

4.1 LAND USE AND AGRICULTURAL ISSUES

SETTING

Existing Agricultural Land Uses

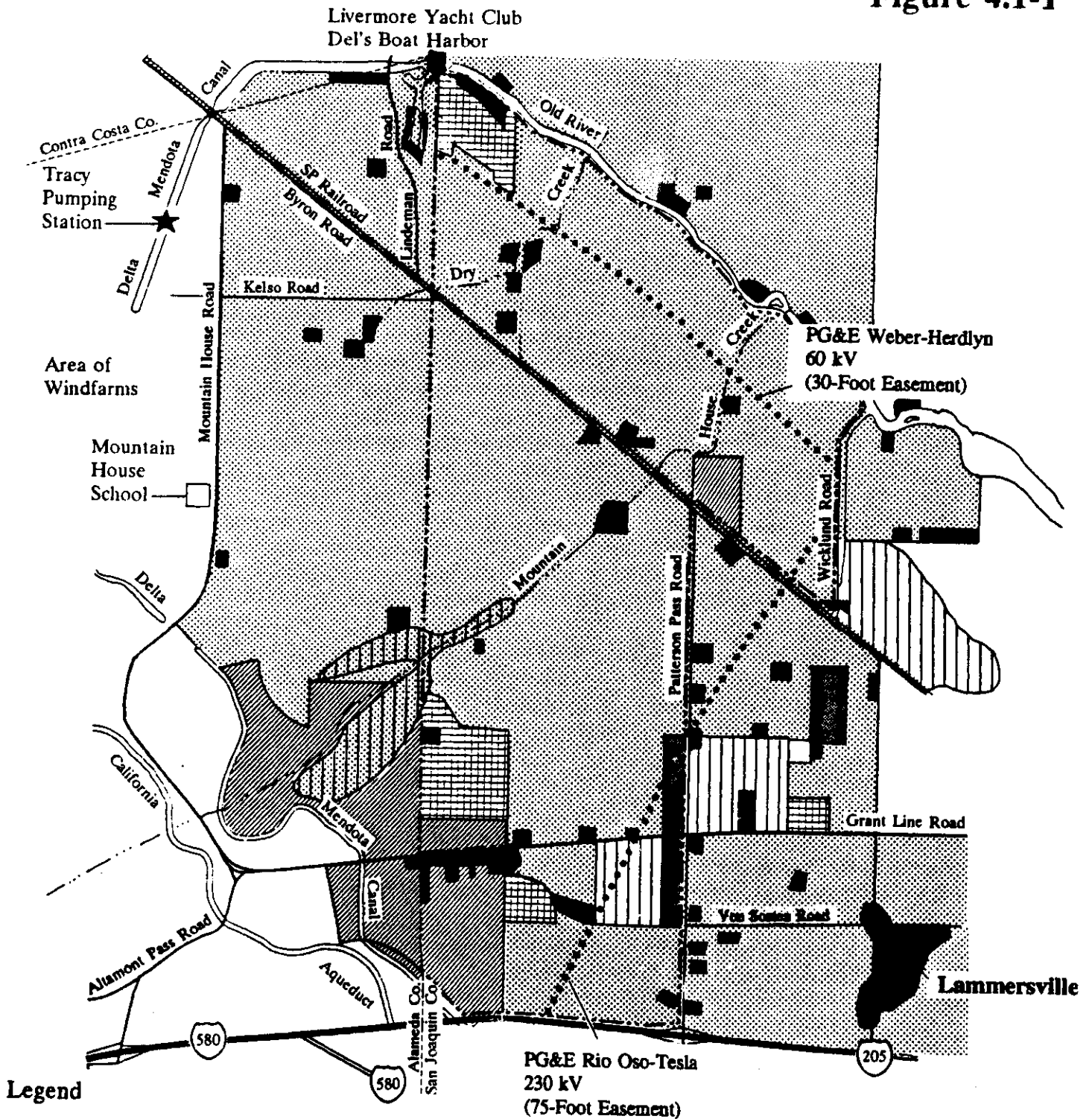
The project site consists primarily of agricultural lands, extending from Interstate 205 (I-205) northward to the Southern Pacific (SP) railroad tracks along Byron Road (Figure 4.1-1) and continuing north to the levees bordering Old River. In the past years, 3,500 to 3,700 acres (73 to 79 percent) have been planted in alfalfa and irrigated row crops (Figure 4.1-1 and Table 4.1-1) (The McCarty Company, 1990 and 1992). Crops currently grown on the project site include alfalfa for hay, irrigated crops (e.g., corn, sugar beets, dry edible beans), and grains (e.g., wheat, oats, and barley). The site also contains a relatively small acreage of irrigated and non-irrigated pasture. In 1989, irrigated crops (excluding alfalfa) represented 58 percent of the acreage under cultivation, and alfalfa represented 22 percent (Table 4.1-1). In 1992, the amount of irrigated acreage shifted to 44 percent of the site in alfalfa and 33 percent in other irrigated crops (The McCarty Company, 1990 and 1992).

