

4.8 AGRICULTURAL RESOURCES

This section includes an explanation of the criteria and methods used to evaluate the significance and quality of agricultural land in the City of Live Oak General Plan Planning Area (Planning Area), a description of the existing agricultural resources, and an evaluation of how implementation of the 2030 General Plan would affect agricultural resources.

4.8.1 REGULATORY SETTING

FEDERAL PLANS, POLICIES, REGULATIONS, AND LAWS

Federal Farmland Protection Act

The Natural Resources Conservation Service (NRCS), an agency of the U.S. Department of Agriculture (USDA), is the agency primarily responsible for implementing the federal Farmland Protection Policy Act (FPPA). The purpose of the FPPA is to minimize federal contributions to the conversion of farmland to nonagricultural land uses by ensuring that federal programs are administered in a manner compatible with state government, local government, and private programs designed to protect farmland. The FPPA established the Farmland Protection Program (FPP).

NRCS administers the FPP, which is a voluntary program that provides funds to help purchase development rights to keep productive farmland in agricultural use. This program provides matching funds to state, local, and tribal government entities and nongovernmental organizations with existing farmland protection programs to purchase conservation easements. Participating landowners agree not to convert the land to nonagricultural land uses and retain all rights to the property for future agriculture production. A minimum 30-year term is required for conservation easements and priority is given to applications with perpetual easements. NRCS provides up to 50% of the fair market value of the easement (NRCS 2008).

Land Capability Classification

NRCS has prepared a soil survey for all of Sutter County, including a Land Capability Classification system, that places soils into agricultural suitability categories. The land capability classes reflect the soil's ability to support common crops and pasture plants without compromising the soil's quality over the long term. The Land Capability Classification system uses eight Land Capability Classes (I through VIII) to rank soils. Prime Farmland generally corresponds to Land Capability ratings of Class I or Class II and soils that are less suitable for farming are assigned to classes with higher numbers.

Storie Index

NRCS also assigns Storie Index Ratings that rank soil characteristics according to their suitability for agriculture from Grade 1 soils (80–100 rating), which have few or no limitations for agricultural production and are considered prime soils, to Grade 6 soils (less than a rating of 10), which are not suitable for agriculture. Use of Storie Index ratings is another way to determine the presence of Important Farmland. Under this system, soils identified as less than prime can function as prime soils when limitations such as poor drainage, slopes, or soil nutrient deficiencies are partially or completely removed. Grade 3 soils are only fairly well suited to intensively grown irrigated crops. Soils in Grades 4 and 5 are generally only used for rangeland. Grade 6 soils are generally unsuited for any agricultural purpose. In addition, NRCS provides farmland classifications for individual soil units.

STATE PLANS, POLICIES, REGULATIONS, AND LAWS

Cortese-Knox-Hertzberg Local Government Reorganization Act

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Cortese-Knox-Hertzberg Act) (California Government Code Section 56000 et seq.) defines prime agricultural land according to several criteria, which include the NRCS's Land Capability Class System and the Storie Index. Prime agricultural land is defined by the Cortese-Knox-Hertzberg Act as:

...an area of land, whether a single parcel or contiguous parcels, that have not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- (a) Land that, if irrigated, qualifies for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not the land is actually irrigated, provided that irrigation is feasible.
- (b) Land that qualifies for rating 80 through 100 Storie Index Rating.
- (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.
- (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- (e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

Farmland Mapping and Monitoring Program

The California Department of Conservation, Division of Land Resource Protection, administers the Farmland Mapping and Monitoring Program (FMMP). Land is rated based on its soil characteristics and irrigation status. These ratings are then used to help prioritize farmland conservation efforts. The FMMP uses the term "Important Farmland" to describe parcels that meet certain criteria.

In Sutter County, three Important Farmland types have been identified: Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. According to the FMMP:

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

- ▶ **Farmland of Statewide Importance** is “farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.”

Based on 2006 mapping data, approximately 3,433 acres in the Planning Area are identified by the FMMP as Important Farmland.

Williamson Act

The California Land Conservation Act of 1965 (Williamson Act) is one agricultural conservation tool currently used in California. Under the Williamson Act, local governments can enter into contracts with private property owners to protect land for agricultural and open space purposes. This voluntary program offers tax breaks by assessing lands based on actual use (agricultural or open space) as opposed to their potential full market value, creating a financial incentive to maintain farmland and open space, as opposed to allowing conversion to other uses.

