THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development Af **BOARD AGENDA #** 9:10 a.m.

Urgent ☐ **Routine** ■ **AGENDA DATE** April 30, 2013

CEO Concurs with Recommendation YES ☐ **NO** ☐ **4/5 Vote Required YES** ☐ **NO** ■
(Information Attached)

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation of Denial for General Plan Amendment No. PLN2012-44, Agricultural Element Update, Due to a Lack of a Majority Vote

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a public hearing at its regular meeting on July 5, 2012, the Planning Commission, on 3-3 vote, recommended the Board of Supervisors deny approval of this project, due to a lack of a majority vote.

However, if the Board decides to approve the project, the Board should:

1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received,

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2013-207

MOTION:

Please note that this Item contains a clerical error regarding the date of the Planning Commission meeting. The correct date is 03/21/2013 (not 07/05/2012).

County Counsel determined that pursuant to Government Code Section 1090 Supervisors O'Brien, Chiesa, Withrow and De Martini have disqualifying conflicts of interest with this public hearing because they all own agricultural property under Williamson Act contract or qualified to be under contract. Therefore, in order to establish a quorum to consider this matter, the Board invoked the rule of necessity and Supervisor O'Brien and Supervisor Chiesa drew long straws and thus participated in the decision.

AFTER CONDUCTING THE PUBLIC HEARING AND CONSIDERATION OF SEVERAL MOTIONS, GPA NO. PLN2012-44, AGRICULTURAL ELEMENT UPDATE WAS **DENIED** DUE TO THE LACK OF A MAJORITY VOTE.

Christine Ferraro

ATTEST: ***CHRISTINE FERRARO TALLMAN, Clerk*** ***File No.***

PLANNING COMMISSION RECOMMENDATIONS (CONTINUED):

that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.

3. Find that:

   A) The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses and

   B) The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.

4. Approve General Plan Amendment Application No. PLN2012-0044 - Agricultural Element Update.

DISCUSSION:

The proposed General Plan Amendment is to modify select portions of the Agricultural Element within the Stanislaus County General Plan. The proposed amendment focuses on specific objectives, policies, and implementation measures relating to food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection.

In 2007, Stanislaus County amended and adopted changes to the Agricultural Element that included policy language directing Staff to undertake a review and update of the element every five years. The intent of which was to conduct a periodic evaluation of the goals, objectives, policies, and implementation measures of the document to ensure that the language remains relevant to the needs of local agriculture. This amendment is the result of an update process initiated in 2011/2012.

Provided in Attachment "A", March 21, 2013, Stanislaus County Planning Commission Staff Report, is a summary of the proposed modified policies and implementation measures.

On March 21, 2013, the Stanislaus County Planning Commission held a public hearing to review the Draft Agricultural Element, heard as General Plan Amendment No. PLN2012-044. Due to a lack of a majority vote, the Planning Commission's ultimate

recommendation to the Board of Supervisors was to deny the proposed amendment. Article 4, Section 14(1) of the Stanislaus County Planning Commission Rules and Regulations state that:

> *"In the case of a tie vote or where less than a majority vote is cast on a motion, the motion fails and a new motion is in order. If an alternative action is not possible, the proposal shall be considered denied."*

At the public hearing, the Planning Commission initially made a motion to recommend approval (Etchebarne/Peterson) to the Board but this motion failed on a 3-3 vote to garner a majority. A second motion was made to recommend a denial (Buehner/Crabtree), but again on a 3-3 vote, this motion failed due to a lack of majority. A final motion to recommend approval, except for the addition of the word "minimum" to the 1:1 Agricultural Land Mitigation, was made (Crabtree/No second) but this motion failed as well.

The main topic discussed by the Planning Commission centered on the proposed edits to the Agricultural Land Mitigation (Policy 2.13) language. Overall, the Commissioners who voted against the modifications were not against the addition of the word "minimum" to the 1:1 ratio, but rather they objected to having any mitigation requirements within the County's General Plan. Specifically, some of the Commissioners felt that the overall mitigation requirement may diminish future development opportunities within the County. A comment was made that the mitigation requirement will encourage developers to seek jurisdictions that do not have a mitigation requirement in place and will drive development outside of our County. Additionally, a comment was made that the County's Agricultural Land Mitigation policy makes it difficult to construct affordable housing due to the increase cost of complying with the current and proposed mitigation requirement.

Policy 2.13 of the 1992 Agricultural Element established the policy language that, *"To the greatest extent feasible, the County shall require mitigation of the impacts of farmland conversion."* The 1:1 ratio mitigation requirement was introduced in the 2007 Agricultural Element update and was established to address the conversion or "loss" of agricultural land resulting from a discretionary project requiring an amendment from "Agriculture" to a residential land use designation. As part of the current Agricultural Element Update, the proposed changes to the Agricultural Land Mitigation are to include the word "minimum" to the 1:1 ratio in order to identify that any mitigation will require a standard that is at least at a 1:1 ratio, but not lower than a 1:1 replacement ratio.

A few members of the Planning Commission also raised concern with the need for water storage (such as the development of new reservoirs) not being addressed in the Agricultural Element. While the policies and implementation measures of the Agricultural Element do not directly address water storage (such as the development of

new reservoirs), Objective No. 3.2 recognizes water is one of the primary basis of agriculture in Stanislaus County by establishing policies to encourage the conservation of water for both agricultural and urban uses and protection of quality water for crop production and marketing. The Commission members recognized that State and Federal regulations restrict development of new reservoirs.

There was no public comment either in opposition of or in favor of the proposed Agricultural Element Update.

POLICY ISSUES:

Planning staff believes this project is consistent with the overall goals and policies laid out within the General Plan. The Board should determine whether the project, as proposed, furthers the goals and objectives of ensuring 'A Strong Agricultural Economy and Heritage'. The Board priority of 'A Strong Agricultural Economy/Heritage' identifies an update of the Agricultural Element of the General Plan as a measure under the goal of protecting agricultural resources. Staff believes this project will not conflict with the Board's priorities of A Safe Community; a Healthy Community; A Strong Local Economy; A Strong Agricultural Economy/Heritage; and A Well Planned Infrastructure System.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Angela Freitas, Planning and Community Development Director.
Telephone: (209) 525-6330

ATTACHMENTS:

A. Planning Commission Staff Memo, March 21, 2013
   - Attachment 1 - Draft - Proposed Agricultural Element of the General Plan
   - Attachment 2 - Initial Study and Negative Declaration
   - Attachment 3 - Environmental Review Referrals

B. Planning Commission Minutes, March 21, 2013

Stanislaus County
Striving to be the Best

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354
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ATTACHMENT A

March 21, 2013

MEMO TO: Stanislaus County Planning Commission

FROM: Stanislaus County Department of Planning and Community Development

SUBJECT: GENERAL PLAN AMENDMENT APPLICATION NO. PLN2012-0044 - AGRICULTURAL ELEMENT UPDATE

PROJECT DESCRIPTION

This is a five year update of the Agricultural Element of the Stanislaus County General Plan. This update focuses on objectives, policies, and implementation measures relating to food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection.

BACKGROUND

The County's first Agricultural Element was adopted in April of 1992. The Agricultural Element was added to the County General Plan in recognition of the importance of agriculture to our local economy. Most recently, the Agricultural Element underwent a comprehensive update and was adopted in its present form by the Board of Supervisors in December of 2007. The stated purpose of the Agricultural Element is to promote and protect local agriculture through the adoption of policies designed to achieve three main goals:

1. Strengthen the agricultural sector of our economy;
2. Preserve our agricultural lands for agricultural uses; and
3. Protect the natural resources that sustain agriculture in Stanislaus County.

In 2007, the adopted Agricultural Element included policy language that directed staff to undertake a review and update of the element every five years. The intent of the five-year review language was to conduct a periodic evaluation of the goals, objectives, policies, and implementation measures of the document to ensure that the language remains relevant to the needs of local agriculture. Furthermore, it directed Planning Staff to coordinate the review and evaluation with the assistance of the Agricultural Advisory Board and the County Agricultural Commissioner's Office.

In 2011/2012, Planning Staff began the process of reviewing the Agricultural Element. A series of meetings was held with the Agricultural Commissioner's Office, the Agricultural Advisory Board, the County's General Plan Update Committee, and the Agricultural Element Update Sub-Committee. Several topic areas were discussed; however, five (5) main topic areas were identified as requiring update. Those areas included: food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection. Staff then began researching and drafting language in response to the discussion with each meeting group. The

discussion below will focus on each topic area and the relationship to the proposed modifications within the Agricultural Element.

DISCUSSION

Exhibit "A" consists of the updated Agricultural Element being considered for approval. New policies and implementation measures are identified in red ***bold/italic/underlined*** text. Policies and implementation measures which have been removed or modified within the document are identified by red ~~strike through~~ text.

Modified Policies and Implementation Measures (I.M.)

This portion of the memo focuses in more detail on the specific modifications being considered throughout the Agricultural Element of the County's General Plan. The modifications being proposed within the document are summarized in the five (5) topic areas listed below.

1) Food Safety Guidelines

During the process of updating the Agricultural Element, it became clear that recent developments regarding "food safety" would need to be incorporated into the document. Some of the developments included highly publicized public health issues originating from agricultural commodities and the passage of the United States Food Safety Modernization Act (FSMA) in January of 2011. The goal of the FSMA is to ensure the U.S. food supply is safe and was characterized by the US Food and Drug Administration as the most sweeping reforms in food safety in the last 70 years.

In response to the issues surrounding "food safety", modifications have been made to Objective Number 1.6 "Protect Food Safety" as well as the addition of two I.M. under Policy 1.21. The modifications made recognize the importance and connection to the economic health of our County and identify the regulatory framework of the FSMA. The additional I.M. under Policy 1.21 are as follows:

> I.M. #2 - As regulations are established, the Agricultural Commissioner will work with state and federal agencies and the farming community in the implementation of a food safety program to include a record keeping and trace back system to ensure minimal impacts related to food borne pathogens and associated outbreaks.
>
> I.M. #3 - The County shall support the rights of growers to utilize the widest range of newest available technologies.

2) Alternative Energy Sources

Prior to beginning the task of updating the Agricultural Element, Planning Staff had started to see a trend with an increase in the amount of alternative energy projects within the A-2 (General

Agriculture) Zoning District; particularly, an increase in the number of proposals for large scale ground-mounted solar panel projects. This trend was not present during the adoption of the Agricultural Element in 2007 and, as such, there were no focused policies or implementation measures to address these types of facilities and their impact on the County's agricultural land.

Discussion of this topic has, so far, focused on the location of the solar facility and the potential loss of "prime" farmland given the rather large footprint needed for these facilities. Policy 2.5 of the Agricultural Element states that, "*To the greatest extent possible, development shall be directed away from the County's most productive agricultural areas.*" In response to the discussions held during the update process, the following I.M. is being proposed under Policy 2.5:

> I.M. #3 - The County shall encourage the development of alternative energy sources on lands located outside "Most Productive Agricultural Areas"; however, locations within a "Most Productive Agricultural Area" may be supported if it can be shown that no alternative locations exist.

A minor update is also being proposed to recognize the allowance of alternative energy sources as an accessory use, to the on-site farming activities, on properties that are under Williamson Act contracts. Policy 2.3 states that, "*The County shall ensure all lands enrolled in the Williamson Act are devoted to agricultural and compatible uses supportive of the long-term conservation of agricultural land.*"

> I.M. #2 - The County shall support the development of alternative energy sources, such as solar and wind, designed and installed to primarily produce energy for the on-site agricultural and compatible uses.

3) Agricultural Land Mitigation

Policy 2.13 of the current Agricultural Element states: "In order to mitigate the conversion of agricultural land resulting from a discretionary project requiring a General Plan or Community Plan amendment from "Agriculture" to a residential land use designation, the County shall require the replacement of agricultural land at a 1:1 ratio with agricultural land of equal quality located in Stanislaus County."

The intent of this policy language is to address the conversion or "loss" of agricultural land resulting from a discretionary project requiring an amendment to a residential land use designation, (including non-EIR projects) and requiring a replacement ratio of 1:1. The ratio of 1:1 means that for every acre of farmland converted to a residential land use designation, an equal number of acres of farmland are permanently protected by an agricultural conservation easement.

As part of this update, a slight modification is being proposed to clarify the replacement ratio of 1:1. In order to identify that any mitigation will require a standard that is at least at a 1:1 ratio,

but not lower, the addition of language is proposed which states the replacement of agricultural land must be at a minimum, a 1:1 ratio. This modification is taking into consideration that there may be instances where a project specific environmental document may require a mitigation ratio that is greater than 1:1 in order to properly mitigate project related impacts. As written currently, it was not entirely clear that a greater ratio than 1:1 would be required given the potential project specific impacts. The proposed change to Policy 2.15 is as follows:

> *Policy 2.15*
> *In order to mitigate the conversion of agricultural land resulting from a discretionary project requiring a General Plan or Community Plan amendment from "Agriculture" to a residential land use designation, the County shall require the replacement of agricultural land at a* ***minimum*** *1:1 ratio with agricultural land of equal quality located in Stanislaus County.*

4) Use of Tertiary Water

At the same time that the approval process for the 2007 Agricultural Element Update was taking place (Oct - Dec 2007), the Stanislaus County Chief Executive Officer (CEO) instructed the Agricultural Advisory Board to investigate the use of tertiary water (aka: recycled water) for the irrigation of crops in Stanislaus County. The CEO provided direction to the Agricultural Advisory Board indicating that the County would be well-served by an analysis of the potential use of tertiary water for agricultural needs. The Agricultural Advisory Board was asked to incorporate the best available science to support any evaluation and recommendations. Direction provided by the CEO also noted the relevance of evaluating the viability of using other water sources for landscape maintenance, crop irrigation, and other non-drinking uses as the demand for "potable" water continues to increase throughout the valley.

