

### 5.2 AGRICULTURE AND FORESTRY RESOURCES

#### 5.2.1 Environmental Setting

The section describes existing agricultural and forest resources in the plan area and the policies and regulations applicable to these resources. Potential impacts to agricultural and forest resources resulting from adoption of the General Plan are described and mitigation measures are provided to address potentially significant impacts.

#### Farmland Classifications

Public Resources Code Section 21060.1, California Environmental Quality Act, defines agricultural lands: “Agricultural land means prime farmland, farmland of statewide importance or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.” This Draft EIR utilizes this definition for evaluating impacts associated with the loss of agricultural lands as a result of the project.

The California Department of Conservation’s (CDC) Farmland Mapping and Monitoring Program (FMMP) was established in 1982 to track changes in agricultural land use and to help preserve areas of Important Farmland. It divides the state's land into eight categories based on soil quality and existing agricultural uses to produce maps and statistical data. These are used to help preserve productive farmland and to analyze impacts on farmland. Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance are all Important Farmland and are collectively referred to as Important Farmland in this DEIR. The highest rated Important Farmland is Prime Farmland. Farmland maps are updated and released every two years. The California Department of Conservation classifies farmland as follows:

- Prime Farmland
- Farmland of Statewide Importance
- Unique Farmland
- Farmland of Local Importance
- Grazing Land
- Urban and Built-up Land
- Other Land
- Water
- Land Committed to Non-agricultural Use (optional designation)

FMMP's study area is contiguous with modern soil surveys developed by the US Department of Agriculture (USDA). A classification system that combines technical soil ratings and current land use is the basis for the Important Farmland Maps of these lands. Most public land areas, such as National Forests and Bureau of Land Management holdings, are not mapped. The typical minimum land use mapping unit is 10 acres unless specified. In order to be shown on FMMP's Important Farmland Maps as Prime Farmland and Farmland of Statewide Importance, land must meet both land use and soil criteria.

**Land Use.** Has been used for irrigated agricultural production at some time during the four years prior to the Important Farmland Map date. Irrigated land use is determined by FMMP staff by analyzing current aerial photos, local comment letters, and related GIS data, supplemented with field verification.

**Soil.** The soil must meet the physical and chemical criteria for Prime Farmland or Farmland of Statewide Importance as determined by the USDA Natural Resources Conservation Service (NRCS). NRCS compiles lists of which soils in each survey area meet the quality criteria.



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#### **Prime Farmland**

Prime Farmland has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed—including water management—according to current farming methods. Prime Farmland must have been used for the production of irrigated crops at some time during the two previous biennial update cycles (four years prior to the mapping date). It does not include publicly owned lands for which there is an adopted policy preventing agricultural use.

#### **Farmland of Statewide Importance**

Farmland of Statewide Importance is land other than Prime Farmland that has a good combination of physical and chemical characteristics for the production of crops. It must have been used for the production of irrigated crops at some time during the four years prior to the mapping date. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use. Farmland of Statewide Importance must meet standards for all the following criteria:

- Water moisture regimes, available water capacity, and developed irrigation water supply
- Soil temperature range
- Acid-alkali balance
- Water table
- Soil sodium content
- Flooding (uncontrolled runoff from natural precipitation)
- Erodibility
- Permeability rate
- Rock fragment content
- Soil rooting depth

#### **Unique Farmland**

Unique Farmland does not meet the criteria for Prime Farmland or Farmland of Statewide Importance, but has been used for the production of specific high-economic-value crops at some time during the two update cycles prior to the mapping date. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to current farming methods. Examples of such crops may include oranges, olives, avocados, rice, grapes, and cut flowers. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use.

Characteristically, Unique Farmland: a) is used for specific high value crops; b) has a moisture supply that is adequate for the specific crop; the supply is from stored moisture, precipitation or a developed irrigation system; c) combines favorable factors of soil quality, growing season, temperature, humidity, air drainage, elevation, exposure, or other conditions, such as nearness to market, that favor growth of a specific food or fiber crop; and d) excludes abandoned orchards or vineyards, dryland grains, and extremely low yielding crops, such as irrigated pasture, as determined in consultation with the County, Cooperative Extension Director and Agricultural Commissioner. High-value crops are listed in California Agriculture, an annual report of the California Department of Food and Agriculture. In order for land to be classified Unique Farmland, the crop grown on the land must have qualified for the list at some time during the four years prior to the mapping date.

