



## 4.2 AGRICULTURE AND FORESTRY RESOURCES

This section of the Environmental Impact Report (EIR) evaluates the potential for Development Project (which includes the reverse osmosis facility) implementation to impact agriculture and forestry resources in the City of Banning (City). This section also discusses the existing setting of agriculture and forestry resources within and near the City and sets forth the relevant regulatory requirements that apply to the analysis of the Development Project's impact on agriculture and forestry resources. This section is based on information provided in the California Department of Conservation (DOC) Farmland Mapping and Monitoring Program (FMMP), information from the United States Department of Agriculture (USDA), information from the Natural Resources Conservation Service (NRCS), information pertaining to Williamson Act Contracts from the applicant, and applicable provisions of the City's and County of Riverside's (County) General Plan.

While development of the Mt. San Jacinto College (MSJC) Site is not anticipated at this time, a programmatic discussion of potential impacts to agricultural resources that may result from future development is provided in **Chapter 5.0** of this EIR.

### 4.2.1 Scoping

The City received nine comment letters during the public review period of the Notice of Preparation (NOP). For copies of the NOP comment letters, refer to **Appendix A** of this EIR. No comment letters included comments related to agriculture and forestry resources.

No comments pertaining to agricultural resources were received during the Scoping Meeting that occurred on Thursday, February 18, 2021.

### 4.2.2 Methodology

Impacts to agriculture and forestry resources were assessed based on documents and maps from the DOC, the County of Riverside Agricultural Commissioner's Office, and the City of Banning's documents for land use designations, as well as technical reports prepared to determine the Development Project's potential to affect any farmland, land used or zoned for agricultural purposes, and historical or current Williamson Act lands.

Impacts to forestry resources were assessed using the *California's Forests and Rangelands, 2017 Assessment*.

Agriculture and forestry resources impacts that can result from Development Project-related activities were evaluated qualitatively based on Development Site conditions, expected construction practices, locations, duration of construction, and operational activities.

### 4.2.3 Existing Environmental Setting

#### 4.2.3.1 Riverside County

**Agricultural Resources.** Agricultural land use in Riverside County is one of the most important economic and historic uses. The Agricultural (AG) land use designation was established by Riverside County to help conserve productive agricultural lands within the County. These include lands occupied



by row crops, nurseries, citrus groves and vineyards, dairies, ranches, poultry and hog farms, and other agricultural related uses. Residential density is permitted on parcels designated as Agricultural land uses at one dwelling unit per parcel provided that the parcel is 10 acres in size or larger. On a county level, Riverside County maintains the 14th highest agricultural valuation in the State. The gross value of agricultural production in Riverside County during 2021 was approximately \$1.4 billion, a decrease of approximately \$12.3 million (-1 percent) from the 2020 valuation.<sup>1</sup> The largest increase (8 percent) occurred in nursery production, followed by a 6 percent increase in aquaculture. Field and seed crops registered a 13.5 percent drop in value. The top five valued commodities/crops in 2021 were: (1) nursery stock (\$232.5 million), (2) milk (\$174.8 million), (3) table grapes (\$87.38 million), (4) dates (\$83.7 million), and (5) avocados (\$80.1 million).<sup>2</sup>

The most recent agricultural land conversion data available for Riverside County are for the 2016–2018 period and were obtained through the DOC FMMP.<sup>3</sup> Land converted in this period is shown in **Table 4.2.A: Riverside County Agricultural Land Conversion 2016–2018**. In summary, for the 2-year period from 2016 to 2018, the total amount of Important Farmland (Prime Farmland, Farmland of Statewide Importance, Unique Farmland and Farmland of Local Importance) inventoried decreased by 5,980 acres. Overall, the amount of agricultural land in Riverside County mapped by the FMMP during this reporting period was reduced by 6,325 acres (-1.2 percent).

**Table 4.2.A: Riverside County Agricultural Land Conversion 2016–2018**

Land Use Category	Total Acreage Inventoried		2016–2018 Acreage Changes	
	2016	2018	Net Acreage Changed	Percent Change
Prime Farmland	117,486	116,926	-560	-0.4
Farmland of Statewide Importance	43,757	43,610	-147	-0.3
Unique Farmland	32,566	32,121	-445	-1.4
Farmland of Local Importance	226,029	221,201	-4,828	-2.1
<b>Important Farmland Subtotal</b>	<b>419,838</b>	<b>413,858</b>	<b>-5,980</b>	<b>-1.4</b>
Grazing Land	110,202	109,857	-345	-0.3
<b>Agricultural Land Subtotal</b>	<b>530,040</b>	<b>523,715</b>	<b>-6,325</b>	<b>-1.2</b>
Urban and Built-Up Land	334,445	342,584	+8,139	+2.4
Other Land	1,017,634	1,020,057	+2,423	+0.2
Water Areas	62,361	58,124	+4,237	-6.8
<b>Total Area Inventoried</b>	<b>1,944,480</b>	<b>1,944,480</b>	<b>0</b>	

Source: California Department of Conservation, Division of Land Resources Protection. Farmland Mapping and Monitoring Program, Table A-25 Riverside County 2016–2018 Land Use Conversion, <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Riverside.aspx> (accessed July 15, 2021).

<sup>1</sup> Riverside County Agricultural Commissioner’s Office, *Riverside County Agricultural Production Report 2021*. Website: <https://rivcoawm.org/sites/g/files/aldnop221/files/2023-04/2021%20Crop%20Report%20-pdf-> (accessed August 14, 2023).

<sup>2</sup> Followed by, (6) alfalfa (\$75.3 million), (7) eggs (\$69.4 million), (8) legumes (\$68.2 million), (9) bell peppers (\$67.5 million), and (10) turf grass (\$32.5 million).

