

Appendix C – Agricultural Resources Analysis

Agricultural Resource Analysis for Spieker Senior Continuing Care Community Project

(Draft 07/21/20)

INTRODUCTION

The proposed Spieker Senior Continuing Care Community Project (the “Project”) is located within unincorporated Contra Costa County, and is therefore subject to the County’s General Plan Goals and Policies, the California Environmental Quality Act (CEQA), and other state and federal agency policies on protection of agricultural resources. The CEQA Guidelines provide guidance for assessing whether a proposed Project will result in a significant environmental impact on agricultural resources. In addition to being a concern for County staff and decision makers, inconsistency with the Goals and Policies of an adopted General Plan must be disclosed in CEQA documents, and may be linked to a potentially significant impact where the underlying conditions causing the inconsistency are found to have a physical effect on the environment.

This document provides analysis of: (1) Contra Costa County General Plan Goals & Policies related to Agriculture; (2) CEQA thresholds of significance related to Agriculture; and (3) Documentation of Non-Prime soils as defined in Contra Costa County’s Zoning Ordinance (Title 8, Section 810-2.407).

The 30.8-acre Project site is located inside the Contra Costa County Urban Limit Line, and has not been used for commercial agricultural purposes. As shown in Figure 1 below, the California Department of Conservation has not designated the Project site or surrounding area as Prime Farmland. Rather, the proposed Project site and surrounding area is designated by the State as “Urban and Built-up Land.”

