
AGRICULTURAL AND FOREST RESOURCES

INTRODUCTION

This section addresses the loss of farmland within the Plan area and potential incompatibilities between agricultural operations and the proposed Specific Plan.

Several comments regarding agricultural resources were received in response to the Notice of Preparation (see Appendix A). Stanislaus County expressed concern over the direct loss of prime farmland and potential incompatibilities between development and nearby agricultural uses. The Division of Land Resource Protection of California's Department of Conservation expressed concern over the direct and indirect loss of farmland resulting from the Plan. These issues are addressed in this section.

ENVIRONMENTAL SETTING

Like many Central Valley counties, Stanislaus County has a large and diverse agricultural industry. In 2007, agricultural commodities in the county had a total gross production value of \$2.41 billion. Milk is the top agricultural commodity (by dollar value), followed by almonds, chickens, cattle and calves, and walnuts. Silage, deciduous fruit and nut crops, tomatoes, turkeys, and peaches are also on the list of ten leading commodities. A number of these agricultural products are produced in the area surrounding the City of Ceres, primarily orchards and row crops.^{1,2}

FARMLAND CLASSIFICATION

The Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) identifies agricultural land that is lost or gained during two-year periods. Farmland monitoring is dependent upon farmland classifications, which are largely based on soil surveys. Agricultural land is quantified based upon acreage and classified as Prime, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. The FMMP also quantifies the amount of urban land and grazing lands within the County. The farmland classifications in Stanislaus County are as follows³:

Prime Farmland

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

¹ Stanislaus County Department of Agriculture, *2007 Annual Crop Report*, 2008.

² Stanislaus County Department of Agriculture, *2006 Annual Crop Report*, July 26, 2007, page 13.

³ State of California, Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, *Stanislaus County Important Farmland, 2006*, January 2009.

produce sustained high yields. Land must have been used for the irrigated agricultural production at some time during the four years prior to the mapping date.

Farmland of Statewide Importance

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.

Unique Farmland

Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

Farmland of Local Importance

Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee. In Stanislaus County, Farmland of Local Importance consists of "farmlands growing dryland pasture, dryland small grains, and irrigated pasture."

Grazing Land

Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.

Confined Animal Agriculture

Confined animal agricultural lands include poultry facilities, feedlots, dairy facilities, and fish farms. In some counties, confined animal agriculture is a component of the Farmland of Local Importance category.

Nonagricultural and Natural Vegetation

Nonagricultural and natural vegetation lands include heavily wooded, riparian, wetland, salt flat, barren or rocky natural areas, and grassland areas which, due to land management mandates, do not allow grazing. This includes constructed wetland and restoration areas.

Vacant or Disturbed Land

Vacant or disturbed lands include large vacant areas within urban, rural freeway interchanges, mineral extraction areas, mine tailings, borrow pits, irrigation ponds, irrigation canals and formerly farmed lands which do not qualify for grazing land or farmland of local importance.

Rural Residential and Commercial Land

Rural residential and commercial lands are residential areas of between 1 and 6 structures per 10 acres, farmsteads, gravel parking lots, small packing sheds, firewood lots, compost facilities, and equine centers.

Urban and Built-up Land

Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a ten-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yard, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

Water

Perennial water bodies with an extent of at least 40 acres.

COUNTY-WIDE SUMMARY

Stanislaus County was reported to have 848,959 acres of farmland in 2006, the latest date for which data are available, composed of the following⁴:

Prime Farmland	256,605
Farmland of Statewide Importance	29,926
Unique Farmland	75,443
Farmland of Local Importance	33,704
Grazing Land	441,435
Confined Animal Agriculture	11,846

For the above data, all farmland represented 87.5 percent of all land inventoried (970,168 acres total). In contrast, 63,192 acres in Stanislaus County were reported to be Urban and Built-up land, 6.5 percent of all inventoried land.⁵

The FMMP inventories the amount of farmland lost and gained and the amount of urban land gained over a two year period, 2002 to 2004 being the most recent that is available. For the years 2002 to 2004, the FMMP inventory states that 170,982 acres of farmland in California were converted to urban uses during this period.⁶ Of this, 46% was Prime Farmland. For the years 2002 to 2004, the FMMP maintained an inventory of Stanislaus County land. In Stanislaus County, there was a net reduction of 5,505 acres of farmland, with net losses of 3,847 acres of Prime Farmland, 285 acres of Farmland of Statewide Importance, and 3,084 acres of Farmland of Local Importance. There was also a net conversion of 408 acres of grazing land to non-agricultural uses. In addition, there was a net increase of 1,711 acres of Unique Farmland.⁷

⁴ State of California, Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, *Stanislaus County Important Farmland, 2006*, January 2009.

