

3.2 Agricultural Resources

3.2.1 Introduction

This section evaluates the potential effects on agricultural resources associated with development and operation of the Yosemite Avenue – Gardner Avenue to Hatch Road Annexation project (proposed project). Items discussed include the potential loss of protected agricultural resources, productivity of soils, impact of the project on surrounding agricultural areas, and the cumulative impact associated with the loss of agricultural resources. The Initial Study prepared for the project, provided in Appendix B, documents that the project site is not under a Williamson Land Act contract, nor is the project site zoned for agricultural uses; therefore, the Initial Study concluded that the project would not conflict with land zoned for agriculture or with a Williamson Act contract. In addition, the project site does not contain any forest or timberland resources and is not zoned for forest land, timberland, or timberland production. The project would have no impact on these resources and, accordingly, these resources are not further evaluated in this EIR.

As discussed in Chapter 1, Introduction, a Notice of Preparation (NOP) for this Environmental Impact Report (EIR) was initially published in December 2016 based on the original project applications. In 2019, the project applicant submitted revised applications and site plans, increasing the number of residential units from 330 to 540 and increasing the amount of onsite parking. The City issued a revised NOP in May 2020. The Merced County Local Agency Formation Commission (LAFCo) submitted a comment letter in response to the 2016 NOP that raised concerns regarding agricultural resources. The letter identified issues regarding the conversion of Prime Farmland present on the project site and emphasized the need for adequate mitigation measures to compensate for the loss of productive farmland. In addition, the California Department of Conservation (DOC) submitted a comment letter in response to the 2020 NOP noting that the project site is currently in agricultural use and contains Prime and Unique Farmland, recommending use of a conservation easement to mitigate the loss of agricultural resources, and recommending that the EIR consider potential impacts to other agricultural resources and activities in the project vicinity. Both NOPs and all comments received in response to each NOP are provided in Appendix A.

Information referenced to prepare this section includes the *Merced Vision 2030 General Plan* (City of Merced 2012a), *Merced Vision 2030 General Plan EIR* (City of Merced 2012b) DOC Farmland Mapping and Monitoring Program (DOC 2021), Merced County Department of Agriculture 2018 Report on Agriculture (Merced County 2018), and U.S. Department of Agriculture Soil Resource Report (NRCS 1962).

3.2.2 Environmental Setting

History of Agriculture in Merced County

The State of California maintains a 54 billion-dollar agricultural economy, which is more than twice the size of any other state in the United States (CDFA 2017). The San Joaquin Valley, or Central Valley, stretches from Redding in the north to the Tehachapi Mountains in the south and is bounded by the Coast Range to the west and the Sierra Nevada Mountains to the east. The Central Valley is one of the most productive agricultural areas in the world and produces more than half of the fruits, vegetables and nuts grown in the United States (CCLT 2014). The region relies heavily on canals, ditches, and groundwater for irrigation (City of Merced 2012a).

The project site is within the County of Merced, which is within the Central Valley. The County is the fifth largest agricultural producing county in the State of California and produces billions of dollars' worth of agricultural products. The County's top five agricultural commodities, according to the 2018 Merced County Agriculture Report, includes milk, almonds, chickens, cattle and calves, and sweet (County of Merced 2018).

Farmland Classifications

The DOC, under the Division of Land Resource Protection, developed and implements the Farmland Mapping and Monitoring Program (FMMP) as a way to classify various types of farmland. Specifically, the DOC produces maps and statistical data under the FMMP that are used for analyzing impacts to California's agricultural resources. FMMP maps are updated every 2 years with the use of aerial photographs, a computer mapping system, public review, and field reconnaissance. The FMMP rates agricultural land according to soil quality and irrigation status, with the best quality land labeled Prime Farmland. There are eight FMMP categories of agricultural lands, as listed here in order of importance: (1) Prime Farmland, (2) Farmland of Statewide Importance, (3) Unique Farmland, (4) Farmland of Local Importance, (5) Grazing Land, (6) Urban and Built-up Land, (7) Other Land, and (8) Water. Table 3.2-1, Farmland Mapping and Monitoring Program Farmland Designations, provides the definition for each of these eight FMMP agricultural land classifications.

**Table 3.2-1
Farmland Mapping and Monitoring Program Farmland Designations**

FMMP Category	Description
Prime Farmland (P)	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.

**Table 3.2-1
Farmland Mapping and Monitoring Program Farmland Designations**

FMMP Category	Description
Farmland of Statewide Importance (S)	Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to hold and store moisture. Land must have been used for irrigated agricultural production at some time during the 4 years prior to the last FMMP mapping date.
Unique Farmland (U)	Farmland of lesser quality soils used for 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 4 years prior to the mapping date.
Farmland of Local Importance (L)	Land of importance to the local agricultural economy as determined by each county board of supervisors and a local advisory committee. (For Tulare County, this is defined as "lands that produce dry-land grains (barley and wheat); lands that have physical characteristics that would qualify for 'Prime' or 'Statewide Importance' Farmlands except for the lack of irrigation water; and lands that currently supply confined livestock, poultry, and/or aquaculture operations.")
Grazing Land (G)	Land on which the existing vegetation is suited to the grazing of livestock.
Urban and Built-up Land (D)	Land occupied by structures with a building density of at least 1 unit per 1.5 acres, or approximately 6 structures per 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 (X)	Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, 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 non-agricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.
Water	Perennial water bodies with an extent of at least 40 acres.

