Planning for Success.

DRAFT SUBSEQUENT EIR

LOS BANOS GENERAL PLAN LAND RESOURCES AMENDMENT

State Clearinghouse No. 2016051033

PREPARED FOR

City of Los Banos

April 28, 2017

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A LAND USE PLANNING & DESIGN FIRM

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1.0 Introduction

1.1 Purpose for Preparing the EIR

The City of Los Banos, acting as the lead agency, has determined that the Los Banos General Plan Land Resources Amendment (hereinafter "proposed project" or "Amendment") could result in significant adverse environmental impacts and has required that a subsequent environmental impact report (Subsequent EIR) be prepared to evaluate these potentially significant adverse environmental impacts.

This draft Subsequent EIR has been prepared by EMC Planning Group (hereinafter "consultant") under contract to the lead agency using available information from private and public sources noted herein.

This draft Subsequent EIR has been prepared to inform public decision makers and their constituents of the environmental impacts of the proposed project. In accordance with CEQA guidelines, this report describes both beneficial and adverse impacts generated by the proposed project and suggests measures for mitigating significant adverse environmental impacts resulting from the proposed project.

1.2 Methodology

General

This draft Subsequent EIR has been prepared by EMC Planning Group in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, and in accordance with CEQA and its implementing guidelines, using an interdisciplinary approach. The City of Los Banos has the discretionary authority to review and approve the proposed project.

This Subsequent EIR is tiered from the Los Banos General Plan EIR in accordance with and to the extent allowed by CEQA Guidelines section 15152. A copy of the *City of Los Banos 2030 General Plan Update* ("General Plan") and the Los Banos General Plan EIR are available for review at the City of Los Banos Community and Economic Development Department offices, at 520 J Street, Los Banos, during regular business hours, or online at http://www.losbanos.org/city-government/departments/community-development/. The lead agency has determined that a supplement to the Los Banos General Plan EIR is necessary to analyze proposed changes to the Los Banos General Plan's Parks, Open Space, and Resources element.

CEQA Guidelines section 15162 provides the following circumstances under which a subsequent EIR would be required:

1. Substantial changes are proposed in the project, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

   (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

   (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative;

   (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This Subsequent EIR describes and evaluates the existing environmental setting of the project site and surrounding areas, discusses the characteristics of the proposed project, identifies environmental impacts associated with the proposed project, and provides feasible mitigation measures that can be implemented to reduce or avoid identified adverse environmental impacts.

If an EIR identifies a significant adverse impact, the lead agency may approve the project only if it finds that mitigation measures have been required to reduce the impact's significance, or that such mitigation is infeasible for specified social, economic, and/or other reasons (Public Resources Code section 21081). The lead agency may not omit from the project conditions a mitigation measure associated with a project impact identified in the EIR as significant, unless it makes specific findings regarding the omission.

This Subsequent EIR is an objective public disclosure document that takes no position on the merits of the proposed project. Therefore, the findings of this Subsequent EIR do not advocate a position "for" or "against" the proposed project. Instead, this Subsequent EIR provides information on which decisions about the proposed project can be based. The Subsequent EIR has been prepared according to the professional standards and practices of the EIR participants' individual disciplines and in conformance with the legal requirements and informational expectations of CEQA and its implementing guidelines.

Emphasis

This draft Subsequent EIR focuses on the significant effects on the environment in accordance with CEQA Guidelines section 15143. The significant effects are discussed with emphasis in proportion to their severity and probability of occurrence. The City has determined that the proposed project would require changes to the certified General Plan EIR only in relation to agricultural resources. This Subsequent EIR also re-evaluates the agricultural resources analysis for the three alternatives included in the certified General Plan EIR, to confirm whether the selection of the environmentally superior alternative remains appropriate for the City.

Forecasting

In accordance with CEQA Guidelines section 15144, preparing this draft Subsequent EIR necessarily involved some degree of forecasting. While foreseeing the unforeseeable is not possible, the report preparers and technical experts used best available efforts to find out and disclose all that it reasonably can.

Speculation

If, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further (CEQA Guidelines section 15145).

Degree of Specificity

In accordance with CEQA Guidelines section 15146, the degree of specificity in this draft Subsequent EIR corresponds to the degree of specificity involved in the proposed project. This Subsequent EIR focuses on a correction to the Los Banos General Plan which results in reexamining the severity of impacts already identified in the Los Banos General Plan EIR. For this level of review, the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

Technical Detail

The information contained in this draft Subsequent EIR includes summarized technical data, maps, plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public, pursuant

to CEQA Guidelines section 15147. Placement of highly technical and specialized analysis and data is included as appendices to the main body of the draft Subsequent EIR.

Citation

In accordance with CEQA Guidelines section 15148, preparation of this draft Subsequent EIR was dependent upon information from many sources, including publications relating to state agricultural resources. This draft Subsequent EIR cites all documents used in its preparation including, where possible, the page and section number of any technical reports that were used as the basis for any statements in the draft Subsequent EIR.

1.3 EIR PROCESS

There are several steps required in an EIR process. The major steps are briefly discussed below.

Notice of Preparation

CEQA Guidelines section 15082 describes the purpose, content and process for preparing, circulating and facilitating early public and public agency input on the scope of an EIR. CEQA Guidelines section 15375 defines a notice of preparation as:

> …a brief notice sent by the Lead Agency to notify the Responsible Agencies, Trustee Agencies, the Office of Planning and Research, and involved federal agencies that the Lead Agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR.

A notice of preparation (NOP) was prepared for the proposed project and circulated for 30 days from Wednesday, May 11, 2016 to Monday, June 13, 2016, as required by CEQA. Agencies, organizations, and private individuals providing written responses to the notice of preparation are included in Appendix A. Responses to the NOP were received from the following agencies:

- Merced County Local Agency Formation Commission (LAFCO)
- State of California Department of Transportation
- Merced County Department of Community and Economic Development

Scoping Meeting

The notice for a scoping meeting to provide an additional opportunity for input regarding the proposed project was submitted to the following agencies on August 31, 2016:

- Merced County Local Agency Formation Commission (LAFCO)
- State of California Department of Transportation
- Merced County Department of Community and Economic Development
- Merced County Agricultural Commissioner

The scoping meeting for the proposed project was held at the Los Banos Council Chambers on September 13, 2016. The scoping meeting was attended by a representative of the Merced County Planning Department.

Draft Subsequent EIR

Contents

This Subsequent EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency is required to consider the information in the EIR along with other information which may be presented to the agency. CEQA Guidelines Article 9 requires a draft EIR contain the following information:

- Table of Contents;
- Summary;
- Project Description;
- Environmental Setting;
- Consideration and Discussion of Environmental Impacts;
- Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects;
- Consideration and Discussion of Alternatives to the Proposed Project;
- Effects not found to be Significant;
- Discussion of Cumulative Impacts; and
- Document and Web Sources.

The detailed contents of this draft Subsequent EIR are outlined in the table of contents.

Public Review

This draft Subsequent EIR will be circulated for a 45-day public review period. All comments received on the draft Subsequent EIR will be addressed in the final Subsequent EIR. CEQA Guidelines section 15024(a) states that in reviewing a draft EIR, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the

geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

CEQA Guidelines section 15024(d) states that reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to section 15064, an effect shall not be considered significant in the absence of substantial evidence.

The City will formally respond to comments prior to consideration of the proposed project during hearings by the Planning Commission and City Council.

Final Subsequent EIR

Contents

In accordance with CEQA Guidelines section 15132, the final Subsequent EIR will provide the following:

- List of persons, organizations, and public agencies commenting on the draft EIR;
- Comments received on the draft EIR;
- Responses to significant environmental points raised in comments; and
- Revisions that may be necessary to the draft EIR based upon the comments and responses.

