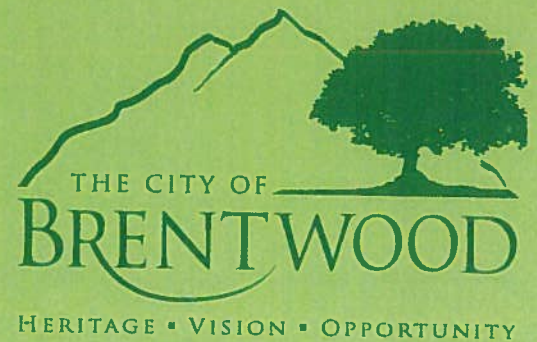


Agricultural Preservation Program Implementation Plan



Adopted: December 14, 2010 by Resolution No. 2010-XXX

INTRODUCTION

The Brentwood City Council appointed the Agricultural Enterprise Committee (hereafter "the Committee") to advise the City on how to achieve the goals for agricultural preservation contained in the Brentwood General Plan.

This Implementation Plan (hereafter "the Plan") presents the policies recommended by the Committee on a range of programs to protect agricultural land surrounding Brentwood and further agricultural enterprise efforts.

AGRICULTURAL PRESERVATION PROGRAM IMPLEMENTATION PLAN GOAL

The goal of the Agricultural Preservation Program Implementation Plan ("Plan") is to execute to the fullest measure all items within the enabling legislation, Brentwood Municipal Code 17.730 (Agricultural Preservation Program) and Ordinance 877, which was adopted by the City Council on January 12, 2010.

AGRICULTURE IN-LIEU FEES

The Agricultural Preservation Program provides that the in-lieu fee paid to the City shall be placed in a separate account. Twenty percent (20%) of the fees collected may be used for administrative purposes and be placed in a separate account (Ag Fund 262); whereas, the remaining eighty percent (80%) will be used to fund conservation easements, fee title purchases by the City, as well as the agricultural preservation and enterprise programs (i.e. marketing and loan programs) that are consistent with the land use designation and policies included in the City's General Plan and Municipal Code (Ag Fund 263).

AGRICULTURE ADMINISTRATION (FUND 262) – 20%

The Agricultural Preservation Program provides that twenty percent (20%) of the total fund will be used for administrative purposes. Administrative expenditures are defined as follows, but not limited to:

- ❖ City staff time directly attributable to the acquisition of easements and/or the administration of agriculture programs as outlined in this Plan;
- ❖ Appraisal costs;
- ❖ Administrative costs provided by an approved Land Trust or other party approved to administer an easement; and
- ❖ Consultant fees.

AGRICULTURE LAND & PRESERVATION/ENTERPRISE PROGRAMS (FUND 263) – 80%

The Agricultural Preservation Program provides that eighty percent (80%) of the total fund will be used to fund conservation easements, fee title purchases by the City, as well as the agricultural preservation and enterprise programs (i.e. marketing and loan programs) that are consistent with the land use designation and policies included in the City's General Plan and Municipal Code (Ag Fund 263). Expenditures are defined as follows, but not limited to:

- ❖ Permanent Easement Acquisitions;
- ❖ Temporary Easement Acquisitions; and

- ❖ Agricultural Enterprise Activities and Programs (i.e. Brentwood Grown®, Enterprise Grants, Enterprise Loans, etc.).

HISTORY

On August 28, 2001, the City Council approved the Agricultural Enterprise Program Report and adopted Ordinance 683 and Resolution No. 2354, establishing the Agricultural Enterprise Program (AEP) and the Agricultural Conservation Fee with the intent to protect and enhance agriculture around Brentwood through various measures. The program consisted of three key elements:

- 1) A Farmland Mitigation Program and Fee
- 2) A Transferable Agricultural Credit (TAC) Program
- 3) An Agricultural Enterprise Program

The Farmland Mitigation Program and Fee, along with the TAC Program, were adopted by Ordinance 683; however, the Enterprise portion of the Program was not included in the Ordinance and remained unfunded.

In January 2006, the City retained the services of Economic and Planning Systems, Inc. (EPS) to help the City review its Agricultural Enterprise Program to determine its effectiveness in achieving the goals of the City's General Plan, as well as those goals outlined in the AEP report.

In January 2007, EPS held a workshop with the City Council and provided an assessment of the first five years of the program, as required by the AEP. EPS analyzed the existing conservation easement program, its challenges and limited effectiveness and summarized that while an easement program is important, the amount of land that would be conserved by this program would be approximately 7% of the Agricultural Core. The City Council discussed the larger policy considerations for a future program, including how agricultural enterprise programs could benefit the City and the surrounding agricultural area and provided guidance to the newly formed ad-hoc Agricultural Enterprise Committee to begin working on this issue.

On September 11, 2007, the City Council adopted Resolution No. 2007-203 authorizing staff to begin processing an amendment to Chapter 17.730 of the Brentwood Municipal Code, as well as any necessary environmental work required by the California Environmental Quality Act (CEQA).

On February 3, 2009, the Planning Commission held a public hearing to take comments on the proposed amendments to Chapter 17.730 of the Brentwood Municipal Code and associated Draft Supplemental Environmental Impact Report (SEIR). The Draft SEIR was made available for public review from January 12, 2009 until February 26, 2009. Comments and questions were due by the end of the review period.