Non-farm uses include two dairies located within the project boundaries. One dairy is on a 21-acre parcel along Patterson Pass Road north of Grant Line Road, and a second dairy is on an adjacent 140-acre parcel south of Grant Line Road (Figure 4.1-1). The remaining non-farm acreage on the site includes scattered rural residences (including the Grant Line Village homes south of Grant Line Road, and houses along Old River), roadways, the SP railroad, and PG&E transmission lines rights-of-way.








The majority (3,601 acres or approximately 75 percent) of the project site has been designated Prime Farmland on the draft San Joaquin County Important Farmland Map. Prime Farmland is land that has the best combination of physical and chemical characteristics for the production of crops. This category of farmland has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops within the last three years. To qualify as Prime Farmland, the farmland must meet several criteria, including but not limited to: a dependable water supply; ability to hold a specific soil temperature range; retention of an acid-alkali balance; availability of an adequate water table; allowance of a minimum rooting depth; a condition of infrequent flooding; and specific permeability (California Department of Conservation, 1984).

EXISTING LAND USES

Figure 4.1-1



Legend

- | | | | | | |
|---|--------------------------------|--|-------------------|---|--|
|  | Alfalfa and Irrigated Farmland |  | Irrigated Pasture |  | Very Low Density Residential Development |
|  | Dryland Farmland |  | Dairy |  | Project Site Boundary |
|  | Non-Irrigated Pasture | <p>Note: Crop patterns are from 1989 for off-site areas and 1993 for project site.</p> | | | |



BASELINE

Roads

On-site roads include Grant Line, Byron, Kelso, and Wicklund roads (Figure 4.1-1). Roads and freeways that adjoin the project site include Patterson Pass Road and I-205. The interchange of Patterson Pass Road and I-205 is located at the southeast corner of the project site. The SP railroad traverses the site in a northwest to southeast direction, parallel to Byron Road (Figure 4.1-1). The tracks are located on an embankment that is approximately six feet above the level of the surrounding land.

TABLE 4.1-1

MOUNTAIN HOUSE ON-SITE CROPS, 1989 AND 1992

Type of Crop Production	1989 Cropping Pattern		1992 Cropping Pattern	
	(acres)	(%)	(acres)	(%)
Alfalfa	1,040	22	2,027	44
Other irrigated crops ¹	2,700	58	1,521	33
Irrigated pasture	160	3	254	5
Non-irrigated pasture and grains	370	8	488	10
Other ²	397	9	371	8
TOTAL	4,667 ³	100	4,661 ³	100

Sources: The SWA Group. 1994a: BASELINE. 1992a.

¹ Beans, sugar beets, yellow corn, grains (safflower, silage, barley, oats, and wheat).

² Dairy and non-farm uses.

³ Totals do not include ranchette development, roadways, railroads, and utility easements.

Transmission Lines

The 230-kilovolt (kV) Rio Oso-Tesla electrical transmission line crosses the southwestern and northeastern portions of the project site. This transmission line is supported by towers placed approximately one-quarter mile apart. The 60-kV Weber-Herdlyn electrical transmission line crosses the northern portion of the project site parallel to Old River (Figure 4.1-1).

Waterways

Old River, a tributary to the San Joaquin River, borders the project site on the north (Figure 4.1-1). This section of Old River is often used by recreational boaters, including water skiers. The banks of the River have been reinforced over the years and are approximately 10 feet above the surrounding landscape. Riparian areas extend south from the River bank for approximately 50 to 100 feet along the site's entire river frontage.

Dry Creek and Mountain House Creek traverse the site, flowing from southwest to northeast into Old River (Figure 4.1-1). Portions of the creek channels have been reconstructed into farm drainage ditches. Riparian areas are located along sections of the creek corridors. U.S. Army Corps of Engineers jurisdictional wetlands are located along Dry Creek (just north of the railroad embankment) and Mountain House Creek where they flow through the center portion of the project site, and in three locations in the site's southwestern quarter. Riparian areas, wetlands, and sensitive species are discussed further in Section 4.11, Biological Resources.

