

## 4.2 AGRICULTURE AND FORESTRY RESOURCES

This section evaluates the project’s potential to impact agricultural resources within and adjacent to the project area. Potential impacts that are discussed include conversion of Prime Farmland to non-agricultural uses via direct conversion or other indirect impacts. The project site does not contain forestry resources; therefore, no further discussion of that issue is necessary.

### 4.2.1 Existing Conditions

#### 4.2.1.1 Regional Setting

##### 4.2.1.1.1 FARMLAND CONVERSION

Based on the California Department of Conservation (CDOC) *California Farmland Conversion Report 2014-2016*, irrigated farmland in California decreased by 11,165 net acres between 2014 and 2016. The highest-quality farmland, known as Prime Farmland, decreased by 18,312 net acres, coupled with a Farmland of Statewide Importance decrease of 26,557 net acres. Partially offsetting these losses was the addition of 33,704 net acres of irrigated crops on lesser-quality soils, mapped as Unique Farmland (CDOC 2019a).

In San Luis Obispo County, there was an upward trend of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland between 2014 and 2016; however, there was a decrease in Farmland of Local Importance and Grazing Land (CDOC 2019a). Table 4.2-1 below shows the county’s change in farmland between 2014 and 2016. More recent Farmland Conversion Reports are not yet available.

**Table 4.2-1. Change by Land Use Category in San Luis Obispo County**

Land Use Category	Total Acreage Inventoried		2014–2016 Acreage Changes			
	2014	2016	Acres Lost (-)	Acres Gained (+)	Total Acreage Changed	Net Acreage Changed
Prime Farmland	40,988	41,188	951	1,151	2,102	200
Farmland of Statewide Importance	21,909	22,697	494	1,282	1,776	788
Unique Farmland	43,225	45,175	706	2,656	3,362	1,950
Farmland of Local Importance	289,307	288,127	4,467	3,287	7,754	-1,180
<i>Important Farmland Subtotal</i>	<i>395,429</i>	<i>397,187</i>	<i>6,618</i>	<i>8,376</i>	<i>14,994</i>	<i>1,758</i>
Grazing Land	1,189,776	1,189,168	3,782	3,174	6,956	-608
<i>Agricultural Land Subtotal</i>	<i>1,585,205</i>	<i>1,586,355</i>	<i>10,400</i>	<i>11,550</i>	<i>21,950</i>	<i>1,150</i>
Urban and Built-up Land	49,509	50,162	24	677	701	653
Other Land	244,102	242,299	1,986	183	2,169	-1,803
Water Area	8,778	8,778	0	0	0	0
<b>Total Area Inventoried</b>	<b>1,887,594</b>	<b>1,887,594</b>	<b>12,410</b>	<b>12,410</b>	<b>24,820</b>	<b>0</b>

Source: CDOC (2019a)

Agriculture has historically been, and still is, the most widespread land use within the County's South County Planning Area (South County). South County supports 48,969 acres of agricultural land, which is approximately 63.5% of the areas land use. According to the South County Area Plan, the Agriculture (AG) land use designation is assigned to land that has existing or potential production capability (County of San Luis Obispo 2014). Within the Nipomo area, many of the lands to the east of US 101 have committed to agricultural preserve contracts (County of San Luis Obispo 2014).

#### 4.2.1.1.2 NATURAL RESOURCES CONSERVATION SERVICE CAPABILITY CLASSES

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) has completed detailed soil surveys for the northern and coastal portions of San Luis Obispo County. The NRCS has also completed a soil survey of the Cuyama Valley, which is included in the Santa Barbara County survey. Each NRCS soil survey report contains a general soil map that depicts a range of soil units that support a distinct pattern of soils and a relief and drainage that represent a unique natural landscape. In addition, the NRCS identifies eight soil capability classes, which are described below (NRCS 2014):

- **Class I.** These soils have few limitations that restrict their use and are typically used for vegetables, seed crops, orchards, and other irrigated specialty crops and irrigated field crops.
- **Class II.** These soils have minor to moderate limitation that reduce the choice of plants or that require moderate conservation practices. Uses are very similar to those found on Class I soils.
- **Class III and IV.** These soils have moderate to severe limitations that reduce the choice of plants, or that require special conservation practices, or both. In some situations, the Class III soils may be used for some of the crop types that are typically found on Class I and II soils, but are more typically used for specialty crops, forage lands, mixed croplands, and dryland field crops. Irrigated Class IV soils are commonly used for vineyards.
- **Class V.** These soils are not likely to erode but have other limitations, impractical to remove, that limit their use.
- **Class VI.** These soils have severe limitations that make them generally unsuitable for cultivation, and they have commonly been used for rangeland and dryland grain production.
- **Class VII.** These soils have very severe limitations that make them unsuitable for cultivation, and these lands are primarily used as rangelands for grazing.
- **Class VIII.** These soils and landforms have limitations that nearly preclude their use for commercial crop production; however, some grazing occurs on these lands.

#### 4.2.1.1.3 FARMLAND MAPPING AND MONITORING PROGRAM

The CDOC Division of Land Resource Protection (DLRP) developed the Farmland Mapping and Monitoring Program (FMMP) to identify farmland designations throughout that state to assist in analyzing potential impacts to agricultural land. Land designations include the following categories: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, Urban and Built-up Land, and Other Land. The following technical definitions are defined by the FMMP for the identified land use designations (CDOC 2019b):

- **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 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.** Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- **Grazing Land.** Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- **Urban and Build-up Land.** Land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, 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 or borrow pits; and waterbodies 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.

#### 4.2.1.1.4 COUNTY OF SAN LUIS OBISPO GENERAL PLAN

##### Agriculture Element

According to the *County of San Luis Obispo General Plan Agriculture Element*, the different types of agricultural lands in the county include the following (County of San Luis Obispo 2010a):

- **Row Crops Terrain and Soils.** These areas support farming operations that involve labor-intensive use of equipment and chemicals and much vehicle traffic. They are often close to populated areas because these lands have historically been the easiest to develop. These lands are characterized by various types of vegetables, seed crops, orchards, and other specialty crops. The topography in these areas typically consists of nearly level valley bottom lands. Soils typically include Classes I and II, and occasionally Class III.
- **Specialty Crops and Forage Lands.** These lands are characterized by irrigated orchards and vineyards such as wine grapes, avocados, citrus, and apples. Irrigated uses (i.e., alfalfa and pasture) may also be found in these areas. Typical topography includes gently rolling to rolling on 5% to 30% slopes. Soils generally include Classes III and IV.
- **Dry Farm Lands.** Dry land farming covers a broad range of properties that are primarily cultivated for an annual crop, but also may include some orchard operations. Dry farm lands are divided into two types of croplands, mixed croplands and dry croplands, described below.
- **Mixed Croplands.** One type of mixed cropland is found in valleys with good soils but insufficient water for major irrigated uses. Such areas are characterized by mixed agricultural uses such as dry farm grain and hay and scattered irrigated crops. The other type of mixed

cropland is found in areas of higher-than-average rainfall, such as the easterly slopes of the Santa Lucia Range, where dry farm orchards and some vineyards occur. Mixed croplands are characterized by dry farm orchards and vineyards and specialty or high-value field crops. The topography of these cropland areas typically ranges from flat to rolling on slopes between 0% and 30%. The soils consist mainly of Classes III and IV.

- **Dry Croplands.** These areas are characterized by grain and hay production that is widespread in the northeastern part of the county. Barley, wheat, and oat hay are the principal crops; other crops include dry beans and safflower. Dry croplands may also include grain stubble fields and intervening non-cultivated areas that provide seasonal forage for livestock. The topography of these areas is generally flat to rolling on slopes between 0% and 30%. The soils consist mainly of Classes III and IV. Class VI land has also been commonly used for grain production.
- **Rangelands for Grazing.** Grazing lands account for a large percentage of privately owned land in the county. Cattle ranching is the predominant use on these lands. The topography is mainly rolling and on steep slopes between 30% and 75%. Rangelands may also include small intervening valleys and ridgetops that have limited use or potential as farmland. The soils consist mainly of Classes IV, VI and VII, but may also contain small intervening areas of other land capability classes.

## Conservation and Open Space Element

The *County of San Luis Obispo General Plan Conservation and Open Space Element (COSE)* identifies important agricultural soils mapped by the NRCS throughout the region (County of San Luis Obispo 2010b). Soils in the project area are included in the Soil Survey of San Luis Obispo County, California, Coastal Part (USDA 1984).

### 4.2.1.2 Project Setting

The project site is located within the southwestern portion of the unincorporated area of San Luis Obispo County. The project site includes the Specific Plan Area (Dana Reserve), and the location of various offsite transportation, water, and wastewater improvements (see Figures 2-3 through 2-7 in Chapter 2, *Project Description*). The project also proposes an off-site dedication of an open space easement on a 388-acre property known as Dana Ridge (APNs 090-031-003 and 090-031-004) located approximately 2.1 miles east of the project site (see Figures 2-1 and 2-2 in Chapter 2, *Project Description*). The Dana Reserve site is within the Rural Residential (RR) land use designation and the Dana Ridge site is within the Agriculture (AG) land use designation. The DRSP project site is not subject to a Williamson Act contract; however, Dana Ridge, located to the east of US 101, is subject to an existing Williamson Act contract. The Specific Plan Area has been utilized for seasonal grazing over the past 100 years and was once part of a large cattle ranch known as Dana Rancho Nipomo, which was owned by the Cañada family beginning in 1912. The Specific Plan Area is largely undeveloped, with the exception of unpaved ranch roads traversing portions of the site.