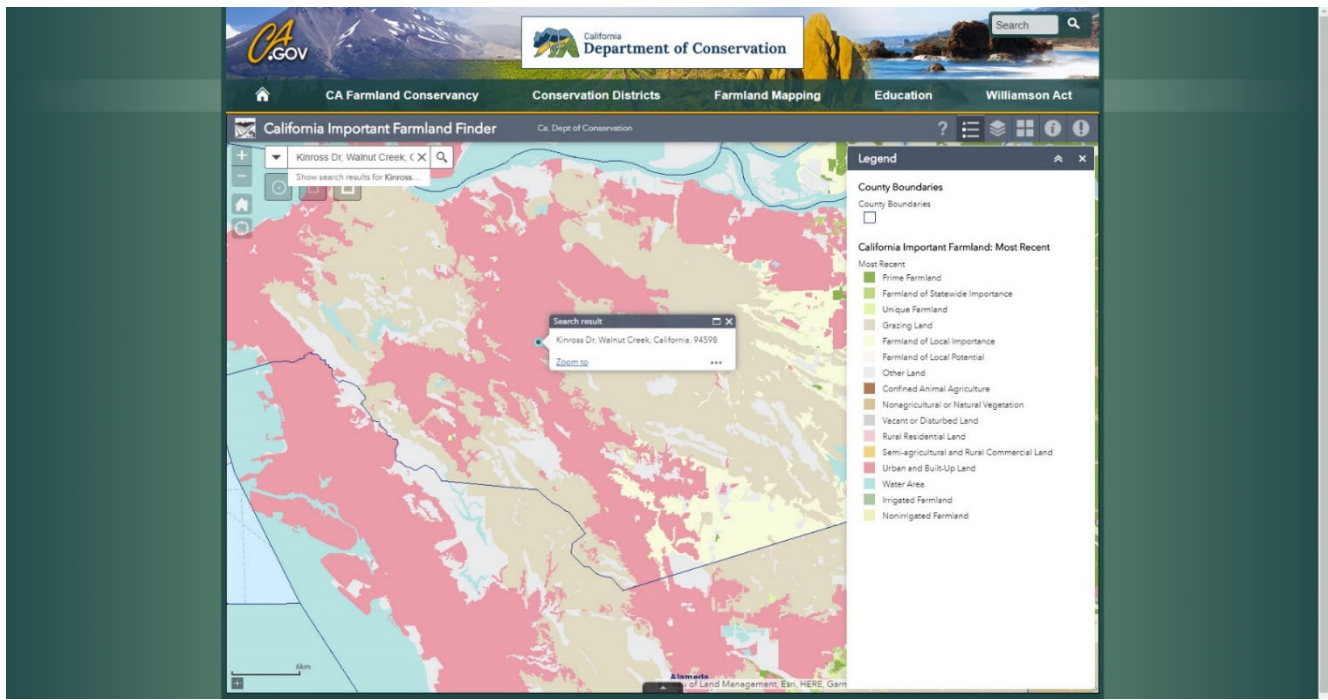


Figure 1: California Department of Conservation – Important Farmland Map

APPLICABILITY OF COUNTY GENERAL PLAN GOALS & POLICIES

The following land use goals and policies from the Contra Costa County General Plan make reference to agricultural land. While the project site is not used for agricultural purposes, analysis of the Project's consistency with these goals and policies has been provided below:

Land Use Policy 3-12. Preservation and buffering of agricultural land should be encouraged as it is critical to maintaining a healthy and competitive agricultural economy and assuring a balance of land uses. Preservation and conservation of open space, wetlands, parks, hillsides and ridgelines should be encouraged as it is crucial to preserve the continued availability of unique habitats for wildlife and plants, protect unique scenery, and provide a wide range of recreational opportunities for county residents.

Analysis: The Project proposes to rezone land currently within the Agricultural (A-2) District to the P-1 District. However, this land is currently designated by the County for future residential uses on the County's General Plan Land Use Map (Medium Density Residential). The Project site is not currently used for Agricultural purposes and consists of a vacant infill property which would not be suitable for agricultural uses due to the surrounding residential uses and the presence of over-drained rocky soils (as discussed below). Development of the Project site would not have any impact on existing agricultural land or the agricultural economy, as no actual resources would be affected.

Land Use Policy 3-13. Promote cooperation between the County and cities to preserve agricultural and open space land.

Analysis: As noted above, the Project site is infill property which contains no agricultural uses and has no potential for agricultural production. It is designated for urban use by the County and City of Walnut Creek. Access to the property is proposed to come from Kinross Drive, a City of Walnut Creek public street.

Conservation Policy 8-2. Areas that are highly suited to prime agricultural production shall be protected and preserved for agriculture and standards for protecting the viability of agricultural land shall be established.

Analysis: The Project site does not contain prime agricultural soils, or land which is suited to agriculture production. See analysis of Contra Costa County Zoning Ordinance definition of prime agricultural land below.

Conservation Policy 8-4. Areas designated for open space/agricultural uses shall not be considered as a reserve for urban uses and the 65 percent standard for non-urban uses must not be violated.

Analysis: Contra Costa County designates urban and non-urban uses based on General Plan land use for purposes of Measure L calculations. The Project site is situated well inside the Countywide Urban Limit Line, and designated on the Contra Costa County General Plan Land Use Map for Single Family Residential – Medium (SM) use.

Conservation Policy 8-32. Agriculture shall be protected to assure a balance in land use. The policies of Measure C - 1990 shall be enforced.

Analysis: The proposed Project is located on land designated in the Contra Costa County General Plan Land Use Map for Single Family Residential – Medium (SM) use. No agricultural uses would be affected by development of the Project site.

Conservation Policy 8-33. The County shall encourage agriculture to continue operating adjacent to developing urban areas.

Analysis: The Project site does not qualify as prime agricultural land as defined in the Contra Costa County Zoning Code Section 810-2.407 (see below). No commercial agricultural operations exist or would be feasible on the subject property because of overly drained and rocky soils.

Open Space Policy 9-3. Areas designated for open space shall not be considered as a reserve for urban land uses. In accordance with Measure C-1990, at least 65 percent of all land in the county shall be preserved for agriculture, open space, wetlands, parks, and non-urban uses.

Analysis: Contra Costa County designates urban and non-urban uses based on General Plan land use for purposes of Measure L calculations. The proposed Project is located on land designated in the Contra Costa County General Plan Land Use Map for Single Family Residential – Medium (SM) use. No designated open space resources occur on the Project site.