4.1 LAND USE AND AGRICULTURAL ISSUES

Existing Agricultural Practices

The agricultural operations of the site include chemical spraying for pest control and fertilization. The types of chemicals and chemical applications are directly related to the type of crop. The chemical properties and the method of application vary, as some crops are treated with aerial application either by helicopter or fixed-wing aircraft, while others are treated with a ground application. In the vicinity of the Mountain House site, both aerial and ground application are used. Aerial application is primarily by helicopter or small plane early in the morning (Hudson, 1993). Based on crop information for the project site and discussions with the County Agricultural Commissioners Office (Hudson, 1993), the chemicals used on the project site and on lands within a one-mile boundary of the project site are those identified in Table 4.1-2.

TABLE 4.1-2

CHEMICAL APPLICATIONS ON THE PROJECT SITE AND ADJOINING LANDS

Chemicals (Brand Names)	Restricted (R)/Non- restricted (N)	Method of Application	Crops
Pen Cap (P) ¹	R	Aerial	Alfalfa
Lasso (H) ²	N	Directly into soil	Beans, corn
Treflan (H) ^{1,3}	N	Directly into soil	Beans, alfalfa
Velpar (H) ^{1,3}	N	Directly into soil	Sugar beets
Lorsban (P) ¹	N	Aerial	Alfalfa
Comite (P) ²	N	Aerial/ground	Corn
MCPA (H) ¹	R	Aerial	Grain
Banvel (H) ²	R	Aerial	Grain
Sulfur dust (P) ¹	N	Aerial/ground	Sugar beets
Disyston (P) ⁴	R	Aerial/ground	Alfalfa, beans, grain
Orthene (P) ⁴	N	Aerial/ground	Beans
2,4-D ¹		Aerial/ground	Wheat, oats
Anthraquinone (BR) ¹		Aerial/ground	Corn
Toxaphene ²		Aerial/ground	Wheat
Syxtox (H) ⁴		Aerial/ground	Grains

Sources: BASELINE, 1992b; Hudson, 1993.

Notes: (P) = Pesticide
 (H) = Herbicide
 (BR) = Bird Repellent (seeds)
 Restricted chemicals require a permit from the County prior to use; non-restricted chemicals do not require a permit for use.

- ¹ Used in the past and currently.
- ² Used in the past; not used currently.
- ³ Used in early spring.
- ⁴ Used in the past; probably not used currently.

Agricultural chemicals are classified as "restricted" or "non-restricted." Four of the chemicals used at the project site (Table 4.1-2) are classified as restricted and thus require a permit from the County Agricultural Commissioners Office. When issuing the permit, the County Agricultural Commissioners office considers several factors, including proximity of residences, adjoining land uses, and wind direction.

Chemicals classified as non-restricted are not considered to pose a health hazard (Jensen, 1991). However, some of the chemicals contained in the non-restricted pesticides/herbicides applications will

cause a rash and irritation to humans and may create a nuisance for adjoining residents, when applied. An example is sulphur dust, a chemical used on sugar beets. When this chemical is applied near residences, the San Joaquin County Agricultural Commissioners Office often receives complaints because of the chemical's odor and fallout from aerial application. Residue of the chemical, particularly when it falls on the water surface of swimming pools, heightens residents' perception of the use of the chemical and potential hazards associated with it (Jensen, 1991). Uninformed residents often equate odor and the fallout with a health hazard. Odor associated with chemical application is one of the major complaints received at the County Agricultural Commissioners office (Jensen, 1991). Further discussion of the chemical properties and rate of degradation of the agricultural chemicals used on or near the project site is included in Public Health and Safety, Section 4.10.

The San Joaquin County Agricultural Commissioner's Office recommends a general setback of a minimum of 100 feet for urban uses adjacent to existing agricultural operations such as alfalfa production which rely on aerial spraying of chemicals. The Agricultural Commissioner recommends that the minimum setback for spraying be increased whenever possible to 200 to 400 feet to increase the safety factor for nearby residents (Hudson, 1993). Airplane noise from aerial spraying is also a significant concern for nearby residents. Aerial spraying is not allowed unless the prevailing winds drop below a set velocity. In the Mountain House area, the winds are often still only in the early mornings, so spraying occurs very early in the day when residential complaints about noise are most prevalent (Hudson, 1993).

Frequency of pesticide spraying varies from year to year, depending on whether there are problems with pests such as weevils. The predominant crop in the area, alfalfa, is usually sprayed two to four times each growing season, depending on the pest situation for that season. Other crops in the area such as oats, wheat, some types of beans, and pasture, are not usually sprayed (Barnes, 1994).

