

3.3 AGRICULTURAL RESOURCES

Comments received on the Notice of Preparation (NOP) were reviewed during preparation of this SEIR. A comment letter was submitted by the Sacramento County Farm Bureau expressing concern related to the conversion of on-site agricultural land to urban uses. In addition, a comment letter was submitted by the Sacramento Local Agency Formation Commission (LAFCo) expressing concern regarding Project effects on agricultural resources. The City reviewed and considered this information during preparation of this section.

3.3.1 ENVIRONMENTAL SETTING

The Project site is located within unincorporated Sacramento County and supports a range of agricultural uses, including oats and grass for hay crops, seasonal row crops, and irrigated pasture.

FARMLAND CLASSIFICATIONS

Based on a review of the Sacramento County Important Farmland map, published by the California Department of Conservation's (DOC) Farmland Mapping and Monitoring Program (FMMP), most of the Project site is designated as Farmland of Statewide Importance (409 acres), with several smaller areas of Farmland of Local Importance (including the City-owned parcel) (134 acres). An area designated as Other Land, which has been developed with several rural residences and associated outbuildings, is located in the southeastern corner of the Project site. The 0.5-acre off-site storage pond is designated as Other Land. The 8-acre and 15-acre off-site water storage ponds and surrounding areas are designated as Grazing Land. The three off-site drainage pipeline and channel improvement areas have been assigned a mixture of the same designations listed above (DOC 2018).

WILLIAMSON ACT

As reported in the 2019 SOIA EIR, the majority of the Project area is not held under Williamson Act contracts. Two properties, APNs 134-0190-002 and 134-0190-003, which are east and southeast of the City property, respectively, are in active contracts (Sacramento County 2020a). See Exhibit 2-2 for location of these parcels within the Project area.

AGRICULTURAL ZONING

The Project site is located in an unincorporated area of Sacramento County. As noted in the 2019 SOIA EIR, most of the Project site is zoned AG-80 (Agricultural, 80-acre minimum) with the exception of a parcel in the northwestern corner zoned M-2 (Heavy Industrial) and two smaller parcels adjacent to the south zoned AR-2 (Agricultural Residential, 2 acres) (Sacramento County 2020b). All three off-site improvement areas assessed as a part of this SEIR are also zoned AG-80 by the County.

CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT

Government Code Section 56064, created by the Cortese-Knox-Hertzberg Local Government Reorganization Act, defines "prime agricultural land." "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- (a) Land that qualifies, if irrigated, for rating as class I or class II in the NRCS land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
- (b) Land that qualifies for rating 80 through 100 Storie Index Rating.
- (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.
- (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- (e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

3.3.2 REGULATORY FRAMEWORK

CITY OF ELK GROVE GENERAL PLAN

The City General Plan (City of Elk Grove 2019), contains the following policies related to agricultural resources that are applicable to the proposed Project.

- ▶ **Policy AG-1-3:** Recognize the right of existing agricultural uses to continue as long as individual owners/farmers desire. As appropriate for the neighborhood, allow for buffers or feathering of lot sizes where appropriate between farmland and urban uses. Additionally, continue implementing the City’s Right to Farm regulations and property title disclosures to notify prospective buyers of agricultural activities in the area.
- ▶ **Policy AG-1-5:** Protect agricultural lands from future risk of conversion by requiring mitigation of the loss of qualified agricultural land at a 1:1 ratio.
- ▶ **Policy AG-1-6:** Limit the siting of projects with land uses that might result in conflicts near existing agriculture due to noise, air quality, or odors.

3.3.3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the CEQA Guidelines, the proposed Project would have a significant impact related to agricultural resources if it would:

- ▶ convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to nonagricultural use;
- ▶ conflict with existing zoning for agricultural use or a Williamson Act contract;

- ▶ conflict with existing zoning for, or cause rezoning of, forestland (as defined by Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g]);
- ▶ result in the loss of forestland or conversion of forestland to nonforest use; or
- ▶ involve other changes in the existing environment that, because of their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to nonforest use.

In addition, the proposed Project would have a significant impact related to prime agriculture resources if it would convert prime agricultural land as defined by Government Code Section 56064 of the Cortese-Knox-Hertzberg Local Government Reorganization Act.