<sup>3</sup> California Department of Conservation, Division of Land Resource Protection. Table A-25 Riverside County 2016–2018 Land Use Conversion. Website: <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Riverside.aspx> (accessed August 14, 2023).



**Forestry Resources.** The Cleveland and San Bernardino National Forests, which are part of the Sierra Mountain Range, are the only forested land within Riverside County. At lower elevations in Riverside County, these forests are commonly bordered by mixed evergreen forest, oak woodlands, and chaparral. Riverside County designates forest land within its boundary as the following: High Coniferous Forests, Coniferous Forests, Montane Forests, Lowland Forests/Woodlands, and Desert Woodlands.<sup>4</sup>

#### 4.2.3.2 City of Banning

**Agricultural Resources.** According to the City of Banning General Plan EIR, approximately 22 percent of the General Plan planning area is developed. Residential land uses represent approximately 66 percent of the developed lands, dominated by rural residential single-family dwelling units in the City limits and in the balance of the General Plan Study Area. Agricultural uses are accounted for under the land use designations of Ranch/Agriculture (1 dwelling unit/10 acres), Ranch/Agriculture/Hillside (1 dwelling unit/10 acres), Rural Residential (0–1 dwelling unit/acre), and Rural Residential/Hillside uses, which allow for agricultural and ranching activities. These Rural Agricultural and Rural Residential uses account for approximately 1,203.1 acres in the City’s municipal boundaries and 5,550.6 acres in the combined Sphere of Influence and City planning area. The agricultural acreage, with potential for use for either dry farming or ranching/grazing, accounts for approximately 28 percent of the total General Plan planning area.<sup>5</sup> At the time the City’s General Plan was approved in 2005, approximately 3,500 acres of land within the City were under Williamson Act Contracts. Williamson Act Contract lands in the City were located near the Banning Bench, in the northwest portion of the City between Highland Springs Avenue and Highland Home Road, and in the City’s southerly Sphere of Influence, south of Westward Avenue. According to City staff, the City of Banning has a current (2022) inventory of 3,500 acres of land that are under Williamson Act Contracts.

Agricultural activity in the Banning area is not a major source of revenue and employed approximately 1.1 percent of the total Banning labor force in 2020.<sup>6</sup>

Within the General Plan planning area, agricultural uses include a fruit orchard located on the Banning Bench and privately owned equestrian estates used for horse grazing, particularly on the south side of the planning area. These lands are not designated for open space, but rather are ultimately planned for residential land uses.<sup>7</sup> According to FMMP 2018 data, the City of Banning has a total of 4382.43 acres of Important Farmland, which consists of 4,381.5 acres of Farmland of Local Importance, 0.86 acre of Prime Farmland, and 0.07 acre of Unique Farmland.<sup>8</sup>

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<sup>4</sup> Riverside County, County of Riverside General Plan Chapter 5 Multipurpose Open Space Element, Figure OS-3a Forestry Resources Western Riverside County Parks, Forests, and Recreation Areas, December 8, 2015.  
<sup>5</sup> City of Banning. Environmental Impact Report for the City of Banning Comprehensive General Plan and Zoning Ordinance, Section III – Environmental Impacts and Mitigations, III-2, June 2005.  
<sup>6</sup> Data USA. Banning, CA. Website: <https://datausa.io/profile/geo/banning-ca#occupations> (accessed August 14, 2023).  
<sup>7</sup> City of Banning, City of Banning Comprehensive General Plan (2005), Environmental Resources Element, Open Space.  
<sup>8</sup> California Department of Conservation, Farmland Mapping and Monitoring Program, 2018 Riverside County Data, Website: <https://gis.conservation.ca.gov/portal/home/group.html?id=b1494c705cb34d01acf78f4927a75b8f#overview> (accessed April 12, 2022).



Conversion of farmland of various types to other uses within the Banning area is an ongoing process that is expected to continue as marginal agricultural lands that are no longer in active agricultural use are developed pursuant to the City's General Plan and Zoning Code.

**Forestry Resources.** The City of Banning does not have any areas designated in its General Plan as forest land or timberland for production or resource management.

#### 4.2.3.3 Development Site<sup>9</sup>

**Agricultural Resources.** The approximately 533.8-acre Development Site is largely undeveloped grassland and dry riverbeds. Three named, natural drainages (i.e., Pershing Creek, Smith Creek, and Highland Wash) and their tributaries are present within the Development Site. A historical review of the Development Site found the land has remained undeveloped since at least the early 1900s. Aerials and topographic maps show three intermittent streams and a narrow wash are located on the Development Site. Prior to the 1950s, the surrounding areas were primarily undeveloped or developed for agricultural use. Agricultural activities around the Development Site were no longer present by the 1960s. Around 1972, agricultural lands were no longer present on the topographic maps depicting the Development Site and its vicinity.

The Development Site and surrounding areas were assessed to determine the presence of any farmland, agricultural land, or forest/timberland, and whether the Development Project would impact any present resources. According to the DOC FMMP, most of the Development Site (451.9 acres of the Development Site) is considered Farmland of Local Importance (L) as defined by the FMMP discussed in detail in **Section 4.2.4.2**. The remaining portion of the Development Site, approximately 76.83 acres, is Grazing Land (G) and 3.97 acres is Other Land (X). **Figure 4.2-1: FMMP Important Farmland on the Development Site** shows Important Farmland (and non-Important Farmland) designations on the Development Site. A title review of all the parcels on the Development Site determined that no Williamson Act Contracts currently exist on the site.<sup>10</sup> This status was confirmed by Riverside County in June 2022.<sup>11</sup> The Northern Portion of the Development Site is in the City of Banning and has current land use/zoning designations under the City's General Plan for a range of residential uses (LDR, MDR, and HDR), general commercial uses (GC), and open space (OS-P and OS-R). The Southern Portion of the Site is currently unincorporated in Riverside County with a land use/zoning designation under the County's General Plan of low density residential (LDR) and is zoned A-1, Light Agriculture.

