

4.2 AGRICULTURE AND FORESTRY RESOURCES

This section describes the regulatory framework and existing conditions within the Specific Plan Area related to, and the potential impacts on, agriculture and forestry resources resulting from implementation of the proposed Specific Plan. Information in this section is based partly on the Agricultural Conversion Study prepared for the proposed Specific Plan, and included in Appendix D.

4.2.1 Environmental Setting

4.2.1.1 Specific Plan Area

Agriculture Resources. The Specific Plan Area is approximately 1,900 acres in size and is located on the western edge of the City of Madera. In October 2018, the Madera County Local Agency Formation Commission (LAFCO) approved the expansion of the City's Sphere of Influence (SOI) to include the Specific Plan Area.

The Specific Plan Area is predominantly characterized by active agricultural operations and a mix of irrigated crops. The Specific Plan Area contains three active Williamson Act contracts and contains existing residential and agricultural support structures. The following Madera Irrigation District (MID) irrigation canals and pipeline traverse the Specific Plan Area:

- Canal 24.2-14.2 is located in the southern portion of the Specific Plan Area and runs parallel to the Fresno River.
- Canal 24.2-13.2 is located along the north side of Avenue 16/Kennedy Avenue.
- The Airport Canal is located along Road 23.
- Airport 1.0 E. pipeline and Airport 1.0 W. canal and pipeline are located along the Avenue 17 alignment on the northern boundary of the Specific Plan Area.
- The Specific Plan Area is surrounded by primarily agriculture uses on the northern and western boundaries, and the Fresno River and agriculture uses to the south. The Madera Municipal Golf Course, Madera Municipal Airport, and residential uses are located north and east of the Specific Plan Area.

Forestry Resources. As discussed above, the Specific Plan Area is predominantly characterized by active agricultural operations and a mix of irrigated crops, and the areas surrounding the Specific Plan Area are primarily agriculture uses. The Specific Plan Area is currently designated Agriculture Exclusive (AE) and Agriculture (A) in the Madera County General Plan and does not contain any areas that include forest land, timberland or timberland zoned for Timberland Production.

4.2.1.2 Regulatory Context

State

California Department of Conservation Farmland Mapping and Monitoring Program. In 1982, the Department of Conservation (DOC) began coordinating with the United States Department

of Agriculture (USDA) Soil Conservation Service in the preparation and completion of Important Farmland mapping for California through the establishment of the Farmland Mapping and Monitoring Program (FMMP). The FMMP created a greater level of mapping compared to the USDA Soil Conservation Service by modifying the federal criteria for use in California and incorporating irrigation criteria for farmland significance. The primary purpose of the FMMP is to monitor the conversion of California's agricultural lands. The DOC Division of Land Resource Protection works with landowners, local governments, and researchers to conserve California's farmland and open space resources based on information provided in the FMMP.

The DOC FMMP produces maps and statistical data used for analyzing impacts on agricultural resources. Agricultural land is categorized according to soil quality and irrigation status. The maps are updated every 2 years through review of aerial photographs, a computer mapping system, public review, and field reconnaissance. The latest countywide data available are for the period from 2014 to 2016. The FMMP categories are defined as follows:

- **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 produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the 4 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 4 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 nonirrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the 4 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 some counties, Confined Animal Agriculture facilities are part of Farmland of Local Importance, but they are shown separately.
- **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.
- **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 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

- **Other Land.** Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

California Land Conservation (Williamson) Act. The California Land Conservation Act, better known as the Williamson Act, has been the State’s most important agricultural land protection program since its enactment in 1965. Fundamentally, the Williamson Act is a State policy administered by local governments. Local governments are not mandated to administer the act, but those that do have some latitude to tailor the program to suit local goals and objectives.

