

---

# Section 4-2

## Land Use and Agriculture

---

This section provides information on land use and agricultural resources located in the study area. A discussion of federal, state, and local laws, policies, and regulations that influence land use and agricultural resources is also presented in this section. Impacts on land use and agricultural resources that may result from the Proposed Project are identified, and mitigation measures to avoid, minimize, and compensate for potentially significant impacts on land use and agricultural resources are described.

### 4-2.1 STUDY METHODS

The methods used to identify and evaluate resources in the Proposed Project area included a review of the Solano County General Plan (Solano County 2008a) and zoning; the Williamson Act contracts for the sites; Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program (FMMP) (FMMP data; and other plans and policies relevant to the County.

### 4-2.2 ENVIRONMENTAL SETTING

The Alamo and Ulatis sites are located in unincorporated Solano County, northwest of Vacaville, but outside of the sphere of influence for the City (Figure 3-2).

#### 4-2.2.1 Regional Setting

The unincorporated area of the County comprises approximately 494,437 acres and includes agricultural and open-space land, marsh, and watershed, along with some rural residential areas. Both sites are within the county's Pleasants, Vaca, and Lagoon Valley's 4,341-acre region, which is considered the most diverse agricultural region in the County (Solano County 2008a). The high-quality soils found in this area support everything from horse and livestock operations to wine grapes and organic produce. An increased use of conservation easements and increased marketing of local produce are important to this region. The County has 329,076 acres of land designated Agriculture, which is 56.5% of the total land. Agricultural land is concentrated in the eastern portion of the County and in smaller areas throughout the County.

The Solano County General Plan land use at the Alamo and Ulatis sites is designated Agriculture (Solano County 2008a). The sites are within the Agricultural, 40-acre minimum (A-40) zoning district and surrounded by land with the same zoning designation (Figure 4-2.1).

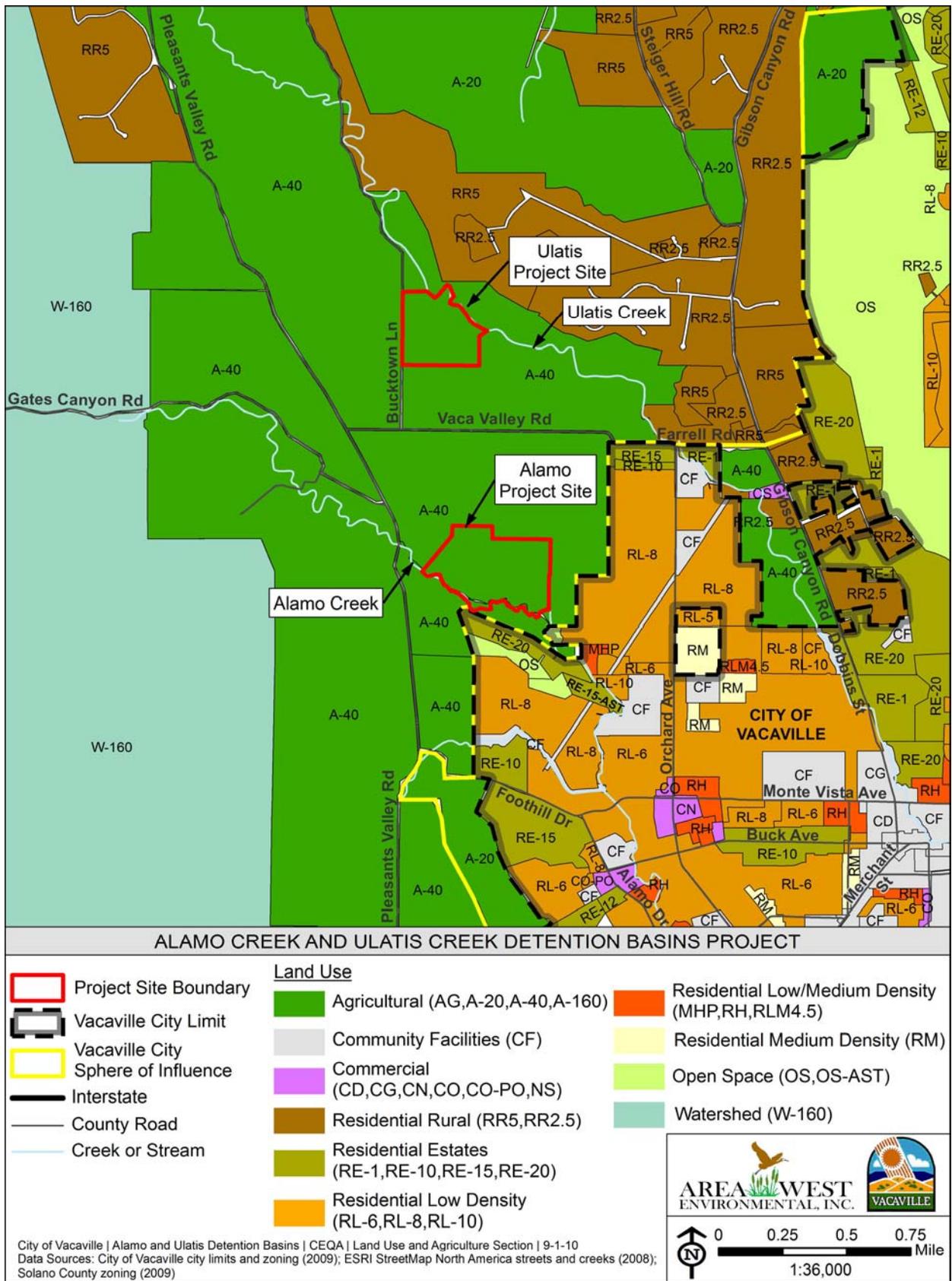


Figure 4-2.1 Zoning

Agricultural designations provide areas for the practice of agriculture as the primary use, including areas that contribute significantly to the local agricultural economy, and allow secondary uses that support the economic viability of agriculture. Agricultural-use designations protect these areas from intrusion by nonagricultural uses that do not directly support the economic viability of agriculture. Agriculture-related housing is also permitted to provide farm residences and residences necessary for farm-labor housing.

The Alamo and Ulatris sites are designated Prime Farmland if irrigated (Figure 4-2.2) (U.S. Department of Agriculture [USDA] Natural Resources Conservation Service [NRCS] 2009). The land consists of Yolo silty clay loam, Brentwood clay loam, 0–2% slopes, and some Dibble-Los Osos clay loams, 9–30% slopes (Figure 4-2.3) (USDA NRCS 2009). The California Revised Storie Index soil rating is Grade One – Excellent. The irrigated capability classification is Class 1, indicating soils with few limitations that restrict their use (USDA NRCS 2008).