<sup>9</sup> As described in Chapter 3.0, Project Description, future development of an electrical substation at the northwest corner of the site (Planning Area 7); a reverse osmosis facility near the western project boundary (Planning Area 12); and a potable water reservoir along Sunset Avenue south of the Sun Lakes Boulevard extension (Planning Area 3) is planned by the City. While located within the Development Site, the City will develop and operate these facilities. These facilities are discussed in Section 6.0 of this EIR.

<sup>10</sup> Email correspondence between JJ Jenkins, Director of Development, North Point Development and Title Company Staff, May 11, 2021.

<sup>11</sup> Email correspondence between JJ Jenkins, Director of Development, North Point Development and Andrew Sviitek, AICP, Urban Regional Planner IV, Riverside County Planning Department, June 1, 2022.

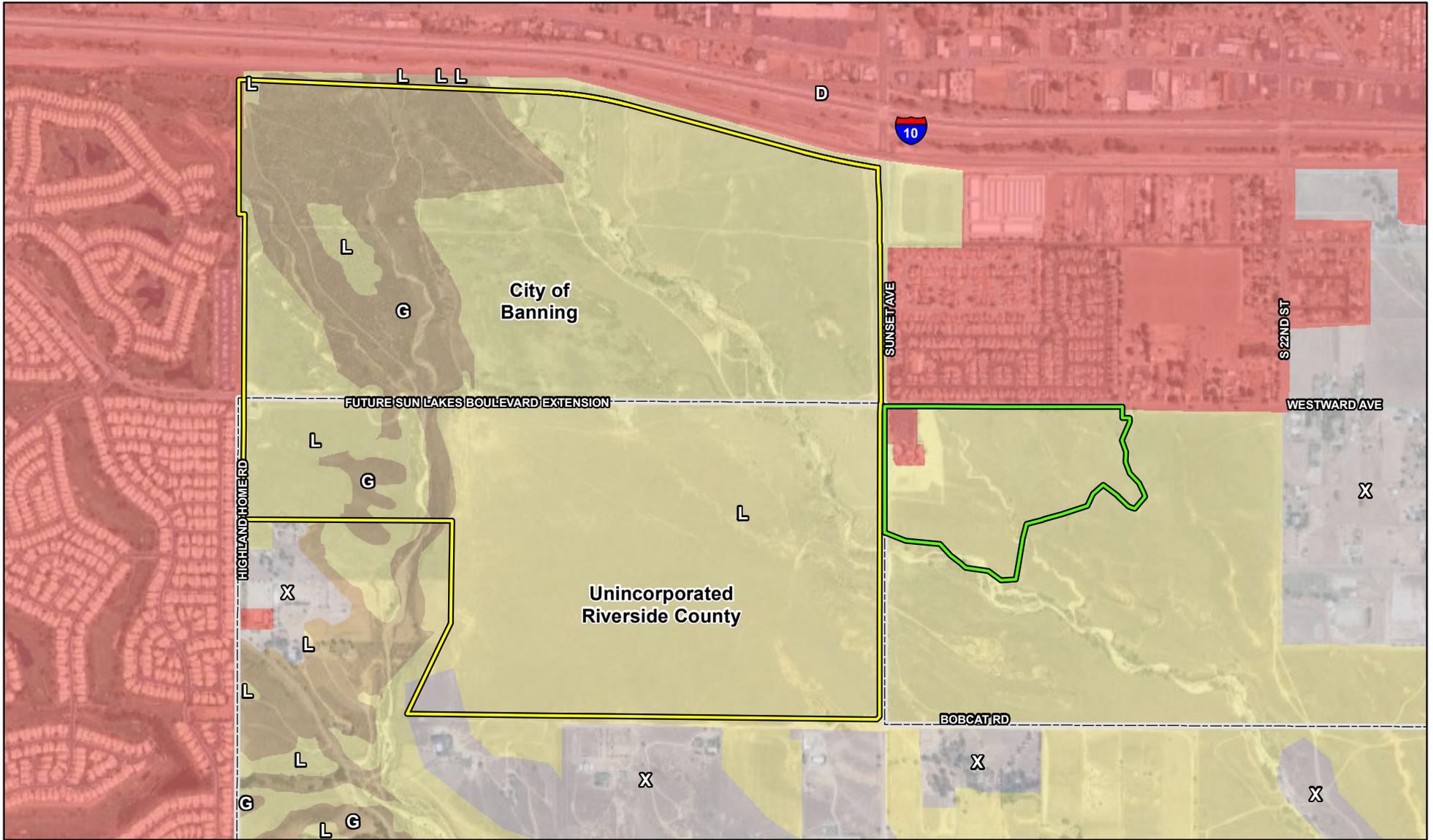
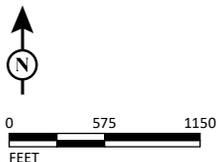


FIGURE 4.2-1

LSA

LEGEND

- Project Site
- MSJC Boundary
- City Boundary
- FMMP Important Farmlands
- D - Urban and Built-Up Land
- G - Grazing Land
- L - Farmland of Local Importance
- X - Other Land



SOURCE: Google (2022); DOC (2022)  
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**Forestry Resources.** The Development Site is occupied with natural vegetation, shrubs, and some trees. The Development Site does not have any areas designated as forest land or timberland for production or resource management.

#### 4.2.4 Regulatory Setting

##### 4.2.4.1 Federal Regulations

The Development Site is privately owned; as such, federal regulations regarding agricultural resources do not apply to the Development Site.