⁵ Ibid

⁶ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, *California Farmland Conversion Report, 2002-2004*, cover letter, April 2007.

⁷ State of California, Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, *California Farmland Conversion Report*, December 2006, Table A-38, Stanislaus County, page 63.

PROJECT AREA SUMMARY

The Plan area contains approximately 45 existing homes, mostly in the Carol Lane neighborhood, with other rural homes scattered between Crows Landing Road and Ustick Road.

The developed portions of the area (Urban and Built-Up Land, Rural Residential Land, and Vacant or Disturbed Land) total approximately 300 acres including the Carol Lane neighborhood, and the majority of the G3 Enterprises and County facility parcels. The undeveloped portions of the proposed Specific Plan area are composed almost entirely of Farmland (approximately 660 acres), made up primarily of Prime Farmland, with 70 acres of Unique Farmland, and a small area (approximately 3,000 square feet) along Service Road that is designated Farmland of Statewide Importance.

Storie Index Rating

The Natural Resources Conservation Service (NRCS) has identified and mapped soils in Stanislaus County and rated their suitability for intensive agriculture using the Storie Index. This index has six numerical ratings for soils, based on characteristics such as soil depth, surface texture, drainage, salts and alkalis, and topography. Soils with a rating over 60 (on a scale of 0 to 100) are considered suitable for most crops.⁸ For simplification, Storie Index ratings have been combined into six grade classes as follows: Grade 1 (Excellent) 100-80; Grade 2 (Good) 79-60; Grade 3 (Fair) 59-40; Grade 4 (Poor) 39-20; Grade 5 (Very Poor) 19-10; and Grade 6 (Nonagricultural) less than 10.⁹

The vast majority of soils in the Plan Area have Storie Index grades of one (74%) or two (26%), so are considered suitable for most crops. About 3,000 square feet is classified as grade four, the same area that is classified as farmland of statewide importance by FMMP, as discussed above.

Capability Rating

The NRCS also rates soils for their suitability for most kinds of field crops. The ratings range from Class I to Class VIII, with Class I being soils with few limitations and Class VIII being soils that preclude their use for commercial plants. Prime Farmland is usually composed of Class I and Class II soils.

Soils in the Plan area range from Class I to Class IV. As such, they are all considered suitable for cultivation, but most would have some limitations that reduce the choice of plants, and/or require either special conservation practices or very careful management to grow a wider range of plants.

Williamson Act Contract Lands

Three parcels within the Plan area are under Williamson Act Contracts, shown in **Figure 5.1**. A non-renewal has been filed for APN 056-057-003 and the contract will expire January 1, 2016. The purpose and restrictions on these lands are discussed in Regulatory Setting, below.

⁸ City of Ceres, *Copper Trails Neighborhood Master Plan EIR*, prepared by Adrienne L. Graham and Associates, May 2006, page 4.2-3.

⁹ United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Service, <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>, accessed September 19, 2006.

Irrigation Facilities

Much of the agricultural land in the Plan area and vicinity is irrigated by surface water, delivered through a system of lateral canals, ditches and pipelines. Turlock Irrigation District (TID) lines within the Plan area convey irrigation water to properties both in and out of the Plan area. Lines would remain until they are not needed for conveyance to areas still requiring irrigation water, at which time they will be abandoned. This may or may not coincide with development of each parcel.

REGULATORY SETTING

FEDERAL REGULATIONS

There are no federal laws or regulations affecting the land use and agriculture issues analyzed in this EIR.

STATE REGULATIONS

California Code of Regulations (Title 3. Food and Agriculture)

CCR Title 3, Sections 6000-6920 regulate the registration, management, use, and application of pesticides on agricultural lands. These regulations are enforced by the Stanislaus County Agricultural Commissioner. Generally, specific regulations vary for each pesticide, its method of application and use. However, sections 6600 and 6614 have some general regulations relating to the application of pesticide uses as follows:

6600 General Standards of Care

Each person performing pest control shall:

- a. Use only pesticide equipment that is in good condition and safe to operate.
- b. Perform all pest control in a careful effective manner.
- c. Use methods and equipment suitable to ensure proper application of pesticide.
- d. Perform all pest control under climatic conditions suitable to ensure proper application of pesticides.
- e. Exercise reasonable precautions to avoid contamination of the environment.