## 4-2.2.2 Existing Land Use and Agricultural Resource Conditions

### 4-2.2.2.1 Alamo Site

The Alamo site consists of 79 acres of cultivated and uncultivated land located approximately 600 feet north and 1,200 feet west of the incorporated limits of the City in an unincorporated area of the County. The Alamo site is located on APNs 124-010-210, 124-010-130, and 124-160-040. The Alamo site is located just outside the western border of the City, upstream of the residential areas within City limits, which have experienced significant flooding during previous storm events. Existing vegetation consists primarily of declining prune orchard trees and uncultivated open land or nonnative grasses. Alamo Creek flows northwest to southeast along the southern boundary of the site. The Alamo site is located approximately 700 feet east of Pleasants Valley Road and approximately 2,112 feet south of Vaca Valley Road. The Alamo site is accessed by way of a private road easement named “Rogers Lane” that extends south into the site from Vaca Valley Road. A riparian corridor composed largely of native oaks, cottonwoods, and willows line the southern boundary of the site along the bank of Alamo Creek. Existing Solano Irrigation District infrastructure is present on the Alamo site to provide irrigation water for agricultural purposes. Surrounding land uses consist primarily of agricultural, with residential to the south and east, and agricultural land beyond. A portion of the Alamo site is under Williamson Act contracts; however, these contracts are currently in non-renewal status (Assessor pers. comm., August 10, 2009) (Figure 4-2.4).

### 4-2.2.2.2 Ulatris Site

The Ulatris site consists of approximately 50 acres of uncultivated land located approximately 0.7 mile northwest of the incorporated limits of the City, in an unincorporated area of the County. The Ulatris site is located on APN 123-100-090. Ulatris Creek flows from northwest to southeast along the northern boundary of the Ulatris site. The Ulatris site is bound by Bucktown Lane (a private road) to the west. The site is accessed from Bucktown Lane and is located approximately 1,400 feet north of Vaca Valley Road. The Ulatris site currently supports a fallow agricultural field and is bordered by a riparian corridor composed largely of native oaks, cottonwoods, and willows along the northern boundary of the site along the bank of Ulatris Creek and an unnamed tributary. Existing vegetation, consisting primarily of nonnative grasses, would need to be removed to construct the basin and improve the site for project implementation.