ISSUES NOT DISCUSSED FURTHER

The following issues were dismissed from further detailed analysis in the 2019 SOIA EIR because it was determined that no impact would occur; for the reasons explained below, these issues would also result in no impact for the proposed Project as evaluated in this SEIR.

Conversion of Prime Farmland—Neither the Project site nor the off-site improvement areas are classified as Prime Farmland (DOC 2018), and the Project site does not contain prime agricultural land as defined by Government Code Section 56064 of the Cortese-Knox-Hertzberg Local Government Reorganization Act. As detailed in the 2019 SOIA EIR:

- ▶ None of the Project site is designated as Prime Farmland.
- ▶ The Project site is rated class III and class IV in the NRCS land use capability classification for irrigation and has a rating of 11-79 on the Storie Index (NRCS 2018).
- ▶ Based on NRCS soil productivity data, certain soils in the SOIA area could produce up to 234 pounds of dry forage per acre per month (NRCS 2018). The U.S. Department of Agriculture’s National Range and Pasture Handbook specifies that 1 animal unit month is equal to 790 pounds of dry forage per acre per month (USDA 2003). Therefore, the Project site does not contain lands that could support at least one animal unit per acre.
- ▶ The Project site does not contain fruit or nut-bearing trees, vines, or bushes.
- ▶ There is no land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$400 per acre (Jensen, pers. comm. 2018). Thus, there would be no impact, and this issue is not evaluated further in this SEIR.

Conflict with Existing Zoning for, or Cause Rezoning of, Forest Land, Timberland, or Timberland Zoned Timberland Production—The Project site is not zoned as forest land, timberland, or a Timberland Production Zone. Thus, the proposed Project would not conflict with existing zoning for, or cause rezoning of, forestry resources and this issue is not evaluated further in this SEIR.

Result in the Loss of Forest Land or Conversion of Forest Land to Nonforest Use—The Project site does not contain timberland as defined by Public Resources Code Section 4526 or contain 10 percent native tree cover that

would be classified as forest land under Public Resources Code Section 12220(g). Thus, the proposed Project would not result in conversion of forest land to nonforest use. Therefore, this issue is not evaluated further in this SEIR.

IMPACT ANALYSIS

Impact 3.3-1: Direct and Indirect Loss of Agricultural Land, Including Farmland of Statewide Importance.

Based on analysis of farmland mapping provided under the FMMP (DOC 2018), approximately 409 acres of the Project site is designated as Farmland of Statewide Importance, and would be converted to nonagricultural uses. In addition, active agricultural fields adjacent to the Project site are designated as Farmland of Statewide Importance.

Proposed development could indirectly result in conversion of surrounding agricultural land to urban use. Three parcels (APNs 134-0190-002, 134-0190-003, and 134-0190-013) are only partially within the Project site and these parcels are actively farmed and designated as Farmland of Statewide Importance. The portions of these parcels outside of the Project site boundary would be encroached upon such that the parcels would become fragmented, reduced in size, and irregularly shaped to such a degree that continuing agricultural land uses could be less profitable or otherwise less feasible. Therefore, future development could indirectly result in other changes in the physical environment that could result in the conversion of agricultural land, including agricultural land designated as Farmland of Statewide Importance, to nonagricultural uses. The three new off-site improvement areas assessed as a part of this SEIR are not currently actively used for agricultural production, as they are existing channels that would be widened or deepened, or areas where drainage pipelines would be installed and where disturbance related to drainage improvements would be temporary.

Because the proposed Project would result in the conversion of Farmland of Statewide Importance and active agricultural lands within the Project site, this impact is considered **significant**.

Mitigation Measure 3.3-1: Preserve Agricultural Land (2019 SOIA EIR Mitigation Measure 3.3-1).

Project applicants shall protect one (1) acre of existing farmland land of equal or higher quality for each acre of Farmland of Statewide Importance that would be developed as a result of the project. This protection may consist of the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism to ensure the preservation of the land from conversion in perpetuity, but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson's hawk foraging habitat mitigation) that substantially impairs or diminishes the agricultural productivity of the land. The farmland/wildlife habitat land to be preserved must have adequate water supply to support agricultural use. The City shall consider the benefits of preserving farmlands in proximity to other protected lands. The preservation of farmland may be done at one time, or in increments with the buildout of the Project site.

