

Appendix A: Glossary of terms

Agricultural conservation easement: As defined by the California Department of Conservation, a voluntary, legally recorded deed restriction that is placed on a specific property used for agricultural production. The goal of an agricultural conservation easement is to maintain agricultural land in active production by removing the development pressures from the land. Such an easement prohibits practices which would damage or interfere with the agricultural use of the land. Because the easement is a restriction on the deed of the property, the easement remains in effect even when the land changes ownership. For a more detailed definition, see the California Sustainable Agricultural Lands Conservation Program Grant Guidelines.

Agricultural land: Land stewarded to produce resources valuable to the communities engaged in the practices and knowledge of cultivation. This expansive understanding of agricultural land is intended to capture peoples' reciprocal relationships with land and ecosystems that support many others, both human and non-human.

Agricultural land equity: All people have secure and affordable access to viable land for the care, relationship with, and cultivation of food, fiber, medicine, and culturally valuable resources without systemic barriers, disparities, or exploitation.

Agricultural operation: An enterprise engaged in agriculture, as defined in this report. This includes, but is not limited to, agricultural activities by for-profit businesses, nonprofit organizations, cooperatives, and California Native American Tribes.

Agriculture: The knowledge and practice of caring for and cultivating plants, animals, and ecosystems for food, fiber, medicine, or other resources, including gardening, horticulture, viticulture, dairying, poultry, bee raising, ranching, and Traditional Ecological Knowledge and practices.

Ancestral land return: The transfer of property ownership or property rights to a California Native American Tribe with ancestral ties to that property.

Beginning farmer or rancher: As defined by the United States Department of Agriculture (USDA), a beginning farmer or rancher is an individual who:

- Has not operated a farm or ranch, or who has operated a farm or ranch for not more than 10 consecutive years, and who
 - Will materially and substantially participate in the operation of the farm or ranch.
 - In the case of a contract with an individual, individually or with the immediate family, material and substantial participation requires that the individual provide substantial day-to-day labor and management of the farm or ranch,

consistent with the practices in the county or state where the farm is located.

California Native American Tribe: A federally recognized or non-federally recognized Native American Tribe with ancestral homeland in California. There are several Tribes whose territories extend beyond the colonial boundaries of the State of California.

Community-based organization: A public or private nonprofit organization of demonstrated effectiveness that is representative of a community or significant segments of a community and provides educational or related services to individuals in the community (U.S.C. § 9101(6)).

Cultural easement or cultural conservation easement: Defined by the Native Land Conservancy as a legal agreement that guarantees Indigenous people cultural access to land in perpetuity. Cultural easements provide Native people with safe areas to practice their traditional and spiritual lifeways, such as ceremonies, seasonal celebrations, camping, and more.

Cultural humility: The self-reflective practice of examining one's own cultural norms and identities while learning about and respecting others' beliefs and ways of life. Cultural humility requires recognizing power dynamics and working to fix imbalances at an individual and institutional level to advance effective collaboration.

Farmland of Statewide Importance: Per the Department of Conservation's Farmland Mapping and Monitoring Program (FMMP), farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Federally recognized California Native American Tribe: An American Indian [Native American] sovereign government which has ancestral lands within the geographic boundaries of present-day California that is recognized by the federal United States government as having a government-to-government relationship with the United States. Federally recognized California Native American Tribes possess certain inherent rights of self-government.

Land access: The physical and legal ability to be in relationship with the land. May encompass a combination of allowable activities, such as the use of land for food and fiber production, the power to make decisions about allowable uses, the ability to benefit financially, and the right to sell or transfer the land to another person or entity.

Land acquisition: Land acquisition refers to obtaining a parcel of land along with the ownership or usage rights and responsibilities of that land.

Land steward: A person who cares for the land and is in relationship with the land in a manner that meets the long-term interests of communities, the natural world, and future generations.

Land tenure: The broad range of relationships that individuals and groups hold with respect to land and related resources, including but not limited to ownership, leasing, and cooperative management. Land tenure is shaped by legal and economic structures as well as the rules and forms of governance that determine what is allowable and possible on the land, who makes decisions and how they are made, and which goals and outcomes are prioritized with those decisions.

Land trusts: Nonprofit organizations whose principal purpose and activity is the direct protection and/or stewardship of land and water, as defined by the California Council of Land Trusts.

Limited Resource Farmer or Rancher: As defined by the USDA, the term “Limited Resource Farmer or Rancher” means a participant:

- With direct or indirect gross farm sales not more than the current indexed value in each of the previous two years, and
- Who has a total household income at or below the national poverty level for a family of four, or less than 50% of county median household income in each of the previous two years.

Local government: A public entity at the sub-state level with governmental authority over a defined geographic area. This includes, but is not limited to, counties, cities, municipalities, townships, and school districts.

Non-federally recognized California Native American Tribe: A group that identifies as Native American whose ancestors lived within the present-day boundaries of California prior to European contact, but that is not recognized by the federal government as having a government-to-government relationship with the United States (see the “Historical injustice and contemporary disparities” and “Prioritize Tribal stewardship and land Return” sections of this report for more details about federal recognition in California).

Prime Farmland: Per the Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP), farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Priority producers and land stewards: Those who have been historically and systematically excluded from landownership and secure tenure for agriculture and traditional tribal uses.

This group is inclusive of the individuals identified in the two existing definitions detailed below, as well as farmworkers and others who aspire to start their own agricultural operations.

1. Socially disadvantaged farmers and ranchers, as defined in the 2017 Farmer Equity Act ([AB 1348](#)): A farmer or rancher who is a member of a socially disadvantaged group. "Socially disadvantaged group" means a group whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities. These groups include all of the following:
 1. African Americans.
 2. Native Indians [inclusive of California Native American Tribes]
 3. Alaskan Natives.
 4. Hispanics.
 5. Asian Americans.
 6. Native Hawaiians and Pacific Islanders.
2. An underserved producer, as defined in the Agriculture Improvement Act of 2018 (H.R.2), is "an individual (including a member of an Indian Tribe [California Native American Tribe]) that is
 1. a beginning farmer or rancher;
 2. a veteran farmer or rancher; or
 3. a socially disadvantaged farmer or rancher."

The term "socially disadvantaged farmer or rancher" is defined in S.2830, Food, Agriculture, Conservation, and Trade Act of 1990, as "a farmer or rancher who is a member of a socially disadvantaged group," meaning "a group whose members have been subjected to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities."

Producer: A person who grows food or agricultural products or raises livestock for sale. This includes people engaged in activities like planting, cultivating, harvesting, and animal husbandry.

Publicly held land: Land that is owned by a governmental entity, whether at the federal, state, or local level.

Regenerative agriculture: An integrated approach to farming and ranching rooted in principles of soil health, biodiversity and ecosystem resiliency leading to improved targeted outcomes, as defined by the California State Board of Food and Agriculture.¹

Resource conservation districts: Local, non-regulatory special districts which provide technical and financial assistance to producers and land stewards for conservation projects.

¹ "Defining regenerative agriculture for State policies and programs." (2025). California Department of Food and Agriculture. Last accessed Oct. 28, 2025 from <https://www.cdfa.ca.gov/RegenerativeAg/>

Socially disadvantaged farmer or rancher: As defined by the 2017 Farmer Equity Act ([AB 1348](#)), a farmer or rancher who is a member of a socially disadvantaged group. “Socially disadvantaged group” means a group whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities. These groups include the following:

1. African Americans.
2. Native Indians [inclusive of California Native American Tribes].
3. Alaskan Natives
4. Hispanics.
5. Asian Americans.
6. Native Hawaiians and Pacific Islanders.

State-owned land: Land owned by the State of California, including but not limited to land held by state agencies, divisions, academic institutions, and research and extension branches of the state government.

Stewardship: Ongoing practices of care and responsibility in a manner that meets the long-term interests of communities, the natural world, and future generations.

Traditional Ecological Knowledge (TEK): Knowledge of ecological relationships, resource management, and sustainability that is passed down through generations via oral histories, ceremonies, and lived experiences. TEK integrates observation with values, ethics, and community responsibilities, offering holistic perspectives that are vital to environmental stewardship and resilience. TEK does not follow a one-size-fits-all model; rather, it varies from place to place and is defined differently by different communities.²

Traditional Tribal agricultural uses: Phrase used in the legislation that established the California Agricultural Land Equity Task Force ([California Budget Act of 2022, AB 179](#)). This phrase is inclusive of the terms “agriculture” and “Traditional Ecological Knowledge” as utilized in this report and defined in this glossary.

Technical assistance provider: Those who support individuals, businesses, and cooperatives with navigating legal, technical, business, and regulatory processes and procedures, as well providing support with planning and implementation. In the context of this report, technical assistance providers offer guidance and expertise related to agricultural land access and tenure.

Tribal cultural resources: Defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and

² Adapted from Cal Poly Humboldt’s Department of Native American Studies, “Traditional Ecological Knowledge,” last accessed Oct. 6, 2025 from <https://www.humboldt.edu/nas/traditional-ecological-knowledge-tek>; Save California Salmon. “Traditional Ecological Knowledge, science, & management.” Last accessed Oct. 6, 2025 from https://www.californiasalmon.org/_files/ugd/d97ff6_a24cc36643a64627bae253020d3830a8.pdf

scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe.

Tribal Sovereignty: Native American Tribes' possession of all powers of self-government, except those relinquished under treaty with the United States, those that Congress has expressly extinguished, and those that the federal courts have ruled are subject to existing federal law or are inconsistent with overriding national policies. Tribal Sovereignty includes the right to form governments, make and enforce civil and criminal law, establish and determine membership, license and regulate activities, zone, and exclude persons from Tribal lands.

Urban agriculture: The practice of agriculture within an urban area, defined by the California Department of Food and Agriculture as more than 25 miles adjacent to or outside of one Urbanized Area containing a population of 50,000 or more people.