According to CEQA Guidelines section 15024(a), when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR. The final subsequent EIR and the draft subsequent EIR will constitute the entire Subsequent EIR.

Certification

CEQA Guidelines section 15088 requires the lead agency to provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an EIR.

CEQA Guidelines section 15090 requires lead agencies to certify the final EIR prior to approving a project. The lead agency shall certify that the final EIR has been completed in compliance with CEQA, the final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project, and that the final EIR reflects the lead agency's independent judgment and analysis.

1.4 INTENDED USES OF THE EIR

The EIR will be used for an amendment to the General Plan, and will facilitate later environmental review of development projects proposed in Los Banos.

1.5 TERMINOLOGY

Characterization of Impacts

This EIR uses the following terminology to denote the significance of environmental impacts.

No Impact

"No impact" means that no change from existing conditions is expected to occur.

Adverse Impact

A "less-than-significant impact" is an adverse impact, but would not cause a substantial adverse change in the physical environment, and no mitigation is required.

A "significant impact" or "potentially significant impact" would, or would potentially, cause a substantial adverse change in the physical environment, and mitigation is required.

A "less-than-significant impact with implementation of mitigation measures" means that the impact would cause no substantial adverse change in the physical environment if identified mitigation measures are implemented.

A "significant and unavoidable impact" would cause a substantial change in the physical environment and cannot be avoided if the project is implemented; mitigation may be recommended, but will not reduce the impact to less-than-significant levels.

Beneficial Impact

A "beneficial impact" is an impact that would result in a decrease in existing adverse conditions in the physical environment if the project is implemented.

Abbreviations and Acronyms

CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
FMMP	Farmland Mapping and Monitoring Program
LAFCO	Local Agency Formation Commission
NOP	Notice of Preparation

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2.0
Summary

2.1 PROPOSED PROJECT SUMMARY

The City of Los Banos certified an EIR and adopted the *City of Los Banos 2030 General Plan Update* on July 15, 2009. General Plan Figure 5-4 Farmland, erroneously showed portions of the area within the Urban Growth Boundary as Urban and Built-up Land when these areas were actually farmland. At the time the General Plan was adopted, there were several annexation proposals under consideration by the City, but most of these remain outside the city limits and are still farmland. The City proposes to correct the error with a General Plan amendment.

Appendix B presents Figure 5-4 from the adopted General Plan. Appendix C presents the proposed General Plan Figure 5-4 as revised to reflect correct farmland designations. Appendix D presents the proposed changes to the text of the General Plan.

2.2 SUMMARY OF ALTERNATIVES

Analysis of Alternatives is discussed in Chapter 4 of the General Plan EIR. The following alternatives to the General Plan were evaluated in the General Plan EIR and are discussed further in Section 9.0 of this Subsequent EIR:

- Alternative A: Housing Focus
- Alternative B: Greenbelt Constrained; and
- The No Project Alternative.

When compared to the preferred land use alternative that was adopted as the General Plan's land use diagram, Alternative A does not provide a Business Opportunity Area and thus retains more agricultural land, and development proposals that contribute to Alternative A would result in development north of the proposed State Route 152 Bypass and north of State Route 152 between Johnson Road and Nantes Avenue. Alternative B promotes high density development while preserving valuable eco-regions and/or agricultural farmlands by minimizing development to the east, and limiting development north of the State Route 152 Bypass and south of the City. Both Alternative A and the General Plan permit more acres of farmland conversion, while Alternative B limits and preserves farmland with a proposed greenbelt to constrain urban growth.

Based on the comparative analyses of alternatives in the General Plan EIR, Alternative B was selected as the environmentally superior alternative. Although the severity of the effect is increased over what was stated in the General Plan EIR, the corrected farmland conversion data do not affect the outcome of the General Plan EIR's comparative analyses of the alternatives.

2.3 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Table 2-1, Significant Impacts and Mitigation Measure Summary, summarizes impacts to agricultural resources that were identified as significant and unavoidable in Section 4.4 of this Subsequent EIR. Mitigation measures to reduce the impacts are also summarized in Table 2-1.

Table 2-1 Significant Impacts and Mitigation Measure Summary

Area of Concern	Significant Impact	Mitigation Number	Mitigation Measure Summary	Residual Impact
Agriculture (Project Level and Cumulative)	Loss of 7,945 Acres of Important Farmland	AG-1	City shall require the following for annexation proposals that will result in the conversion of 50 or more acres of important farmland: a) an inventory of the vacant land within the city limits zoned for similar uses as the proposed annexation, and an analysis of the probable build-out time for that quantity of vacant land given past development rates. b) a phasing timeline that prioritizes development of lands with lesser farmland value. c) annexations that utilize major land features as boundaries, so that annexation boundaries are physically separated from remaining agricultural land beyond the annexation area.	Significant and Unavoidable
Agriculture	Conflict with Williamson Act Contracts	AG-1	Implement Measure AG-1	Significant and Unavoidable

SOURCE: EMC Planning Group Inc. 2016

2.4 CONTROVERSY AND ISSUES TO BE RESOLVED

Merced County adopted an Agricultural Mitigation Ordinance, which encourages cities within the county to consider the protection of agricultural lands through enactment of an agricultural mitigation ordinance. The County also encourages, in the interim, that cities consider applying agricultural mitigation to any annexations and development of agricultural lands to urban uses at a minimum 1:1 ratio to help preserve important agricultural soils. The City of Los Banos does not have an adopted agricultural mitigation ordinance or an agricultural mitigation in-lieu fee program, and does not currently intend to develop an agricultural mitigation ordinance or fee program as mitigation for the loss of prime farmland.

3.0
Setting and Project Description

3.1 Project Site Setting

Figure 3-1, Location Map, shows the location of the City of Los Banos. Figure 3-2, Planning Area, shows the City's Urban Growth Boundary, Planning Area, and 2030 General Plan Sphere of Influence on an aerial photograph. The proposed project affects all designated important farmland within the planning area that was erroneously identified as Urban and Built-up Land in the general plan EIR.

3.2 Project Objective

This project will correct the farmland classification error made on General Plan Figure 5-4 by updating the figure and amending the General Plan. Figure 5-4 Farmland, erroneously showed portions of the area within the Urban Growth Boundary as Urban and Built-up Land when these areas were actually farmland. Information from this incorrect map was used to portray the loss of agricultural land that would result from buildout of the General Plan, and that error will be corrected as well.

3.3 Project Details

Changes to the General Plan Farmland Map

Changes are proposed to General Plan Figure 5-4 to correct the classification of farmland within the City's planning area. The General Plan farmland figure, which shows the currently adopted farmland map from the General Plan is presented in Appendix B. Figure 3-3, Revised Farmland Map, shows the revised farmland map prepared for the proposed project.

Changes to the General Plan Text, Figure, and Tables

The text of the General Plan's Land Resources Element has been revised to update the information and to reflect changes made to General Plan Figure 5-4. The proposed changes to the General Plan are included in Appendix C, Proposed Revision to General Plan Figure 5-4, and Appendix D, Proposed General Plan Text Amendment.

Changes to General Plan Table 5-6 are presented below in Table 3-1, Revisions to Important Farmland Acreage within the Planning Area. Table 3-1 summarizes the corrections made to farmland data reported in the General Plan and revised in the Amendment. Farmland of Local Importance has been removed from the table since this farmland classification is not treated as Important Farmland in CEQA guidelines Appendix G and the loss of this farmland will not result in a significant impact to agricultural resources. According to the revised data reported in the Amendment, an additional 3,343 acres of important farmland would be converted to urban or non-agricultural uses by General Plan build out.