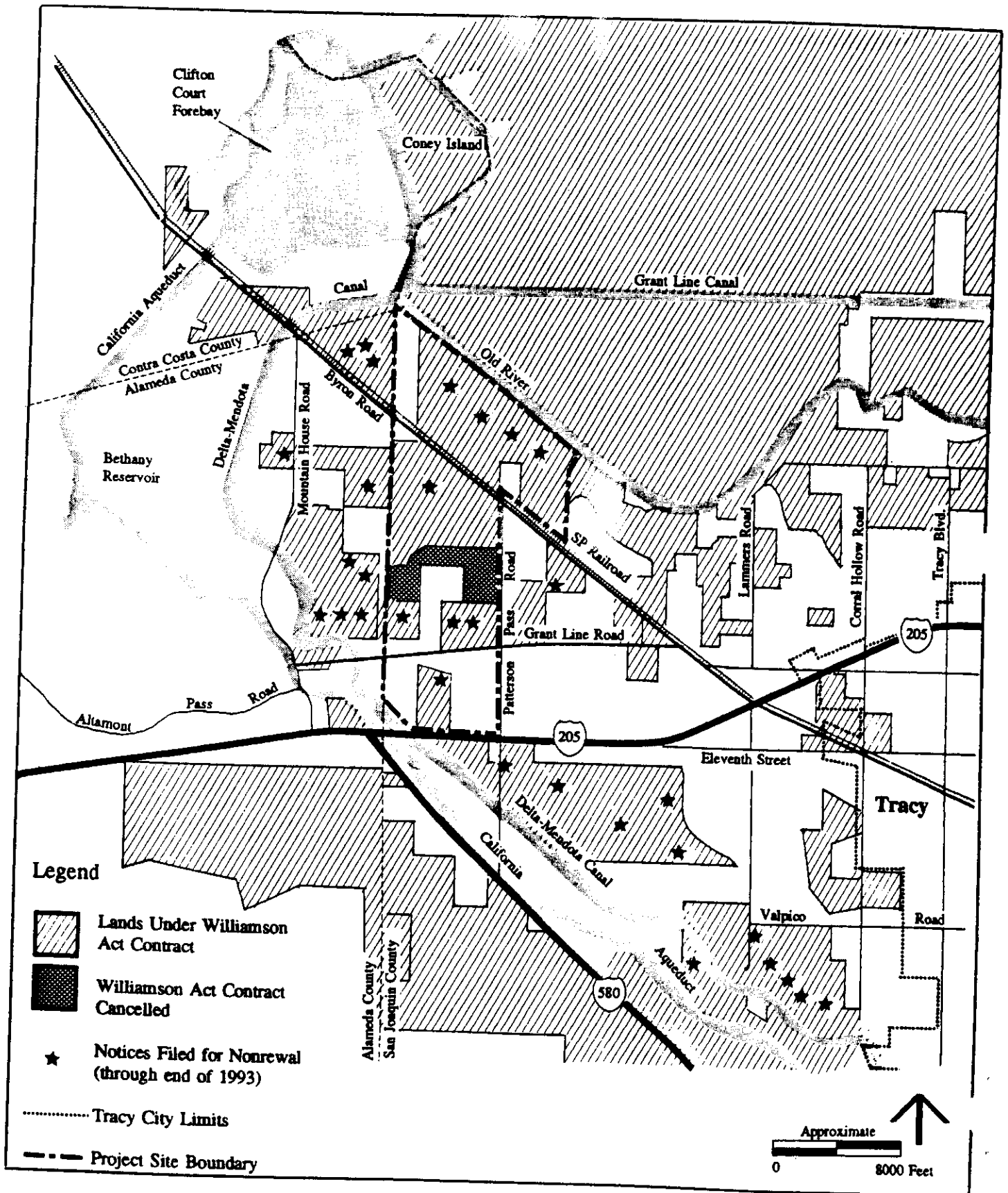
Williamson Act Lands

Numerous parcels within the project site, in western San Joaquin County, and in adjacent Alameda County are currently under Williamson Act contracts (Figures 4.1-2 and 4.1-3). The Williamson Act allows landowners to enter into an agreement with the County whereby the property owner agrees to maintain the land in agriculture or open space for a period of at least ten years. In exchange, the landowners are allowed a reduction in property taxes for the subject parcel. The Williamson Act contract allows a property owner to apply for cancellation of the contract at any time. Approval of the cancellation request is made by the County Board of Supervisors, based on certain findings. Under the cancellation process, the property owner is subject to penalties for canceling the contract prematurely.

The Williamson Act also allows a property owner to file a Notice of Nonrenewal. This Notice alerts the County that the property owner will take the lands out of contract ten years from the date of notice. Property taxes are reassessed at a new rate immediately upon the filing of nonrenewal. Under this process, the property owner does not pay penalties. The amount of assessment is calculated at a rate that will reach market value at the end of the contract period.