The current proposed change to the Agricultural Element would see an additional I.M. for Policy 3.4. This I.M. would help encourage future efforts in developing the use for both urban and agricultural needs. Policy 3.4 of the Agricultural Element establishes the encouragement of water conservation for both agricultural and urban uses within Stanislaus County. Water (both surface and ground sources) is a precious natural resource that is directly tied to the County's agricultural economy and the overall quality of life for its residents. Water also plays an important role in sustaining the agricultural production/economy within the County as well as meeting future urban demands as the County experiences growth. Overall, the practice of water conservation will be one of the critical elements to ensure that a long term adequate water supply is available for future use throughout the County.

The characterization of tertiary water can be summed up as an additional water filtration process that further purifies treated water in order to allow it to be reintroduced to the environment. When looking at how waste water treatment occurs, generally there is a "primary treatment stage" which is a process that allows the separation of solids and oils from the water through a settling process. A "secondary treatment phase" occurs to remove dissolved and suspended biological matter from the water. The final process of treatment, the "tertiary

treatment phase", provides a final treatment to further improve the water quality before it is discharged into the environment (river, lake, ground, etc.). Prior to being discharged for re-use, the tertiary phase utilizes a treatment either chemically or physically to further remove contaminants.

With current technology, tertiary treatment can remove almost 99 percent of impurities from waste water, producing an end product that is almost at the equivalent levels of drinking-water. There is a huge potential for use of tertiary or recycled water in our County. Depending on the process, the uses would range from landscape irrigation to groundwater re-charge and irrigation for agricultural crops. The proposed language is as follows:

> I.M. #5 - The County shall encourage the development and use of tertiary water for both agricultural and urban irrigation

To aid in the implementation of the proposed Agricultural Element, the definition section has been also been modified to include a single term, "Tertiary Water". The following is the proposed definition:

> Tertiary Water - Waste water which has undergone an advanced cleaning process to remove nutrients (such as phosphorous and nitrogen) and suspended solids. Tertiary water is also referred to as reclaimed water and recycled water.

5) Ground Water Protection

Similar to the topic of Tertiary Water, "Ground Water Protection" is an area that the Agricultural Advisory Board was directed to analyze by the County's CEO. In April of 2009, the Agricultural Advisory Board received correspondence from the CEO directing them to investigate the practice of groundwater extraction and to consider the feasibility of establishing a "groundwater export ordinance," to regulate any such activity in Stanislaus County. Since 2009, the Agricultural Advisory Board has established a working group comprised of local/regional stakeholders as well as a groundwater sub-committee. To date, no formal approval has taken place in terms of adopting a groundwater ordinance but the process is still active and it is expected that an ordinance will be seen in the near future. As part of this update, a new Policy and I.M. is being proposed to address local groundwater for Agricultural use and to compliment the efforts, already underway, to create a County-wide Ground Water Ordinance. The proposed Policy and I.M. are as follows:

> Policy 3.6
> The County will continue to protect local groundwater for agricultural use in Stanislaus County.

> I.M. #1 - The County shall consider adoption of a groundwater ordinance to protect the supply and quality of local groundwater for agricultural use in Stanislaus County.

GENERAL PLAN CONSISTENCY

General Plan amendments affect the entire County and any evaluation must give primary concern to the County as a whole; therefore, a fundamental question must be asked in each case: "Will this amendment, if adopted, generally improve the economic, physical, and social well-being of the County in general?" The County, in reviewing General Plan Amendments, shall also consider the additional costs to the County that might be anticipated (economic, environmental, and social) and how levels of public and private service might be affected. In order to approve a General Plan amendment, two findings must be made:

1. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses.

2. The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.

The Agricultural Element is coordinated with several other elements of the County General Plan and must be consistent with the entire General Plan. It interacts primarily with agriculture-related policies of the Land Use and Conservation/Open Space Elements. To avoid duplication, policies in these elements that affect or relate to agriculture are not repeated in this element, except where appropriate. In order to adopt this update, there is no need to amend any policies or implementation measures currently adopted in any of the other General Plan elements. Staff believes the proposed update consists of goals, policies, and I.M. that are designed to improve the overall economic, physical, and social well-being of the County as a whole. Furthermore, staff believes that none of the proposed modifications will negatively affect the ability of public agencies, within the County, to maintain current levels of service.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated for review and comment. Based on the comments received and Initial Study prepared, no significant effects on the environment as a result of this project were identified. The proposed Negative Declaration declares the proposed project will not have a significant effect on the environment.

Referral responses were received from the Turlock Irrigation District and the Oakdale Irrigation District focusing on the proposed update to the Ground Water Protection section. Both responses raise concerns with the potential future use of ground water and if the effects had been adequately studied. In response, it is important to note that the Agricultural Element/General Plan is a long range planning document. Any future efforts in terms of a Ground Water Ordinance will have to comply with a full environmental analysis to determine any specific impacts. At this time, the comments raised, although valuable, are premature until which time the potential ordinance can be studied in greater detail. A response was received

from the Central Valley Flood Protection Board (CVFPB) regarding the update's compliance with Assembly Bill No. 162 (AB 162). This Assembly Bill requires cities and counties in California to amend their General Plans in order to address flood related concerns. This letter was reviewed by staff and it's important to note that County staff has been involved with several meetings and workshops on this issue. Staff is also integrating AB 162 requirements into the County's General Plan as part of the comprehensive update currently underway.

Staff has contacted the California Department of Fish and Wildlife (CDFW) to request a "no effect" determination be made, for the purposes of the assessment of CEQA filing fees pursuant to Fish and Game Code Section 711.4(c). A "no effect" determination for this project would mean that the Agricultural Element Update has no potential effect on fish, wildlife, and habitat and the project as described does not require payment of a CEQA filing fee. To date, staff has not received confirmation that CDFW will make a "no effect" determination for the Agricultural Element update, the determination may be received following the project's Planning Commission hearing.

RECOMMENDATION

Based on the foregoing and ongoing discussions, staff recommends the Planning Commission recommend the Board of Supervisors take the following actions regarding this project:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis;

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075;

3. Find that:

    A) The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses and

    B) The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.

4. Approve General Plan Amendment Application No. PLN2012-0044 - Agricultural Element Update.

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Contact Person: Joshua Mann, Associate Planner, (209) 525-6330

Attachments:
Attachment 1 - Draft - Proposed Agricultural Element of the General Plan
Attachment 2 - Initial Study and Negative Declaration
Attachment 3 - Environmental Review Referrals

Additions shown as red ***Bold/Italic/Underlined*** text
Deletions shown as red ~~strike-through~~ text

Agricultural Element

Chapter 7

AGRICULTURAL ELEMENT

Agriculture is the leading industry in Stanislaus County generating an annual gross agricultural value in excess of a billion dollars into the local economy. This initial value of farm production has a ripple, or multiplier, effect in the economy by generating related activities such as food processing, retail and wholesale trade, marketing, transportation, and related services. Located in the Central Valley, which has long been known as California's agricultural heartland, Stanislaus County consistently ranks among the top ten agricultural counties in the state. Stanislaus County also plays a major role in agriculture at the national level, based on market value of agricultural product sold.

The success of agriculture in Stanislaus County is largely due to our favorable climate and the flat, fertile soils that comprise the resource base of our biggest industry. The availability of affordable, high quality irrigation water and low-cost electrical power also gives local agriculture a competitive advantage. Agriculture in Stanislaus County is characterized by a broad diversity of commodities. While overall production trends for leading commodities have continued to grow, these trends are not always reflective of the overall health of agriculture in Stanislaus County.

The same elements that make Stanislaus County so well suited for agriculture – favorable climate, flat land, available water and low-cost power – also make the County attractive for urban development. Like other areas of the Central Valley, the County has become a magnet for those in search of affordable housing within commuting distance of the San Francisco Bay Area and other major employment centers.

Confronted with unprecedented population growth, diminishing agricultural resources, and increased production costs, it can no longer be assumed local agriculture will always be a major supplier to the nation with fresh fruits and vegetables and remain the mainstay of our economy. The challenge of solving the problems confronting agriculture in Stanislaus County requires the coordinated efforts of both government and private citizens. The goals to sustain a healthy agricultural economy, conserve our agricultural land, and protect our natural resources are goals for which our community as a whole can strive, from which our community as a whole will benefit.

Purpose

The purpose of the Agricultural Element is to promote and protect local agriculture through the adoption of policies designed to achieve three main goals:

1. Strengthen the agricultural sector of our economy.
2. Conserve our agricultural lands for agricultural uses.
3. Protect the natural resources that sustain agriculture in Stanislaus County.

The policies are intended to provide clear guidelines for County decision-making. The policies also are intended to express the County's commitment to specific programs and strategies that will ensure the continued success of our agricultural industry and productivity of our agricultural lands.

Focus

The overall focus of the Agricultural Element is on the mitigation of negative economic and environmental impacts to agricultural land and the natural resources needed to support local agriculture. The Agricultural Element establishes policies to protect the economy of Stanislaus County by minimizing conflicts between agriculture, the environment, and urban development. By minimizing the impacts of urbanization on agriculture, the County will help protect local agriculture and ensure its continued success.

Scope

This document represents a broad-based effort to analyze the status of local agriculture, address agricultural issues, consolidate existing County policies and propose strategies to solve problems that exist. Not limited to land use issues, this document goes beyond the scope of most agricultural elements to include strategies for economic development and resource protection related to agriculture. Because of its comprehensive approach, this document can be considered a strategic plan for agriculture in Stanislaus County.

Authority & Relationship to Other General Plan Elements

In recognition of the importance of agriculture to our local economy, the Stanislaus County General Plan includes an Agricultural Element to promote and protect local agriculture. Under Section 65303 of the California Government Code, optional elements of the General Plan, are authorized but not mandated by the state legislature. The Agricultural Element is coordinated with several other elements of the General Plan and must be consistent with the entire General Plan. It interacts primarily with agriculture-related policies of the Land Use, Conservation/Open Space, and Housing Elements. To avoid duplication, policies in these elements that affect or relate to agriculture are not repeated in this element. However, such policies are cross-referenced whenever appropriate. The policies in this document have the same legal status as any state-mandated element of the general plan.

Review Period

The adoption of the Agricultural Element reflects the County's commitment for a strong agricultural economy. As a means of insuring the goals, objectives, policies, and implementation measures of this document remain relevant to the needs of local agriculture, periodic review of the this document is required. Adoption of this document includes a commitment to reviewing it every five years. Reviews shall be conducted by the Agricultural Advisory Board with assistance from both the County Agricultural Commissioner's Office and the Planning Department.

GOAL ONE

Strengthen the agricultural sector of our economy.

Growth in Stanislaus County is both an opportunity for local agriculture and a threat to its stability. There are opportunities to expand markets for local agricultural products and opportunities for the expansion of existing businesses and the formation of new enterprises. However, growth typically results in increased conflicts between farm and non-farm residents as well as contributing to the loss of productive farmland, the deterioration of air quality, increased competition for water supplies and other resource problems.

Goal One addresses these opportunities and threats by presenting strategies for agriculture-related economic development. These strategies include ways to improve marketing and promotion, provide education and technical assistance, minimize conflicts between farm and non-farm residents, provide adequate housing for farm workers, and ensure food safety.

Because many of these issues are not unique to Stanislaus County alone, but involve the entire Central Valley, the close cooperation of local governments through a voluntary multi-county association or confederation is essential for the continued success of agriculture and the health of our regional economy as a whole.

Objective Number 1.1: Enhance the marketing and promotion of agriculture in Stanislaus County

The ability to market and promote agriculture on both a county-wide and farm level is essential to the success of agriculture in Stanislaus County. Direct marketing is one method farmers can use to gain market control, but for many crops a local infrastructure for marketing and promotion is needed for success. This local infrastructure is comprised of land, services, and the workforce needed for support industries such as food-processors, manufactures, distributers, suppliers, and retailers. A key factor to attracting and retaining the necessary infrastructure includes a strong local focus on economic development.

Stanislaus County plays an active role in economic development through its participation with private industry in efforts to add value to existing local economic development programs. The ability to market the productivity of agriculture in Stanislaus County is essential to the development of the support industry needed to enhance the sales of agricultural products. Marketing boards for the various agricultural commodities grown and raised in Stanislaus County serve as a link between the farmer, processor, and consumer.

Efforts to highlight the rich agricultural heritage of Stanislaus County help to bridge the gap between consumers and farmers by promoting the value of agriculture to the community as a whole. With the increase in population, the majority of Stanislaus County citizens now reside in urban areas. Clearly community education of farming practices and the economic role of agriculture is important to the long-term health of agriculture as an industry in Stanislaus County. Direct marketing provides an opportunity for farmers to deliver their products directly to consumers, while allowing the farmer to maximize revenues.

The County supports direct marketing opportunities through the permitting of produce stands and

and produce markets meeting adopted standards and incidental retail sales and tasting rooms in in conjunction with authorized agricultural processing facilities in the agricultural zoning district. For For many consumers farm-based direct marketing offers them their only physical connection to agriculture. However, to limit the potential for conflict, the county must take measures to insure direct marketing is conducted in a manner which promotes the health, safety, and welfare of both both county residents and agricultural business in the county.