The total acres of land conserved will be based on the total on-site agriculture acreage converted to urban uses. Conserved agriculture areas may include areas within the Project site, lands secured for permanent habitat enhancement (e.g., giant garter snake habitat, Swainson's hawk habitat), or additional land identified by the City. The City shall attempt to locate preserved farmland within 5 miles of the Project site; however, the preserved farmland shall at a minimum be located inside Sacramento County.

Conservation easement content standards shall include, at a minimum: land encumbrance documentation;

documentation that the easements are permanent, monitored, and appropriately endowed for administration, monitoring, and enforcement of the easements; prohibition of activity which substantially impairs or diminishes the agricultural productivity of the land; and protection of water rights.

The following or equally effective minimum conservation easement content standards are required:

- a) All owners of the agricultural/wildlife habitat mitigation land shall execute the document encumbering the land.
- b) The document shall be recordable and contain an accurate legal description of the agricultural/wildlife habitat mitigation land.
- c) The document shall prohibit any activity that substantially impairs or diminishes the agricultural productivity of the land. If the conservation easement is also proposed for wildlife habitat mitigation purposes, the document shall also prohibit any activity that substantially impairs or diminishes the wildlife habitat suitability of the land.
- d) The document shall protect any existing water rights necessary to maintain agricultural uses on the land covered by the document and retain such water rights for ongoing use on the agricultural/wildlife habitat mitigation land.
- e) Interests in agricultural/habitat mitigation land shall be held in trust by an entity acceptable to the City and/or by the City in perpetuity. The entity shall not sell, lease, or convey any interest in agricultural/wildlife habitat mitigation land that it acquires without the City's prior written approval.
- f) An agricultural/wildlife habitat mitigation monitoring fee is required to cover the costs of administering, monitoring, and enforcing the document.
- g) The City shall be named a beneficiary under any document conveying the interest in the agricultural/wildlife habitat mitigation land to an entity acceptable to the City.
- h) If any qualifying entity owning an interest in agricultural/wildlife habitat mitigation land ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall be transferred to another entity acceptable to the City or transferred to the City.

City approval is required for the selection of farmland proposed for preservation.

Significance after Mitigation

While conservation easements for the same area and quality of farmland placed elsewhere in the region would offset the direct conversion of agricultural land, including Farmland of Statewide Importance, attributable to development of the Project site, this approach would not create new farmland to replace farmland that would be lost. There is no additional feasible mitigation. Therefore, as with the 2019 SOIA EIR, the impact is **significant and unavoidable**.

Impact 3.3-2: Potential Conflict with Existing On-site and Off-site Williamson Act Contracts.

The area identified for development of mixed uses would occur on Williamson Act-contracted land, as well as a portion of the area identified for public/open space uses (APNs 134-0190-003 and 134-0190-002). These areas total approximately 179 acres of the Project site. Cancellation before their expiration date or nonrenewal of these Williamson Act contracts would be required before development could occur.

Contract cancellation requests would be submitted as development applications are received and in conjunction with tentative map approval or other entitlement actions. The project applicant(s) for contracted parcels would apply to the City for contract cancellation; as a result, the actual determination of consistency with the statutory consistency requirements would be made by the Elk Grove City Council, as Sacramento County would succeed to the contracts upon annexation of the relevant parcel. The City would be required to make findings pursuant to Section 51282 of the California Government Code by determining whether the cancellation is consistent with the California Land Conservation Act or in the public interest.

Lands north and east of the Project site are under Williamson Act contracts and are currently under cultivation. These areas are located in unincorporated Sacramento County and portions of these properties are outside of the County's Urban Service Boundary, while all of these properties are outside the County's Urban Policy Area. These sites are also outside of the City's Planning Area. The proposed parks and open spaces uses in the southern portion of the Project site would provide a buffer between the site and agricultural uses to the southeast within the 100-year floodplain (see Exhibit 2-3). Therefore, it is not anticipated that future development would result in cancellations of Williamson Act contracts on adjacent lands.