### **Farmland of Local Importance**

Farmland of Local Importance is either currently producing crops, has the capability of production, or is used for the production of confined livestock. Farmland of Local Importance is land other than Prime Farmland, Farmland of Statewide Importance or Unique Farmland. This land may be important to the local economy due to its productivity or value. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use. In a few counties the local advisory committee has elected to additionally define areas of Local Potential farmland. This land includes soils that qualify for Prime Farmland or Farmland of Statewide Importance, but generally are not cultivated or irrigated. For reporting purposes, Local Potential and Farmland of Local Importance are combined in the acreage tables, but are shown separately on the Important Farmland Map.

This category comprises land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee. Farmland of Local Importance specific to Riverside County is defined as:

- Soils that would be classified as Prime or Statewide but lack available irrigation water. Lands planted to dryland crops of barley, oats, and wheat.
- Lands producing crops that are major for Riverside County but not listed as Unique crops. These crops are identified as returning one million or more dollars on the 1980 Riverside County Agriculture Crop Report: permanent irrigated pasture, summer squash, okra, eggplant, radishes, and watermelons.
- Dairylands, including corrals, pasture, milking facilities, and hay and manure storage areas if accompanied with permanent pasture or hayland of 10 acres or more.
- Lands identified by city or county ordinance as Agricultural Zones or Contracts, which includes Riverside City "Proposition R" lands. Lands planted with jojoba that are under cultivation and of producing age. (CDC 2006b)



### **Grazing Land**

Land on which the existing vegetation is suitable for the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Davis, Cooperative Extension, and other groups interested in the extent of grazing activities.

### **Urban and Built-up Land**

Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

### **Other Land**

Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and non-agricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

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#### **Water**

Perennial water bodies of at least 40 acres.

#### **Land Committed to Non-agricultural Use**

This optional category was developed in cooperation with local government planning departments and county boards of supervisors during the public workshop phase of the FMMP's development in 1982. Land Committed to Non-agricultural Use information is available both statistically and as an overlay to the important farmland information. Land Committed to Non-agricultural Use is defined as existing farmland, grazing land, and vacant areas that have a permanent commitment for development.

#### **Forest Land Classifications**

“Forest land’ is land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits” (California Public Resources Code Section 12220(g)). “Timberland” is defined by the state as land capable of growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees (California Public Resources Code Section 4526), or land which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre (California Government Code Section 51104(f)).

#### **Agricultural Production**

A review of economic and market trends affecting agriculture in western Riverside County conducted by CB Richard Ellis in 2009 found that continued agricultural operations are not financially feasible in western Riverside County due to the following factors:

- **Increasing Land Values:** Land values in the region have risen to over \$250,000 per acre. Farmers find it more profitable to sell their land and relocate.
- **Conflicts between Urban Land Uses and Dairy Farms:** Dairy farm operations are increasingly incompatible with surrounding urban land uses; complaints from neighbors of dairy operations include flies, odors, noise, and water and air pollution.
- **Environmental Regulations:** The Santa Ana Regional Water Quality Control Board was among the first of the nine such regional boards in California to develop regulations controlling dairy operations and imposed further restrictions in 1994, 1999, and 2004.
- **Competition from Central Valley:** Dairy farmers in the Central Valley have lower operating costs, including costs for feed and for manure disposal, than farmers in the Inland Empire.
- **Labor Costs:** Many agricultural workers seek higher paying jobs in other industrial sectors, leading to increased labor costs. (CBRE 2009)

The 2003 Riverside County General Plan identified the conversion of 86,748 acres of agricultural uses to non-agricultural uses countywide. The impact was found to be significant and unavoidable in the General Plan EIR, and a Statement of Overriding Considerations was adopted by the county.

### **Williamson Act**

In 1965, the state enacted the California Land Conservation Act, more commonly known as the Williamson Act (Government Code Section 51230 et seq.). The Williamson Act provides tax incentives for landowners who enter into contracts with the local government for long-term use restrictions on agricultural and open space land for qualifying properties. Property owners commit their land to farming for a minimum of 10 years and in return receive tax benefits based on their agricultural production rather than on the property's market value. Contracts are automatically renewed unless a notice of nonrenewal is issued.

In the City, there are 77 acres of lands (4 parcels) under Williamson Act contracts, all of which have filed nonrenewal of their contracts upon completion of their 10-year commitment. All parcels went into nonrenewal status in 2007, meaning their contracts will expire on January 1, 2017. The affected land is in the south part of the City just west of I-215 (northeast of Keller Road and Howard Way) (DLRP 2008).

### **Farmland in Menifee**

Agriculture expanded in Menifee after the California Southern Railroad completed a rail line from San Diego to Colton in 1882; the rail line passed through Railroad Canyon just west of the present-day Menifee city boundary. Farming in the area was dominated by dry-farming of wheat, barley, alfalfa, and livestock. The Menifee area maintained its mostly rural character until the construction of Sun City, completed in 1960 (DiscoveryWorks 2010).