6614 Protection of persons/ animals/ property

- a. An applicator prior to and while applying pesticide shall evaluate the equipment to be used, meteorological conditions, property to be treated, and surrounding properties to determine the likely hood of harm or damage.
- b. Notwithstanding that substantial drift would be prevented, no pest application shall be made or continue when:
 1. There is a reasonable possibility of contamination of the bodies or clothing of persons not involved in [the] application process;

2. Possibility of damage to nontarget crops, animals or other public private property; or
3. There is a reasonable possibility of contamination of nontarget public or private property including the creation of a health hazard preventing the normal use of such property. In determining a health hazard, the amount and toxicity of pesticide and type and use of property and related factors shall be considered.

Williamson Land Act

The California Land Conservation Act of 1965 or Williamson Act (California Government Code Section 51200) recognizes the importance of agricultural land as an economic resource that is vital to the general welfare of society. The enacting legislation declares that the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful, and nutritious food for future residents of the state and the nation.

Intended to assist the long-term preservation of prime agricultural land in the state, Williamson Act contracts provide the agricultural landowner with a substantial reduction in property tax in exchange for keeping land in agricultural use. When under contract, the landowner no longer pays property tax for an assessed valuation based upon the property's urban development potential. The Williamson Act stipulates that for properties under contract, "the highest and best use of such land during the life of the contract is for agricultural uses." Therefore, property under contract is assessed and taxed based upon its agricultural value.

Williamson Act contracts remain in effect for ten years. Contracts are automatically renewed, unless the property owner files for a notice of nonrenewal with the County.

When Williamson Act contract lands are annexed to a City, that City succeeds to the administration of the contract, which remains in force until it is cancelled or expires. Under the following circumstances, delineated in Government Code Section 51243.5, a City may elect not to succeed to the contract:

- The land being annexed was within one mile of the City's boundary when the contract was executed;
- The City filed a resolution with the LAFCO protesting the execution of the contract;
- The LAFCO held a hearing to consider the City's protest; and
- The LAFCO found that the contract would be inconsistent with the publicly desirable future uses and control of the land.
- The LAFCO approved the City's protest.

If the above criteria are satisfied, and the City does not succeed to the contract, then the contract is canceled, and the subject land is no longer restricted to agricultural uses. However, there is currently no evidence to suggest these conditions apply to the Plan area.

Following annexation, a landowner may petition the City Council for immediate cancellation of the contract for all or part of the contracted land. The application must be referred to the state Department of Conservation for comment, and the state's comments must be taken into consideration by the City

before approval of the cancellation. The Council may grant approval for cancellation only if the following findings are made as per Sections 51282 and 51284 of the California Government Code:

1. That the cancellation is consistent with the purposes of the...California Land Conservation Act of 1965, and
2. That cancellation is in the public interest.

Cancellation of a contract can be determined to be consistent with the purposes of the Act only if the Council makes all of the following findings:

1. That the cancellation is for land on which a notice of non-renewal has been served pursuant to Government Code Section 51245.
2. That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
3. That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.
4. That cancellation will not result in discontinuous patterns of urban development
5. That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

Cancellation of a contract is considered to be in the public interest only if the Council makes the following findings: (1) that other public concerns substantially outweigh the objectives of this chapter, and (2) that finding #5 above can be met.

LOCAL REGULATIONS

City of Ceres General Plan

The following General Plan goals, objectives, and policies found in the Agricultural Chapter would apply to development of the proposed Specific Plan.

Agricultural Land

GOAL 6.A

To promote the productivity of agricultural lands surrounding Ceres and the continued viability of Stanislaus County agriculture.

POLICIES

6.A.1. The City shall discourage leapfrog development and development in peninsulas extending into agricultural lands to avoid adverse effects on agricultural operations.

6.A.2. The City shall encourage continued agricultural production on properties within the Urban Growth Area until they are needed for urban development. The City shall continue to participate in

the City-County agreement for County referral of development proposals in unincorporated areas of the city.