On July 7, 2009, the Planning Commission held a public hearing regarding the proposed amendments to Chapter 17.730 of the Brentwood Municipal Code and Final Supplemental Environmental Impact Report. The Planning Commission adopted Resolution No. 09-038 recommending the certification of the Supplementary Environmental Impact Report and associated documents and Resolution No. 09-037 recommending the City Council approve a rezoning amending the Chapter.

On November 10, 2009, the City Council adopted Resolution No. 2009-225 certifying the Final Supplementary Environmental Impact Report including Findings of Fact and a Statement of Overriding Considerations related to land use and agricultural resources impacts, regarding amendments to Chapter 17.730 (Agricultural Land Conservation). The City Council referred the Ordinance back to the Ad Hoc Agricultural Enterprise (Ordinance Revision) Committee for review and recommendations.

On December 8, 2009, the City Council conducted a Public Hearing and specifically discussed three issues with respect to the Ordinance to revise Municipal Code 17.730: the composition of the Agriculture Enterprise Committee, the balance of percentages in the Agriculture Mitigation Fund and temporary easement language. The City Council determined that there was no need to expand the Agricultural Enterprise Committee. The City Council further decided on an allocation of the Agricultural Mitigation funds as follows: 20% for administrative costs and 80% for easement acquisitions or agriculture enterprise programs. Lastly, the City Council desired to leave in the possibility of obtaining temporary easements so that all opportunities could be presented to the City Council for consideration. The City Council waived the first reading and introduced Ordinance 877 approving a rezone (RZ 07-03) amending Chapter 17.730 (Agricultural Land Conservation) of the Brentwood Municipal Code.

On January 12, 2010, the City Council waived the second reading and adopted Ordinance 877 approving a rezone (RZ 07-03) amending Chapter 17.730 (Agricultural Land Conservation) of the Brentwood Municipal Code.

SUMMARY OF PROGRAMS & ACTIVITIES

The Brentwood Agricultural Enterprise Committee was appointed by the City Council “to advise the City on how to protect and enhance agriculture in Brentwood, including a potential agricultural land mitigation program, agricultural enterprise programs and other voluntary approaches.”

The Committee has met several times over the past three years and reviewed a substantial body of technical and policy material in urban planning, economics, land values, agriculture, conservation, funding, and implementation. Many policy options were debated for each element of the program.

Working with staff and consultants, the Committee developed the following Implementation Plan for the Brentwood’s Agricultural Preservation Program.

AGRICULTURAL CONSERVATION EASEMENT PROGRAM

Agricultural conservation easements are easements over certain agricultural lands designated in the City’s Agricultural Preservation Ordinance, Chapter 17.730, for the purpose of restricting its use to agricultural operations. Agricultural conservation easements can be either 1) permanent easements or 2) temporary easements.

TRANSFERABLE AGRICULTURAL CREDITS (TAC) PROGRAM

Transferable Agricultural Credits (TAC) are a potential transferable credit to construct dwelling unit(s) in a city residential zoning district, which can only be exercised when the agricultural credit has been transferred from a donor to a receiver parcel and all other legal requirements are fulfilled.

BRENTWOOD AGRICULTURAL MITIGATION POOL (BAMP) PROGRAM

The Brentwood Agricultural Mitigation Pool (BAMP) enables cities and/or counties who are struggling to comply with mitigation requirements imposed by the California Environmental Quality Act (CEQA) to have an option to mitigate their projects in Brentwood’s Agricultural Core Area through the purchase of a permanent agricultural easement.

AGRICULTURAL ENTERPRISE ACTIVITIES AND PROGRAMS

These activities and programs encourage the continued use of agricultural lands, including, but not limited to marketing support for area farmers, and grant and loan programs that reinvest in the agricultural economy (plantings of key crops or additional agricultural operations – wholesale and/or retail – to make farming economically feasible).

BRENTWOOD GROWN® PROGRAM AND BRENTWOOD GROWN MARKETING CAMPAIGN

Brentwood Grown® is a certification program offered by the City of Brentwood with the full authority of the United States Patent and Trademark Office. Established in 2008, the Brentwood Grown® program aims to help Brentwood-area farmers distinguish its products to locally-grown, harvested

and processed. The marketing campaign will sign up local farms into the program, and also begin to market the brand in the regional marketplace.

AGRICULTURAL ENTERPRISE GRANT PROGRAM

The Agricultural Enterprise Grant Program assists local agricultural organizations fund area marketing and enterprise activities for the purpose of promoting the Brentwood agricultural area.

ENTERPRISE LOAN PROGRAM

The Enterprise Loan Program helps area farmers with the planting of permanent crops, such as orchards and vines, and the purchase of equipment for the sustainability of their farm.

EDUCATION PROGRAM

The Education Program will partner with colleges and/or another organization to provide ag-related classes and programs.

CAPITAL PROJECTS PROGRAM

The Capital Projects Program will consider potential agricultural projects that are economically beneficial on a case by case basis for funding. This program may contemplate funding for wineries, community kitchens that produce value-added products, or another agriculture project that may be identified.