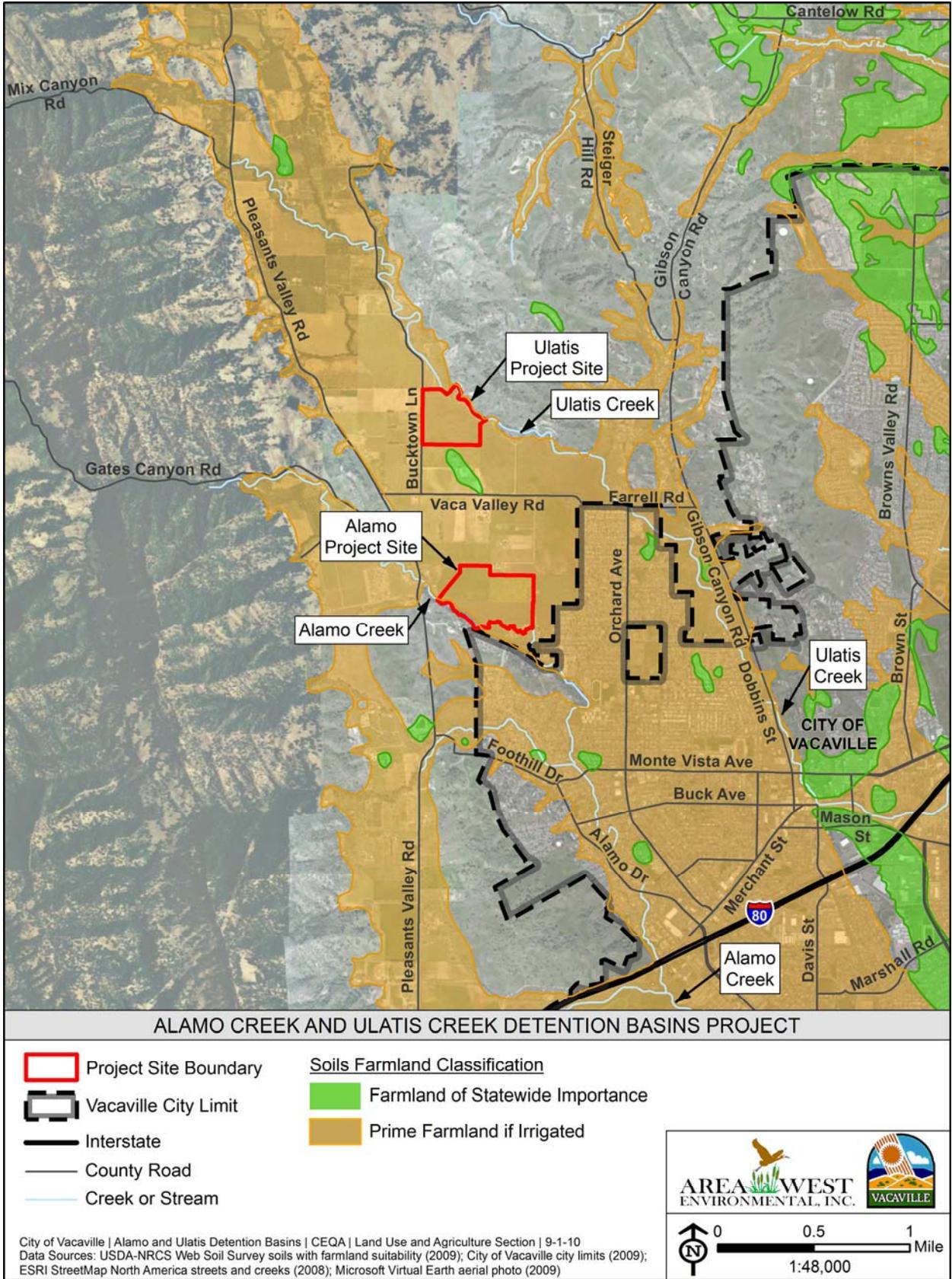


Figure 4-2.2 Farmland Classification

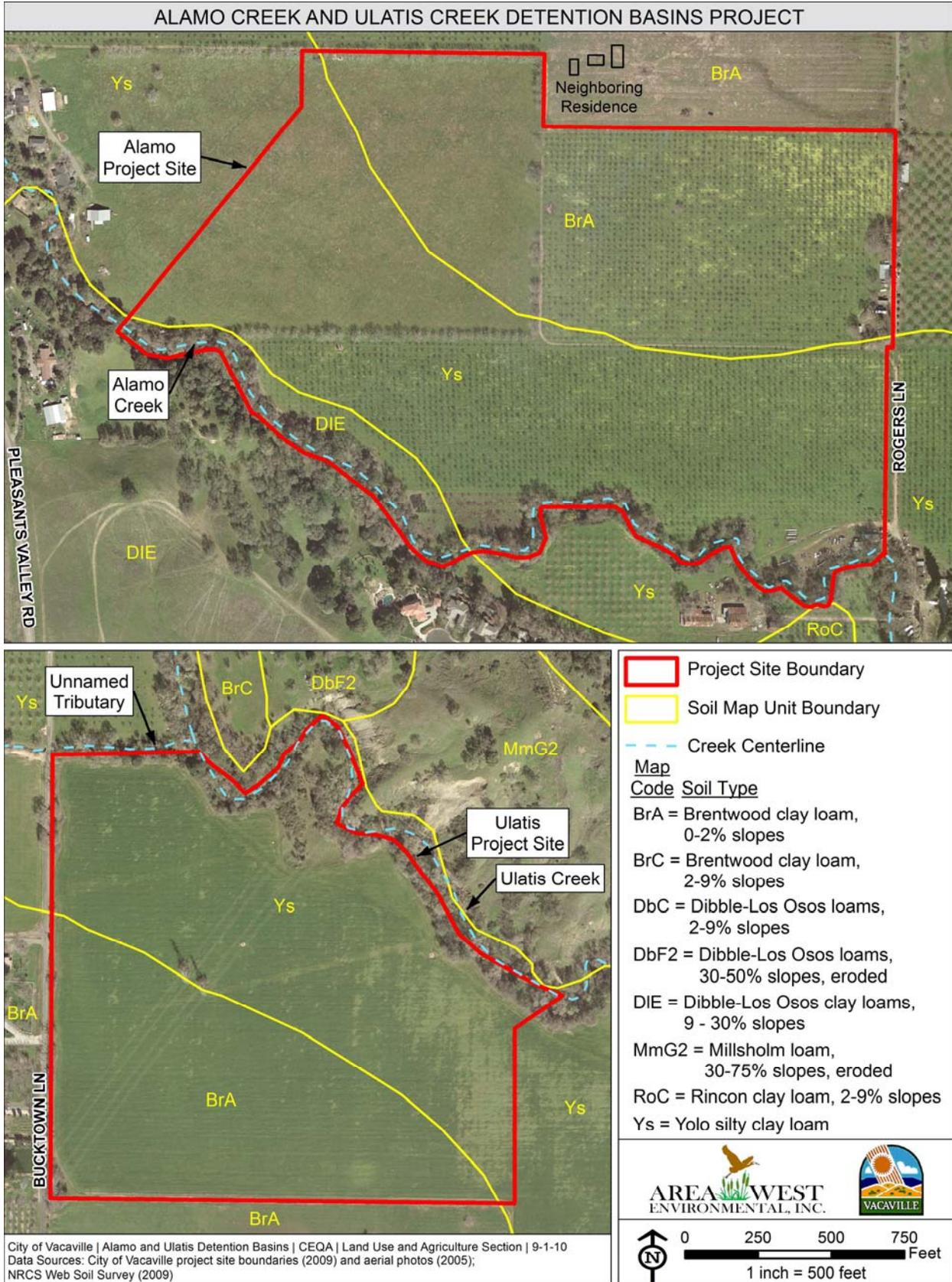


Figure 4-2.3 Soils

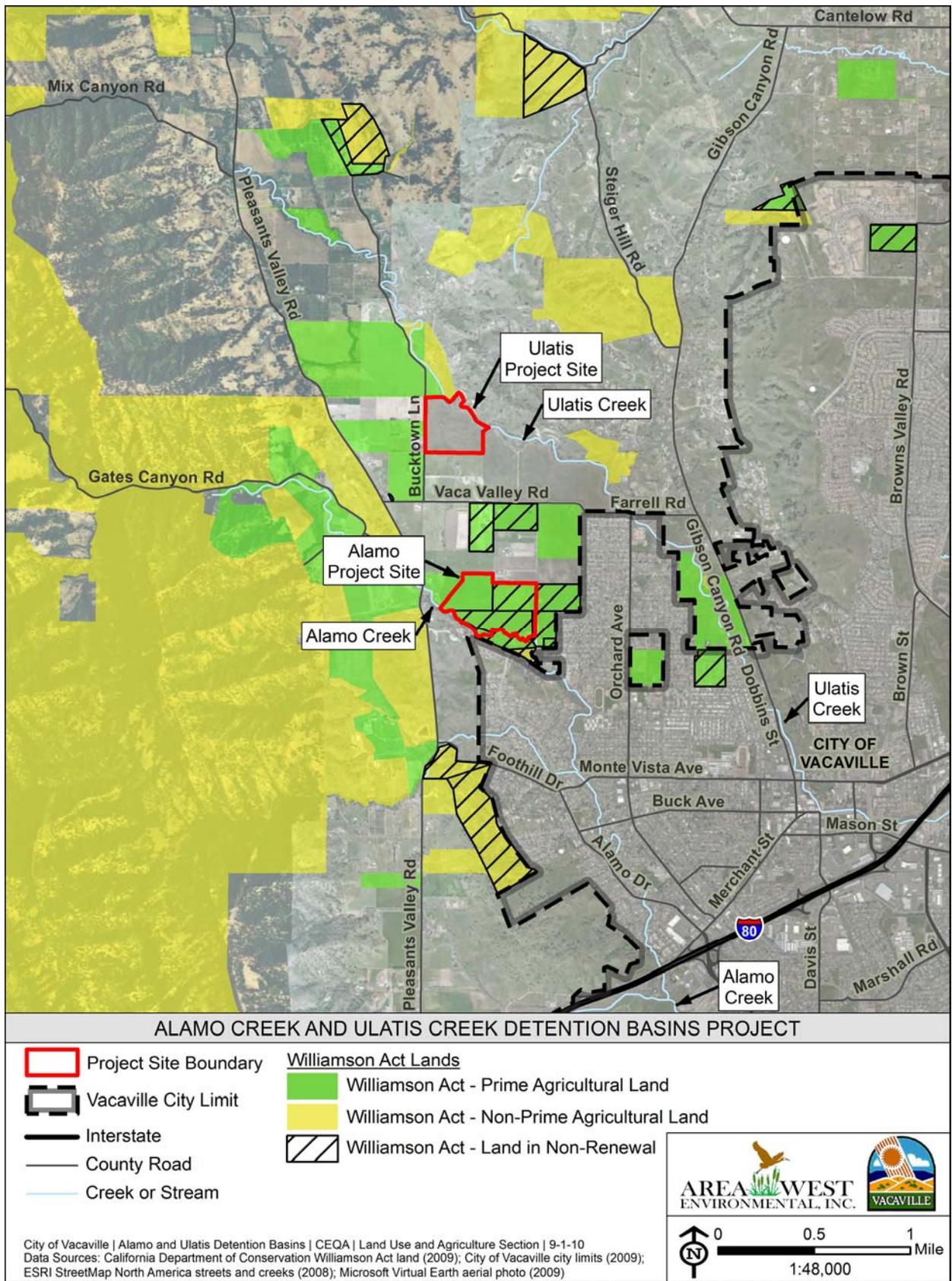


Figure 4-2.4 Williamson Land Act

An unnamed tributary to Ulatis Creek flows from the west, under Bucktown Lane, and borders the northwest portion of the Ulatis site until it reaches the confluence with Ulatis Creek, approximately 500 feet east of Bucktown Lane. Surrounding land uses consist of open agricultural and natural lands interspersed with rural residences.