Williamson Act contracts have a minimum term of 10 years, with renewal occurring automatically each year (local governments can establish initial contract terms for longer periods of time). The contracts run with the land and are binding on all successors in interest of the landowner. Only land located within an agricultural preserve is eligible for Williamson Act contracts. An agricultural preserve defines the boundary of an area within which a city or county would enter into contracts with landowners. The boundary is designated by resolution of the board of supervisors or city council having jurisdiction. The rules of each agricultural preserve specify the uses allowed. Generally, any commercial agricultural uses would be permitted within any agricultural preserve. In addition, local governments may identify compatible uses permitted with a use permit.

California Environmental Quality Act. CEQA was adopted in 1970 by the California State Legislature to identify, protect, and minimize impacts to the State’s environmental resources, and codified as Section 21000 of the State’s Public Resources Code. CEQA vests the primary responsibility of carrying out its objectives to local municipalities. In determining whether a proposed project may have a significant effect on agricultural resources, the City of Madera uses the thresholds provided in Appendix G of the CEQA Guidelines.

Public Resources Code 21095 - California Agricultural Land Evaluation and Site Assessment Model. Land Evaluation and Site Assessment (LESA) is a term used to define an approach for rating the relative quality of agricultural land based upon specific measurable features.

The formulation of a California LESA Model is the result of Senate Bill 850 (Chapter 812/1993), which charges the Resource Agency (in consultation with the Governor’s Office of Planning and Research) with developing an amendment to Appendix G of the CEQA Guidelines concerning agricultural lands. Such an amendment is intended “to provide lead agencies with an optional methodology to ensure that significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process” (Public Resources Code Section 21095).

A LESA analysis is based on the following definition of agricultural land contained in CEQA, Public Resources Code Section 21060.1:

21060.1 (a) "Agricultural land" means prime farmland, farmland of statewide importance, or unique farmlands, as defined by the United States Department of Agriculture land inventory and monitoring criteria as modified for California.

21060.1 (b) In those areas of the state where lands have not been surveyed for the classifications specific in subdivision (a), "agricultural land" means land that meets the requirement of "prime agricultural land" as defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code [the Williamson Act].

Public Resources Code 12220 (g) – Forest Land. "Forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Public Resources Code 4526 - Timberland. "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

Public Resources Code 51104 (g) – Timberland Production Zone. "Timberland production zone" or "TPZ" means an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses.

County of Madera

Madera County General Plan. The Madera County General Plan (MCGP) is used as a blueprint to guide future development in the unincorporated areas of the County, including portions of the City Planning Area that are outside the Madera City limits. The County General Plan is applicable to areas outside the existing City limits of Madera until the area is annexed by the City.

Existing Land Use Designation. The Specific Plan Area is currently designated Agriculture Exclusive (AE) and Agriculture (A) in the Madera County General Plan.

The AE designation provides for agricultural uses, limited agricultural support service uses, agriculturally oriented services, timber production, mineral extraction, airstrips, public and commercial refuse disposal sites, recreational uses, public and quasi-public uses, and similar and compatible uses. The minimum parcel size shall be 36 to 640 acres. Allowable residential development in areas designated Agriculture Exclusive includes one to two single family homes per parcel, secondary residential units, caretaker/employee housing, and farmworker housing.

The A designation is identical to the AE designation except the minimum parcel size is 18 acres.

Table 4.2-1 lists the Madera County General Plan policies related to agricultural and forestry resources.

Table 4.2-1: Madera County General Plan Policies Related to Agricultural Resources