Source: DOC 2019a

The project site contains approximately 26.3 acres of land designated as Prime Farmland, and 2.1 acres of Unique Farmland within The Crossings development area, which is located in the western portion of the project site. Additionally, there are approximately 7.9 acres of Farmland of Local Importance, 9.4 acres of Rural Residential Land, 7.7 acres of Semi-Agricultural and Rural Commercial Land, and 15.2 acres of Urban and Built Up Land within the approximately 40.2-acre Remainder Area (DOC 2021). Figure 3.2-1 shows the location of farmland resources on the project site. The Agricultural Element of the Merced County General Plan recognizes that

agriculture is the “prominent economic segment in the County and accounts for more than 90 percent of all land area” and identifies the key factors supporting agricultural activity within the County as including “rich soils, accessible irrigation water, favorable climate, a large labor force, and reliable access to local, national, and global markets” (Merced County 2013a). Further, the County’s General Plan EIR identifies that in 2010 the County contained 271,100 acres of Prime Farmland, 109,030 acres of Unique Farmland, and 65,057 acres of Farmland of Local Importance (Merced County 2013b).

The California Land Conservation Act of 1965, known as the Williamson Act, allows for local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. The Williamson Act aims to preserve open space and agricultural land from unnecessary development pressures. See section 3.2.3 for further discussion. The County of Merced maintains Williamson Act contracts as part of the State of California Williamson Act agricultural land preservation program. Within the City of Merced’s SOI, there are 71 acres of land subject to a Williamson Act contract. The project site is not located within or adjacent to land subject to a Williamson Act contract (City of Merced 2012b).

Soil Classifications

There are several methods of classifying soil quality for agricultural uses. One method involves a soil capability rating provided by the Natural Resources Conservation Service (NRCS). Capability ratings indicate, in a general way, the suitability of soils for most kinds of field crops. The broadest capability groups are designated by Roman numerals I through VIII. The majority of soil contained within the project site is likely Class I, II, III and IV, based on a NRCS Soil Survey completed in 1962.¹ Prime Farmland usually consists of Class I and II soils. Class I soils have slight limitations that restrict their use; Class II soils have moderate limitations that restrict the choice of plants or that require moderate conservation practices; Class III soils have severe limitations that reduce the choice of plants or require special conservation practices, or both; and, Class IV soils have very severe limitations that restrict the choice of plants or require very careful management, or both (NRCS 1962).

Another method of evaluating soil quality for agricultural uses is the “Storie Index.” This index numerically expresses the relative degree of suitability of a soil for general intensive agriculture, as it exists at the time of evaluation. The rating is based on soil characteristics only and is obtained by evaluating such factors as soil depth, surface texture, subsoil characteristics, drainage, presence of salts and alkali, and topography. Storie Index ratings have been combined into six grades as follows: Grade 1 (Excellent) – 80 and 100; Grade 2 (Good) – 60 and 79; Grade 3 (Fair)

¹ This was the most recent data available from the NRCS. Due to the fact that the project site is still designated as Prime Farmland, Unique Farmland, and Farmland of Local Importance, one can infer that the integrity of the soils has remained relatively consistent since this determination in 1962.

– 40 and 59; Grade 4 (Poor) – 20 and 39; Grade 5 (Very Poor) – 10 and 19; and Grade 6 (Non-agricultural) – Under 10. Based on a rough estimation from general descriptions in the NRCS Soil Survey, soils on the project site likely range from 51 to 85 or Grade 3 to Grade 1 (NRCS 1997). The project site has good suitability of soil based on the Storie Index rating as well as a wide range of capability ratings that may or may not severely limit the growth of certain crops.

Existing Agricultural Operations within the Project Site and Remainder Area

The project site, including both The Crossings component and the Remainder Area, have been utilized for agricultural purposes. Currently, The Crossings component of the project site is used for agriculture with the exception of an approximately 3-acre portion that is developed with a residence, barn and associated outbuildings. The Remainder area contains single-family residential development, a church and ancillary buildings, as well as active agricultural uses.

3.2.3 Regulatory Setting

Federal Regulations

Farmland Protection Policy Act

The federal Farmland Protection Policy Act is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to non-agricultural uses. It assures that federal programs are administered in a manner that is compatible with state and local units of government and private programs and policies to protect farmland.

The NRCS, responsible for implementation of the Farmland Protection Policy Act, categorizes farmland in a number of ways. These categories include: Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. Prime Farmland is considered to have the best possible features to sustain long-term productivity. Farmland of Statewide Importance includes farmland similar to Prime Farmland, but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Unique Farmland is characterized by inferior soils and generally needs irrigation depending on climate. The Land Evaluation and Site Assessment is a numeric rating system used by the NRCS to evaluate the relative agricultural importance of farmlands.