In addition to a strong local market, a strong export market for Stanislaus County agricultural products is a key element to sustaining our agricultural economy. Each year an increasing amount of agricultural products grown in and raised in Stanislaus County are shipped worldwide. Economic development efforts assist companies interested in exporting local agricultural products. In addition to local efforts, the County encourages state and federal efforts to expand agricultural export programs.

Policy 1.1

Efforts to promote the location of new agriculture-related business and industry in Stanislaus County shall be supported.

Implementation Measure

1. The County shall continue to participate in economic development efforts to bring new agriculture-related business and industry to Stanislaus County
   Responsible Departments: Board of Supervisors

Policy 1.2

The marketing and promotion of local agricultural products shall be encouraged.

Implementation Measures

1. The County shall continue to implement existing ordinance provisions relating to direct-marketing of locally grown produce.
   Responsible Departments: Agricultural Commissioner, Department of Environmental Resources, Planning Department, Planning Commission, Board of Supervisors

2. The County shall encourage efforts to establish direct marketing programs and a market identity for Stanislaus County.
   Responsible Departments: Planning Department, Chief Executive Office and Board of Supervisors

3. The County shall encourage the presence of agricultural marketing boards in Stanislaus County.
   Responsible Departments: Planning Department, Chief Executive Office and Board of Supervisors

Policy 1.3

Efforts to expand markets for the export of local agricultural products shall be encouraged.

Implementation Measure

1. The County shall support and encourage efforts to create and expand export programs which seek to expand markets for commodities produced in Stanislaus County.
   Responsible Departments: Agricultural Commissioners Office, Board of Supervisors.

Objective Number 1.2: Support the development of agriculture-related uses

Given its broad diversity, Stanislaus County agriculture involves a variety of commercial and industrial activities and requires a range of supplies and services. Roadside stands, processing services, maintenance and repair of farm machinery and equipment, custom farming services and similar agriculture-related uses are all important for the success of agriculture.

Some of these activities and support services may be most appropriately located on agricultural lands, where they are convenient and accessible to farmers and ranchers. On the other hand, some of these uses may interfere with agricultural operations. The determination of which commercial activities and support services belong on agricultural lands depends on their connection to agriculture, the potential for conflicts, the size, scale and adaptability of the use, and the amount of land lost to farming.

The A-2 (General Agriculture) zoning district of the County Zoning Ordinance encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Tier one includes uses closely related to agriculture such as nut hulling and drying, wholesale nurseries, and warehouses for storage of grain and other farm produce grown on-site or in proximity to the site. Tier two includes uses such as agricultural service establishments serving the immediately surrounding area and agricultural processing plants of limited scale. Tier three includes uses that are not directly related to agriculture but may be necessary to serve the A-2 district or difficult to locate in urban areas. Since tier three uses can be people-intensive and thus can adversely impact agriculture, they are generally directed to lands within LAFCO-adopted Spheres of Influence.

Agricultural service establishments designed to serve the immediate area and agricultural processing plants such as wineries and canneries are allowed when the Planning Commission finds that (1) they will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity; (2) the establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and (3) it is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned commercial or industrial. Limited visitor-serving commercial uses including retail sales, tasting rooms and/or facilities for on-site consumption of agricultural products are allowed in conjunction with agricultural processing facilities.

In general, agricultural service establishments can be difficult to evaluate due to their wide diversity diversity of service types and service areas. This diversity often leads to requests for uses which which provide both agricultural and non-agricultural services and/or have a wide-spread service area. Maintaining a focus on production agriculture is key to evaluating agricultural service establishments in the agricultural area. In order to control the scale and intensity of processing facilities, such as wineries and canneries, the County requires such facilities in the agricultural area area to show a direct connection to production agriculture in Stanislaus County and applies

limitations on the number of employees.

Visitor-serving commercial uses can be especially problematic. Direct marketing and promotion of local products is beneficial to the agricultural industry, yet the people who come to enjoy the rural setting may interfere with necessary farming practices. This "people versus practice" conflict makes it necessary to limit the location and intensity of visitor-serving commercial uses in agricultural areas.

Policy 1.4

Limited visitor-serving commercial uses shall be permissible in agricultural areas if they promote agriculture and are secondary and incidental to the area's agricultural production.

Policy 1.5

Agricultural service establishments shall be permissible in agricultural areas if they are designed to serve production agriculture in the immediately surrounding area as opposed to having a widespread service area, and if they will not be detrimental to agricultural use of other property in the vicinity.

Policy 1.6

Processing facilities and storage facilities for agricultural products either grown or processed on the site shall be permissible in agricultural areas.

Policy 1.7

Concentrations of commercial and industrial uses, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for agriculture and shall not be allowed.

Policy 1.8

To encourage vertical integration of agriculture, the County shall allow research, production, processing, distribution, marketing, and wholesale and limited retail sales of agricultural products in agricultural areas, provided such uses do not interfere with surrounding agricultural operations.

Implementation Measure

1. The County will continue to implement its existing General Agriculture (A-2) zoning provisions for agriculture-related uses consistent with policies 1.6 - 1.10 of the Agricultural Element.
   Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

Objective Number 1.3: Minimizing Agricultural Conflicts:

Urbanization and the proliferation of rural residences throughout the County has led to increased increased conflicts over agricultural operations. Homeowners complain about noise, odors, flies, flies, chemical spraying and similar impacts of commercial agricultural practices; farmers complain complain about vandalism, theft and trespassing on farm properties. To minimize these conflicts, conflicts, the County can implement a variety of tools designed to minimize the interaction between between people and agriculture which results in the conflict. These tools include continuing to

implement its right-to-farm ordinance, requiring buffers between non-agricultural development and and adjacent agricultural operations, and establishing setbacks from agricultural zones.

Stanislaus County is one of many counties in California to have enacted a right-to-farm ordinance to protect farmers from nuisance suits as a result of normal farming practices. The ordinance requires disclosure to home buyers in farming areas that they are subject to noise, dust, odors, and other impacts of commercial agricultural operations. The ordinance also provides a notification system to make residents more aware of the right-to-farm policy and provides a voluntary agricultural grievance procedure as an alternative to court proceedings.

In practice, the right-to-farm ordinance primarily serves as a tool for making adjacent landowners aware of a right which cannot be fully protected by the ordinance. When faced with non-agricultural development in agricultural areas, farmers often lose their rights to implement normal farming practices, such as spraying, due to the increased risk of exposure to surrounding people. Without question, the right-to-farm ordinance is a critical tool in the effort to protect agricultural land, but beyond awareness it is limited in the true protection it can provide. The success of the right-to-farm ordinance is dependent on supporting policies limiting non-agricultural development in and around agricultural areas.

To lessen the impacts of development by minimizing conflicts between agricultural and non-agricultural uses, buffers should be required when incompatible development is approved in or adjacent to agricultural areas. A buffer is a physical separation such as a topographic feature, a substantial stand of trees, a water course, a landscaped berm or similar feature. Buffers serve as both a physical and visual barrier between agricultural uses and the people in non-agricultural areas. By separating incompatible uses, a buffer minimizes the impacts of non-agricultural development on surrounding agricultural operations and decreases the likelihood of conflict. Buffers are not intended to stop people from entering an area, but rather to limit people as a means of avoiding a situation where conflict is known. Buffers need to take into account 'no spray' policies enforced by the Agricultural Commissioner.

Setbacks from agricultural zones also help minimize conflicts over agricultural practices. For example, standards for residential zones may be amended to require all structures be setback a specified distance from an adjacent agricultural zone. Standards will need to take into account existing residential areas where lots may be too small to accommodate effective setbacks. However, the purpose for adopting setback standards is to insure existing circumstances which have resulted in conflict over agricultural practices are not repeated. As with buffers, setbacks need to take into account 'no spray' policies.

Impacts to agriculture also occur when lands are removed from agricultural production and remain fallow or crops are abandoned. While this type of impact generally occurs on the edge of urban development, it can also occur in the middle of an agricultural area. Fallow and abandoned farmland becomes habitat to invasive and noxious pests which may damage plants, lower production, and cause the need to increase the use of pesticides and rodenticides on adjacent farmland. State law grants authority to the County Agricultural Commissioner to address these type of nuisances, but it ultimately is the responsibility of individual property owners to avoid impacting adjacent farmland.

Policy 1.9

The County shall continue to protect agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance.

Implementation Measures

1. The County shall continue to implement the Right-to-Farm ordinance.
   Responsible Departments ***Tax Collector, Clerk Recorder, Planning Department (Planning and Building Permits Divisions), Planning Commission, Board of Supervisors***

2. The County shall utilize complaints related to agricultural activities as educational opportunities.
   Responsible Departments: ***Agricultural Commissioner, Planning Department, Board of Supervisors***

Policy 1.10

The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

Implementation Measures

1. The County shall require buffers and setbacks for all discretionary projects introducing or expanding non-agricultural uses in or adjacent to an agricultural area consistent with the guidelines presented in Appendix "A".
   Responsible Departments: ***Planning Department, Agricultural Commissioner, Planning Commission, Board of Supervisors***

Policy 1.11

The County shall support state regulations requiring landowners to manage noxious weeds and pests on fallow or abandoned lands.

Implementation Measure

1. The Agricultural Commissioner shall enforce state regulations requiring landowners to manage noxious weeds and pests on fallow or abandoned lands.
   Responsible Departments: ***Agricultural Commissioner, Board of Supervisors***

Objective Number 1.4: Provide Housing for Farmworkers

Efficient farm management requires a stable work force to provide labor when needed. To ensure the availability of that labor, adequate numbers of employees must be housed on both a temporary and a permanent basis. Farmworker housing issues involve the location, amount and type of housing for seasonal and year-round farm workers.

State and federal housing programs for farm workers in Stanislaus County are administered by the Stanislaus County Housing Authority, which is an independent public agency entirely separate from County government. Farmworker housing projects currently administered by the Housing Authority are located throughout the County. Other efforts to provide farmworker housing come mainly from individual farmers. The Stanislaus County Department of Environmental Resources is the local agency responsible for enforcing state regulations of farmworker housing.

The County appoints the Housing Authority Board, which is the agency's policy-making body, and and otherwise assists the Housing Authority as outlined in a cooperative agreement. The Housing Housing Element of the General Plan includes a commitment that the County shall continue to assist the Housing Authority in its administration of state and federal housing programs for farm workers.

The General Agriculture (A-2) zoning district allows, with use permit, farm labor camps and permanent housing for persons employed on a full-time basis in connection with any agricultural work or place where agricultural work is being performed. The County Zoning Ordinance also recognizes the use of manufactured housing (mobile homes) under a temporary permit when specific criteria can be met to substantiate the need to provide housing for a full-time employee. Manufactured housing (mobile homes) are preferred over standard housing because they can be moved off the property if circumstances change and the employees are no longer needed.

Policy 1.12

To help provide a stable work force for agriculture, the County shall continue to facilitate efforts of individuals, private organizations and public agencies to provide safe and adequate housing for farm workers.

Implementation Measures

1. The County shall continue to implement the farm worker housing policies of the Housing Element of the General Plan. The County also shall facilitate the efforts of other public agencies, private organizations and individuals to provide safe and adequate housing for farm workers.
   Responsible Departments: Planning Department, Board of Supervisors

2. The Stanislaus County Department of Environmental Resources shall continue to enforce state regulations regarding farmworker housing.
   Responsible Departments: Department of Environmental Resources

3. The County shall consider adoption of expedited permitting procedure for construction of temporary farmworker housing.
   Responsible Departments: Department of Environmental Resources, Planning Department, Planning Commission, Board of Supervisors

Policy 1.13

Temporary housing for full-time farm employees in connection with any agricultural work or place where agricultural work is being performed shall be supported.

Policy 1.14

Permanent, new housing for seasonal farm workers preferably shall be located in areas supplied with public sewer and water services.

Policy 1.15

Housing for year-round, full-time farm employees shall be permissible in addition to the number of dwellings normally allowed by the density standard.

Implementation Measure

1. The County shall continue to implement existing General Agriculture (A-2) zone provisions for farmworker housing consistent with policies 1.16 - 1.18 of the Agricultural Element.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

Objective Number 1.5: Support Education and Technical Assistance

Farmers and ranchers often lack the means to undertake the wide range of activities necessary to pursue new agricultural market opportunities and develop new products. Public educational institutions, including the University of California, California State University Stanislaus, and Modesto Junior College all provide some form of technical assistance to agriculture. However, these public institutions can be better utilized to help agricultural groups and individuals conduct market analyses, identify direct marketing opportunities, promote exports, and coordinate other economic development activities in support of local agriculture.

Vocational agriculture programs provide education and hands-on experience for high school and MJC students in Stanislaus County. The 4-H and Future Farmers of America (FFA) programs also play an important role in agricultural education. 4-H programs are part of the U.C. Cooperative Extension, which receives County funding. FFA programs operate in conjunction with vocational agriculture programs in the public high schools and are not directly related to U.C. Cooperative Extension. However, U.C. Cooperative Extension works with vocational agriculture teachers and provides assistance to vocational agriculture programs, both at the high school and the junior college levels.

Several public agencies conduct agricultural research and provide educational services at the County level: the U.S.D.A. Natural Resource Conservation Center, the East and West Stanislaus Resource Conservation Districts, U.C. Cooperative Extension and the Stanislaus County Agricultural Commissioner's office. Three of these agencies are centrally located in the County Agricultural Center.

Policy 1.16

Public education institutions shall be encouraged to provide more technical assistance related to agricultural economic development in Stanislaus County.

Policy 1.17

The County shall continue to encourage vocational agriculture programs in local high schools and at Modesto Junior College.

