

3.14 Agricultural Resources

Environmental Setting

PHYSICAL SETTING

Farmland Classification

The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) uses the Important Farmlands Inventory to classify farmland into five different categories based on soil type and current land use: Prime Farmland (P), Farmland of Statewide Importance (S), Unique Farmland (U), Farmland of Local Importance (L), and Grazing Land (G). Three additional categories, (1) Urban and Built-up Land, (2) Other Land, and (3) Water are used for mapping purposes (for a discussion of soils, see Section 3.12, Geology and Soils). Other than Farmland of Location Importance, all farmland categories are found in the Planning Area and are described below. Table 3.14-1 shows the acreage in the Planning Area by farmland classification. These farmland classifications are mapped in Figure 3.14-1. FMMP farmland classifications are not necessarily designated as agricultural land uses in the General Plan, and are sometimes designated as Open Space, Educational/Institutional, and other land use categories.

- *Prime Farmland* is land that has the best combination of physical and chemical characteristics for crop production. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when managed (including water management) according to current farming methods. Prime Farmland must have been used for the production of crops within four years prior to the mapping date.
- *Farmland of Statewide Importance* is land other than Prime Farmland that has a good combination of physical and chemical characteristics for the production of crops. It must have been used for crop production within four years prior to the mapping date.
- *Unique Farmland* is that which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance, but which is currently used for the production of specific high economic value crops (as listed in the last three years of *California Agriculture*, produced by the California Department of Food and Agriculture). It has the special combination of location, soil quality, growing season, and moisture supply to produce sustained high quality or high yields of a specific crop when treated and managed according to current farming practices. Examples may include oranges, olives, avocados, rice, grapes, and cut flowers.

- *Grazing Land* is that on which the existing vegetation, whether grown naturally or through management, is suitable for livestock grazing. This category does not include land previously designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local importance, of other lands where the terrain restricts the access and movement of livestock.
- *Urban and Built-up Land* is 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, and other developed purposes.
- *Other Land* includes low-density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing, confined livestock, poultry, or aquaculture facilities; strip mines; borrow pits; and water bodies smaller than forty acres; and vacant and non-agricultural land larger than 40 acres and surrounded on all sides by urban development.
- *Water* includes perennial water bodies with an extent of at least 40 acres.

Table 3.14-1: Farmland Acreages in the Planning Area by Classification

<i>Farmland Type</i>	<i>Acres</i>	<i>Percent of Planning Area</i>
Prime Farmland	15.9	1.4%
Farmland of Statewide Importance	3.3	0.3%
Unique Farmland	8.3	0.7%
Grazing Farmland	298.5	26.2%
Urban and Built-Up Land	776.6	68.2%
Other Land	35.0	3.1%
TOTAL	1,137.6	100%

Notes:

Farmland data shown (2014) is the most recent as of January, 2018 for the planning area. Additional urban development may have occurred since then, including the development of approximately 56 acres of Grazing Land for the Shea Sage development.

Source: *Farmland Mapping and Monitoring Program (FMMP), 2014; City of Livermore GIS, 2014; Alameda County GIS, 2015; Dyett & Bhatia, 2017.*