The Williamson Act program uses 10-year contracts that renew annually until either party files a notice of nonrenewal. If an owner decides to opt out, the land is still protected for 10 years while the tax liability increases in annual increments up to its full market value. Additionally, existing Williamson Act contracts on lands classified by the California Department of Conservation as Important Farmland can be extended to 20-year Farmland Security Zone contracts (i.e., super Williamson Act contracts), which offer landowners greater property tax savings.

Statewide, more than 16.5 million acres have been protected under Williamson Act contracts, representing more than half of the State’s agricultural and open space lands. In Sutter County, roughly 64,300 acres are held in Williamson Act contracts, representing 62% of the county’s agricultural lands (Sutter County 2008). There is no agricultural land under Williamson Act contracts in the Planning Area (Ibid).

Nuisance Issues

Encroachment of non-agricultural development in agricultural areas introduces issues such as land use and circulation conflicts, vandalism, and resident complaints about normal agricultural operations. The state recognized potential land use conflicts, and through Assembly Bill 1190 (Chapter 97, Statutes of 1992) attempted to avoid impacts on agricultural operations associated with incompatible development uses “coming to a nuisance.” By amending provisions of the California Civil Code, under Assembly Bill 1190, existing agricultural processing facilities do not constitute a nuisance, provided they operate in a manner consistent with historic operations. Please refer to California Civil Code Section 3482.5(a)(1).

REGIONAL AND LOCAL PLANS, POLICIES, REGULATIONS, AND ORDINANCES

Sutter County Agricultural Operations Disclosure (Right-to-Farm) Ordinance

The Sutter County Agricultural Operations Disclosure Ordinance (Ordinance Code 1013, Chapter 1330 Section 1330) is intended to protect farm operations from nuisance complaints associated with residential uses located next to active agricultural operations. The ordinance requires property owners to sign a statement of acknowledgment prior to the County’s issuance of a building permit if a residential building is to be located on or adjacent to agricultural land. The Chapter also requires sellers of properties adjacent to agricultural uses or operations to warn prospective buyers about the conditions that they may be subjected to, including but not limited to, noise, dust, odor, smoke, fertilizers, and pesticides that may accompany normal agricultural operations.

Agricultural Zoning

The City of Live Oak does not have any zoning districts intended primarily for agricultural use. However, Sutter County's zoning code includes four zoning districts for agricultural uses; Upland Agricultural, Exclusive Agricultural, General Agricultural, and Agricultural Preserve/Agricultural Preserve Residential. The County also has a Ranchette district in which both residential and limited agricultural uses are permitted.

Sutter LAFCO Policies

The statutory responsibilities of the Sutter Local Agency Formation Commission (LAFCO) are contained in the Cortese-Knox-Hertzberg Act, and mostly related to agency and special district service boundaries and spheres of influence. LAFCO makes decisions regarding annexations to the City, as well as any adjustments to the City's Sphere of Influence. LAFCO has the specific authority to review and approve or disapprove annexations to, or detachments from, cities or districts; formation or dissolution of districts; incorporation or disincorporation of cities; consolidation or reorganization of cities or districts; the establishment of a subsidiary district(s); the development of, and amendments to, spheres of influence; authorization of extension of services beyond an agency's jurisdictional boundaries; provision of new or different services by districts; and, to prepare Municipal Service Reviews and Sphere of Influence studies at least every five years.

LAFCO has adopted written policies and procedures that guide its decisions. Sutter LAFCO's policies and procedures contain criteria against which proposals to change boundaries are compared. State law provides a wide variety of factors that the Commission must consider in the review of a change of organization or reorganization. These are specified in Government Code Section 56668, and include the requirement to consider the effect of a proposal on maintaining the physical and economic integrity of agricultural lands (Sutter LAFCO 2009, page 5).

4.8.2 ENVIRONMENTAL SETTING

Live Oak is located in the Sacramento Valley, an area renowned for the quality of its farmland. The City and the surrounding area contain some of the richest soils in California. Reliable water supplies and the long growing season help to make the area's farmland productive and profitable. Eighty-three percent of Sutter County's land area is devoted to agricultural production. While agricultural production has fallen in many other counties in California, Sutter County farm production continues to rise. Local agricultural revenues continue to rise in the county. In 2006, agriculture generated \$358,845,200 in revenue for county farmers and ranchers (Sutter County 2008).