Underserved producer: As defined in the Agriculture Improvement Act of 2018 (H.R.2), "an individual (including a member of an Indian Tribe [California Native American Tribe]) that is

1. a beginning farmer or rancher;
2. a veteran farmer or rancher; or
3. a socially disadvantaged farmer or rancher."

The term "socially disadvantaged farmer or rancher" is defined in S.2830, Food, Agriculture, Conservation, and Trade Act of 1990 as "a farmer or rancher who is a member of a socially disadvantaged group," meaning "a group whose members have been subjected to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities."

Urban agriculture: According to the California Department of Food and Agriculture (CDFA), the cultivation, processing, and distribution of agricultural products in urban settings, including things like inground small plot cultivation, raised beds, vertical production, warehouse farms, mushroom growing, urban forestry and tree care, community gardens, rooftop farms, hydroponic, aeroponic, and aquaponic facilities, and other innovations. CDFA defines "urban" as a geographic area no more than 25 miles adjacent to or outside of one Urbanized Area containing a population of 50,000 or more people.

Veteran Farmer or Rancher: As defined by the USDA, the term "Veteran Farmer or Rancher" means a producer who

- Served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, including the reserve component thereof; was released from service under conditions other than dishonorable; and:
 - Has not operated a farm or ranch, or has operated a farm or ranch for not more than 10 years; or
 - Who first obtained status as a veteran during the most recent 10-year period.

Viable agricultural land: Land that can sustain agriculture, as defined in this report, in the long term. This often entails both ecological and economic sustainability and involves a range of resources and structures, from water availability to market access.

Appendix B: Draft Agricultural Tenant Bill of Rights

Many priority producers and land stewards in California lease the land on which they operate, and many others operate without an agricultural lease agreement for the land they farm, ranch, or otherwise steward. Often, agricultural leases, whether handshake or written agreements, are short-term and have unfavorable or exploitative terms for tenants. In addition to the power imbalances inherent in a lease agreement between landholders and tenants, such agricultural lease agreements make priority producers and land stewards vulnerable to discrimination and exploitation, particularly non-English speaking producers.

Agricultural leases and leases for urban agriculture provide an opportunity for mutual benefit of both parties. A fair and balanced lease, combined with tax and other incentives for landholders adhering to specific minimum criteria as proposed here and in Section 2.5, can provide adequate returns for landholders and support productive agricultural operations.

To ensure **agricultural leases** in California are fair and just, the governor and legislature should mandate that the following list of rights be respected in all agricultural leases:

- The duration for any agricultural lease for crop production must be a minimum of one year.
- Tenant must receive written notice of any proposed rental increase at least six months prior to the intended start date of the rental increase. The written notice must be provided in the native language of the tenant. A landholder cannot raise rent more than 10% total or 5% plus the percentage change in the cost of living – whichever is lower – over a 24-month period.
- An agricultural tenant's responsibility for payment of any share of or all real property taxes shall be contingent upon a lease term of at least three years.
- Right to access the property to harvest planted crops in ground or in production at time of termination for a minimum of 90 days after any termination of the lease agreement.
- Landholder has no rights to unharvested or harvested crops as a cure for tenant's default, unless agreed to in writing by both parties.
- All agricultural leases must include a Force Majeure clause. Force Majeure language should at minimum state that if any party fails to perform its obligations because of natural disasters, fire or other Acts of God then that party's performance shall be excused for a period equal to the period of such cause for failure to perform as long as the party who fails to perform gives reasonable notice after the event causing the failure.

- Termination without cause is not permissible. Landholder must provide at least 30 days written notice to tenant of default, and must allow a period of at least 30 days for the tenant to remedy the alleged default. In the event the tenant does not cure the default within the specified time period and the parties do not come to other agreement, the landholder must provide at least 30 days written notice of termination before terminating for cause. Default may include:
 - Nonpayment of rent after period specified in lease agreement.
 - Abandonment of the property, provided the lease agreement clearly specifies the amount of time and conditions that constitutes abandonment.
 - Breach of a material term of the lease.
 - Using the property for unlawful purposes.
- Rent payments during a holdover period may not exceed the monthly prorated equivalent to 125% of the most recent rental amount.
- If tenancy remains undisputed for a period of at least 60 days after the expiration of the lease agreement, the lease agreement is considered renewed for an additional year under the terms of the most recent written contract between the parties. See Cal Code Civ. Proc. § 1161(2).
- Survivability of tenure in the event of sale or transfer of the property. The new owner takes the property encumbered by the terms of any current lease agreement.
- Any so called “lease to own” arrangement must be thoroughly documented with transparent terms to include at minimum, a statement of fair market rent for the property, allocation, use and recovery of additional rent toward down payment or other considerations for future property purchase, documentation of tenant investments, and be accompanied by a written purchase agreement. These agreements should be filed with the appropriate county.
- Tenant constructed or funded permanent improvements:
 - Tenant constructed or funded permanent improvements must be approved in writing by landholder prior to construction or development.
 - If permanent improvements will be made or funded by tenant on the leased property, the lease term should match or exceed the usable life of those improvements, unless otherwise agreed by both parties.
 - A tenant is entitled to the remaining usable value at the time of expiration or termination of their lease agreement of any approved permanent improvements, including permanent crops, that they have made or funded on the leased land. The landholder must buy back any remaining usable value or

current fair market value of these improvements within 30 days after the expiration or termination of the agreement, unless otherwise agreed in writing by both parties.

- o These terms do not apply to publicly funded improvements.
- Agricultural tenants have the right to livable housing conditions, and any residential structures on leased agricultural lands are subject to the same laws and regulations as apply to all other leased residences. See Civil Code, § 1941.1.
- Landholders **must disclose details of current and anticipated water access and** may not sell or otherwise remove water rights, available water, or access to water expected and necessary for an agricultural tenant's current and future production and use under the terms of their agricultural lease agreement.
 - o Inability to farm due to lack of access to water may be cause for early termination of lease agreement without penalty for the tenant; lack of access to water includes cases where lack of water is due to failure of infrastructure owned by landholder and landholder is unable or refuses to repair said infrastructure or cases where tenant is responsible for improvements to water infrastructure, but the cost of repair or improvement is prohibitive.
- If the parties include an indemnification clause in their agricultural lease agreement, there must be dual indemnification; tenant cannot be required to indemnify the landholder and landholder parties without landholders also indemnifying the tenant and tenant parties.
- Discrimination:
 - o Landholders are prohibited from discriminating against tenants based on the tenant's race, national origin, religion, sex, gender, sexual orientation, gender expression, gender identity, ancestry, language, disability status, marital status, familial status, source of income (Section 8 vouchers, for example), veteran status, or certain other characteristics.
- Any landholder seeking the benefit of state conservation programs on land farmed by a tenant who will be the contracting party (operator) must ensure that the lease term aligns with or exceeds the length of the conservation program contract. If permanent improvements will be made under the terms of the contract, the lease term must match the usable life of those improvements.
- No retaliation – Landholders may not retaliate against tenants for exercising their rights. For example, it is against the law for a landholder to try to evict a tenant who has asked for repairs or pointed out that a rent increase is unlawful, or to take away services or rights that the tenant previously enjoyed under their current agricultural lease agreement, like a storage space or parking.

- No “lockouts” – It is illegal to try to "evict" a tenant by locking them out, shutting off the water or electricity, or removing their personal property. The only lawful way to evict a tenant is to go through the applicable legal process.
- Tenants have a right to receive a written copy of their final lease agreement in their primary/preferred language prior to signature.

Appendix C: Context and recommendations to address uneven impacts of policies and regulations

Sustainable Groundwater Management Act (SGMA)

The Sustainable Groundwater Management Act (SGMA) was enacted to address the severe groundwater overdraft, declining aquifer levels, and other undesirable consequences of over-pumping groundwater in California. Under SGMA, local groundwater sustainability agencies (GSAs) are required to achieve sustainable groundwater management by 2040 in groundwater basins deemed “critically overdrafted” and by 2042 for the remaining basins under SGMA, mainly through increasing groundwater supply and/or decreasing demand for groundwater use. Because SGMA is a locally driven law, GSAs develop and implement groundwater sustainability plans (GSPs) to avoid undesirable results for beneficial uses and users of groundwater and mitigate overdraft within this timeframe. The California Department of Water Resources (DWR) serves two roles to support local SGMA implementation: 1) Regulatory oversight through the evaluation and assessment of GSPs and 2) Ongoing assistance to local GSAs. GSAs are considering a range of strategies to bring groundwater basins into sustainability by 2040, such as increasing groundwater recharge (supported by state actions including basin and subsurface characterization), land fallowing or repurposing (supported by some state grant programs to willing participants), and reductions in the amount of groundwater each grower is allowed to pump (groundwater allocations). The effect of local SGMA implementation on land equity could be substantial, with access to groundwater now affecting the value and availability of agricultural land, potential competition for groundwater, and new fees, monitoring requirements, and regulatory actions that can be passed on from GSAs with potential unintended consequences for more vulnerable groups of producers and land stewards. Efforts to promote land equity under SGMA should also avoid impacting additional vulnerable communities, such as protecting drinking water quality for rural residents. SGMA education for all beneficial users of groundwater is paramount for a common understanding of what GSAs are responsible for and how decisions made at the local level can affect groundwater users.

While SGMA requires sustainable management of groundwater that will avoid undesirable results for all groundwater users, the implementation process may disproportionately impact priority producers and land stewards. Small-scale agricultural operations tend to have older, shallower wells and are more vulnerable to declining groundwater levels, as pumping continues in many areas until full sustainability is required in 2040 and 2042. If a local GSA sets minimum threshold targets for groundwater levels below the level of shallower wells, these wells may go dry before groundwater sustainability is implemented.