Goal/Policy Item Number	Policy/Action Item
Land Use Element	
Goal 1.A.	To promote the wise, efficient, and environmentally sensitive use of Madera County land to meet the present and future needs of Madera County residents and businesses.
Policy 1.A.4.	The County shall encourage infill development and development contiguous to existing cities and unincorporated communities to minimize premature conversion of agricultural land and other open space lands.
Goal 1.J	To foster cooperative planning and to address regional concerns on a regional basis.
Policy 1.J.3.	The County shall coordinate its policies regarding conversion of agricultural lands with the County Local Agency Formation Commission (LAFCO) and the cities of Madera and Chowchilla.
Agriculture and Natural Resources Element	
Goal 5.A.	To designate adequate agricultural land and promote development of agricultural uses to support the continued viability of Madera County's agricultural economy.
Policy 5.A.1.	The County shall maintain agriculturally-designated areas for agricultural uses and direct urban uses to designated new growth areas, existing communities, and/or cities.
Policy 5.A.2.	The County shall discourage the conversion of prime agricultural land to urban uses unless an immediate and clear need can be demonstrated that indicates a lack of land for non-agricultural uses.
Policy 5.A.3.	The County shall seek to ensure that new development and public works projects do not encourage further expansion of urban uses into designated agricultural areas.
Policy 5.A.5.	The County shall allow the conversion of existing agricultural land to urban uses only within designated urban and rural residential areas, new growth areas, and within city spheres of influence where designated for urban development on the General Plan Land Use Diagram.
Policy 5.A.6.	The County shall encourage continued and, where possible, increased agricultural activities on lands designated for agricultural uses.
Policy 5.A.9.	The County shall encourage infill development in urban areas as an alternative to expanding urban boundaries into agriculturally-designated areas.
Policy 5.A.13.	The County shall require development within or adjacent to designated agricultural areas to incorporate design, construction, and maintenance techniques that protect agriculture and minimize conflicts with adjacent agricultural uses.
Policy 5.A.14.	The County shall continue to enforce the provisions of its Right-to-Farm Ordinance and of the existing state nuisance law.
Goal 5.B:	To conserve Madera County's forest resources, enhance the quality and diversity of forest ecosystems, reduce conflicts between forestry and other uses, and encourage a sustained yield of forest products
Policy 5.B.1.	The County shall encourage the sustained productive use of forest land as a means of providing open space and conserving other natural resources.
Policy 5.B.4.	The County shall encourage qualified landowners to enroll in the Timberland Production Zone (TPZ) program.

Source: County of Madera General Plan, October 1995.

Madera County Code of Ordinances

Title 6. Animals and Agriculture. Madera County adopted a right-to-farm ordinance in 1989 (Chapter 6.28 of the Madera County Code). The County recognizes that where nonagricultural land uses extend into agricultural areas or exist side-by-side, agricultural operations become the subject of nuisance complaints. As a result, some agricultural operations are forced to cease or curtail operations, others are discouraged from making investments in farm improvements, and efficient agricultural production is generally discouraged due to burdensome litigation against farmers. It is the intent of the County to conserve, protect, and encourage the development, improvement, and continued viability of its agricultural land and industries for the long-term production of food and other agricultural products, and for the economic well-being of the County's residents. The right-to-farm policies are as follows:

1. No agricultural activity, operation or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than 1 year if it was not a nuisance at the time it began.
2. This section shall not invalidate any provision contained in Health and Safety Code, Fish and Game Code, Food and Agricultural Code, or Division 7 (commencing with Section 13000) of the Water Code of the State of California, if the agricultural activity, operation or facility, or appurtenances thereof, constitutes a nuisance, public or private, as specifically defined or described in any such provision.
3. This section is not to be construed so as to modify or abridge the State law set out in the California Civil Code relative to nuisances, but rather it is only to be utilized in the interpretation and enforcement of the provisions of county ordinances and regulations.

Title 18. Zoning. The Specific Plan Area is zoned Agricultural Rural Exclusive - 20 Acres (ARE-20) and Agricultural Rural Exclusive - 40 Acres (ARE-40):

- **ARE-20.** This zone allows a guest house and/or communications tower/wireless communications facilities and conditionally accommodates a wide range of agricultural uses. This zone is applied to lands that are in agricultural use. The minimum parcel size is 18 acres.
- **ARE-40.** This zone allows a guest house and/or communications tower/wireless communications facilities and conditionally accommodates a wide range of agricultural uses. This zone is applied to lands that are in agricultural use. The minimum parcel size is 36 acres.

City of Madera

City of Madera General Plan. The City of Madera General Plan (CMGP) is the official policy statement of the City Council to guide private and public development of the City, as well as the City’s own operations and decisions. The General Plan helps to ensure that land use decisions are in conformance with the long-range program designed to protect and further the public interest related to the City of Madera’s growth and development. Table 4.2-2 lists the City of Madera General Plan policies related to agricultural and forestry resources.