Policy 1.18

Public agencies providing agricultural services shall be encouraged to continue agricultural research and education.

Policy 1.19

The County shall continue to encourage 4-H and FFA programs for local youth.

Implementation Measures

1. Local 4-H programs will be encouraged by continued support of U.C. Cooperative Extension.
   Responsible Departments: U.C. Cooperative Extension, Agricultural Advisory Board, Board of Supervisors

2. The County will continue to support the County fair, which involves vocational agriculture, FFA and 4-H programs.
   Responsible Departments: U.C. Cooperative Extension, Agricultural Advisory Board, Board of Supervisors

Policy 1.20

The County shall continue to support the Agricultural Center where offices of public agencies providing agricultural services are centrally located.

Implementation Measure

1. The County will continue to support the County Agricultural Center that houses the public agencies directly related to agriculture, including the U.C. Cooperative Extension, the Agricultural Commissioner, the U.S. Department of Agriculture, and the California Department of Food and Agriculture.
   Responsible Departments: U.C. Cooperative Extension, Agricultural Commissioner, Board of Supervisors

Objective Number 1.6: Protect Food Safety

~~The lack of consumer confidence in food can be costly to the agricultural community.~~ ***A safe food supply is a major concern to all consumers and, as such, is critical to the economic health of our agricultural community. Food borne pathogen outbreaks, t***~~T~~he use of chemicals in growing and storing crops, the use of antibiotics and hormones in raising poultry and livestock, and the use of radiation to prolong the shelf-life of our food are types of ~~agricultural practices~~ issues that worry consumers who are concerned about food safety and its long-term impacts on their health.

Food borne pathogen outbreaks related to agricultural production practices and operations, whether confirmed or alleged through media sources, can be extremely costly and greatly impact agriculture. The Food Safety Modernization Act (FSMA) authorizes the United States Department of Agriculture (USDA) to develop more extensive regulations and guidelines designed to prevent food borne illness through recordkeeping and trace back requirements of agricultural commodities. The Agricultural Commissioner who is responsible for promoting and protecting the agricultural industry will likely be the local arm of government responsible to assist in implementing provisions of the FSMA. Such a program will be designed to quickly address reports of food borne pathogen outbreaks and to diminish impacts to the agricultural industry and the community in general.

The public is also concerned about the impact of agricultural chemicals on the environment. Air, soil and water quality problems can result from the unsafe application and disposal of agricultural chemicals. A viable agricultural industry requires a sustainable regulatory framework promoting economic viability and environmental safety.

The primary responsibility for regulating and monitoring the sale and use of pesticides rests with the

the California Department of Pesticide Regulation, which classifies and registers pesticides, and the the Stanislaus County Agricultural Commissioner, who issues permits to possess and use restricted restricted pesticides. In general, no restricted material can be possessed or used in any way until until the applicator has obtained a permit from the Agricultural Commissioner. The Agricultural Commissioner also operates programs for the inspection of fruits, vegetables and eggs to ensure ensure quality produce; the inspection of nurseries and seed crops to guard against diseases and and inferior plants; pest exclusion to prevent crop-destroying pests from becoming established in in California; and pest detection to find pests at the lowest population and in the smallest area possible in order to minimize the effects and costs of an eradication program.

The U.C. Cooperative Extension conducts educational and applied-research programs in integrated pest management and all other aspects of pest control.

Policy 1.21

The County shall continue to work with local, state and federal agencies to ensure the safety of food produced in Stanislaus County and to maintain a local regulatory framework promoting environmental safety while ensuring the economic viability of agriculture.

Implementation Measures

1. The Agricultural Commissioner will continue to work with government agencies and farmers to ensure the safe use of agricultural chemicals.
   Responsible Departments: Agricultural Commissioner, U.C. CooperativeExtension

2. As regulations are established, the Agricultural Commissioner will work with state and federal agencies and the farming community in the implementation of a food safety program to include a record keeping and trace back system to ensure minimal impacts related to food borne pathogens and associated outbreaks.
Responsible Departments: Agricultural Commissioner

3. The County shall support the rights of growers to utilize the widest range of newest available technologies.
Responsible Departments: Agricultural Commissioner, U.C. Cooperative Extension, Board of Supervisors

42. The U.C. Cooperative Extension will continue to conduct educational and applied-research programs to promote food safety and agricultural practices that are environmentally sound.

Responsible Departments: Agricultural Commissioner, U.C. Cooperative Extension

Objective Number 1.7: Encourage Regional Coordination in the Central Valley

The Central Valley has long been one of the premier agricultural regions in the world. Yet the Central Valley's population is growing rapidly, resulting in far-reaching demographic, social and economic changes. Some of the most obvious changes include crowded highways, polluted air, and homes and shopping centers sprouting from what used to be farmland. These types of regional impacts will likely have cumulative effects on agriculture, exerting a powerful influence over its future viability in the Central Valley.

One way to address regional impacts of growth and help ensure the continued success of

agriculture in the Central Valley is to encourage regional coordination among the various counties counties and cities in the Central Valley. Currently there are nine councils of government in the the Central Valley, including Stanislaus Council of Governments (StanCOG). These groups provide provide a forum for communication between the County government and municipalities within the the County. However, there is no agency that coordinates planning and development activities of of counties and cities for the entire Central Valley.

Policy 1.22

The County shall encourage regional coordination of planning and development activities for the entire Central Valley.

Implementation Measure

1. The County shall participate in regional efforts to address long-range planning, infrastructure, conservation and economic development issues facing the Central Valley.

   Responsible Departments: Board of Supervisors

GOAL TWO

Conserve our agricultural lands for agricultural uses.

Agricultural land is a finite, irreplaceable resource. Once agricultural land has been taken out of production and paved over to provide streets for residential subdivisions and parking lots for shopping centers, it is not likely to be farmed again. The urbanization of productive agricultural land means the permanent loss of an irreplaceable resource.

With population in the Central Valley projected to increase dramatically, Stanislaus County faces greater pressure to convert agricultural lands to non-farm residential, commercial and industrial uses. The policies presented in Goal Two of this document are intended to provide a practical, effective framework for land-use decisions regarding agricultural lands, with the overall goal of conserving agricultural lands for agricultural uses.

While not all agricultural land in Stanislaus County can be conserved, it is possible to protect agricultural areas through a combination of agricultural zoning and policies that clearly direct growth to cities and unincorporated communities with appropriate services to foster a sustainable community. By balancing the need to create housing and job opportunities for an expanding population with the need to protect our agricultural lands, we will help ensure the continued success of local agriculture.

Unlike urbanization, the parcelization of farmland has the potential to result in a gradual loss of farmland associated with the creation of parcels for 'residential purposes' and not 'agricultural purposes'. Parcels created in the agricultural area for 'residential purpose' are commonly referred to as 'ranchette' parcels. Ranchettes are characterized as rural homesites valued primarily for their residential development potential. What is classified as a ranchette size will vary based on soil type, terrain, irrigation water availability and other such factors. The land costs associated with ranchettes are driven by residential potential which cannot be supported by the agricultural income potential of the land. As the use of land transitions from production agriculture to ranchettes, landowner priorities in the areas shift from the protection of agricultural rights to the protection of residential rights.

In recognition of the legitimate agricultural reasons for parcelization of farmland there are options available to insure ranchettes are not inadvertently created. These options include maintaining minimum parcel size requirements suitable for production agriculture, restricting use of farmland to production agriculture, and establishing 'no build' provisions for the development of dwellings on newly created parcels which are not used for production agriculture or capable of production agriculture. These option may also be applied to lot line adjustments of farmland, which also have the potential to result in the creation of ranchette parcels.

Objective Number 2.1: Continued Participation in the Williamson Act

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is a tax tax relief measure for owners of farmland. The Williamson Act permits a landowner, whose land is land is used for farming, to sign a contract with the County guaranteeing that the land will continue continue to remain in farming for a period of at least ten years. In return for this guarantee, the County assesses taxes based on the agricultural value of the land rather than the market value. Generally, this means taxes for a farmer are reduced, sometimes greatly. Participation in the

Williamson Act, has been a fundamental part of Stanislaus County's agricultural land conservation conservation program.

Local jurisdictions implement the Williamson Act by adoption of agricultural preserves and rules governing the administration of the agricultural preserves. Adopted rules must be applied uniformly throughout the preserves and, as such, are commonly termed uniform rules. Stanislaus County has adopted the A-2 (General Agricultural) zoning district as its agricultural preserve. While the Williamson Act itself does not establish permitted uses within an agricultural preserve, permitted uses must be consistent with Principles of Compatibility outlined within the Williamson Act. The Williamson Act does establish presumed minimum parcel sizes for lands enrolled under contract. Minimum parcel sizes apply to both the creation of new parcels and parcels involved in a lot line adjustment.

The local governing jurisdiction has the ability to establish compatible uses, alternative minimum parcel sizes, and criteria for lot line adjustment based on the individualized needs of the community, provided the overall purpose and minimum standards of the Act are maintained.

Generally, the Williamson Act enjoys widespread support among landowners and government officials. The Williamson Act has helped to stabilize farm income and keep many operators in business by limiting the tax burden on contracted parcels. The Open Space Subvention Program, which is the companion to the Williamson Act, requires the State to partially reimburse local governments for forgone property tax revenues.

Stanislaus County has voluntarily participated in the Williamson Act program since 1970. Although the County's participation rate is one of the highest in the state, the percentage of land enrolled under contract has declined by four percent since the height of enrollment in 1981-82. The decline is primarily attributed to lands annexed by cities and contracts which have expired as result of notices of nonrenewal filed by property owners. Notices of nonrenewal are common in areas adjacent to city boundaries and unincorporated communities where development pressures are increasing. The passage of state legislation in 2003 establishing procedures and penalties for material breach of contracts have resulted in an increase of notices of nonrenewal throughout the entire A-2 zoning district.

Despite the trend of increasing notices of nonrenewal, cancellation requests in Stanislaus County have remained low. Generally, the Williamson Act continues to be an effective tool to help keep agricultural land in agricultural use. One reason for the increase in notices of nonrenewal may be attributed to the significant number of undersized parcels currently enrolled under contract. Since the County started participating in the Williamson Act, there have been periods when no minimum parcels size requirements existed for enrollment under contract. Currently, a minimum of 10-acres is required for enrollment under contract. While these undersized parcels may not benefit, they do face restrictions. The County has taken action to notify owners of undersized parcels of the process of nonrenewal, but few have taken advantage of the process. Increases in notices of nonrenewal in recent years have been the result of changes in State legislation.

Policy 2.1

The County shall continue to provide property tax relief to agricultural landowners by participating in the Williamson Act.

Implementation Measure

1. The County shall continue to participate in the Williamson Act, thereby providing property tax relief to farmers and ranchers who volunteer to keep their land in agricultural use.

   Responsible Departments: Planning Department, Planning Commission, Board of Supervisors.

Policy 2.2

The County shall support reasonable measures to strengthen the Williamson Act, making it a more effective tool for the protection of agricultural land.

Implementation Measures

1. The County shall encourage the State Legislature to increase Williamson Act subvention payments to local governments based on cost-of-living increases and/or a restructuring of the Williamson Act subventions schedule.
   Responsible Departments: Chief Executives Office, Board of Supervisors.

2. The County will supplement the Williamson Act with other conservation tools in a comprehensive program for the protection of agricultural land.
   Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

Policy 2.3

The County shall ensure all lands enrolled in the Williamson Act are devoted to agricultural and compatible uses supportive of the long-term conservation of agricultural land.

Implementation Measure

1. The County shall initiate the filing of notices of nonrenewal on any parcel being used, or of a size, inconsistent with adopted uniform rules and applicable state regulations.
   Responsible Departments: Planning Department, Assessors Office, Board of Supervisors

2. The County shall support the development of alternative energy sources, such as solar and wind, designed and installed to primarily produce energy for the on-site agricultural and compatible uses.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

Objective Number 2.2: Discourage urbanization and the conversion of agricultural land in unincorporated areas of the County

In Stanislaus County, urbanization and farmland conversion are like two sides of the same coin. As urban areas expand to accommodate a growing population, surrounding farmland is converted to residential subdivisions, shopping centers and industrial parks.

Like many other farming areas, the towns in Stanislaus County began as agricultural service centers and located where the farms were, on the valley floor. As these towns have expanded beyond their original functions, they have expanded outward onto our richest, most productive soils. soils. Today, population growth continues to push urban development onto farmland once in

agricultural production. If the trend continues outward onto productive agricultural land to accommodate population growth, the resource base of our biggest industry will be seriously threatened.

Remote development, or development that takes place away from existing cities or urban centers, has traditionally been discouraged by planners and County officials in favor of the compact expansion of already existing urban centers. Existing County policy regarding remote development is stated in Policy Ten of the Land Use Element: "New areas for urban development (as opposed to expansion of existing areas) shall be limited to less productive agricultural areas." In theory remote development offers a better alternative to the unlimited expansion of established cities and towns into our most productive agricultural areas. However, the benefits of remote development are diminished by the impact to surrounding agricultural uses and the introduction of urban infrastructure in an agricultural area. In defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor. With modern management techniques, almost any soil type in Stanislaus County can be extremely productive. At the same time, many of our most valuable agricultural commodities are produced on lesser quality soils. For example, milk is the County's top-grossing commodity and yet most of the dairy farms in Stanislaus County are located in areas that might be considered less productive agricultural lands, based solely on soil capability. Although soil types should be considered, the designation of "most productive agricultural areas" also should be based on existing uses and their contributions to the agricultural sector of our economy.