##### 4.2.4.2 State Regulations

**California Department of Conservation Farmland Mapping and Monitoring Program.** Pursuant to Government Code Section 65570, the DOC FMMP compiles consistent, timely, and accurate data to decision-makers for use in planning for the present and future of California's agricultural land resources. FMMP provides maps and statistical data to the public, academia, and local, state, and federal governments on the nature, location, and extent of farmland, grazing land, and urban built-up areas in the State to assist in making informed decisions for the best utilization of California's farmland. Government Code Section 65570 mandates FMMP to biennially report to the Legislature on the conversion of farmland and grazing land and to provide maps and data to local government and the public. The FMMP also was directed to prepare and maintain an automated map and database system to record and report changes in the use of agricultural lands. These maps combine soil survey and current land use information from the USDA and NRCS to provide an inventory of agricultural resources in each county. The maps show urbanized lands and a qualitative sequence of agricultural designations. Pursuant to the FMMP, all lands within California are classified into one of seven map categories. The minimum mapping unit is generally 10 acres, except as otherwise noted.<sup>12</sup> Provided below is a description of the various map categories established by the FMMP, assessing the importance of agricultural land based on factors such as soil characteristics, climate, and water supply:

- **Prime Farmland:** The best combination of physical and chemical features and able 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 4 years prior to the mapping date.
- **Farmland of Statewide Importance:** 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 4 years prior to the mapping date.
- **Unique Farmland:** Lesser-quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated but may include unirrigated orchards or vineyards. Land must have been cultivated at some time during the 4 years prior to the mapping date.
- **Farmland of Local Importance:** Land of importance to the local economy, as defined by each county's local advisory committee and adopted by its board of supervisors. This refers to all

<sup>12</sup> California Department of Conservation (DOC). 2004. A Guide to the Farmland Mapping and Monitoring Program. Website: [https://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp/Archive/fmmp\\_guide\\_2004.pdf](https://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp/Archive/fmmp_guide_2004.pdf).



farmable lands in the county that do not meet the definitions of Prime, Statewide, or Unique. This includes land that is or has been used for irrigated pasture, dryland farming, confined livestock and dairy, poultry facilities, aquaculture, and grazing land.

- **Grazing Land:** This type of land is occupied with vegetation suited to grazing livestock. This category was developed in cooperation with the California Cattleman’s Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit is 40 acres.
- **Urban and Built-Up Land:** This type of land is occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. Common examples of land uses include residential, industrial, commercial, institutional facilities, public administrative purposes, railroad and transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures, and other developed purposes.
- **Other Land:** This type of land is not included in any other mapping category. Common examples include low-density rural developments, brush, timber wetland, riparian area not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines; and water bodies smaller than 40 acres. Vacant and non-agricultural land surrounded on all sides by urban development that are greater than 40 acres is mapped as Other Land.

**Williamson Act and Farmland Security Act.** The California Land Conservation Act of 1965 (CLCA), better known as the Williamson Act (Cal. Gov. Code Section 51200 et seq.), enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming and open space uses as opposed to full market value. Pursuant to Government Code Section 51230, counties and cities may establish Agricultural Preserves, which define boundaries of those areas within which the city or county will be willing to enter into contracts pursuant to the CLCA. Contracts pursuant to the CLCA only are allowed for areas within established Agricultural Preserves. Williamson Act Contracts have a minimum term of 10 years, with renewal occurring automatically each year, although local governments can establish initial contract terms for longer periods of time. The contracts run with the land and are binding on all successors in interest of the landowner. Only land located within an Agricultural Preserve is eligible for Williamson Act Contracts. An Agricultural Preserve defines the boundary of an area within which a city or county would enter into contracts with landowners. The boundary is designated by resolution of the board of supervisors or city council having jurisdiction. The rules of each Agricultural Preserve specify the uses allowed. Land uses within an Agricultural Preserve must be agricultural in nature, or other such uses that are not incompatible with agricultural uses as identified by the local government for the duration of the contract. Agricultural Preserves generally must be at least 100 acres in size; however, a city or county may allow for lesser acreage if a finding is made that the characteristics of the agricultural enterprises in the area are unique and that the establishment of preserves of less than 100 acres is consistent with the general plan of the county or city.

In return for entering into a contract, the landowner is granted preferential taxes that are based upon agricultural and related land uses rather than fair market value. Contracts may be exited at the option



of the landowner or local government by initiating the process of term non-renewal. Under this process, the remaining contract term (9 years in the case of an original term of 10 years) is allowed to lapse, with the contract null and void at the end of the term. During the non-renewal process, the annual tax assessment continually increases each year until it is equivalent to current tax rates at the end of the non-renewal period. Under a set of specifically defined circumstances, a contract may be cancelled without completing the process of term non-renewal. Contract cancellation, however, involves a comprehensive review and approval process, and the payment of a fee by the landowner.

In August 1998, Senate Bill (SB) 1182 established the Farmland Security Zone (FSZ) provisions of the Williamson Act. An FSZ is created within an Agricultural Preserve by County Board of Supervisors' approval and at the request of a landowner or group of landowners. FSZ contracts offer landowners greater property tax reductions in return for an initial contract term of 20 years, with renewal occurring automatically each year. Land restricted by an FSZ contract is valued for property assessment purposes at 65 percent of its Williamson Act valuation, or 65 percent of its Proposition 13 valuation, whichever is lower. New special taxes for urban-related services must be levied at an unspecified reduced rate unless the tax directly benefits the land or living improvements. Cities and special districts that provide non-agricultural services are generally prohibited from annexing land enrolled under an FSZ contract. Similarly, school districts are prohibited from taking FSZ lands for school facilities.

