

AGRICULTURE AND FORESTRY RESOURCES

4.2 AGRICULTURE AND FORESTRY RESOURCES

This chapter describes the potential impacts associated with the adoption and implementation of the proposed project that are related to agricultural and forestry resources. A summary of the relevant regulatory framework and existing conditions is followed by a discussion of potential impacts and cumulative impacts from implementation of the proposed project.

4.2.1 ENVIRONMENTAL SETTING

4.2.1.1 REGULATORY FRAMEWORK

State Regulations

Farmland Mapping and Monitoring Program

The California Natural Resources Agency is charged with restoring, protecting, and maintaining the State's natural, cultural, and historical resources. Within it, the State Department of Conservation provides technical services and information to promote informed land use decisions and sound management of the State's natural resources. The Department of Conservation manages the Farmland Mapping and Monitoring Program, which supports agriculture throughout California by developing maps and statistical data for analyzing land use impacts to farmland. Every two years, the Farmland Mapping and Monitoring Program publishes a field report for each county in the state. The most recent field report for Marin County was published in 2016. The Marin County Important Farmland 2016 categorizes land by agricultural production potential, according to the following classifications:¹

- **Prime Farmland** has the best combination of physical and chemical features able to sustain long-term agricultural production. Prime Farmland has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agriculture production at some time during the four years prior to the mapping date.
- **Farmland of Statewide Importance** is similar to Prime Farmland, but with minor shortcomings, such as steeper slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- **Unique Farmland** consists of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been farmed at some time during the four years prior to the mapping date.
- **Farmland of Local Importance** includes land that is not irrigated but is cultivated or has the potential for cultivation.
- **Grazing Land** is the land on which the existing vegetation is suited to the grazing of livestock.

¹ State of California Department of Conservation, Farmland Mapping and Monitoring Program, Marin County, <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Marin.aspx>, accessed on August 15, 2019.

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- **Urban and Built-Up Land** is occupied by structures with a building density of at least one unit per 1.5 acres, or approximately six structures to a 10-acre parcel. Common examples include residential structures, industrial structures, commercial structures, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment structures, and water control structures.
- **Other Land** is 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 nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as “other” land.
- **Water** is used to describe perennial water bodies with an extent of at least 40 acres.

Williamson Act

The California Land Conservation Act of 1965, better known as the Williamson Act, conserves agricultural and open space lands through property tax incentives and voluntary restrictive land use contracts administered by local governments under State regulations. Private landowners voluntarily restrict their land to agricultural and compatible open space uses under minimum ten-year rolling term contracts, with counties and cities also acting voluntarily. In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value. Nonrenewal status is applied to Williamson Act contracts that are within the nine-year termination process, during which the annual tax assessment for the property gradually increases.

Public Resources Code Section 12220(g)

This section of the Public Resources Code defines “forest land” for the purposes of CEQA. According to the Public Resources Code Section 12220(g), “forest land” is land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water-quality, recreation, and other public benefits.

Government Code Section 51104

This section of the Government Codes defines “Timber,” “Timberland,” and “Timberland Production Zone” for the purposes of CEQA and “Timberland Preserve Zone,” which may be used in city and county general plans.

- **Timber** means trees of any species maintained for eventual harvest for forest production purposes, whether planted or of natural growth, standing or down, on privately or publicly owned land, including Christmas trees, but does not mean nursery stock.
- **Timberland** means privately owned land, or land acquired for State forest purposes, 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.

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- **Timberland Production Zone** or “TPZ” means an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h). With respect to the general plans of cities and counties, “Timberland Preserve Zone” means “Timberland Production Zone.”

Local Regulations

San Rafael General Plan 2020

The City of San Rafael 2020 General Plan does not include goals, policies, or programs relevant to agriculture or forestry resources as there are no such resources in the City of San Rafael Planning Area.

San Rafael Municipal Code

The San Rafael Municipal Code (SRMC) does not include specific regulations that pertain to minimizing impacts to agricultural or forestry resources. There are no zoning designations specific to either agriculture or forestry lands in the EIR Study Area. SRMC Section 14.13.030, Land Use Regulations, includes agriculture and cultivation of crops as a conditional use in the Wetland Overlay zone (-WO). However, the -WO zone does not outline specific provisions for the use of wetlands as agriculture and crop cultivation land. These uses are, however, included in the definition of the Open Space zone in SRMC Section 19.10.020 as follows: any parcel or area of land or water which is essentially unimproved natural landscape area, such as rivers, streams, watershed and shoreline lands, forest and agricultural lands, ridges, hilltops, canyons and other scenic areas, acquired and/or leased by the city for open space purposes.