Table 3-1 Revisions to Important Farmland Acreage within the Planning Area

Type	General Plan Important Farmland Acreage	Amendment Important Farmland Acreage	Increase in Important Farmland Acreage
Prime Farmland	6,195	9,132	2,937
Statewide Importance	2,222	2,294	72
~~Local Importance~~	~~858~~	~~1,417~~	~~559~~
Unique Farmland	1,833	2,167	334
TOTAL	~~11,108~~ 10,250	~~15,010~~ 13,593	~~3,902~~ 3,343

SOURCE: City of Los Banos 2009; Department of Conservation: Division of Land Resource Protection 2014

NOTE: Other Land includes: Confined Animal Agriculture, Non-Agricultural and Natural Vegetation, Semi-Agricultural and Rural Commercial Land, Vacant or Disturbed Land, Rural Residential Land, and Water. Urban/Built Up Land acreage decreased a total of 4,732 acres from 9,802 to 5,070 acres.

Changes to the certified EIR Table 3.1-3 are presented below in Table 3-2, Comparison to EIR Table 3.1-3 - Farmland Conversion Acreage with General Plan Buildout.

Table 3-2 summarizes the corrections made to farmland and farmland conversion data reported in the certified EIR and revised in this Subsequent EIR. According to the revised data reported in this Subsequent EIR, a total of 9,685 acres of land would be converted to urban or non-agricultural uses by General Plan build out, of which 7,945 acres would be Important Farmland.

Table 3-2 Comparison to EIR Table 3.1-3 - Farmland Conversion Acreage with General Plan Buildout

Farmland Type	Existing Acres	General Plan		Amendment	
		Buildout Acres	Converted Land	Buildout Acres	Converted Land
Prime Farmland	6,195	3,236	2,959	9,132	5,896
Statewide Importance	2,222	1,351	871	2,294	943
Unique Farmland	1,833	1,061	772	2,167	1,106
Important Farmland Sub-total	10,250	5,648	4,602	13,593	7,945
Local Importance	858	804	54	1,417	613
Urban/Built Up Land	9,802	14,755	--	5,070	--
Grazing Land	346	292	54	449	157
Other Land	641	397	244	1,367	970
Total	21,896	21,896	4,954	21,896	9,685

SOURCE: Los Banos 2030 General Plan Draft Environmental Impact Report (2009) with updated data provided for General Plan Amendment Buildout Acres and Converted Farmland columns (Department of Conservation: Division of Land Resource Protection 2014)

NOTE: Other Land includes: Confined Animal Agriculture, Non-Agricultural and Natural Vegetation, Semi-Agricultural and Rural Commercial Land, Vacant or Disturbed Land, Rural Residential Land, and Water.

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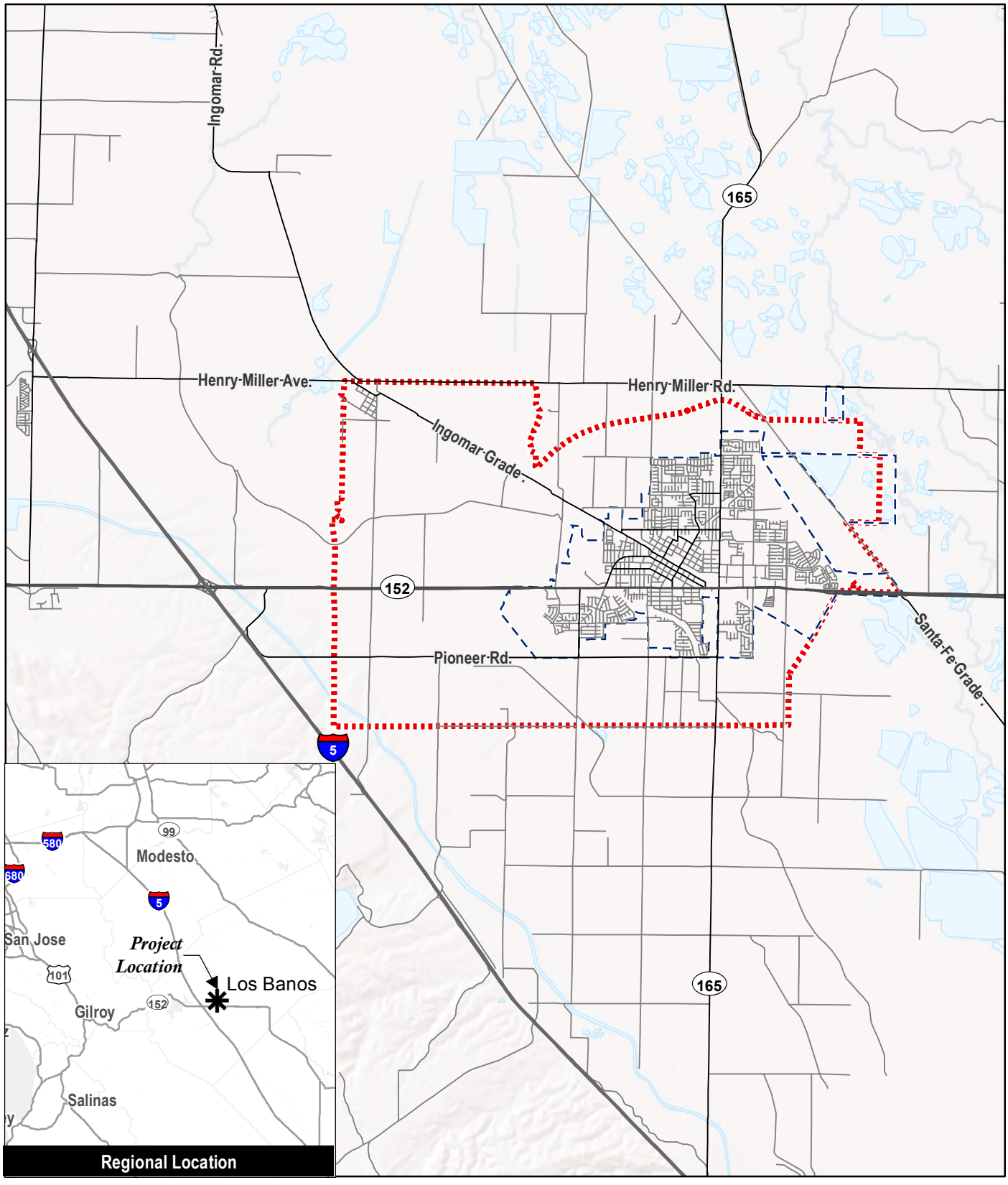