Riverside County is divided into four districts by the Riverside County Agricultural Commission. Menifee is in the San Jacinto/Temecula Valley District. Total agricultural production in the District in 2010 was valued at about \$138 million. The four largest crops in the District by dollar value were avocados, grapefruit, ornamental nursery stock, and turf (grass) (RCACO 2011).

There were 1,572 acres of agricultural uses in Menifee in 2010, including 101 acres of dairies. The largest concentration of agricultural uses in the City is in the northeastern part of the City abutting the south side of the community of Romoland.

There are 162 acres of Prime Farmland in the City; 218 acres of Farmland of Statewide Importance; 142 acres of Unique Farmland; 8,327 acres of Farmland of Local Importance; and 1,181 acres of Grazing Land (see Figure 5.2-1, *Significant Farmlands*).

### **Forest Land in Menifee**

*Southern Coast Live Oak Riparian Forest.* This community is open to locally dense evergreen riparian woodlands dominated by coast live oak. It occurs on bottomlands and outer floodplains along larger streams in canyons and valleys of coastal southern California. This community is similar to the Coast Live Oak Woodland community, which can occur on stream banks, channel bottoms, and flat to very steep topography. Approximately 20 acres of Coast Live Oak Woodland were identified scattered throughout the City (Dudek 2012).

*Southern Cottonwood/Willow Riparian Forest.* This community is a tall, open, broadleaved winter-deciduous riparian forest dominated by Fremont cottonwood, black cottonwood, and several tree willows. It occurs on frequently overflowed lands along rivers and streams. This community was identified in Menifee along Salt Creek and in the southern part of the City just east of I-215 and south of Garbani Road.



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*Southern Sycamore/Alder Riparian Woodland.* This community is a tall, open, broadleafed, winter-deciduous streamside woodland dominated by California sycamore and often also white alder. This woodland community occurs on very rocky streambeds subject to intense seasonal flooding.

These vegetation types are limited and scattered in the city. There is no forest zoning in the city.

### Regulatory Setting

#### Federal

##### *Farmland Protection Policy Act*

The Natural Resources Conservation Service (NRCS), a federal agency within the United States Department of Agriculture, is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The purpose of the FPPA is to minimize federal programs' contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local, and private programs designed to protect farmland. The NRCS provides technical assistance to federal agencies, state and local governments, tribes, or nonprofit organizations that desire to develop farmland protection programs and policies.

The NRCS summarizes FPPA implementation in an annual report to Congress. The FPPA also established the Farmland Protection Program and Land Evaluation and Site Assessment.