Agriculture is a fundamental part of the landscape, economy, and culture of the Live Oak area. Orchards occur throughout much of the Study Area. Crops such as plums, peaches, apricots, almonds, walnuts, citrus, and alfalfa, as well as supplies, marketing, processing, and other economic activity related agriculture provides jobs and income for a number of Live Oak residents and businesses. Farmland frames the city and provides locally valued scenic vistas.

In 2006, the Live Oak Planning area had 3,433 acres of Important Farmland, which represents approximately 76% of the Planning Area's total land area (CDC 2006). According to the FMMP data, changes in the Planning Area land uses between 1988 and 2006 (see Table 4.8-1) indicate a loss of farmland during the last two decades (FMMP 2004). Specifically, the amount of farmland in Planning Area decreased from 3,998 acres in 1988 to 3,433 acres in 2006, which represents a 14.1% loss. The largest part of the lost farmland was a result of conversion to urban land.

The FMMP designates 3,433 acres of Important Farmland in the Planning Area. FMMP totals include both vacant land and land in agricultural use. Exhibit 4.8-1 illustrates the location of Important Farmland in the Planning Area.

**Table 4.8-1
Farmland Conversions (1988–2006) in Live Oak Planning Area**

FMMP Land Use	Acres		Change, 1988–2006	
	1988	2006	Acres	Percent
Prime Farmland	401	615 ¹	214	53
Farmland of Statewide Importance	3,590	2,811	-779	22
<i>Unique Farmland</i>	7	7	0	0
<i>Important Farmland Subtotal</i>	3,998	3,433	-565	14
Grazing Land	0	22	22	na
<i>Agricultural Land Subtotal</i>	4,020	3,455	-565	14
Urban and Built-up Land	442	773	331	75
Other Land	81	293	204	26

Note: FMMP = Farmland Mapping and Monitoring Program
¹ The increase in Prime Farmland Acreage between 1988 and 2006 is a result of changes to FMMP methodology.
This table and the associated exhibit show some areas as farmland that are now developed with housing or where some site preparation work has started in advance of housing construction. This information is presented to give the reader the most current and accurate information available from the State of California regarding recent loss of farmland in the Planning Area. Certain minor variations between the 2006 and 2009 conditions do not change the overall message relative to agricultural resources at the General Plan level.
Source: FMMP 1988, CDC 2006

Portions of the Planning Area which lie outside the City limits are currently under the jurisdiction of Sutter County. Sutter County has designated much of this land with agricultural zoning. Exhibit 4.8-2 illustrates the extent of agricultural zoning in the Planning Area.

4.8.3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

METHODOLOGY

The environmental analysis in this section is based, in part, on a review of FMMP Important Farmland maps. As part of the analysis, this EIR examines the Important Farmland classifications that are used by FMMP to determine the agricultural significance of the lands (i.e., Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) in the General Plan Area.

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the State CEQA Guidelines, an impact on agricultural resources is considered significant if the proposed project would:

- ▶ convert Important Farmland (i.e., Prime Farmland, Unique Farmland, or Farmland of Statewide Importance) as determined by the FMMP Important Farmland criteria;
- ▶ conflict with existing zoning for agricultural use, or conflict with a Williamson Act contract; or
- ▶ involve other changes in the existing environment that, because of their location or nature, could result in conversion of Important Farmland to nonagricultural use.

Currently, there are no properties in the Planning Area protected under a Williamson Act contract (Sutter County 2008). Thus implementation of the 2030 General Plan would not convert any land under Williamson Act contract to urban use, and this issue is not addressed further in this DEIR.