Figure 3-1

Location Map

Los Banos General Plan Land Resources Amendment SEIR

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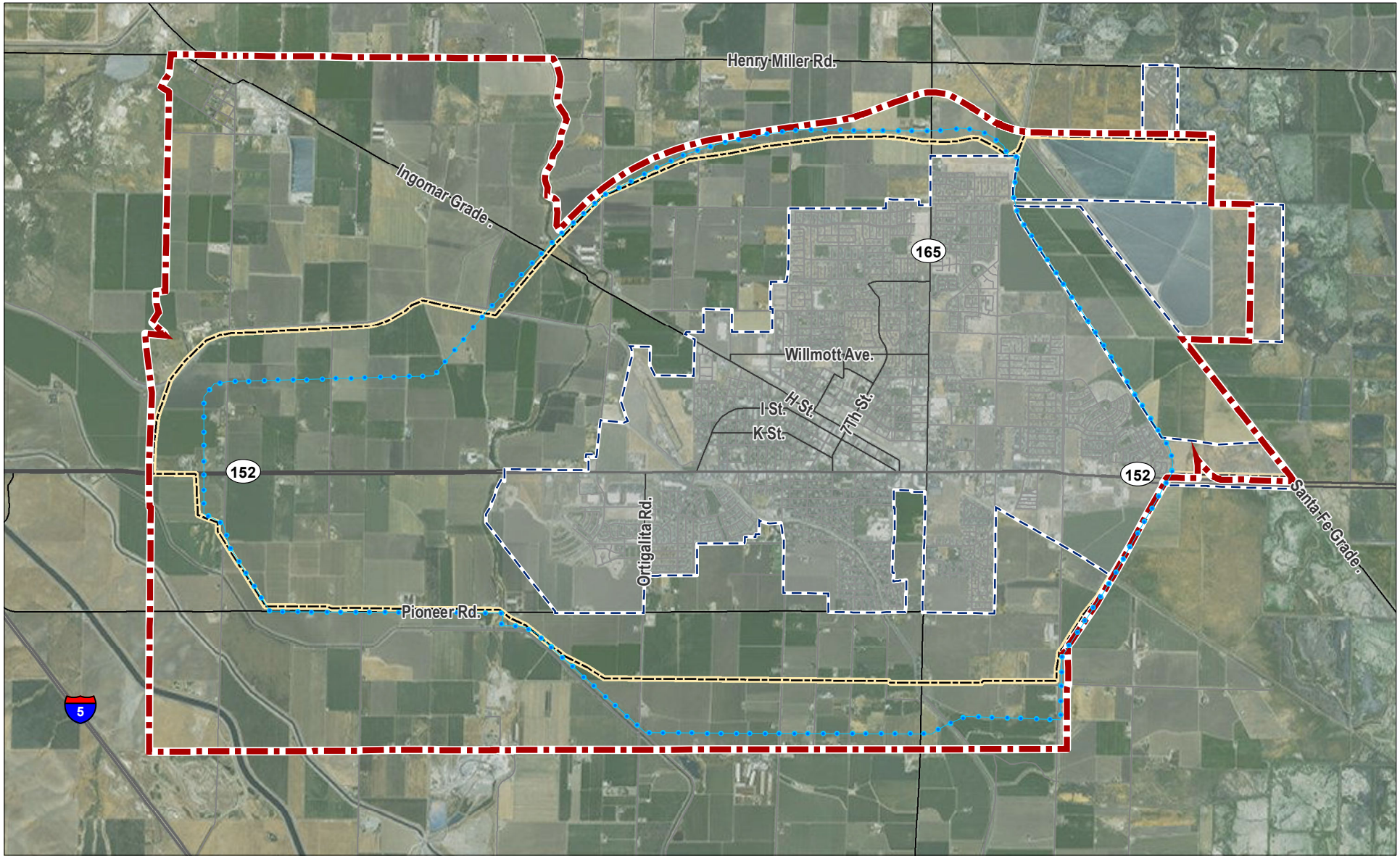

Source: Los Banos 2016

Figure 3-2

Planning Area

Los Banos General Plan Land Resources Amendment SEIR

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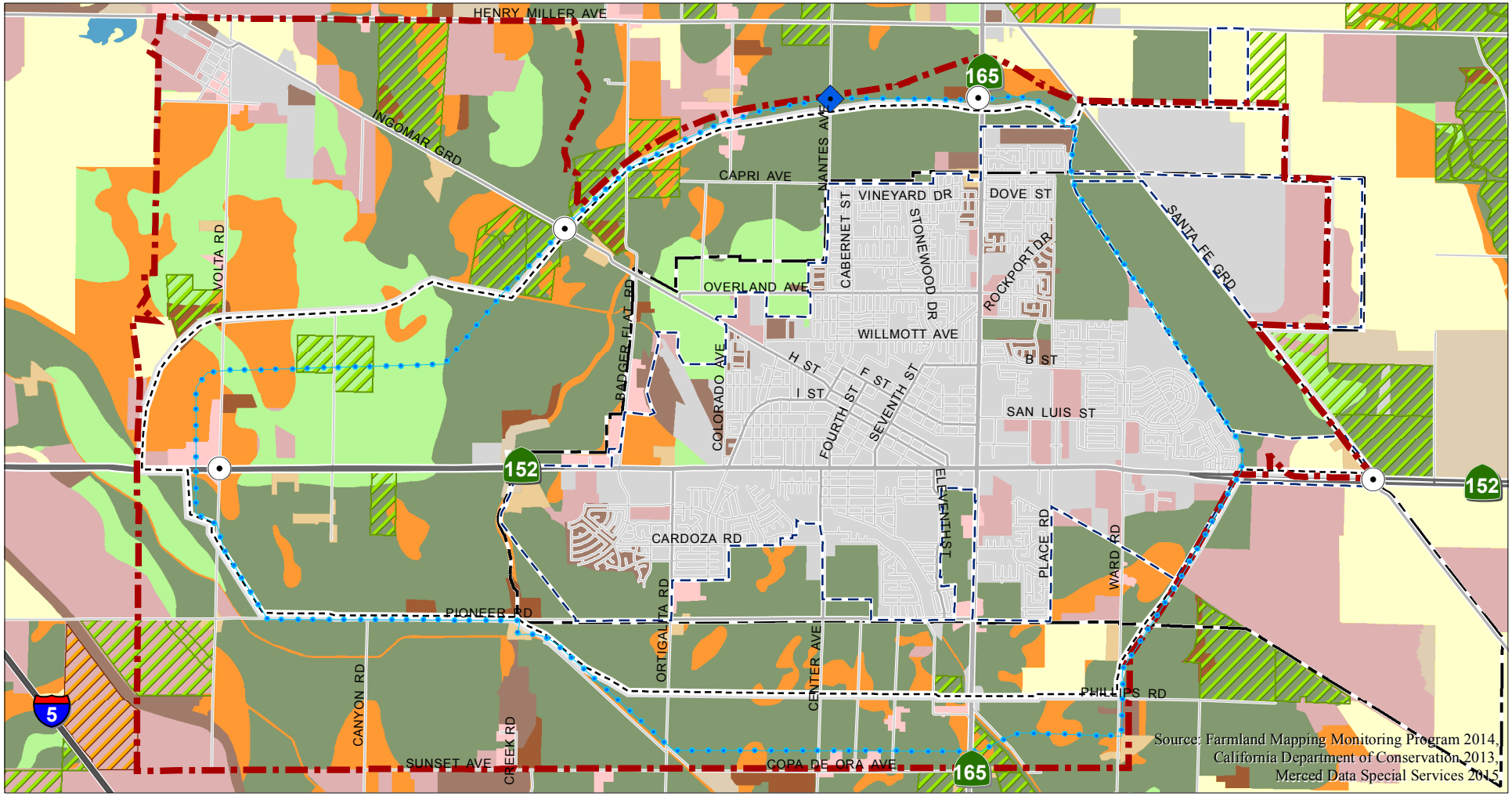

Planning Area
Sphere of Influence
Urban Growth Boundary
City Limits

Prime Farmland (P)
Farmland of Statewide Importance (S)
Unique Farmland (U)
Farmland of Local Importance (L)
Grazing Land (G)
Confined Animal Agriculture (CI)

Nonagricultural and Natural Vegetation (nv)
Semi-Agricultural and Rural Commercial Land (sAC)
Vacant or Disturbed Land (V)
Rural Residential Land (R)
Urban and Built-Up Land (D)
Water (W)

Williamson Act - Mixed Enrollment
Williamson Act - Non-Renewal
Crossing without Interchange
Potential New Interchange

0 1.0 mile

Figure 3-3

Revised Farmland Map

Los Banos General Plan Land Resources Amendment SEIR

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4.0
Agricultural Resources

4.1 Environmental Setting

Physical Setting

Agricultural lands are one of Los Banos' most important resources and occupy approximately 71 percent of the City's Planning Area. This includes Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, Unique Farmland, and Grazing Land. The remaining 29 percent of land in the Planning Area consists primarily of Urban/Built-up Land concentrated within existing city limits and a smaller portion of Other Land in areas located throughout the Planning Area. Existing farmlands within the City's Planning Area occupy approximately 15,459 acres and are shown on Figure 3-1, Revised Farmland Map, presented earlier. Much of the agricultural lands are located in the western portion of the Planning Area with some agricultural lands located along and outside of the city limits in the central to eastern portion of the Planning Area.