#### 4.2.1.2.1 SOIL SETTING

According to the NRCS Web Soil Survey, the DRSP site and adjacent southern parcel are underlain by two soil types, including Oceano sand (0 to 9 percent slopes) and Oceano sand (9 to 30 percent slopes) (NRCS 2021). Soils at the project site are described below:

- **Oceano sand, 0 to 9 percent slopes:** This soil type is excessively drained and has a negligible runoff class. The typical soil profile consists of sand. This soil is considered Farmland of Statewide Importance by the NRCS and has a soil classification on IV. As identified in Table

4.2-1, this soil is also considered Farmland of Statewide Importance by the County’s COSE. This soil is susceptible to drought and soil blowing (USDA 1984).

- **Oceano sand, 9 to 30 percent slopes:** This excessively drained soil has a very low runoff class and a soil profile that consists of sand. This soil has a classification of VI and is not considered Prime Farmland by the NRCS. As identified in Table 4.2-1, this soil is considered productive soil by the County’s COSE. This soil is susceptible to drought and soil blowing (USDA 1984).

According to the NRCS Soil Survey, the proposed off-site oak mitigation site (Dana Ridge) is underlain by numerous soil types and the following soil types are considered Prime Farmland if irrigated or Farmland of Statewide Importance (NRCS 2021):

- **Cropley clay, 2 to 9 percent slopes, Major Land Resource Area (MLRA) 14:** This moderately well-drained soil has a medium runoff class and a soil profile that consists of clay and clay loam. This soil is considered Prime Farmland if irrigated. As identified in Table 4.2-3, this soil is considered Prime Farmland and Highly Productive Rangeland Soils by the County’s COSE.
- **Diablo clay, 5 to 9 percent slopes, MLRA 15:** This well-drained soil has a very high runoff class and a soil profile that consists of clay and bedrock. This soil is considered Prime Farmland if irrigated. As identified in Table 4.2-3, this soil is considered Prime Farmland and Highly Productive Rangeland Soils by the County’s COSE.
- **Diablo and Cibo clays, 9 to 15 percent slopes:** This well-drained soil has a very high runoff class and a soil profile that consists of clay and weathered bedrock. This soil is considered Farmland of Statewide Importance. As identified in Table 4.2-3, this soil is considered Farmland of Statewide Importance and Highly Productive Rangeland Soils by the County’s COSE.
- **Zaca clay, 9 to 15 percent slopes:** This well-drained soil has a very high runoff class and a soil profile that consists of clay, silty clay, and weathered bedrock. This soil is considered Farmland of Statewide Importance. As identified in Table 4.2-3, this soil is considered Farmland of Statewide Importance and Highly Productive Rangeland Soils by the County’s COSE.

#### 4.2.1.2.2 FARMLAND SETTING

According to the FMMP, the Dana Reserve is mostly designated as Farmland of Local Potential with the western portions of the site being designated as grazing land (Figure 4.2-1) (CDOC 2016a). Dana Ridge is designated as Prime Farmland, Farmland of Local Importance, Farmland of Local Potential, and Grazing Land (CDOC 2016b). On-site soil classifications are identified in Table 4.2-2 and FMMP designations are shown in Figure 4.2-1.

**Table 4.2-2. On-Site Soils**

Symbol	Soil Name	NRCS Important Farmland Classification	NRCS Capability Class (Irrigated)	NRCS Capability Class (Non-Irrigated)	COSE Important Agricultural Soil Designation
184	Oceano sand, 0 to 9 percent slopes	Farmland of Statewide Importance	IVe-1	VIe	Farmland of Statewide Importance
185	Oceano sand, 9 to 30 percent slopes	Non-prime	N/A	VIe	Other Productive Soils

Source: County of San Luis Obispo (2010)

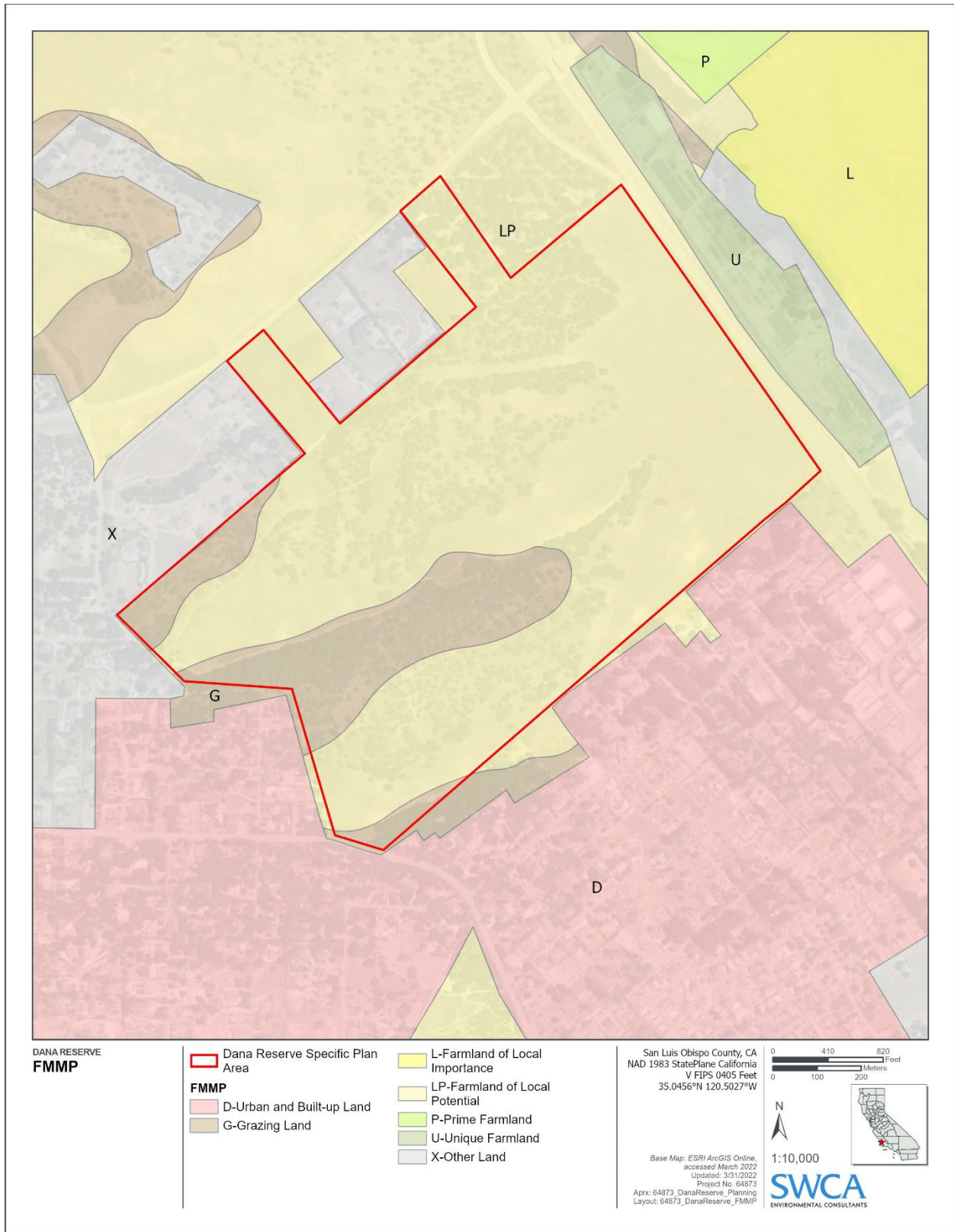


Figure 4.2-1. Specific Plan Area FMMP designations.

#### 4.2.1.2.3 OFF-SITE IMPROVEMENT AREAS

The exact location of proposed off-site transportation improvements and NCSW water system and wastewater system improvements is currently not known; however, proposed offsite improvements are anticipated to be located within previously developed roadways and other disturbed areas along North Oakglen Avenue, East Tefft Street, North Frontage Road, Pomeroy Road, and Willow Road, among others (see Figures 2-4 through 2-7 in Chapter 2, *Project Description*).

According to the NRCS Web Soil Survey, proposed off-site improvement areas are primarily underlain by Oceano sand (0 to 9 percent slopes), as well as smaller areas of Oceano sand (9 to 30 percent slopes), Diablo clay (5 to 9 percent slopes), Diablo and Cibo clays (9 to 15 percent slopes), Santa Lucia very shaly clay loam (9 to 15 percent slopes), Cropley clay (2 to 9 percent slopes), and Marimel silty clay loam (drained) (NRCS 2021). Soils at the project site are described below:

- **Cropley clay, 2 to 9 percent slopes, MLRA 14:** This soil type is moderately well drained and has a medium runoff class. The typical soil profile consists of clay and sandy clay loam. This soil is considered Prime Farmland if irrigated by the NRCS and has a soil classification IIe-5, irrigated, and IIIe-5, non-irrigated. The County's COSE classifies this soil as Prime Farmland and Highly Productive Rangeland Soils. This soil is well suited to rangeland (USDA 1984).
- **Diablo clay, 5 to 9 percent slopes, MRLA 15:** This soil type is well drained and has a very high runoff class. The typical soil profile consists of clay and bedrock. This soil type is considered Prime Farmland if irrigated by the NRCS and has a soil classification of IIe-5, irrigated, and IIIe-5, non-irrigated. The County's COSE classifies this soil as Prime Farmland and Highly Productive Rangeland Soils. This soil is well suited for rangeland and/or small grain and hay cropland (USDA 1984).
- **Diablo and Cibo clays, 9 to 15 percent slopes:** This soil type is well drained and has a very high runoff class. The typical soil profile consists of clay and weathered bedrock. This soil type is considered Farmland of Statewide Importance and has a soil classification of IIIe-5, irrigated and non-irrigated. The County's COSE designates this soil as Farmland of Statewide Importance and Highly Productive Rangeland Soils. This soil type is well suited for rangeland (USDA 1984).
- **Marimel silty clay loam, drained:** This soil is well drained and has a medium runoff class. The typical soil profile consists of silty clay loam, stratified loam, and clay loam. This soil is considered Prime Farmland if irrigated and drained by the NRCS and has a soil classification of I, irrigated, and IIIc-1, non-irrigated. The County's COSE designates this soil as Prime Farmland. This soil is well suited for cropland if properly drained and irrigated (USDA 1984).
- **Oceano sand, 0 to 9 percent slopes:** This soil type is excessively drained and has a negligible runoff class. The typical soil profile consists of sand. This soil is considered Farmland of Statewide Importance by the NRCS and has a soil classification on IVE-1, irrigated, and IVE, non-irrigated. This soil is also considered Farmland of Statewide Importance by the County's COSE. This soil is susceptible to drought and soil blowing (USDA 1984).
- **Oceano sand, 9 to 30 percent slopes:** This excessively drained soil has a very low runoff class and a soil profile that consists of sand. This soil has a classification of IVE, non-irrigated, and is not considered Prime Farmland by the NRCS. This soil is considered productive soil by the County's COSE. This soil is also susceptible to drought and soil blowing (USDA 1984).
- **Santa Lucia very shaly clay loam, 9 to 15 percent slopes:** This soil type is well drained and has a high runoff class. The typical soil profile consists of very channery clay loam and unweathered bedrock. This soil type is not considered Prime Farmland by the NRCS and has a soil classification of IVE-4, irrigated and non-irrigated. The County's COSE does not include a classification for this soil type. This soil is moderately suited for rangeland and dry farming (USDA 1984).

According to the FMMP, off-site improvement areas are located in areas that are designated as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, Farmland of Local Potential, Unique Farmland, Grazing Land, Urban and Built-Up Land, and Other Land (CDOC 2016b). Off-site areas mapped as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, Unique Farmland, and Grazing Land are limited to agricultural areas on both sides of East Tefft Street for approximately the easternmost 1.0-mile extent of the proposed waterline replacement (replace 10-inch with 16-inch pipeline) connecting to NCS D’s Foothill Tanks. All other offsite improvements areas are mapped as Farmland of Local Potential, Urban and Built-Up Land, or Other Land.

Table 4.2-3 identifies off-site soil classifications according to the NRCS and the County’s COSE.

**Table 4.2-3. Off-Site Soils**

Symbol	Soil Name	NRCS Important Farmland Classification	NRCS Capability Class (Irrigated)	NRCS Capability Class (Non-Irrigated)	COSE Important Agricultural Soil Designation
128	Cropley Clay, 2 to 9 percent slopes, MLRA 14	Prime Farmland if irrigated	IIe-5	IIIe-5	Prime Farmland and Highly Productive Rangeland Soils
129	Diablo Clay, 5 to 9 percent slopes, MLRA 15	Prime Farmland if irrigated	IIe-5	IIIe-5	Prime Farmland and Highly Productive Rangeland Soils
130	Diablo and Cibo clays, 9 to 15 percent slopes	Farmland of Statewide Importance	IIIe-5	IIIe-5	Farmland of Statewide Importance and Highly Productive Rangeland Soils
170	Marimel silty clay loam, drained	Prime Farmland if irrigated and drained	I	IIIc-1	Prime Farmland
184	Oceano sand, 0 to 9 percent slopes	Farmland of Statewide Importance	IVe-1	VIe	Farmland of Statewide Importance
185	Oceano sand, 9 to 30 percent slopes	Non-prime	N/A	VIe	Other Productive Soils
206	Santa Lucia very shaly clay loam, 9 to 15 percent slopes	Non-prime	IVe-4	IVe-4	--

Source: County of San Luis Obispo (2010b)

## 4.2.2 Regulatory Setting

### 4.2.2.1 Federal

#### 4.2.2.1.1 FARMLAND PROTECTION POLICY ACT

The Farmland Protection Policy Act (FPPA) of 1981 is governed by the NRCS and is intended to minimize the impact Federal programs have on the permanent conversion of farmland to non-agricultural land uses. The policy assures that to the extent feasible, federal programs are administered to be compatible with state and local units of government as well as private programs and policies to protect farmland (USDA 2021a). For the purpose of the FPPA, farmland includes Prime Farmland, Unique Farmland, and Land of Statewide or Local Importance. Farmland subject to FPPA requirements does not have to be currently used for cropland; it can be forestland, pastureland, cropland, or other land, but not water or urban built-up land (USDA 2021a).



#### **4.2.2.1.2 AGRICULTURAL CONSERVATION EASEMENT PROGRAM**

The USDA NRCS created the Agricultural Conservation Easement Program (ACEP) to help landowners and other entities protect, restore, and enhance wetlands and/or working farms and ranches through conservation easements (USDA 2021b). The USDA NRCS provides financial assistance for purchasing Agricultural Land Easements in order to protect and conserve agricultural land and help keep working farms in agriculture (USDA 2021b).

#### **4.2.2.2 State**

##### **4.2.2.2.1 FARMLAND MAPPING AND MONITORING PROGRAM**

The purpose of the FMMP, which is authorized by the CDOC DLRP, is to produce maps and statistical data used for analyzing impacts on California's agricultural resources. Through this program, agricultural land is rated according to soils quality and irrigation status. Maps are updated every 2 years using a computer mapping system, aerial imagery, public review, and field reconnaissance.

The FMMP has several land designations based on the criteria identified above. FMMP designations include, but are not limited to, Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Grazing Land, Farmland of Local Importance, Farmland of Local Potential, Urban and Built-up Land, and Other Land, which are described in Section 4.2.1.1.3, *Farmland Mapping and Monitoring Program*. The designations for Prime Farmland, Farmland of Statewide Importance, and Unique Farmland are defined together under the terms "Agricultural Land" and "Farmland" in CEQA (PRC Section 21060.1 and State CEQA Guidelines Appendix G).

##### **4.2.2.2.2 CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000**

The Cortese-Knox-Hertzberg Local Government Reorganization Act (CKH Act) of 2000 establishes procedures for local government changes of organization, including city incorporations, annexations to a city or special district, and city and special district consolidations. The CKH Act created Local Agency Formation Commissions (LAFCOs), which have numerous powers, including, acting on local boundary changes, discouraging urban sprawl, and encouraging orderly formation and development of local agencies. In addition, one primary purpose of LAFCOs is to consider the effects that a new change in organization may have on existing agricultural lands, especially Prime Farmland. The CKH Act strongly discourages the use of prime agriculture land for development.

##### **4.2.2.2.3 WILLIAMSON ACT**

The Williamson Act, also known as the Land Conservation Act of 1965, allows local governments to enter into contracts with private landowners in order to restrict specific parcels of land to agricultural or open space uses. In return, landowners receive property tax assessments that are much lower than normal because they are based on farming and open space uses rather than full market value (CDOC 2019c). The CDOC assists all levels of governments and landowners in interpretation of the Williamson Act.

##### **4.2.2.2.4 CALIFORNIA ASSEMBLY BILL 1492**

Assembly Bill (AB) 1492, also referred to as the Laird Bill, provides further clarifications to development on land under a Williamson Act contract or other agricultural land conservation contract. According to AB 1492, any commercial, industrial, or residential building that is unrelated to agricultural use and is constructed on a parcel subject to an agricultural land conservation contract that is not permitted by the contract or by local rules or ordinance is a material breach of contract. Following the breach of contract,

the CDOC would be required to inform the local government and require the landowner to cease the operation(s) that caused the breach of contract. In some cases, a financial reimbursement may be required.

#### **4.2.2.2.5 KING AND GARDINER FARMS, LLC V. COUNTY OF KERN**

*King and Gardiner Farms, LLC v. County of Kern* (2020; 45 Cal.App.5<sup>th</sup> 814) is a partially published court opinion from the Fifth District Court of Appeal. The court determined that, under CEQA, the County of Kern did not adequately analyze a proposed ordinance that would streamline oil and gas drilling in agriculturally zoned areas of the county. As part of the published decision, the court concluded that the EIR's mitigation measure related to conversion of agricultural land did not constitute adequate mitigation under CEQA and therefore did not support the EIR's determination that impacts to agricultural land would be less than significant with implementation of the mitigation.

The following options were included in the EIR as mitigation to minimize impacts related to the loss of agricultural land, and an applicant would have to complete one or more of these measures to achieve a 1:1 mitigation ratio:

- a. funding and/or purchasing agricultural conservation easements or a similar instrument acceptable to the County;
- b. purchasing of credits for conservation of agricultural lands from an established agricultural farmland mitigation bank or an equivalent agricultural farmland preservation program managed by the County;
- c. restoring agricultural lands to productive use through the removal of legacy oil and gas production equipment, including well abandonment and removal of surface equipment; or
- d. participating in any agricultural land mitigation program adopted by the County that provides equal or more effective mitigation than the measures listed above.

The court found that because agricultural conservation easements would only prevent future conversion of agricultural land and would not replace the agricultural land proposed for conversion, a significant impact on agricultural land would remain significant even with a requirement for an agricultural conservation easement. Alternatively, the court deemed restoration of agricultural land to be effective mitigation as it fully compensates for the loss caused by the project and would result in a net zero change to the amount of agricultural land.