While large landowners and companies may have flexibility with different properties or the capital to drill new wells, sometimes in different groundwater basins, small-scale priority producers and land stewards are more likely to be fully dependent on one piece of property, have limited ability to drill replacement wells when groundwater levels drop, and will be more drastically affected by across-the-board reductions in allocations of groundwater for irrigation. Groundwater markets that may develop as a result of SGMA would likely benefit larger agricultural operations with more capital and resources, with concerns about the development of market power for interest groups that could exclude users outside their network, difficulty of trading for producers and land stewards with smaller agricultural operations, and higher transaction costs to participate. The risks to tenant producers and land stewards in areas with groundwater markets are high. Since agricultural land can now be associated with groundwater allocations, and unused water can be sold in a groundwater market, agricultural land could be used for sales of groundwater instead of being leased to a tenant. Current market rates for land rental, property taxes, and groundwater sales may determine which is more profitable. These factors all could have substantial effects on land equity as access to groundwater, land prices and availability, and economic viability of priority producer operations may be affected.

- a) Define criteria for: exceptions, exemptions, de minimis categories, alternate requirements, and tiers to structure groundwater allocations, fees, monitoring, reporting, and other regulatory requirements to limit unintended impacts on vulnerable communities including priority producers and land stewards, small-scale and family-operated agricultural operations, and limited-resource producers and land stewards d ranchers.
- b) Identify funding and resources for technical assistance, cost sharing, engagement with GSAs, and legal consultation to support small-scale and priority producers and land stewards during the process of SGMA implementation.
- c) Determine best practices for land fallowing and repurposing programs to minimize impacts and maximize benefits for small-scale or priority producers and land stewards: for example, comparing the benefits of reducing groundwater pumping through maximizing large acreages of fallowed or repurposed land, repurposing existing land use to smaller diversified agricultural systems, and/or fallowing or repurposing land on smaller agricultural operations.
- d) Include small-scale priority producers and land stewards in well mitigation programs to support residents, producers, and land stewards with shallower wells and/or whose wells go dry during SGMA implementation.
- e) Support infrastructure for surface water access to diversify sources of irrigation water for small agricultural operations and priority producers and land stewards.

- f) Either prohibit groundwater markets or establish state regulations for groundwater markets to protect vulnerable communities of rural residents and priority producers and land stewards and limit the ability of larger entities to develop market power.³
 - i) Require neutral third parties to administer groundwater markets.
 - ii) Ensure that groundwater buyers and sellers and groundwater trades are anonymous.
 - iii) Define special management areas with rules that protect vulnerable communities based on hydrology, locations of shallow wells, etc.
 - iv) Place limits on trading to avoid impacts to vulnerable communities and/or the development of market power, such as: ag-to-ag only, within GSA or sub-basin only, or directionally (e.g. east to west).
 - v) Start small and evaluate water markets frequently, with regular partner and collaborator participation and ongoing monitoring to determine whether unintended consequences such as the development of market power are occurring.
 - vi) Fund third-party organizations to facilitate groundwater market access and participation with technical assistance, outreach and education, and manage groundwater trading for groups of small producers and land stewards.

Irrigated Lands Regulatory Program (ILRP)

The Irrigated Lands Regulatory Program (ILRP) was implemented to protect drinking water quality due to decades of over-fertilization in California agricultural production systems and the resulting contamination of aquifers with nitrates from fertilizers. Most producers report nitrogen applied and nitrogen removed through harvest to regional water quality coalitions or approved third parties, which report it in aggregated form with anonymous identifiers to regional water quality control boards. Producers within the central coast region, however, submit nitrogen applied and removed data directly to their regional water quality control board. Nitrate contamination is a serious public health issue requiring regulation; however, the structure of ILRP reporting requirements is much more streamlined for larger monoculture agricultural operations, while smaller, organic, and diversified operations struggle with the complexity of required reporting of nitrogen released from a wider range of different sources and nitrogen present in a diversity of harvested crops. Enforcement procedures can be severe, such as letters warning of fines of \$1,000 per day if paperwork is not submitted on time, and information usually is not available in multiple languages. Funding for technical assistance is extremely limited, as no provision has been made for this at the state level and regional water quality coalitions are required to raise funds

³ "A State role in supporting groundwater trading with safeguards for vulnerable users: Findings and next steps." (2022). California Water Commission. Last accessed Oct. 2, 2025 from https://cwc.ca.gov/-/media/CWC-Website/Files/Documents/2022/05_May/May2022_Item_10_Attach_1_WhitePaper_Final.pdf

through charging member fees. Compliance can also be more complicated for tenant producers and land stewards: either the landlord or tenant can enroll as a member in a water quality coalition to report nitrogen use and removal, and confusion can arise over who is responsible. These factors combine to make regulatory compliance with the ILRP extremely difficult for small-scale priority producers and land stewards to achieve without substantial technical assistance, adding to the overall regulatory burden that can inhibit the viability of agricultural operations. The recommendations for ILRP compliance in the CDFA and CalEPA Regulatory Alignment Study that are relevant to equity for small-scale and limited-resource producers and land stewards should be implemented, particularly the sections on **Equity** (opportunities to ensure the inclusion of socially disadvantaged communities, and farmers and ranchers in the development, implementation, and enforcement of regulations) and **Efficiency** (opportunities to simplify and expedite regulatory administrative, reporting, and compliance processes). Selected recommendations from this study are also highlighted below.

- a) Implement the alternate reporting requirements included in the Eastern San Joaquin General Order for all water quality coalitions that include participation of small-scale diversified agricultural operations.⁴
- b) Invest in resources and technical assistance to support small-scale and priority producers and land stewards and with ILRP compliance.
- c) Revise regulatory communications to include references to technical assistance available and encourage producers to seek assistance with compliance.
- d) Revise regulatory actions and fees when reporting is not submitted on time to be less threatening: for example, remove the fine of \$1,000 per day and replace it with a more reasonable fine, or develop a tiered structure for fines that is more reasonable for small-scale and priority producers and land stewards.
- e) Support water quality coalitions with resources for bilingual outreach, technical assistance, and development of tools relevant to small-scale and priority producers and land stewards.
- f) Streamline resources and requirements for domestic well testing, so that small-scale priority producers and land stewards enrolled in water quality coalitions can request labs and submit test results to GeoTracker from domestic well testing assistance programs.

⁴ Dahlquist-Willard, Ruth, and Aparna Gazula. (2017). "Comments on the Eastern San Joaquin River Watershed Agricultural Order." Last accessed Oct. 2, 2025 from https://www.waterboards.ca.gov/public_notices/comments/a2239ac/comments20171205/ruth_dahlquistwillard.pdf; "State of California Water Resources Control Board Order WQ 2018-0002 – Waste Discharge Requirements General Order No. R5-2012-0116 for Growers Within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group." (2018). State of California Water Resources Control Board. Last accessed Oct. 2, 2025 from https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2018/wqo2018_0002_with_data_fig1_2_appendix_a.pdf

- g) Place a liaison between the State Water Resources Control Board and small-scale priority producers and land stewards within CDFA's Farmer Equity Office.

Food Safety Modernization Act (FSMA)

The federal Food Safety Modernization Act (FSMA) requires wholesale producers of all scales to comply with requirements for training, recordkeeping, and on-site practices, in addition to any third-party food safety audits that their buyers may require. While the goal of preventing food safety outbreaks from harvested produce is essential to protect public health, the costs in time and materials for compliance and inspections contribute to the overall increased regulatory burden for small-scale priority producers and land stewards and the effect of compliance on the viability of small and beginning agricultural operations. This is particularly the case when the scope of federal compliance required may exceed the level of food safety risk on the operation: for example, when many crops are generally cooked rather than eaten raw. Certain culturally important crops from a diversity of agricultural communities and marketed to a diversity of California consumers may be very infrequently consumed raw, or even toxic when eaten raw. Yet, they are not on the "rarely consumed raw" (RCR) list for FSMA exemptions, because they were not included in the questions on dietary habits in the National Health and Nutrition Examination Survey (NHANES).

FSMA includes exemptions for very small agricultural operations (average annual sales of \$25,000 or less, adjusted for inflation) and crops on the [RCR list](#), and a qualified exemption with less stringent requirements for agricultural operations with a majority of their sales direct to local end users and average annual sales of \$500,000 or less (adjusted for inflation).⁵ Small-scale and priority producers and land stewards selling to regional and national wholesale markets may be most affected by FSMA requirements, since they must comply with the same requirements as larger operations yet have limited resources to do so. Inspections present an additional difficulty, as the process to select agricultural operations and contact producers and land stewards for FSMA inspections may not be set up to account for language and cultural barriers. In the listening sessions conducted by the Task Force, producers and land stewards mentioned the confusing requirements of multiple different required food safety inspections and suggested that a process to streamline requirements would be helpful.

⁵ "Exemptions relevant to produce farms under the Produce Safety Rule and the Food Traceability Rule." (2023). U.S. Food and Drug Administration. Last accessed Oct. 2, 2025 from <https://www.fda.gov/food/food-safety-modernization-act-fsma/exemptions-relevant-produce-farms-under-produce-safety-rule-and-food-traceability-rule>; Dahlquist-Willard, Ruth, Aparna Gazul, Jacob Roberson, Qi Zhou, Marianna Castiaux, Erin DiCaprio, Thais Ramos, and Alda Pires. (2021). "Comment from University of California Agriculture and Natural Resources." U.S. Food and Drug Administration. Last accessed Oct. 2, 2025 from <https://www.regulations.gov/comment/FDA-2019-D-1266-0013>

- a) Implement the recommendations for food safety compliance in the CDFA and CalEPA Regulatory Alignment Study³ that are relevant to equity for small-scale and limited-resource producers and land stewards, particularly the sections on **Equity** (opportunities to ensure the inclusion of socially disadvantaged communities, and farmers and ranchers in the development, implementation, and enforcement of regulations) and **Efficiency** (opportunities to simplify and expedite regulatory administrative, reporting, and compliance processes). Selected recommendations from this study are also highlighted below.
- b) Establish an equitable and fair process that is accessible to producers and land stewards with limited access to digital communication methods to set up on-site inspections, such as advance notice in writing, opportunity to identify translation services, and options to involve a family member fluent in English.
- c) Identification of additional “rarely consumed raw” crops at the state level for exemption from FSMA inspections, particularly those with cultural importance for diverse California communities, and communication of this information to the FDA, similar to the case of taro in Hawaii.
- d) Maintain grower data as confidential and not to be shared with other agencies or third parties without the consent of the grower, such as with an “opt-in” check box, including for CDFA’s Farm Data Repository.
- e) Allow growers under a defined threshold of sales to self-report successfully passing a private audit aligned with FSMA as a replacement for a full FSMA Produce Safety Rule inspection.
- f) Fund bilingual outreach and technical assistance for FSMA compliance through partner organizations.
- g) Provide state agency resources and Produce Farm Inspection Report Summaries in multiple languages.
- h) Support efforts to develop culturally appropriate and interactive curriculum meeting Produce Safety Alliance training requirements for FSMA compliance.
- i) Conduct periodic listening sessions with CDFA’s Farmer Equity Office committees, including the BIPOC Producer and Small-Scale Producer Advisory Committees.