Table 4.2-2: City of Madera General Plan Policies Related to Agricultural Resources

Policy/Action Item Number	Policy/Action Item
Conservation Element	
Policy CON-15	<p>The City will seek to protect land in the Planning Area which is designated for Agricultural and Resource Conservation, and will encourage the County of Madera to do the same. Measures the City will use (and encourage the County to use) include:</p> <ul style="list-style-type: none"> • Maintaining parcels large enough to sustain agricultural production (preferably a minimum of 20 acres); • Preventing the premature conversion of agricultural uses; and • Prohibiting uses that are incompatible with long term agricultural production. <p>Action Item CON-15.1 Implement the policies and actions in this General Plan to uphold Madera’s Growth Boundary, including limiting the extension of urban services such as water and sewer beyond the Growth Boundary.</p>
Policy CON-16	<p>The City will facilitate and support agricultural conservation easements, farmland security zone contracts, and land conservation programs when used to preserve agricultural lands and resources.</p> <p>Action Item CON-16.1 Pursue partnerships with private non-profit conservation organizations to preserve Madera’s agricultural lands.</p>
Policy CON-17	<p>The City supports the protection of agricultural operations by requiring that buffers be established between urban residential areas and areas planned to remain in agricultural use. The buffers shall be designed to address the physical effects of agricultural practices on urban uses, such as chemical spraying, noise, etc.</p>
Policy CON-18	<p>The City recognizes that some agricultural soils in the city and the Planning Area are proposed for future urban development; in these cases, the following apply:</p> <ul style="list-style-type: none"> • Agricultural use should be allowed to continue as long as possible. • The purchase of fee interest, easements, or other measures which would have the effect of permanently precluding the planned conversion to urban uses consistent with the Land Use Map of this General Plan should be avoided.
VILLAGE D: SPECIFIC POLICIES	<p>The following policies are intended to identify some of the unique issues for this area which will need to be addressed, and to guide development, as the area transitions to urban use.</p> <ul style="list-style-type: none"> • All future development in this Village shall conform to the Building Blocks principles as described in this General Plan. • In conjunction with village and neighborhood planning, a mechanism shall be established which creates a permanent agricultural buffer where the westerly edge of the Village abuts the Growth Boundary. This buffer shall average at least 400’ in depth, with a minimum depth of 250’, and must run continuously along westerly edge of the Village. No habitable structures are to be located within this buffer, although passive recreational opportunities (such as trails and

Table 4.2-2: City of Madera General Plan Policies Related to Agricultural Resources

Policy/Action Item Number	Policy/Action Item
	<p>community gardens) may be allowed. Alternative methods and designs to establish the buffer may be proposed, and including placing the buffer on either side of the Growth Boundary. Physical maintenance of the buffer shall be provided consistent with the design and function of the space.</p> <ul style="list-style-type: none"> • The Village core area shall provide for an integrated mix of uses, including park and open space uses, along the river. • Future development along the Fresno River should be designed to take advantage of the river frontage, including orienting development to front the river where not otherwise prohibited by site conditions. • Village and neighborhood planning shall provide for the alignment of the designated arterial<u>collector</u> which runs through the Village east and west (Cleveland Avenue), to bend to the south to provide circulation to the proposed village core located along the Fresno River. • All development proposals within Village D shall comply with the provisions of the Airport Land Use Master Plan. The establishment of land use designations at the village and neighborhood levels, as well as the layouts of individual projects, shall reflect the allowable uses and densities in the Airport Land Use Master Plan.

Source: City of Madera General Plan, October 2009.

* Changes to Village D policies proposed by the Project Applicant are shown in strikeout text.

Existing Land Use Designations. The existing City of Madera land use designations in the City of Madera General Plan for the Specific Plan Area include Village Reserve (VR), Village Mixed Use (VMU), High Density Residential (HD), Medium Density Residential (MD), Low Density Residential (LD), Neighborhood Mixed Use (NMU), Open Space (OS), and Resource Conservation/Agriculture (RC).