State Regulations

Department of Conservation

The DOC FMMP classifies and maps land within the state as Prime Farmland, Farmland of Statewide Importance, Unique Farmland (collectively referred to as Important Farmland), Farmland of Local Importance, Grazing Land, Urban and Built-Up Land, and Other Land. “Prime Farmland” is the most prized farmland as it contains the best combination of soil characteristics.

Important Farmland is defined as either the presence of prime agricultural soils, presence of soils of statewide agricultural importance or active agricultural lands. The FMMP is used to provide information regarding Important Farmland conversion to decision makers for use in planning the present and future use of California's agricultural land resources.

Williamson Act

The California Land Conservation Act of 1965, known as the Williamson Act, allows for local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use to promote the continued use of the land in agricultural or related open space use. In return, landowners receive decreased property tax assessments, because they are based upon farming and open space uses rather than full market value. Local governments receive an annual subvention (subsidy) of forgone property tax revenues from the State via the Open Space Subvention Act of 1971.

The goal of the Act is the voluntary conservation and continuing production of agricultural land to preserve open space and agricultural land from unnecessary development pressures (DOC 2019b). The County of Merced maintains Williamson Act contracts as part of the State of California Williamson Act agricultural land preservation program. As noted above, no land within the project site is subject to a Williamson Act contract (City of Merced 2012b).

Cortese-Knox-Hertzberg Act

Government Code Section 56064 defines "Prime Agricultural Land" as an area of land, whether a single parcel or continuous 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.

Local Regulations

Merced Vision 2030 General Plan

The Merced Vision 2030 General Plan Urban Expansion Chapter (2012) designates the project site for future residential development. The following policies regarding agriculture preservation are applicable to the project.

Policy UE-1.1 Designate areas for new urban development that recognize the physical characteristics and environmental constraints of the planning area.

Implementing Actions:

- 1.1.a: Direct development away from significant concentrations of “Prime” agricultural soils and give priority to the conversion of non-prime agricultural land if reasonable alternatives exist.
- 1.1.e: Explore techniques to preserve areas of significant agricultural soils, aircraft noise and safety zones, buffers between cities, scenic areas, flood plains, endangered species habitats, etc. from incompatible urban development.

Policy UE-1.5 Promote annexation of developed areas within the City’s Specific Urban Development Plan (SUDP)/Sphere of Influence (SOI) during the planning period.

Policy OS-2.1 Protect agricultural areas outside the City’s SUDP/SOI from urban impacts.

Policy OS-5.2 Protect soil resources from the erosive forces of wind and water.

Implementing Actions:

- 2.1.c: Minimize conflict between agricultural and urban uses by requiring buffers, such as landscape areas, roadways, or creeks, to separate these uses.

Merced County 2030 General Plan

The 2030 Merced County General Plan, Agricultural Element includes policies designed to protect agricultural resources (Merced County 2013a). Relevant policies are listed below.

Policy AG-2.1 Protect agriculturally-designated areas and direct urban growth away from productive agricultural lands into cities, Urban Communities, and New Towns.

Policy AG-2.2 Protect productive agricultural areas from conversion to non-agricultural residential uses by establishing and implementing an agricultural mitigation program that matches acres converted with farmland acres of similar quality to those converted preserved at a 1:1 ratio. Coordinate with the six cities in Merced County and the Merced Local Agency Formation Commission (LAFCo), consistent with LAFCo's statutory mission to preserve agricultural land and open space, to establish consistent standards and mitigation for the loss of farmland. In addition, the Land Evaluation and Site Assessment Model (LESA model) may be used to determine whether the conservation land is of equal or greater value than the land being converted.

Policy AG-2.3 Formalize County-City agreements emphasizing concentration of new development in cities that include agricultural mitigation and avoidance of productive agricultural land conversion.

Policy AG-3.2 In consultation with the MCAC, require buffers between proposed non-agricultural uses and adjacent productive agricultural operations to protect farms, dairies, and agricultural-related production facilities from conflicts with non-agricultural uses, specifically rural residences and urban area residential development.

Policy AG-3.3 In consultation with the MCAC, establish agricultural buffer standards based on the type of agricultural operation, and historic cropping and pesticide application patterns, to be applied to rural residences and urban area residential development proposals adjacent to productive agricultural land and agricultural-related facilities.

Policy AG-3.4 Require a minimum 200-foot buffer between new residential development within designated urban areas and existing agricultural operations, and establish design/maintenance guidelines for developers and property owners.

3.2.4 Impacts

Methods of Analysis

The City's 2030 General Plan, General Plan Final EIR, and DOC FMMP were all reviewed to establish the existing land use designations, zoning, and farmland status and to determine potential impacts to agricultural lands.