##### *Farmland Protection Program*

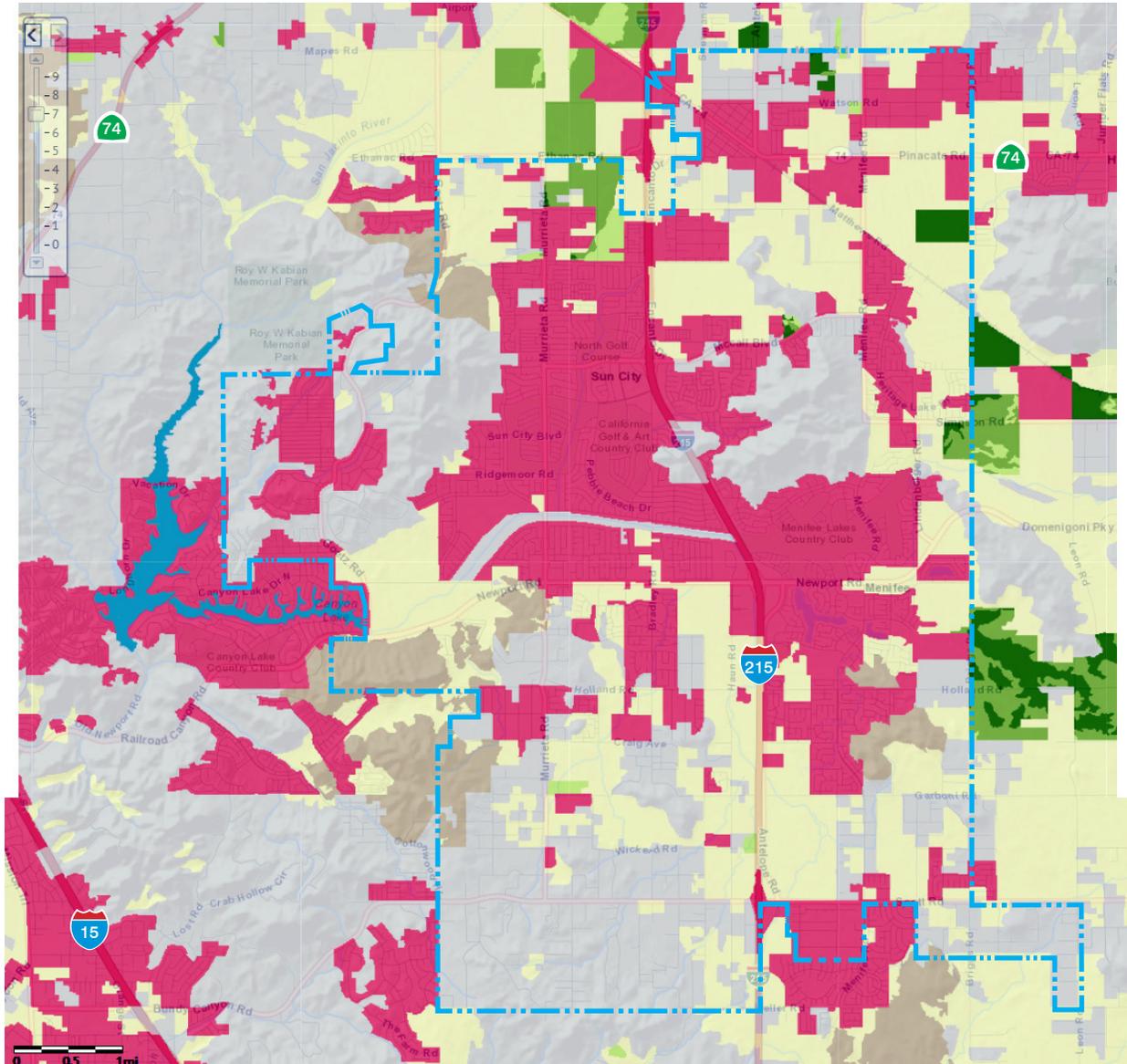
The NRCS administers the Farmland Protection Program, a voluntary program aimed at keeping productive farmland in agricultural uses. Under the program, the NRCS provides matching funds to state, local, or tribal government entities and nonprofit organizations with existing farmland protection programs to purchase conservation easements. The goal of the program is to protect between 170,000 and 340,000 acres of farmland per year (USDA-NRCS 2007). Participating landowners agree not to convert the land to non-agricultural use and retain all rights to use the property for agriculture. A minimum of 30 years is required for conservation easements and priority is given to applications with perpetual easements. The NRCS provides up to 50 percent of the fair market value of the easement being conserved (USDA-NRCS 2007).

To qualify for a conservation easement, farmland must meet several criteria. The land must be:

- Prime, unique, or other productive soil, as defined by the NRCS based on factors such as water moisture regimes, available water capacity, developed irrigation water supply, soil temperature range, acid-alkali balance, water table, soil sodium content, potential for flooding, erodibility, permeability rate, rock fragment content, and soil-rooting depth;
- Included in a pending offer to be managed by a nonprofit organization, state, tribal, or local farmland protection program;
- Privately owned;
- Placed under a conservation plan;
- Large enough to sustain agricultural production;
- Accessible to markets for the crop that the land produces; and
- Surrounded by parcels of land that can support long-term agricultural production.

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## Significant Farmlands



- - - - City Boundary
- Prime Farmland
- Farmland of Statewide Importance
- Unique Farmland
- Grazing Land
- Farmland of Local Importance
- Nonagricultural or Natural Vegetation
- Vacant or Disturbed Land
- Urban and Built-Up Land



Source: DLRP 2013



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### **Forest Plans**

The United States Forest Service (USFS) Land and Resources Management Plans (Forest Plans) describe the management of national forests. These plans apply only to federal lands under the administration of the USFS; they are not applicable to privately owned land within the national forest boundaries or privately owned land adjacent to the national forest boundaries. The following types of decisions are made in the Forest Plans:

1. Establishment of forest-wide objectives, with a description of the desired condition;
2. Establishment of forest-wide management standards;
3. Establishment of management areas and management prescriptions;
4. Establishment of lands suitable for the production of timber;
5. Establishment of monitoring and evaluation requirements; and
6. Recommendations to Congress of areas eligible for wilderness or wild and scenic river designation.