6.A.3. The City shall ensure that new development and public works projects do not encourage expansion of urban uses outside the Planning Area into areas designated for Agriculture on the Land Use Diagram.

6.A.4. The City shall require development adjacent to designated agricultural areas to minimize conflicts with adjacent agricultural uses.

6.A.5. The City shall continue to support the County's right-to-farm ordinance.

6.A.6. The City shall encourage and support Stanislaus County in the implementation of its agricultural preserve program.

Stanislaus County Right-to-Farm Ordinance

If and when the Plan Area is annexed to the City, it will no longer be subject to County plans and ordinances, including the County's Right-to-Farm ordinance. However, the City supports the County's right-to-farm ordinance (City General Plan Policy 6.A.5). Stanislaus County Ordinance 9.32.050 requires that notification be given to persons purchasing lots adjacent to agricultural land. The notice must contain the following information:

The County of Stanislaus recognizes and supports the right to farm agricultural lands in a manner consistent with the accepted customs and standards. Residents of property on or near agricultural land should be prepared to accept the inconveniences or discomforts associated with agricultural operations, including but not limited to noise, odors, flies, fumes, dust, the operation of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

Stanislaus County has determined that inconveniences or discomforts associated with such agricultural operations shall not be considered a nuisance if such operations are consistent with accepted customs and standard (Stanislaus County Ordinance 9.32.050.F).

Stanislaus County Buffer and Setback Guidelines

If and when the Plan Area is annexed to the City, it will no longer be subject to County plans and ordinances, including the County's Buffer and Setback Guidelines. However, these guidelines are intended to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding non-agricultural uses. In other words, development consistent with these guidelines would avoid indirect impacts related to incompatible adjacent land uses.

The guidelines are intended to apply to all new or expanding non-agricultural uses in or adjoining the County's General Agriculture (A-2) zone. The General Agriculture zone extends to the west of the Plan area and to the south between Crows Landing Road and Ustick Road, with the exception of the existing development at the southwest corner of Crows Landing Road and Service Road.

Buffer Design Standards for New Non-Agricultural Uses:

- All projects shall incorporate a minimum 150-foot wide buffer. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot wide buffer. All buffers shall incorporate a solid wall and vegetative screen consistent with the following standards:

Fencing: A 6-foot high solid wall of uniform construction shall be installed along any portion of a buffer where the project site and the adjoining agricultural operation share a common parcel line.

Vegetative Screen: (minimum standards)

- Two staggered rows of trees and shrubs characterized by evergreen foliage extending from the base of the plant to the crown. Fast growing plants with a shortlife span shall be discouraged.
- Trees and shrubs should be vigorous, drought tolerant and at least 6-feet in height at the time of installation.
- Plants shall have 50% to 70% porosity (i.e., approximately 50% to 75% of the plant is air space).
- Plant height shall vary in order to capture drift within 4-feet of ground application.
- A mature height of 15-feet or more shall be required for each tree.
- To ensure adequate coverage, two staggered rows shall be located 5-feet apart and consist of minimum 5 gallon plants at least 6-feet tall planted 10-feet on center. Alternative spacing between rows may be authorized to accommodate the needs of specific plant species.
- Permitted uses within a buffer area shall include: public roadways, utilities, drainage facilities, landscaping, parking lots and similar low human intensity uses. Walking and bike trails shall be allowed within buffers provided they are designed without rest areas.
 - Landscaping shall be designed to exclude turf areas which could induce activities and add to overall maintenance costs and water usage.

Buffer and Setback Design Standards for Expanding Non-Agricultural Uses:

- Where existing development on a project site will allow, accommodation of a buffer as required for new non-agricultural uses shall be provided.
- Where existing development on a project site will not allow a buffer as required for new nonagricultural uses, fencing and vegetative screening as required for new non-agricultural uses shall be provided within the area available.
- A minimum building setback of 150-feet, measured from the property line of any adjoining property located in the A-2 zoning district, shall be required for any addition to an existing building or any new building associated with the expansion of a non-agricultural use.