CEQA AGRICULTURAL THRESHOLDS

The CEQA Guidelines contain a section for Agriculture and Forest Resources. This section identifies threshold conditions under which the potential for significant impacts may occur. While the Project site is not and has not been used for commercial agricultural purposes, analysis of the Project's consistency with these thresholds has been provided below:

CEQA Guidelines for Agriculture and Forest Resources
Would the project:
<p>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p> <p>Analysis: The Project site is located on, and surrounded by, "Urban and Built-Up Land, and is not designated a Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. While the site is located on land which is currently zoned Agriculture (A-2), the land is not used, and has not been used, for any commercial agricultural purposes. The site is partially developed with one single family home and several outbuildings. It is designated for Residential (SM: Single Family Residential - Medium) use on the Contra Costa County General Plan Land Use Map.</p>
<p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p> <p>Analysis: The Project site is currently zoned Agricultural (A-2) and designated as Residential (SM) on the County's General Plan. The site itself is not used for agricultural uses, and is not located adjacent or near any other land zoned, designated, or used for agricultural purposes. The site is not subject to a Williamson Act contract.</p>
<p>c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p> <p>Analysis: The Project site does not include, and is not adjacent to any land identified as forest land or timberland, and is not zoned for Timberland Production. Rezoning from the current A2 District to the P-1 District would achieve consistency with County General Plan policies calling for the subject property to be used for urban residential purposes.</p>
<p>d. Result in the loss of forest land or conversion of forest land to non-forest use?</p> <p>Analysis: No forest land would be affected; See further analysis above.</p>
<p>e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p> <p>Analysis: No farmland or forest land occur on or near the subject property; See further analysis above.</p>

CONTRA COSTA COUNTY PRIME FARMLAND DETERMINATION

The 2020 CEQA Guidelines identify conversion of Prime Farmland (as well as Unique Farmland or Farmland of Statewide Importance) as a significant environmental impact. Contra Costa County's Zoning Ordinance (Title 8, Section 810-2.407) separately defines "Prime Agricultural Land" as property meeting any of the following criteria:

- (a) *all land that qualifies for rating as class I or II in the Natural Resource Conservation Service land use capability classifications;*
- (b) *all land that qualifies for rating eighty through one hundred in the Storie Index¹ Rating;*
- (c) *land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture;*
- (d) *land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural production not less than two hundred dollars per acre; and,*
- (e) *land which has returned from the production of unprocessed agricultural plant products an annual gross of not less than two hundred dollars (\$200) per acre for three of the previous five years.*

Measure L extended the 65/35 standard in 2006, expressly limiting urban development to no more than 35 percent of land in the County, and requiring that at least 65 percent of all land in Contra Costa County be preserved for "agriculture, open space, wetlands, parks and other nonurban uses". Measure L included as an enforcement mechanism for the 65/35 standard, establishment of the "Contra Costa County Urban Limit Line Map." The subject Property lies entirely **inside the Urban Limit Line boundary**, meaning that its development would be consistent with this enforcement mechanism. In addition, because the conversion of any Prime Farmland to an urban use (whether inside or outside the Urban Limit Line) is defined to have a "significant" environmental impact on agriculture, such conversion is also treated as resulting in an inconsistency with the purposes of 65/35 to protect agricultural resources. The Prime Farmland presence determination is based on the five criteria presented below.

This analysis was completed with assistance of our agricultural consultant, Nelda Matheny at HortScience / Bartlett, who provided access to available mapping from Contra Costa County and the Natural Resource Conservation Service (NRCS – a division of the USDA).

¹ The published text of this code section references "Stone Index"; however, as no such index exists and both state and federal conservation services use "Storie Index" for agricultural carrying capacity rating, we have concluded that a typo occurred; the Code was intended to reference "Storie Index". The Storie Index is a land quality classification system used in California which was first published by Dr. R. Earl Storie in 1933, and revised in 1936, 1978, and most recently in 2008.

Prime Farmland Criterion 1: Zoning Code Section 810-2.407(a)

The NRCS Land use Capability Classifications (LCC) were first published by the USDA in 1961 and indicate the suitability of soils for most kinds of crops. Groupings are made according to the limitations of the soils when used to grow crops, and the risk of damage to soils when they are used in agriculture. Soils are rated under this system from Class I to Class VIII, with soils having the fewest limitations receiving the highest rating (Class I). Specific subclasses are also utilized to further characterize soils. The NRCS defines Class I as soils having few limitations for cultivation, and Class II as soils having some limitations for cultivation. Classes I and II are defined in the Zoning Code as “Prime Farmland”.