### **Land Evaluation and Site Assessment**

The Land Evaluation and Site Assessment (LESA) system ranks lands for suitability and inclusion in the Farmland Protection Program. LESA evaluates several factors, including soil potential for agricultural use, location, market access, and adjacent land use. These factors are used to numerically rank the suitability of parcels based on local resource evaluation and site considerations.



### **State**

#### *California Department of Conservation*

The Department of Conservation administers and supports a number of programs, including the Williamson Act, the California Farmland Conservancy Program, the Williamson Act Easement Exchange Program, and the Farmland Mapping and Monitoring Program. These programs are designed to preserve agricultural land and provide data on conversion of agricultural land to urban use. The Department of Conservation is responsible for approving Williamson Act Easement Exchange Program agreements.

#### *Important Farmland Inventory System and Farmland Mapping and Monitoring Program*

The Important Farmland Inventory System initiated in 1975 by the U.S. Soil Conservation Service (now NRCS) classifies land based on 10 soil and climatic characteristics. The Department of Conservation started a similar system of mapping and monitoring for California in 1980, known as the Farmland Mapping and Monitoring Program (FMMP).

Under the California Environmental Quality Act (CEQA), the lead agency is required to evaluate agricultural resources in environmental assessments at least in part based on the FMMP. The state's system was designed to document how much agricultural land in California was being converted to non-agricultural land or transferred into Williamson Act contracts. The definitions of important farmland types are provided in the FMMP discussion under Existing Setting, above.

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#### *California Land Evaluation and Site Assessment Model*

The California LESA model was developed in 1997 and was designed based on the federal LESA system and can be used to rank the relative importance of farmland and the potential significance of its conversion on a site-by-site basis. The California LESA model considers the following factors: land capability, Storie index soil rating system, water availability (drought and non-drought conditions), land uses within one-quarter mile, and “protected resource lands” (e.g., Williamson Act lands) surrounding the property. A score can be derived and used to determine if the conversion of a property would be significant under CEQA. The LESA model provides a broad range of scores and other factors that can be considered in determining impact significance.

#### *Williamson Act*

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is a nonmandated state program administered by counties and cities to preserve agricultural land and discourage the premature conversion of agricultural land to urban uses. The act authorizes local governments and property owners to (voluntarily) enter into contracts to commit agricultural land to specified uses for 10 or more years. Once restricted, the land is valued for taxation based on its agricultural income rather than unrestricted market value, resulting in a lower tax rate for owners. In return, the owners guarantee that these properties remain under agricultural production for an initial 10-year period. The contract is renewed automatically unless the owner files a notice of nonrenewal, thereby maintaining a constant 10-year contract.

Currently, approximately 70 percent of the state’s prime agricultural land is protected under this act. Participation is on a voluntary basis by both landowners and local governments and is implemented through the establishment of agricultural preserves and the execution of Williamson Act contracts.

Termination of a Williamson Act contract through the nonrenewal process is the preferred method to remove the enforceable restriction of the contract. Cancellation is not appropriate when objectives served by cancellation could be served by nonrenewal. Cancellation is reserved for unusual, “emergency” situations. In order to approve tentative cancellation, a board or council must make specific findings based on substantial evidence that a cancellation is consistent with the purposes of the act or in the public interest. Contracts can specify that both findings must be made in order to approve tentative cancellation.

#### *Forest Practice Rules*

The Z’berg-Nejedly Forest Practice Act of 1973 established a set of rules known as the Forest Practice Rules to be applied to forest management related activities (i.e., timber harvests, timberland conversions, fire hazard removal, etc.) on privately owned timberlands in California. They are intended to ensure that timber harvesting is conducted in a manner that will preserve and protect fish, wildlife, forests, and streams. Under the Forest Practice Act, a Timber Harvesting Plan is submitted to the California Department of Forestry and Fire Protection (Cal-Fire) by the landowner outlining what timber is proposed to be harvested, the harvesting method, and the steps that will be taken to prevent damage to the environment. If the landowner intends to convert timberland to non-timberland uses, such as a winery or vineyard, a Timberland Conversion Permit is required in addition to the Timber Harvesting Plan. It is Cal-Fire’s intent that a Timber Harvesting Plan will not be approved if it fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in the Forest Practice Rules, which would substantially lessen or avoid significant adverse environmental impacts resulting from timber harvest activities. Timber Harvesting Plans are required to be prepared by registered professional foresters who are licensed to prepare these plans.

### *Assembly Bill 2881 – Right-to-Farm Disclosure*

Assembly Bill (AB) 2881 was passed by the State Legislature in 2008 and became effective January 1, 2009. This bill requires that as a part of real estate transactions, land sellers and agents must disclose whether the property is located within 1 mile of farmland as designated on the most recent Important Farmland Map. Any of the five agricultural categories—Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land—on the map qualifies for disclosure purposes.

