



CALIFORNIA STRATEGIC GROWTH COUNCIL

MEMORANDUM

Subject: Round 3 TCC Program Guidelines – Additional Public Comment Period

Public Comment Period: September 30, 2019 to October 7, 2019

Description: TCC Program Staff requests public comment related to the following proposed changes to Fundable Projects in Appendix B of the TCC Guidelines.

Please submit any comments on the proposed changes to tccpubliccomments@sgc.ca.gov by 5PM on October 7, 2019.

Proposal #1: Remove the Land Conservation Strategy and project types.

Rationale:

- Projects under the Land Conservation Strategy have never been included in the Rounds 1 or 2 applications, not inquired about.
- Stakeholder feedback indicates that conservation easements for agriculture are not widely used tools in the TCC eligible project areas.
- Stakeholder feedback indicates that urban agriculture may be a more appropriate project type to capture the same agricultural conservation goals. Community gardens are already eligible under the Health and Well-Being Strategy.

Table B.8. Land Conservation

Eligible Categories	TCC Fundable Elements
Strategy and Outcome Projects	<ul style="list-style-type: none"> Establish an Agricultural Land Mitigation Program* Establish an Agricultural Conservation Easement Purchasing Program* Adopt Urban Limit Line or Urban Growth Boundary* Increase Zoning Minimums for Designated Strategic Agricultural Areas* Adopt an Agricultural Greenbelt and Implementation Agreement*
Agricultural Conservation Easement Projects	<ul style="list-style-type: none"> Agricultural conservation easements*
Lead or Co-applicants must include at least one of the following:	
<u>Strategy and Outcome Projects:</u> <ul style="list-style-type: none"> Cities Counties Collaborators may include agricultural organizations, land trusts, open space districts, or other partners 	<u>Agricultural and Conservation Easement Projects:</u> All potential applicants must have conservation of agriculture, rangeland, or farmland among their stated purposes, as prescribed by statute, or as expressed in the entity's locally adopted policies <ul style="list-style-type: none"> Cities Counties Non-profit organizations Regional park or open space districts or authorities. Resource Conservation Districts
Project Costs	



Table B.8.- Land Conservation

Eligible Costs include, but are not limited to the following:

Strategy and Outcome Projects:

- Direct costs, including fully burdened staff costs, incurred during the performance period specified in the Grant Agreement and related to the Project.

Agricultural and Conservation Easement Projects:

- Easement purchase price. In no situation shall the ACE purchase price be greater than the appraised fair market value of the agricultural conservation easement.
- Reasonable costs associated with the easement acquisition, payment of which is subject to State review:
 - Fully burdened applicant staff time for easement negotiations, title work, or project mapping
 - Technical and legal consulting
 - Appraisal¹
 - Preliminary title report
 - Baseline conditions report
 - Escrow fees
 - Title insurance fees
 - Surveys²
 - Environmental site assessments²
 - Mineral remoteness evaluation(s)²

Additional Readiness Requirements

Strategy and Outcome Projects only:

- City or County is willing to implement one of the five strategies

Strategy and Outcome and Agricultural Conservation Easement Projects:

- Applicants must demonstrate that agricultural lands are at risk of conversion for purposes of the CARB 2017-2018 Quantification Methodology using one of these options:
 - Residential Risk: Valid options to demonstrate risk of conversion for which residential zoning can be used to calculate the number of extinguished development rights:
 - 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;
 - 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;
 - **Agricultural land within a city's Sphere of Influence or municipal service boundary and, if applicable, within the city's urban growth boundary according to the city's general plan;**
 - Agricultural land within a proposed expanded city boundary (annexation), Sphere of Influence, municipal service boundary, or specific plan;

¹-Appraisal cost can be incurred prior to the application; however, only the appraisal approved by DGS and used to justify the acquisition invoice will be reimbursed.

²-Justification of this expense must be provided in the application in order for this cost to be considered for approval.