#### **4.2.2.3 Local**

##### **4.2.2.3.1 COUNTY OF SAN LUIS OBISPO GENERAL PLAN**

###### **Agriculture Element**

The County's Agriculture Element is a planning document that has the purpose of protecting agricultural resources within the county by creating policies for promotion of the agricultural industry and preservation of open space within agricultural lands. The goals, policies, and implementation measures of the Agriculture Element address the protection of agricultural resources as well as the protection of open space resources on lands zoned for Agriculture (AG) and on other lands used for production agriculture.

###### **Conservation and Open Space Element**

The County's COSE provides goals, policies, and implementation measures for the protection of natural resources and open space areas throughout the region. The Open Space Element and Agriculture Element were originally a part of the same document; however, based on the growing need for policies that

specifically protect agricultural resources, the two elements were divided into separate elements. Therefore, the County's COSE also identifies some policies and implementation measures for agricultural resources.

## **Land Use and Circulation Elements**

### **South County Area Plan**

The South County Area Plan, included in Part II of the LUCE, serves as a guide for future development with the goal of balancing the social, economic, environmental, and governmental resources and activities to create a better quality of life within the South County planning area. While the South County Area Plan does not include specific goals or policies, it provides a framework for long-term planning and identifies general needs of the area. In regard to the agricultural land use within the South County Planning Area, the South County Area Plan identifies the need to avoid any appreciable loss of viable farmland and to maintain agricultural preserves established in the region (County of San Luis Obispo 2014).

#### **4.2.2.3.2 SAN LUIS OBISPO LOCAL AGENCY FORMATION COMMISSION**

The San Luis Obispo LAFCO (SLOLAFCO) reviews and approves or disapproves proposals for boundary changes or governmental reorganizations. In addition to SLOLAFCO's goal to prevent urban sprawl and protect open space, SLOLAFCO must also consider the effect that any proposal may produce on existing agricultural lands.

#### **4.2.2.3.3 RIGHT-TO-FARM ORDINANCE**

The County's Right-to-Farm Ordinance is codified San Luis Obispo County's Land Use Ordinance (LUO) Title 5, Chapter 16. The Right-to-Farm Ordinance has a purpose of enhancing and encouraging agricultural operation within the county and minimizing the loss of agricultural lands due to incompatible land use issues. According to the Right-to-Farm Ordinance, pre-existing agricultural processing and other operations shall not be considered nuisances due to a change in the area surrounding the operations (Section 5.16.030 and 5.16.031).

#### **4.2.2.4 Applicable State, Regional, and Local Land Use Plans and Policies Relevant to Agricultural Resources**

Table 4.2-4 lists applicable state, regional, and local land use policies and regulations pertaining to agricultural resources that were adopted for the purpose of avoiding or mitigating an environmental effect and that are relevant to the proposed project. A general overview of these policy documents is presented in Section 4.2.2, *Regulatory Setting*, and Chapter 3, *Environmental Setting*. Also included in Table 4.2-4 is an analysis of project consistency with identified policies and regulations. Where the analysis concludes the proposed project would potentially conflict with the applicable policy or regulation, the reader is referred to Section 4.2.5, *Project-Specific Impacts and Mitigation Measures*, and Section 4.11, *Land Use and Planning*, for additional discussion.

**Table 4.2-4. Preliminary Policy Consistency Evaluation**

Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<b>County of San Luis Obispo General Plan</b>		
<b>Agriculture Element</b>		
<p><b>Goal AG1: Support County Agricultural Production.</b></p> <ul style="list-style-type: none"> <li>a. Support and promote a healthy and competitive agricultural industry whose products are recognized in national and international markets as being produced in San Luis Obispo County.</li> <li>b. Facilitate agricultural production by allowing a broad range of uses and agricultural support services to be consistently and accessibly located in areas of prime agricultural activity.</li> <li>c. Support ongoing efforts by the agricultural community to develop new techniques and new practices.</li> <li>d. Develop agricultural permit processing procedures that are rapid and efficient. Do not require permits for agricultural practices and improvements that are currently exempt. Keep the required level of permit processing for non-exempt projects at the lowest possible level consistent with the protection of agricultural resources and sensitive habitats.</li> </ul>	<p>The intent of this policy is to support existing agricultural operations and streamline agricultural permit processing.</p>	<p><b>Potentially Consistent.</b> The project site consists of Farmland of Statewide Importance identified by the NRCS; however, due to the lack of irrigation available on the property, dryland farming would be the only viable option for farming. Soils at the site are comprised of sand and would not be suitable for dryland farming. Since the site would not be capable of supporting farming activities, conversion of this site would not reduce prime agricultural land in the area. The project would not result in indirect impacts that could impact existing farming operations, including lack of water or substantial generation of dust. Mitigation Measures AQ/mm-2.2 and AQ/mm-2.3 have been included to ensure reduction of short- and long-term dust generation. The project does not include new agricultural uses that would be subject to development of new techniques or practices or permitting procedures.</p>
<p><b>Goal AG2: Conserve Agricultural Resources.</b></p> <ul style="list-style-type: none"> <li>a. Maintain the agricultural land base of the county by clearly defining and identifying productive agricultural lands for long-term protection.</li> <li>b. Conserve the soil and water that are the vital components necessary for a successful agricultural industry in this county.</li> <li>c. Establish land-use policies in this element that support the needs of agriculture without impeding its long-term viability.</li> </ul>	<p>The intent of this policy is to support existing agricultural operations and maintaining viable agricultural land.</p>	<p><b>Potentially Consistent.</b> The project site consists of Farmland of Statewide Importance identified by the NRCS; however, as described above, soils at the site would not be capable of supporting farming activities. Therefore, conversion of this site would not inhibit County goals to conserve agricultural resources.</p>
<p><b>Goal AG3: Protect Agricultural Lands.</b></p> <ul style="list-style-type: none"> <li>a. Establish criteria in this element for agricultural land divisions that will promote the long-term viability of agriculture.</li> <li>b. Maintain and protect agricultural lands from inappropriate conversion to non-agricultural uses. Establish criteria in this element and corresponding changes in the Land Use Element and Land Use Ordinance for when it is appropriate to convert land from agricultural to non-agricultural designations.</li> </ul>	<p>The intent of this policy is to maintain viable agricultural land and provide incentives for landowners to maintain productive agricultural land.</p>	<p><b>Potentially Consistent.</b> As described above, the project site is not capable of supporting farming activities. Therefore, the project would not conflict with County goals for the protection of agricultural lands or adversely affect the long-term viability of agriculture.</p>

Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<ul style="list-style-type: none"> <li>c. Maintain and strengthen the county's agricultural preserve program (Williamson Act) as an effective means for long-term agricultural land preservation.</li> <li>d. Provide incentives for landowners to maintain land in productive agricultural uses.</li> </ul>		
<p><b>Policy AGP2: Public and Private Lands.</b> The agricultural policies and implementation measures in this element shall apply equally to public as well as private lands.</p>	<p>The intent of this policy is to protect both private and public agricultural lands.</p>	<p><b>Potentially Consistent.</b> The policies included in the Agriculture Element would apply to this project, and the project would be potentially consistent with policies included in the Agriculture Element.</p>
<p><b>Policy AGP3: Right-to-Farm Ordinance.</b></p> <ul style="list-style-type: none"> <li>a. This element reaffirms the county's Right-to-Farm Ordinance, Title 5 of the County Code, as an effective means to let the public know that the use of real property for agricultural operations is a high priority and favored use. The Right-to-Farm Ordinance requires disclosure statements between sellers and buyers of properties at the time of property transfer and through inclusion of disclosure statements on all discretionary land use permit applications administered by the County Department of Planning and Building.</li> <li>b. Encourage the County Agriculture Department to: (1) maintain an outreach information program to make the local real estate industry and the public aware of the Right-to-Farm Ordinance and the disclosure provisions on property transactions, and (2) continue mediating issues relating to the Right-to-Farm Ordinance.</li> </ul>	<p>The intent of this policy is to protect existing agricultural operations through the County's Right-to-Farm Ordinance.</p>	<p><b>Potentially Consistent.</b> Based on the County's Right-to-Farm Ordinance, future occupants of the Specific Plan Area would be required to be notified consistent with the requirements of the Right-to-Farm Ordinance.</p>
<p><b>Policy AGP6: Visitor Serving Retail Commercial Use and Facilities.</b></p> <ul style="list-style-type: none"> <li>a. Allow limited visitor serving and incidental retail use and facilities in agricultural areas that are beneficial to the agricultural industry and farm operators and are compatible with long-term agricultural use of the land. Such uses shall be clearly incidental and secondary to the primary agricultural use of the site and shall comply with the performance standards in the LUO.</li> <li>b. Locate the visitor serving and incidental retail use off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses.</li> </ul>	<p>The intent of this policy is to protect productive agricultural land from conversion as a result of new retail commercial uses.</p>	<p><b>Potentially Consistent.</b> The project includes the development of new commercial retail uses on soils designated by the NRCS as Farmland of Statewide Importance. Soils at the site are comprised of sand and would not be suitable for dryland farming, which is the only viable option for agricultural production on the site due to lack of irrigation. Since the site would not be capable of supporting agricultural production activities, implementation of the project would not result in conversion of productive agricultural soils.</p>

Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p><b>Policy AGP7: Service Commercial-Type Uses.</b></p> <ul style="list-style-type: none"> <li>a. Allow limited service commercial-type uses where needed to support local agricultural production.</li> <li>b. Locate the service commercial-type uses off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses.</li> </ul>	<p>The intent of this policy is to protect productive agricultural land from conversion as a result of new service commercial uses.</p>	<p><b>Potentially Consistent.</b> The project includes the development of new commercial uses on soils designated by the NRCS as Farmland of Statewide Importance. Soils at the site are comprised of sand and would not be suitable for dryland farming, which is the only viable option for agricultural production on the site due to the lack of irrigation. Since the site would not be capable of supporting agricultural production activities, implementation of the project would not result in conversion of productive agricultural soils.</p>
<p><b>Policy AGP9: Soil Conservation.</b></p> <ul style="list-style-type: none"> <li>a. Encourage landowners to participate in programs that reduce soil erosion and increase soil productivity. Promote coordination between the Natural Resources Conservation Service, Resource Conservation Districts, Consolidated Farm Services Agency, Morro Bay State and National Estuary, and other agencies and organizations.</li> <li>b. Emphasize the long-range benefits of proper drainage control and tillage, cropping, soil amendment, and grazing techniques to minimize soil erosion.</li> <li>c. Assure that roads and drainage systems on county-controlled properties and facilities do not negatively impact agricultural lands and that the roads and systems are properly maintained.</li> </ul>	<p>The intent of this policy is to protect productive agricultural soils from erosion.</p>	<p><b>Potentially Consistent.</b> The project does not include new agricultural uses that could increase the potential for long-term soil erosion due to farming activities. Construction of the project has the potential to increase erosion of soils at the project site; however, future development projects within the Specific Plan Area would be subject to County requirements for erosion and sedimentation control, and drainage plans that would reduce short- and long-term erosion potential at the site.</p>
<p><b>Policy AGP11: Agricultural Water Supplies.</b></p> <ul style="list-style-type: none"> <li>a. Maintain water resources for production agriculture, both in quality and quantity, so as to prevent the loss of agriculture due to competition for water with urban and suburban development.</li> <li>b. Do not approve proposed general plan amendments or rezonings that result in increased residential density or urban expansion if the subsequent development would adversely affect: (1) water supplies and quality, or (2) groundwater recharge capability needed for agricultural use.</li> <li>c. Do not approve facilities to move groundwater from areas of overdraft to any other area, as determined by the Resource Management System in the Land Use Element.</li> </ul>	<p>The intent of this policy is to maintain water resources for agricultural production activities.</p>	<p><b>Potentially Consistent.</b> Implementation of the DRSP would result in an estimated water usage of 370 acre-feet per year (AFY) (MKN 2022). Upon approval, the project would be annexed into the NCSD and would receive water through the NCSD. According to the NCSD Draft Urban Water Management Plan (UWMP) agricultural land makes up 3% of the NCSD service area and the majority of surrounding agricultural land uses would not use the same water supply as the proposed project (MKN 2021). Based on the UWMP and Water Supply Assessment (WSA) prepared for the project, the NCSD has a water supply that would be capable of supporting the proposed project and would not result in indirect impacts to agriculture land within the NCSD service area. In addition, since other surrounding agricultural land uses do not receive water from the NCSD, implementation of the project would not result in the conversion of agricultural land due to a lack of water supply.</p>

Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p><b>Policy AGP17: Agricultural Buffers.</b></p> <p>a. Protect land designated Agriculture and other lands in production agriculture by using natural or man-made buffers where adjacent to non-agricultural land uses in accordance with the agricultural buffer policies adopted by the Board of Supervisor.</p>	<p>The intent of this policy is to maintain agricultural land and agricultural production through agricultural buffers.</p>	<p><b>Potentially Consistent.</b> The project site is not designated Agriculture (AG) and does not include development adjacent to existing agricultural production activities. The project would not result in indirect impacts that could result in the conversion of existing agricultural production activities, including lack of water or substantial generation of dust. Mitigation Measures AQ/mm-2.2 and AQ/mm-2.3 have been included to ensure reduction of short- and long-term dust generation.</p>
<p><b>Policy AGP18: Location of Improvements.</b></p> <p>a. Locate new buildings, access roads, and structures so as to protect agricultural land.</p>	<p>The intent of this policy is to protect agricultural land.</p>	<p><b>Potentially Consistent.</b> The project includes development on soils designated by the NRCS as Farmland of Statewide Importance. Soils at the site are comprised of sand and would not be suitable for dryland farming, which is the only viable option for agricultural production on the site. Since the site would not be capable of supporting agricultural production activities, conversion of this site would not interfere with agricultural production in the area. Off-site improvements would be limited to previously developed paved roadways or road shoulder areas and would, therefore, not be located in areas with the potential to support future agricultural uses.</p>
<p><b>Policy AGP24: Conversion of Agricultural Land.</b></p> <p>a. Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:</p> <ol style="list-style-type: none"> <li>2. Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.</li> <li>3. Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines.</li> <li>4. Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.</li> </ol>	<p>The intent of this policy is to avoid conversion of agricultural land to non-agricultural uses.</p>	<p><b>Potentially Consistent.</b></p> <ol style="list-style-type: none"> <li>2. The project does not include changing the designation of land from Agriculture (AG) to non-agricultural designations.</li> <li>3. The project site is currently zoned for Residential Rural (RR) land uses.</li> <li>4. The project would facilitate the development of a new fire station that may be placed outside of the Nipomo URL. However, this fire station would be necessary to serve the growing community of Nipomo and would be included/added to the Nipomo URL should this project and the requested General Plan Amendment be approved.</li> </ol>
<p><b>Conservation and Open Space Element</b></p>		
<p><b>Policy OS 1.6 Open Space Contracts.</b> Consider the use of open space contracts under the terms of the County's Rules of Procedure to Implement the California Land Conservation Act of 1965 (the Williamson Act) to protect rural properties that contain identified recreational and open space resources.</p>	<p>The intent of this policy is to use Williamson Act contracts to protect rural properties with viable agricultural land.</p>	<p><b>Potentially Consistent.</b> The project site is not currently subject to a Williamson Act contract and cancellation of the Williamson Act contract at Dana Ridge is not proposed.</p>

Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p><b>Policy OS 1.8 Land Divisions and Development.</b> Encourage the use of cluster land divisions and cluster development that will locate residential clusters on the least environmentally sensitive portions of properties.</p>	<p>The intent of this policy is to encourage cluster development to preserve viable agricultural land.</p>	<p><b>Potentially Consistent.</b> The project includes development on a 288-acre project parcel, which avoids important farmland. The DRSP has also been designed to avoid and maintain the most densely vegetated areas of oak trees to preserve biological resources and the visual quality they provide surrounding areas.</p>
<p><b>Policy SL 3.1 Conserve important agricultural soils.</b> Conserve the Important Agricultural Soils mapped in Figure SL-1 and listed in Table SL-2 of the COSE. Proposed conversion of agricultural lands to non-agricultural uses shall be evaluated against the applicable policies in this COSE and in the Agriculture Element.</p>	<p>The intent of this policy is to conserve important agricultural soils in the county.</p>	<p><b>Potentially Consistent.</b> Soils at the site are considered Farmland of Statewide Importance and other productive soils by the COSE. However, irrigation water is not available on the Dana Reserve; therefore, dryland farming is the only alternative for agricultural production. Dryland farming has never been successful in any part of the sandy portion of the Nipomo area, including all of the Dana Reserve. The County Agricultural Commissioner was consulted regarding the DRSP project and confirmed there were no significant issues related to the conversion of potentially viable agricultural soils within the Specific Plan Area.</p>
<p><b>Framework for Planning (Inland)</b></p>		
<p><b>Principle 1:</b> Preserve open space, scenic natural beauty, and natural resources. Conserve energy resources. Protect agricultural land and resources.</p>	<p>The intent of this policy is to protect agricultural land and resources.</p>	<p><b>Potentially Consistent.</b> The project site is not located with the Agriculture (AG) land use designation and soils at the site would not be capable of supporting farming activities. Therefore, conversion of this site would not result in the loss of agricultural land. The project would not result in indirect impacts that could result in conversion of existing farming operations, including lack of water or substantial generation of dust. Mitigation Measures AQ/mm-2.2 and AQ/mm-2.3 have been included to ensure reduction of short- and long-term dust generation.</p>
<p><b>Policy 6.</b> Encourage the protection and use of agricultural land for the production of food, fiber and other agricultural commodities, and support the rural economy and locally-based commercial agriculture.</p>	<p>The intent of this policy is to encourage the protection and use of agricultural land for agricultural and support the rural economy.</p>	<p><b>Potentially Consistent.</b> The project site consists of Farmland of Statewide Importance identified by the NRCS. Soils at the site are comprised of sand and would not be suitable for dryland farming, which is the only viable option for the site due to lack of irrigation. Since the site would not be capable of supporting farming activities, use of the site for crop production to support the rural economy would also not be viable. Therefore, conversion of these soils would not interfere with agricultural production intended to support the rural economy.</p>
<p><b>SLOCOG 2019 Regional Transportation Plan (RTP)</b></p>		
<p><b>Goal 6.</b> Practice environmental stewardship.  <b>Policy Objective 6.4.</b> Conserve and protect natural, sensitive, and agricultural resources.</p>	<p>This policy maintains and preserves open space and agricultural areas throughout the region.</p>	<p><b>Potentially Consistent.</b> The project site consists of Farmland of Statewide Importance identified by the NRCS; however, soils at the site would not be capable of supporting agricultural production because they are comprised of sand and would not be suitable</p>



Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
		for dryland farming, which is the only viable option for the site. The project would not result in indirect impacts that could result in conversion of existing farming operations, including lack of water or substantial generation of dust. Mitigation Measures AQ/mm-2.2 and AQ/mm-2.3 have been included to ensure reduction of short- and long-term dust generation.
<b>Sustainable Communities Strategy</b>		
<i>Reduce Vehicle Trips &amp; VMT</i>		
<b>Standard 23.</b> Encourage/support farm worker housing projects. (Near)	The intent of this policy is to provide housing for farmworkers near agricultural production areas to reduce VMT.	<b>Potentially Consistent.</b> A primary objective of the project is to provide affordable and workforce type housing in the community of Nipomo, which could benefit farmworker housing and would not inhibit the provision of farmworker housing in surrounding agricultural areas.
<b>SLOLAFCO Policies and Procedures</b>		
<b>General Policies</b>		
The Commission shall endeavor to balance the need to efficiently provide public services with the sometimes-competing interests of discouraging urban sprawl, preserving prime agriculture land and open space (CKH Act 56001 and 56301).	The intent of this policy is to balance the need to provide public services with the need to discourage urban sprawl and preserve prime agricultural farmland and open space.	<b>Potentially Consistent.</b> The project would generate population growth within the Rural Residential (RR) land use designation, outside of the Nipomo URL. However, the project site does not support prime agricultural soils because soils at the site are comprised of sand and would not be suitable for dryland farming, which is the only viable option for agricultural production on the site. Additionally, the County Agricultural Commissioner was consulted regarding the DRSP project and confirmed there were no significant issues related to the conversion of potentially viable agricultural soils within the Specific Plan Area. Based on review of the definition of prime soils under the Cortese-Knox-Hertzberg Local Government Reorganization Act (CKH Act), on-site soils do not appear to qualify as prime soils.
The Commission will recognize and preserve clearly defined, long-term agricultural and open space areas established by the County or other jurisdictions to preserve critical environmental areas and to bolster local economies (CKH 56001). This may be accomplished using agricultural easements, open space easements, conservation easements, or other mechanisms, that preserve agricultural or open space lands in perpetuity.	The intent of this policy is to preserve clearly defined, long-term agricultural and open space areas established by the County.	<b>Potentially Consistent.</b> Soils at the site are designated by the NRCS as Farmland of Statewide Importance; however, they are comprised of sand and would not be suitable for dryland farming, which is the only viable option for agricultural production on the site. Therefore, the project site does not include prime agricultural soils uses that would be subject to an agricultural easement. The project would not adversely affect any other existing agricultural easement areas and would provide permanent protection of Prime Farmland and Farmland of Statewide Importance at Dana Ridge.

Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<b>Agriculture Policies</b>		
1. Vacant land within urban areas should be developed before agricultural land is annexed for non-agricultural purposes.	The intent of this policy is to avoid unnecessary conversion of agricultural land.	<b>Potentially Consistent.</b> The project site does not include land within the Agriculture (AG) land use designation. Further, the project site does not support prime agricultural soils because soils at the site are comprised of sand and would not be suitable for dryland farming, which is the only viable option for agricultural production on the site. Additionally, the County Agricultural Commissioner was consulted regarding the DRSP project and confirmed there were no significant issues related to the conversion of potentially viable agricultural soils within the Specific Plan Area. Therefore, implementation of the project would not result in the development of agricultural land.
2. Land substantially surrounded by existing jurisdictional boundaries should be annexed before other lands.	The intent of this policy is to avoid unnecessary conversion of agricultural land.	<b>Potentially Consistent.</b> The project site is located immediately north of the Nipomo URL. The NCSD service area extends to the southern and western boundaries of the Dana Reserve, and includes areas further north and east of the Specific Plan Area (see Figure 2-25).
3. In general, urban development should be discouraged in agricultural areas. For example, agricultural land should not be annexed for nonagricultural purposes when feasible alternatives exist. Large lot rural development that places pressure on a jurisdiction to provide services and causes agricultural areas to be infeasible for farming should be discouraged.	The intent of this policy to avoid direct and indirect conversion of agricultural land.	<b>Potentially Consistent.</b> The project site does not include land within the Agriculture (AG) land use designation. The site would not be capable of supporting agricultural production activities due to sandy soils that limit dry farming ability; therefore, conversion of this site would not interfere with agricultural production capabilities in the area. The project would not result in indirect impacts that could result in conversion of existing farming operations, including lack of water or substantial generation of dust. Mitigation Measures AQ/mm-2.2 and AQ/mm-2.3 have been included to ensure reduction of short- and long-term dust generation.
5. The continued productivity and sustainability of agricultural land surrounding existing communities should be promoted by preventing the premature conversion of agricultural land to other uses and, to the extent feasible, minimizing conflicts between agricultural and other land uses. Buffers should be established to promote this policy.	The intent of this policy to avoid direct and indirect conversion of agricultural land.	<b>Potentially Consistent.</b> The project site does not include land within the Agriculture (AG) land use designation and the site would not be capable of supporting agricultural production activities due to sandy soils that limit dry farming ability. Therefore, implementation of the project would not result in conversion of agricultural land. Further, the project would not result in indirect impacts that could result in conversion of existing farming operations, including lack of water or substantial generation of dust. Mitigation Measures AQ/mm-2.2 and AQ/mm-2.3 have been included to ensure reduction of short- and long-term dust generation.

Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
6. Development near agricultural land should not adversely affect the sustainability or constrain the lawful, responsible practices of the agricultural operations.	The intent of this policy is to avoid indirect conversion of agricultural land.	<b>Potentially Consistent.</b> The project site is not located directly adjacent to existing agricultural activities. The project would not result in indirect impacts that could result in conversion of existing farming operations, including lack of water or substantial generation of dust. Mitigation Measures AQ/mm-2.2 and AQ/mm-2.3 have been included to ensure reduction of short- and long-term dust generation.
7. In considering the completeness and appropriateness of any proposal, the Executive Officer and this Commission may require proponents and other interested parties to provide such information and analysis as, in their judgment, will assist in an informed and reasoned evaluation of the proposal in accordance with these policies	The intent of this policy is to require information and analysis to assist in an informed and reasoned evaluation of the proposal.	<b>Potentially Consistent.</b> The proposed annexation of the Specific Plan Area into the NCSD service area will be subject to review and approval by SLOLAFCO.
8. No change of organization, as defined by Government Code 56021, shall be approved unless it is consistent with the Spheres of Influence of all affected agencies.	The intent of this policy is to prohibit change of organization (e.g., annexation) unless it is consistent with affected agencies.	<b>Potentially Consistent.</b> The project would require annexation into the NCSD service area to facilitate NCSD's provision of water and wastewater services within the proposed 288-acre Dana Reserve (Specific Plan Area). The DRSP is within the NCSD's Sphere of Influence (SOI). Annexation of the Specific Plan Area into NCSD's service area would be subject to the review and approval by SLOLAFCO (refer to Figure 2-25).
9. Where feasible, and consistent with LAFCO policies, non-prime land should be annexed before prime land.	The intent of this policy is to avoid unnecessary conversion of agricultural land.	<b>Potentially Consistent.</b> The project site does not include land within the Agriculture (AG) land use designation or land designated as Prime Farmland by the FMMP. The project site includes soils designated by the NRCS as Farmland of Statewide Importance. Soils at the site are comprised of sand and would not be suitable for dryland farming, which is the only viable option for agricultural production on the site. Therefore, the project site does not include prime agricultural soils and implementation of the project would not result in the loss of prime agricultural soils.
10. The Commission will consider feasible mitigation (found in the following guidelines) if a proposal would result in the loss of agricultural land.	The intent of this policy is to require mitigation to offset the loss of agricultural land.	<b>Potentially Consistent.</b> The project site does not include land within the Agriculture (AG) land use designation. Further, the project site does not support prime agricultural soils per the definition in the CKH Act. On-site soils are comprised of sand and would not be suitable for dryland farming, which is the only viable option for agricultural production on the site. Additionally, the County Agricultural Commissioner was consulted regarding the DRSP project and confirmed there were no significant issues related to the conversion of viable agricultural soils within the Specific Plan Area. Therefore, the project would not result in the loss of prime agricultural lands, and mitigation would not be required.

Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p>12. The Commission may approve annexations of prime agricultural land only if mitigation that equates to a substitution ratio of at least 1:1 for the prime land to be converted from agricultural use is agreed to by the applicant (landowner), the jurisdiction with land use authority. The 1:1 substitution ratio may be met by implementing various measures:</p> <ul style="list-style-type: none"> <li>a. Acquisition and dedication of farmland, development rights, and/or agricultural conservation easements to permanently protect farmlands within the annexation area or lands with similar characteristics within the County Planning Area.</li> <li>b. Payment of in-lieu fees to an established, qualified, mitigation/conservation program or organization sufficient to fully fund the acquisition and dedication activities stated above in 12a.</li> <li>c. Other measures agreed to by the applicant and the land use jurisdiction that meet the intent of replacing prime agricultural land at a 1:1 ratio.</li> </ul>	<p>The intent of this policy is to require mitigation to offset the loss of agricultural land.</p>	<p><b>Potentially Consistent.</b> The project site does not include land within the Agriculture (AG) land use designation. Further, the project site does not support prime agricultural soils per the definition in the CKH Act. On-site soils are comprised of sand and would not be suitable for dryland farming, which is the only viable option for agricultural production on the site. Additionally, the County Agricultural Commissioner was consulted regarding the DRSP project and confirmed there were no significant issues related to the conversion of viable agricultural soils within the Specific Plan Area. Therefore, the project would not result in the loss of prime agricultural lands, and mitigation would not be required.</p>
<p>13. Property owners of agricultural lands adjacent to a LAFCO proposal shall be notified when an application is submitted to LAFCO.</p>	<p>The intent of this policy is to encourage public participation.</p>	<p><b>Potentially Consistent.</b> Surrounding landowners will be notified per standard SLOLAFCO policies.</p>

### 4.2.3 Thresholds of Significance

The determinations of significance of project impacts are based on applicable policies, regulations, goals, and guidelines defined by CEQA and the County. Specifically, the project would be considered to have a significant effect on agriculture and forestry resources if the effects exceed the significance criteria described below:

- a. 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.
- b. Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

Each of these thresholds is discussed under Section 4.2.5, *Project-Specific Impacts and Mitigation Measures*, below.