The 1977 Contra Costa County Soil Survey documents the soils types on and around the Project Site, as “LcE” (Lodo clay loam – See Figure 1). According to the 1961 USDA Land Capability Classifications, this type of soil has a capability of “Vle-1”, corresponding to a LCC “Class VI”, further identified as a Sub-Class of “e-1” (susceptibility of erosion). Soils in LCC Class VI have severe limitations unsuited to cultivation. The NRCS classifies LcE as “***not prime farmland.***”

As shown in Figure 1 below, a very small portion of the Project Site adjoining Walnut Creek Channel initially appears to be identified on the 1977 County Soil Survey Map as “CeA” (Conejo clay loam – a LCC Class IVc). Although NRCS classifies CeA as “*prime farmland if irrigated*”, this portion of the Project Site is non-irrigated and cannot be cultivated due to steep slope, rock content, and inaccessibility. Careful review and scaled overlay of the of the 1977 Soil Survey Maps indicate that the very small and isolated strip of CeA soil type is actually associated with the developed residential neighborhood west of the channel, and is not a part of the subject Property. The maps include a disclaimer that enlargement beyond 1:24,000 scale can cause misunderstanding of mapping and accuracy of soil line placement.

Therefore, the Project Site does not qualify as NRCS Class I or II and does not qualify under Criterion 1 as “prime farmland” under Criterion 1.