Table B.8: Land Conservation

- Agricultural land within two miles of a city's Sphere of Influence or municipal service boundary, or within two miles of an unincorporated area which is zoned for or contains residential development where the average lot size is two acres or less.
- Rural Residential Risk: Valid options to demonstrate risk of conversion for which rural residential zoning can be used to calculate the number of extinguished development rights:
 - Agricultural land that is determined to be in conformance with the Subdivision Map Act based on county issued Certificates of Compliance;
 - Agricultural land up to five miles from land developed or zoned for rural residential use (one to ten acres) in the county General Plan;
 - Agricultural land within five miles of other agricultural land sold or advertised as rural home sites, rural recreational sites, or other development as evidenced through comparable sales, multiple listing services, or similar property sales tools within the last five years.
- Risk of subdivision to current zoning minimums: 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:
 - Agricultural land located within two miles of attraction(s) such as a casino, resort, golf course, public recreation area, school or university; within two miles of a major highway intersection⁴; or within two miles of a planned road expansion project that increases vehicle capacity (e.g., additional lanes).
 - Proposal must support the implementation of a Sustainable Communities Strategy or regional plan that includes policies and programs to reduce greenhouse gas emissions.

Agricultural Conservation Easement Projects only:

- Acceptance of all Conditions of Funding
- Match funding secured or identified
- Plan to address title concerns in place
- Project structure and reserved rights identified



Proposal #2: Add the agricultural conservation components from the Land Conservation project type to the Health and Well-Being Strategy.

Rationale:

- a) Funding urban agriculture can address both the land conservation and food system challenges faced in TCC eligible communities.
- b) TCC's Health and Well-Being Strategy already funds community gardens, and will be clarified to include fundable elements for urban agriculture.

Table B-9: Health and Well-Being

Eligible Categories	TCC Fundable Elements
Food Access	<ul style="list-style-type: none">• <u>Urban agriculture</u>^{*3}• Community gardens^{*4}• School gardens^{*5}• Community kitchen• Food hubs to serve the project area population⁶• Agricultural and healthy food education opportunities for children and adults
Park, Open Space, and Recreation Access	<ul style="list-style-type: none">• Increase access to parks and green space through capital improvements projects or programs• Playground or park exercise equipment• Small recreational facilities (picnic areas, bathrooms)
Lead or Co-applicants must include at least one of the following:	
<ul style="list-style-type: none">• City or county• Local health department• Other public agency, including public schools or school districts• Locally operating health system, hospital, clinic, health plan• Nonprofit organizations with expertise in health, <u>food access, or urban farming</u>• UC, CSU, or other public universities and colleges• Federally recognized Indian tribes	
Project Costs	
Eligible Costs include, but are not limited to the following:	

³ Urban agriculture is defined here to include: backyard and rooftop gardening, roadside urban fringe agriculture, ~~and~~ livestock grazing in open space, and indoor hydroponic or aquaculture facilities. Operations may range from community-scale gardening to commercial production on a larger scale. Urban agriculture must include fruit trees to be quantifiable, however indoor hydroponic or aquaculture facilities will not be quantifiable.

⁴ Community gardens are defined here as being plots of land, usually in urban areas, that are rented by individuals or groups for private gardens or are for the benefit of the people caring for the garden. Community gardens must include fruit trees to be quantifiable.

⁵ School gardens must include fruit trees to be quantifiable.

⁶ Food hubs are defined here as centrally located facilities with a business management structure that facilitates the aggregation, storage, processing, distribution and/or marketing of locally and regionally produced food products.

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Table B-9: Health and Well-Being

- Direct project costs, including staff and benefits
- Support costs for training, technical assistance, marketing, outreach
- Support costs for community engagement and participation
- Land purchase for establishing small scale community gardens, urban agriculture, or community farms

Ineligible Costs:

- Inefficient irrigation valves, pumps, sprinkler control timers, or overly costly and elaborate irrigation

Additional Readiness Requirements

None

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