Existing structures and easements within the Ulatis site include three PG&E high-voltage transmission towers, two located in the center of the basin site and one located in the southwest corner of the site, with high-tension power lines extending across the property from northeast to southwest. The site also contains a two Solano Irrigation District distribution pipelines identified as the “Bucktown Lateral” and the "Buck Lateral", which conveys agricultural irrigation water and non-potable water for in-home use to the Ulatis site and ~~adjacent~~ nearby properties. The existing PG&E high-voltage transmission towers will not be disturbed as part of the Proposed Project. The design will maintain the existing grade around the tower and provide for access as required by the power company. The Proposed Project would either reroute or abandon the existing Bucktown and Buck laterals agricultural water distribution lines, depending on the requirements of the Solano Irrigation District. There are no urban services for potable water or public sewer to the site. An existing domestic well is located at the southwest corner of the property adjacent to Bucktown Lane. A water line runs east from the well along the south property line to serve an adjacent property owner to the east. If water service is still needed to the adjacent property at the time of construction, and depending on the final design and location of the berm along the south property line, the existing water line will be left as-is or, if necessary, relocated closer to the property line and a water line easement will be established.

## 4-2.3 REGULATORY SETTING

The “Regulatory Setting” section summarizes the federal, state, and local requirements that are relevant to land use and agricultural resources. This section also discusses the pertinent City of Vacaville General Plan goals, ordinances, and policies relating to land use and agricultural resources (City of Vacaville 1990).

### 4-2.3.1 Federal Plans, Policies, Regulations, and Laws

#### 4-2.3.1.1 Federal Farmland Protection Act

The purpose of the Federal Farmland Protection Act (FFPA), administered by the NRCS, is to minimize federal contributions to the conversion of farmland to nonagricultural land uses. The FFPA established the Farmland Protection Program (FPP). The FPP is a voluntary program that provides matching funds to state, local, and tribal government entities and nongovernmental organizations with existing farmland protection programs to purchase conservation easements. Participating landowners agree not to convert the land to nonagricultural land uses and retain all rights to the property for future agriculture production.

## 4-2.3.2 State Plans, Policies, Regulations, and Laws

### 4-2.3.2.1 Farmland Mapping and Monitoring Program

The Department of Conservation, Division of Land Resource Protection, administers the FMMP. Under FMMP, land is rated according to soil characteristics and land use. Important Farmland is identified as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance. In the County, there are no lands designated as Farmland of Local Importance. Based on 2006 data, the FMMP has mapped 139,459 acres of land within the County as Important Farmland (Department of Conservation 2009). According to FMMP, the three categories of Important Farmland occurring in the County are defined as follows:

- *Prime Farmland* is farmland with the best physical and chemical features to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- *Farmland of Statewide Importance* is similar to Prime Farmland but has minor shortcomings, such as greater slopes or is less able to store moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- *Unique Farmland* is lesser quality soils used for the state's leading agricultural crops and usually irrigated, but may include non-irrigated orchards or vineyards. Land must have been cropped at some time during the four years prior to the mapping date.

### 4-2.3.2.2 Williamson Act

The Williamson Act, or California Land Conservation Act of 1965, provides agricultural conservation in California. Under the Williamson Act, private property owners can voluntarily enter into a contract with local governments to maintain the land as farmland and open space, as opposed to allowing conversion to other uses. Under the 10-year contracts, which are renewed annually unless the owner files a notice of nonrenewal, the land is protected and the landowner receives a tax break by assessing lands on actual use rather than potential full-market value. Williamson Act contracts on land classified by the Department of Conservation as Important Farmland can be extended to 20-year Farmland Security Zone contracts. In the County, there are approximately 215,000 acres of land under Williamson Act contracts (Solano County 2008a).

Williamson Act contracted parcels are regulated under the County's January 3, 2008 Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts (Solano County, 2008b). Under these regulations, compatible uses include open space and recreation uses but must be considered at the time of application. Non-agricultural uses on Williamson Act lands must not compromise the long-term productive agricultural capability of the parcels, displace or impair current or reasonably foreseeable agricultural operations, and not result in the significant removal of adjacent contract land from agricultural use or open-space use.

### 4-2.3.3 Local Plans and Policies

The following local goals, policies, and regulations are applicable to the land use and agricultural issues analyzed in this EIR.

#### 4-2.3.3.1 Solano County General Plan

The Solano County General Plan contains goals and policies that guide and direct both the location and extent of land uses and agriculture resources. The Solano County General Plan land use at the Alamo and Ulati sites is designated Agriculture. The County has been divided into agricultural regions, each characterized as a separate farming system according to commodities grown, soil conditions, cultivation practices, and water conditions. Each region has minimum lot sizes and general uses specific to that region designated by the Solano County General Plan to ensure that uses in that area are compatible with continued agricultural operation in that area. (Solano County 2008a)

According to the Solano County General Plan, four strategies for agriculture are articulated:

- Ensuring that agriculture endures as an essential part of the county's identity and lifestyle;
- Maintaining and promoting agriculture as an important business and major contributor to the county's economy;
- Preserving additional values of agricultural land, including important scenic value within the rural environment, providing habitat, providing options for recreation, and serving as community separators defining the county's distinct cities; and
- Providing opportunities for agriculture to serve as an educational tool and tourist draw.

The county goals, policies, and implementation programs for land designated as Agriculture and relevant to the Proposed Project include:

#### Goals

- AR.G-1 Recognize, value, and support the critical roles of all agricultural lands in the stability and economic well being of the County.
- AR.G-2 Preserve and protect the county's agricultural lands as irreplaceable resources for present and future generations.
- AR.G-5 Reduce conflict between agricultural and nonagricultural uses in Agriculture-designated areas.
- AR.G-7 Preserve and enhance the landscape and economy of the Vaca, Pleasants, Lagoon, and Suisun Valleys as rural agricultural communities.

#### Policies

- AG.P-3 Encourage consolidation of the fragmented pattern of agricultural preserves and contracts established under the Land Conservation Act (Williamson Act) and the retention of agricultural preserves and contracts in agricultural, watershed, and marshland areas.

- AG.P-4 Require farmland conversion mitigation for either of the following actions:
- a. General Plan amendment that changes the designation of any land from an agricultural to a nonagricultural use, or
  - b. An application for a development permit that changes the use of land from production agriculture to a nonagricultural use, regardless of the General Plan designation.
- AG.P-23 Support recreation and open space activities that are complementary and secondary to the primary agricultural activities on the land.
- AG.P-25 Facilitate partnerships between agricultural operations and habitat conservation efforts to create mutually beneficial outcomes. Although such partnerships are to be encouraged throughout the County, additional emphasis should be focused in locations where the Resource Conservation Overlay and Agricultural Reserve Overlay coincide.
- AG.P-29 Support the unique agricultural uses found in the interior valleys (Suisun, Pleasants, Vaca, and Lagoon) and encourage the development of complementary agritourism, processing, and commercial uses in these regions.
- AG.P-34 Lands within the Agriculture designations may be redesignated to Park & Recreation only for public recreation and public open space uses and only if the uses permitted by the new designation will not interfere with or be in conflict with agricultural operations.
- RS.P-46 Encourage local farmers and ranchers to incorporate recreational and educational activities that provide visitor-oriented opportunities into agricultural land, in areas deemed appropriate for such opportunities.
- RS.P-47 Require recreational uses to be established in a manner compatible with agricultural activities or that minimizes an adverse impact on agriculture.

### **Implementation Programs**

- AG.I-13 Support recreation and open space activities that are complementary and secondary to agricultural activities on the land. Encourage agriculturalists to incorporate compatible recreational and educational activities that provide visitor-oriented opportunities into agricultural land in appropriate areas, minimizing the adverse impact on agriculture.