Zoning Ordinance of the City of Madera. The City of Madera adopted a right-to-farm ordinance in 1998 (Chapter 10-3.148 of the Madera Municipal Code). This ordinance seeks to protect and encourage agricultural operations in the City, as long as proper and accepted customs and standards are met. The intent of the policy is for residents of property in or near agricultural districts to be prepared to accept the inconveniences and discomfort associated with normal farm activities. The policy also establishes that no agricultural operation conducted in a manner consistent with proper and accepted customs and standards shall be or become a nuisance due to any changed condition after the operation has been in operation for more than 1 year, if it was not a nuisance at the time it began. The ordinance also includes a provision to record a right-to-farm notice in conjunction with rezoning and subdivision applications within 300 feet of agricultural lands. The right-to-farm ordinance reads as follows:

Section 10-3.418 Right to Farm

(A) The City Council hereby finds that where nonagricultural land uses extend into agricultural areas or exist side-by-side, agricultural operations often become the subject of nuisance complaints. As a result, some agricultural operations are forced to cease or curtail operations, others are discouraged from making

investments in farm improvements, and efficient agricultural production is generally discouraged due to burdensome litigation against farmers.

(B) It is the intent of the city to conserve, protect and encourage the development, improvement and continued viability of its agricultural land and industries for the long-term production of food and other agricultural products, and for the economic well-being of the city's and county's residents. It is also the intent of the city to balance the rights of farmers to produce food and other agricultural products with the rights of non-farmers who own, occupy or use land within or adjacent to agricultural areas. It is the intent of this chapter to reduce the loss to the city's and county's agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance. Nothing in this chapter shall be construed to limit the right of any owner of real property to request that the city consider a change in the zoning classification of his property in accordance with the procedures set forth in the Municipal Code.

4.2.2 Impacts and Mitigation Measures

The following section presents a discussion of the impacts related to agriculture and forestry resources that could result from implementation of the proposed Specific Plan. The section begins with the criteria of significance, which establish the thresholds to determine if an impact is significant. The latter part of this section presents the impacts associated with implementation of the proposed Specific Plan and the recommended mitigation measures, if required. Mitigation measures are recommended, as appropriate, for significant impacts to eliminate or reduce them to a less-than-significant level. Cumulative impacts are also addressed.

4.2.2.1 Significance Criteria

The thresholds for impacts related to agriculture and forestry resources used in this analysis are consistent with Appendix G of the State CEQA Guidelines. Development of the proposed Specific Plan would result in a significant impact related to agricultural and forestry resources if it would:

- | | |
|------------------------|--|
| Threshold 4.2.1 | 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; |
| Threshold 4.2.2 | Conflict with existing zoning for agricultural use, or a Williamson Act contract; |
| Threshold 4.2.3 | Conflict with existing zoning for, or cause rezoning of, forest land (as defined in 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)); |
| Threshold 4.2.4 | Result in the loss of forest land or conversion of forest land to non-forest use; or |

Threshold 4.2.5 **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.**

4.2.2.2 Project Impacts

The following discussion describes the potential impacts related to agriculture and forestry resources that could result from implementation of the proposed Specific Plan.

Threshold 4.2.1 **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?**

The Specific Plan Area is currently being primarily farmed for almonds, and contains agricultural support structures and residences. Table 4.2-3 contains the total acreage of Farmland as designated by the DOC FMMP that would be directly impacted by implementation of the proposed Specific Plan.

Table 4.2-3: Farmland Acres by Category on the Specific Plan Area

Land Mapping Category	Farmland Acres within the Specific Plan Area
Prime Farmland	943.5
Farmland of Statewide Importance	201.6
Unique Farmland	706.9
Farmland of Local Importance	N/A
Grazing Land	N/A
Total	1,852

Source: Madera County (2018); DOC Farmland Mapping & Monitoring Program (2016).