IMPACT ANALYSIS

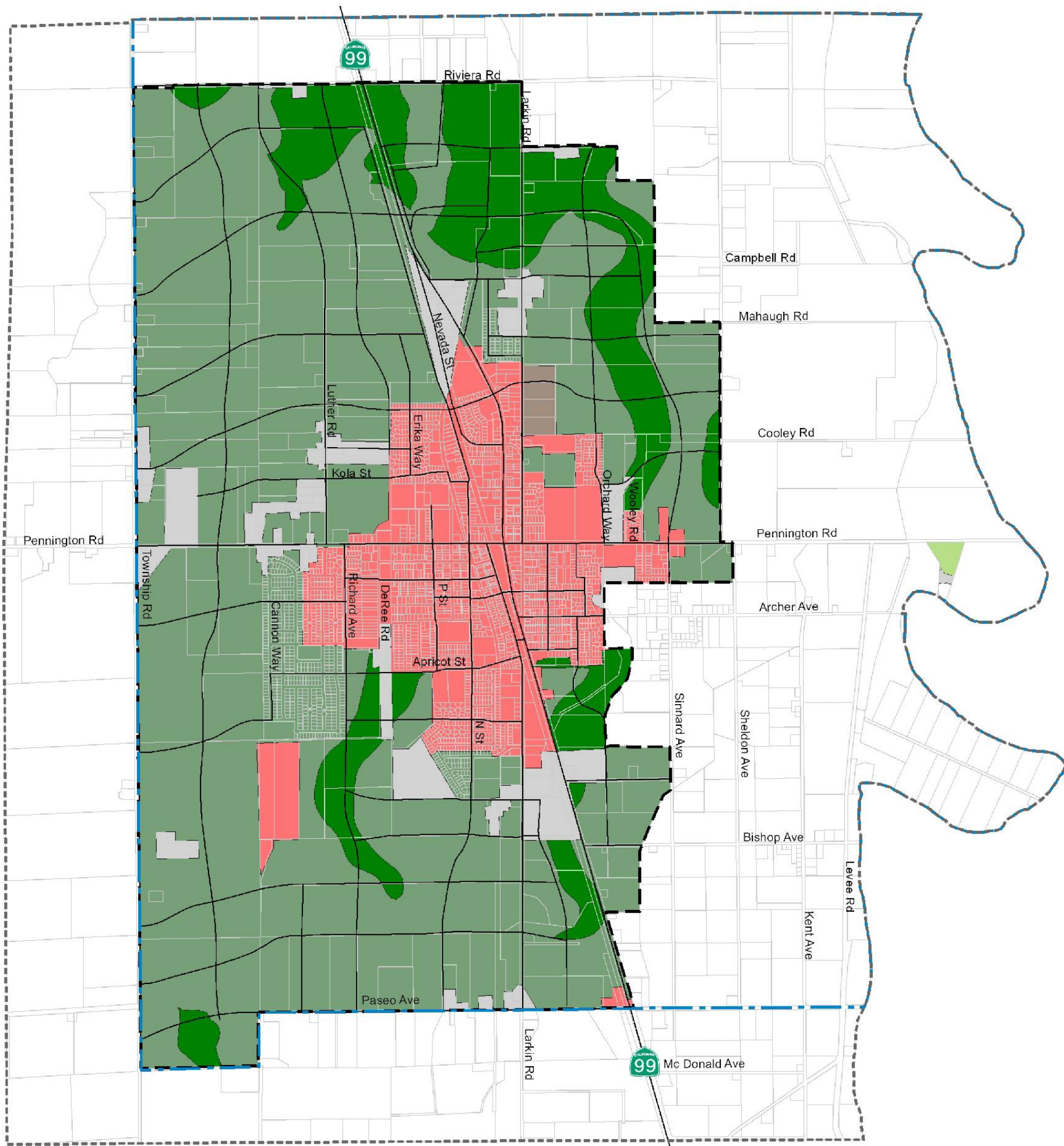
IMPACT 4.8-1 **Loss of Important Farmland.** *Buildout of the 2030 General Plan would result in the conversion of Important Farmland to nonagricultural uses. Approximately 3,433 acres of Important Farmland in the Planning Area could be converted to urban uses. This impact is considered **significant**.*

According to Important Farmland designations identified by FMMP, the Planning Area includes approximately 615 acres of Prime Farmland, 2,811 acres of Farmland of Statewide Importance, and 7 acres of Unique Farmland. The Planning Area includes the area proposed for urban uses in the 2030 General Plan; for the purposes of the analysis in this EIR, it conservatively assumed that implementation of the 2030 General Plan would result in conversion of all Important Farmland in the Planning Area to urban uses. Similarly, approximately 2,920 acres of land in the Planning Area which are currently under County jurisdiction are zoned for exclusive agricultural use. The entire 2,920 acre portion of the Planning Area zoned for agricultural use would be converted to non-agricultural use.