### *California Forest Taxation Reform Act of 1976*

The California Forest Taxation Reform Act of 1976 made significant modifications to the manner in which annual property taxes for timber and timberlands are assessed in California. The act placed values on bare land that are related to its ability to grow trees, and it substituted a percentage tax on the value of timber at the time of harvest (“yield” tax) for the annual property tax on the trees. In exchange for this tax benefit, landowners had to be willing to dedicate their timberland to timber growing and compatible uses for a period of at least 10 years. Unless terminated by the county or landowner, these 10 years renew each year, thus creating a rolling minimum or self-perpetuating 10-year commitment. Lands zoned in this manner are called Timberland Production Zones. Total acres of Timberland Production Zones ostensibly indicate land that is committed to timber growing and compatible uses, thus forming the long-term productive base of the state’s privately owned forestland.

### **County**

#### *Riverside County Right-to-Farm Ordinance*

Ordinance No. 625.1, An Ordinance of the County of Riverside Providing a Nuisance Defense for Certain Agricultural Activities, Operations, and Facilities and Providing the Public Notification Thereof” (Riverside County 1994), is called the Riverside County Right-to-Farm Ordinance. It conserves, protects, and encourages the development, improvement, and continued viability of agricultural land and industries for the long-term production of food and other agricultural products, and for the economic well-being of the county’s residents. The Right-to-Farm Ordinance also attempts to balance the rights of farmers to produce food and other agricultural products with the rights of nonfarmers who own, occupy, or use land within or adjacent to agricultural areas. It is the intent of this ordinance to reduce the loss to the county of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance. Prospective buyers of property adjacent to agricultural land shall be notified through the title report that they could be subject to inconvenience or discomfort resulting from accepted farming activities as per provisions of the County’s Right-to-Farm ordinance (RCIP 2008).



### **5.2.2 Thresholds of Significance**

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- AG-1 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.
- AG-2 Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- AG-3 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

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section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

- AG-4 Result in the loss of forest land or conversion of forest land to non-forest use.
- AG-5 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.

#### 5.2.3 Environmental Impacts

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

**IMPACT 5.2-1: THE PROPOSED PROJECT WOULD CONVERT 162 ACRES OF PRIME FARMLAND, 218 ACRES OF FARMLAND OF STATEWIDE IMPORTANCE, AND 142 ACRES OF UNIQUE FARMLAND TO NON-AGRICULTURAL USE. [THRESHOLD AG-1]**

**Impact Analysis:** The proposed General Plan would result in the conversion of 522 acres of designated Prime Farmland, Farmland of Statewide Importance, and Unique Farmland to a non-agricultural use. The City does not have any prohibitions that prevent the transition of agricultural land uses to urban land uses.

**Prime Farmland (162 acres):** The Prime Farmland in the City is all along the northern and eastern boundaries. The Prime Farmland along the north City boundary would be designated RR1 (Rural Residential, 1 unit per acre minimum). The Prime Farmland on the east City boundary would be designated Menifee North Specific Plan and Menifee Valley Ranch Specific Plan. Limited agriculture is expected and encouraged in the RR1 designation. However, large commercial agriculture operations are not anticipated in the RR1 designation.

**Farmland of Statewide Importance (218 acres):** The Farmland of Statewide Importance in the City is mostly in two areas: one on the northwest City boundary and the second on the east City boundary.

- The area on the northwest city boundary would be designated Economic Development Corridor (EDC) and 2.1–5 du/acre Residential (2.1-5R) in the proposed General Plan. Agricultural use is not among the list of permitted uses in the EDC designation. Limited agriculture and animal keeping would be permitted in the 2.1-5R designation; however, large commercial agricultural operations are not feasible in a designation where lot sizes would range from 0.2 to 0.5 acres.
- The area on the east City boundary would be designated 5.1–8 du/acre Residential (5.1-8R) and Recreation (OS-R). Agricultural uses are not listed as permitted uses for the 5.1-8R designation. The part of this area designated OS-R is in the bed of Salt Creek and is required for flood control use during and after storms; it is thus not available for permanent agricultural use.
- The remaining Farmland of Statewide Importance is scattered in three small areas.

**Unique Farmland (142 acres):** The Unique Farmland in the City is scattered in several small areas. Two of the areas would be designated EDC in the proposed General Plan; the remainder are in residential designations (RR1 and 2.1-5R). Agricultural uses would not be permitted in the EDC designation.