WILLIAMSON ACT CONTRACTS IN THE PROJECT VICINITY

Figure 4.1-2

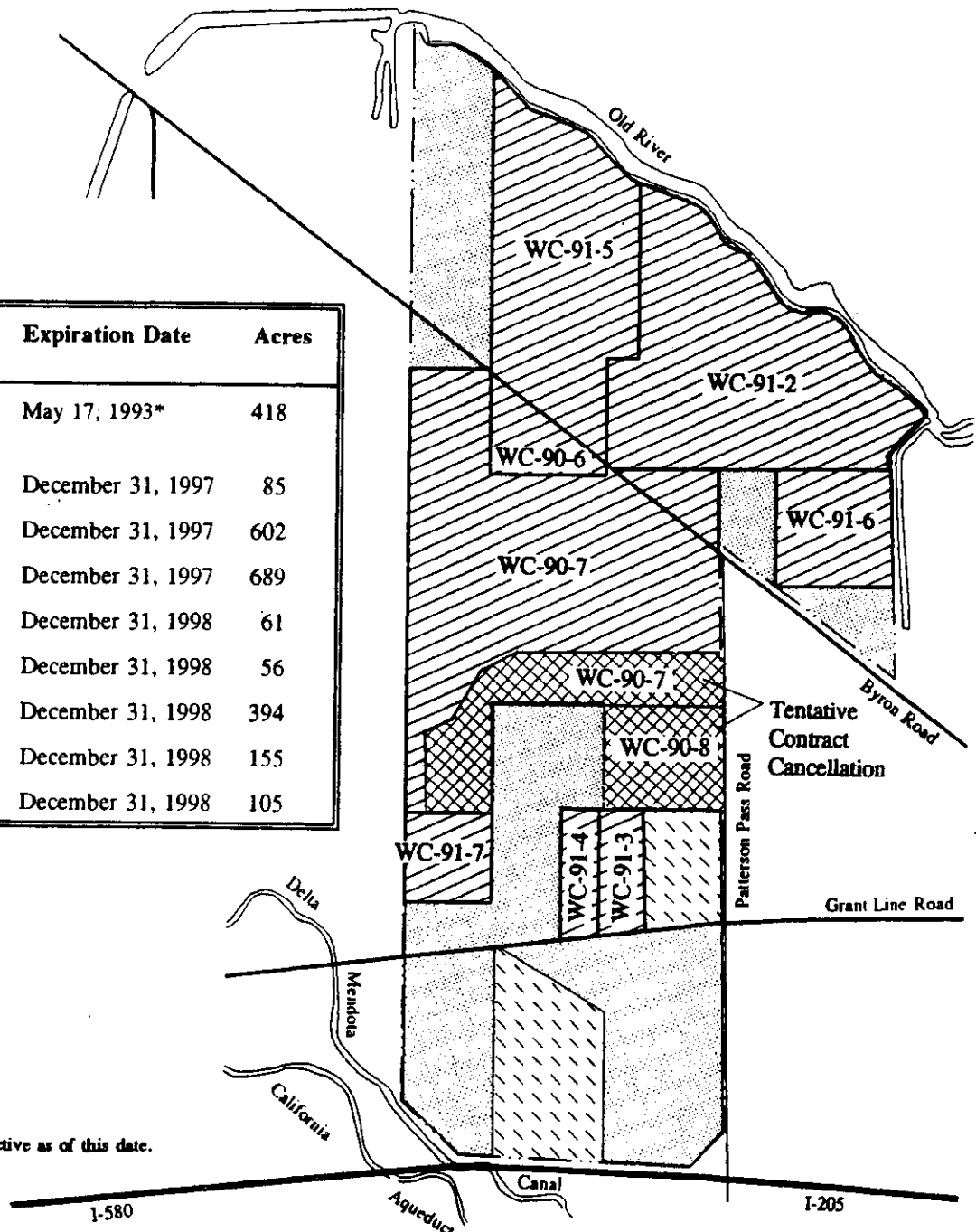


Source: San Joaquin County Community Development Department; Alameda County Assessor's Office.
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STATUS OF WILLIAMSON ACT CONTRACTS






Figure 4.1-3

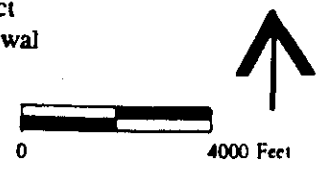
Williamson Act Contract Number	Expiration Date	Acres
WC-90-8/ WC-90-7 (portion)	May 17, 1993*	418
WC-90-6	December 31, 1997	85
WC-90-7 (portion)	December 31, 1997	602
WC-91-2	December 31, 1997	689
WC-91-3	December 31, 1998	61
WC-91-4	December 31, 1998	56
WC-91-5	December 31, 1998	394
WC-91-6	December 31, 1998	155
WC-91-7	December 31, 1998	105



Note: *Tentative cancellation; effective as of this date.

