6. Agricultural land up to five miles from land zoned as Rural Residential (one to ten acres) in the county General Plan	OK, though must demonstrate there is real risk, such as recently approved rural residential development (i.e. “ranchette”) in the immediate area
7. Agricultural land within five miles of other agricultural land advertised as rural home sites or rural recreational sites, as evidenced through multiple listing services or similar property sales	This would be everywhere in rural CA, though it might help demonstrate risk; demonstration of recent ranchette development in the near vicinity may be

tools.	more valid
8. Agricultural land within five miles of other agricultural land sold for conversion to development within the last three years.	Depends on the type and intensity of conversion
Valid options to demonstrate risk of conversion for which the current level of agricultural zoning can be used to calculate the number of extinguished development rights:	
9. Agricultural land located within two miles of a major highway intersection or roads which are planned for expansion, Indian casino, golf course community, public recreational facilities, or similar attractions.	Yes, as well as major routes to reach popular recreational areas, such as Yosemite or Coastal beaches



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Association of
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Association of
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North State Building
Industry Association

October 23, 2015

Mr. Ken Alex, Director
Governor's Office of Planning and Research
1400 10th Street
Sacramento, CA 95814

Re: Affordable Housing and Sustainable Communities Program Guidelines (Dated September 17, 2015)

Dear Director Alex:

Please accept these comments on behalf of the California Building Industry Association, representing thousands of member companies including homebuilders, land developers, trade contractors, architects, engineers, designers, suppliers and other industry professionals. Your interest in supporting housing opportunities aligned with planned local and regional transportation to advance important economic and environmental goals is what brought CBIA to the table to help create what eventually became SB 375. The AHSC program can achieve a measure of success if implemented transparently, realistically, and in a way that accommodates policy flexibility and addresses consumer needs.

We applaud the success to date and we offer these comments to ensure that success continues under any future program.

ASSISTANCE TERMS AND LIMITS:

We believe that one of the improvements to the guidelines is the raising of the developer cap up to \$40 million per NOFA funding cycle. This thoughtful change will open the door and enable more transformative projects and well-experienced developers to move forward with critically needed projects.

PURPOSE AND SCOPE:

(8) Protecting agricultural land to support infill development.

We urge the Board to exercise caution and resist jumping to the conclusion that simply because a parcel of land may be described, or designated as "agricultural," that it is worthy of permanent protection, or that a conversion of such land to another use is a threat to its "value."

For purposes of illustration, agricultural resources protected under CEQA must be of prime or unique value or be farmland of statewide significance. The permanent protection (or minimization) of farmland conversion – irrespective of whether the land is irrigated, has quality soils, or has ever been productive could result in unbalanced planning and impact housing supply and affordability because property markets require adequate supplies and necessary reserves in order to properly function and keep land costs in check.

We do not disagree that appropriate stewardship of important and valuable natural resource lands is very important. However, rather than viewing these lands solely through a lens of land designation, we should recognize the dynamic nature of rural societies and ensure that strategies in these areas ensure greater equity in the provision of conventional infrastructure investments in things such as water, roads, and housing, where appropriate.

AHSC SCORING ELEMENTS AND CRITERIA:

Under the scoring elements, a project applicant may achieve up to 100 points through the implementation of GhG reductions and policy objectives. On its face the scoring system seems overly skewed toward GhG reduction. While we absolutely believe that each and every project should incorporate achievable and cost effect GhG reduction measures, we strongly believe this program needs to produce housing, and as such, should weigh more heavily the “depth and level of housing affordability” element. It also seems to be under weighted when compared to the scoring element of “community engagement” which can achieve up to 8 points.

ELIGIBLE COSTS:

Figure 4 Page 12 provides the minimum net density requirements for a project based on location, i.e. urban, suburban, rural. The required urban (30 units per acre), and suburban (20 units per acre) minimums appear workable. We are concerned however that the rural requirement to be at a minimum of 15 units per acre may be too high. This will likely prevent some smaller single family homeownership developments from moving forward and/or providing the affordable housing they may have otherwise have hoped to.

RURAL INNOVATION PROJECT AREA:

The Air Resources Board Disadvantaged Community map is mainly concentrated in the central valley, the Rural Innovation set-aside of 10% list from TCAC largely excludes the central valley. It appears that there will be conflicts between the two lists that will need to be reconciled to ensure the disadvantaged communities called out in the legislation are actually served.

GOING ABOVE CODE:

The guidelines provide up to 4 points for Projects that incorporate items which exceed the 2013 California Green Building Standards Code and the 2013 Building Energy Efficiency Standards.

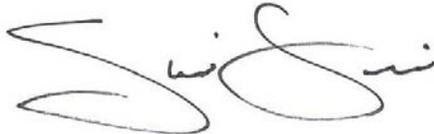
With respect to new construction and substantial renovation we offer a few cautionary comments:

- Title 24 (part 6 and part 11), represents the nation’s most aggressive and far reaching mandatory energy efficiency and green building codes. While CBIA has supported, and looks forward to continuing support for the adoption of these codes, we also recognize that the low hanging fruit is gone and with each update the incremental cost

to achieving that next level of energy efficiency and conservation – per 1% increase – is substantially increasing. Requiring projects to go above and beyond an already very efficient code will cost a great deal more to achieve. Please be aware that there's a fine balance needed to ensure that the requirements of the Guidelines don't offset the financing incentives they seek to provide.

- To satisfy the verification requirements of a project exceeding Title 24, the Guidelines require certification by a “special inspector”. This requirement effectively turns its back on the state’s highly successful and rigorous voluntary (“reach codes”) provisions of CalGreen. Exceeding Title 24, via the state’s reach codes should be an acceptable path for compliance. California’s building officials should be a more than adequate substitute for verification to the Guideline required “special inspector”. Since the mid 90’s (AB 717, Chapter 623, 1995) building officials have been required to receive ongoing training and education. They are our chief enforcement mechanism to ensure our buildings structural, mechanical, plumbing, green, etc., components are installed in accordance with all applicable laws. We strongly suggest broadening the compliance to incorporate the reach codes found in CalGreen and to allow the local building department to administer the enforcement of the energy and green building codes, including the use of special inspectors as is already allowed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Silvio Ferrari', written in a cursive style.

Silvio Ferrari
Vice President of Legislative Affairs
California Building Industry Association