Issues Addressed in the Initial Study

The project site is not under a Williamson Land Act contract, nor is the project site zoned for agricultural uses; therefore, the project would not conflict with land zoned for agriculture or with a Williamson Act contract. In addition, the project site does not contain any forest or timberland resources and is not zoned for forest land, timberland, or timberland production. Therefore, these issues are not further evaluated.

Thresholds of Significance

Consistent with Appendix G of the CEQA Guidelines, the City's General Plan, and professional judgment, a significant impact would occur if development of the proposed project would do any of the following:

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

Impacts and Mitigation Measures

Impact 3.2-1: Implementation of the proposed project may result in the significant conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. This would be a potentially significant impact.

The Crossings

The Crossings component of the project proposes to develop a mix of commercial and residential on approximately 28.4 acres of the project site. The project proposes the construction of 540 apartments, a clubhouse, and approximately 60,000 square feet of commercial space. The Crossings portion of the project site includes land designated as Prime Farmland (± 26.3 acres) and Unique Farmland (± 2.1 acres) by the State's FMMP (DOC 2021), as shown on Figure 3.2-1 and Table 3.2-2.

**Table 3.2-2
The Crossings Farmland**

FMMP Designation	Acres
Prime Farmland	26.3
Unique Farmland	2.1
Total	28.4

Source: DOC 2021

Currently, The Crossings portion of the project site is used for agriculture with the exception of an approximately 3-acre portion that is developed with a residence, barn and associated outbuildings. The majority of the site, including the 3 acres that are developed, is designated as Prime Farmland. The southwestern corner of The Crossings area is designated Unique Farmland.

The Crossings portion of the project site is currently designated Rural Residential Center in Merced County's 2030 General Plan and Rural Residential in the City's General Plan (City of Merced 2012a; County of Merced 2013a). City General Plan Policy OS-2.1 requires agricultural areas outside the City's SUDP/SOI be protected from urban impacts, but the City's General Plan does not include any specific policies that protect agricultural resources. The County's 2030 General Plan encourages development adjacent to existing urban areas as opposed to rural or agricultural areas. The project site is located within the City's SOI and adjacent to the City's current boundary and is proposed to be annexed into the city. Land on the south and west sides of The Crossings portion of the project site are designated Urban and Built Up land under the FMMP while land north of the project site is designated Prime Farmland.

Because the proposed project is located within the City's SUDP/SOI boundaries, the loss of agricultural land was previously analyzed as part of the City's Merced Vision 2030 General Plan EIR. The City has designated lands within the SUDP/SOI for urban development, further indicating its long-range plan for development (City of Merced 2012a). By converting Prime Farmland and Unique Farmland to urban uses, the project would result in a direct and project-specific impact due to the loss of 26.3 acres of Prime Farmland and 2.1 acres of Unique Farmland. This is considered a **significant impact**. Implementation of Mitigation Measure 3.2a is required to reduce the significance of this impact. The measure requires that a conservation easement be established over the same amount of Prime Farmland and Unique Farmland that the project would affect. This conservation easement would ensure that agricultural land elsewhere in the County is protected from future development, and therefore retained for agricultural or open space use. This would offset the impacts of the project by protecting agricultural resources commensurate with the resources that would be lost due to the project.

Remainder Area

The Remainder Area of the project site includes land designated as Farmland of Local Importance (± 7.64 acres), Rural Residential Land (± 9.28 acres), Semi-Agricultural and Rural Commercial Land (7.23 acres) and Urban and Built Up Land (± 16.04 acres) by the State's FMMP (DOC 2021), as shown on Figure 3.2-1 and Table 3.2-3.

**Table 3.2-3
Remainder Area Farmland**

FMMP Designation	Acres
Farmland of Local Importance	7.64
Rural Residential Land	9.28
Semi-Agricultural and Rural Commercial Land	7.23
Urban and Built Up Land	16.04
Total	40.2

Source: DOC 2021

Under the proposed project, no development would occur within the approximately 40.2-acre Remainder Area. The existing uses and activities would not change as part of this project. However, the Remainder Area would undergo a rezone to Urban Transition (U-T) in the northwestern portion of the area and R-1-10, which allows single-family development with a minimum lot size of 10,000 square feet, in the eastern two-thirds of the Remainder Area. The U-T zone district allows for continued use of the site under the existing land uses and for development of new agricultural uses but precludes any additional non-agricultural development. The R-1-10 zone district would allow for development of residential uses on the site; thus the proposed rezoning would make development within the eastern portion of the Remainder Area more likely in the future. However, none of the land within the Remainder Area is designated as Prime Farmland or Unique Farmland, thus conversion of the land to non-agricultural uses would result in a **less than significant** impact and no mitigation is required.

Mitigation Measures

The following mitigation measure would be implemented to provide compensation for impacts associated with the conversion of Prime Farmland and Unique Farmland. Implementation of this mitigation measure would reduce this impact to **less-than-significant**.