Relevant Policies and Programs of the 2030 General Plan

The 2030 General Plan contains one policy that aims to direct new growth toward infill sites and away from existing agricultural lands. The Plan also contains a variety of policies and implementation programs that aim to reduce potential conflicts between agricultural operations and adjacent uses. These policies are described below.

- ▶ **Policy LU-5.2:** The City will promote redevelopment of already-developed areas, such as downtown and properties along SR 99, where there is existing infrastructure, and where development can be accommodated without losing agricultural land to urban use.
- ▶ **Policy Agriculture-1.1:** Preserve agricultural enterprises by supporting right-to-farm policies.
- ▶ **Policy Agriculture-1.2:** Ensure that residential development in the City is located and designed to be compatible with adjacent, ongoing agricultural activities.
- ▶ **Implementation Program Agriculture-1:** The City will adopt and maintain a “right-to-farm” ordinance (or adopt appropriate portions of Sutter County’s right-to-farm ordinance) to inform residents of ongoing agricultural practices and protect farmers and other agriculture interests from dumping, nuisance complaints, and other problems typically associated with new residents living in agricultural areas.
- ▶ **Policy LU-5.6:** New residential development proposed adjacent to cultivated agricultural lands outside the City’s Sphere of Influence shall provide buffers to reduce potential conflicts. The width of such buffers will be determined on a case-by-case basis, considering prevailing winds, crop types, agricultural practices, and other relevant factors. Buffers should be designed to minimize adverse dust, spraying, and noise impacts to newly established residents near ongoing agricultural operations and to avoid nuisance complaints from these newly established residents against farmers in the area. The width of public rights-of-way, drainages, and easements may count as part of the buffer. Within agricultural buffer areas, allowed land uses include drainage swales, trails, other infrastructure, community gardens, landscaped areas, linear parks, roads, and other uses that would be compatible with ongoing agricultural operations.



LEGEND

Boundaries

-  Study Area
-  Planning Area
-  Sphere of Influence
-  Parcels
-  Roads

-  Prime Farmland (P)
-  Farmland of Statewide Importance (S)
-  Unique Farmland (U)
-  Grazing Land (G)
-  Urban and Built-Up Land (D)
-  Other Land (X)

