

Summary of California Assembly Bill 15 on
Preservation of Prime Agricultural Lands

California Assembly Bill No. 15 recognizes agricultural land as a finite resource not a speculative commodity and would provide for regulation of the premature and unnecessary conversion of prime agricultural lands to other uses. An Agricultural Resources Council is created within the state's Resources Agency and is charged with the development and coordination of studies, plans, and programs to preserve this resource. The council is composed of the directors or heads of five state agencies, which agencies are to serve as staff for the council.

Duties of the council include: preparing an analysis of the governor's budget as it would affect agricultural lands, preparing an interim plan for a declared food emergency, monitoring and analyzing various government expenditures and programs to further a coherent state policy of encouraging the preservation of agricultural land, conducting extensive research and defining "prime agricultural land" and "potentially prime agricultural land."

After these definitions and methodology for evaluating the land are formulated, city and county governments are to prepare an inventory and map of their area indicating those lands coming within the definition. Local governments may request and the council may grant the exclusion of parcels up to 20 acres that are within a half-mile of a carefully defined "stabilized" residential zone. These exclusions may be subjected to conditions. Once the council approves the maps, local governments are not to approve any development on prime agricultural yield or will mitigate adverse environmental effects without decreasing yield, it may be approved. If no alternative location is available and development is necessary to provide governmental services or to store or process agricultural products, it may be approved.

A few other limited exceptions are provided. Local approval or denial is subject to council review upon the application of an aggrieved person within 30 days of the decision. Any state development needs council approval.

The maintenance, repair, or improvement of existing structures needs no approval if no change in the nature or intensity of use results. Highways and electric, gas, or communication facilities can be altered under similar restrictions. More restrictive local ordinances promoting higher agricultural use are not prohibited by the bill.

Enforcement procedures begin with the issuance of cease and desist orders by the council. If an order is being violated, the council may request the attorney general to petition the superior court for an injunction. A violation of a provision of the bill would be subject to a maximum \$10,000 civil fine. Any person performing any development in violation of the bill may be fined up to \$500 for each day the violation persists.

Local governments are to bear the costs of the inventory and the map and the loss of revenue resulting from the lower tax rate applicable to land regulated by the bill. The exclusion provision will probably minimize cities losses. A potential conflict between state policies for recreation land and agricultural land is recognized and the council is to identify these conflicts within five years so that the governor and legislature can develop actions to assume a balanced use of the resources. This provision typifies the far-sighted character of the bill, an encouraging example of government anticipating problems rather than waiting for crises.

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