### **4-2.3.3.2 County Zoning Ordinance**

The County Zoning Ordinance provides the land uses allowed in each zoned district consistent with the Solano County General Plan land use designations (Solano County 2008a). The Alamo and Ulati sites are within the Agricultural 40-acre minimum (A-40) zoning district and surrounded by land with the same zoning designation (Figure 4-2.1). Permitted uses for Agricultural designations provide areas for the practice of agriculture as the primary use and protect these areas from intrusion by nonagricultural uses that do not directly support the economic viability of agriculture.

Under the County Zoning Ordinance (Solano County 2008b), allowed uses (with a use permit) within the A-40 zoning district relevant to the Proposed Project include agricultural education, conservation banks, and public service facilities. The City and County are mutually exclusive of each others regulations and the detention basins will not be subject to Use Permit approval from the County. It should be noted that although public open-space areas are not designated as permitted uses within the A-40 zoning district, the Solano County General Plan includes several policies and implementing programs to promote recreation and open space on agricultural lands (see policies AG.P-23, AG.P-25, AG.P-34, AG.P-46, AG.P-47, and AG.I-13 in Section 4-2.3.3.1) (Solano County 2008a).

As part of the Proposed Project, the Alamo and/or Ulati sites could be used as habitat conservation areas (also referred to as a conservation bank). According to the County Zoning Ordinance (Solano County 2008b), a conservation bank is privately or publicly owned land managed for its natural resource values, including the protection of threatened and endangered species and their habitat. Such management may include habitat preservation, restoration, creation, and enhancement. The resource benefits derived from this management regime may be sold as “credits” to project proponents who seek mitigation opportunities to compensate for impacts on resources elsewhere.

#### **4-2.3.3.3 Orderly Growth Initiative**

The Orderly Growth Initiative was adopted in 1994 (Solano County 2008c). The purpose of the initiative is to ensure protection of the county’s agricultural and open-space resources through the following provisions:

- Amending the Solano County General Plan (Solano County 2008a) to restrict redesignation of lands identified as Agriculture or Open Space on the land use and circulation map through December 31, 2010; and
- Amending the Solano County General Plan (Solano County 2008a) to restrict the density of residential and other development of lands designated Agriculture or Open Space through 2010, preventing large-scale residential or mixed-use developments outside of municipal areas.

Under the Orderly Growth Initiative, a popular vote is required to redesignate Agriculture or Open Space lands into some other use, or to increase the density of development on lands designated Agriculture or Open Space.

#### **4-2.3.3.4 County Local Agency Formation Commission**

The Local Agency Formation Commission (LAFCO) is responsible for coordinating changes in local government boundaries, including city, agency, and special district boundaries and spheres of influence. LAFCO’s efforts are directed toward seeing that services are provided efficiently and economically while agricultural and open-space lands are protected.

#### **4-2.3.3.5 Solano Multi-Species Habitat Conservation Plan**

In ~~February 2007~~ April 2009, SCWA issued ~~Working Draft 2.2~~ a final administrative draft of the Solano Multi-Species HCP. The HCP establishes a framework for complying with federal and state regulations for endangered species while accommodating future urban growth, development of infrastructure, and

ongoing operations and maintenance activities associated with flood control, irrigation facilities, and other public infrastructure undertaken by or under the permitting authority/control of the HCP participants within the plan area. The City is an HCP participant.

#### 4-2.3.3.6 Right-to-Farm Ordinance

County Code, Chapter 2.2, protects farm operations from nuisance complaints associated with residential uses located next to active agricultural operations. The right-to-farm ordinance guarantees the right to continue agricultural operations, including, but not limited to, cultivating and tilling the soil, burning agricultural byproducts, irrigating, raising crops and livestock, and applying approved chemicals in a proper manner to fields and farmland. This ordinance limits the circumstances under which agriculture is considered a nuisance and thereby supports the county's agricultural operations.

#### 4-2.3.3.7 City of Vacaville General Plan

The City of Vacaville General Plan establishes the land use and development policies within the City and the lands within the surrounding sphere of influence. According to the City of Vacaville General Plan, the Alamo and Ulatis sites (also identified as Prime Farmland) are within the City Planning Area Boundary but outside the Sphere of Influence and Urban Service Area Boundary (City of Vacaville 1990); however, even though the sites are outside the boundaries of the City's influence, there are several policies that relate to the areas Alamo and Ulatis sites and are relevant to land use, open space, agriculture and public safety. City goals include maintaining open areas needed to retain stormwater and prevent flooding of urban or agricultural land, minimizing conflicts between urban and agricultural uses by establishing agricultural buffers and community separators.

The City policies relevant to the Proposed Project include the following Guiding and Implementing Policies (City of Vacaville 1990):

##### Guiding Policies

- |         |   |
|---------|---|
| 2.1-G 1 | Maintain Vacaville as a free-standing community surrounded by foothills, farmland, and other open space.  |
| 2.1-G 4 | Minimize conflicts between agriculture and urban uses and provide for a transitional area or buffer between agricultural and urban uses.  |
| 2.1-G 9 | Preserve scenic features and the feel of a city surrounded by open space, and preserve view corridors to the hills, and other significant natural areas.  |
| 2.2-G 1 | Establish a long-term Planning Area and within this area distinguish an agricultural service zone and an urban service zone (reference to the City General Plan Figure 2-3).  |
| 2.2-G 5 | Plan for and carry out improvements to the City's infrastructure, consistent with the City General Plan, to preserve economic vitality, accommodate new housing, increase the City's revenue base, enhance mobility and economic opportunity, and correct deficiencies. |

- 3.5-G 1 Maintain open areas needed to retain stormwater and prevent flooding of urban or agricultural land.
- 3.5-G 5 Maintain a compact urban form and locate growth areas to minimize loss of agricultural resources.
- 8.1-G 4 Preserve and protect water resource areas, including the Alamo, Encinosa, Gibson, and Ulatris Creek watersheds.
- 8.2-G 1 Protect natural environments in recognition of their importance as wildlife habitats and visual amenities.
- 8.5-G 1 Continue to protect historic sites and archaeological resources for their aesthetic, scientific, educational, and cultural values.
- 9.2-G 2 Continue to develop a comprehensive system of drainage improvements to minimize flood hazard.

### **Implementing Policies**

- 2.2-I 4 Maintain and implement agreements with the Solano Irrigation District, nearby cities and the County and negotiate agreements with other local government entities to help direct the provision of urban services while maintaining as much viable agriculture on prime agricultural soils as is practical and supportive of the regional agricultural production consistent with the policies of the City's General Plan.
- 3.5-I 1 Maintain agricultural production areas in accordance with the policies set forth in the 1980 City General Plan, maintain agricultural production areas in Upper Lagoon Valley, Bassford Canyon, and Vaca Valley.
- 3.5-I 6 Reserve stream-channel setbacks necessary for flood control, preservation of existing habitat and vegetation, multipurpose paths or trails, and maintenance access needs.
- 3.5-I 9 Avoid pressures for conversion of agricultural land to urban use in accordance with the policies set forth in the 1980 City General Plan, avoid pressures for conversion of agricultural land to urban use in Upper Lagoon Valley, Bassford Canyon, and the Vaca Valley.
- 8.2-I 1 Require preservation or, where preservation is not possible, replacement of riparian vegetation.
- 8.2-I 7 Work with the SCWA and federal and state agencies to implement an HCP to identify and protect species on federal and state endangered and threatened species lists.
- 9.2-I 1 Develop a financing plan and construct upstream detention flood basins.