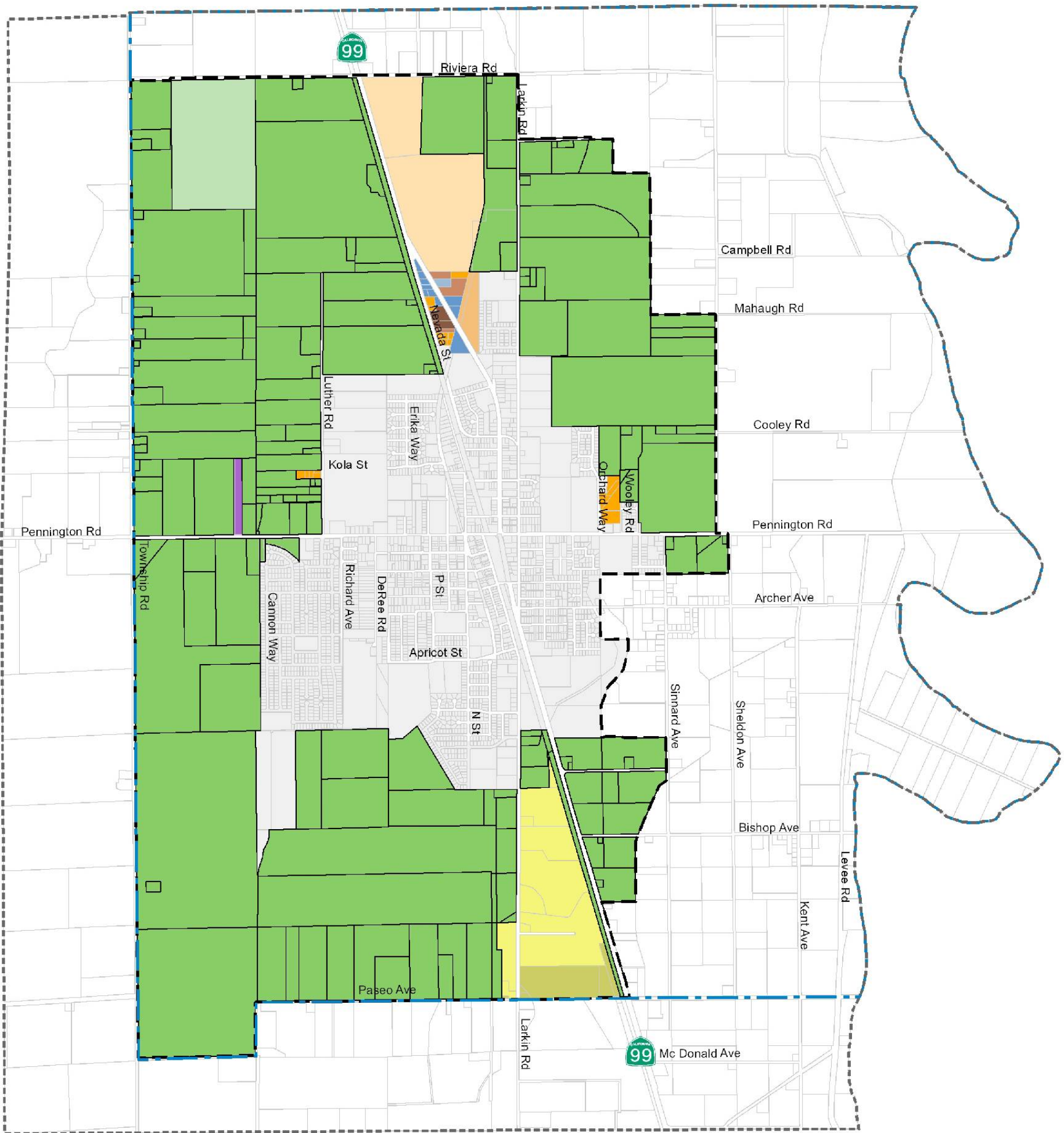


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Source: Sutter County Assessor's Office, Live Oak GIS, FMMP 2006, Adapted by EDAW 2008



**Exhibit 4.8-1
Important Farmlands**



LEGEND

Boundaries

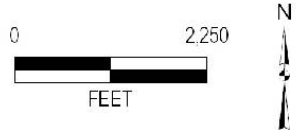
- Study Area
- Planning Area
- Sphere of Influence
- Parcels

Sutter County Agricultural Zoning

- A-2
- AG

Other Sutter County Zoning

- C-2
- C-M
- Live Oak
- M-1
- M-2
- P
- R-1
- Split, AG/C-2
- Split, AG/C-M
- Split, R-1-A/C-2
- Split, R-1-A/C-M



**Exhibit 4.8-2
County Zoning in Planning Area**

Source: Sutter County Assessor's Office, Live Oak GIS, Adapted by EDAW 2009

- ▶ **Implementation Program LU-5.3:** The Planning Department will consult with Sutter County to determine the specific application of the City’s agricultural buffer policy. The City will consider developing an ordinance to apply this policy in areas adjacent to long-term ongoing agricultural operations in the County unincorporated area.

Conclusion

The 2030 General Plan includes policies that are intended to conserve agricultural land and reduce conflicts between agricultural operations and adjacent uses. However, the 2030 General Plan identifies urban land uses for all areas in the City’s Planning Area, including areas of high-quality agricultural land and areas currently zoned for agricultural use. Implementation of the General Plan would result in the loss of agricultural land uses, including Important Farmland and lands zoned for agricultural use, to urban development.

Because any actions taken by the City, including policies contained within the proposed 2030 General Plan, would only extend the timeframe for conversion of Important Farmland associated with urban development, loss of Important Farmland would still occur in the Planning Area. The policies and programs contained within the 2030 General Plan would not prevent the conversion of Important Farmland and areas zoned for agricultural use associated with urban development. Because no new farmland would be made available and the productivity of existing farmland would not be improved as a result of implementing agricultural protection policies, full compensation for losses of farmland would not be achieved and a net loss of Important Farmland would occur. No additional feasible mitigation is available to reduce this impact to a less-than-significant level. This impact would remain **significant and unavoidable**.