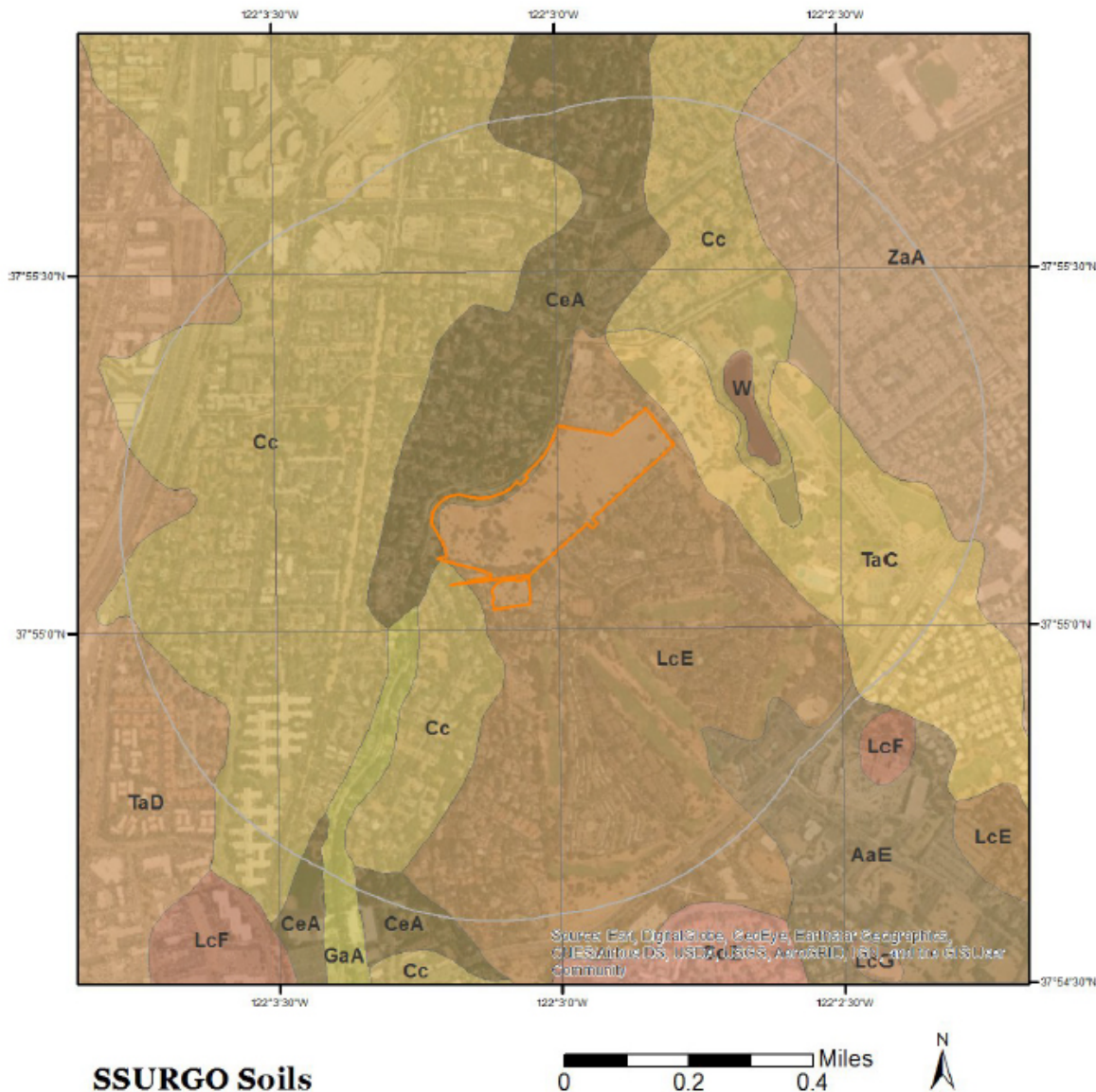


Figure 1: SSURGO Soils Map showing USDA NRCS Data, EMG Corp Phase I ESA 08/16/19, with 30.8-acre Project Site Overlaid

Prime Farmland Criterion 2: CCC Zoning Code Section 810-2.407(b)

The Storie Index provides a numeric rating (based upon a 100-point scale) of the relative degree of suitability or value of a given soil for intensive agriculture. The rating is based upon soil characteristics only. Four factors that represent the inherent characteristics and qualities of the soil are considered in the index rating. The factors are: (1) profile characteristics; (2) texture of the surface layer; (3) slope; and (4) other factors (e.g., drainage, salinity).

The USDA NCRS Web Soil Survey (WSS) system provides data on the California Revised Storie Index. As shown in Figure 2 is an overlay of the current WSS map with the Project Site shows the Project Site as “LcE” (Lodo clay lomo), giving it a Storie rating of “**Grade 4 – Poor**” which corresponds to a Revised Storie Index rating of **21 to 40**. The historic 1977 NCRS map is overlaid with the Site in Figure 3.

The isolated sliver of Site along the Canal (see Criterion 1 above) is identified on the WSS as “CeA” (Conejo clay loam – LCC IVc) with a Storie rating of “Grade 1 – Excellent” (81-100 numerical rating). This soil type appears to be associated with the developed residential neighborhood west of the channel, does not appear to be a part of the Property, and is isolated and unusable. These Survey Maps include the same disclaimer that their enlargement beyond 1:24,000 scale can cause misunderstanding of mapping and accuracy of soil line placement.

Therefore, the Project Site does not qualify for rating eighty through one hundred in the Storie Index and does not qualify under Criterion 2 as “prime farmland” under Criterion 2.