Legend

-  Tentative Contract Cancellation
-  Areas Subject to Williamson Act Notices of Nonrenewal, to Expire in December 1997 or 1998
-  Area Not Under Williamson Act Contract
-  Williamson Act Contract Not Subject to Nonrenewal
-  Project Site Boundary



BASELINE

4.1 LAND USE AND AGRICULTURAL ISSUES

The San Joaquin County Board of Supervisors approved the Mountain House New Town General Plan Amendment on 25 February 1993. The application from the developer also included a request to cancel a total of 860 acres in Williamson Act contracts to facilitate development of the first phase of the project.

The Board of Supervisors approved cancellation of 418 of the 860 acres of contracted land (portions of two separate contracts) (Figure 4.1-3), which would be sufficient to effectuate development of the proposed Specific Plan I area. The tentative Williamson Act contract cancellation becomes effective after several conditions have been met by the landowners. The conditions include payment of a contract cancellation penalty to the State of California.

Surrounding Land Uses

The site is located in the center of a regional agricultural area. Scattered residential uses and the canals of California's aqueduct system are the main non-agricultural uses adjoining the project site. Contra Costa County and Alameda County adjoin the site at its northwestern and western boundaries, respectively.

Northeast of the site and north of the Old River, lands are in agricultural use (Figure 4.1-1). The Livermore Yacht Club and Del's Boat Harbor are located immediately northwest of the site in Alameda County (Figure 4.1-1). The Livermore Yacht Club is a collection of houseboats and small commercial establishments and is located along a slough of the Sacramento-San Joaquin Delta. Del's Boat Harbor provides boat launching and guest docking facilities, a snack bar, and fishing boat rentals. To the north of the marina facilities, in Contra Costa County, lands are in agricultural grain crop production.

The East Contra Costa County Airport, currently under construction, is located approximately four miles northwest of the project site. The County operated airport is expected to serve general aviation aircraft, but will ultimately serve transport and business jets (Wight, 1993). Paving of two new runways has begun as of May 1994.

Immediately west of the project site, lands are in agricultural production similar to that of the project site. Mountain House Road, located approximately one mile west of the project site boundary, serves as an approximate boundary between the level valley land to the east and the rising foothills of the Diablo Range to the west. Mountain House School is located on Mountain House Road west of the site (Figure 4.1-1).

The low foothills west of the site are used for grazing and are also used for wind farms. The electrical-power generating windmills, averaging 50 feet in height, are arranged in rows to catch the prevailing winds that flow through the Altamont Pass area. The foothills also provide the relative elevation needed for the aqueduct systems which carry water to Southern California. Tracy Pumping Station, the intake for the Delta-Mendota Canal, is located west of the site on Kelso Road (Figure 4.1-1). The Delta-Mendota Canal, a part of the Federal Water Project, conveys water southward

through the foothills and passes through the site at the southwestern corner. The canal is currently fenced to keep out cattle. The California Aqueduct, which also flows near the project site, starts downstream of the Clifton Court Forebay and parallels the Delta-Mendota Canal (Figure 4.1-1). Both canals flow to the south and cross under I-205 near the southwestern corner of the project site. The canals are each approximately 100 feet wide and are open, concrete-lined channels. The canals are used for bank fishing by many people.

Level agricultural land with scattered residences is located east of the project site. This area includes: alfalfa and irrigated farmland; irrigated pasture; a dairy; and native pasture (Figure 4.1-1). Lammersville, an unincorporated community, is located approximately one-half mile east of the project site. Lammersville includes approximately 210 residences on average 1.5-acre lots and the Lammersville Elementary School. The western edge of the City of Tracy is approximately 3.3 miles to the southeast of the project site.

South of the project site, approximately 625 acres of land have been designated for Limited Industrial development (Figure 4.1-1). The industrial area, known as the Patterson Pass Business Park, is located south of the I-205 freeway between the Delta-Mendota Canal and California Aqueduct, and south of Schulte Road. Industrial development south of Schulte Road includes the large Safeway regional warehouse complex and other smaller warehouse buildings. The industrial land west of Patterson Pass Road and nearest to the project site has not been developed. Other lands south of I-205 are in agricultural use, planted in alfalfa and pasture land.

IMPACTS AND MITIGATION MEASURES

For the purposes of this DEIR, a significant land use or agricultural impact would include the following:

- the premature loss of prime agricultural land;
- conflicts between urban land uses planned on-site, and on-site or adjacent agricultural operations and rural uses;
- conflicts between on-site land uses and hazards such as canals, dairies, transmission lines, and nearby airports; and
- conflicts between planned on-site urban land uses, such as industry and residences.