IMPACT 4.8-2 Changes Which Could Result in Conversion of Farmland. *The City’s Planning Area includes a large amount of agricultural land with non-agricultural land use designations. Future development within this area could result in the conversion adjacent farmland properties. This impact would be significant.*

New development, particularly residential development, can make farming more difficult or costly due to conflicts between non-agricultural and agricultural activities. For example, residents may complain about noise, dust, odors and low-flying aircraft used to dust or spray crops. Increased restrictions on agriculture processes and other aspects of encroachment on agricultural areas can lower productivity, increase costs, and otherwise impair agricultural operations.

Non-agricultural development could create soil erosion, but this impact is reduced through application of City policy, as well as state regulations to reduce erosion and runoff. Development in the Planning Area would add vehicular traffic in areas where agricultural equipment uses roads. This could make it somewhat more difficult to move agricultural equipment. Urban development could create air pollution that could be harmful to crops, in certain instances. Urban activities can result in vandalism and the introduction of domestic animals that may disturb certain agricultural activities. Non-agricultural development can drive up the potential value of properties, creating pressure to convert agricultural land to urban use. One or a combination of these conflicts could limit agricultural activities or encourage farmers to take their land out of agricultural production, resulting in adverse impacts to agricultural resources in the Planning Area.

As previously discussed, the County has a right-to-farm ordinance designed to prevent against unnecessary conversion of agricultural land use urban use. The 2030 General Plan contains other policies and programs to help minimize conflicts between agricultural and urban uses:

Relevant Policies and Programs of the 2030 General Plan

- ▶ **Policy Agriculture-1.1:** Preserve agricultural enterprises by supporting right-to-farm policies.
- ▶ **Policy Agriculture-1.2:** Ensure that residential development in the City is located and designed to be compatible with adjacent, ongoing agricultural activities.
- ▶ **Implementation Program Agriculture-1:** The City will adopt and maintain a “right-to-farm” ordinance (or adopt appropriate portions of Sutter County’s right-to-farm ordinance) to inform residents of ongoing agricultural practices and protect farmers and other agriculture interests from dumping, nuisance complaints, and other problems typically associated with new residents living in agricultural areas.
- ▶ **Policy LU-5.6:** New residential development proposed adjacent to cultivated agricultural lands outside the City’s Sphere of Influence shall provide buffers to reduce potential conflicts. The width of such buffers will be determined on a case-by-case basis, considering prevailing winds, crop types, agricultural practices, and other relevant factors. Buffers should be designed to minimize adverse dust, spraying, and noise impacts to newly established residents near ongoing agricultural operations and to avoid nuisance complaints from these newly established residents against farmers in the area. The width of public rights-of-way, drainages, and easements may count as part of the buffer. Within agricultural buffer areas, allowed land uses include drainage swales, trails, other infrastructure, community gardens, landscaped areas, linear parks, roads, and other uses that would be compatible with ongoing agricultural operations.
- ▶ **Implementation Program LU-5.3:** The Planning Department will consult with Sutter County to determine the specific application of the City’s agricultural buffer policy. The City will consider developing an ordinance to apply this policy in areas adjacent to long-term ongoing agricultural operations in the County unincorporated area.

Conclusion

The 2030 General Plan includes policies that are intended to reduce conflicts between agricultural operations and adjacent uses, including policies requiring buffering of agricultural uses and enforcing right-to-farm policies. However, the 2030 General Plan would result in the outward expansion of non-agricultural development from the existing developed area, potentially resulting in conflicts with agricultural uses. This conflict could directly or indirectly cause or hasten conversion of these agricultural lands to a non-agricultural use. Although implementation of the 2030 General Plan policies and programs would reduce the severity of this impact, the impact would be **significant**.

Accommodating non-agricultural development within in the Planning Area is a fundamental aspect of the 2030 General Plan. Expansion of non-agricultural development will introduce potential land use conflicts in existing agricultural areas. With the exception of the policies and programs of the 2030 General Plan described above, no additional feasible mitigation is available to reduce this impact.

Any actions taken by the City, including implementation of policies contained within the proposed 2030 General Plan can only reduce, but not completely eliminate, conflict between agricultural and urban uses which might indirectly result in conversion of agricultural lands. The policies and programs contained within the 2030 General Plan would not prevent or these conflicts, and additional conversion or hastening of planned conversion might still occur. No feasible mitigation is available to reduce this impact to a less-than-significant level. This impact would remain **significant and unavoidable**.