#### 4-2.3.3.8 Other Land Use Related Organizations

The CCC is a nonprofit public-benefit organization, created in 1988 to promote careers for young Californians through sponsorship of educational and entrepreneurial business opportunities directed toward protecting California's environment, natural resources, and communities. The CCC provides trained work crews in all regions of California—urban, suburban, and rural—for projects that include emergency response (flood, fires, and earthquakes), energy conservation and retrofitting, irrigation system installment, landscape management, boardwalk construction, trail building, tree planting, and wildlife habitat restoration. The City is planning to investigate partnership opportunities with the CCC and other groups to manage habitat areas, public access, and maintenance programs on the Alamo and Ulati sites.

The Solano Resource Conservation District (SRCD) was formed in 1956 to conserve and enhance the living resources within its jurisdiction. SRCD is supported by county property taxes, grants, and contracts and is governed by a board that is appointed by the County Board of Supervisors. SRCD provides free conservation planning assistance to all district landowners. The long-range goals include water quality protection, enhancement, and control; reduction of soil erosion; promoting viable agriculture; and wildlife habitat improvement. A few of the SRCD activities include farm conservation planning, district landowner conservation planning, and watershed group support and coordination. The long-range goals of the SRCD include water quality protection, enhancement, and control; reduction of soil erosion; promoting viable agriculture; and wildlife habitat improvement. The creation of the detention basins would not conflict with, and may enhance, the goals of this conservation district.

The Solano Land Trust is a nonprofit organization whose goal is to permanently protect and preserve farmland, ranch land, and open space in the County. As of 2007, Solano Land Trust has permanently protected 19,403 acres through acquisition, conservation easements, education, and land management. The City is planning to investigate partnership agreements with the Solano Land Trust and SRCD to establish a conservation easement on the riparian corridor areas of the basin sites as part of the Corps permit approval process; therefore, there would be no impact associated with this criterion.

### 4-2.4 SIGNIFICANCE CRITERIA

This section lists the significance criteria used to determine the severity of potential impacts. An impact to land use is considered significant if the Proposed Project would:

- Physically divide an established community;
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Proposed 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; or
- Conflict with any applicable HCP or natural community conservation plan.

An impact to agriculture resources is considered significant if the Proposed Project would:

- Convert Important Farmland (identified as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland by the FMMP of the California Resources Agency) to non-agricultural use;
- Conflict with existing zoning for agricultural use, or a Williamson Act contract; or
- Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

No impacts have been identified for the following criteria:

- **Physically Divide an Established Community.**

The Proposed Project would help retain the agricultural character of the area by preserving its acreage as open space. Neighboring parcels will continue with agricultural production and as open space. Although the Alamo and Ulatis sites may provide opportunities for agricultural production, water table limitations may result in a seasonal wetland or grassland alternative. Neither a cultivated condition nor a more passive use of the completed basins is anticipated to have an impact on neighboring agricultural and rural properties. Annual maintenance activities for the basins may include mowing and disking, maintaining inlets and outlets, and continuing agricultural activities. Biannual maintenance activities may include siltation removal on the sides of the basin channel to preserve habitat and maintain flows. The Proposed Project would not physically divide the agricultural community; therefore, there would be no impact associated with this criterion.

- **Conflict with any Applicable Land Use Plan, Policy, or Agency Regulation with Jurisdiction over the Project.**

The Proposed Project would not conflict with the Solano County General Plan (Solano County 2008a), county zoning, or any other agency plans or policies. Anticipated permits and agency involvements are discussed in the project description; therefore, there would be no impact associated with this criterion.

- **Conflict with Applicable HCP or Natural Community Conservation Plan.**

The Proposed Project would not conflict with any applicable HCP or natural community conservation plan. Although the HCP has not yet been adopted, local jurisdictions consider consistency with the draft HCP in CEQA documentation. Both the Alamo and Ulatis detention basin sites are identified in the draft HCP (SCWA 2010) and are therefore consistent with the HCP.

- **Result in Conversion of Offsite Farmland to Non-Agricultural Use.**

The Alamo and Ulatis sites and surrounding land are zoned A-40 with some areas under cultivation in orchards, row crops, and hay, and other properties in fallow condition. There will be no change in the zoning or agricultural land use for the Alamo and Ulatis sites, so adjacent lands will not be affected by non-agricultural or incompatible uses. The orchard to the east of the Alamo site has recently been removed by the landowner and the land has not been replanted. A producing walnut orchard exists to the northeast, hay and other field crops are produced on properties to the north, and a declining prune orchard has recently been removed on land to the west of the Alamo site. The Alamo and Ulatis sites and surrounding agricultural lands are served with irrigation water from the Solano Irrigation District.

Agricultural practices on adjoining properties involve the use of equipment during times of cultivation and harvest and share some of the roads, such as Rogers Lane near the Alamo site. Construction activities, annual maintenance for the basins, and traffic will be coordinated with adjacent property owners to enable continued free access for agricultural equipment on neighboring properties. The passive nature of the completed basin is not anticipated to have an impact on neighboring properties. Annual maintenance activities for the basins may include mowing and disking, maintaining inlets and outlets, and agricultural activities. Biannual maintenance activities may include siltation removal on the sides of the basin channel to preserve habitat and maintain flows. Neighboring parcels will continue with agricultural production and remain as open space. The detention basin will help retain the agricultural character of the area by preserving its acreage as open space.

During construction of the detention basins, the adjacent landowners may experience some minor inconvenience during harvest and cultivation from having to share roads with the construction equipment; however, once the basins are constructed, the adjacent landowners would experience a minimal impact resulting from the changes to the sites because the Proposed Project will maintain the general agricultural character of the land in the areas near both of the detention basin sites and the type and frequency of equipment use will be similar to that associated with the previous agricultural activities on the sites. The Proposed Project would not involve other changes in the existing environment that, because of their location or nature, could result in conversion of Farmland to non-agricultural use; therefore, there would be no impact associated with this criterion.

## **4-2.5 IMPACTS AND MITIGATION MEASURES OF THE PROPOSED PROJECT**

### **4-2.5.1 Potential to Convert Important Farmland to Non-Agricultural Use**

#### **ALAMO SITE**

The Alamo site is 79 acres and is identified as Prime Farmland, if irrigated (Figure 4-2.2). Approximately 47 acres has been used as orchard and an additional 25 acres is non-native annual grassland that was previously used for agriculture, for a total of approximately 72 acres of the 79 acres currently used for agricultural purposes. The remaining acreage (approximately 7 acres) is comprised of developed and riparian/seasonal drainage habitat. Construction of the Alamo detention basin would temporarily remove vegetation and topsoil from approximately 63 acres of lands designated as Prime Farmland. Topsoil will be removed in the disturbed areas, reserved, and respread on the site to support revegetation. The resulting basin would allow for approximately 47 acres to be used as agricultural or wetland habitat; however, the 47 acres are not likely to meet the definition of Prime Farmland soils because of the change in soil profile and drainage class. The maximum depth of excavation for the Alamo basin is estimated to be 17 feet below existing grade. Because the soil profile and drainage class are generally evaluated to a 5-foot depth, the resulting soil profile of the basin floor will be substantially different, with the exception

of the retained topsoil (generally the top 1-foot of soil profile consisting mostly of organic matter), which will provide a surface layer similar to the original soil profile.