Much of the existing land use pattern found in the Planning Area can be traced to the evolution of Los Banos as an agriculture center in the valley. The Downtown is characteristic of an older central business district, incorporating a mixture of retail, public facilities, and older residential neighborhoods. Larger commercial, agriculture, and newer residential neighborhoods are located further out from the city center.

Existing Land Use. The existing land use pattern in Los Banos is illustrated in Figure 3.1-1 and current land uses are listed in Table 3.1-1 of the General Plan EIR. While agricultural land contributes only 842 acres or 16 percent of the land located within the incorporated area, it comprises 71 percent of land in the Planning Area as a whole. Approximately 887 acres of vacant land comprise almost 17 percent of the area inside the city limits.

Agricultural Production. Merced County is ranked fifth in the state and fifth in the nation in terms of agricultural production (United States Department of Agriculture 2014). The region contains rich soils, available water, and climatic conditions that allow farms to be so productive. Agriculture is especially significant to the economy of California's Central Valley where it accounts for 18 percent of all income and 24 percent of all employment (University of California Agricultural Issues Center, 2009). In 2014, Merced County agriculture surpassed the four billion dollar mark in gross production value of agricultural commodities, with a

gross production value of $4,429,987,000 (California Agricultural Statistics Review 2014-2015). The top five leading commodities include milk, almonds, cattle & calves, chickens, and sweet potatoes.

Most of the outlying areas around Los Banos are in intensive agricultural use, concentrated mainly on orchard and row crops. According to 2014 and 2015 local labor market information from the State of California Employment Development Department, there are approximately 14,000 jobs annually in Merced County that supporthttp://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans?utm_campaign=2017+Clean+Air+Plan+Adoption+042417&utm_medium=email&utm_content=article1_link2 the total farm industry.

Farmland Classifications. The CEQA guidelines in Appendix G, utilizes the classification of farmland identified by the California Department of Conservation in their Farmland Mapping and Monitoring Program (FMMP) to determine whether the loss of farmland may result in a significant impact to agricultural resources. Important Farmland classifications utilized by the California Department of Conservation are based on the agricultural potential of soils and include Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. Farmland of Local Importance and Grazing Land classifications are not identified as Important Farmland. A separate definition for Prime Agricultural Farmland was previously established and adopted by the State of California (California Government Code section 56064) prior to the formation of the FMMP, and is discussed later in the Regulatory Setting.

The Los Banos Planning Area includes the following California Department of Conservation FMMP agricultural classifications:

- Prime Farmland. Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. The land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- Farmland of Statewide Importance. Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. The land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- Unique Farmland. Land 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 cropped at some time during the four years prior to the mapping date.

- Farmland of Local Importance. Land of importance to the local agricultural economy, as defined by each county's Board of Supervisors and a local advisory committee. Merced County defines these lands as farmlands that have physical characteristics that would qualify for Prime or Statewide except for the lack of irrigation water. Also, farmlands that produce crops that are not listed under Unique Farmlands but are important to the economy of the county of city. As stated earlier, this agricultural land classification is not identified as Important Farmland.
- Grazing Land. Land on which the existing vegetation is suited to grazing livestock. This agricultural land classification is not identified as Important Farmland.

The acreages of Department of Conservation mapping categories are listed in Table 4-1, Existing Farmland Mapping Categories in the Los Banos Planning Area, and locations are mapped in Figure 3-3, Revised Farmland Map, presented earlier.

Table 4-1 Existing Farmland Mapping Categories in the Los Banos Planning Area

Farmland Type	Acres	Percent of Planning Area
Prime Farmland	9,132	42
Farmland of Statewide Importance	2,294	11
Unique Farmland	2,167	10
Subtotal of Important Farmland	13,593	63
Farmland of Local Importance	1,417	6
Urban and Built Up Land	5,070	23
Grazing Land	449	2
Other Land	1,367	6
Subtotal of all other Land Categories	21,896	37

SOURCE: Department of Conservation: Division of Land Resource Protection, 2014

NOTE: Other Land includes: Confined Animal Agriculture, Non-Agricultural and Natural Vegetation, Semi-Agricultural and Rural Commercial Land, Vacant or Disturbed Land, Rural Residential Land, and Water.

Prime Farmland land is dispersed throughout the Planning Area and comprises a total of 9,132 acres (approximately 42 percent of the Planning Area). Farmland of Statewide Importance is the second most significant portion of the Planning Area, comprising approximately 2,294 acres. Most Farmland of Statewide Importance is nestled outside the northwest portion of the City Limits and in the western portion of the Planning Area. Unique Farmland is also dispersed throughout the Planning Area and comprises a total of 2,167 acres. Collectively, Prime Farmland, Farmland of Statewide Importance, and Unique Farmland consist of 13,593 acres of Important Farmland or 63 percent of the Los Banos Planning Area.

Of the total farmland in the Urban Growth Boundary, approximately 271 acres from ten parcels are in Williamson Act contracts (see Regulatory Setting). None of the property owners of these ten parcels have filed for a notice of non-renewal of their respective Williamson Act contracts.

4.2 REGULATORY SETTING

State Regulations

Williamson Act. The California Land Conservation Act, also known as the Williamson Act, was enacted by the State Legislature in 1965 as a means of preserving California's prime agricultural lands from urbanization. Prime Farmland under the Williamson Act includes land that qualifies as Class I and II under the Natural Resources Conservation Service classification of land. The Williamson Act involves voluntary contracts between landowners and a city or county in which the owners agree to retain their lands in agricultural or other open space uses for a minimum of ten years. In return for entering into this contract, the landowners receive property tax relief on the lands under contract. This relief is provided through the assessment of lands based upon their income-producing value rather than their market value, which may be considerably higher. Projects which propose or would lead to conversion of land under Williamson Act contract to non-agricultural use prior to the end of the contract term would conflict with the contract.

Pursuant to the Williamson Act, Merced County participated in a differential tax assessment program to preserve agricultural lands between July 25, 2000 and August 17, 2009. On August 18, 2009, the Merced County Board of Supervisors determined that it would not accept any new land under Williamson Act contract as a result of state action to halt tax reimbursement payments to the County. Currently, Merced County is not accepting applications to place new land under Williamson Act Contract.

Local Plans and Regulations

Los Banos General Plan Update (2030). The General Plan contains seven elements: Economic Development; Land Use (including agricultural resources); Circulation; Parks, Open Space, and Resources; Noise; Safety; and Public Facilities and Services. The Housing element was last adopted in February 2010, and is in the process of being updated by the City for the 2014 to 2023 planning period. The updated Housing Element is anticipated to be adopted sometime in 2016. The General Plan provides a land use framework for the pattern of development within City limits, including the establishment of an Urban Growth Boundary and an expanded sphere of influence line. LAFCO has not yet formally accepted the City's expanded sphere of influence.

The Los Banos General Plan includes the following policies on agricultural lands:

> LU-I-1 Delineate an Urban Growth Boundary in the General Plan Land Use Diagram that is an area within which urban development will occur.
>
> LU-I-3 Seek LAFCO approval of a Sphere of Influence line corresponding with the General Plan designation for the proposed sphere of influence.
>
> POSR-I-28 Work with the County and with the Grasslands Water District to preserve agricultural uses outside the Urban Growth Boundary.
>
> POSR-I-29 Require developers of residential developments adjoining agricultural land provide, fund and maintain a sufficient physical buffer to ensure that agricultural practices will not be adversely affected.
>
> POSR-I-30 Require property developers adjacent to sites where agricultural uses are being conducted to inform subsequent buyers of potential continued agricultural production and the lawful use of agricultural chemicals, including pesticides and fertilizers.
>
> POSR-I-31 Require anti-vandalism designs (appropriate fencing or other landscape features) to ensure that new development has conditions that minimize increased vandalism of adjacent agricultural activities outside the Urban Growth Boundary.
>
> POSR-I-32 Retain water rights in all annexed areas so that agricultural production can continue on annexed land until the time of development. These rights will then be made available to meet urban water demands, or where feasible, be exchanged for ground water recharge opportunities as part of a comprehensive water recharge program.