The Crossings

3.2a Prior to issuance of a grading permit, the Applicant shall provide a permanent conservation easement over 28.4 acres of land designated under the California Department of Conservation Farmland Mapping and Monitoring Program as Prime Farmland (26.3 acres) and Unique Farmland (2.1 acres) to ensure that Prime Farmland and Unique Farmland is retained at a 1:1 ratio consistent with the County's past productive farmland conservation mitigation practice. The easement shall be recorded by the project Applicant, or equivalent mitigation may be provided by the Applicant through payment to a qualified third party land trust with 501(b)(3) status, subject to review and approval of the City of Merced Planning and Community Development Department.

Remainder Area

No mitigation is required for the Remainder Area.

Impact 3.2-2: Implementation of the proposed project would not result in other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. This would be a less-than-significant impact.

The Crossings/Remainder Area

As discussed under Impact 3.2-1, development of The Crossings portion of the project would result in conversion of ± 26.3 acres of land designated as Prime Farmland and ± 2.1 acres of Unique Farmland to non-agricultural uses and future development of the Remainder Area portion of the site would result in conversion of ± 7.64 acres designated as Farmland of Local Importance (DOC 2021).

Land used for agricultural production borders the project site directly to the north. The land north of both The Crossings portion of the project site and the Remainder Area is designated Prime Farmland by the FMMP and the land north of the Prime Farmland is designated Farmland of Local Importance (D)C 2021). The land immediately north of the project site is also included in the City's SUDP/SOI and is designated as Agricultural Residential (A-R) and zoned as Rural Residential (R-R), the same as the project site.

All other land adjacent to the project site is designated Urban and Built Up land. To the south and west of the project site, development in the City includes established residential neighborhoods, while more rural residential development characterizes the land uses to the east of the project site, as shown on Figure 2-2.

Development of The Crossings component of the project is consistent with adjacent existing urban uses to the south and west. The Crossings component would connect to City utilities including storm drainage, water, sewer, electrical, and natural gas located within or along adjacent roadways. The project would connect to the City's infrastructure but would not extend any utilities beyond the project site. Within the right-of-way of East Yosemite Avenue, the project may include addition of a second parallel sewer line or upsizing of the existing sewer line between the project site and the sewer main located west of the site. This would not extend any new utility services to agricultural land outside of the project boundaries.

The existing agricultural land north and east of the project site is also within the City's SUDP/SOI and thus is anticipated to be converted to urban uses in the future, subject to being annexed into the City. Such development would be required to comply with the City of Merced's urban expansion policies that provide direction as to how the City should analyze annexations.

Policy UE-1.1 directs the City to designate areas for new urban development that recognize the physical characteristics and environmental constraints of the planning area. The Implementing Actions associated with this policy pertaining to agricultural preservation include

- Implementing Action 1.1.a: This Implementing Action states that the City should direct development away from significant concentrations of "Prime" agricultural soils and give priority to the conversion of non-prime agricultural land if reasonable alternatives exist. This Implementing Action would serve to direct urban expansion away from significant concentrations of "prime" soils and where agricultural use can still be realistically and economically sustained. However, this Implementing Action also recognizes that it is not possible to avoid all "prime" soils. This Implementing Action is intended to promote growth that occurs compact form within the City's growth area will decrease the pressure to develop outside urban areas where more prime soils and intensive agricultural operations now exist.
- Implementing Action 1.1.b: This Implementation Action states that the City should limit development and development related impacts on agricultural lands along the City's urban fringe.
- Implementing Action 1.1.d: This Implementation Action states that the City should work with Merced County to establish policies to protect prime agricultural area around the SUDP/SOI, including the areas north of Highway 140, from future development. This process is intended to limit the expansion if the existing Rural Residential Centers and SUDP's into prime agricultural areas around the SUDP/SOI.

Policy UE-1.2 directs the City to foster compact and efficient development patterns to maintain a compact urban form. Implementing Actions associated with this policy pertaining to agricultural preservation include:

- Implementing Action 1.2.b: This Implementation Action states that the City should work with Merced County to ensure that existing unincorporated Rural Residential Centers in the Merced area are not expanded, and no new Rural Residential Centers are established.

Policy UE-1.3 directs the City to control the annexation, timing, density, and location of new land uses within the City's urban expansion boundaries. Implementing Actions associated with this policy pertaining to agricultural preservation include:

- Implementing Action 1.3.a: This Implementation Action states that the City should continue to require that all new urban development and annexations be contiguous to existing urban areas and have reasonable access to public services and facilities. This policy would prevent the conversion of agricultural lands that are not adjacent to the City boundary.
- Implementing Action 1.3.c: This Implementation Action states that the City should encourage phasing of new development, which would prevent premature conversion of agricultural land.
- Implementing Action 1.3.g: This Implementation Action provides a number of conditions annexation requests should consider, such as whether the annexation would result in the premature conversion of prime agricultural, and if so, assess whether there are alternative locations where this development could take place without converting prime soils.

These Policies and Implementing Actions serve to achieve the City's Urban Expansion Goals of providing and compact urban form, preserving agriculturally significant areas, and providing efficient urban expansion (City of Merced 2012a).