Conversion of agricultural land also occurs when nonagricultural uses are introduced into agricultural areas and when agricultural land is parceled or adjusted into sizes too small to sustain an agriculturally viable independent farming operation. The County's Agricultural land use designation and corresponding A-2 (General Agriculture) zoning recognize ranchette areas with minimum lot size requirements of 3, 5,10, and 20 acres. Ranchette areas have been identified based on significant existing parcelization of property, poor soil, location, and other factors which limit the agricultural productivity of the area. The inclusion of ranchette minimum parcel sizes in the A-2 zoning district creates the potential for future expansion of ranchette areas without the need to amend the lands Agricultural land use designation.

Policy 2.4

To reduce development pressures on agricultural lands, higher density development and in-filling shall be encouraged.

Implementation Measure

1. The County shall encourage higher density development and in-filling of already-existing urban areas.
   Responsible Departments: Planning Department, Board of Supervisors

Policy 2.5

To the greatest extent possible, development shall be directed away from the County's most productive agricultural areas.

Implementation Measure

1. Until the term "Most Productive Agricultural Areas" is defined on a countywide basis, the term will be determined on a case-by-case basis when a proposal is made for the

conversion of agricultural land. Factors to be considered include but are not limited to soil soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of of the local economy. As an example, some grazing lands, dairy regions and poultry-poultry-producing areas as well as farmlands can be considered "Most Productive Agricultural Areas." Failure to farm specific parcels will not eliminate them from being considered "Most Productive Agricultural Areas." Areas considered to be "Most Productive Productive Agricultural Areas" will not include any land within LAFCO-approved Spheres of of Influence of cities or community services districts and sanitary districts serving unincorporated communities.

Responsible Departments: Planning Department, Agricultural Commissioner, Planning Commission, Board of Supervisors

2. Uses on agricultural land located outside a LAFCO-adopted Sphere of Influence shall be primarily devoted to agricultural and compatible uses supportive of the long-term conservation of agricultural land. Agriculturally - related uses needed to support production agriculture and uses which by their unique nature are not compatible with urban uses, may be allowed on agricultural land provided they do not conflict with the agricultural use of the area.

   Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

3. The County shall encourage the development of alternative energy sources on lands located outside "Most Productive Agricultural Areas"; however, locations within a "Most Productive Agricultural Area" may be supported if it can be shown that no alternative locations exist.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

Policy 2.6

Agricultural lands restricted to agricultural use shall not be assessed to pay for infrastructure needed to accommodate urban development.

Implementation Measure

1. The County shall continue to exempt agricultural buildings designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products from payment of Public Facility Fees. Exempt structures shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

   Responsible Departments: Board of Supervisors

Policy 2.7

Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are consistent with the County's conversion criteria.

Implementation Measure

1. Procedures for processing General Plan amendments shall incorporate the following requirements for evaluating proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses:

   Conversion Consequences. The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of agricultural land shall be fully evaluated.

   Conversion Considerations. In evaluating the consequences of a proposed amendment, the following factors shall be considered: plan designation; soil type; adjacent uses; proposed method of sewage treatment; availability of water, transportation, public utilities, fire and police protection, and other public services; proximity to existing airports and airstrips; impacts on air and water quality, wildlife habitat, endangered species and sensitive lands; and any other factors that may aid the evaluation process.

   Conversion Criteria. Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses shall be approved only if the Board of Supervisors makes the following findings:

   A. Overall, the proposal is consistent with the goals and policies of the General Plan.

   B. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates and other pertinent data.

   C. No feasible alternative site exists in areas already designated for the proposed uses.

   D. Approval of the proposal will not constitute a part of, or encourage, piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act).

   E. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.

   F. Adequate and necessary public services and facilities are available or will be made available as a result of the development.

   G. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to agricultural lands, fish and wildlife resources, air quality, water quality and quantity, or other natural resources.

   Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

Policy 2.8

In order to further the conservation of agricultural land, the subdivision of agricultural lands shall not result in the creation of parcels for 'residential purposes'. Any residential development on agriculturally zoned land shall be incidental and accessory to the agricultural use of the land.

Implementation Measure

1. The subdivision of agricultural land consisting of unirrigated farmland, unirrigated grazing land, or land enrolled under a Williamson Act contract, into parcels of less than 160-acres in size shall be allowed provided a "no build" restriction on the construction of any residential development on newly created parcel(s) is observed until one or both of the following criteria is met:
   - 90% or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For land which is not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place .
   - Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.

   Responsible Departments: Planning Department, Planning Commission, Board of Supervisors.

Policy 2.9

Lot-line adjustments involving agricultural land shall be primarily created and properly designed for agricultural purposes without materially decreasing the agricultural use of the project site.

Implementation Measure

1. In terms of minimum parcel size and residential building intensity, a greater number of nonconforming parcels shall not be created by lot-line adjustment. The following criteria shall apply when nonconforming parcels are involved in a lot-line adjustment:
   - Nonconforming parcels greater than 10-acres in size shall not be adjusted to a size smaller than 10-acres, unless the adjustment is needed to address a building site area or correct for a physical improvement which is found to encroach upon a property line. In no case shall a parcel enrolled in the Williamson Act be reduced to a size smaller than 10-acres.
   - Nonconforming parcels less than10-acres in size may be adjusted to a larger size, 10 acres or greater in size if enrolled in the Williamson Act, or reduced, if not enrolled in the Williamson Act, as needed to address a building site area or correct for a physical improvement which is found to encroach upon a property line.

   Responsible Departments: Planning Department, Planning Commission, Board of Supervisors.

Policy 2.10

Minimum parcel sizes allowed for lands designated Agriculture shall not promote the expansion of existing, or creation of new, ranchette areas.

Implementation Measures

1. Minimum parcel sizes of 40- or 160- acres shall be appropriate for lands designated Agriculture.

   Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

2. In recognition of 3-, 5-, 10, and 20- acre minimum parcel sizes being appropriate for ranchette areas, no additional land designated as Agriculture shall be rezoned to A-2-3, 5, 10, or 20.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

3. The County shall evaluate and modify as needed, the remote development policy of the Land Use element as part of a comprehensive General Plan update to insure such development does not impact surrounding agricultural uses or introduce urban infrastructure into an agricultural area.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

Objective Number 2.3: Expansion of Cities and Unincorporated Communities

The Stanislaus Local Agency Formation Commission (LAFCO) is the local agency responsible for coordinating logical and timely changes in local governmental boundaries, including Spheres of Influence (SOI). The spheres of influence delineate the probable ultimate boundaries and service areas of the cities, and are intended to promote the efficient provision of urban services, including sewer, water, police protection and fire protection. Similarly, community services districts and sanitary districts serving unincorporated communities also have adopted spheres of influence that indicate their probable ultimate boundaries. LAFCO's efforts are directed to seeing that services are provided efficiently and economically while agricultural and open-space lands are protected.

With the approval of LAFCO, spheres of influence can be expanded to accommodate growth. The question of whether or not proposed expansions should be allowed is decided solely by LAFCO. LAFCO is an independent agency created by state law. In Stanislaus County the LAFCO is composed of two county supervisors; two city council representatives; and one public member. As an independent agency, LAFCO is not required to adhere to county policies, but state law requires LAFCO to consider conformity with all applicable general plans in the review of all proposals. As such, this agricultural element, and the county general plan as a whole, can have an effect on the actions of LAFCO.

In recognition that unincorporated land within the established spheres of influence will be urbanized, these lands generally are designated Agriculture and zoned General Agriculture (A-2) until annexed by the city or special district.

Existing policy in the Land Use Element delineates the County's role in managing the development of agriculturally zoned lands within city spheres of influence. Reflecting agreements between the County and all nine cities, these policies provide that the County shall refer all development proposals to the appropriate city to determine whether or not the proposal should be approved. Development, other than agricultural uses and churches, cannot be approved by the County unless written communication is received from the city memorializing their approval.

The Land Use Element also includes policies regarding the development of unincorporated communities and the expansion of urban boundaries (Policies Six and Thirteen). The County is actively encouraging the upgrading of unincorporated communities through the redevelopment and community development block grant programs, which provide significant tools for improving infrastructure and enhancing the quality of life in these areas.

Policy 2.11

The County recognizes the desire of cities and unincorporated communities to grow and prosper and shall not oppose reasonable requests consistent with city and county agreements to expand, provided the resulting growth minimizes impacts to adjacent agricultural land.

Implementation Measures

1. The County shall continue to urge LAFCO to strengthen its policies, standards and procedures for evaluating proposed annexations of agricultural land and proposed expansions of service districts or spheres of influence onto agricultural land to insure resulting urban growth minimizes impacts to adjacent agricultural lands.
   Responsible Departments: ***Planning Department, Planning Commission, Board of Supervisors, Agricultural Commissioner***

2. The County shall actively review LAFCO referrals to insure proposed projects are consistent with County General Plan polices.
   Responsible Departments: ***Planning Department, Agricultural Commissioner, Board of Supervisors***

Policy 2.12

In order to minimize impacts to adjacent agricultural land, the County shall encourage LAFCO to use physical features such as roads and irrigation laterals as the boundaries for sphere of influence expansions.

Implementation Measure

1. The County shall encourage LAFCO to consider buffer guidelines adopted by the County when cities or community services districts and sanitary districts serving unincorporated communities propose to expand their boundaries.
   Responsible Departments: ***Planning Department, Planning Commission, Board of Supervisors, Agricultural Commissioner***

Policy 2.13

In recognition that unincorporated land within spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities ultimately will be urbanized, the County shall cooperate with cities and unincorporated communities in managing development in sphere of influence areas.

Implementation Measures

1. The County will continue to implement its policies and agreements with cities regarding the development of unincorporated lands within spheres of influence.
   Responsible Departments: ***Planning Department, Planning Commission, Board of Supervisors***

2. The County will continue to implement policies in the Land Use Element regarding the development of unincorporated communities and expansion of their urban, or service district, boundaries.
   Responsible Departments: ***Planning Department, Planning Commission, Board of Supervisors***

Objective Number 2.4: Assessing and mitigating Impacts of farmland conversion

The conversion of agricultural land to non-agricultural uses has far-reaching impacts on the land, water and air resources that support our biggest industry. For example, taking out an almond orchard to accommodate urban development may involve paving over groundwater recharge areas, which will have a long-term effect on groundwater resources. Similarly, new roads providing access to the development may increase traffic congestion, resulting in a cumulative impact on air quality.

The California Environmental Quality Act (CEQA) requires the County to consider the environmental consequences of development-related projects and to ensure that adverse environmental impacts are avoided or minimized as much as possible. If the County determines in its Initial Study that a project could have a significant adverse environmental effect, the County must require preparation of an Environmental Impact Report (EIR) to fully assess potential impacts, propose ways to minimize or mitigate those impacts, and consider alternatives to the proposed project. The County may approve a project only if mitigation measures are adopted whenever feasible to avoid or reduce all significant environmental impacts or findings of 'overriding considerations' are adopted.

Under CEQA Guidelines, the County has some discretion in determining whether the conversion of agricultural land will have a significant adverse effect on the environment. A project will normally have a significant effect on the environment if it will convert prime agricultural land to non-agricultural use or impair the productivity of prime agricultural land. "Prime agricultural land" is not defined under CEQA. Several attempts have been made in years past to allow or require local governments to establish a threshold of agricultural land loss for the purpose of determining a significant effect on the environment and thereby necessitating an EIR. However, instead of using an arbitrary threshold such as 100 acres to trigger an EIR, the County prefers to evaluate each project on a case-by-case basis. When the County determines that under the specific circumstances of the proposed project the conversion of agricultural land could have a significant effect, the County requires preparation of an EIR.

The analysis of the impacts of farmland conversion are often limited to a discussion of the prime soils that the project would make unavailable for farming, but rarely identifies the impacts on surrounding farming operations. Neither CEQA nor the State CEQA Guidelines contain detailed procedures or guidance concerning when and how agencies should address farmland conversion impacts. The County may amend its own CEQA Guidelines to include local guidelines for assessing the impacts of farmland conversion.

A common strategy for mitigating the loss of farmland is to require the permanent protection of farmland based on an identified ratio to the amount of farmland converted. A viable option for permanent protection is purchase of an agricultural conservation easement on farmland. Agricultural conservation easements generally restrict the non-agricultural use of property in perpetuity and are overseen by a trust established with a goal of promoting farmland conservation. conservation. The purchase of agricultural conservation easements is typically accomplished in in one of two methods: 1) the developer works directly with a trust to purchase the required conservation easement prior to development or 2) the developer pays a fee to be used by a trust to trust to purchase an agricultural conservation easement at a later date. While payment of a fee is is typically easier for the developer, it is not always a guaranteed method to attaining the desired desired results. Fees paid at current cost may not keep pace with the escalating land costs and and trusts must recover the cost of administering fees until a conservation easement is purchased. purchased. At the same time, a landowner wanting to sell an agricultural conservation easement easement may not be available at the time a development project is approved. A mitigation program focused on agricultural conservation easements must maintain a balance between the

practical acquisition and actual cost of agricultural conservation easements.

To be effective, lands placed under easement must be strategically located to insure the viability of the surrounding farmland is protected. An isolated island of agricultural land surrounded by development or agriculturally non-viable parcels has little positive impact on efforts to protect farmland.

Policy 2.14

When the County determines that the proposed conversion of agricultural land to non-agricultural uses could have a significant effect on the environment, the County shall fully evaluate on a project-specific basis the direct and indirect effects, as well as the cumulative effects of the conversion.