However, development of the proposed mixed uses and a portion of the parks/open space area would directly result in cancellation of Williamson Act contracts. Therefore, this impact is considered **significant**.

Implement Mitigation Measure 3.3-1 (Preserve Agricultural Land).

Significance after Mitigation

Implementation of Mitigation Measure 3.3-1 would reduce the conversion of farmland, including Williamson Act contract land, by conserving lands in permanent conservation easements. However, this approach would not prevent the permanent loss of Williamson Act contract land or create new farmland to replace farmland that would be lost. There is no additional feasible mitigation. Therefore, as with the 2019 SOIA EIR, the impact is **significant and unavoidable**.

Impact 3.3-3: Conflict with Existing Off-site Agricultural Operations.

The proposed public/open space uses would not result in conflicts with off-site agricultural operations to the east/southeast of the Project site. The 64-acre area identified for parks and open space uses would be designated as Parks and Open Space (P/OS), which allows public and private parks, public plazas, trails, paseos, and similar features that provide off-street connectivity, oriented toward active uses, and potentially including commercial recreation facilities principally oriented toward outdoor use. These types of uses are not generally considered sensitive to ongoing agricultural operations. However, since the specific uses and design are not known at this time, it is assumed that there could be a potential impact, and the mitigation provided below would apply to annexation of the area identified for parks and open space uses.

The proposed Heavy Industrial (HI) land use designation for the Project site could abut ongoing agricultural operations to the south and southeast. However, industrial land uses are generally not considered sensitive to agricultural operations and do not result in conflicts with agricultural uses that would create pressure for such agricultural uses to convert to a different use. Properties proposed for Light Industrial (LI) and Regional Commercial (RC) are not adjacent to off-site areas in agricultural production. To the extent that the portion of the Project site identified for parks and open space could have ongoing agricultural operations, uses allowed under the Light Industrial (LI) land use designation are not considered sensitive to agricultural operations and not known to produce pressure to prematurely convert to another use.

Development of residential uses could occur in the Project site within the parcel designated for mixed uses (APN 134-0190-002), which could abut ongoing agricultural operations to the northeast. Residential uses are sensitive to agricultural operations and conflicts with on-going agricultural operations north and northeast of the Project site could occur. Agricultural-urban interfaces have the potential for conflicts between agricultural practices and adjacent landowners. Agricultural operations may create risks and nuisances for urban residences and businesses. Health risks and nuisances potentially created by agricultural operations include, but are not limited to exposure to pesticide applications; exposure to dust (from soil preparation); exposure to noise (from machinery and trucks); odors from existing dairies, agricultural burning, and decaying rice stubble; and exposure to mosquitoes breeding in flooded fields. Conversely, urban land uses and the associated population create operational difficulties for agriculture. Increased restrictions on agriculture processes and other aspects of encroachment on agricultural areas can lower productivity, increase costs, and otherwise impair agricultural operations. Urban activities can result in vandalism and the introduction of domestic animals that may disturb certain agricultural activities.

Policy CAQ-4 of the City's General Plan states that the City does not require buffers between farmland and urban uses to address the impacts of farming on urban uses; rather, the City relies instead on implementing the City's "Right to Farm" ordinance (i.e., City of Elk Grove Municipal Code Chapter 14.05) (General Plan Policy CAQ-4-Action 1). As required by the City's Agricultural Activities Ordinance (General Plan Policy CAQ-4-Action 2), prospective buyers of property adjacent to agricultural land would be notified through the property title report that they could be subject to inconvenience or discomfort resulting from accepted farming activities. In addition, City of Elk Grove Municipal Code Chapter 14.05 ensures buyers are notified that agricultural operations that are operated in a manner consistent with proper and accepted customs and standards are allowed to continue, and requires that notification be provided to residents of property located near properties designated for agricultural use; that these agricultural uses are encouraged; that accepted agricultural practices may continue; and that efforts to prohibit, ban, restrict, or otherwise eliminate established agricultural uses will not be favorably received by the City.

However, implementing these General Plan actions does not preclude the possibility that if future urban development of the Project site occurs adjacent to existing off-site agricultural lands, this could result in land use compatibility conflicts, which could impair agricultural activities and could contribute to the conversion of agricultural land, including Important Farmland. Thus, this indirect impact is conservatively considered **potentially significant**.