In addition, the Open Space, Conservation and Recreation Chapter of the General Plan contains Goal OS-2, which aims to protect regional agricultural resources. This goal is achieved through Policy OS-2.3, which states that the City should protect agricultural areas outside the City's SUDP/SOI from urban impacts. Implementing Actions associated with this policy pertaining to agriculture preservation and minimizing land use conflicts between residential development and agricultural operations include:

- Implementing Action 2.1.b: This Implementing Action states that the City should establish policies and programs which minimize conflicts between urban and agricultural uses. This Implementing Action suggests that the City should adopt a "right-to-farm" ordinance to inform residents of continued agricultural production and the lawful use of agricultural

chemicals, including pesticides and fertilizers, in proximity to urban areas, and to assert that no pre-existing or future agricultural operation would be considered a nuisance solely due to a change in adjacent land use or adjoining residential development.

- Implementing Action 2.1.c: This Implementing Action states that the City should minimize conflict between agricultural and urban uses by requiring buffers, such as landscape areas, roadways, or creeks, to separate these uses.

Specifically pertaining to these Implementing Actions from the Open Space, Conservation and Recreation Chapter of the General Plan, the project would introduce a residential land use adjacent to agricultural operations, which in turn could result in the residents of the project site being exposed to odors and/or chemical/fertilizer drift (City of Merced 2012a). The project has been designed to provide setbacks from the site boundaries through the inclusion of parking areas and internal driveways, which, as stated in Implementing Action 2.1.c, would be considered a buffer (i.e. roadway).

Merced County Ordinance 1213 is the county's right-to-farm ordinance, and the County's Zoning Code, Chapter 18.10.040, provides for specific agricultural setback requirements for residential uses. Because the project proposes annexation of the project site to the City, the project is not subject to either of these ordinances. However, they are discussed here because the project site is adjacent to existing agricultural use in the County.

Ordinance 1213 requires notification to residents of new residential development within 1,000-feet of an agricultural zone advising of the potential inconveniences created by agricultural operations but that these inconveniences are acceptable customs and standards of agricultural operations in the vicinity of the property. The property immediately north of the project site is designated by the County General Plan as Agricultural Residential. This land use designation allows single-family dwellings on large lots in a semi-rural environment and is typically applied to Rural Centers or at the edge of urban areas. The County General Plan notes that "this designation is often used as a buffer between urban and rural land uses." County General Plan Policy AG-3.8 required the County to "Update the County Code to rename the Agricultural Residential (AR) zone to Rural Residential to remove the implication that agriculture is the primary and desired use." This update has been completed, and the property is now zoned by the County as Rural Residential. The adjacent property to the north of the project site is also within the City SUDP/SOI and designated by the City General Plan as Rural Residential. Thus, neither the County nor City General Plan identify this adjacent property as a primarily agricultural area, and the requirements of Ordinance 1213 are not applicable to this property.

Chapter 18.10.040 of the County's Zoning Ordinance requires that new residential dwellings and/or other habitable structures be setback so as to provide a physical separation of 200 feet

between the habitable structure and any abutting parcels used for agricultural production. The agricultural setback may include roads, parking, trails, creeks, canals, and landscape features (County of Merced 2020).

The Merced County General Plan EIR (Merced County 2013b) found that “Zoning is the County’s principal regulatory mechanism for protecting farmland, primarily through the designation of minimum parcel sizes and allowable uses in particular zones.” Although the property to the north of the project site currently supports agricultural production, the property is not zoned as agricultural land. Further, this property is included in the City’s SUDP/SOI and therefore is planned for future development and is not anticipated to remain in agricultural production in perpetuity.

Additionally, the Merced County General Plan EIR found that placement of urban uses “next to or in close proximity to intensely cultivated farmland” and “creation of relatively small numbers of individual residences on large lots scattered throughout the countryside” can lead to land use conflicts that reduce opportunities for agricultural activities (Merced County 2013b). Because the proposed project would develop medium density multi-family residential uses in a compact and concentrated land use pattern, rather than scattered or dispersed development, the project would contribute to the County’s goals for supporting agricultural activities by reducing the extent to which residential development may encroach into agricultural areas.

Through the continued implementation of the City’s General Plan policies pertaining to agricultural land preservation and minimization of agricultural-residential adjacency land use conflicts, the project would not contribute to or result in the conversion of adjacent agricultural land to non-agricultural uses outside of the project site. Thus, the project would have a **less-than-significant** impact on further conversion of Farmland to non-agricultural uses.

Mitigation Measures

No mitigation measures are required.

3.2.5 Cumulative Impacts

The effects of the proposed project, when considered with other projects in the region, could result in a cumulative impact to the loss of farmland resources. The geographic range for this analysis of potential cumulative impacts to agricultural resources is defined as the boundaries of Merced County.

Impact 3.2-3: The proposed project could contribute to cumulative loss in agricultural resources. This would be a significant and unavoidable impact.