Existing Farmland

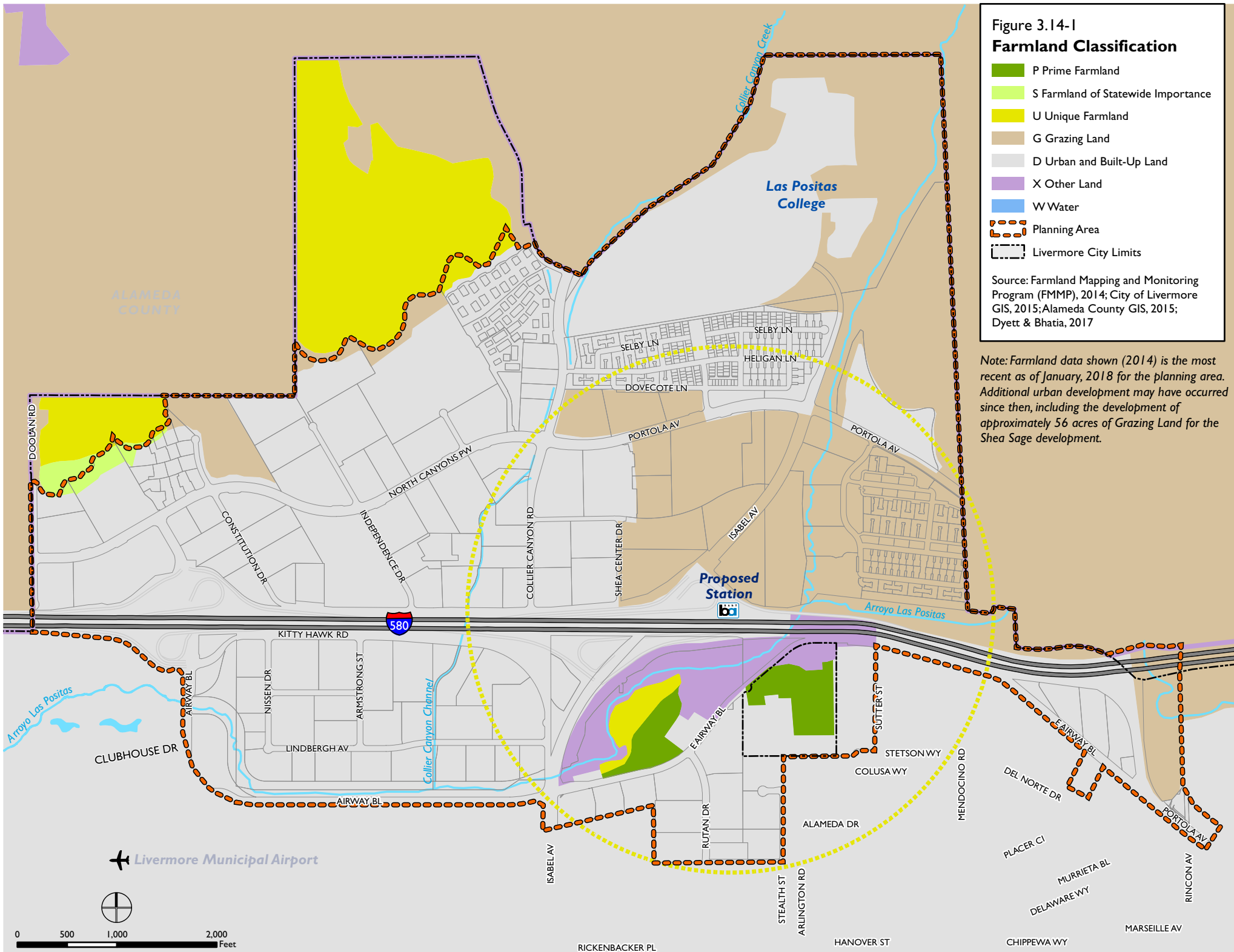
Active agricultural land use accounts for approximately 2 percent of the Planning Area’s existing land use. As shown in Figure 3.1-1, Existing Land Uses, the largest agricultural use within the Planning Area—a 21-acre parcel located on East Airway Boulevard—is an unincorporated County parcel. Outside of the Planning Area, hillsides to the north and northwest are primarily used for agriculture (vineyards), grazing, or are undeveloped (open space).

**Figure 3.14-1
Farmland Classification**

- P Prime Farmland
- S Farmland of Statewide Importance
- U Unique Farmland
- G Grazing Land
- D Urban and Built-Up Land
- X Other Land
- W Water
- Planning Area
- Livermore City Limits

Source: Farmland Mapping and Monitoring Program (FMMP), 2014; City of Livermore GIS, 2015; Alameda County GIS, 2015; Dyett & Bhatia, 2017

Note: Farmland data shown (2014) is the most recent as of January, 2018 for the planning area. Additional urban development may have occurred since then, including the development of approximately 56 acres of Grazing Land for the Shea Sage development.



0 500 1,000 2,000 Feet

REGULATORY SETTING

Federal Regulations

U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS)

The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) maps soils and farmland uses to provide comprehensive information necessary for understanding, managing, conserving, and sustaining the nation's limited soil resources. In addition to many other natural resource conservation programs, the NRCS manages the Farmland Protection Program, which provides funds to help purchase development rights to keep productive farmland in agricultural uses. Working through existing programs, USDA joins with state, tribal, or local governments to acquire conservation easements or other interests from landowners.

State Regulations

California Farmland Conservancy Program

The California Farmland Conservancy Program (Public Resources Code Section 10200 et seq.) supports the voluntary granting of agricultural conservation easements from landowners to qualified nonprofit organizations, such as land trusts, as well as local governments. Conservation easements are voluntarily established restrictions that are permanently attached to property deeds, with the general purpose of retaining land in its natural, open-space, agricultural, or other condition while preventing uses that are deemed inconsistent with the specific conservation purposes expressed in the easements. Agricultural conservation easements define conservation purposes that are tied to keeping land available for continued use as farmland. Such farmlands remain in private ownership and the landowner retains all farmland use authority, but the farmland is restricted in its ability to be subdivided or used for nonagricultural purposes, such as urban uses. Potential impacts on conservation easements would be addressed in subsequent project-level documents. There are no existing farmland conservation easements in the Planning Area.