Buffer and Setback Maintenance:

- Projects subject to these guidelines shall be conditioned to require the property owner(s) be responsible for all aspects of on-going maintenance of buffers and setback areas. The property owner(s) shall be responsible for maintaining landscape plants in a healthy and attractive condition.
- A landowners association or other appropriate entity shall be required to maintain buffers to control litter, fire hazards, pests, and other maintenance problems when a project consists of multiple parcels which may be held under separate ownership.
- The property owner, landowners association, or responsible entity shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety within 30-days of weather permitting.
- When buffers are required as part of a specific plan, the County may require dedication of buffer areas and formation of service district to insure long-term up keep and maintenance of the buffer.

Stanislaus County Farmland Mitigation Program

Stanislaus County adopted the Farmland Mitigation Program to aid in mitigating the loss of farmland by requiring the permanent protection of farmland on a 1:1 ratio to the amount of farmland converted though the use of agricultural conservation easements. However, Stanislaus County Superior Court overturned this program in June 2009. This ruling has since been challenged, but a court date was not yet set during the drafting of this report.

IMPACT ANALYSIS**STANDARDS OF SIGNIFICANCE**

For purposes of this EIR, the following thresholds are used for measuring the Plan's environmental impacts related to agricultural resources:

- Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- Would the Project conflict with existing General Plan policies or zoning for agricultural use, or a Williamson Act contract?
- Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?
- Would the project result in the loss of forest land or conversion of forest land to non-forest use?
- Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to nonforest use?

CONVERSION OF FARMLAND

Impact Ag-1: Conversion of Farmland. The proposed Specific Plan would result in the conversion of approximately 660 acres of Farmland.

As stated in the Setting section, approximately 660 acres of the Plan area is composed of Farmland, made up primarily of Prime Farmland, with 70.4 acres of Unique Farmland along Ustick Road, and a small area (approximately 3,000 square feet) along Service Road that is designated Farmland of Statewide Importance.

The City of Ceres acknowledged that the 1996 General Plan would result in the conversion of approximately 3,000 acres of land classified as Prime Farmland and Farmland of Statewide Importance to urban development, and that this impact was outweighed by the benefits of implementing the 1996 General Plan. The General Plan designates the portion of the Plan area to the East of Knox Road for urban development (345 acres of Farmland). The remaining portion of the Plan Area between Knox Road and Ustick Road is designated as Residential Reserve in the General Plan (315 acres of Farmland). The reserve designation indicates an overall intent that these areas would eventually develop with residential uses, but were not anticipated to accommodate the projected development in the horizon of the General Plan.

Thus, development of the proposed Specific Plan would convert the entire Plan area, west of Crows Landing Road to urban uses, resulting in the permanent loss of approximately 660 acres of Farmland.

As discussed in the Environmental Setting section, the County's Farmland Mitigation Program has been challenged in the courts, leaving no legally recognized system or mechanism for mitigation of agricultural land conversion impacts currently exists in Stanislaus County. While applicants of development projects could support or participate in a number of generalized programs that could benefit agriculture and may result in expansion of agricultural acreage, no specific program exists for this purpose, and there is no quantifiable relationship between contributions to these programs and mitigation for project-related loss of agricultural lands. The impact would remain *significant and unavoidable*.

WILLIAMSON ACT CONTRACTS

Impact Ag-2: Development of Williamson Act Lands. The proposed Specific Plan would result in the development of approximately 187 acres of land currently under Williamson Act contracts.

Three parcels within the Plan area, totaling approximately 187.2 acres, are under Williamson Act contracts, which restrict use of the parcels to agriculture in exchange for tax benefits. A Notice of Non-Renewal was filed for the 137.67 acre parcel (APN 056-057-003) in 2006 and is scheduled to expire on January 1, 2016. Upon annexation, the City would become responsible for managing these contracts, consistent with state law. Property owners may petition the City of Ceres to cancel the remaining years left on the Williamson Act Contract after annexation has occurred. The City Council may approve the cancellation if it determines the findings of cancellation are valid as stipulated in Government Section §51280-51287. Development could not take place on these parcels until they are no longer subject to Williamson Act Land Conservation Contract.

While development of the Plan area assumes successful cancellation of any of the Williamson Act contracts, the Plan can be viewed as directly resulting in those cancellations and loss of land under Williamson Act Contract. Therefore, cancellation of the Williamson Act contracts would remain a *significant and unavoidable* impact.

DISRUPTION OF IRRIGATION WATER

Impact Ag-3: Disruption of Irrigation Water. The proposed Specific Plan could interfere with deliveries of agricultural water, which could interfere with agricultural operations outside of the Plan area.