Marin Countywide Plan

The 2017 *Marin Countywide Plan* is a comprehensive long-range guide for land use in the unincorporated portions of the county, including land outside of San Rafael’s city limit but within the EIR Study Area. The *Marin Countywide Plan* includes the following agricultural (AG) policies identified in the Natural Systems and Agriculture Element:

- **AG-1.1 Limit Residential Use.** Maintain agricultural production as the principal use on agricultural lands by limiting residential development to that which is reasonably related to agriculture.
- **AG-1.2 Encourage Contractual Protection.** Facilitate agricultural conservation easements, land and transfer of development rights between willing owners when used to preserve agricultural lands and resources.
- **AG-1.4 Limit Non-Agricultural Zoning.** Apply non-agricultural zoning only in areas where conflict with agricultural uses will be minimized, and ensure that development standards preserve and enhance nearby agricultural uses.
- **AG-1.5 Restrict Subdivision of Agricultural Lands Within the Coastal, Inland Rural, and Bayland Corridors.** Require that the subdivision of agricultural lands shall only be allowed upon demonstration that long-term productivity on each parcel created would be enhanced as a result of subdivision. In the City-Centered Corridor, subdivision on agricultural lands shall only be allowed upon demonstration that the overall agricultural productivity of the subdivided parcels would not be reduced as a result of the subdivision. In considering subdivisions in all corridors, the County may

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approve fewer parcels than the maximum number of parcels allowed by applicable Countywide Plan land use designation and by the Development Code, based on site characteristics such as topography, soil, water availability, and the capacity to sustain viable agricultural operations.

- **AG-1.6 Limit Non-Agricultural Development.** Limit non-agricultural development in the Agricultural Production Zone to allowed residential and accessory uses ancillary to compatible with agricultural production. Require dwellings and other non-agricultural development to be limited in size and grouped together in building envelopes covering no more than 5 percent of the property or as determined through a site-specific analysis of agricultural and environmental constraints and resources, with the remainder preserved for agricultural production. Residential and non-agricultural development on very large parcels may be limited to less than five percent of the land area.
- **AG-1.7 Limit Ancillary Non-Agricultural Land Uses.** Require non-agricultural lands to be ancillary to and compatible with agricultural land uses, agricultural production, and the rural character of the area, and to enhance the economic viability of agricultural operations.
- **AG-1.8 Maintain the Agricultural Land Base.** Encourage private and public owners of lands that have traditionally been used for agriculture to keep land in agricultural use by continuing existing agricultural uses, developing compatible new agricultural uses, and/or leasing lands to agricultural operators.
- **AG-1.9 Continue Agricultural Uses on Federal Land.** Encourage continuation of agricultural operations and uses in the pastoral zones of the Point Reyes National Seashore and the Golden Gate National Recreation Area through long-term tenure agreements (leases) with agricultural operators.
- **AG-1.10 Protect Productive Agricultural Soils.** Discourage or prohibit non-agricultural buildings, impermeable surfaces, or other non-agricultural uses on soils classified by the Natural Resources Conservation Service as Prime Farmland soils or Farmland soils of Statewide Importance.
- **AG-1.11 Preserve Rangeland Forage.** Discourage the conversion of rangeland to non-agricultural uses.
- **AG-1.12 Support Sustainable Water Supplies.** Explore opportunities to provide sustainable water supplies, such as water conservation, collection, treatment, and reuse, to support small-scale agricultural diversification in a manner that does not adversely affect aquatic or other resources.
- **AG-1.13 Protect Water Quality to Keep Mariculture Viable.** Protect and enhance the quality of waters used for mariculture through cooperation with other stakeholders, and outreach and education.

4.2.1.2 EXISTING CONDITIONS

The EIR Study Area includes lands identified as Farmland of Local Importance and Grazing Land as defined by the California Department of Conservation (CDC). Farmland of Local Importance includes land which is not irrigated, but is cultivated or has the potential for cultivation. The CDC has designated approximately 2,000 acres of land as agricultural in the EIR Study Area, specifically used as grazing. Grazing Land is land defined by the CDC as having vegetation suitable to the grazing of livestock. This agricultural land is in the EIR Study Area north of the San Rafael city limits and west of US-101 along Lucas Valley Road, as well as on privately owned land in the China Camp State Park area in the eastern portion of the EIR Study Area. Grazing Land is protected through the Lucas Valley Preserve, which is operated by the Marin County Parks District² and the Lucas Valley Homeowners Association.³ The Downtown Precise Plan Area is classified by

² Lucas Valley Preserve, Marin County Parks, 2019, <https://www.marincountyparks.org/parkspreserves/preserves/lucas-valley>, accessed on August 15, 2019.