Williamson Act and Farmland Security Zone Contracts

The California Land Conservation Act (Government Code Section 51200 et seq.) of 1965, commonly known as the Williamson Act, provides a tax incentive for the voluntary enrollment of agricultural and open space lands in contracts between local government and landowners. The contract restricts the land to agricultural and open space uses and compatible uses defined in state law and local ordinances. There are no existing Williamson Act contracts in the Planning Area.

California Civil Code Section 3482.5 (Right to Farm Act)

In accordance with California Civil Code Section 3482.5, if a commercial agricultural use operates according to proper and accepted customs and standards (i.e., in compliance with all applicable state and federal statutes and regulations), has existed in its present location for three or more years and was not considered a nuisance when it began operations, the operations cannot become a private or public nuisance due to any changed condition in the locality, such as encroaching urban development.

Local Regulations

City of Livermore General Plan

The City's General Plan designates the Gandolfo Property as Limited Agriculture. The Limited Agriculture designation applies to those areas where 20-acre parcels may be appropriate due to existing parcel size. Appropriate uses are similar to those in the Agriculture/Viticulture designation. This designation may be used to create a transition between the areas of Large Parcel Agriculture or Agriculture/Viticulture surrounding the City and the low-density residential areas on its outskirts.

City of Livermore Development Code Chapter 3.01.050: Zoning - Annexation

Part 3 of the Development Code states that any area annexed to the city shall be zoned OS-A (Open Space-Agricultural zone), unless, prior to the annexation, such lands were rezoned by the City. The unincorporated county land within the Planning Area is currently rezoned by the City as Planned Development (PD), as shown in Figure 3.1-4: Existing Zoning.

City of Livermore Development Code Chapter 3.03.170: Open Space (OS) Zone

The BART Station (South) property is zoned OS-F, or Open Space- Floodplain. If any structure or grading for the Isabel Station surface parking will alter the floodplain, a floodplain analysis including a conditional letter of map revision and letter of map revision may be required to meet FEMA requirements in the City. BART will work with floodplain managers in impacted cities and counties to submit and process required paperwork for FEMA approval.

City of Livermore Municipal Code Chapter 8.16: Right to Farm

Title 8 of the Municipal Code requires that, as a condition of approval of a development permit relating to property located within 2,000 feet of agricultural land, agricultural operations, or agricultural processing facilities or operations, transferors of such property notify transferees of the property's proximity to agricultural land and of potential discomforts and inconveniences resulting from that location. Title 8 also states that agricultural operations are not considered a nuisance unless such operations are deemed to be a nuisance under California Civil Code Sections 3482.5 and 3482.6.

Alameda County Municipal Code Chapter 17.06: Agriculture

The Gandolfo Property is zoned as Large Parcel Agriculture in Alameda County. This zoning designation permits agricultural processing facilities (for example wineries, olive presses) and limited agricultural support service uses that primarily support Alameda County agriculture.

Impact Analysis

SIGNIFICANCE CRITERIA

For the purposes of this EIR, a significant adverse impact to agricultural resources would occur if the proposed Plan would:

- Criterion 1:** Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Important Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- Criterion 2:** Conflict with an existing zoning for agricultural use, or a Williamson Act contract; or
- Criterion 3:** Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

METHODOLOGY AND ASSUMPTIONS

Farmland resources were identified based on the California Department of Conservation's FMMP, County zoning, City zoning, and Williamson Act database. Using these sources, the proposed Plan was analyzed for its potential to result in the conversion of Important Farmland or to directly or indirectly convert farmland to non-agricultural use.

To analyze the significance of each impact, full implementation of the proposed Plan goals and policies was considered to determine if significant impacts would still remain with development of the proposed Plan.

IMPACTS

Impact 3.14-1 Buildout of the proposed Plan would convert Prime Farmland or Unique Farmland to non-agricultural use. (*Significant and Unavoidable*)

As stated in the Physical Setting, areas of Prime and Unique Farmland are located along East Airway Boulevard, and areas of Unique Farmland and Farmland of Statewide Important are located along the northwestern edge of the Planning Area, at the northern end of Constitution Drive and the northernmost portion of the proposed Transition land use.

The Gandolfo property is currently unincorporated Alameda County land and is designated as Prime Farmland. The Plan proposes to annex this property and designate the property for urban development with residential and open space uses. Therefore, buildout of the proposed Plan would result in the full conversion and loss of this Prime Farmland. This conversion of agricultural lands to urban uses would be considered significant and unavoidable.