Implementation Measures

1. The County will continue to evaluate each project on a case-by-case basis to determine whether the conversion of agricultural land will have a significant adverse effect on the environment.
   Responsible Departments: Agricultural Commissioner, UC Cooperative Extension, Planning Department, Planning Commission, Board of Supervisors.

2. When it determines that the conversion of agricultural land will have a significant adverse effect on the environment, the County will continue to require preparation of an EIR to fully assess the impacts of the conversion, propose mitigation measures, and consider alternatives to the proposed project.
   Responsible Departments: Planning Department, Planning Commission, Board of Supervisors.

Policy 2.15

In order to mitigate the conversion of agricultural land resulting from a discretionary project requiring a General Plan or Community Plan amendment from 'Agriculture' to a residential land use designation, the County shall require the replacement of agricultural land at a ***minimum*** 1:1 ratio with agricultural land of equal quality located in Stanislaus County.

Implementation Measure

1. Mitigation shall be applied consistent with the Farmland Mitigation Program Guidelines presented in Appendix "B".
   Responsible Departments: Agricultural Commissioner, UC Cooperative Extension, Planning Department, Planning Commission, Board of Supervisors.

Policy 2.16

The County shall participate in local efforts to identify strategic locations for the purchase of agricultural conservation easements by land trusts and shall promote the long-term viability of farmland in areas surrounding existing farmland held under conservation easements.

Implementation Measure

1. To facilitate the mitigation of the impacts of farmland conversion, the County may make information available on private, non-profit agricultural land trusts, may serve on committees that are formed for the purpose of establishing an agricultural land trust, and may coordinate County mitigation programs with the land trust once it is established.
   Responsible Departments: Agricultural Commissioner, UC Cooperative Extension, Planning Department, Planning Commission, Board of Supervisors.

Policy 2.17

The County shall work cooperatively with the nine cities within the County and to encourage them to adopt agricultural conservation policies or ordinances which are consistent with County policies or ordinances in order to undertake an integrated, comprehensive Countywide approach to farmland conservation. It is the ultimate goal of the County to have all nine cities participate in or adopt an agricultural mitigation ordinance that is the same as or substantially similar.

Implementation Measure

1. The County shall facilitate efforts to have all nine cities participate in or adopt an agricultural mitigation ordinance that is the same as or substantially similar to adopted County ordinances addressing agricultural mitigation.

Objective Number 2.5: Limit the Impact of Antiquated Subdivisions

One of the biggest threats to Stanislaus County's agricultural economy is the potential creation of hundreds of ranchettes in antiquated subdivisions.

Antiquated subdivisions are subdivisions created in the early part of the 1900's and exist on paper but have never been developed or sold in lots. Numerous antiquated subdivisions are located throughout Stanislaus County, involving more than 3,000 lots ranging in size from 3,250 square feet to 20 acres or more. If these lots were sold and developed, the loss of agricultural land coupled with the impact on surrounding agricultural operations could be devastating to the long-term viability of the agricultural economy.

Created prior to enactment of the State Subdivision Map Act and the California Environmental Quality Act, antiquated subdivisions were created without any kind of formal review to evaluate their economic and environmental consequences to the County. In addition to having adverse impacts on agriculture, antiquated subdivisions pose a variety of environmental threats including groundwater contamination from the concentration of on-site septic systems and the generation of dust and auto emissions from increased traffic on unimproved access roads. The County's ability to provide emergency services such as fire protection, sheriff and ambulance services also could be adversely affected. Similarly, potential impacts of antiquated subdivisions on schools, parks and recreation have never been fully evaluated.

In 2000 the Stanislaus County Board of Supervisors amended the County Zoning Ordinance to address antiquated subdivisions. The amendment addresses antiquated subdivisions in the General Agriculture (A-2) zoning district by limiting the ability to place a dwelling on parcels of less less than 20-acres in size without approval of a discretionary permit. The ordinance is based on the on the need to find the dwelling will be consistent with the County's General Plan, will not likely create a concentration of residential uses in the vicinity or induce other similarly situated parcels to

to become developed with single-family dwellings, and will not be substantially detrimental to or in in conflict with agricultural uses of other property in the vicinity.

Policy 2.18

Construction of a dwelling on an antiquated subdivision parcel shall only be allowed when such development does not create a concentration of residential uses or conflict with agricultural uses of other property in the vicinity.

Implementation Measure

1. The County shall continue to implement existing zoning ordinance provisions addressing antiquated subdivisions.
   Responsible Departments: Planning Department, Planning Commission and Board of Supervisors

GOAL THREE

Protect the natural resources that sustain our agricultural industry.

Agriculture depends directly on the land, air, water and soil resources to sustain its productivity. The success of agriculture in Stanislaus County can be largely attributed to the availability of these resources for the production of a wide variety of products.

The continued availability of soil, high quality water and clean air cannot be taken for granted. In the process of urbanization to accommodate a booming population, Stanislaus County is losing farmlands to urban development by cities. At the same time, there is increasing competition between agriculture and urban uses for limited water resources. Ultimately these problems threaten the County's agricultural economy and our ability to help feed the nation.

Urbanization and the conversion of agricultural land are addressed under Goal Two, which focuses primarily on land-use issues regarding our agricultural lands. Other resource problems such as air quality, water quality and supply, and soil quality are addressed in the following section of this document. The policies presented under Goal Three are intended to ensure the long-term protection of the natural resources that sustain our agricultural industry.

Objective Number 3.1: Air Quality

Air quality in the San Joaquin Valley is monitored and standards are enforced by the California Air Resources Board and the San Joaquin Valley Air Pollution Control District, which is composed of the eight counties in the San Joaquin Valley air basin. The District was formed in recognition of the fact that air pollution is not limited by County lines--it is a regional problem affecting the entire valley. The lack of consistent standards and enforcement from one County to another makes it difficult to effectively address the cumulative impacts of pollution.

The Conservation/Open Space and Circulation Elements of the General Plan include policies and implementation measures to improve air quality by promoting communication, cooperation and coordination among agencies involved in air quality programs; working to accurately determine and mitigating air quality impacts of proposed projects; to ensure that circulation systems shall be designed and maintained to minimize traffic congestion and air pollution; and to support efforts to increase public awareness of air quality problems and solutions.

Policy 3.1

The County shall continue to coordinate with the San Joaquin Valley Air Pollution Control District.

Implementation Measure

1. The County shall continue to refer development proposals to the San Joaquin Valley Air Pollution Control District for their review and analysis of impacts on air quality.

Policy 3.2

The County shall assist the San Joaquin Valley Air Pollution Control District in implementation of adopted plans and regulations.

Implementation Measure

1. The County shall require development proposals to incorporate all applicable air quality regulations and, where required, to include reasonable mitigation measures.
   Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

Policy 3.3

The County shall encourage the development and use of improved agricultural practices that improve air quality and are economically feasible.

Implementation Measure

1. The County shall encourage and support the development and use of improved agricultural practices aimed at reducing the production of fine particles and other sources of air pollution.
   Responsible Departments: Agricultural Commissioner, U.C. Cooperative Extension, Board of Supervisors

Objective Number 3.2: Water Resources

Water is the lifeblood of agriculture in Stanislaus County. To supplement an average rainfall of just 12 inches per year, local agriculture relies on a network of irrigation water delivery systems to sustain its broad diversity of valuable crops.

Compared to many other areas of the arid Central Valley, Stanislaus County has abundant water resources, at least in times of normal rainfall. The availability of high-quality, low-cost irrigation water traditionally has given local agriculture a competitive edge and has been largely responsible for its success. The main sources of irrigation water are the Stanislaus, Tuolumne and San Joaquin River watersheds, all of which originate in the Sierra Nevada Mountains. Groundwater is used to supplement irrigation supplies, and is the major source of domestic and industrial water.

The quality of groundwater is determined by the geological formations through which it filters and thereby cannot be controlled. Groundwater recharge occurs by water conducting through the gravels of major streams and rivers, seepage from reservoirs, irrigations and rainfall of well drained alluvial soils in the valley portions of the County. Decreasing groundwater quality in areas of the county is having adverse effects on domestic water suppliers, as well as the agricultural lands. As groundwater becomes unavailable for domestic use, other sources have to be found. As a result, urban and agricultural users are becoming more competitive for water supplies.

Conservation is the most cost-effective way to ensure adequate water supplies for all residents of Stanislaus County. Local farmers long have practiced conservation methods, and their ability to survive dry years is indicative of their success. Research is continually improving agricultural technology, and water-saving innovations are continually being adapted by local growers.

Domestic and industrial users also need to be informed about the need for conservation and methods of lowering their water requirements. All types of water sources in the County are increasingly interdependent. The availability of irrigation water is affected by the use of water by city-dwellers and businesses; the availability of drinking water and industrial water is affected by agricultural practices.

Policy 3.4

The County shall encourage the conservation of water for both agricultural and urban uses.

Implementation Measures

1. The County shall encourage water conservation by farmers by providing information on irrigation methods and best management practices and coordinating with conservation efforts of the Farm Bureau, Resource Conservation Districts, Natural Resource Conservation Service, and irrigation districts.
   Responsible Departments: Agricultural Commissioner, U.C. Cooperative Extension, Board of Supervisors

2. The County shall encourage urban water conservation and coordinate with conservation efforts of cities, local water districts and irrigation districts that deliver domestic water.
   Responsible Departments: Department of Environmental Resources, Board of Supervisors

3. The County shall continue to implement adopted landscape and irrigation standards designed to reduce water consumption in the landscape environment.
   Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

4. The County shall work with local irrigation districts to preserve water rights and ensure that water saved through conservation may be stored and used locally, rather than "appropriated" and moved to metropolitan areas outside of Stanislaus County.
   Responsible Departments: Board of Supervisors

5. The County shall encourage the development and use of tertiary water for both agricultural and urban irrigation.
Responsible Departments: Board of Supervisors

Policy 3.5

The County will continue to protect the quality of water necessary for crop production and marketing.

Implementation Measures

1. The County shall continue to require analysis of groundwater impacts in Environmental Impact Reports for proposed developments.
   Responsible Departments: Department of Environmental Resources, Planning Department, Planning Commission, Board of Supervisors

2. The County shall investigate and adopt appropriate regulations to protect water quality.
Responsible Departments: Department of Environmental Resources, Planning Department, Planning Commission, Board of Supervisors

Policy 3.6

The County will continue to protect local groundwater for agricultural use in Stanislaus County.

Implementation Measures

1. The County shall consider adoption of a groundwater ordinance to protect the supply and quality of local groundwater for agricultural use in Stanislaus County.
Responsible Departments: Agricultural Commissioner, Department of Environmental Resources, Planning Department, Planning Commission, Board of Supervisors

Objective Number 3.3: Soil Resources

The continued success of agriculture in Stanislaus County depends on conserving our soil resource. In addition to supporting the production of crops and livestock forage, soil is a vital part of the ecosystem and a record of past biological and physical processes. Formed slowly through the interaction of climate, living and decomposing organisms, local geology and erosion, soil is considered a non-renewable resource that requires proper management to ensure its continued productivity.

There are two main soil management problems in Stanislaus County: salinity, or the build-up of salts, and erosion caused by wind, water and irrigation. Salinity and irrigation induced salinity is especially problematic west of the San Joaquin River. Low quality irrigation water and poor drainage have resulted in the build up of salt and mineral concentrations in the soil. Wind erosion is more widespread in the coarse textured soils east of the San Joaquin River, resulting in the loss of productive topsoil and contributing to air and water quality problems.

Resource Conservation Districts (RCDs) provide assistance to control soil erosion and runoff, water conservation, stabilize soils, and protect water quality through cooperative agreements and grants with the USDA Natural Resources Conservation Service (NRCS). Through these agreements, the RCDs can prioritize resource concerns so that funding for conservation practices can be directed through NRCS.

The county is served by two Resource Conservation Districts. The East Stanislaus Resource Conservation District sphere of influence is east of the San Joaquin River and extends to the county lines. The West Stanislaus Resource Conservation District is located west of the San Joaquin River and extends to the county lines.

Policy 3.76

The County shall encourage the conservation of soil resources.

Implementation Measures

1. The County shall continue to provide soil management information and coordinate with soil conservation efforts of local, state, and federal agencies.
   Responsible Departments: Agricultural Commissioner, U.C. Cooperative Extension

2. The County shall support efforts of local Resource Conservation Districts in their activities to support local agriculture.
   Responsible Departments: Board of Supervisors

3. The County shall continue to refer proposed developments whenever appropriate to Resource Conservation Districts and irrigation districts for their review and analysis of impacts on soil resources.
   Responsible Departments: Planning Department

DEFINITIONS

Agricultural Land - Any land suited for agriculture.

Agricultural Uses - Land uses that are directly connected with or customarily incidental to agriculture.

Agriculture - The tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying, aquaculture, or animal husbandry, including all uses customarily incidental thereto but not including slaughterhouses, fertilizer yards, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

Agricultural Service Establishment - A business engaging in activities designed to aid production agriculture. Service does not include the provision of tangible goods except those sold directly to farmers and used specifically to aid in production of farm animals or crops. Nor does service include any business which has the primary function of manufacturing products.

Buffer - A physical separation such as a topographic feature, a substantial stand of trees, a water course or similar feature that serves to protect or insulate one type of land use from another.

Clustering - A development technique that involves the grouping together of residences and other structures in a relatively small area, as opposed to dispersing those structures over a larger area.

Farmland - The type of agricultural land best suited for growing crops. In this document, "farmland" is used synonymously with "agricultural land" to mean any land suited for agriculture.

Grazing Land - Land on which existing vegetation is suited for the grazing of livestock.