MASTER PLAN

The Draft Master Plan proposes to develop the site with residential, commercial, and industrial land uses. The development would occur incrementally over a period of 20 to 25 years. The proposed development differs slightly from the land use patterns and acreages approved in the February 1993 General Plan Amendment, as land uses have been "fine tuned." However, the total number of jobs and housing units proposed is substantially the same as allowed in the previously adopted General

Plan Amendment. A description of the slight changes in land uses from the previous General Plan Amendment is included in Chapter 3, Project Description.

Impact M4.1-1

Development of the proposed project would result in the loss of approximately 3,600 acres of Prime Farmland.

As part of the approval of the Mountain House General Plan Amendment in February 1993, the Board of Supervisors adopted "Statements of Overriding Consideration," as required by the California Environmental Quality Act, to justify the loss of 3,600 acres of prime agricultural lands and the cancellation of 418 acres under Williamson Act contracts. No additional applications to cancel Williamson Act contracts have been submitted by the applicant at this time.

Part of the Mitigation Monitoring Program from the FSEIR included a recommendation that an in-lieu agricultural mitigation fee be established to mitigate, on a per-acre basis, for the loss of prime farmland converted to urban uses. The Draft Master Plan contains no policies or programs requiring a per-acre agricultural mitigation fee, and no such mitigation fee program has been adopted by the County in the County Development Title.

Mitigation Measure M4.1-1

The following should be added as an Implementation in Chapter Three of the Draft Master Plan:

"A If a Countywide agricultural mitigation fee were established, an agricultural mitigation fee, based on each acre converted to an urban use, shall be paid by the developer to the County at the time of the approval of each subdivision map or other discretionary permit, if a Countywide agricultural mitigation fee has been established by the County. ~~The Development Agreement signed between the master developer and the County should state that such a mitigation fee may be established by the County in the future and apply to later phases of the project.~~

"Any off-site mitigation resulting in the set-aside of lands by the applicant shall be considered when assessing the fee. Further, consideration shall be made for dual use of mitigation lands, as appropriate. For example, land set aside for Swainson's Hawk mitigation that is also prime agricultural land could be credited as mitigating both impacts."

Impact M4.1-2

Conflicts between urban/rural land uses would occur, particularly where existing agricultural operations abut planned residential development.

The project has the potential to create land use conflicts with existing agricultural operations (e.g., complaints by residents regarding chemical drift from aerial applications, chemical odors, dust, and equipment noise). Lands immediately west and upwind of the site in Alameda County are currently

in agricultural use, primarily involved in the growing of alfalfa and other crops. Nearby farmlands could be subject to vandalism, trespassing, and illegal trash dumping from project residents. Project residents could also be impacted by chemical drift from aerial spraying and noise.

The General Plan 2010 land use map includes a 500-foot buffer along the western site boundary to minimize land use conflicts, noise, chemical drift, and growth inducement. A 500-foot setback is consistent with policies in General Plans for other communities in the Central Valley,¹ such as the City of Davis and Sacramento County.