Merced County General Plan (2030). Adopted in 2013, the 2030 Merced County General Plan guides land use decisions in the unincorporated areas around the City of Los Banos.

The 2030 Merced County General Plan contains two policies that are referenced for their general land use guidance and for guidance regarding mitigation for conversion of agricultural land to non-agricultural use. Policy AG-2.1 encourages that urban growth be directed away from productive agricultural lands. Policy AG-2.2 provides guidance for implementing an agricultural mitigation program in coordination with the LAFCO and the six cities in Merced County. This policy aims to preserve farmland acres within the County at a 1:1 ratio with agricultural land that is being converted to non-agricultural or urban uses. These policies would no longer be applicable once County land is annexed for development within the City; however, these policies could be enforced by LAFCO during annexation approvals. The 2030 Merced County General Plan Land Use Policy Diagram acknowledges expansion of the developed areas of Los Banos, and shows the periphery of the Los Banos

urban planning area surrounded by land designated as agriculture rural land use, but the boundary does not exactly match the City's expanded sphere of influence boundary, which as discussed earlier, has not yet been approved by LAFCO.

Merced County Agricultural Mitigation Ordinance. Merced County adopted an agricultural mitigation ordinance on April 26, 2016, which outlines the procedure for mitigating the loss of agricultural land as a result of conversion and urban development. The county's agricultural mitigation ordinance is documented in Merced County Code Title 9, Section 9.30 Agricultural Mitigation. The ordinance provides guidance for implementation of the Merced County general plan's agricultural land conservation policies. The ordinance states that it is the policy of Merced County to work cooperatively with the cities within the county and with the Local Agency Formation Commission of Merced County, and to encourage them to adopt agricultural preservation policies and ordinances which are consistent with the county's agricultural mitigation ordinance in order to undertake an integrated, comprehensive countywide approach to preservation. It is the county's goal that all six cities and LAFCO participate in or adopt an agricultural mitigation ordinance that is the same as or substantially similar to the county's ordinance.

The ordinance is applicable to Merced County General Plan amendments and rezones of agriculturally designated land to a non-agricultural designation, conversion of farmland that has an agricultural designation, and conversion of farmland within a Community Plan area. Parcels smaller than five acres, public uses, and habitat conservation projects are exempt. Establishment of a conservation easement at a 1:1 ratio or payment of an in-lieu fee is required as mitigation.

Merced County Local Agency Formation Commission. LAFCO is tasked with determination of boundary changes, provision of adequate public services, and protection of agricultural lands. LAFCO has final approval over changes to the City's boundaries, most relevantly, approval of the City's sphere of influence, and annexations of unincorporated territory.

LAFCO City and Urban Service District Annexation Objective I A, Policy 1 provides specific criteria in determining whether a City or Special District Annexation would affect prime agricultural land. LAFCO shall apply the definition of "prime agricultural land" established under Section 56064 of the Cortese/Knox/Hertzberg Reorganization Act of 2000.

> "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:
>
> (a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability

classification, whether or not land is actually irrigated, provided that irrigation is feasible.

(b) Land that qualifies for rating 80 through 100 Storie Index Rating.

(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars ($400) per acre.

(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars ($400) per acre for three of the previous five calendar years.

Per LAFCO Sphere of Influence Revision Objective II B, future urbanization of a City is reviewed comprehensively at the sphere of influence amendment stage rather than during the review of individual annexation requests. LAFCO's policies present two criteria related to agricultural lands conversion that must be considered when the sphere of influence boundary is amended, or for an annexation of land for which the criteria were not adequately considered at the time of the prior sphere of influence boundary determination:

a. Does the City's General Plan contain policy regarding the phasing of future annexations which is consistent with the policies of Merced County LAFCO and the Cortese/Knox/Hertzberg Act?

b. Are there local policies regarding the timing of conversion of agricultural and other open space lands and the avoidance of conversion of prime soils?

LAFCO City and Urban Service District Annexation Objective III A, Policy 7 provides more specific criteria for consideration of individual annexations:

a. Consider the amount of existing vacant land within the City that is available for similar types of development to the proposed annexation. Make a comparison of existing vacant and available land to the amount of land needed to accommodate growth needs over a ten year period as established in the City's General Plan or other official projection such as that adopted by the Merced County Association of Governments. The City must provide evidence why the consideration of existing vacant land is not appropriate based on such factors as location, limitations to

infrastructure, development constraints, agricultural viability, economic market conditions, or unique characteristics of the annexation project.

b. If the annexation involves the conversion of prime agricultural land or identified valuable open space land, consider alternatives to the annexation that avoid or reduce the impacts.

c. If annexation will result in urban development adjacent to existing agricultural lands, consider measures to minimize potential conflicts such as land use transitions or buffers and "right to farm" notification to future residents.

LAFCO comments on the Notice of Preparation (NOP) noted that LAFCO uses the definition of Prime Agricultural Farmland included in California Government Code section 56064. The types and acreages of farmland found within the Los Banos Planning Area as defined in the California Department of Conservation FMMP are presented in the Environmental Setting section in Table 4-1, Existing Farmland Designations in the Los Banos Planning Area. For agricultural land within the Planning Area that may be converted to non-agricultural use or urban use in the future, Prime Agricultural Farmland as defined above for LAFCO purposes and the associated qualifying criteria would be determined on a case-by-case basis if not adequately addressed at the time of LAFCO's sphere of influence certification.

The LAFCO comments on the NOP also addressed the status of the long-standing sphere of influence Revision No. 3 application filed with LAFCO in August 2011. This application has been "on hold" since the initial LAFCO public hearing on March 22, 2012. LAFCO has not yet formally accepted the City's sphere of influence. The City and County have been negotiating a revenue sharing agreement, which was approved by the City Council on June 7, 2016. The City's approach to agricultural land mitigation was a key consideration during the revenue sharing negotiations. It is anticipated that when the revenue sharing agreement is in place, approval of the City's sphere of influence application will follow. A copy of the LAFCO letter responding to the NOP is included in Appendix A.

4.3 STANDARDS OF SIGNIFICANCE

The CEQA Guidelines (Appendix G) indicates that a project may have a significant effect on if it would have any of the effects listed below. The City utilizes the checklist questions as its standards of significance for CEQA analyses. If any of the standards of significance are not applicable to the proposed project or the project would have no related impact, this is so noted, and no further evaluation regarding the effect is provided.

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Important Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- Conflict with existing zoning for agricultural use, or a Williamson Act contract;

- 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));
- Result in the loss of forest land or conversion of forest land to non-forest use; or
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

These are the issues evaluated in the impact analysis below. The City of Los Banos does not contain forest land or timberland within its Planning Area; therefore, an evaluation of the effects of full buildout of the 2030 General Plan to forest land or timberland is not applicable to the proposed project.

The City does not zone property outside of the city limits. When the City approves an annexation request to LAFCO, the City pre-zones land to appropriate districts, based on the land use plan for the proposed annexation. The pre-zoning becomes permanent zoning upon LAFCO approval of the annexation. Because the zoning districts applied to the annexed land anticipate the future development that is planned, those designations would not be in conflict with the existing agricultural land uses. Therefore, the proposed project would not conflict with agricultural zoning.