California Labor Policies and Regulations

Agricultural labor laws are needed to protect the quality of life and wages of farmworkers in California. However, some processes and policies can affect small-scale priority producers and land stewards differently than intended. For example, fees for OSHA violations can be out of proportion to the scale of the agricultural operation, and requirements for extended family members to help with agricultural labor can create difficulties for agricultural communities that rely on cultural practices of labor reciprocity and unpaid help from extended family networks to sustain their economic viability.⁶ Producers and land stewards

⁶ Sowerwine, Jennifer, Christy Getz, and Nancy Peluso. (2015). “The myth of the protected worker: Southeast Asian micro farmers in California agriculture.” *Agriculture and Human Values* 32(4); pp.

in listening sessions cited the difficulty of keeping up with changes in labor regulations and the need for education and technical support to remain in compliance.

- a) Revise OSHA fee structure to be more equitable: for example, implement a tiered approach for small-scale and priority producers and land stewards.
- b) Expand and promote free OSHA consultation services.⁷
- c) Make equipment and infrastructure required for compliance available to rent or borrow in case of emergency, such as shade structures, portable restrooms, etc. – possibly as part of shared equipment lending programs.
- d) Revise California labor regulations for extended family members providing part-time assistance with agricultural labor, limited under a minimum threshold of hours per week or month (e.g. direct uncles, aunts, cousins, nieces, and nephews 18 or over who would not be considered employees).
- e) Support training and technical assistance for understanding and complying with current labor regulations, such as minimum wage, piece rate, overtime, heat illness, workers compensation, and similar requirements. This could be provided through an “ag ombuds” or “public navigator” program.

Pest Management Policies and Regulations

Policies and regulations related to pest management can add to the overall regulatory burden affecting economic viability for priority producers and land stewards if they are misaligned with the scale and diversity of agricultural operations in those communities. At the same time, California’s Sustainable Pest Management Roadmap provides opportunities for multiple public benefits though promoting more sustainable pest management practices.

- a) Provide financial support for small-scale priority producers and land stewards for losses due to enforcement of quarantine regulations, such as mandatory destruction of crops or land fallowing.
- b) Provide technical assistance and training for pest management options under quarantine regulations.
- c) Support research, technical assistance, and training on pesticide alternatives appropriately scaled for small and/or diversified agricultural operations under the Sustainable Pest Management Roadmap, particularly for agroecological or

579–595. <http://dx.doi.org/10.1007/s10460-014-9578-3>; “CDFA and CalEPA Regulatory Alignment Study.” (2025). California Department of Food and Agriculture. Last accessed Oct. 2, 2025 from <https://www.cdfa.ca.gov/RegulatoryAlignment/>

⁷ “The word is out... but have you heard?” State of California Department of Industrial Relations. Last accessed Oct. 2, 2025 from <https://www.dir.ca.gov/dosh/agmore.htm>

biologically integrated pest management methods such as biological control, cultural control, host plant resistance, and reduced-risk products.

- d) Provide training and technical assistance for private applicators to understand and follow pesticide safety regulations, including bilingual assistance for private applicator exam preparation, pesticide use reporting, obtaining permits, and understanding pesticide label requirements.

Appendix D: Model policies and ordinances

City of Oakland cultural conservation easement ordinance

The first two pages of the cultural conservation easement ordinance are below and the full ordinance may be found on the City of Oakland's website.⁸

⁸ "Legislation." City of Oakland, California. Last accessed Oct. 28, 2025 from <https://oakland.legistar.com/LegislationDetail.aspx?ID=5890104&GUID=453CAFB0-7BA5-4B73-9392-BF9E1626DF23&G=undefined&Options=&Search=>

INTRODUCED BY ECONOMIC AND WORKFORCE
DEVELOPMENT DEPARTMENT, MAYOR LIBBY SCHAAF
AND COUNCIL PRESIDENT PRO TEMPORE SHENG THAO

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE (1) GRANTING A CULTURAL CONSERVATION EASEMENT OVER AN APPROXIMATELY 5-ACRE PORTION OF JOAQUIN MILLER PARK KNOWN AS SEQUOIA POINT TO THE SOGOREA TE' LAND TRUST (GRANTEE), AT NO COST, TO PRESERVE AND ENHANCE THE CULTURAL, HISTORIC, EDUCATIONAL, NATURAL RESOURCE, SCENIC, AND OPEN SPACE VALUES OF THE EASEMENT PROPERTY IN PERPETUITY; AND

(2) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A MEMORANDUM OF AGREEMENT FOR THE IMPLEMENTATION OF THE CITY OF OAKLAND'S RESERVED RIGHTS AND THE GRANTEE'S RIGHTS AND OBLIGATIONS UNDER THE CONSERVATION EASEMENT, AND TO AMEND SAID MEMORANDUM OF AGREEMENT WITHOUT RETURNING TO COUNCIL; AND

(3) AMENDING THE OAKLAND MUNICIPAL CODE TO ADD SECTION 12.64.420 TO AUTHORIZE THE USE OF PARKS BY RECIPIENTS OF CONSERVATION EASEMENTS WITHOUT OBTAINING PARK PERMITS; AND

(4) MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City of Oakland is the owner of certain real property currently known as Joaquin Miller Park in the County of Alameda, State of California, consisting of approximately 500 acres; and

WHEREAS, the City recognizes that San Joaquin Miller Park is located within the unceded territory of the Chochenyo-speaking Ohlone people who have occupied and continue to occupy this region since time immemorial and the City desires to return an approximately 5-acre portion of the park commonly known as Sequoia Point, as depicted in the map attached hereto as Exhibit A (Easement Property), to Indigenous stewardship; and

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WHEREAS, California Civil Code Sections 815 through 816 allows the City to grant a conservation easement to a qualified nonprofit organization in order to preserve and enhance the cultural, historic, educational, natural resource, scenic, and open space values (Conservation Values) of the Easement Property in perpetuity; and

WHEREAS, Sogorea Te' Land Trust (Grantee) is an Indigenous women-led nonprofit land trust based in Oakland that facilitates the return of Indigenous land to Indigenous people, and is qualified to hold conservation easements under California Civil Code Section 815.3; and

WHEREAS, Oakland Municipal Code (OMC) Section 2.42.080 authorizes the City to grant a perpetual conservation easement for less than fair market value if the City Council has made a finding and determination that the grant of easement for less than fair market value is in the best interests of the City; and

WHEREAS, the City and Grantee share a strong interest in working collaboratively on the Easement Property to identify, conserve, and restore open space and natural resources; reestablish Native American traditions, cultural practices, and resource stewardship; and to educate and share these values and resources through public education partnerships; and

WHEREAS, Grantee brings a unique and valuable perspective to, and knowledge of, the Easement Property, and it is in the City's and the public's interest to establish a long-term partnership with Grantee; and

WHEREAS, Grantee's rights, interests and obligations under the conservation easement would be consistent with and enhance the natural resource value and public enjoyment of Joaquin Miller Park; and

WHEREAS, the City desires to grant, and Grantee desires to accept, a conservation easement in perpetuity over the Easement Property (Conservation Easement) in order to preserve and enhance the Conservation Values; and

WHEREAS, Grantee refers to the Easement Property as Rinihmu Pulte'irekne, meaning "above the red ochre" in the Chochenyo language;

WHEREAS, the City and Grantee also desire to enter into a memorandum of agreement that may be amended by the City Administrator from time to time, without returning to City Council, to further define the processes and requirements for implementing the easement (Memorandum of Agreement); and

WHEREAS, OMC Chapter 12.64 requires a park permit for private events within City parks of 25 or more people; and

City of Richmond urban agriculture ordinance⁹

15.04.610.430 – Urban Agriculture

Urban Agriculture facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Maintenance.** Urban agriculture uses shall be maintained in an orderly manner, including litter removal, irrigation, weeding, pruning, pest control and removal of dead or diseased plant materials.

B. **Equipment.** Use of mechanized farm equipment is prohibited in residential districts.

1. Heavy equipment may be used initially to prepare the land for agriculture use, and landscaping equipment designed for household use is permitted.

2. All equipment, when not in use, must be enclosed or otherwise screened from sight.

C. **Accessory Structures.** Structures to support urban agriculture, such as storage sheds, chicken coops, hop-houses, and greenhouses, are permitted, subject to the regulations of the underlying zoning district and the standards for accessory structures in [Article 15.04.601](#) (General Site Regulations) and animal-keeping enclosures in Section [15.04.610.070](#).

D. **Best Practices.** Urban agriculture activities shall include best practices to prevent animal waste and pollutants from entering the stormwater conveyance system and shall comply with all applicable federal, state, and local laws, ordinances, or regulations, including, but not limited to, [Chapter 12.22](#), Stormwater Management and Discharge Control Code of the Municipal Code.