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the California Department of Conservation as Urban and Built-Up land and therefore there are no lands designated as agriculture or agriculture-related use. There are no lands under a Williamson Contract agricultural easement,⁴ nor are there any forestlands designated for timber production or preservation in the EIR Study Area.⁵

4.2.2 STANDARDS OF SIGNIFICANCE

Pursuant to Appendix G, Environmental Checklist Form, of the CEQA Guidelines, implementation of the proposed project would result in significant agriculture and forestry resources impacts if it would:

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.
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract.
3. Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).
4. Result in the loss of forest land or conversion of forest land to non-forest use.
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.
6. Result in significant cumulative impacts to agricultural and forestry resources.

4.2.3 IMPACT DISCUSSION

AGF-1	Implementation of the proposed project could 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 nonagricultural use.
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General Plan 2040

There are no lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within the EIR Study Area. Per the Marin County Important Farmland Map, land within the EIR Study Area is primarily classified as Urban and Built-Up Land, with some grazing land to the northwest of

³ Lucas Valley Homeowners Association, Covenants, Conditions, and Restrictions (CC&R), Common Area 13, 2002, <http://www.lvha.org/>, accessed on August 15, 2019.

⁴ California Department of Conservation, Division of Land Resource Protection, 2016, Marin County Williamson Act FY 2015/2016.

⁵ California Department of Conservation, Division of Land Resource Protection, 2016, Marin County Williamson Act FY 2015/2016.

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and some Farmland of Local Importance to the northeast and southeast.⁶ Additionally, no land use changes are proposed that would result in conversion of land used for grazing or land designated Farmland of Local Importance within the vicinity of the EIR Study Area. Further, the proposed Land Use (LU) Element includes Policy LU-1.5, Development Beyond the Urban Service Area, would retain areas outside of San Rafael's Urban Service Area, but within the Planning Area, as agricultural or open space uses. As discussed in Chapter 3, Project Description, of this Draft EIR, potential future development in the EIR Study Area would occur in existing urban areas and would be concentrated on a limited number of vacant parcels and in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing residential and residential-serving development. Therefore, implementation of General Plan 2040 would have *no impact* on conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural uses.

Significance without Mitigation: No impact.

Downtown Precise Plan

Like potential future development in the remainder of the EIR Study Area, potential future development in the Downtown Precise Plan Area would occur in existing urban areas and would be concentrated on a limited number of vacant parcels and in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing residential and residential-serving development. Therefore, implementation of the Downtown Precise Plan would have *no impact* regarding the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural uses.

Significance without Mitigation: No impact.

AGF-2	Implementation of the proposed project could conflict with existing zoning for agricultural use or with a Williamson Act contract.
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General Plan 2040

Title 19 of the SRMC defines the Open Space designation as an open space area, such as a parcel or area of land, which can include forest and agricultural lands. Additionally, the Wetland Overlay Zone includes agriculture and cultivation of crops as a conditional use. However, there is no zoning designation within the SRMC specific to agriculture or that governs use of lands solely for agricultural purposes. Implementation of the proposed project would not include changing of zoning on any lands designated as Open Space or which have a Wetland Overlay. Furthermore, lands within the county of Marin that are protected under a Williamson Act contract are located outside the EIR Study Area. Therefore, implementation of General Plan 2040 would have *no impact* to lands zoned for agricultural use or under a Williamson Act contract.

Significance without Mitigation: No impact.

⁶ State of California, 2016, Farmland Mapping and Monitoring Program, Marin County Important Farmland.

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Downtown Precise Plan

There are no lands in or adjacent to the Downtown Precise Plan Area that are zoned for agricultural use or protected under a Williamson Act contract. Therefore, same as potential future development in the remainder of the EIR Study Area, potential future development in the Downtown Precise Plan Area would have a *no impact* to lands zoned for agricultural use or under a Williamson Act contract.

Significance without Mitigation: No impact.

AGF-3	Implementation of the proposed project could conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).
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General Plan 2040

There are no lands within or adjacent to the EIR Study Area designated as forestland or timberland, nor are there any lands zoned timberland production. There are lands in the EIR Study Area that contain Oak Woodland and Oak/Bay Woodland in China Camp State Park, as well as on lands to the west and adjacent to the EIR Study Area. However, potential future development from implementation of General Plan 2040 would occur in existing urban areas and would be concentrated on a limited number of vacant parcels and in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing development. Implementation of General Plan 2040 would not include any land use changes to any naturally preserved lands within or adjacent to the EIR Study Area. Therefore, implementation of General Plan 2040 would have *no impact* on forestland, timberland, or land zoned for timberland production.