4.4 Impact Summary and Mitigation Measures

IMPACT Loss of 7,945 Acres of Important Farmland (Significant and Unavoidable)

As shown in Table 3-1, Revisions to Important Farmland Acreage within the Planning Area, presented earlier, corrected farmland mapping indicates an additional increase of farmland conversion of approximately 2,937 acres of Prime Farmland, 72 acres of Farmland of Statewide Importance, and 334 acres of Unique Farmland.

Table 3-2, Comparison to EIR Table 3.1-3 - Farmland Conversion Acreage with General Plan Buildout, is based on the corrected farmland acreage figures and indicates approximately 5,896 acres of Prime Farmland, 943 acres of Farmland of Statewide Importance and 1,106 acres of Unique Farmland soils would be converted to urban uses as a result of full buildout of the General Plan. Total loss of Important Farmland would be 7,945 acres.

This loss of Important Farmland upon buildout of the General Plan is considered a significant, adverse environmental impact. The Los Banos City Council adopted a Statement of Overriding Considerations for the loss of 4,656 acres of important farmland when it certified the General Plan EIR and adopted the General Plan. The corrected farmland mapping indicates an increase of approximately 3,343 acres in lost important farmland.

Although the conversion of these agricultural lands is considered significant, it is important to note that the General Plan has incorporated land use patterns and policies to minimize the amount of overall urban growth/sprawl in the Planning Area. Furthermore, Los Banos has been recognized as a population growth center in the Central Valley, to accommodate projected growth in the region. As a growth center, it is necessary to convert some agricultural lands since the city is surrounded by agricultural uses. The 2011 San Joaquin Valley Blueprint Roadmap Guidance Framework document includes a San Joaquin Valley Adopted 2050 Growth Scenario (Appendix E) depicting the growth projected in the vicinity of Los Banos to the north, south, and west of the existing city limits by year 2050.

The General Plan includes several policies and implementing actions that support agriculture and would minimize the potential for premature conversion of important farmland within the Urban Growth Boundary. Land Use Element Policy LU-I-1 delineates an Urban Growth Boundary in the General Plan Land Use Diagram which defines the area urban development will occur. Policy LU-I-3 requires LAFCO approval of a proposed sphere of influence line corresponding with the General Plan designation. A sphere of influence line will represent the ultimate edge of urban development in Los Banos, beyond which development will remain rural in nature and without urban services. This policy is not intended to limit extension of services to existing rural uses, nor deny existing rural property owners the option of requesting annexation. The General Plan's expanded sphere of influence encompasses an additional 1,400 acres of rural agricultural land outside the Urban Growth Boundary, all of which is to be maintained in rural uses. Five hundred acres are envisioned for rural clustered development of executive housing along Copa del Oro Road, and 900 acres are proposed as a rural greenbelt around the Business Opportunity Area on the city's west side.

Parks, Open Space, and Resources Policy Element also include several policies and implementing actions that support agriculture and would minimize the potential for premature conversion of important farmland.

> POSR-I-28 requires the City to work with Merced County to encourage the continuation of farming activities outside the Urban Growth Boundary with programs such as conservation easements and Williamson Act contracts. Policy
>
> POSR-I-29 requires developers of residential developments adjoining agricultural land provide a physical buffer to ensure that agricultural practices will not be adversely affected.
>
> The buffer may include additional setbacks, walls, roads, canals or other similar structures on the design development or on land adjacent to the

proposed development, as long as they clearly define the boundary of agricultural functions.

POSR-I-30 requires property developers adjacent to agricultural land to inform subsequent buyers of potential continued agricultural production and the lawful use of agricultural chemicals.

POSR-I-31 requires anti-vandalism designs to ensure that new development has conditions that minimize increased vandalism of adjacent agricultural activities outside the Urban Growth Boundary.

POSR-I-32 will encourage the City to work with the Central California Irrigation District to retain water rights in all annexed areas so that agricultural production can continue on annexed land until the time of development.

The loss of important farmland is significant and can only be avoided by preventing development altogether. The above-noted implementing actions would help to preserve agricultural land outside the City's Sphere of Influence, and to protect farmland that is adjacent to new development.

For economic development reasons, the City will not commit to a program similar to the county's agricultural mitigation ordinance requirement for a 1:1 conservation easement ratio, or implement an agricultural mitigation in-lieu fee program. The City considers such a mitigation alternative infeasible from an economic development standpoint in light of a slow recovery from the recession. The City needs to promote economic development within its adopted growth boundary and additional costs or mitigation fees for purchasing agricultural conservation easements in mitigation land would be detrimental to that end. The City elected to suspend collection and payment of the regional traffic impact fee for the same reason. Therefore, the City has determined not to require a land conservation and fee program as mitigation for loss of prime farmland, but does keep the possibility open for future consideration.

Mitigation Measure AG-1 would not reduce the amount of acreage converted under buildout of the proposed General Plan; however, Mitigation Measure AG-1 would forestall development of the best agricultural land within the City's sphere of influence.

Mitigation Measures

AG-1. The City shall require the following for annexation proposals that will result in the conversion of 50 or more acres of important farmland:

a. an inventory of the vacant land within the city limits zoned for similar uses as the proposed annexation, and an analysis of the probable build-out time

for that quantity of vacant land given past development rates. When the inventory includes vacant land to support more than 12 years of development (ten year inventory plus an additional two years to account for annexation processes), the applicant shall demonstrate why the existing vacant land within the city limits is not suitable for the proposed development.

b. a phasing timeline that prioritizes development of lands with lesser farmland value, lands immediately adjacent to existing development within the City, lands with prior disturbance of farmland, lands that do not encroach beyond major barriers into areas of farmland not already partially developed, and/or lands that do not require cancellation or non-renewal of a Williamson Act contract.

c. annexations that utilize major land features as boundaries, including roads, canals, creeks, or highway plan lines, so that annexation boundaries are physically separated from remaining agricultural land beyond the annexation area.

IMPACT Conflict with Williamson Act Contracts (Significant and Unavoidable)

Of the total agricultural land conversion within the Los Banos Urban Growth Boundary, approximately 271 acres are in Williamson Act contracts. Most of these properties consist of agricultural land that is classified as Prime Farmland or Farmland of Statewide Importance.

According to data from the Merced County Assessor's Office (June 7, 2016), there are 10 parcels within the Los Banos Urban Growth Boundary that are currently subject to the requirements of the Williamson Act. None of the property owners of these 10 parcels have filed for a notice of non-renewal.

Parcels under Williamson Act contract within the Urban Growth Boundary can generally be expected to continue to be used for agricultural or other open space uses for a minimum of 10 years until such time as owners of the contracted land file non-renewal notices. Filing of a non-renewal notice begins a ten-year termination period. Subject to tax penalties, a land owner could also immediately terminate the contract and allow the land to be used for other purposes. No conflict with Williamson Act contracts would occur if these contracts have been terminated through non-renewal prior to the contracted land being developed. However, projects which propose or would lead to conversion of land under Williamson Act contract to non-agricultural use prior to the end of the contract term would conflict with the contract.

Although implementation of the General Plan policies and implementing actions identified in the discussion of impacts to important farmland, and Mitigation Measure AG-1 would reduce the likelihood of premature contract cancellations by the property owners of the Williamson Act parcels within the Urban Growth Boundary, this potential impact remains significant and unavoidable.