E. **Animal Keeping.** See Section [15.04.610.070](#).

F. **Garbage and Compost.** Garbage and compost receptacles must be screened from the street and adjacent properties by utilizing landscaping, fencing or storage within structures and all garbage must be removed from the site weekly. Compost piles and containers must be set back at least 20 feet from residential buildings when an urban agriculture use abuts a residential use.

G. **Hours of Operation in Residential and Mixed-Use Zoning Districts.** In residential and mixed-use zoning districts, urban agricultural operations may begin at sunrise or 7:00 a.m.,

⁹ City of Richmond, California. "Article 15.04.610.430 - Urban Agriculture." Last accessed Oct. 27, 2025 from https://library.municode.com/ca/richmond/codes/code_of_ordinances?nodeId=ARTXVZOSU_CH15.04ZOSU_RE_SERIES_600GEST_ART15.04.610STSPUSAC_15.04.610.430URAG

whichever is earlier, and must end at sunset or 9:00 p.m., whichever is later, seven days a week. Automatic equipment functioning, such as sprinklers, is not considered an operation.

H. **Home Gardens.** The maximum size of a home garden shall not exceed 25 percent of the total floor area of the dwelling unit on the lot.

I. **Community Gardens.** Community gardens can be organized by community groups, nonprofit organizations, the City, or land owners. A manager must be designated for each community garden who will serve as liaison between gardeners, property owner(s), and the City.

J. **Food Membership Distribution.** Food Membership Distribution is an all allowable accessory to food and beverage sales and retail sales uses, and with an administrative use permit, other commercial uses.

1. The maximum number of members who may come to the site to pick up items delivered on one delivery day is 100, and the number of delivery days allowed in a calendar year is 70. The operator of a site is responsible for compliance with the regulations that apply to the frequency of delivery days and maximum number of members who may come to the site. This may require limiting the number of members who may participate in each order, or moving some deliveries to other locations.
2. Members may pick up items at the site only between 7:00 a.m. and 9:00 p.m.
3. Truck deliveries are allowed between 8:00 a.m. and 5:00 p.m.

City of Davis right to farm and farmland preservation ordinance¹⁰

ARTICLE 40A.01

RIGHT TO FARM

§ 40A.01.010. Purpose.

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

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

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

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

(Ord. 1823 § 1)

§ 40A.01.020. Definitions.

For the purpose of this chapter, the following terms shall have the following meanings:

Agricultural land. Those land areas of Yolo County specifically zoned as agricultural preserve (A-P), agricultural exclusive (A-E), and agricultural general (A-I), as those zones are defined in the Yolo County zoning ordinances, those land areas of Solano County specifically zoned exclusive agricultural (A-40), as those zones are defined in the Solano

¹⁰ City of Davis. Code of Ordinances. "Chapter 40a." Last accessed Oct. 27, 2025 from <https://ecode360.com/44663143>

County zoning ordinances, and those land areas of the City of Davis specifically zoned as agricultural (A), planned development or any other zoned land as defined by the Davis Municipal Code where the land use on the land within the city limits is agricultural.

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

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

Property. Any real property located within the city limits.

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

Transferee. Any buyer or tenant of property.

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

(Ord. 1823 § 1)

§ 40A.01.030. Deed restriction.

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

RIGHT TO FARM DEED RESTRICTION

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

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

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

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

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

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

This Right to Farm Deed Restriction shall be included in all subsequent deeds and leases for this property until such time as the property is not located within 1,000 feet of agricultural land or agricultural operations as defined by Davis City Code Section 40A.01.020.

(Ord. 1823 § 1)

§ 40A.01.040. Notification to transferees.

(a) Every transferor of property subject to the notice recorded pursuant to Section 40A.01.030 shall provide to any transferee in writing the notice of right to farm recited below. The notice of right to farm shall be contained in each offer for sale, counter offer for sale, agreement of sale, lease, lease with an option to purchase, deposit receipt, exchange agreement, rental agreement, or any other form of agreement or contract for the transfer of property; provided that the notice need be given only once in any transaction. The transferor shall acknowledge delivery of the notice and the transferee shall acknowledge receipt of the notice.

(b) The form of notice of right to farm is as follows:

NOTICE OF RIGHT TO FARM

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

You are hereby notified that the property you are purchasing/leasing/ renting is located within 1,000 feet of agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facilities operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents and/or the operation of machinery (including aircraft) during any 24-hour period.

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

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

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

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

This notification is given in compliance with Davis City Code Section 40A.01.040. By initialing below, you are acknowledging receipt of this notification.

Transferor's Initials _____ Transferee's Initials _____

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

(d) The notice required by this section shall be included in every agreement for transfer entered into after the effective date of this chapter, including property subject to the deed restriction cited in Section 40A.01.030.

(Ord. 1823 § 1)

§ 40A.01.050. Agricultural buffer requirement.

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

(b) The minimum one-hundred-fifty-foot agricultural buffer/agricultural transition area shall be comprised of two components: a fifty-foot-wide agricultural transition area located contiguous to a one-hundred-foot-wide agricultural buffer located contiguous to the agricultural, greenbelt, or habitat area. The one-hundred-fifty-foot agricultural buffer/transition area shall not qualify as farmland mitigation pursuant to Article 40A.03 of this chapter.

(c) The following uses shall be permitted in the one-hundred-foot agricultural buffer: native plants, tree or hedge rows, drainage channels, storm retention ponds, natural areas such as creeks or drainage swales, railroad tracks or other utility corridors and any other use, including agricultural uses, determined by the planning commission to be consistent with the use of the property as an agricultural buffer. There shall be no public access to the one-hundred-foot agricultural buffer unless otherwise permitted due to the nature of the area (e.g., railroad tracks). The one-hundred-foot agricultural buffer shall be developed by the developer pursuant to a plan approved by the community services director or designee. The plan shall include provision for the establishment, management and maintenance of the area. The plan shall incorporate adaptive management concepts and include the use of integrated pest management techniques. The property shall be dedicated to the city in fee title, or, at the discretion of the city, an easement in favor of the city shall be recorded against the property, which shall include the requirements of this article.

(d) The following uses shall be permitted in the fifty foot agricultural transition area: bike paths, community gardens, organic agriculture, native plants, tree and hedge rows, benches, lights, trash enclosures, fencing, and any other use determined by the planning commission to be of the same general character as the foregoing enumerated uses. There shall be public access to the fifty-foot agricultural transition area. The fifty-foot agricultural

transition area shall be developed by the developer pursuant to a plan approved by the community services director or designee. Once the area is improved, approved, and accepted by the community services department, the land shall be dedicated to the city.

(e) The city reserves its right to form a special benefit assessment district, or other applicable district as is permitted under state law, and to maintain the agricultural buffer and transition area once the land is improved, dedicated, and annexed.

(Ord. 1823 § 1; Ord. 2300 § 2, 2007; Ord. 2390 § 3, 2012)

ARTICLE 40A.02

DISPUTE RESOLUTION

§ 40A.02.010. Properly operated farm not a nuisance.

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

(b) Notwithstanding any other provision of this chapter, no action shall be maintained under this chapter alleging that an agricultural or agricultural processing operation has interfered with private property or personal well-being or is otherwise considered a nuisance unless the plaintiff has sought to obtain a decision pursuant to the agricultural grievance procedure provided in Section 40A.02.020 (resolution of disputes) or a decision has been sought but no decision is rendered within the time limits provided in said section. This subsection shall not prevent any party or person from proceeding or bringing a legal action under the provisions of other applicable laws without first resorting to this grievance procedure.

(Ord. 1823 § 1)

§ 40A.02.020. Resolution of disputes.

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

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

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

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

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

(Ord. 1823 § 1)

ARTICLE 40A.03

FARMLAND PRESERVATION

Note: Prior ordinance history: Ords. 1823 and 2133.

§ 40A.03.010. Purpose and findings.

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

(b) Since 1995 the city has required agricultural mitigation for development projects that would change the general plan designation or zoning from agricultural land to nonagricultural land and for discretionary land use approvals that would change an agricultural use to a nonagricultural use, and the city council finds that this chapter and this article are necessary for the following reasons: California is losing farmland at a rapid rate; Yolo and Solano County farmland is of exceptional productive quality; loss of agricultural land is consistently a significant impact under CEQA in development projects; the Davis general plan has policies to preserve farmland; the city is surrounded by farmland; the Yolo and Solano County general plans clearly include policies to preserve farmland; the

continuation of agricultural operations preserves the landscape and environmental resources; loss of farmland to development is irreparable and agriculture is an important component of the city's economy; and losing agricultural land will have a cumulatively negative impact on the economy of the city and the counties of Yolo and Solano.

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

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

(e) The city council further finds that by requiring adjacent mitigation for land being converted from an agricultural use and by requiring a one hundred fifty foot buffer, the city shall be helping to ensure prime farmland remains in agricultural use.

(Ord. 2300 § 1, 2007)

§ 40A.03.020. Definitions.

Adjacent mitigation. Agricultural mitigation land that is required to be located at the non-urbanized perimeter of a project.

Advisory committee. The City of Davis open space and habitat commission shall serve as the advisory committee.

Agricultural land or farmland. Those land areas of the county and/or city specifically designated and zoned as agricultural preserve (A-P), agricultural exclusive (A-E), or agricultural general (A-I), as those zones are defined in the Yolo County zoning ordinance; those land areas designated and zoned exclusive agriculture (A-40), as defined in the Solano County zoning ordinance; those lands in agricultural use; those lands designated in the city's general plan as agricultural (A); and those land areas of the City of Davis specifically designated and zoned as agricultural (A), agricultural planned development, or urban reserve where the soil of the land contains Class 1, 2, 3, or 4 soils, as defined by the Soil Conservation Service.

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

Agricultural use. Use of land for the purpose of producing food, fiber, or livestock for commercial purposes.

Easement stacking. Placing a conservation easement on land previously encumbered by a conservation easement of any nature or kind.