**Z'Berg-Nejedly Forest Practice Act.** The Z'Berg-Nejedly Forest Practice Act (Forest Practice Act) identifies operating methods and procedures that seek to protect fish, wildlife, forests, and streams within timber harvesting areas. The Forest Practice Act is intended to achieve "maximum sustained production of high-quality timber products...while giving consideration to values relating to recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment and aesthetic enjoyment."<sup>13</sup> The regulations created by the Forest Practice Act define factors such as the size and location of harvest areas, include measures to prevent unreasonable damage to residual trees, and address the protection of riparian areas, water courses and lakes, wildlife, and habitat areas.

**Z'Berg-Warren-Keene-Collier Forest Taxation Reform Act.** According to the Z'Berg-Warren-Keene-Collier Forest Taxation Reform Act<sup>14</sup> enacted in 1976, counties must provide for the zoning of land used for growing and harvesting timber as Timberland Production Zones (TPZs). TPZs were established to preserve and protect timberland from conversion to other uses and avoid land use conflicts.

**Timberland Productivity Act.** The Timberland Productivity Act represents the Legislature's declared intent "to fully realize the productive potential of the forest resources and timberlands of the state." The Act imposes mandatory restrictions on parcels zoned as timberland production. Such parcels "shall be zoned so as to restrict their use to growing and harvesting timber and to compatible uses."<sup>15</sup> In exchange, property owners are required to pay property taxes on the land based solely on its value for timber harvest, and not for its development potential, as is the case with qualifying agricultural and open space lands under the Williamson Act. Government Code Section 51104(g) of Timberland

<sup>13</sup> Public Resources Code Section 4513[b].

<sup>14</sup> California Government Code Sections 51110–51119.5: Article 2).

<sup>15</sup> Government Code Section 51115.



Productivity Act defines “timberland production zone” as 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. Compatible uses are defined under Section 51104(h) and include management for watershed; management for habitat or hunting and fishing; access roads and staging areas for timber harvesting; gas, electric, water, or communication transmission facilities; grazing; or a residence or other structure necessary for timber management.

***California’s Forests and Rangelands, 2017 Assessment.*** This Assessment defines forest/forests as “a biological community of plants and animals that is dominated by tree and other wood plants; by definition in the Assessment, all lands with greater than 10 percent tree canopy cover including all California Wildlife Habitat Relationship types in the Conifer Forest, Conifer Woodland, Hardwood Forest and Hardwood Woodland land cover classes.”<sup>16</sup>

***California Codes.*** Section 51104(g) of the California Government Code defines “timberland production zone” to mean an area that 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. Compatible uses are defined under Section 51104(h). California Public Resources Code (PRC) Section 12220(g) defines forest land as “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.”

#### 4.2.4.3 Regional Regulations

***Riverside County General Plan Land Use Element.*** The Land Use Element of the Riverside County General Plan functions as a guide to planners, the general public, and decision-makers as to the ultimate pattern of development within the County. It designates the general distribution, general location, and extent of land uses, such as housing, business, industry, open space, agriculture, natural resources, recreation, and public/quasi-public uses. The Land Use Element also discusses the standards of residential density and non-residential density for the various land uses<sup>17</sup>.

The Southern Portion of the Development Site is currently in an unincorporated part of Riverside County with a land use designation under the County’s General Plan of low density residential (LDR). The Low Density Residential land use designation provides for the development of detached single

<sup>16</sup> California Department of Forestry and Fire Protection, Fire and Resource Assessment Program, California’s Forests and Rangelands, 2017 Assessment, pg. 286. Website: <https://frap.fire.ca.gov/media/4babn5pw/assessment2017.pdf> (accessed June 21, 2021).

<sup>17</sup> Land use designations used in the Riverside County General Plan fall under the umbrella of five Foundation Components, or major categories of land use: Community Development, Rural, Rural Community, Agriculture, and Multipurpose Open Space. The countywide map of land use delineates only those five Foundation Components. The LDR designation may be located in various foundation components with varying limitations in agricultural activities. For example, in the Rural Community Foundation Component, animal-keeping uses are generally permitted while in the Community Development Foundation Component intensive animal-keeping uses are discouraged or would be limited to ensure compatibility between the LDR designation and other more intense residential uses permitted under the Community Development Foundation Component.



family residential dwelling units and ancillary structures on large parcels. Limited agriculture<sup>18</sup> is permitted in this designation. The density range is from 2 dwelling units per acre to 1 dwelling unit per acre, which allows a minimum lot size of one-half acre.

***Riverside County General Plan Policies.*** The following policies from the Land Use Element of the Riverside County General Plan pertain to agricultural resources and would apply to the Development Project:

- LU 20.1** Encourage retaining agriculturally designated lands where agricultural activity can be sustained at an operational scale, where it accommodates lifestyle choice, and in locations where impacts to and from potentially incompatible uses, such as residential uses, are minimized, through incentives such as tax credits.
- LU 20.2** Protect agricultural uses, including those with industrial characteristics (dairies, poultry, hog farms, etc.) by discouraging inappropriate land division in the immediate proximity and allowing only uses and intensities that are compatible with agricultural uses.
- LU 20.3** Permit farm-workers housing as an interim land use under the following circumstances:
- The area in which the proposal is located appears to be predominantly agricultural in nature and does not appear it will change in the near future.
  - The proposal is an interim use (5 to 10 years) and will not substantially affect the existing character of the area.
  - Adequate infrastructure exists in the area to ensure safe, sound, and decent housing for farm workers.
  - The proposal will not create any significant land use incompatibilities.
  - The proposal will not jeopardize public health, safety, and welfare.
- LU 20.4** Encourage conservation of productive agricultural lands. Preserve prime agricultural lands for high-value crop production.
- LU 20.5** Continue to participate in the California Land Conservation Act (the Williamson Act) of 1965.
- LU 20.6** Require consideration of state agricultural land classification specifications when a 2.5-year Agriculture Foundation amendment to the General Plan is reviewed that would result in a shift from an agricultural to a non-agricultural use.
- LU 20.7** Adhere to Riverside County's Right-to-Farm Ordinance.