As discussed in the IS/NOP, the County determined the proposed project would not result in impacts to forest land since the project site and surrounding areas are not zoned or used for forest land, timberland, or Timberland Production. Therefore, thresholds related to the following thresholds of significance are not discussed further in the EIR:

- c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).
- d. Result in the loss of forest land or conversion of forest land to non-forest use.

See EIR Appendix B, *Notice of Preparation for the Draft Environmental Impact Report and Comment Letters*, for more information.

#### **4.2.4 Impact Assessment and Methodology**

For purposes of this analysis, relevant database information was reviewed to identify designated Farmland, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance within the project region. Prime Farmland, Unique Farmland, and Farmland of Statewide Importance is protected under PRC Section 21060.1. Projects that would result in the direct or indirect conversion of designated farmland would have a significant impact on the environment.

#### **4.2.5 Project-Specific Impacts and Mitigation Measures**

**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?**

##### **Specific Plan Area**

***AG Impact 1: The project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on maps prepared pursuant to the FMMP, to non-agricultural use. Impacts would be less than significant (Class III).***

Implementation of the project would result in the adoption of the DRSP and related entitlements, which would allow for future residential and mixed-use development on a 288-acre project site. According to the FMMP, the project site is designated as Farmland of Local Potential and Grazing Land (see Figure 4.2-1) (CDOC 2016a). Per PRC Section 21060.1, projects that would result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance designated by the FMMP would be considered to have a significant impact on the environment. Since implementation of the project, including future development, would not result in the conversion of designated farmland, impacts would be *less than significant*.

Although the Specific Plan Area includes soils identified as Farmland of Statewide Significance per the COSE and NRCS soil classifications, the site has not historically been viable for agricultural uses. The project applicant has reported the following regarding historic agricultural uses on the site:

The property has been used for cattle grazing historically with at least two short periods of goat grazing years ago. Presently, beginning about 45 days ago, 15 head of “roping” cattle were placed on the property along with a single horse. They will remain there through the rainy season while the grass is green and some feed remains and then be removed.

When seasonally grazed and dependent on rainfall amounts, the property has historically supported between 15 and 20+ head of cattle for 6 months. The property has more often had fewer head of cattle (10 head +or-) there, but left on a year round basis and supported by supplemental feeding of hay and liquid protein i.e. Loomix type and salt licks during the summer and fall months. Periodic “brush rakes or mowing” as evidenced in conversations with past operators (Mehlschau) and Googleearth pictures was used to manage open range areas to improve grass and feed for the cattle.

Known history of any active farming is limited to only the late 1970’s and early 1980’s when oat hay (Knota variety) was planted but with poor results and subsequently discontinued.

Irrigation water is not available on the Dana Reserve; therefore, dryland farming is the only alternative for agricultural production. Dryland farming has never been successful in any part of the sandy portion of the Nipomo area, including all of the Dana Reserve. This sandy area is generally defined as the west side of US 101 north of the Santa Maria Speedway to the Los Berros exit, although it also extends just to the east side of US 101 near the Dana Reserve until it drops off a bluff headed east where the soil changes to a heavy adobe, to the west where it drops off the bluff into the sandy loam of the Santa Maria Valley, and to the north where it drops off to high-quality soil in Oceano, which is a mix of loam and even peat near the dune lakes area. This entire raised bench area of sand known as the Nipomo Mesa has never been successfully farmed under dryland circumstances. Soils within the Dana Reserve lack the ability to retain sufficient moisture for dryland farming in moderate to dry years and in wet years, due to its sandy soil, lacks the fertility to produce economically viable volumes of a crop.

The County Agricultural Commissioner was consulted regarding the DRSP project and confirmed there were no significant issues related to the conversion of viable agricultural soils within the Specific Plan Area; therefore, potential impacts would be *less than significant*.

<b>AG Impact 1 (Class III)</b>
The project would not result in the significant conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on maps prepared pursuant to the FMMP, to non-agricultural use.
<b>Mitigation Measures</b>
<i>Mitigation is not necessary.</i>
<b>Residual Impacts</b>
<i>Residual impacts related to the conversion of farmland would be considered less than significant (Class III).</i>

### **Off-Site Improvements**

***AG Impact 2: Off-site improvements would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on maps prepared pursuant to the FMMP, to non-agricultural use. Impacts would be less than significant (Class III).***

Proposed off-site improvements would result in construction and installation of transportation, water, and wastewater infrastructure improvements within previously developed roadways or otherwise disturbed road shoulder areas within existing public right-of-way (ROW) (see Figures 2-4 and 2-5 in Chapter 2, *Project Description*). According to the FMMP, off-site improvement areas are located in areas that are

designated as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, Farmland of Local Potential, Grazing Land, Urban and Built-Up Land, and other land (see Figure 4.2-2) (CDOC 2016a). Additionally, the NRCS and the County’s COSE designates soils that underlie proposed improvement areas as Prime Farmland, Prime Farmland if irrigated, Prime Farmland if irrigated and drained, Farmland of Statewide Importance, and highly productive rangeland soils (see Table 4.2-3).

Per PRC Section 21060.1, projects that would result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance designated by the FMMP would be considered to have a significant impact on the environment. Proposed off-site water system improvements would require temporary construction activities within or adjacent to soils designated by the FMMP as Prime Farmland and Farmland of Statewide Importance; however, off-site improvements would not result in conversion of Prime Farmland or Farmland of Statewide Importance to non-agricultural uses because water system infrastructure would be mostly installed underground, with the exception of installation of an additional water tank at the Joshua Road pump station, located near the Tefft Street and North Dana Foothill Road intersection. Proposed installation of an additional water tank would be located within the existing disturbance footprint of the Joshua Road pump station and would not require conversion of additional land to non-agricultural use. Other off-site transportation and NCSW wastewater improvements would be primarily installed underground and would be located within previously developed or otherwise disturbed areas that do not support existing cropland or other agricultural activities. Off-site disturbance would be limited to paved roadways or road shoulder areas that have little to no ability to support future agricultural uses. Additionally, off-site components would be constructed almost entirely underground and surface soils would be restored to their original condition after construction. Therefore, temporary and limited permanent disturbance of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland as a result of implementation of off-site infrastructure would be *less than significant*.

<b>AG Impact 2 (Class III)</b>
Off-site improvements would not result in the significant conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on maps prepared pursuant to the FMMP, to non-agricultural use.
<b>Mitigation Measures</b>
<i>Mitigation is not necessary.</i>
<b>Residual Impacts</b>
<i>Residual impacts related to the conversion of farmland would be considered less than significant (Class III).</i>

**WOULD THE PROJECT CONFLICT WITH EXISTING ZONING FOR AGRICULTURAL USE, OR A WILLIAMSON ACT CONTRACT?**

**Specific Plan Area**

***AG Impact 3: The project would not conflict with existing zoning for agricultural use or a Williamson Act contract. Impacts would be less than significant (Class III).***

Based on the County’s Land Use Map, the Specific Plan Area is within the Rural Residential (RR) land use designation. The Specific Plan Area is not subject to a Williamson Act contract. Therefore, implementation of the project, and future development consistent with the DRSP, would not conflict with existing zoning for agricultural use or a Williamson Act Contract and impacts would be *less than significant*.

Based on the County’s Land Use Map, Dana Ridge is within the Agriculture (AG) land use designation and is subject to an existing Williamson Act contract. However, the Dana Ridge site would be limited to an offsite dedication of an open space easement and no physical change to the environment would occur. Since no development or disturbance would occur, the project would not conflict with existing zoning for agricultural use and/or a Williamson Act contract; therefore, impacts would be *less than significant*.

<b>AG Impact 3 (Class III)</b>
The project would not conflict with existing zoning for agricultural use or a Williamson Act contract.
<b>Mitigation Measures</b>
<i>Mitigation is not necessary.</i>
<b>Residual Impacts</b>
<i>Residual impacts related to conflicts with zoning or a Williamson Act contract would be considered less than significant (Class III).</i>

### Off-Site Improvements

**AG Impact 4: Off-site improvements would not conflict with existing zoning for agricultural use or a Williamson Act contract. Impacts would be less than significant (Class III).**

Based on the County’s Land Use Map, proposed off-site transportation, water, and wastewater system improvement areas are located in previously developed roads or otherwise disturbed road shoulder areas within the Commercial Service (CS), Commercial Retail (CR), Public Facilities (PF), Residential Single-Family (RSF), Residential Multi-Family (RMF), and Agriculture (AG) land use designations. Proposed transportation and NCSW wastewater system improvements would not occur on lands that are subject to a Williamson Act contract; however, proposed NCSW water system improvements along Tefft Street from Haggerty Way east toward North Dana Foothill Road would occur on lands that are currently subject to a Williamson Act contract. Proposed water system improvements would primarily be installed underground and would not result in the permanent conversion of lands subject to a Williamson Act contract to non-agricultural uses. The proposed NCSW water system improvements include installation of an additional water tank at the Joshua Road pump station, located near the East Tefft Street and North Dana Foothill Road intersection. Proposed installation of an additional water tank would be limited to the existing disturbance footprint of the existing Joshua Road pump station. Therefore, installation of the additional water tank would not result in any additional conversion of lands that are subject to a Williamson Act contract. Proposed off-site improvements would not conflict with existing zoning for agricultural use or a Williamson Act contract; therefore, impacts would be *less than significant*.