Farmland conservation easement. The granting of an easement over agricultural land for the purpose of restricting its use to agricultural land. The interest granted pursuant to a farmland conservation easement is an interest in land which is less than fee simple.

Farmland deed restriction. The creation of a deed restriction, covenant or condition which precludes the use of the agricultural land subject to the restriction for any nonagricultural purposes, use, operation or activity. The deed restriction shall provide that the land subject to the restriction will permanently remain agricultural land.

Non-urbanized perimeter. The agricultural land that borders the edge(s) of land that is, or is proposed to be, designated or zoned as non-agricultural land.

Priority open space acquisition areas. Areas designated by the city council by resolution as priorities for acquisition as open space.

Qualified conservation easement appraiser. A state certified appraiser who: (1) has conducted and prepared written appraisals on at least three agricultural conservation easement projects in the Central Valley in the past five years following the Uniform Standards of Professional Appraisal Practice and (2) has completed at least one course on the appraisal of conservation easements offered by a member organization of the appraisal foundation.

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

Remainder mitigation. Required agricultural mitigation land that is not required to be located at the nonurbanized perimeter of a project.

Small project. A development project that is less than forty acres in size. A small project does not include one phase or portion of a larger project greater than forty acres that is subject to a master, specific, or overall development plan.

(Ord. 2300 § 1, 2007)

§ 40A.03.025. Agricultural land mitigation requirements.

(a) The city shall require agricultural mitigation as a condition of approval for any development project that would change the general plan designation or zoning from agricultural land to nonagricultural land and for discretionary land use approvals that would change an agricultural use to a nonagricultural use.

(b) The city has determined that effectively locating mitigation lands provides increased protection of agricultural lands threatened with conversion to non-agricultural uses. Requirements and incentives are established in this article to direct mitigation to areas that are under threat of conversion. In recognizing the importance of the location of mitigation, the city has identified two general categories of agricultural mitigation: (1) adjacent mitigation; and (2) remainder mitigation. For every applicable development project, the determination as to whether a combination of adjacent and remainder mitigation shall be required or whether only remainder mitigation shall be required shall be based on site specific factors, as specified in this article. Adjacent mitigation is addressed in Section 40A.03.030; remainder mitigation is addressed in Section 40A.03.035.

(c) Total mitigation for a development project shall not be less than a ratio of two acres of protected agricultural land for each acre converted from agricultural land to nonagricultural land. Location based factors (credits) for remainder mitigation contained in Section 40A.03.035 may result in ratios greater than 2:1.

(Ord. 2300 § 1, 2007)

§ 40A.03.030. Requirements for adjacent land mitigation.

(a) Mitigation along the non-urbanized perimeter. All new development projects adjacent to agricultural land that are subject to mitigation under this article shall be required to provide agricultural mitigation along the entire non-urbanized perimeter of the project. The required adjacent mitigation land shall be a minimum of one-quarter mile in width, as measured from the outer edge of the agricultural buffer required in Section 40A.01.050. Certain land uses listed in Section 40A.03.030(e) are exempt from the adjacency requirement.

(b) Satisfaction of adjacent agricultural mitigation. Adjacent agricultural mitigation shall be satisfied by:

- (1) Granting a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to or for the benefit of the city and/or a qualifying entity approved by the city. Mitigation shall only be required for that portion of the land which no longer will be designated agricultural land, including any portion of the land used for park and recreation purposes. (2) Mitigation credit for required adjacent mitigation is shown in the table below.

Required Adjacent Mitigation	
Location of mitigation land	Credit factor
Required minimum adjacent mitigation	1 times the number of acres protected

- (3) If more than the required 2:1 mitigation acreage is required to create the adjacent mitigation land, no more than twice the project acreage shall be required to satisfy the mitigation requirements of this chapter. If more than twice the project acreage is required to satisfy the minimum one-quarter mile

requirement, the configuration of the mitigation land shall be determined by the city council. In determining the configuration of the mitigation land, the city council shall consider factors such as, but not limited to, the following: (A) the shape of the mitigation land; (B) the quality of the soil in the mitigation land; (C) contamination of the mitigation land; (D) whether the mitigation land is in common ownership or owned by multiple owners; (E) fragmentation from other agricultural lands or connectivity to agricultural land; and (F) the existing use of the mitigation land.

- (4) The Davis planning area includes clusters of rural residential parcels that, due to their size and spacing, preclude commercial farming operations. For purposes of this article, a "cluster of rural residential parcels" shall mean a group of parcels where the majority of parcels have an existing residential structure and an average size of less than ten acres. If the required adjacent mitigation land includes a cluster of existing rural residential parcels, the city council may treat the cluster of rural residential parcels as part of the development project and allow the required adjacent mitigation land to be located on the outside edge of the cluster of rural residential parcels. If the city council chooses to do so, that decision shall not increase the total amount of adjacent mitigation required by the development project.

(c) Exclusion of agricultural buffer from adjacent mitigation. The land included within the agricultural buffer required by Section 40A.01.050(c) shall not be included in the calculation for the purposes of determining the amount of land that is required for mitigation.

(d) Alternative mitigation proposals. The city council may approve mitigation that does not meet the adjacency requirement if an alternative mitigation proposal meets the intent of this chapter and would have extraordinary community benefits. Alternative mitigation proposals may be approved if the following three factors are present, and the city council makes appropriate findings:

- (1) The alternative mitigation is threatened by demonstrated growth pressure equal to or greater than that faced by areas adjacent to the project site. Demonstrated growth pressure shall be established by a comparison of current land value of the alternative site and the adjacent site. Valuation analysis shall be prepared by an independent certified appraiser; and
- (2) The alternative mitigation is strategically located and provides one or more of the following: (A) protects a locally unique resource, (B) provides connectivity between existing protected or agricultural lands, (C) due to its location provides protection of other lands and resources in the Davis planning area and/or (D) located within a city-identified priority open space acquisition area; and

- (3) The alternative mitigation is of a size that facilitates protection of the targeted resource and its long term management.

(e) Exemptions. The following land uses are exempt from the adjacent mitigation requirements of this article, but not the remaining provisions:

- (1) The following projects, so long as they are not a part of a larger development project: permanently affordable housing, public schools, and public parks.
- (2) That portion of a development project abutting land already protected by permanent conservation easements or by some other form of public ownership that guarantees adjacent lands will not be developed for urban uses.
- (3) That portion of a development project abutting a limited access public road such as Interstate 80 or State Highway 113. (4) Small projects, as defined in Section 40A.03.020.

(Ord. 2300 § 1, 2007)

§ 40A.03.035. Requirements for remainder land mitigation.(a)

General. Remainder mitigation is mitigation land that is not required to be located at the nonurbanized perimeter of a project. Remainder mitigation may be located anywhere within the Davis planning area, subject to approval by the city council, in accordance with Section 40A.03.050. Incentives shall be provided for locating the remainder mitigation in areas targeted for protection by the city as shown in the table below.

(b) Satisfaction of remainder mitigation. Remainder mitigation shall be satisfied by:

- (1) Granting a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to or for the benefit of the city and/or a qualifying entity approved by the city. Mitigation shall only be required for that portion of the land which no longer will be designated agricultural land, including any portion of the land used for park and recreation purposes.
- (2) The following credits shall be applied to remainder mitigation land:

Remainder Mitigation	
Location of mitigation land	Credit factors
Adjacent to city limits and within ¼ mile of the city limits, excluding any land required as adjacent mitigation land.	2 times the number of acres protected
Adjacent to the required minimum adjacent mitigation land, if applicable	1 times the number of acres protected

Within city designated priority open space acquisition areas.	1 times the number of acres protected
Elsewhere in the Davis planning area	0.2 times the number of acres protected
Total	Mitigation acreage, as adjusted by the credit factors for adjacent mitigation (see Section 40a.03.030) and remainder mitigation (above), must total two times the acreage changed to nonagricultural. If the calculation of credit factors results in actual mitigation that is less than 2:1, additional acreage within the Davis planning area shall be secured to satisfy the total mitigation ration requirement.

Location and configuration of the mitigation land must be approved by the city council, in accordance with the factors specified in Section 40A.03.035(a).

(3) In lieu of conserving land as provided above, up to fifty percent of the remainder mitigation requirement may be satisfied by the payment of a fee based upon the fair market value of acquiring a farmland conservation easement or farmland deed restriction located adjacent to the city limits, subject to the following:

(A) For the purpose of establishing the in lieu fee, a qualified conservation easement appraiser shall establish the fair market value by conducting an appraisal of the required minimum adjacent mitigation land for the project. If no adjacent mitigation land is required for a project, the in-lieu fee shall be based on recent land transactions for properties located on and/or near the city limits. Appraisal costs shall be paid for by the developer or project applicant, and the qualified conservation easement appraiser shall be under contract with the city.

(B) The in lieu fee shall include a ten percent administrative fee to cover the city's costs to implement mitigation.

(C) The in lieu fee shall include an inflator that takes into account the inflation of property values and shall include a standard assumption for the time it takes the city to acquire property for agricultural mitigation. The inflator shall be calculated based on a three-year average of the House Price Index (HPI) for the Sacramento Metropolitan Statistical Area compiled by the Office of Federal Housing Enterprise Oversight. The inflator shall be based on the three most recent years for which HPI data are available and shall

be based on an assumption that the city will spend the in lieu fee within three years from the payment date.

(D) The in lieu fee option must be approved by the city council.

(E) The in lieu fee, paid to the city, shall be used for farmland mitigation purposes, with priority given to strategically located lands with prime agricultural soils and high habitat value.

(c) Exclusion of agricultural buffer from mitigation land. The land included within the agricultural buffer required by Section 40A.01.050(c) shall not be included in the calculation for the purposes of determining the amount of land that is required for mitigation.

(d) It is the intent of this article that the city shall work in a coordinated fashion with the habitat conservation objectives of the Yolo County Natural Heritage (NCCP/HCP) program. It is the intent of this article to not allow stacking of easements, except easements covering riparian corridors that may be subject to agricultural and habitat easements and that do not generally exceed five percent of the total area on any particular easement of agricultural mitigation land shall be permitted.