<sup>18</sup> Per Chapter 17.120 of the Riverside County Code, the A-1 Light Agricultural Zone allows nurseries, greenhouses, apiaries, field crops, tree, berry, and bush crops, vegetable, flower, and herb gardening on a commercial scale, and processing uses that are clearly in conjunction with a farming operation; grazing and husbandry of cattle, horses, sheep, goats, and other farm stock (excluding hogs) not to exceed five animals per acre; farms for rabbits, fish, frogs, chinchillas, or other small animals; limited numbers of crowing fowl; and related rural agricultural related uses (storage, farm stand, etc.).



- LU 20.8** Encourage educational and incentive programs in coordination with the Riverside County Agricultural Commissioner's Office, the University of California Cooperative Extension Service, and the Riverside County Farm Bureau that convey the importance of conserving watercourses and their associated habitat, as well as protective buffers for domestic and farm livestock grazing.
- LU 20.9** Weigh the economic benefits of surface mining with the preservation/conservation of agriculture when considering mineral excavation proposals on land classified for agricultural uses.
- LU 20.10** Allow agriculturally related retail uses such as feed stores and permanent produce stands in all areas and land use designations. It is not the County's intent pursuant to this policy to subject agricultural related uses to any discretionary permit requirements other than those in existence at the time of adoption of the General Plan.
- LU 20.11** The County of Riverside shall pursue the creation of new incentive programs, such as tax credits, that encourage the continued viability of agricultural activities.
- LU 20.12** Support and participate in ongoing public education programs by organizations such as the County Agricultural Commissioner's Office, University of California Cooperative Extension, Farm Bureau, and industry organizations to help the public better understand the importance of the agricultural industry.

The following policies are from the Multipurpose Open Space Element of the Riverside County General Plan pertaining to agricultural and forestry resources and are applicable to the Development Project:

- OS 7.2** In cooperation with individual farmers, farming organizations, and farmland conservation organizations, the County of Riverside shall employ a variety of agricultural land conservation programs to improve the viability of farms and ranches and thereby ensure the long-term conservation of viable agricultural operations within Riverside County. The County of Riverside shall seek out available funding for farmland conservation. Examples of programs which may be employed include: land trusts; conservation easements (under certain circumstances, these may also provide federal and state tax benefits to farmers); dedication incentives; Land Conservation Contracts; Farmland Security Act contracts; the Agricultural Land Stewardship Program Fund; agricultural education programs; transfer and purchase of development rights; providing adequate incentives (e.g. clustering and density bonuses) to encourage conservation of productive agricultural land in Riverside County's Incentive Program; and providing various resource incentives to landowners (e.g. establish a reliable and/or less costly supply of irrigation water).

The County of Riverside shall establish a Farmland Protection and Stewardship Committee and the Board of Supervisors shall appoint its members. The Committee shall include members of the farming community as well as other individuals and organizations committed to farmland protections and stewardship. The Committee shall develop a strategy to preserve agricultural land within Riverside County and shall identify and prioritize agricultural lands



for conservation. This strategy shall not only address the preservation of agricultural land but shall also promote sustainable agriculture within Riverside County. In developing its strategy, the Committee shall consider an array of proven techniques and, where necessary, adapt these techniques to address the unique conditions faced by the farming community within Riverside County. Riverside County staff shall assist the Committee in accomplishing its task. Riverside County Departments, that may be called upon to assist the Committee, include, but are not limited to the following: the Agricultural Commissioner, Planning Department, Assessor's Office and County Counsel. In developing its strategy, the Committee shall consult government and private organizations with expertise in farmland protection. These organizations may include, but are not limited to, the following: USDA Natural Resources Conservation Service; State Department of Conservation and its Division of Land Resource Protection; University of California Sustainable Agriculture Research and Education Program; the University of California Cooperative Extension; The Nature Conservancy; American Farmland Trust; The Conservation Fund; the Trust for Public Land; and the Land Trust Alliance.

The Committee shall, from time to time, recommend to the Board of Supervisors the adoption of policies and/or regulation that it finds will further the goals of the farmland protection and stewardship. The Committee shall also advise the Board of Supervisors regarding proposed policies that curb urban sprawl and the accompanying conversion of agricultural land to urban development, and that support and sustain continued agriculture. Planning policies that may benefit farmland conservation and fall within the purview of the Committee for review include measures to promote efficient development in and around existing communities including clustering, incentive programs, transfer of development rights, and other planning tools.

- OS 7.3** Encourage conservation of productive agricultural lands and preservation of prime agricultural lands.
- OS 7.4** Encourage landowners to participate in programs that reduce soil erosion, improve soil quality, and address issues that relate to pest management. To this end, the County shall promote coordination between the Natural Resources Conservation Service, Resource Conservation Districts, UC Cooperative Extension, and other agencies and organizations.
- OS 7.5** Encourage the combination of agriculture with other compatible open space uses in order to provide an economic advantage to agriculture. Allow by right, in areas designated Agriculture, activities related to the production of food and fiber, and support uses incidental and secondary to the on-site agricultural operation.
- OS 8.1** Cooperate with federal and state agencies to achieve the sustainable conservation of forest land as a means of providing open space and protecting natural resources and habitat lands included within the MSHCPs.
- OS 8.2** Support conservation programs to reforest privately held forest lands.