As discussed under the Setting section, there are a number of irrigation facilities within the Plan area that convey irrigation water to properties both in and out of the Plan area. As the Plan area develops, some of these facilities may no longer be needed by properties that transition out of agricultural use and would be abandoned if no longer needed.

However, depending on the timing of development within the Plan area, these private irrigation lines could be disrupted before the agricultural properties are abandoned. The potential interruption of or interference with water deliveries to active agricultural lands is considered a potentially significant impact.

Mitigation Measure

Ag-3: Maintain Irrigation Facilities. Irrigation facilities within the Plan area shall be maintained for active agricultural uses until Plan area uses are developed. These facilities shall be upgraded and/or relocated as needed, based on consultation with TID and the timing of development.

Mitigation Measure Ag-3 would ensure that agricultural operations dependent on water conveyed through the Plan area would not be impaired by loss of the water conveyance facilities. Conveyance facilities in the Plan area will need to be maintained as long as they are needed by on-site and downstream users to ensure there will be no adverse affect on agricultural production due to the disruption of agricultural water. Implementation of Mitigation Measure Ag-3 will reduce the impact to a *less than significant* level.

INDIRECT LOSS OF FARMLAND

Impact Ag-4: Incompatible Land Uses. The proposed Specific Plan could result in land uses that are incompatible with agricultural land and operations surrounding the Plan area, which could impede agricultural operations and result in indirect loss of Farmland.

The areas to the east and north are largely developed with urban uses by the Cities of Ceres and Modesto respectively. The proposed Specific Plan would expand the City into areas that are still agricultural. Agricultural lands are located west and south of the Plan area and would continue to be active. It can be presumed that agricultural lands within the Plan area may also remain active, even with new development occurring on adjacent properties. Residents of the Plan area would be in proximity to active agricultural operations, both during and after full development of the Plan area.

Conflicts can occur between urban-density development and agricultural lands, particularly along the edges of developed land. Agricultural operations often produce noise, odor and slow traffic that non-rural residents find annoying or disruptive. Pesticide use can also be annoying or even a health threat if pesticide drifts into residential areas. Complaints and other actions from residents who do not accept the conditions that result from living in proximity to agricultural operations can impede agricultural activity and/or create pressure for farmers to convert their land to urban uses.

Pesticide use is regulated by both the federal and State governments to ensure that pesticide application does not create a health hazard for adjacent uses. Since these regulations would minimize

pesticides drifting into residential areas, residents should not be subject to either health risks or odors from pesticides.

As the Plan area develops, temporary adjacencies between developed areas and those continuing agricultural uses may be created. These temporary adjacencies would be corrected through build-out of the Plan area. Following build-out of the Plan area, residences would be separated from nearby agricultural uses by roadways. On the southern boundary, Service Road is designated as an expressway and has an ultimate right-of-way of 142 feet, resulting in a separation of at least 142 feet between Plan area development and adjacent agricultural uses to the south when developed to ultimate width. Interim development would include a minimum of 71 feet north of centerline and 20 feet south of centerline, for a total separation of 91 feet minimum. On the western boundary, Ustick Road is designated as an arterial, with an ultimate 118 foot right-of-way and . This would result in a separation of at least 118 feet between Plan area development and agricultural uses to the west at ultimate development and 79 feet in the interim case. Both Service Road and Ustick Road will include noise-reduction walls on the Plan side, providing a physical barrier between residential and agricultural uses.

While the County's buffer guidelines would not be applicable once the Plan area is annexed to the City and developed, it should be noted that these distances are less than the recommended standard of 150 feet between active agricultural land and new non-agricultural uses. However, a masonry wall at least 6 feet high is specified in the Specific Plan along the project-side of Ustick Road and Service Road (where residential uses are planned), which would add additional buffering, consistent with the recommendations of the buffer guidelines. Plan area residents could be subject to noise, odors and other aspects of farming that they may find annoying or disruptive as the Plan develops and following build-out. Although roadways would provide buffers between residences and agricultural activities following build-out, this would not be expected to fully avoid these impacts. Potential conflicts between Plan area residents and nearby agricultural activities on both a temporary and permanent basis are considered potentially significant.