Cumulative loss of agricultural land is a great concern in the State of California, especially within the Central Valley. As noted in the Merced County General Plan EIR, over 90 percent of the land within the County is considered to be agricultural land (County of Merced 2013b). The DOC releases detailed biennial reports of all land type conversions in acres, including those specifically within the County. From 1992 to 2014², the county had a net gain of 9,983 acres of urban/built-up space and a net loss of 1,058 acres of agricultural land. By agricultural land type, there was a net loss of 12,853 acres of Prime Farmland, a net loss of 4,929 acres of Farmland of Statewide Importance, a net increase of 17,997 acres of Unique Farmland, and a net loss of 4,179 acres of Farmland of Local Importance (DOC 1996). Based on the detailed Land Use Conversion publications, the majority of these changes stem from alterations in Farmland Classifications, including conversions from grazing land to agricultural land and changes to farmland determinations. Furthermore, the trend in data shows a greater conservation of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland in more recent years, signifying a concerted effort to maintain and conserve existing agricultural lands.

The City of Merced Vision 2030 General Plan EIR addressed the cumulative conversion of agricultural lands within the City's SUDP/SOI, which includes the project site, and determined that the impact would be significant and unavoidable. Specifically, the City's General Plan EIR found that implementation of the General Plan could result in conversion of approximately 8,750 acres of undeveloped land to developed urban land within the proposed SUDP/SOI and outside the City limits of Merced, of which 1,898 acres are Prime Farmland (City of Merced 2012b).

The City's General Plan EIR found that the Merced Vision 2030 General Plan includes Policies and Implementing Actions to ensure that the existing farmland within and surrounding the SUDP/SOI are not developed before they are needed; give priority to the conversion of non-prime agricultural land if reasonable alternatives exist; and encourage infill development and a compact urban form to reduce conversion of agricultural land. The City's General Plan EIR identified Mitigation Measure #3.2-1 to reduce conversion of agricultural land to non-agricultural uses by:

- encouraging property owners outside the City limits but within the SUDP/SOI to maintain their land in agricultural production until the land is converted to urban uses;

² This does not include the 2006-2008 report, formatting for this two year period was incompatible with the rest of the biennial reports; the "total area inventoried" varied from 1,261,927 acres in 1994 to 1,265,634 acres in 2014.

- working cooperatively with land trusts and other non-profit organizations to preserve agricultural land in the region, such as through conservation easements; and
- Promoting infill development and sequential and contiguous development over fringe and leap-frog development.

The City's General Plan EIR found that there were no additional feasible mitigation measures available to reduce or avoid the cumulative impact. Thus, despite adoption of policies and implementing actions to reduce conversion of agricultural land, the General Plan EIR concluded that conversion of Prime Farmland would be a significant and unavoidable impact from implementation of the General Plan. The City adopted a Statement of Overriding Considerations to address this impact, finding that the benefits of allowing development to occur in the SUDP/SOI outweighed the adverse effects due to loss of Prime Farmland, Unique Farmland, and Farmland of Local Importance within the City (City of Merced 2012c). The City determined that allowing land to be used for urban uses to accommodate housing growth consistent with local and regional projections was an important consideration.

Similarly, the Merced County General Plan EIR found that although the County's General Plan would direct future growth to designated communities within the unincorporated county and limit new development in unincorporated rural areas outside of urban area boundaries, the anticipated development under the General Plan could convert up to 10,316 acres of important farmland, including approximately 1,695 acres of prime farmland, to non-agricultural uses. The County's General Plan EIR noted that this could result in conversion of "important farmlands scattered among parcels within existing unincorporated rural communities, including Rural Centers and Highway Interchange Centers that have not yet been built out," such as the UC Merced University Community (Merced County 2013b).

The County's General Plan EIR found that several of the goals and policies in the General Plan would reduce the degree to which non-agricultural uses encroach upon agricultural lands. In particular, the General Plan would support a balanced land use pattern for agricultural and non-agricultural land uses, direct urban growth towards existing and suitably located new communities, support compact development patterns, and encourage urban growth to occur where public facilities and services are available rather than on productive agricultural lands, thereby preserving important farmland. The County's General Plan EIR also found that "agricultural parcels located near existing urban uses, specifically suburban areas, may have limited long-term viability for active agricultural activities due to urban edge conflicts" including nuisance complaints; and that "because many agricultural parcels have grown smaller through subdivision, small agricultural parcels may no longer be viable to pursue future agricultural operations. As a result, keeping agricultural land use designations on these scattered parcels, particularly if they are situated near urban uses, would not ensure ongoing agricultural use." The

County's General Plan EIR identified several mitigation measures to address conversion of agricultural land through modifications and revisions to General Plan policies. The EIR found that those policy revisions would promote preservation of agricultural lands but "would not prevent the overall net loss of important farmlands within the county associated with future urban and rural development within agricultural areas" and that there were no additional feasible mitigation measures available to reduce the net loss of farmland. Thus, the County's General Plan EIR concluded that implementation of the General Plan would lead to a significant and unavoidable cumulative impact due to loss of agricultural resources and conversion of agricultural land to non-agricultural uses (Merced County 2013b).