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The City is focusing on developing land in an economically productive way that would serve the growing population. Thus, Menifee's future development emphasizes mixed-use, commercial, industrial, and residential projects rather than supporting the continuation of agricultural uses, which are becoming less economically viable. Considering the small size of the areas mapped as farmland and the economic and regulatory constraints on agriculture in western Riverside County discussed above, along with the currently approved Specific Plans and individual projects, some of these properties would not be available for agricultural use, and it is unlikely that any of these areas would remain in agricultural production even without adoption of the Menifee General Plan. However, there are state-designated farmlands in Menifee, and implementation of the proposed Menifee Land Use Plan would convert 522 acres of existing state-designated farmland to urban development and would ultimately convert all existing Prime Farmland, Farmland of Statewide Importance, and Unique Farmland within the City to non-agricultural uses. Development and implementation of the General Plan would convert existing state-designated farmlands to non-agricultural use; therefore, impacts are considered significant.

There is no mapped Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the Expanded EDC area. Under the Expanded EDC Scenario, impacts would be the same as for buildout of the proposed General Plan.

**IMPACT 5.2-2: GENERAL PLAN LAND USE DESIGNATIONS WOULD CONFLICT WITH EXISTING AGRICULTURAL ZONING. [THRESHOLD AG-2]**

**Impact Analysis:** Six percent of the land area in Menifee is used for agricultural purposes, and those plus several more areas of the City are currently zoned for agricultural uses. The Menifee zoning code includes six separate designations specifically for agricultural land; the General Plan only includes one agriculture land use designation (Agriculture (AG)). The zoning code would remain as is for some time after adoption of the General Plan, which changes designations for all but one parcel of agricultural land (dairy/livestock feedyard along eastern edge of city just south of Newport Road). This would create conflicts between the zoning code and the General Plan land use designations on all but one parcel until the zoning code is updated. The Expanded EDC scenario would not change the acreage on which proposed General Plan land use designations would conflict with existing zoning.



The proposed General Plan would designate the 77 acres of existing Williamson Act Contracts for EDC development. Agricultural uses are not listed as permitted uses in the EDC Designation. All Williamson Act contracts in the City went into nonrenewal status in 2007, so their contracts will expire on January 1, 2017. Buildout of the General Plan is not anticipated for 40 or more years; therefore, development of the parcels subject to Williamson Act contracts in accord with the proposed EDC designation would not require termination of the contracts before their scheduled expiration date and would not conflict with those contracts. No Williamson Act Contracts impacts would occur; however, because there is agricultural zoning conflicts, this impact is considered significant. No Williamson Act contracts are in effect on the additional land that would be designated EDC in the Expanded EDC scenario. Under the Expanded EDC Scenario, impacts would be the same.

**IMPACT 5.2-3: GENERAL PLAN BUILDOUT WOULD NOT REZONE OR CONVERT FOREST LAND OR TIMBERLAND [THRESHOLDS AG-3 AND AG-4].**

Within the City there are three types of forest vegetation types: Southern coast live oak riparian forest, southern cottonwood/willow riparian forest, and southern sycamore/alder riparian woodland. These vegetation types are limited and scattered in the city. About 10 acres of southern cottonwood/willow riparian forest and an additional 20 acres of coast live oak woodland were identified in the City. Southern Coast Live Oak Riparian Forest is described as a "woodland" by the California Department of Fish and Wildlife (CDFW),

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and the two communities occur in similar settings (bottomlands in canyons and valleys; CDFW 1986). Thus, these two community descriptions are considered equivalent.

The General Plan would change land use designations on the southern cottonwood/willow riparian forest from Business Park to EDC. Land use designations on the coast live oak woodland would convert from Estate Residential to Rural Residential; however, those designations permit residential development at similar densities. General Plan approval would not directly impact forest land; forest land could be impacted by projects approved pursuant to the General Plan.

Projects impacting Southern cottonwood/willow riparian forest and for southern coast live oak riparian forest in riparian habitats would require a Streambed Alteration Agreement (SAA) from the CDFW; mitigation for impacts would be required as a condition for a SAA.

The total amount of forests and woodlands in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) area is about 34,300 acres. The potential conversion of up to 30 acres of forest land in the City of Menifee would not be regionally significant.

No forest land is mapped in the additional area that would be designated EDC in the Expanded EDC scenario. Under the Expanded EDC Scenario, impacts would be the same as for buildout of the proposed General Plan. There is no existing forest zoning in the City. Impacts related to conversion of forest to nonforest would be less than significant.