## ULATIS SITE

The Ulatis site is 50 acres and is identified as Prime Farmland, if irrigated (Figure 4-2.2). Approximately 45 acres is non-native annual grassland that was previously used for agriculture. The remaining approximately 8 acres is primarily comprised of riparian/seasonal drainage habitat. Construction of the Ulatis basin would temporarily remove vegetation and topsoil from approximately 37 acres of lands designated as Prime Farmland. Topsoil will be removed in the disturbed areas, reserved, and respread on the site to support revegetation. The resulting basin would allow for approximately 34 acres to be used as agricultural or wetland habitat; however, the 34 acres are not likely to meet the definition of Prime Farmland soils because of the change in soil profile and drainage class. The maximum depth of excavation for the Ulatis basin is estimated to be 22 feet below existing grade. Because the soil profile and drainage class are evaluated to a 5-foot depth, the resulting soil profile of the basin floor will be substantially different, with the exception of the retained topsoil (generally the top 1 foot of soil profile consisting mostly of organic matter), which will provide a surface layer similar to the original soil profile.

## IMPACT 2-1: POTENTIAL LOSS OF PRIME FARMLAND

According to the FMMP, Prime Farmland is farmland with the best physical and chemical features to sustain long-term agricultural production. The Proposed Project would result in the conversion of 117 acres (72 acres at the Alamo site and 45 acres at the Ulatis site) of Prime Farmland currently consisting of orchard and non-native annual grassland (formerly cultivated grain crop) to create two detention basins. The Alamo and Ulatis sites would remain as open-space habitat areas and have the potential for limited agricultural cultivation within the basin floor, new habitat creation, and incidental public access for passive use during non-storm months; however, there would be conversion of Prime Farmland in this process. Even though the Proposed Project is intended to maintain the potential for agricultural use, the detention basin use may preclude future agricultural production from all or portions of the sites. Therefore, the loss of Prime Farmland at the Proposed Project sites is considered a *significant* impact. Since no established mitigation guidelines are currently in place to reduce the severity of this potential impact, it would remain a *significant and unavoidable* impact.

### 4-2.5.2 Potential to Conflict with Existing Zoning for Agricultural Use, or a Williamson Act Contract

The Alamo and Ulatis sites are zoned Agriculture 40-acre minimum (A-40) (Figure 4-2.1). Under the County Zoning Ordinance (Solano County 2008b), allowed uses (with a use permit) within the A-40 zoning district relevant to the Proposed Project include agricultural education, conservation banks, and public service facilities. Construction of the detention basins would be a permitted use (public service facility) under the existing zoning. By constructing the proposed detention basins, the City is implementing the SCWA's Ulatis System Drainage Study (West Yost Associates 2008) that provides for public safety.

After construction of the proposed detention basins, the Alamo and Ulatis sites would remain as open-space habitat areas and have the potential for agricultural cultivation within the basin floor, new habitat

creation, and docent led public access as an ancillary use during non-storm months. Depending on post-construction conditions relative to groundwater, the basin floor of both the Alamo and Ulatis sites will offer opportunities for the creation of seasonal wetlands or use for agricultural cultivation. The basin floor could also be managed as mowed annual grassland. The City is presently anticipating a post-construction high groundwater table that will result in implementation of the seasonal wetland alternative at the Alamo site; however, if it is found that the post-construction conditions do not favor the creation of seasonal wetland, the City could pursue agricultural cultivation of a hay crop to continue agricultural use of the land. The City is also interested in establishing the site as a habitat mitigation area and is planning to investigate partnership agreements with the Solano Land Trust and SRCD. The establishment of a conservation bank is a permitted use on areas zoned A-40 (Solano County 2008b); the establishment of public open space areas, public recreation, and creation of seasonal wetlands are not permitted uses within the county zoning regulations. Although public open-space areas are not designated as permitted uses within the A-40 zoning district, the Solano County General Plan includes several policies and implementing programs to promote recreation and open space on agricultural lands (see policies AG.P-23, AG.P-25, AG.P-34, AG.P-46, AG.P-47, and AG.I-13 in Section 4-2.3.3.1) (Solano County 2008a). It should be noted that the City and County are mutually exclusive of each other's regulations and that a discretionary approval of the detention basins by the County is not required.

Lands covered by Williamson Act contracts are mapped by the Department of Conservation (Figure 4-2.4). The Ulatis site consists of one parcel (APN 123-100-090), which is not subject to a Williamson Act contract. The Alamo site consists of three adjacent parcels. Prior to purchase of the Alamo site by the City, two of the parcels (APNs 0124-010-130 and 0124-160-040) on the site were under Williamson Act contracts (Land Conservation Contracts #700 and #538, on file with the City) in non-renewal status (applications dated September 25, 2001 and September 19, 2001, respectively). The third parcel on the Alamo site (APN 0124-010-020) was an active Williamson Act contract (Land Conservation Contract #1081, on file with the City).

## **IMPACT 2-2: POTENTIAL TO CONFLICT WITH AGRICULTURAL ZONING**

Although passive public use, open-space, and wetland creation are not designated as permitted uses within the A-40 zoning district, these activities are incidental in nature and would maintain the county's existing agricultural character. The Solano County General Plan includes several policies and implementing programs to promote recreation and open space on agricultural lands that are complementary to and secondary to agricultural activities (see policies AG.P-23, AG.P-25, AG.P-34, AG.P-46, AG.P-47, and AG.I-13 in Section 4-2.3.3.1) (Solano County 2008a). Additionally, as part of ongoing discussions between the City and County, the County was supportive of the Proposed Project (Corsello pers. comm., May 4, 2009). As discussed earlier in this chapter, the City is exempt as a public entity from the County's zoning requirements.

The Alamo and Ulatis sites would be available to the public for passive public use with access limited by an appointment or by a docent-led program. This incidental public use would not require the construction of improvements such as restrooms, picnic tables, play fields, paved trails, or other constructed facilities. Public access areas would be developed in a manner compatible with the natural resources and surrounding land uses and public use. Fencing on the detention basin sites would be placed only as required to restrict public access to component use areas such as agricultural fields and sensitive habitat, and to protect neighboring properties from casual trespass.

If the completed basins support agricultural uses, the basin floors could be cultivated on an annual basis for hay production. If grass or oat hay is cultivated, it would be planted and harvested once a year. If

alfalfa hay is cultivated, it would be planted once a year and, if irrigated, would have as many as 3 to 4 cuttings and bailings a year. Row crops would not be as desirable an option because they would require more intense mechanization and chemical applications for cultivation and this would interfere with a successful habitat enhancement program for other species, such as Swainson's hawk. The use of fertilizers or herbicides associated with typical hay production activities could potentially affect water quality in the adjacent creeks. This potential impact is discussed in Section 4-6, "Hydrology and Water Quality". To allow for agricultural use, the embankments surrounding the detention basins would need to be designed to allow access for farm equipment.