Non-Agricultural Uses - Land uses that are not directly connected with or customarily incidental to agriculture.

Production Agriculture - Agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes.

Ranchette - An individual parcel of land in an agricultural zone valued for its residential potential which cannot be supported by the agricultural income potential of the land.

Remote Development - Development that takes place away from existing cities or urban centers.

Right-to-Farm Ordinance - Stanislaus County Ordinance Code, Section 9.32.010, Chapter 9. A local ordinance that protects the rights of farmers to carry on their "normal" agricultural practices with a decreased risk of nuisance lawsuits.

Rural - Characteristic of the country, as distinguished from city or town.

Setback - The distance between the nearest point of the building or structure and the right-of-way

right-of-way or easement borderline or property line.

Tertiary Water – Waste water which has undergone an advanced cleaning process to remove nutrients (such as phosphorous and nitrogen) and suspended solids. Tertiary water is also referred to as reclaimed water and recycled water.

Urban - Characteristic of the city, as distinguished from the country.

Urban Development - In incorporated areas, development that is served by both public water and public sewer services; in unincorporated areas, development that is served by public water and/or public sewer services.

Urbanization - The process of changing from rural to urban in character.

Stanislaus County
Striving to be the Best

Stanislaus County
Planning and Community Development

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CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1.	**Project title:**	General Plan Amendment Application No. PLN2012-0044 - Agricultural Element Update
2.	**Lead agency name and address:**	Stanislaus County 1010 10th Street, Suite 3400 Modesto, CA 95354
3.	**Contact person and phone number:**	Bill Carlson, Senior Planner (209) 525-6330
4.	**Project location:**	Countywide
5.	**Project sponsor's name and address:**	Stanislaus County Planning & Community Development 1010 10th Street, Suite 3400 Modesto, CA 95354
6.	**General Plan designation:**	Countywide
7.	**Zoning:**	Countywide

8. **Description of project:**

Five year update of the Agricultural Element of the Stanislaus County General Plan. The update focuses on objectives, policies, and implementation measures relating to food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection.

9.	**Surrounding land uses and setting:**	Countywide
10.	**Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**	N/A

ATTACHMENT 2

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture & Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology /Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality
☐ Land Use / Planning	☐ Mineral Resources	☐ Noise
☐ Population / Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities / Service Systems	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

☒ **I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.**

☐ **I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.**

☐ **I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.**

☐ **I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.**

☐ **I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.**

Bill Carlson, Senior Planner
Prepared By

February 5, 2013
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significant criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
Discussion: This project is not anticipated to result in any aesthetic impacts. The updated Agricultural Element introduces new policies and implementation measures addressing a variety of issues ranging from food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection. Existing policies which allow for the development of ministerial uses have not been altered to allow for increased development which could impact aesthetics. Discretionary uses allowed by policy of the Agricultural Element must be connected to, or protective of, production agriculture and will be reviewed case-by-case for potential environmental impacts. The County has established standardized conditions of approval to address issues with light or glare. In general, the Agricultural Element supports development of agricultural uses designed to aid production agriculture and buildings accessory to agricultural uses. The proposed update is consistent with policies of the proposed updated Agricultural Element and will not result in increased development which could impact aesthetics.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation[1].				

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
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?				X
Discussion: One of the primary goals of the Agricultural Element is to "conserve our agricultural lands for agricultural uses". The policies presented in the Agricultural Element are intended to provide a practical, effective framework for land-use decisions regarding agricultural lands, with the overall goal of conserving agricultural lands for agricultural uses. Element objectives focus on the continued participation in the Williamson Act, discouraging urbanization and the conversion of agricultural land in unincorporated areas of the County, expansion of cities and unincorporated communities, assessing and mitigating impacts of farmland conversion, and limiting the impact of antiquated subdivisions. New policies, such as food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection, will not result in impacts to agricultural resources.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation[1].				

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X
Discussion: Air quality policies are addressed in the Agricultural Element under goal three: protect the natural resources that sustain our agricultural industry. The identified policies call for continued coordination with the San Joaquin Valley Air Pollution Control District (SJVAPCD), assisting the SJVAPCD in implementation of adopted plans and regulations, and encouraging the development and use of improved agricultural practices that improve air quality and are economically feasible. The agricultural element itself does not authorize new uses which conflict, obstruct, or violate air quality standards. All agricultural uses and practices are subject to a variety of air quality standards and regulations overseen by the				

SJVAPCD. The Agricultural Element recognizes these standards and regulations and supports efforts to improve air quality on both a local and regional level. The Agricultural Element is a policy document which does not specifically authorize new uses which could result in air quality impacts. The proposed changes regarding food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection are consistent with, and serve to implement, the policies of the proposed updated Agricultural Element.

Mitigation: None.

References: San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis and the Stanislaus County General Plan and Support Documentation[1].

IV. BIOLOGICAL RESOURCES -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion: The proposed updates to the Agricultural Element are not anticipated to result in any impacts to biological resources. The Agricultural Element is neutral in terms of addressing agriculture in relationship to biological resources; however, the purpose of the Agricultural Element is to promote and protect local agriculture with a primary goal of conserving agricultural lands for agricultural uses. Nothing in the Agricultural Element exempts agricultural uses from compliance with any adopted local, state, or federal program protecting biological resources.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation[1] and the California Department of Fish and Wildlife California Natural Diversity Database.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
Discussion: The proposed updates to the Agricultural Element are not anticipated to result in any impacts to cultural resources. The Agricultural Element is neutral in terms of addressing agriculture in relationship to cultural resources. Discretionary uses allowed by policy of the Agricultural Element must be designed to aid production agriculture and will be reviewed case-by-case for potential environmental impacts. The County has established standardized conditions of approval to address cultural resources which might be uncovered during development.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation[1].				

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil creating substantial risks to life or property?				X

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				**X**
Discussion: As contained in Chapter 5 of the General Plan Support Document[1], the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. Most of this area is utilized for grazing land with limited potential for more intensive agricultural uses as a result of the topography. The update to the Agricultural Element is focused on objectives, policies, and implementation measures relating to food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection. Any agricultural development which might develop consistent with the Agricultural Element will be subject to local building codes and applicable regulations addressing grading, drainage, and/or waste disposal.				
Mitigation: None.				
References: California Building Code and the Stanislaus County General Plan and Support Documentation - Safety Element[1].				

VII. GREENHOUSE GAS EMISSIONS – Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				**X**
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				**X**
Discussion: The proposed updates to the Agricultural Element are not anticipated to result in any impacts to Greenhouse Gas Emissions. The Agricultural Element is neutral in terms of addressing agriculture in relationship to Greenhouse Gas; however, the recognition to support development of alterative energy sources designed and installed to primarily produce energy for onsite agricultural and compatible uses (including Williamson Act land) has the potential to reduce Greenhouse Gas emissions. Any future development consistent with the policies of the Agricultural Element will be subject to all applicable permitting requirements and adopted standards. Projects requiring discretionary approval will be evaluated for Greenhouse Gas Emissions on a case-by-case basis.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation[1].				

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				**X**
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				**X**

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
Discussion: Pesticide exposure is a risk in areas located in the vicinity of agricultural uses. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The policies identified in the Agricultural Element are designed to lessen impacts which already have the potential to exist. In order to strengthen the agricultural sector of our economy, the Agricultural Element recognizes the need to minimize agricultural conflicts and limit non-agricultural uses in agricultural areas.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation[1].				

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
Discussion: The Agricultural Element recognizes the importance of protecting water quality as a key policy in the goal to protect the natural resources that sustain our agricultural industry. The Agricultural Element update proposes a new implementation measure allowing for the use of tertiary water for both agricultural and urban development. A new policy also calls for the continued protection of local groundwater for agricultural uses through the adoption of a groundwater ordinance to protect supply and quality of local groundwater. The identified policies are designed to lessen impacts which already have the potential to exist. Any development which might result consistent with the Agricultural Element will be subject to local and state regulations addressing waste discharge, drainage, runoff, and flood zones. Any ordinances resulting from this update will undergo a more specific project level environmental review.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation[1].				

X. LAND USE AND PLANNING -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
Discussion: The primary component of this project is an update to the existing Agricultural Element which establishes goals and policies designed to promote and protect local agriculture. Implementation of the proposed updated Agricultural Element policies will not result in the potential for any new uses beyond those already authorized by County zoning ordinance. The identified policies are designed to lessen impacts which already have the potential to exist.				

Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation[1].				
XI. MINERAL RESOURCES -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
Discussion: This project is not anticipated to result in any impacts to mineral resources. The Agricultural Element is neutral in terms of addressing agriculture in relationship to mineral resources. Mining is identified by County Zoning as a discretionary use which may be authorized on agricultural land with approval of a use permit. The proposed updated Agricultural Element would not restrict mining on agricultural land, provided it is conducted in a manner which does not adversely impact surrounding agricultural uses. The policies of the Agricultural Element identify the need to conserve agricultural land for agricultural use and minimize agricultural conflicts. By limiting the uses which might be allowed in the agricultural area, the Agricultural Element also protects mineral resources from urban encroachment. In many cases, mining activities can result in farmland reclamation. The proposed changes are neutral in terms of mining operations on contracted land.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation[1].				
XII. NOISE -- Would the project result in:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
Discussion: The Agricultural Element recognizes noise as one of the nuisance complaints often voiced by residents opposed to agricultural operations. The County has an adopted Noise Element which establishes goals to prevent noise impacts. The goals of the proposed updated Agricultural Element are consistent with the goals of the Noise Element. The Noise Element recognizes agricultural uses in the same category as industrial, manufacturing, and utilities. The Agricultural Element tries to limit the influx of people into the agricultural zone as a means of preventing the encroachment of incompatible land uses near known noise producing activities. In turn, agricultural service establishments and other agriculturally related uses which might be allowed to be located in the agricultural areas with discretionary approval will be subject to meeting identified and adopted noise standards.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation[1].				

XIII. POPULATION AND HOUSING -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
Discussion: The Agricultural Element recognizes the potential for impacts associated with population growth in and around agricultural areas. New policies, such as food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection, will not result in impacts to population and housing.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation[1].				

XIV. PUBLIC SERVICES	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X

Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X
Discussion: The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. These fees are collected at the time of building permit issuance and will be applied to any development consistent with a proposed project.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation[1].				

XV. RECREATION --	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
Discussion: The project is not anticipated to increase significant demands for recreational facilities, as such impacts typically are associated with residential development. This update does not include any provision for the construction or expansion of recreational facilities.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation[1].				

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X
Discussion: Any future development consistent with the policies of the Agricultural Element will be subject to all applicable permitting requirements and adopted standards which may include right-of-way dedication, encroachment permits, on-site parking, and emergency access. Projects requiring discretionary approval will be evaluated for transportation/traffic impacts on a case-by-case basis with referrals sent to the appropriate transportation authority. New policies, such as food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection, will not result in impacts to transportation/traffic.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation[1].				

XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X

g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
Discussion: The greatest impact to utilities and services is in the form of urban expansion. The purpose of the Agricultural Element is to promote and protect local agriculture. Modesto, Oakdale and Turlock Irrigation Districts responded during the early consultation period. The Districts have concerns over policies regarding water, groundwater, and tertiary water, but they did not raise any environmental concerns regarding the Agricultural Element. The policies of the Agricultural Element do not encourage additional development in the agricultural areas which are not accessory to agriculture. Limitations on providing services to accessory uses in the agricultural area have not been identified. Any agricultural development which might develop consistent with the Agricultural Element will be subject to all applicable codes and regulations addressing water supply, wastewater, and storm water.				
Mitigation: None.				
References: Referral response from the Modesto Irrigation District dated January 18, 2013; referral response from the Oakland Irrigation District dated January 29, 2013; referral response from the Turlock Irrigation District dated January 22, 2013; and Stanislaus County General Plan and Support Documentation[1].				
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X
Discussion: Review of this project has not indicated any feature(s) which might result in a significant environmental impact.				

[1]Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: ***Agricultural Element*** adopted on December 18, 2007; ***Housing Element*** adopted on April 20, 2010 and pending certification by the California Department of Housing and Community Development; ***Circulation Element*** and ***Noise Element*** adopted on April 18, 2006.

NEGATIVE DECLARATION

NAME OF PROJECT: General Plan Amendment Application No. PLN2012-0044 - Agricultural Element Update

LOCATION OF PROJECT: Countywide

PROJECT DEVELOPERS: Stanislaus County Planning
& Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

DESCRIPTION OF PROJECT: Five year update of the Agricultural Element of the Stanislaus County General Plan. The update focuses on objectives, policies, and implementation measures relating to food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection.

Based upon the Initial Study, dated **February 5, 2013**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.

2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.