Significance without Mitigation: No impact.

Downtown Precise Plan

The Downtown Precise Plan Area is within the same setting described above, therefore, like the remainder of the EIR Study Area, potential future development in the Downtown Precise Plan Area would have *no impact* on forestland, timberland, or land zoned timberland production.

Significance without Mitigation: No impact.

AGF-4	Implementation of the proposed project could result in the loss of forest land or conversion of forest land to non-forest use.
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General Plan 2040

As stated in Impact Discussion AGF-3, there are no lands within or adjacent to the EIR Study Area designated as forestland. Further, potential future development would occur in existing urban areas and would be concentrated on a limited number of vacant parcels and in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing residential and residential serving development and would not result in the loss of forest land or conversion of forest land to non-forest uses. Therefore, no loss or conversion of forest land to non-forest uses would occur, and implementation of the General Plan 2040 would have *no impact*.

Significance without Mitigation: No impact.

Downtown Precise Plan

As stated above, there are no lands within or adjacent to the EIR Study Area designated as forestland, thus same as potential future development in the remainder of the EIR Study Area, potential future development in the Downtown Precise Plan Area would not result in the loss of forestland, and *no impact* would occur.

Significance without Mitigation: No impact.

AGF-5	Implementation of the proposed project could involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use.
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General Plan 2040

As discussed in Chapter 3, Project Description, of this Draft EIR, proposed land use changes are concentrated in urbanized locations of the EIR Study Area and other developed sites. Implementation of General Plan 2040 would not result in converting any land that is currently open space, farmland, or forestland to an urban use. Therefore, implementation of General Plan 2040 would have a *no impact* regarding the conversion of farmland or timberland of any type to a nonagricultural or non-forestry use.

Significance without Mitigation: No impact.

Downtown Precise Plan

Same as land use changes in the remainder of the EIR Study Area under General Plan 2040, the proposed land use changes in the Downtown Precise Plan Area are concentrated in urbanized locations and other developed sites. Implementation of the Downtown Precise Plan would not result in converting any land that is currently open space, farmland, or forestland to an urban use. Therefore, implementation of the Downtown Precise Plan would have a *no impact* to agricultural and forestry resources.

Significance without Mitigation: No impact.

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AGF-6 Implementation of the proposed project could result in a cumulatively considerable impact to agricultural or forestry resources.

As discussed in Chapter 4, Environmental Analysis of this Draft EIR, the cumulative setting includes growth within the EIR Study Area in combination with projected growth in the rest of Marin County and the surrounding region, as forecast by the *Plan Bay Area 2040*. The geographic scope of the cumulative analysis for agricultural and forestry resources considers the surrounding incorporated and unincorporated lands, as well as the state.

Cumulative impacts would occur when a series of actions leads to a loss of agricultural or forestry resources that are of statewide importance, which occurs when agricultural or forest lands are converted to nonagricultural and non-forest uses. This typically occurs in newly urbanized areas where development encroaches on agricultural or forested areas through general plan land use and zoning amendments, leading to the long-term conversion of agricultural or forested lands.

According to the California Department of Food and Agriculture, if current development trends continue, 1.3 million acres of California agricultural land, including 670,000 acres of prime, unique and statewide important farmland, will be developed by 2050.⁷ The California Department of Forestry and Fire Protection (CAL FIRE) enforces the laws that regulate logging on privately owned lands in California. The Forest Practice Act was enacted in 1973 to ensure that logging is done in a manner that will preserve and protect our fish, wildlife, forests and streams. According to CAL FIRE, there has been a major decline in timber harvesting that has resulted in a 72 percent decrease in volume since 1955 and generally, the volume of timber harvested has declined steadily from a high in 1988.⁸

As discussed in Impact Discussion AGF-1 through AGF-5 above, implementation of the proposed project would not result in the conversion of land from agricultural or forestry resources to land designated for development. Future development is expected to occur in existing urban areas and would be concentrated on a limited number of vacant parcels and in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing residential and residential-serving development, and does not include any lands with uses designated for agricultural or forestry purposes. Therefore, the proposed project would not result in a cumulatively considerable impact to agricultural and forestry resources and no cumulative impact would occur.

Significance without Mitigation: No impact.

⁷ California Department of Food and Agriculture, https://www.cdfa.ca.gov/agvision/docs/Agricultural_Loss_and_Conservation.pdf.

⁸ California Department of Forestry and Fire Protection, Annual Report 2019, page 16.

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