As shown in Table 4.2-3, The DOC FMMP identifies 1,852 acres of farmland within the Specific Plan Area, not including non-agricultural or urban uses. Implementation of the proposed Specific Plan would permanently convert 1,852 acres of Important Farmland to accommodate a new mixed-use community that includes residential units, commercial office spaces, industrial spaces, parks and recreation areas, and public facilities, including schools. The loss of 1,852 acres of Important Farmlands is approximately 0.5 percent of the total acres of Important Farmland in Madera County. The proposed Specific Plan includes a General Plan Amendment that would remove the requirement of establishing a permanent agriculture buffer along the western edge of the Specific Plan Area. The loss of 1,852 acres of important farmland assumes the area that would be set aside as an agriculture buffer would be converted to a non-agriculture use. Although the proposed Specific Plan would convert a small percentage of Madera County’s total farmland to a nonagricultural use, Madera County is California’s 11th largest agricultural producer and the conversion of any Important Farmland is considered a significant impact.

The California LESA Model was prepared as a method for quantitatively assessing project impacts on Important Farmlands.

The California LESA Model worksheets that were completed for the proposed Specific Plan Area are attached to the Agricultural Conversion Study, included as Appendix D of this Draft EIR. The final score for the Specific Plan Area is provided below in Table 4.2-4.

Table 4.2-4: Land Evaluation and Site Assessment Scoring

Factor Name	Factor Rating (0-100 Points)	×	Factor Weighting (Total = 1.00)	=	Weighted Factor Rating
Land Evaluation					
1. Land Capability Classification	70.70	×	0.25	=	17.68
2. Storie Index Rating	62.82	×	0.25	=	15.71
Land Evaluation (LE) Subscore					33.38
Site Assessment					
1. Project Size	100	×	0.15	=	15
2. Water Resource Availability	100	×	0.15	=	15
3. Surrounding Agricultural Land	60	×	0.15	=	9
4. Protected Resource Lands	0	×	0.05	=	0
Site Assessment (SA) Subscore					39.00
Total LESA Score (LE + SA)					72.38

Source: Land Evaluation and Site Assessment Model (LSA 2020).

The Specific Plan Area achieved a Final LESA score of 72.38. According to the LESA Model instructions, a final score between 60 and 79 points is considered significant unless either the land evaluation (LE) or site assessment (SA) subscore is less than 20 points. Both the LE subscore and the SA subscore are above 20 points. Therefore, converting approximately 1,852 acres of Important Farmlands to a nonagricultural use would be considered a significant impact.

Level of Significance Without Mitigation: Significant and unavoidable impact as no feasible mitigation is available. Although the Madera County General Plan includes numerous polices that seek to conserve agricultural lands and uses, the Madera County LAFCO approved the expansion of the City’s SOI to include the proposed Specific Plan Area in October of 2018. It can be assumed that the Madera County LAFCO understood that the Specific Plan Area would be used for urban uses when it approved the City’s SOI expansion in the Specific Plan Area. This is consistent with Policy 5.A.5 of the Madera County General Plan, which states that the County shall allow the conversion of existing agricultural land to urban uses only within designated urban and rural residential areas, new growth areas, and within city spheres of influence where designated for urban development on the General Plan Land Use Diagram. In addition, the Specific Plan Area is identified in the City’s General Plan as an Urban Growth Area and is envisioned to be developed with urban uses in the future.

In March 2020, Madera County staff expressed concern regarding the establishment of new agricultural easements within the County in order to offset potential environmental impacts resulting from the conversion of agricultural land.¹ County staff stated that there are several factors

¹ Madera County Community and Economic Development. 2020. Treber, Matthew, Chief of Development Services. March 24. Personal communication with Norman Allinder.