(Ord. 2300 § 1, 2007)

§ 40A.03.040. Comparable soils and water supply.

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

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

(Ord. 2300 § 1, 2007)

§ 40A.03.045. Home sites.

Agricultural mitigation lands shall not be permitted to have a new home site.

(Ord. 2300 § 1, 2007)

§ 40A.03.050. Lands eligible for remainder mitigation.

This section shall only apply to remainder mitigation.

(a) The agricultural mitigation land shall be located within the Davis planning area as shown in the Davis general plan. In making their determination to accept or reject proposed mitigation land, the following factors shall be considered by the city council:

- (1) The lands shall be compatible with the Davis general plan and the general plans of Yolo and Solano counties.
 - (2) The lands shall include agricultural land similar to the acreage, soil capability and water use sought to be changed to nonagricultural use.
 - (3) The lands shall include comparable soil types to that most likely to be lost due to proposed development.
 - (4) The property is not subject to any easements, contamination, or physical conditions that would legally or practicably preclude modification of the property's land use to a nonagricultural use.
 - (5) The easement configuration(s) would be grossly irregular such that it precludes efficient agricultural operation or bisects existing farm irrigation systems and does not protect other natural resources, such as stream corridors.
- (b) The advisory committee shall recommend to the city council acceptance of agricultural mitigation land of twenty acres or more by a qualifying entity and/or the city, except that it may consider accepting smaller parcels if the entire mitigation required for a project is less, or when the agricultural mitigation land is adjacent to larger parcels of agricultural mitigation land already protected. Contiguous parcels shall be preferred.
- (c) Land previously encumbered by a conservation easement of any nature or kind is not eligible to qualify as agricultural mitigation land.
- (Ord. 2300 § 1, 2007)

§ 40A.03.060. Requirements of instruments—Duration.

- (a) To qualify as an instrument encumbering agricultural mitigation land, all owners of the agricultural mitigation land shall execute the instrument.
- (b) The instrument shall be in recordable form and contain an accurate legal description setting forth the description of the agricultural mitigation land.
- (c) The instrument shall prohibit any activity which substantially impairs or diminishes the agricultural productivity of the land, as determined by the advisory committee.
- (d) The instrument shall protect the existing water rights and retain them with the agricultural mitigation land.
- (e) The applicant shall pay an agricultural mitigation fee equal to cover the costs of administering, monitoring and enforcing (including legal defense costs) the instrument in an amount determined by city council. The fee shall include development of a property baseline report and monitoring plan.

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

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

(h) If judicial proceedings find that the public interests described in Section 40A.03.010 of this chapter can no longer reasonably be fulfilled as to an interest acquired, the interest in the agricultural mitigation land may be extinguished through sale and the proceeds shall be used to acquire interests in other agricultural mitigation land in Yolo and Solano counties, as approved by the city and provided in this chapter.

(i) If any qualifying entity owning an interest in agricultural mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall pass to the city.

(j) The instrument conveying the interest in the agricultural mitigation land shall be recorded at the same time as any final map for the development project is recorded or at such other time as required as a condition of approval.

(Ord. 2300 § 1, 2007)

§ 40A.03.070. City of Davis farmland conservation program advisory committee.

(a) The Davis open space and habitat commission shall serve as the Davis farmland conservation advisory committee.

(b) It shall be the duty and responsibility of the open space and habitat commission to exercise the following powers:

(1) To recommend the areas where mitigation zones would be preferred in the Davis planning area;

(2) To promote conservation of agricultural land in Yolo and Solano counties by offering information and assistance to landowners and others;

(3) To recommend tentative approval of mitigation proposals to city council;

(4) To certify that the agricultural mitigation land meets the requirements of this chapter;

(5) Any denial from the advisory committee may be appealed to city council.

(c) The open space and habitat commission shall ensure all lands and easements acquired under this article are properly monitored and shall review and monitor the implementation of management and maintenance plans for these lands and easement areas.

(d) All actions of the open space and habitat commission shall be subject to the approval of the Davis city council.

(Ord. 2300 § 1, 2007)

§ 40A.03.080. Reporting.

Periodically, community services department staff shall provide to the advisory committee reports delineating the activities undertaken pursuant to the requirements of this chapter and an assessment of these activities. The report shall list and report on the status of all lands and easements acquired under this chapter.

(Ord. 2300 § 1, 2007; Ord. 2390 § 3, 2012)

ARTICLE 40A.04

VIOLATION

§ 40A.04.010. Violation.

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

(Ord. 1823 § 1)

ARTICLE 40A.05

PRECEDENCE

§ 40A.05.010. Precedence.

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

(Ord. 1823 § 1)

Appendix E: Community engagement

The Agricultural Land Equity Task Force included extensive community outreach and engagement activities throughout their work together to ensure that their final recommendations improve the lives of producers and land stewards that the Task Force was designed to serve.

The Task Force members acknowledge that in order to reach the full depth and diversity within and between communities impacted by land inequities across the state, an extensive and robust process, beyond the capacity of the Task Force members and staff support, would be required. The activities outlined below represent what they accomplished together, which should be built upon in the future.

What was accomplished

More than 400 people were engaged across all outreach activities conducted by the Task Force. The outreach was conducted in English, Spanish, Chinese, and Korean and designed to reach producers and land stewards who have been systemically excluded from land access and secure tenure.

The activities that contributed to this engagement are outlined below.

- 12 counties visited
- 12 Task Force meetings with public comment
- 33 Subcommittee meetings with public comment
- 2 One-on-one meetings with California Native American Tribes
- 10 Written public comment letters, 3 from California Native American Tribes
- 20 Engagement sessions
- 20 Site visits
- 207 Survey respondents (survey text below)
- 24 Invited speakers
- 8 Conferences and tabling events

Outreach and engagement priorities

The Task Force designed their engagement activities with the goal of reaching priority producers and land stewards, as defined in the glossary, with specific attention on the following audiences:

- Federally recognized and non-federally recognized California Native American Tribes and Tribal members stewarding the land.
- Farmers and ranchers that identify as Black, Indigenous, and People of Color (BIPOC).
- Small scale farmers, farmworkers, and other communities who are systemically excluded from land access.

- Farmers and ranchers who speak diverse languages and live in a wide range of geographies in California.

Outreach and engagement plan

The Task Force conducted diverse approaches to outreach and engagement including a digital survey, site visits, guest speakers, engagement sessions, interviews, and public comment. These activities took place in three general phases.

Phase 1 Planning (May 2024 – July 2024) – The Task Force established their commitment to community engagement during their May and July 2024 meetings through the following:

- Created the Community Outreach Subcommittee.
- Conducted their first site visits.
- Directed Staff to develop a community outreach plan and timeline.

Phase 2 Ground truthing (October 2024 – February 2025) – This phase was designed to engage a wide range of priority producers and Tribal land stewards about the barriers and resources needed to improve land access and secure tenure. The Task Force members aimed to build a foundation of understanding in advance of drafting their recommendations through the following:

- Launched the Task Force’s virtual Land Access Experiences Survey in English, Spanish and Chinese.
- Attended site visits and hosted guest speakers.
- Attended and presented at conferences and events.

Phase 3 Recommendations review (March 2025 – September 2025) – This phase focused on gathering input on the consecutive drafts the Task Force published and discussed in their public meetings through the following:

- Hosted producer engagement sessions.
- Hosted Tribal engagement sessions.
- Conducted interviews with technical assistance providers.
- Distributed a formal request for input to federally and non-federally recognized California Native American Tribes.
- Requested written public comment on the August Draft Report
- Continued attending site visits.

Incorporating input

The input received from hundreds of priority producers and land stewards throughout the engagement process was synthesized and shared publicly in summary reports on the Task Force [webpage](#). The Task Force members reviewed these materials in working groups, subcommittees, and during full Task Force meetings to decide how to reflect in their report and draft recommendations the wide range of ideas, priorities, and perspectives shared.

The Task Force also received and incorporated feedback from their advisory committee and from interagency review panel.

Engagement partnerships

To expand capacity beyond that of the Task Force members and support staff, Strategic Growth Council established partnerships with California Native American Tribes and organizations to analyze the survey, host engagement sessions and focus groups, and conduct interviews. The work was implemented and supported as follows:

- California State University Sacramento staff analyzed the Land Access Experiences Survey results.
- UC Agriculture and Natural Resources (UCANR) staff conducted eight focus groups with priority producers and land stewards and nine interviews with organizations that provide support to these groups.
- Task Force members led and supported engagement sessions co-hosted by:
 - Susanville Rancheria, Lassen County
 - Golden Eagle Farm, Mesa Grande Band of Mission Indians, San Diego County
 - Blue Lake Rancheria, Humboldt County
 - Pueblo Unido, Riverside County
 - Kern County Black Farmers Association, Kern County
 - Allensworth Progressive Association
 - African American Farmers of California
 - Resource Conservation District of Greater San Diego County, San Diego County
 - Project MILPA: Mixteco Indigena Community Organizing Project (MICOP), Central Coast Alliance United for a Sustainable Economy (CAUSE), Líderes Campesinas, Ventura County

Land Access Experiences Survey text

Land Access Experiences *Survey for the California Agricultural Land Equity Task Force*

The purpose of this survey is to hear directly from people who are currently working the land or aspire to do so. We'd like to hear about your experiences related to finding, accessing, and managing land for food production or traditional tribal agricultural uses. **All of your personal information will be kept private. The survey will only take about 10 minutes.**

Your responses to this survey will support and inform the work of the California Agricultural Land Equity Task Force (Task Force). The Task Force is drafting a report of recommendations to the Governor and Legislature on how to equitably increase land access for Native American tribes and socially disadvantaged farmers and ranchers in California. Learn more about the Task Force [on the project website](#). The California Strategic Growth Council (SGC) is the state agency that supports and administers the Task Force and is conducting this survey.