<b>AG Impact 4 (Class III)</b>
Off-site improvements would not conflict with existing zoning for agricultural use or a Williamson Act contract.
<b>Mitigation Measures</b>
<i>Mitigation is not necessary.</i>
<b>Residual Impacts</b>
<i>Residual impacts related to conflicts with zoning or a Williamson Act contract would be considered less than significant (Class III).</i>



## 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?

### Specific Plan Area

***AG Impact 5: The project could 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 would be less than significant with mitigation (Class II).***

The project site is within the County's South County Planning area, which consists of approximately 63% agricultural land uses. According to the County's Land Use Map, the nearest Agriculture (AG) land use designation is located adjacent to the northern project parcels and approximately 160 feet to the east, on the east side of US 101. According to the FMMP, the nearest Prime Farmland is located approximately 0.45 mile southeast of the project site, the nearest Unique Farmland is located approximately 0.2 mile northwest, and the nearest Farmland of Statewide Importance is located 0.6 mile east (CDOC 2016a). Based on aerial imagery, the nearest existing agricultural operations to the Specific Plan Area are covered and uncovered row crops, located approximately 160 feet east of the Specific Plan beyond US 101 and approximately 0.2 mile to the northwest. Due to the agricultural setting of the project region, it is highly likely that other nearby agricultural land is currently used for crop production or livestock grazing.

Due to increasing residential, commercial, and other development near agricultural lands throughout the state, there has been an increase in incompatible land use caused by limitations on pesticide use, nuisance complaints due to dust and odor, vandalism, increased traffic, etc. These incompatible land uses have resulted in pressure to encourage additional conversions of agricultural land. It is reasonable to assume that development of the project site with residential and commercial uses could increase the development pressure of agricultural lands nearby the project site. These uses would be subject to the requirements of the County's Right-to-Farm Ordinance.

Implementation of the project would result in the adoption of the DRSP, which would allow for the future development of residential and commercial development, as well as Recreation and Open Space uses. As included in the DRSP, future development would result in 215.9 acres of residential development (1,289 potential units), 22.3 acres of commercial and nonresidential development (110,000–203,000 potential square feet), and 49.8 acres of open space/recreation. Future development would result in short- and long-term impacts, including air emissions and water usage that could indirectly impact agricultural operations near the project site and within the region.

As discussed in Section 4.3, *Air Quality*, construction of the project would result in construction-related emissions, including fugitive dust and other emissions. Fugitive dust has the potential to affect plant growth by reducing light interception and the ability to perform photosynthesis (Ferguson 1999). The largest concentration of fugitive dust would occur during construction of initial site preparation phase of the project as a result of earth-moving activities, including excavation, mass grading, vegetation removal, and material movement. During construction, fugitive dust emissions would not exceed established San Luis Obispo Air Pollution Control District (SLOAPCD) quarterly thresholds (AMBIENT Air Quality & Noise Consulting [AMBIENT] 2022). Additionally, Mitigation Measure AQ/mm-3.2 has been included in Section 4.2, *Air Quality*, to further reduce fugitive dust emissions during proposed construction activities. With incorporation of Mitigation Measure AQ/mm-3.3 included in Section 4.3, *Air Quality*, to reduce operational air emissions, operational emissions of fugitive dust would exceed daily SLOAPCD thresholds; however, emissions would not exceed quarterly thresholds (AMBIENT 2022). Additionally, operational fugitive dust emissions would generally progress throughout the region and would not result

in substantial concentrations at a single location. As a result, operational fugitive dust is not anticipated to be generated in a manner that could interfere with existing cropland and result in the conversion of farmland to non-agricultural use.

Policy AGP11 included in the County’s Agriculture Element requires existing and future water supply to be maintained in order to avoid the conversion of agricultural land due to a lack of water. As discussed in Section 4.19, *Utilities and Service Systems*, implementation of the DRSP would result in an estimated water usage of 370 acre-feet per year (AFY) (MKN 2022). Upon approval, the project would be annexed into the NCSD and would receive water through the NCSD. According to the NCSD Draft Urban Water Management Plan (UWMP), agricultural land makes up 3% of the NCSD service area and the majority of surrounding agricultural land uses would not use the same water supply as the proposed project (MKN 2021). Based on the UWMP and Water Supply Assessment (WSA) prepared for the project, the NCSD has a water supply that would be capable of supporting the proposed project and would not result in indirect impacts to agricultural land within the NCSD service area. In addition, since other surrounding agricultural land uses do not receive water from the NCSD, implementation of the project would not result in the conversion of agricultural land due to a lack of water supply.

With implementation of Mitigation Measures AQ/mm-3.2 and AQ/mm-3.3 and required compliance with existing policies, adoption of the DRSP and future buildout would not result in the indirect conversion of farmland as a result of incompatible land uses, increase in dust, or lack of water supply; therefore, potential impacts would be *less than significant with mitigation*.

<b>AG Impact 5 (Class II)</b>
The project could involve other changes in the existing environment which, due to their location or nature, could result in indirect conversion of farmland to non-agricultural use.
<b>Mitigation Measures</b>
<i>Implement Mitigation Measures AQ/mm-3.2 and AQ/mm-3.3.</i>
<b>Residual Impacts</b>
<i>With implementation of the identified mitigation measures, residual impacts related to indirect conversion of farmland would be less than significant (Class II).</i>

### **Off-Site Improvements**

***AG Impact 6: Off-site improvements could 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 would be less than significant with mitigation (Class II).***

Proposed transportation-related improvements and NCSD wastewater system improvements would be located along Willow Road, Pomeroy Road, and North Frontage Road, on the west side of US 101 and would not occur within or adjacent to designated Prime Farmland, land zoned for agricultural uses, land subject to a Williamson Act contract, or existing agricultural activities. Proposed NCSD water system improvements would occur within previously developed roads along North Oakglen Avenue and East Tefft Street and would occur in areas that are designated Prime Farmland and Farmland of Statewide Importance, land zoned for agricultural uses, and land subject to a Williamson Act contract. Proposed water system improvements would be limited to previously developed roadways or other previously disturbed road shoulder areas within the public ROW and having little to no value for future agricultural

uses. Therefore, off-site improvements would not result in additional direct or indirect conversion of agricultural land to non-agricultural uses.

Proposed transportation, water, and wastewater system improvements would not indirectly disturb existing agricultural land uses because proposed improvements would not result in new incompatible land uses that could impede existing agricultural activities. In addition, long-term operation of proposed improvement areas would require limited vehicle trips on an as-needed basis for maintenance and repair trips and would not substantially increase dust or other pollutant emissions near existing cropland. Proposed improvements would be necessary to provide water and wastewater services to the Specific Plan Area and would not result in additional water usage that could indirectly impact water availability for agriculture lands within the NCS D service area. With implementation of standard fugitive dust control measures during periods of heavy earth-moving activities, proposed off-site improvements would not result in indirect impacts that could result in the conversion of agricultural land to non-agricultural uses; therefore, impacts would be *less than significant with mitigation*.

<b>AG Impact 6 (Class II)</b>
Off-site improvements could involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use.
<b>Mitigation Measures</b>
Implement Mitigation Measure AQ/mm-3.2.
<b>Residual Impacts</b>
With implementation of the identified mitigation measure, residual impacts related to indirect conversion of farmland would be <i>less than significant (Class II)</i> .

## 4.2.6 Cumulative Impacts

**AG Impact 7: The project would not result in a cumulatively considerable impact to agricultural resources. Impacts would be less than cumulatively considerable and less than significant (Class III).**

As discussed in Chapter 3, *Environmental Setting*, the cumulative impact analysis is based on the County’s cumulative projects list. Cumulative projects would generate residential, industrial, and commercial development within the county. Although the proposed project would not result in the direct or indirect conversion of farmland, other past, present, or reasonably foreseeable future projects located on or near farmland have the potential to result in the direct and/or indirect conversion of farmland to non-agricultural uses.

With implementation of Mitigation Measures AQ/mm-3.2 and AQ/mm-3.3 to reduce fugitive dust emissions, the project would have a less-than-significant impact related to the indirect conversion of farmland. Because the project would have no impact related to the conversion of Important Farmland or conflicts with existing agricultural zoning or Williamson Act contracted land, less-than-significant effects on off-site farmland, and negligible effects on off-site forestland, the project would not result in a cumulatively considerable adverse effect on agricultural resources. Therefore, the proposed project would not contribute to the cumulative loss of farmland within the county, and cumulative impacts would be *less than significant*.

<b>AG Impact 7 (Class III)</b>
The project would not result in a cumulatively considerable impact to agricultural resources.
<b>Mitigation Measures</b>
<i>Mitigation is not necessary.</i>
<b>Residual Impacts</b>
<i>Cumulative impacts would be avoided through compliance with identified project-specific mitigation, and no additional mitigation is needed to avoid or minimize potential cumulative impacts; therefore, residual impacts would be less than significant (Class III).</i>