that affect the use of agricultural easements, one of which is maintaining and achieving sustainable groundwater management in the Madera Subbasin. Due to substantial groundwater needed for agriculture uses, the continued use and preservation of agriculture prevents sustainable groundwater management. The Madera Subbasin Joint Groundwater Sustainability Plan (GSP), which was adopted in January 2020, states that the City relies only on groundwater for its water supply and, by expanding the City's services as population grows, the City would use more groundwater for urban uses when compared to current water use for urban projects. Although large projects such as the proposed Specific Plan would result in urban development that would extend primarily into agricultural lands, water use requirements would decrease when compared to agricultural uses, thereby benefitting subbasin sustainability.² Based on the net decrease in groundwater use that would result from converting agricultural land uses to non-agricultural land uses under the proposed Specific Plan, the use of agricultural easements within the County would not be considered a feasible mitigation measure. Preserving agricultural land and allowing continued use of groundwater would not allow for maintaining and achieving sustainable groundwater management. Therefore, the use of agricultural easements would preserve agricultural land, but those agricultural lands would not be provided sufficient groundwater if the Madera Subbasin is to be managed sustainably. In addition, farmland mitigation guidance provided by the California Department of Conservation, including following the California Council of Land Trusts' Farmland Mitigation Guidebook and the California Department of Water Resources Agricultural and Land Stewardship (ALS) Strategies are not feasible given the need for on-site conservation that would conflict with buildout of the proposed Specific Plan. As a result, there are no feasible mitigation measures available to reduce impacts associated with conversion of agricultural lands to nonagricultural uses, and this would be considered a significant and unavoidable impact pursuant to CEQA.

Threshold 4.2.2 Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The Specific Plan Area is currently zoned Agricultural Rural Exclusive – 20 Acres (ARE-20) and Agricultural Rural Exclusive – 40 Acres (ARE-40) in the Madera County Zoning Code. These zones are applied to lands that are in agricultural use. The City has not provided zoning for the Specific Plan Area; rather, detailed regulations/development standards will be included in and adopted as part of the Specific Plan approval process. The proposed Specific Plan intends to develop the lands currently zoned for agricultural uses for nonagricultural uses (i.e., a mixed-use community) including residential units, commercial office spaces, industrial spaces, parks and recreation areas, and public facilities (e.g., schools). None of the proposed uses are consistent with the existing agricultural zoning. Therefore, implementation of the proposed Specific Plan would conflict with the existing zoning for agricultural use. There are no feasible mitigation measures available to reduce impacts associated with zoning conflicts to a less-than-significant level. Therefore, the proposed Specific Plan's conflicts with existing agricultural zoning are significant and unavoidable.

The Specific Plan Area contains three active Williamson Act contracts (APNs 033-170-001, 033-170-009, and 033-170-005) in the southwest area of the Specific Plan Area totaling 402.9 acres. The

² Madera Subbasin Coordination Committee. 2020. *Joint Groundwater Sustainability Plan*. Page 2-17 and 2-18. January.

intended use of the entire Specific Plan Area, including the portion governed by Williamson Act contracts, is to develop a new mixed-used community that includes residential units, commercial office spaces, industrial spaces, parks and recreation areas, and public facilities, including schools. Implementation of the proposed Specific Plan would conflict with the 402.9 acres of agricultural land currently under a Williamson Act contract, which is a conflict pursuant to CEQA. Canceling the Williamson Act contract can be an option pursuant to conditions set forth in Government Code Section 51280 et seq. Nevertheless, the lands are currently under Williamson Act contracts and there is no feasible mitigation measures available to reduce impacts associated with a project's conflict with an existing Williamson Act contract. Therefore, the proposed Specific Plan's conflicts with Williamson Act contracts would be significant and unavoidable.

Level of Significance Without Mitigation: Significant and Unavoidable Impact as no feasible mitigation is available.

Threshold 4.2.3 **Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in 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))?**

The Specific Plan Area does not include any areas that include forest land, timberland or timberland zoned for Timberland Production. The zoning for within the Specific Plan Area is identified as agriculture resource-related. As a result, no impact would occur.

Level of Significance Without Mitigation: No Impact. No mitigation is required.

Threshold 4.2.4 **Would the project result in the loss of forest land or conversion of forest land to non-forest use?**

As described above in response to Threshold 4.2.3, the Specific Plan Area does not contain any forest land, nor would the proposed Specific Plan result in the conversion of forest land to non-forest use. As result, no impact would occur.