IMPACT Other Changes that Could Result in Conversion of Farmland or Reduction in Agricultural Viability (Less than Significant)

The proposed correction of mapping in the General Plan would not result in direct or indirect conversion of agricultural land. Implementation of the General Plan will lead to conversion of farmland to non-agricultural land use within the city's existing Urban Growth Boundary and city limit, which would be considered a significant impact. This will also result in new urban development being constructed immediately adjacent to actively farmed agricultural land within and adjacent to the Urban Growth Boundary. Incompatibility between these uses can lead to nuisances involving noise, dust, chemical use/drift, vandalism, and traffic hazards. Nuisance issues can in turn pressure farm operators to alter practices that can result in reduced agricultural productivity/profitability. The General Plan contains several features that would reduce impacts on existing agriculture operations to a less-than-significant level, including:

- A greenbelt buffer zone between City urban development and outlying agriculture;
- Establishment of permanent urban growth boundary and efficient use of acreage for land use development within the urban growth boundary, to preserve agriculture in the Planning Area;
- Policies to ensure that existing or remaining agricultural operations are not impacted by new development; and
- Coordination with the Central California Irrigation District to protect agricultural lands outside the sphere of influence.

Compliance with the General Plan guiding policies and implementing actions will ensure potential land use conflicts would be less than significant.

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5.0
Effects Not Found to Be Significant

Section 15128 of the CEQA Guidelines requires an EIR to "contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR." Chapter 3 of the certified General Plan EIR discusses all potential impacts, regardless of their magnitude. A similar level of analysis is provided for impacts found to be less than significant as impacts found to be significant. The significance of an impact is assessed in relation to the criteria provided in each section in Chapter 3 of the certified General Plan EIR. A summary of all impacts is provided in the Executive Summary of the certified General Plan EIR.

The proposed project is a General Plan amendment affecting only the EIR analysis of agricultural resources and no additional analyses of the following environmental topics is required in the Subsequent EIR: aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population, housing, growth inducement, public services, recreation, transportation and traffic, and utilities and service systems.

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6.0
Cumulative Effects on Agricultural Resources

CEQA Requirements

CEQA requires that an EIR contain an assessment of the cumulative impacts associated with a proposed project. This assessment involves examining project-related effects on the environment in the context of similar effects that have been caused by past or existing projects, as well as the anticipated effects of future projects. Although a project's individual impacts can be minor, the significance of its contribution to the cumulative effects other projects must be evaluated. CEQA Guidelines section 15130 requires a discussion of cumulative impacts when a project has possible environmental effects that are individually limited, but cumulatively considerable. The definition of cumulatively considerable found in Section 15065(a) (3) states:

> Cumulatively considerable means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," the lead agency need not consider that effect significant, but must briefly describe its basis for concluding that the incremental effect is not cumulatively considerable. Incremental effects which are not considered cumulatively considerable need not be discussed in detail in an EIR. A lead agency must identify facts and analysis supporting its conclusion that the cumulative impact is less than significant.

Where a lead agency concludes that a cumulative effect of a project, taken together with the impacts of past, present, and probable future projects is significant, the lead agency then must determine whether the project's incremental contribution to such significant cumulative impact is "cumulatively considerable."

A lead agency may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and therefore, is not significant if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency is required to identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

The discussion of cumulative impacts is required to reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness and should focus on the cumulative impact to which the other identified projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

An EIR must examine reasonable, feasible options for mitigating or avoiding a project's contribution to any significant cumulative effects.

Cumulative Development Scenario

CEQA requires a cumulative development scenario to consist of either 1) a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency or 2) a summary of projections contained in an adopted General Plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

The cumulative development scenario is based on the loss of important farmland within the County of Merced by 2030, and contributions within the Los Banos Planning Area as a result of buildout of the General Plan. This analysis utilized FMMP data available for the 2012 to 2014 time period. FMMP data prior to 2012 was used for the agricultural resources impact analysis in the Merced County General Plan EIR.

Analysis and Mitigation

An evaluation of important farmland that would be converted to non-agricultural uses as a result of new development in designated urban areas of Merced County is presented in the Merced County General Plan EIR. The loss of important farmland from buildout of these designated urban areas under the Merced County General Plan will contribute to an overall cumulatively considerable loss of important farmland within Merced County. The Merced County General Plan EIR concluded that buildout of the Merced County General Plan would have a significant and unavoidable impact on agricultural resources.

According to the County Agricultural Commissioner's 2014 Report on Agriculture, Merced County contains approximately 1.18 million acres in agriculture, which cover approximately 96 percent of the county's total land area. In 2014, the FMMP categorized 600,940 acres of the total Merced County farmland as prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance. This important farmland represents approximately 47 percent of all land in the county. Between 1992 and 2014, FMMP data indicates that total agricultural land within Merced County has decreased by 22,482 acres while Urban and Built Up land increased by 10,857 acres.

At General Plan buildout in 2030, approximately 7,945 acres of important farmland could be converted to urban use within the City's Planning Area. This is approximately 1.3 percent of 600,940 acres of important farmland documented in Merced County in 2014 by the California Department of Conservation FMMP. As discussed in the Merced County General Plan EIR, total buildout of urban land uses designated by the 2030 Merced County General Plan could result in a loss of up to 10,316 acres of important farmland by 2030, a number comparable to the loss that could occur within the City's Planning Area. The loss of important farmland in Merced County through conversion to urban and other uses by 2030 is a significant cumulative impact and the loss within the City of Los Banos Planning Area would be cumulatively considerable.

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7.0
Significant Irreversible Environmental Changes

CEQA Requirements

CEQA Guidelines section 15126.2(c) requires a discussion of significant and irreversible changes that would be caused by the project if implemented. The use of non-renewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse in the future unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement that provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Significant Irreversible Environmental Effects

The proposed project would result in the loss of approximately 7,945 acres of important farmland within the Planning Area. The conversion of farmland is considered to be irreversible.

The Los Banos 2030 General Plan enables development of new urban uses on land within the proposed Urban Growth Boundary that is now used primarily for agricultural production. The investment and commitment of land to urban development is generally assumed to be economically and physically irreversible and therefore, would commit future generations to utilization of the converted land as developed.

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8.0
Alternatives

Analysis of Alternatives is discussed in Chapter 4 of the General Plan EIR. The following alternatives to the General Plan were evaluated in the General Plan EIR:

- Alternative A: Housing Focus
- Alternative B: Greenbelt Constrained; and
- The No Project Alternative.

When compared to the preferred land use alternative that was adopted as the General Plan, Alternative A does not provide a Business Opportunity Area and thus retains more agricultural land, and the developer proposals that contribute to Alternative A result in development north of the proposed State Route 152 Bypass and north of State Route 152 between Johnson Road and Nantes Avenue. Alternative B promotes high density development while preserving valuable eco-regions and/or agricultural farmlands by minimizing development to the east, and limiting development north of the State Route 152 Bypass and south of the City. Both Alternative A and the General Plan permit more acres of farmland conversion, while Alternative B limits and preserves farmland with a proposed greenbelt to constrain urban growth.

Based on the comparative analyses of alternatives in the General Plan EIR, Alternative B was selected as the environmentally superior alternative. Alternative B focused on preservation of prime farmland, reducing agricultural land conversion, protecting habitats and wildlife corridors, encouraging development of higher density housing around neighborhood centers, and reducing vehicle miles traveled. Proposed development in Alternative B would be surrounded by a greenbelt that would accommodate recreation use and contain growth throughout the life of the General Plan, much like an urban growth boundary.

The corrected farmland conversion data do not affect the outcome of the General Plan EIR's comparative analyses of the alternatives. When comparing General Plan Figure 5-4 to the maps of Alternative A, Alternative B, and the No Project Alternative (General Plan EIR Figures 4.2-1, 4.2-2, and 4.2-3), it appears the agricultural/farmland areas that were incorrectly designated as Urban and Built-Up Land are planned for proposed development projects or other planned urban growth in each alternative. Therefore, the loss of farmland in each scenario for the comparative analysis remains the same. This does not change the outcome of the comparative analyses and Alternative B remains the environmentally superior alternative of the three alternatives evaluated in the General Plan EIR.

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9.0
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