On portions of the Prime Farmland and Unique Farmland in the southern portion of the Planning Area, west of East Airway Boulevard, BART is proposing to construct station facilities including a

parking structure, plaza, circulation areas, and possibly retail. The proposed Plan designates this area with Education/Institutional uses with an Open Space buffer along Arroyo Las Positas and Parking and Retail overlays. The BART to Livermore Extension EIR analyzed this impact to agriculture and concluded that the impact would be Significant and Unavoidable despite a conservation easement at a 1:1 ratio as mitigation. Under the proposed Plan, conversion of agricultural lands to these new uses would also be considered significant and unavoidable.

On the Unique Farmland and Farmland of Statewide Importance located along the northwestern edge of the Planning Area, the proposed Plan would protect the agricultural resources through a policy that requires prioritization of open space preservation along conservation easements. However, the overall impact would remain significant and unavoidable due to development of other important farmland in the Planning Area.

Individual projects under the proposed Plan would be required to address impacts on agricultural lands by implementing the following proposed Plan policies. While the policies would reduce impacts, there would still be a significant and unavoidable impact related to the conversion of Prime Farmland, Farmland of Statewide Importance, or Unique farmland.

Proposed Plan Goals and Policies that Reduce the Impact

Land Use Chapter

- P-LU-21:** The City recommends that development of the BART provide compensatory mitigation, per the BART to Livermore Extension EIR. To the maximum extent feasible, compensatory mitigation shall be implemented in Eastern Alameda County at sites immediately adjacent to the area of the BART to Livermore extension project impacts. If this is not acceptable to Resource Agencies, other properties in North Livermore and Doolan Canyon (within unincorporated Alameda County) offer many opportunities. Potential mitigation areas that are farther from the BART to Livermore extension project footprint but still within Eastern Alameda County include: Altamont Hills, Greenville Road, and South Livermore.
- P-LU-22:** Open space preservation should prioritize land that is adjacent to urban growth boundaries and/or existing easements, in order to create and protect wildlife corridors.
- P-LU-23:** The City shall work with BART and Alameda County to leverage other resources for open space preservation to maximize the value of the mitigation and benefits to North Livermore.
- P-LU-24:** Development of the Gandolfo property shall acquire Prime farmland at a 1:1 ratio of compensatory mitigation under permanent easement or participate in the City's TDC program.

Mitigation Measures

As full implementation of the proposed Plan would rely on the conversion of the Prime Farmland on the Gandolfo property to non-agricultural use, no mitigation is available that would reduce impacts to a level that is less than significant.

Impact 3.14-2 Buildout of the proposed Plan would not conflict with an existing zoning for agricultural use, or a Williamson Act contract. (Significant and Unavoidable)

There is one zoning district, PDR-01-001, in the Planning Area that allows for agriculture uses. The district, located in the north of the Planning Area, allows for two principal permitted uses, one on each included parcel. On the northern parcel, the zoning district permits agricultural plantings including vineyards and orchards, while condominium uses are permitted on the southern parcel. The proposed Plan would designate both parcels as Transition Residential, which does not allow for agricultural uses. Thus, because the proposed Plan land use designation would conflict with the existing zoning to permit only agricultural plantings on the northern parcel, there would be a significant and unavoidable impact related to zoning for agricultural use. However, should the proposed Plan be adopted, zoning in this area would be revised to be consistent with the proposed Plan designation. There are no existing Williamson Act contracts in the Planning Area (California Department of Conservation, 2015). Therefore, buildout of the proposed Plan would not result in any impacts to Williamson Act contracts.

Mitigation Measures

As implementation of the proposed Plan would designate non-agricultural uses on a parcel zoned for agricultural use, there are no mitigation measures available that would reduce this impact to a level that is less than significant.

Impact 3.14-3 Buildout of the proposed Plan could result in changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. (Less than Significant)

Urban development can cause both direct and indirect threats to agricultural resources. Urban development has the potential to conflict with adjacent agricultural practices, through such means as restrictions on the use of agricultural chemicals, complaints regarding noise, dust and odors, trespassing, and vandalism. These conflicts may increase costs of agricultural operations, and together with other factors, encourage the conversion of additional farmland to urban uses.

The areas of Unique Farmland and Farmland of Statewide Importance in the periphery of the northwestern part of the Planning Area are located immediately north of lands designated as Business Park and Residential Transition under the proposed Plan. However, these land use designations are proposed where there are existing townhomes and condominiums, offices, business parks, and industrial uses, where people already live and work. Therefore, the proposed Plan would not result in a new threat to existing, active farmland. Additionally, Chapter 8.16 of the Livermore Municipal Code protects the right to farm by requiring that future property owners be notified if the property coming under their possession is near farming operations. The Municipal Code Chapter also states that agricultural operations are not considered a nuisance unless they are deemed so under California Civil Code Sections 3482.5 and 3482.6. Thus, this impact would be less than significant.

Mitigation Measures

None required.