**County of Riverside Municipal Code, Chapter 17.120, A-1 Light Agriculture Zone.** The Southern Portion of the Development Site (within unincorporated Riverside County) is zoned as Light Agriculture (A-1). Uses permitted under the Light Agriculture Zone include one-family dwellings, field crops, grazing, farms for small animals, noncommercial raising of hogs, Future Farmers of America (FFA) or 4-H projects, temporary stand for the display and sale of the agriculture produce, public parks and playgrounds, golf courses with standard length fairways, country clubs, home occupations, mining operations, employee housing, and outside storage of materials, such as irrigation equipment and farming machinery.

#### 4.2.4.4 Local Regulations

**City of Banning General Plan Land Use and Zoning.** The Northern Portion of the Development Site is in the City of Banning and has current land use designations under the City's General Plan for a range of residential uses (LDR, MDR, and HDR), general commercial uses (GC), and open space (OS-P and OS-R). The City of Banning, in the Sphere of Influence (SOI), also identifies the following advisory General Plan Land Use and Zoning Designations on the Southern Portion of the Development Site in unincorporated Riverside County: Low Density Residential (LDR), Very Low Density Residential (VLDR), Medium Density Residential (MDR), High Density Residential-20 Open Space – Parks (OS-P), Public Facilities (PF), and Open Space – Resources (OS-R). The General Plan Land Use and Zoning Designations within the City of Banning are the same. The following defines the General Plan Land Use and Zoning Designations identified on the Development Site:

- **Low Density Residential (LDR) (0 to 5 dwelling units per acre):** Allows the development of attached and detached single-family homes, in traditional subdivisions and planned communities. The clustering of condominiums and townhomes may be appropriate with the provision of common area amenities and open space, when a Specific Plan is prepared. Home occupations are permitted. Bed and breakfasts and similar uses may be appropriate with the approval of a conditional use permit.
- **Medium Density Residential (MDR) (0 to 10 dwelling units/acre):** Allows the development of attached and detached single-family homes, in traditional subdivisions and planned communities. Also allows condominiums and townhomes, garden apartments, and duplexes, with the provision of common area amenities and open space. The clustering of condominiums and townhomes may be appropriate with the provision of common area amenities and open space. Home occupations are permitted. Bed and breakfasts and similar uses may be appropriate with the approval of a conditional use permit. May also be appropriate for convenience retail commercial ("corner store" type development such as convenience stores, grocery or greengrocer, video rental, drug stores, sit down restaurants, coffee shops or coffee bars or similar uses), less than 5,000 square feet in total square footage, with approval of a conditional use permit.
- **High Density Residential (HDR) (11 to 18 dwelling units/acre):** Allows condominiums and townhomes, as well as apartments with the provision of common area amenities and open space. Duplex and multi-plex development is the most prevalent type of development in this designation. The clustering of condominiums and townhomes may be appropriate with the provision of common area amenities and open space. Mobile home parks and subdivisions may



also be appropriate, with the approval of a conditional use permit. Home occupations are permitted.

- **General Commercial (GC):** Allows food and drug stores; home improvement; auto sales, leasing, service and repair; department and general retail outlets; merchandise leasing; neighborhood serving retail and services; restaurants; entertainment uses; gas stations; general offices (secondary to retail); mixed uses; and financial institutions. All existing uses in existence as of the adoption of this General Plan will be permitted until such time as the use in a particular location ceases operation for a period of 6 months.
- **Open Space – Parks (OS-PA):** Allows public and private parks and recreational facilities, including golf courses, tot lots, dog parks, neighborhood, community, and regional parks, sports fields, and passive parks.
- **Open Space – Resources (OS-R):** Lands for the preservation of water, biological, visual, ridgelines, or other resources, and for flooding, geotechnical, or other hazards are included in this category. Electrical transmission line easements and natural gas or fuel transmission line easements preserved as open space through the development process are also included. Non-motorized vehicle trails, roads, and passive parks may be appropriate within this designation.
- **Public Facilities (PF):** Land uses must be focused on a variety of public use facilities including but not limited to airport operations: administration offices, hangars, tiedowns, runways, restaurants and flight schools. Ancillary retail and service business relating to the airport are appropriate; City Hall, Police Department, Community Center, libraries and similar governmental buildings; and public and private schools at all levels, including colleges.

The Banning General Plan does not identify policies for agricultural or forestry resources.

#### 4.2.5 Thresholds of Significance

The City has not established local California Environmental Quality Act (CEQA) significance thresholds as described in Section 15064.7 of the *CEQA Guidelines*. Therefore, significance determinations utilized in this section are from Appendix G of the *CEQA Guidelines*. According to Section II of Appendix G to the *CEQA Guidelines*, the Development Project would result in a significant impact to agriculture and forestry resources if the Development Project or any Development Project-related component would:

- Threshold 4.2.1:** 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.
- Threshold 4.2.2:** Conflict with existing zoning for agricultural use or a Williamson Act contract.
- Threshold 4.2.3:** 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 section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).**

**Threshold 4.2.4: Result in the loss of forest land or conversion of forest land to non-forest use.**

**Threshold 4.2.5: 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.**

## 4.2.6 Development Project Impacts

### 4.2.6.1 Conversion of Farmland

**Threshold 4.2.1: Would the Development Project 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?**

Sections 21095 and 21060.1(a) of the CEQA statute and the *CEQA Guidelines* Appendix G define three of the FMMP's Important Farmland categories—Prime Farmland, Unique Farmland, and Farmland of Statewide Importance—as agricultural lands for purposes of CEQA analysis and acknowledge that their conversion to non-agricultural uses may be considered a significant impact. The DOC FMMP was reviewed to determine if the Development Site is designated as Important Farmland (i.e., Prime Farmland, Unique Farmland, or Farmland of Statewide Importance). The FMMP indicates the Development Site is designated with 451.9 acres of Farmland of Local Importance, 76.83 acres of Grazing Land, and 3.97 acres of Other Land. Development Project implementation would convert the Farmland of Local Importance and Grazing Land to urbanized land. No Prime Farmland, Farmland of Statewide Importance, or Unique Farmland are classified on the Development Site; therefore, Development Project implementation would not convert Important Farmland to non-agricultural uses. **No impact** would occur.