3. This project will not have impacts which are individually limited but cumulatively considerable.

4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Bill Carlson, Senior Planner

Submit comments to: Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, California 95354

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: GENERAL PLAN AMENDMENT APPLICATION NO. PLN2012-0044 - AGRICULTURAL ELEMENT UPDATE

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
AGRICULTURE COMMISSIONER	X	X	X		X							
BIA	X	X	X		X							
BUILDING PERMITS DIVISION	X	X	X	X				X				
CALTRANS DISTRICT 10	X	X	X		X							
CHIEF EXECUTIVE OFFICE	X	X	X		X							
CITY OF: ALL IN STANCOUNTY	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
COUNTY COUNSEL	X	X	X		X							
ENVIRONMENTAL RESOURCES	X	X	X	X				X		X		X
FIRE PROTECTION DIST: ALL	X	X	X		X							
FISH & GAME, DEPT OF	X	X	X		X							
HAZARDOUS MATERIALS	X	X	X		X							
IRRIGATION DISTRICT: ALL	X	X	X		X			X		X		X
DEPT. of CONSERVATION	X	X	X		X							
LAFCO	X	X	X		X							
MODESTO REGIONAL FIRE AUTHORITY	X	X	X	X				X		X		X
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
PUBLIC WORKS	X	X	X		X							
PUBLIC WORKS - TRANSIT	X	X	X		X							
RAIL ROAD: ALL	X	X	X		X			X		X		X
REGIONAL WATER QUALITY CONTROL	X	X	X	X								
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X		X
SCHOOL DISTRICT: ALL	X	X	X		X							
SHERIFF	X	X	X		X							
StanCOG	X	X	X		X							
STANISLAUS COUNTY FARM BUREAU	X	X	X		X							
STAN ALLIANCE	X	X	X		X							
STANISLAUS ERC	X	X	X		X							
STATE CLEARINGHOUSE	X	X	X	X				X		X		X
SUPERVISORIAL DISTRICT: ALL	X	X	X		X							
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: AT&T	X	X	X		X							
UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							
WATER DIST: ALL	X	X	X		X							
USDA NRCS	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							

ATTACHMENT 3

B. **GENERAL PLAN AMENDMENT APPLICATION NO. PLN2012-0044 - AGRICULTURAL ELEMENT UPDATE** - Consider a recommendation to the Board of Supervisors for adoption of a five year update of the Agricultural Element of the Stanislaus County General Plan. The update focuses on objectives, policies, and implementation measures relating to food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection. The Planning Commission will consider a CEQA Negative Declaration on this project.
APN: Countywide
Staff Report: Joshua Mann Recommends **APPROVAL.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
MOTION TO RECOMMEND APPROVAL TO BOARD OF SUPERVISORS:
Etchebarne/Peterson, 3/3 (Gibson, Crabtree, Buehner)
MOTION TO RECOMMEND DENIAL TO BOARD OF SUPERVISORS:
Buehner/Crabtree, 3/3 (Pires, Peterson, Etchebarne)
MOTION TO RECOMMEND APPROVAL EXCEPT FOR CHANGE TO POLICY 2.15 (ADDITION OF "MINIMUM" WORDING TO 1:1 MITIGATION):
Crabtree/No second. Motion fails.
DUE TO A LACK OF MAJORITY VOTE, A RECOMMENDATION OF DENIAL WILL BE SENT TO THE BOARD OF SUPERVISORS.

EXCERPT

PLANNING COMMISSION

MINUTES

Secretary, Planning Commission

4-24-2013
Date

ATTACHMENT B

MICHAEL I. COOKE
REGULATORY AFFAIRS MANAGER
mcooke@turlock.ca.us

2013 APR 29 P 3:39

MUNICIPAL SERVICES
REGULATORY AFFAIRS DIVISION

156 S. BROADWAY, SUITE 270 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5599 EXT 4418 | FAX 209-668-5695

April 19, 2013

Stanislaus County
Department of Planning & Community Development
Ms. Angela Freitas, Director
1010 10th Street, Suite 3400
Modesto, CA 95354

SUBJECT: Stanislaus County General Plan Agricultural Element Update

Dear Angela:

We note that Stanislaus County is in the process of updating the Agricultural Element of its General Plan. As part of "Goal 3," the County has proposed a new implementation measure under Policy 3.4 that encourages the use of recycled water as a means to promote water conservation. The City of Turlock fully supports this concept which is consistent with the California Water Plan (2009 Update) and the California Water Code (Wat. Code § 13550 et seq.).

Our only concern is the County's use of the term "tertiary water" instead of "recycled water." For the sake of standardization and to avoid a potential inconsistency with State Law, we encourage the County to use the term "recycled water." Indeed, the Agricultural Element's definition of "tertiary water" notes that it is the same as "recycled water" and "reclaimed water." Pursuant to Title 22 Cal. Code Regulations §60301.230, "tertiary water" is "wastewater" that has gone through a defined filtration process and meets certain water quality standards after that treatment process. Essentially, "tertiary" merely means that the wastewater has gone through a third phase of treatment, typically filtration. It does not necessarily mean that the water may be made available for beneficial reuse.

Water Code section 13550 states that "recycled water" is "water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource". Water Code section 26 states that "recycled water" and "reclaimed water" have the same meaning as defined in Water Code section 13550. Note that this definition is broad, and includes both treated agricultural wastewater and treated municipal wastewater.

The State of California has recognized that recycled water is an important component of the state's water supply. According to State law, "It is hereby declared that the people of the state have a primary interest in the development of facilities to recycle water containing waste to supplement existing surface and underground water supplies and to assist in meeting the future water requirements of the state" (Wat. Code § 13510). The state strengthens its purpose by stating in the

Water Code that under certain conditions the use of potable water for nonpotable purposes is a waste or unreasonable use of water if recycled water is available (Wat. Code § 13550 et seq.).

The State Water Board adopted the Recycled Water Policy for implementing state statutes, regulations, and policies for recycled water projects to establish more uniform interpretation (SWRCB, 2009a, 2009b). This policy aims to increase the use of recycled water from municipal wastewater sources (as defined in Wat. Code § 13050(n)), in a manner that implements state and federal water quality laws.

Therefore, to reflect standard practice, we encourage the County to use the term "recycled water" in its Agricultural Element instead of "tertiary water" and use the definition available in the Water Code.

Should you have any questions please feel free to contact me at 668-5599 ext. 4418.

Very Truly Yours,

Michael I. Cooke
Regulatory Affairs Manager

Cc Milton O'Haire, Stanislaus County Agricultural Commissioner
Debra Whitmore, Deputy Director of Community Development, City of Turlock

Agricultural Element Update
Stanislaus County General Plan

Stanislaus County

Board of Supervisors

April 30th, 2013

Planning & Community Development

Agricultural Element Update
Stanislaus County General Plan

General Plan Amendment No. PLN2012-044

Planning & Community Development

Agricultural Element Purpose

To promote and protect local agriculture through the adoption of policies designed to achieve three (3) main goals:

1. **Strengthen the agricultural sector of our economy.**
2. **Conserve our agricultural lands for agricultural uses.**
3. **Protect the natural resources that sustain agriculture in Stanislaus County.**

Ag Element - Update Process

- 2007 Update to the Agricultural Element directed Staff to review & update every 5 years
- Intent was to periodically review the Goals, Policies & Implementation Measures to ensure they meet the needs of local Agriculture

Ag Element - Update Process

- **2011 / 2012 – Staff began the update process**
- **Held Meetings with:**
  - **Ag Commissioner's Office**
  - **Ag Advisory Board**
  - **County's General Plan Update Committee**
  - **Ag Element Update Sub-Committee**

Ag Element - Update Focus

1) Food Safety Guidelines
2) Alternative Energy Sources
3) Agricultural Land Mitigation
4) Use of Tertiary Water
5) Ground Water Protection

Food Safety Guidelines

Stanislaus County

Planning & Community Development

Food Safety Guidelines

- Since the 2007 Update - several highly publicized public health "issues" originating from Agricultural Commodities
- U.S. Food & Safety Modernization Act (FSMA) adopted in January of 2011

Food Safety Guidelines

In response to potential food safety "issues" – Modifications were made to:

- **Objective No. 1.6 "Protect Food Safety"**
- **Implementation Measures No. 2 & 3 under Policy No. 1.21**

Food Safety Guidelines

Policy 1.21

I.M. #2:

As regulations are established, the Agricultural Commissioner will work with state and federal agencies and the farming community in the implementation of a food safety program to include a record keeping and trace back system to ensure minimal impacts related to food borne pathogens and associated outbreaks.

Food Safety Guidelines

Policy 1.21

I.M. #3:

The County shall support the rights of growers to utilize the widest range of newest available technologies.

Alternative Energy Sources

Stanislaus County

Planning & Community Development

Alternative Energy Sources

- **Since the 2007 Update – A trend was seen in Stanislaus County, relating to large-scale solar projects**
- **No focused Policies or Implementation Measures to address potential impacts to the County's Agricultural land**

Alternative Energy Sources

- Discussion of this topic has been centered around the loss of “Prime Farmland” given the large area needed for Solar Developments

Alternative Energy Sources

In response to the discussions held during the update process, a new implementation measure is proposed under Policy 2.5

Alternative Energy Sources

Policy 2.5

To the greatest extent possible, development shall be directed away from the County's most productive agricultural areas.

Alternative Energy Sources

Policy 2.5

I.M. #3:

The County shall encourage the development of alternative energy sources on lands located outside "Most Productive Agricultural Areas"; however, locations within a "Most Productive Agricultural Area" may be supported if it can be shown that no alternative locations exist.

Alternative Energy Sources

A minor update is also proposed to recognize the allowance of Alternative Energy Sources, as an accessory use to on-site farming activities, on properties under a Williamson Act Contract

Alternative Energy Sources

Policy 2.3

The County shall ensure all lands enrolled in the Williamson Act are devoted to agricultural and compatible uses supportive of the long-term conservation of agricultural land.

Alternative Energy Sources

Policy 2.3

I.M. #2:

The County shall support the development of alternative energy sources, such as solar and wind, designed and installed to primarily produce energy for the on-site agricultural and compatible uses.

Agricultural Land Mitigation

Stanislaus County

Planning & Community Development

Agricultural Land Mitigation

Policy 2.15 *(Current Language)*

In order to mitigate the conversion of agricultural land resulting from a discretionary project requiring a General Plan or Community Plan amendment from "Agriculture" to a residential land use designation, the County shall require the replacement of agricultural land at a 1:1 ratio with agricultural land of equal quality located in Stanislaus County.

Agricultural Land Mitigation

- As part of this update, a modification is being proposed to clarify the replacement ratio of 1:1
- The proposed modification states the replacement of agricultural land must be at a minimum, a 1:1 ratio.

Agricultural Land Mitigation

Policy 2.15

In order to mitigate the conversion of agricultural land resulting from a discretionary project requiring a General Plan or Community Plan amendment from "Agriculture" to a residential land use designation, the County shall require the replacement of agricultural land at a *minimum* 1:1 ratio with agricultural land of equal quality located in Stanislaus County.

Use of Tertiary Water

(Recycled / Re-Used Water)

Planning & Community Development

Use of Tertiary Water

- During the 2007 Update Approval Process – the County CEO directed the Ag Advisory Board to investigate the use of Tertiary Water
- Direction was to determine if appropriate to use as Irrigation water, for landscaping needs, & other non-drinking uses

Use of Tertiary Water

- Current technology can process & treat waste water to remove close to 99% of impurities
- Great potential for use of Tertiary Water within Stanislaus County, ranging from landscaping and crop irrigation to groundwater recharge.

Use of Tertiary Water

Policy 3.4

I.M. #5:

The County shall encourage the development and use of tertiary water for both agricultural and urban irrigation.

Use of Tertiary Water

Proposed Definition:

Tertiary Water

Waste water which has undergone an advanced cleaning process to remove nutrients (such as phosphorous and nitrogen) and suspended solids. Tertiary water is also referred to as reclaimed water and recycled water.

Ground Water Protection

Stanislaus County

Planning & Community Development

Ground Water Protection

- Similar to the Tertiary Water issue – the County CEO directed the Ag Advisory Board to investigate "Ground Water Protection" in April of 2009
- Direction was to investigate the practice of ground water extraction and to consider establishing a County "Ground Water Export Ordinance"

Ground Water Protection

- Since 2009, the Ag Advisory Board has established a working group comprised of local/regional stakeholders & a sub-committee
- No formal Ordinance has been adopted although work continues and a potential Ground Water Ordinance is expected in the near future

Ground Water Protection

- As part of this update, modifications are proposed to address local ground water and to compliment efforts of the Ground Water Ordinance group
- Modifications include a new Policy and Implementation Measure

Ground Water Protection

Policy 3.6

The County will continue to protect local groundwater for agricultural use in Stanislaus County.

Ground Water Protection

Policy 3.6

I.M. #1:

The County shall consider adoption of a groundwater ordinance to protect the supply and quality of local groundwater for agricultural use in Stanislaus County.

Environmental Review

- As part of this update and pursuant to CEQA, a Negative Declaration was prepared and circulated
- No Significant Impacts have been identified
- Comments received by TID & OID regarding Ground Water Protection

- Findings -
General Plan Amendment

1. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses.

2. The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.

Planning Commission

March 21st, 2013

- Staff recommended the Planning Commission the amendment subject to actions 1-4 outlined on page 7 of the PC Staff Memo
- 3 Motions were made by the Planning Commission

Planning Commission

March 21st, 2013

- **Motion to recommend Approval**
  - **3-3 (Etchebarne / Peterson - Pires)**
- **Motion to recommend Denial**
  - **3-3 (Buehner / Crabtree – Gibson)**
- **Motion to recommend Approval, except "minimum" *(Failed)***
  - **Crabtree / - No 2nd**

Planning Commission

March 21st, 2013

Issues - Discussion

- **Commissioners objected with the overall mitigation requirement of 1:1**
  - **Diminish future development opportunities for the County**
  - **Drive development away**
  - **Difficult to construct affordable housing**

Planning Commission

March 21st, 2013

Issues - Discussion

- **Topic of "Water Storage" was raised**
  - **Commissioners asked why this topic was not included in the update?**
  - **Objective 3.2 recognizes water as a primary basis for Ag within the County**
  - **Encourages conservation & quality**

Planning Commission

March 21st, 2013

Issues - Discussion

- No public comment was received
  - In Favor
  - or Against