Level of Significance Without Mitigation: No Impact. No mitigation is required.

Threshold 4.2.5 **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.**

No changes to the existing environment other than those analyzed resulting from implementation of the proposed Specific Plan would result in the direct conversion of agricultural uses to nonagricultural uses. The Specific Plan Area is being developed as an active urban center, which could create an incompatible urban interface with the adjacent agricultural land to the north, west, and south of the Specific Plan Area. The eastern boundary of the Specific Plan Area is already adjacent to the City's urban boundary. Developing existing agricultural land with high density urban development could induce adjacent landowners to convert agricultural land for urban or suburban uses

for economic reasons or because of nuisance complaints. The Specific Plan Area is expanding into an agriculturally designated area. However, because the Specific Plan Area is adjacent to the existing City boundary, developing it would shift the City boundary westward but would not isolate any existing agricultural lands such that they would prompt the conversion of surrounding agricultural lands to nonagricultural uses. Also, both the County and City implement Right-to-Farm Ordinances to prevent agricultural operations from being the subject of nuisance complaints and being forced to cease or curtail operations. Furthermore, construction of development associated with the proposed Specific Plan would be subject to mitigation measures identified in Section 4.3, Air Quality, which would address potential dust generation on adjacent uses, including agricultural uses. In addition, regulatory requirements identified in Section 4.10, Hydrology and Water Quality, would address construction-related stormwater runoff. With these measures, construction of projects associated with buildout of the proposed Specific Plan would not adversely affect surrounding farmland such that surrounding farmland would be converted to non-agricultural uses.

The objective of the County and City is to conserve, protect and encourage the development, improvement, and continued viability of its agricultural land and industries for the long-term production of food and other agricultural products. In addition, the City's General Plan proposes 10 other urban growth areas that are spread throughout the City of Madera and on the boundary of the City and Madera County. Because the County General Plan includes numerous policies that support agricultural areas and encourages infill development as an alternative to developing agricultural lands, these 10 urban growth zones would be more intensively developed before future development expands into agricultural lands. As such, implementation of the proposed Specific Plan would not influence the conversion of farmland to nonagricultural uses and impacts associated with changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use would be less than significant.

Level of Significance Without Mitigation: Less than Significant. No mitigation is required.

4.2.2.3 Cumulative Impacts

The proposed project would have a significant effect on the environment if it – in combination with other projects – would contribute to a significant cumulative impact related to agriculture and forestry. The cumulative impact area is the County of Madera which contains the lands identified as Important Farmland.

Implementation of the proposed Specific Plan would result in the conversion of agricultural land to non-agricultural and urban uses. As discussed above, the proposed Specific Plan area has been designated for development by the City of Madera General Plan, and the Specific Plan Area has been brought inside of the City's SOI. Based on long-term buildout of the City, other areas in and around the City of Madera would be converted from agricultural uses as development pressures extend to the edges of the city. Although the City has identified several growth areas around the City that would result in the conversion of agricultural uses to non-agricultural uses, including Village A (Madera Acres), Village B (Northwest Madera), and Village E (West Madera), and these areas would encourage infill development occur before agricultural lands develop, the full buildout of the City would include permanent loss of agricultural lands. As a result, a cumulative impact related to the conversion of agricultural land would result in significant and unavoidable impacts.

In addition, the loss of Williamson Act Contract lands in the City's SOI would be considered a significant and unavoidable impact resulting from the proposed Specific Plan. Similar to the loss of other agricultural lands throughout the County, as development moves to the edge of the City, the proposed Specific Plan in combination with other development would result in significant and unavoidable cumulative impacts.

The Specific Plan Area does not include any forestry lands or land that currently serve as timber resources. As a result, implementation of the proposed Specific Plan would result in no impact to forestry resources.

Level of Significance Without Mitigation: Significant and Unavoidable. As discussed in response to Threshold 4.2.1 and Thresholds 4.2.1, there are no feasible mitigation measures available to reduce the potential impacts resulting from the conversion of agricultural land to non-agricultural, urban uses.

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