



Court of Appeal Upholds Stanislaus County Farmland Mitigation Program

Posted In [New Legislation/Caselaw, Public Policy](#)

12-27-2010

The case involved Stanislaus County's farmland mitigation program (FMP), which is designed to aid in mitigating the loss of farmland resulting from residential development by requiring the permanent protection of farmland through agricultural conservation easements granted in perpetuity. The court held that the FMP did not conflict with the Civil Code section prohibiting a local governmental entity from conditioning the issuance of land use approvals on the granting of conservation easements, because actual grant of the conservation easement under the FMP was voluntary. The County demonstrated a reasonable relationship between the mitigation requirement and any adverse public impacts attributable to new residential development, where agriculture was the leading industry in the county; the county's favorable climate, flat land, available water and low-cost power, while essential to agriculture's role in the local economy, also make the county attractive for urban development and threatened agricultural uses, with potential permanent loss of productive agricultural land. Finally, the FMP requirements did not exceed county's police power.

A copy of the court's decision is available here: [BIA v. Stanislaus County](#)

Please contact [Michael Patrick Durkee](#) or [Thomas P. Tunny](#) for more information.

<http://www.sustainablecommunitieslaw.com/>