Agricultural practices on adjoining properties involve the use of equipment during times of cultivation and harvest and share some of the roads, such as Rogers Lane near the Alamo Creek site and Bucktown Lane adjacent to the Ulatis site. Construction activities, annual maintenance for the basins, and traffic will be coordinated with adjacent property owners to enable continued free access for agricultural equipment on neighboring properties. Annual maintenance activities for the basins will include mowing and disking as well as inlet and outlet maintenance. Biannual maintenance activities may include siltation removal at the inlet and outlet structures to preserve habitat and maintain flows. During construction of the detention basins, the adjacent landowners may experience some minor inconvenience during harvest and cultivation because they will be sharing roads with the construction equipment.

The Proposed Project is adjacent to lands zoned agriculture and could result in the temporary disruption of farm operations and disturbance of adjacent agricultural lands. Impacts to onsite and adjacent agricultural practices and land uses that conflict with existing Agricultural (A-40) zoning regulations are considered *significant*; implementation of Mitigation Measure 2-2 would reduce potential impacts to a *less-than-significant* level.

### ***MITIGATION MEASURE 2-2: RESTRICT PUBLIC ACCESS AND LIMIT BASIN CONSTRUCTION AND MAINTENANCE TRAFFIC DURING CULTIVATION AND HARVEST ACTIVITIES ON ADJACENT PARCELS***

The following measures shall be implemented during and after basin construction to ensure that that Proposed Project does not interfere with farm operations on adjacent agricultural parcels.

1. The City shall coordinate with adjacent landowners so that construction and maintenance activities and traffic will not interfere with adjacent agricultural activities, such as during cultivation and harvest on the shared roads.
2. Passive public use shall have limited access by an appointment or by a docent-led program.
3. Fencing on the detention basin sites shall be placed as required to restrict public access to component use areas such as agricultural fields and sensitive habitat, and to protect neighboring properties from casual trespass.
4. Parking areas shall be limited and the design and security measures should be taken to reduce the late-night attractive nuisance.

## IMPACT 2–3: POTENTIAL TO CONFLICT WITH WILLIAMSON ACT CONTRACTS

According to condition #7 of the Williamson Act contracts that cover the three parcels on the Alamo site (Land Conservation Contracts #700, #538, and #1081); if land under the contract is acquired by a public agency for public improvement, the contract is null and void upon date of acquisition. The remaining land under contract that is not acquired for public improvement shall remain subject to the terms of the existing contract. Because the purpose of the Proposed Project is to construct a public storm drain detention facility to reduce the threat of property damage and personal injury caused by future flooding in the City and because Alamo Creek is a primary contributor to previous flood-related damages in the City, construction of the detention basin at the Alamo site is essential to public safety and welfare. Therefore, the purchase of the Alamo site by the City for the intended purpose of constructing a flood-control basin would nullify the Williamson Act contracts (as stipulated under Condition #7 of these contracts).

Depending on post-construction conditions relative to groundwater, the basin floor at the Alamo site could be used for agricultural cultivation or the creation of seasonal wetland, and the site could support passive public use. The County January 2, 2008, Williamson Act regulations (Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts) does not allow wetlands on prime agricultural land that is under Williamson Act contracts (Solano County 2008c). Under these regulations, compatible uses include open space and recreation uses but must be considered at the time of application. Open space was a use identified in the approved Williamson Act contracts for the Alamo site parcels. However, construction of the Alamo detention basin could result in a use (seasonal wetland and passive public access) that is not compatible with existing Williamson Act contracts (Land Conservation Contracts #700, #538, and #1081). If the Williamson Act contracts covering the Alamo site are determined to still be active, this impact would be considered *significant*; implementation of Mitigation Measure 2-3 would reduce this impact to a *less-than-significant* level.

### ***MITIGATION MEASURE 2–3: CONFIRM THAT EXISTING WILLIAMSON ACT CONTRACTS ON THE ALAMO SITE ARE VOIDED***

Prior to construction of the Alamo detention basin, the City shall coordinate with the County and the Department of Conservation to ensure that Condition #7 of the existing Williamson Act contracts is applicable by the City (as the land owner) and that no additional actions are necessary to void the Williamson Act contracts covering the three parcels on the Alamo site.

## 4-2.6 IMPACT OF PROPOSED MITIGATION MEASURES

No additional impacts on land use or agricultural resources are anticipated from implementation of mitigation measures for the Proposed Project.

## 4-2.7 CUMULATIVE IMPACTS AND MITIGATION MEASURES

The cumulative context for land use and agriculture is unincorporated areas of the County. Agriculture has historically been an important industry in the County and a central part of the county’s identity. Agricultural lands account for more land than any other land use in the County. Agriculture also contributes to the regional economic health and prosperity, defines much of the county’s visual character, supports wildlife habitats and migration corridors, provides open space and recreational amenities for residents and visitors, and separates urban land uses defining the county’s cities. (Solano County 2008b)

### IMPACT 2–4: CUMULATIVE CONTRIBUTION TO THE LOSS OF PRIME FARMLAND IN SOLANO COUNTY

In 2007, the County had 365,651 acres of agricultural lands, which represents approximately 74% of the unincorporated county’s total land area. According to the Department of Conservation’s FMMP, the County has experienced a significant decline in Important Farmland (i.e., Prime Farmland, Farmland of Statewide Importance, and Unique Farmland) in recent years (from 1998 to 2006). Specifically, the amount of Prime Farmland in the County decreased from 150,356 acres in 1998 to 139,536 acres in 2006 (Table 4-2.2), which represents a 7.2% loss.

**Table 4-2.1 Acreages of Important Farmland in the County from 1998 to 2006**

Important Farmland	1998	2000	2002	2004	2006
Prime Farmland	150,356	144,667	143,211	141,574	139,536
Farmland of Statewide Importance	11,088	10,772	7,584	7,287	7,164
Unique Farmland	13,969	14,495	13,735	12,012	11,036

Source: Department of Conservation 2006

Implementation of the Solano County General Plan as proposed would further reduce Prime Farmland within the County by converting another 3,417 acres of agricultural lands designated as Prime Farmland to urban land uses, which represents a 2.4% loss from 2006 conditions (Solano County 2008a).

As part of the Proposed Project, the Alamo and Ulati sites would remain as open-space habitat areas and have the potential for limited agricultural cultivation within the basin floor, new habitat creation, and passive public access during non-storm months; however, there would be conversion of Prime Farmland in this process as described above under section 4-2.5.1. The Proposed Project could reduce Prime Farmland in the County by 117 acres (72 acres at the Alamo site and 45 acres at the Ulati site), which represents a 0.08% loss from 2006 conditions. This reduction in Prime Farmland would contribute incrementally to the projected loss of Prime Farmland due to urban development identified in the Solano County General Plan (2.4% loss from 2006 conditions) (Solano County 2008a).

Overall, the Proposed Project’s contribution to cumulative loss of Prime Farmland in the County is very small (117 acres or 0.08%) and would be less if both basins are found suitable for cultivation. Therefore, this impact would be considered *less-than-significant*.

Page intentionally blank