Mitigation Measure 3.3-3: Prepare an Agricultural Land Use Compatibility Plan (2019 SOIA EIR Mitigation Measure 3.3-3)

Prior to the approval of any development project for a site that is adjacent to ongoing agricultural cultivation, the project applicant shall prepare an agricultural land use compatibility plan. The plan shall

include establishing a buffer zone; providing additional suitable barriers, such as on-site fencing or walls, between the edge of development and the adjacent agricultural operations; or other measures, as directed by the City of Elk Grove. The City of Elk Grove would verify that the agricultural land use compatibility plan, as prepared, will reduce conflicts between ongoing agricultural operations and adjacent urban uses before issuance of grading permits for future development within the SOIA Area, including the multi-sports complex.

Significance after Mitigation

As with the 2019 SOIA EIR, implementation of Mitigation Measure 3.3-3 would reduce impacts associated with conflicts between urban land uses adjacent to existing agricultural lands to a **less-than-significant** level by ensuring that buffer zones are provide a suitable barrier between ongoing agricultural operations and urban land uses, as determined by the City of Elk Grove. The City has prepared a draft Agricultural Land Use Compatibility Plan, which is included in the draft Specific Plan. The Compatibility Plan includes the following specific components:

- ▶ Descriptions of the levels of compatibility between urban and agricultural uses.
- ▶ Development guidelines to address potential compatibility conflicts, including:
 - Site design provisions, which include providing buffers and increased building setbacks along the boundary between urban and agricultural development. Specifically, buffers should be proportional to the intensity/density of the urban development and its potential level of conflict, such as 30 to 50 feet for industrial and commercial development, and 50 to 100 feet for residential.
 - Limiting urban stormwater runoff to agricultural lands through collection strategies that may include bioswales and specific grading designs.
 - Development consultation between proposed urban uses and existing agricultural operators.
 - Opportunities to consider changes to agricultural operations at the option of the agricultural operation.

In addition, the City of Elk Grove Municipal Code Chapter 14.05, which protects the rights of agricultural property owners and farmers to continue agricultural operations on their land, requires that property sellers disclose to purchasers and residents of nearby agricultural operations of the potential inconveniences that those agricultural operations may present to residences and that agricultural operations that are operated in a manner consistent with proper and accepted customs and standards are allowed to continue.

Impact 3.3-4: Conflict with Existing Zoning.

The proposed Project would include rezoning portions of the site to zoning designations that would permit urban land uses (such as Regional Commercial, Light Industrial, and Heavy Industrial). As with the 2019 SOIA EIR, this SEIR assumes that, with approval of the proposed Project and rezoning, the Project would not conflict with zoning for agricultural use for the properties that would be rezoned as a part of this Project (see Section 3.11, “Land Use and Planning and Population, Housing, and Employment,” for further discussion). Thus, there would be no impact.

The 64-acre area identified for parks and open space uses would be designated as Parks and Open Space (P/OS), which allows public and private parks, public plazas, trails, paseos, and similar features that provide off-street connectivity, oriented toward active uses, and potentially including commercial recreation facilities principally oriented toward outdoor use. The area designated as a part of this Project for Parks and Open Space (P/OS) is currently zoned AG-80 (Agricultural, 80-acre minimum) by Sacramento County. The AG-80 zoning designation is used to eliminate the encroachment of land uses incompatible with the long-term agricultural use of land, to preserve the maximum amount of the limited supply of agricultural land in order to conserve the County's economic resources that are vital for a healthy agricultural economy, to discourage the premature and unnecessary conversion of agricultural land to urban uses, and to encourage the retention of sufficiently large agricultural lots to ensure maintenance of viable agricultural units (Sacramento County 2015). Depending on the use of the Parks and Open Space (P/OS) area, this could potentially conflict with the County's zoning. There is no impact associated with this conflict that is distinct, however, from the analysis under Impact 3.3-1 or 3.3-3. As discussed under Impact 3.1-1, mitigation for agricultural resources would not create new farmland to replace farmland that would be lost and therefore the loss of agricultural resources, as well as the conflict with agricultural zoning is **significant and unavoidable**.

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