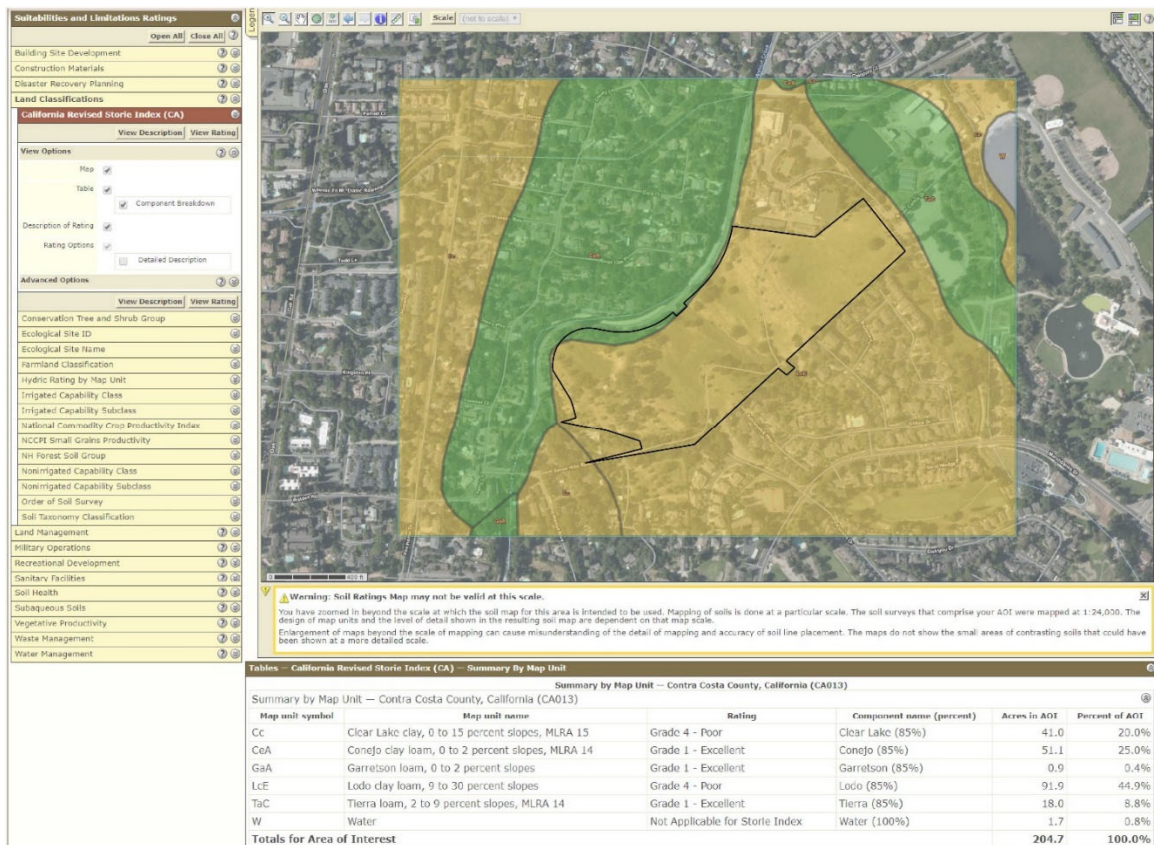


Figure 2: USDA NCRS Web Soil Survey with Project Site Overlaid

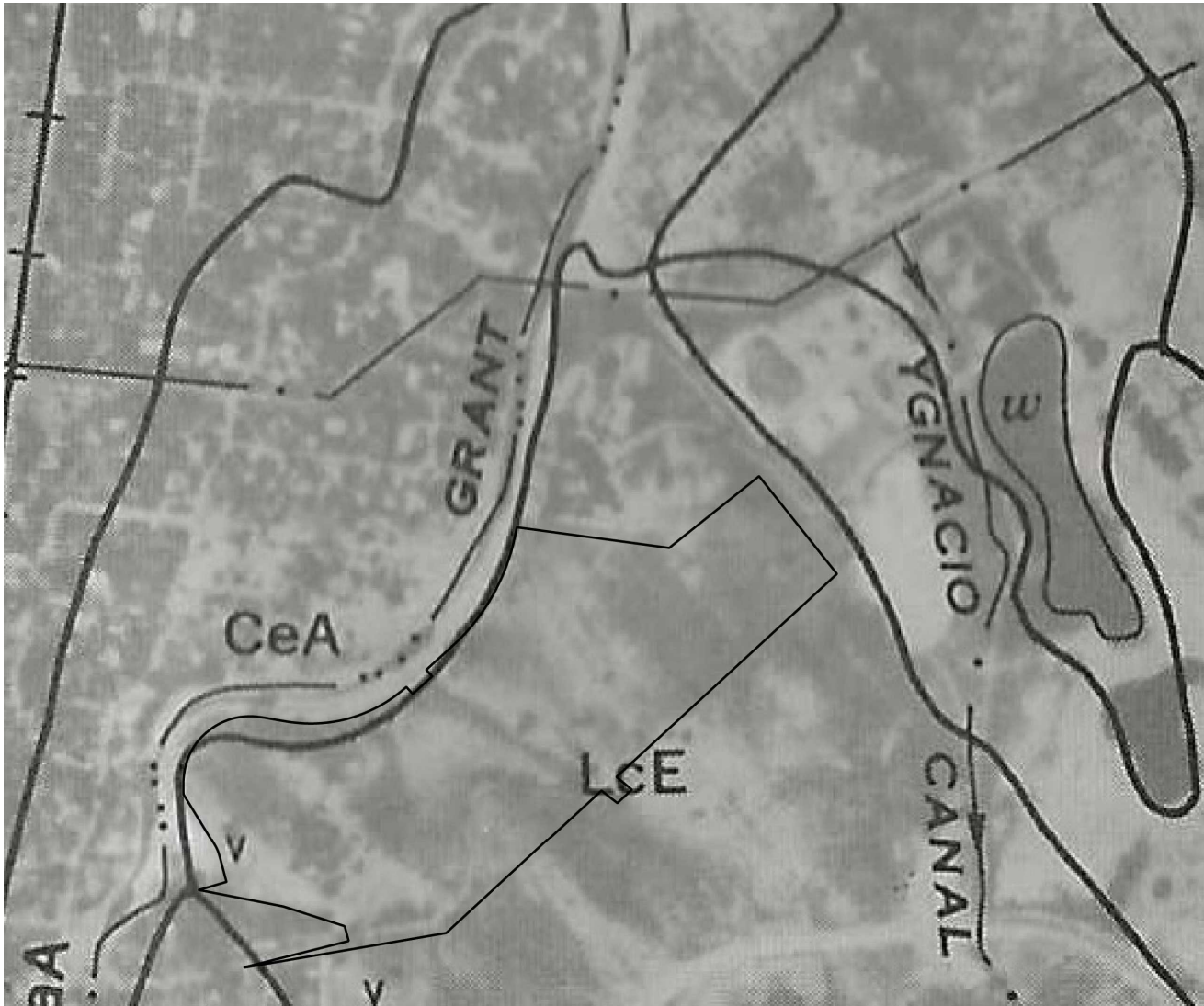


Figure 3: Original 1977 Soil Conservation Service (now NCRS) Soil Survey of Contra Costa County with Project Site Overlaid

Prime Farmland Criterion 3: CCC Zoning Code Section 810-2.407(c)

The Project Site does not support livestock and has no known history of being used to support animals for food or fiber production. **Therefore, it fails to meet Criterion 3.**

Prime Farmland Criterion 4: CCC Zoning Code Section 810-2.407(d)

The Project Site does not currently, and does it have any known history of commercial growing of fruit or nut bearing trees, vines, bushes, or crops. There have been no known agricultural operations at the Project Site, which is confirmed with aeriels going back to the 1940's, and included in the Phase I Environmental Assessment performed by EMG Corporation on August 2019. **Therefore, it fails to meet Criterion 4.**

Prime Farmland Criterion 5: CCC Zoning Code Section 810-2.407(e)

There have been no commercial operations related to unprocessed agricultural plant products, or any other commercial agricultural products which are known to have occurred throughout the history of the Project Site. ***Therefore, it fails to meet Criterion 5.***

In 2007 the County Board of Supervisors modified the County zoning districts and General Plan policies to expand a farmer's ability to directly market agricultural products. In 2018 the Board of Supervisors initiated the current Envision Contra Costa 2040 update to the General Plan, which is expected to further strengthen agricultural farming opportunities. These policies and programs are targeted at the consolidated farming operations in eastern Contra Costa County.

CONCLUSION

Based on analysis of the available documentation we have concluded that the Project Site does not qualify as "prime agricultural land" as defined by Contra Costa County's Zoning Code. Overall, because of its shallow, overly drained, and rocky soils, the site is not suitable for commercial agriculture production. Because of this important finding, and based on the facts that the Property is inside the Urban Limit Line and not identified by the California Department of Conservation as farmland of statewide importance, this analysis demonstrates that development of the subject Property would ***not*** either: (1) Result in a significant impact to agricultural resources; or (2) Conflict with the Contra Costa County 65/35 Policy.



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