The project would result in a cumulatively considerable contribution to the significant cumulative impact identified in both the City and County General Plan EIRs by resulting in the loss of 26.3 acres of Prime Farmland and 2.1 acres of Unique Farmland. This is considered a **significant** impact.

Mitigation Measures

The project would be required to implement Mitigation Measure 3.2a (above), which would offset the project's direct impact to agricultural resources. However, establishing a conservation easement over existing agricultural land does not create new agricultural land and thus does not offset or compensate for cumulative losses of agricultural land, and there are no feasible mitigation measures to offset or compensate for these cumulative losses. Thus, the project's contribution to this cumulative impact is a **significant and unavoidable** impact.

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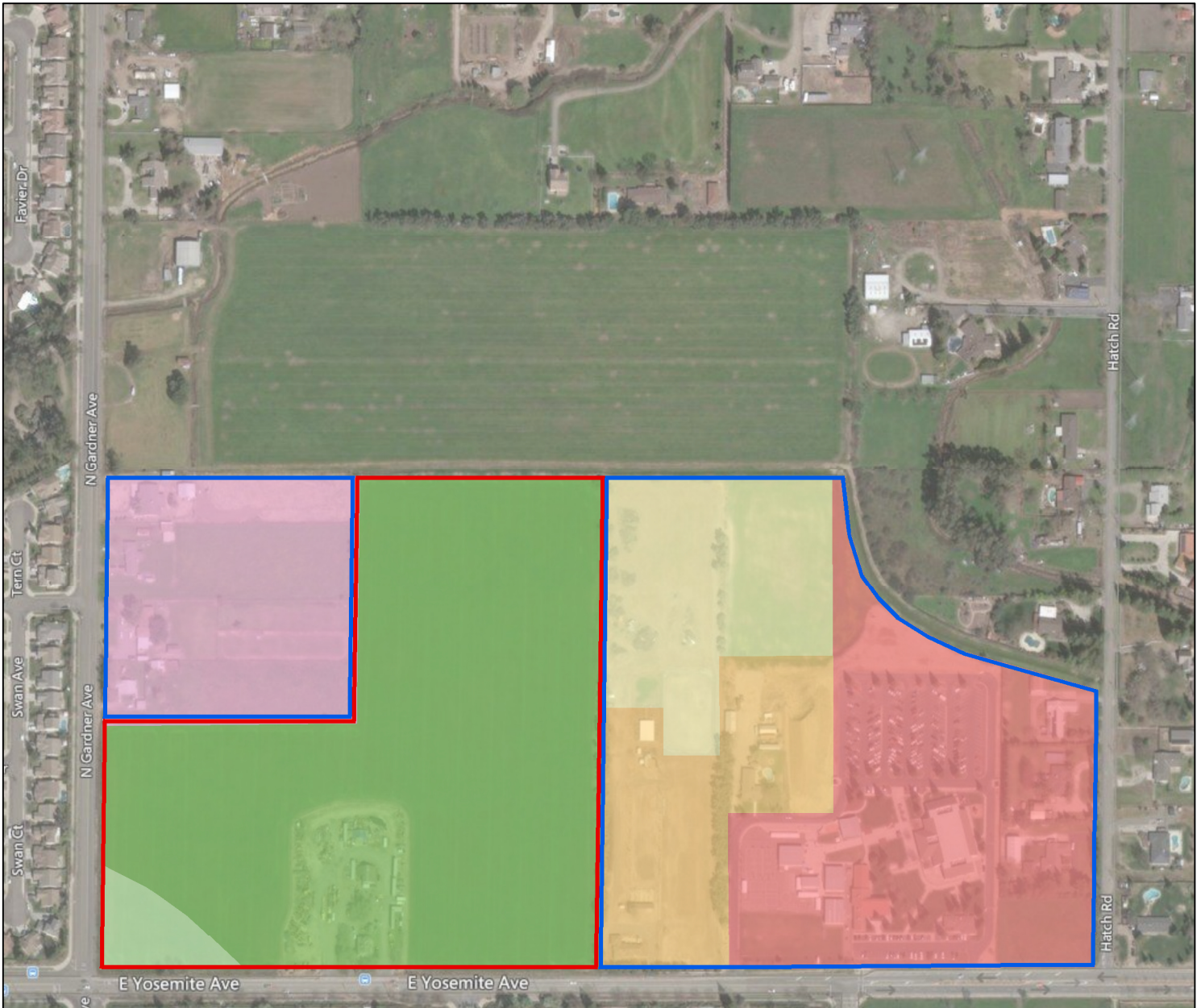
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 "The Crossings" Mixed Use Development Area

 40-acre Remainder Area (Annexation)

FMMP Designation (Map)

-  Prime Farmland
-  Unique Farmland
-  Farmland of Local Importance
-  Rural Residential Land
-  Semi-Agricultural and Rural Commercial Land
-  Urban and Built-Up Land



SOURCE: Bing Maps 2019, CA Department of Conservation 2016



Yosemite Avenue - Gardner Avenue to Hatch Road Annexation Project

FIGURE 3.2-1
FMMP Designations

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