**Level of Significance Prior to Mitigation:** No Impact.

**Regulatory Compliance Measures and Mitigation Measures:** No Regulatory Compliance or Mitigation Measures are required.

**Level of Significance After Mitigation:** No Impact.

### 4.2.6.2 Conflict with an Agricultural Zoning or a Williamson Act Contract

**Threshold 4.2.2: Would the Development Project conflict with existing zoning for agricultural use or a Williamson Act contract?**

As indicated above, the Northern Portion of the Development Site is not within an agricultural zone. The Southern Portion of the Development Site, although designated for light agricultural uses under the County's zoning, is already designated as urbanizing through its placement within the City of Banning Sphere of Influence and is proposed for annexation. Its current City rezoning and the proposed Specific Plan are for urban uses. Once the Development Project is approved and annexation occurs, the Southern Portion of the Development Site would be redesignated as Specific Plan and



would therefore no longer be zoned as Light Agriculture pursuant to the Riverside County Zoning Ordinance. It should be noted that the Southern Portion of the Development Site, although currently zoned as Light Agriculture, is currently not and has not previously been occupied by agricultural uses. Overall, Development Project implementation would not conflict with existing zoning for agricultural use. Impacts would be **less than significant**, and no mitigation measures are required.

As indicated above, review of the parcels (through title searches) within the Development Site concluded that none were under Williamson Act Contracts. Additionally, the status of past Williamson Act Contracts placed on parcels within the Development Site was confirmed with Riverside County Planning Staff,<sup>19</sup> and these contracts have been terminated; therefore, implementation of the Development Project would not result in conflict with land under a Williamson Act Contract. **No impact** would occur with implementation of the Development Project on Williamson Act Contracts.

**Level of Significance Prior to Mitigation:** Less Than Significant Impact.

**Regulatory Compliance Measures and Mitigation Measures:** No Regulatory Compliance or Mitigation Measures are required.

**Level of Significance After Mitigation:** Less Than Significant Impact.

#### 4.2.6.3 Conflict with Existing Forestry Zoning

**Threshold 4.2.3: Would the Development Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

There is no forest land on the Development Site, and it is not zoned for forest land, timberland, or timberland zoned Timberland Production under either the County or City zoning designations. As such, Development Project implementation and the construction of public facilities would not conflict with such forest zoning designations. **No impact** would occur, and no mitigation measures are required.

**Level of Significance Prior to Mitigation:** No Impact.

**Regulatory Compliance Measures and Mitigation Measures:** No Regulatory Compliance or Mitigation Measures are required.

**Level of Significance After Mitigation:** No Impact.

#### 4.2.6.4 Loss/Conversion of Forest Land

**Threshold 4.2.4: Would the Development Project result in the loss of forest land or conversion of forest land to non-forest use?**

The Development Site is currently occupied by native grasslands and some native trees. The number of trees currently located on the Development Site does not equate to 10 percent of the site and,

<sup>19</sup> Email communication from Andrew Svitek, AICP, Urban Regional Planner IV, Riverside County Planning Department, June 3, 2022.



therefore, it does not qualify as forest land pursuant to the *California's Forests and Rangelands, 2017 Assessment*, and California Public Resources Code Section 12220(g). As such, Development Project implementation would not result in the loss of forest land or conversion of forest land to non-forest use. **No impact** would occur, and no mitigation measures are required.

**Level of Significance Prior to Mitigation:** No Impact.

**Regulatory Compliance Measures and Mitigation Measures:** No Regulatory Compliance or Mitigation Measures are required.

**Level of Significance After Mitigation:** No Impact.

#### 4.2.6.5 *Other Changes Resulting in Conversion of Farmland or Forest Land*

**Threshold 4.2.5: Would the Development Project 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?**

"Farmland" is defined in Section II (a) of Appendix G of the *CEQA Guidelines* as "Prime Farmland," "Unique Farmland" or "Farmland of Statewide Importance." As disclosed above in the response to Threshold 4.2.1, the Development Site has not been used for agriculture since the early 1900s, and the Development Project would not result in the conversion of Farmland to non-agricultural use.

Accordingly, while the Development Project will convert land designated as Farmland of Local Importance to a non-agricultural use, the Development Site has not supported agricultural uses, apart from occasional livestock grazing, since the early 1900s. Although the Southern Portion of the Development Site is zoned A-1, Light Agriculture, there is currently no agricultural activity on the Southern Portion of the Development Site or on any adjacent or nearby property except for occasional cattle grazing. This temporary agricultural use contributes very little to the regional agricultural economy, and the implementation of the Development Project would not directly or indirectly catalyze the conversion of additional farmland to urban land uses. As noted above no active Williamson Act Contracts are in effect on the Development Sites; therefore, no impacts to Williamson Act Contract parcels would occur. Furthermore, as an action associated with the Development Project, the Southern Portion of the Development Site will be annexed into the City and will be redesignated as Specific Plan pursuant to the City's Zoning Code. There are no forest or timberland resources on, or in the vicinity of, the Development Site. Therefore, Development Project implementation would not contribute or catalyze the conversion of forest land to non-forest use.

Overall, the Development Project would not result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use at off-site locations. Impacts would be **less than significant**, and no mitigation measures are required.

**Level of Significance Prior to Mitigation:** Less Than Significant Impact.

**Regulatory Compliance Measures and Mitigation Measures:** No Regulatory Compliance or Mitigation Measures are required.

**Level of Significance After Mitigation:** Less Than Significant Impact.