The survey is available in English, Spanish, and Chinese. Please reach out to landequity@sgc.ca.gov with any questions or concerns.

Your input is very valuable. Thank you for sharing your experiences with the Task Force!

All questions with an asterisk () are required. All other questions are optional.*

1. *Name:
2. *Email address:
3. *Zip code:
If you have multiple zip codes, enter your primary location.
4. *Do you identify with any of the following? Please select all that apply.
 - a. Aspiring farmer
 - b. Beginning farmer
 - c. Young farmer
 - d. Farmer
 - e. Farmworker
 - f. Gardener
 - g. Grazier
 - h. Land steward
 - i. Rancher (livestock, dairy)
 - j. Other (please explain):

Challenges & Opportunities

5. *What are your major past or present challenges related to land access? Please score the challenges below from 1 to 5. Write "X" if it is not relevant.

Scoring

1 = Not a challenge

2 = Slightly challenging

3 = Moderately challenging

4 = Very challenging

5 = Extremely challenging

X = Not applicable or I don't know

Challenge	Score 1-5
Cost of land	
Accessing financial resources	
Finding suitable land to buy or rent	
Water availability or infrastructure	
When land is sold, I am or have been forced to leave	
Length of lease	
Limitations on what I can do on the land (related to production practices, housing, sovereignty, etc.)	
Other (please explain)	

6. Please share more detail about your responses to question 5. How have these challenges affected you and your relationship to land?
7. *What resources would be most helpful to address your challenges? Please score the topics below based on your needs and experiences. Select "X" if it is not relevant.

1 = Not helpful

2 = Slightly helpful

3 = Moderately helpful

4 = Very helpful

5 = Extremely helpful

X = Not applicable or I don't know

Topic	Score 1-5
Financial support to buy or rent land	
Resources and support available in my preferred language	
Support finding land to buy or rent	
Technical support related to buying or renting land (such as legal questions, permitting, budget, etc.)	
Advanced notice and priority when a land sale happens in my community	
Better leasing terms for tenants	

Fewer limitations on what I can do on the land	
Other (please explain below)	

8. Please share more detail about your responses to question 7. What kinds of support would be most helpful and why?
9. Do you have a success story or positive experience accessing land that you want to share? Can you share 1-3 reasons for your success?

Your Experience with Grants and Loans

10. *Have you applied for a **loan** to support your land, farm, or business? *Some examples may include infrastructure improvements, conservation practices, purchasing land, etc.* Circle your answer.
 - a. Yes, and I was approved.
 - b. Yes, but I was denied.
 - c. No, I have not.
 - d. I don't know
 - e. Other (please explain):
11. *Have you applied for a **grant** to support your land, farm, or business? *Such as infrastructure improvements, conservation practices, purchasing land, etc.*
 - a. Yes, and I was awarded the funding.
 - b. Yes, but I was denied the funding.
 - c. No, I have not.
 - d. I don't know
 - e. Other (please explain):
12. Please list the name(s) of the grants and/ or loans you have applied for. If you don't remember the exact name, tell us which activities it supported. Skip if not applicable.
13. Can we follow up to interview you about your experience applying to grants or loans? *If yes, we will email you with next steps and compensate you for your time. Even if your application was not successful, we are interested in learning about your experience applying.* Circle your answer.
 - a. Yes
 - b. No
 - c. Not applicable
14. If you have not applied for a loan or grant, why not? Skip if not applicable.

More About You (You're Almost Done!)

The Task Force is focused on advancing equitable land access and would value knowing more about your land arrangements and how you identify. These questions are optional, and your personal information will be kept private.

15. Which best describes the land that you work on or steward? Select all that apply.

- a. I don't currently have access to land
 - b. I own land (including fee lands)
 - c. I lease private land
 - d. I lease public land
 - e. I operate on trust land
 - f. Other (please explain):
16. If you do not own the land, how many months total is your land access agreement? *If you have multiple properties with different agreements, please explain. If you have an agreement with no established length, please note that.*
17. How many acres do you manage or steward? If you have multiple properties, please share the combined total.
18. About how many hours per week do you spend working or tending to the land?
19. Do you identify with any of the following? Select all that apply.
- a. Afro-Latino/x/e
 - b. American Indian, Native American, or Alaska Native
 - c. Asian
 - d. Black or African
 - e. Latino/x/e
 - f. Middle Eastern or North African
 - g. Native Hawaiian or Pacific Islander
 - h. White or European
 - i. Do not wish to answer
 - j. Other (explain if you would like to):

Stay in Touch

20. You can learn more and follow the Agricultural Land Equity Task Force [on our website](#). How else would you like to be involved as the Task Force drafts its recommendations? Select all that apply.
- a. Add me to the e-list to receive quarterly email updates.
 - b. I would like to see and/or comment on a copy of the draft recommendations before they are finalized.
 - c. I would like to receive a copy of the final recommendations.
 - d. I am willing to be interviewed about my land access experiences and ideas.
 - e. I do not request any follow up.
 - f. Other (please explain):
21. Thank you for participating! Do you want to share anything else with us? If you are filling out this survey on behalf of someone else, please let us know here.

Appendix F: Ideas for future consideration

- Establish a vacant and abandoned land tax for those holding land for speculative purposes; must be designed carefully to avoid unintended consequences on producers and land stewards.

DRAFT

Appendix G: Existing programs and resources related to agricultural land equity

In addition to developing their report of recommendations, the Task Force compiled a list of existing grant, financing, technical assistance, and other resources related to land access and land equity to serve as a resource for priority producers and land stewards seeking access to land. The resource list and lead agency or organization is below, and further details on each program can be found in this [publicly viewable document](#).

Resource name and link	Lead agency or organization
Borrow Programs	Shared Capital Cooperative
Direct Agriculture Loan Program	Valley Small Business Development Corporation (VSBDC)
Direct Farm Ownership Down Payment Loan	USDA Farm Services Agency (FSA)
Direct Farm Ownership Microloans	USDA Farm Services Agency (FSA)
EZ Guarantee Loan	USDA Farm Services Agency (FSA)
Farm Credit	Farm Credit West (AgWest Farm Credit)
Farm Loans	Small Business Finance Center, California Infrastructure and Economic Development Bank (IBank)
Farm Ownership Loan	USDA Farm Services Agency (FSA)
Heirs Property Relending Program	United States Department of Agriculture (USDA)
Highly Fractionated Indian Land Loan Program	USDA Farm Services Agency (FSA)
Indian Tribal Land Acquisition Program	USDA Farm Services Agency (FSA)
Land Contract Guarantee Program	USDA Farm Services Agency (FSA)
Lending Programs	California FarmLink
Loans for Beginning Farmers and Ranchers	USDA Farm Services Agency (FSA)
Partnerships	Dirt Capital Partners
Programs & Financing	Akiptan
The Work Page	Manzanita Capital
What We Do	The People's Land Fund

<u>Land Conservation and Stewardship Grant Program</u>	Sierra Nevada Conservancy
<u>Agricultural Conservation Easement Program (ACEP)</u>	USDA Natural Resources Conservation Service (NRCS)
<u>Agricultural Land Mitigation Program (ALMP)</u>	California Department of Conservation (DOC) and High-Speed Rail Authority
<u>California Farmland Conservancy Program (CFCP)</u>	California Department of Conservation (DOC)
<u>Conservancy Grants</u>	California State Coastal Conservancy
<u>Ecosystem Restoration on Agricultural Lands (ERAL) Program</u>	Wildlife Conservation Board (WCB)
<u>Increasing Land, Capital, and Market Access Program</u>	USDA Farm Services Agency (FSA)
<u>Legal Reform Grant</u>	Indian Land Tenure Foundation
<u>Multibenefit Land Repurposing Program</u>	California Department of Conservation (DOC)
<u>Native American Agriculture Fund Grants</u>	Native American Agriculture Fund (NAAF)
<u>Rangeland, Grazing Land, and Grassland Protection</u>	Wildlife Conservation Board (WCB)
<u>Resource Commons Initiative</u>	National Black Food and Justice Alliance (NBFJA)
<u>Sustainable Agricultural Lands Conservation Program (SALC)</u>	California Department of Conservation (DOC)
<u>Tribal Nation Grant Fund (TNGF)</u>	California Gambling Control Commission (CGCC)
<u>Tribal Nature-Based Solutions Program</u>	California Natural Resources Agency (CNRA)
<u>Urban Agriculture and Innovative Production Grants</u>	USDA Natural Resources Conservation Service (NRCS)
<u>Urban Agriculture Grant Program</u>	California Department of Food and Agriculture (CDFA)
<u>California Tribal Fund</u>	First Nations Development Institute
<u>Emergency Conservation Program</u>	USDA Farm Services Agency (FSA)
<u>Tribal Capacity Building Pilot Program</u>	Strategic Growth Council

Accredited Land Trust Locator	Land Trust Accreditation Commission (LTAC)
Cooperative Agriculture Agreements	U.S. Fish and Wildlife Service
Livestock Grazing on Public Lands	Bureau of Land Management
Our Initiatives	40 Acre Conservation League
Conservation Reserve Program (CRP) -Transition Incentives Program	United States Department of Agriculture (USDA)
Urban Agriculture Incentive Zones Act	California State Board of Equalization
Williamson Act Program	California Department of Conservation (DOC)
2501 Program: Underserved and Veteran Farmers, Ranchers, and Foresters	United States Department of Agriculture (USDA)
Agrarian Commons	Agrarian Trust
Agreement-Building Services	California FarmLink
California Agriculture Mediation Program	California Department of Food and Agriculture, United States Department of Agriculture
Farm Succession Coordinators	International Farm Transition Network
Farmland Commons Program	The Farmers Land Trust
Focus Areas	The Center for Ethical Land Transition
Our Work	Kitchen Table Advisors
Technical Assistance Program	Intertribal Agriculture Council (IAC)