#### **IMPACT 5.2-4: THE GENERAL PLAN WOULD RESULT IN THE CONVERSION OF FARMLAND TO NON-AGRICULTURAL USES. [THRESHOLD AG-5]**

**Impact Analysis:** Areas of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance abut the City of Menifee along the north, east, and south boundaries. General Plan buildout would develop most of the City of Menifee as described in Chapter 4, *Project Description*. General Plan buildout would place developed urban land uses closer to mapped farmland. Environmental impacts of farming, such as odors, noise, and water and air pollution, would affect future residents of the City near farmland. General Plan buildout would also likely contribute to increases in the cost of land in and next to Menifee. Such potential conflicts between agricultural and urban land uses would add to pressures on owners of agricultural land to sell and/or convert the land to non-agricultural uses. Potential conversion of farmland adjacent to the City boundary would be a significant impact.

Under the Expanded EDC Scenario, impacts would be the same.

#### **5.2.4 Existing Regulations and Standard Conditions**

- Farmland Mapping and Monitoring Program (California Government Code Section 65570)
- Williamson Act (California Government Code Sections 51200 et. seq.)
- Riverside County Ordinance No. 625 nuisance defense for agricultural activities (commonly called right-to-farm).

#### **Relevant General Plan Policies**

Relevant Menifee General Plan policies are in the Open Space and Conservation Element and are listed in Appendix C of this EIR.

### 5.2.5 Level of Significance Before Mitigation

Upon implementation of regulatory requirements and standard conditions of approval, Impact 5.2-3 would be less than significant.

Without mitigation, the following impacts would be **potentially significant**:

- Impact 5.2-1 General Plan buildout would convert mapped Important Farmland to non-agricultural uses.
- Impact 5.2-2 General plan land use designations would conflict with existing agricultural zoning.
- Impact 5.2-4 General Plan buildout would add to pressures promoting conversion of agricultural land surrounding the City to non-agricultural uses.

The above significance conclusions would be the same for the Expanded EDC Scenario.

### 5.2.6 Mitigation Measures

Although the Riverside County General Plan Final EIR originally required mitigation that would establish an Agricultural Mitigation Land Bank, shortly after EIR certification a CEQA decision by the California Court of Appeal held that a mitigation measure of this nature does not actually avoid or reduce the loss of farmland subject to development (*Friends of the Kangaroo Rat v. California Department of Corrections* (August 18, 2003) Fifth Appellate District Number F040956). Therefore, the Agricultural Land Mitigation Bank was not a valid form of mitigation for farmland conversion impacts. Accordingly, the County of Riverside deleted the EIR Mitigation Measure and found farmland conversion impacts significant and unavoidable. Since then, two other California appellate courts have issued conflicting rulings on whether preservation of offsite farmland mitigates conversion of farmland on a project site to non-agricultural uses. The three rulings are unpublished and are not legal precedents, but do include arguments that might be used in future legislation or court opinions on this topic. One of the rulings, *County of Santa Cruz v. City of San Jose* (2003; WL No. 1566913) by the Sixth District Appellate Court, found that preservation of offsite farmland does not mitigate conversion of farmland by a project because it does not create new farmland or offset the loss of farmland due to the project. The other ruling, *South County Citizens for Responsible Growth v. City of Elk Grove* (2004; WL No. 219789) by the Third District Court, disagreed with the earlier two rulings. The last ruling stated that conservation fees can mitigate for the loss of agricultural lands by diminishing development pressures due to the conversion of farmland and reducing the domino effect created by projects. The question of whether offsite preservation of farmland mitigates conversion of farmland to non-agricultural uses has yet to be settled by the courts or the legislature.

Considering the economic and regulatory constraints on the viability of agriculture in western Riverside County, it is also uncertain whether offsite mitigation within western Riverside County would be effective as a long-term mitigation strategy. Given this uncertainty of the permissibility of this method of mitigation, no offsite mitigation is required here for conversion of farmland to non-agricultural uses. Similar to the County of Riverside finding, the conversion of farmland in Menifee is considered a significant and unavoidable impact of the General Plan project.



## 5. *Environmental Analysis*

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### AGRICULTURAL RESOURCES

#### **5.2.7 Level of Significance After Mitigation**

##### **Impact 5.2-1**

No mitigation measures are available that would reduce mapped farmland impacts to less than significant. State-designated farmland impacts are significant and unavoidable.

##### **Impact 5.2-2**

No mitigation measures are available that would reduce agricultural zoning and General Plan land use designation conflicts to less than significant; impacts are significant and unavoidable.

##### **Impact 5.2-4**

No mitigation measures are available that would reduce conversion of farmland to less than significant. Farmland conversion impacts are significant and unavoidable.

The above significance conclusions would be the same for the Expanded EDC Scenario.