Mitigation Measure

Ag-4: **Deeded Right-to-Farm.** Deeds recorded for each residential parcel in the Plan area shall include notification consistent with Stanislaus County's Right-to-Farm Ordinance (9.32.050) that the residence is located in proximity to ongoing, active agricultural activities, and list the types of annoyances that could occur. The notification shall also state that neither the County nor the City will take action against property owners of agricultural land who engage in agricultural practices that are consistent with accepted customs and standards.

The landscaped setback and walls along Ustick Road and Whitmore Avenue described in the Plan would lessen potential impacts by providing a buffer between the new residential development and anticipated continued agricultural uses. Additionally, Mitigation Measure Ag-4 would ensure that residents who choose to live in the Plan area are aware of potential annoyances and find them acceptable. With the buffering elements included in the Plan and implementation of Mitigation Measure Ag-4, the impact related to the adverse effect of new development on adjacent agricultural uses would be reduced to a *less than significant* level.

LOSS OF FOREST RESOURCES

The Plan area includes no forest land or timberland. There would be *no impact* related to loss of forest land.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

The cumulative context for agricultural impacts is farmland throughout Stanislaus County and the Central Valley.

Impact Ag-5: Cumulative Loss of Farmland. The proposed Specific Plan, in combination with other cumulative development in Stanislaus County and throughout the Central Valley, would contribute to the conversion of agricultural land, including Farmland and Williamson Act contract land.

Stanislaus County was reported to have approximately 750,000 acres of farmland in 2002, including almost 382,000 acres of Farmland (the capital letter indicates farmland classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance). Over time, the amount of farmland in the county has decreased, due primarily to urban development. The amount of Farmland decreased by almost 2 percent between 2002 and 2004, a loss of approximately 7,200 acres.¹⁰

The cumulative conversion of farmland is expected to continue into the foreseeable future due to the growth of Modesto, Turlock, Ceres and other cities within the county. Other counties in the Central Valley are also experiencing the conversion of farmland to urban development. Once developed, land usually cannot be returned to agriculture, so the cumulative loss of farmland would be permanent and significant.

Implementation of the City of Ceres 1996 General Plan was estimated to result in the conversion of approximately 3,000 acres of Farmland to urban uses. The Ceres General Plan included the portion of the Plan Area to the east of Knox Road in the urban development anticipated within the horizon of the General Plan, and the portion of the Plan Area between Knox Road and Ustick Road as an area that would subsequently develop with urban uses. Some of this acreage is under Williamson Act contracts. The General Plan seeks to minimize impacts on agriculture by discouraging leapfrog development (Policy 6.A.1), encouraging continued agricultural production on properties within the Urban Growth Area until needed for urban development (Policy 6.A.2), and discouraging development outside of the General Plan Planning Area (Policy 6.A.3). The General Plan implements these policies by providing capacity to meet the demand for urban development within the City limits and Planning Area, and identifying urban reserves that are intended to retain agricultural uses until there is a need for land for urban growth. Nonetheless, the City Council found that the loss of agricultural land would be an unavoidable consequence of adopting and implementing the 1996 General Plan. This loss was determined to be outweighed by the benefits of the General Plan.

The proposed Specific Plan would ultimately result in the loss of approximately 660 acres of Farmland to development. The conversion of agricultural land within the Plan area would contribute to the impact addressed in the 1996 General Plan EIR and Findings for the area to the east of Knox Road and an additional approximately 315 acres between Knox Road and Ustick Road. Nonetheless, development of the Plan area and other Urban Growth Areas could also put pressure on agricultural property owners in the immediate area to sell their land for more profitable development. Much of the land to the south and southwest of the Plan Area is in Williamson Act contracts, which would slow, but not prevent, conversion to urban uses.

The amount of Farmland that would be converted by the proposed Specific Plan would contribute to a cumulative irretrievable loss of Farmland, an important resource in the county and the Central Valley.

¹⁰ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, *California Farmland Conversion Report, 2002-2004*, cover letter, April 2007.

Therefore, the proposed Specific Plan's contribution to the cumulative loss of farmland is considered a significant cumulative impact.

As discussed under project-specific impacts, the County's Farmland Mitigation Program has been overturned and no other system or mechanism for mitigation of agricultural land conversion impacts or loss of Williamson Act contracted lands has been identified. The cumulative impact would remain *significant and unavoidable*.