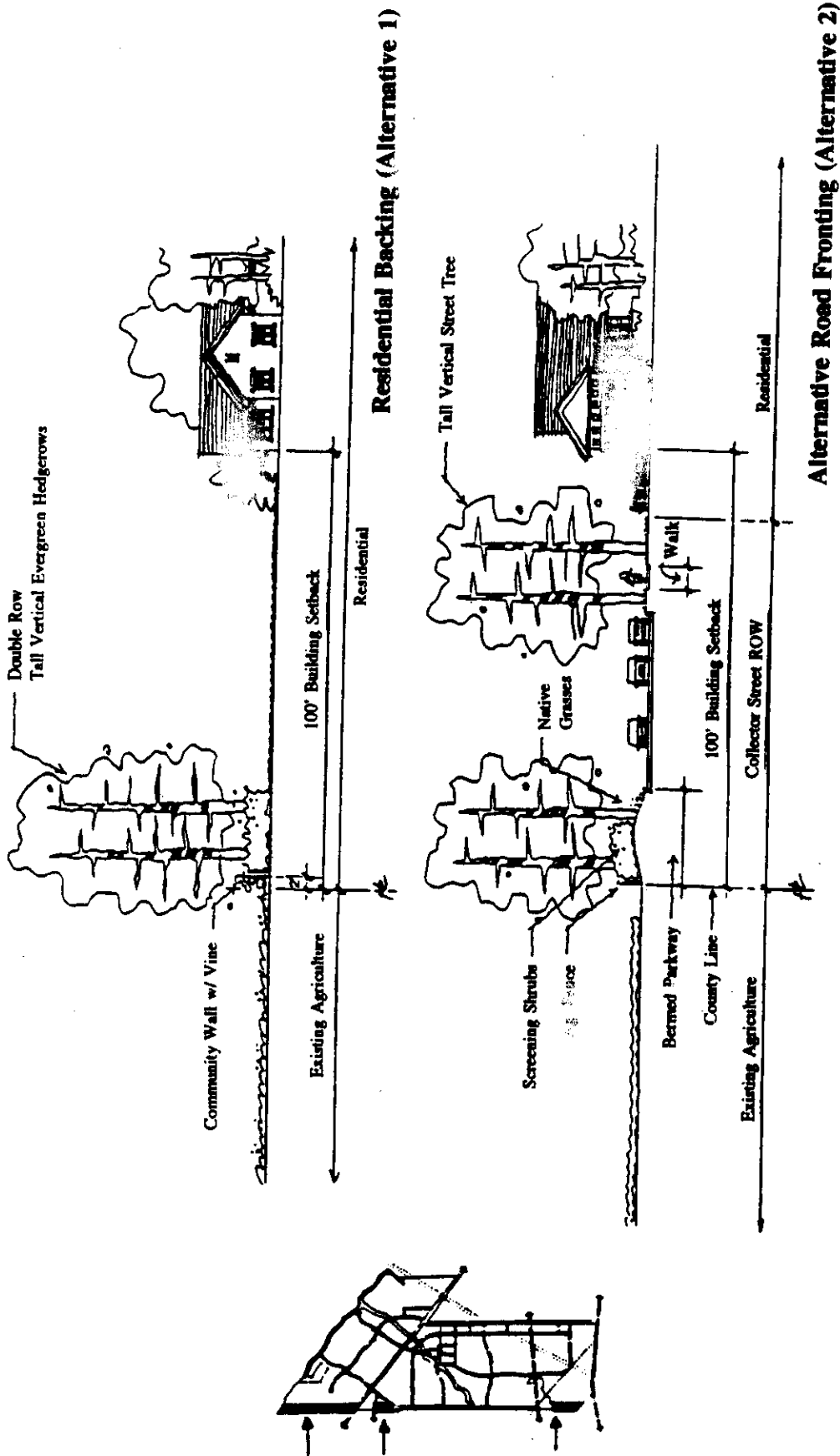
The project proposes various edge treatments along the western site boundary depending on on-site land uses. For residential uses, these edge treatments include 100- to 210-foot setbacks between agricultural uses and the nearest house. For commercial uses, a 60-foot setback is proposed. The setbacks are proposed to include residential back yards, streets, or commercial loading areas.

- In the southern portion of the western boundary, south of Grant Line Road, homes would back directly on the western edge, which abuts dry pastureland. The edge treatment consists of a 20-foot landscape buffer, with a total required 100-foot setback between agricultural uses and the nearest house. The 100-foot setback would consist of private yards and the landscape buffer (Figure 4.1-4). Along a portion of the western edge south of Grant Line Road a collector road to the residential neighborhood would be constructed. In this area, the edge treatment would consist of an approximate 20-foot bermed parkway, the collector street, and an approximate 20-foot area with a walkway and streets, for a total setback of 100 feet (Figure 4.1-4).
- Immediately north of Grant Line Road, the western edge treatment consists of a four-lane roadway (Marina Boulevard) linking Grant Line and Byron roads. An evergreen windrow tree planting would be established on either side of the roadway, with a continuous multi-use path on the east side of the boulevard (Figure 4.1-5). A low berm with screening shrubs would be located adjacent to a fence. The total right-of-way for Marina Boulevard and the associated path and landscaping would be 120 feet. The Draft Master Plan proposes that a minimum 100-foot setback would be established between the eastern roadway right-of-way line and the nearest residential use. The area included within the minimum setback could include private uses such as a residential backyard or deck.
- North of Kelso Road, residential uses would also front directly on the western edge, as in the southern area. In this area, the Draft Master Plan proposes a 20-foot buffer area with shrubs adjacent to the property line, with a total required 100-foot setback between the existing agricultural uses and the nearest house (Figure 4.1-4). For commercial uses, a 60-foot setback

¹ For example, the City of Davis General Plan recommends an average 1,500-foot "greenbelt" around the perimeter of the City to separate urban and agricultural uses, with the minimum width of the buffer to be 500 feet. The Draft Sacramento County General Plan "December 9 Alternative," which is pending approval, includes a policy that requires a buffer of 300 to 500 feet between permanent agricultural areas and agricultural areas proposed for urban development.

WESTERN EDGE TREATMENT RESIDENTIAL

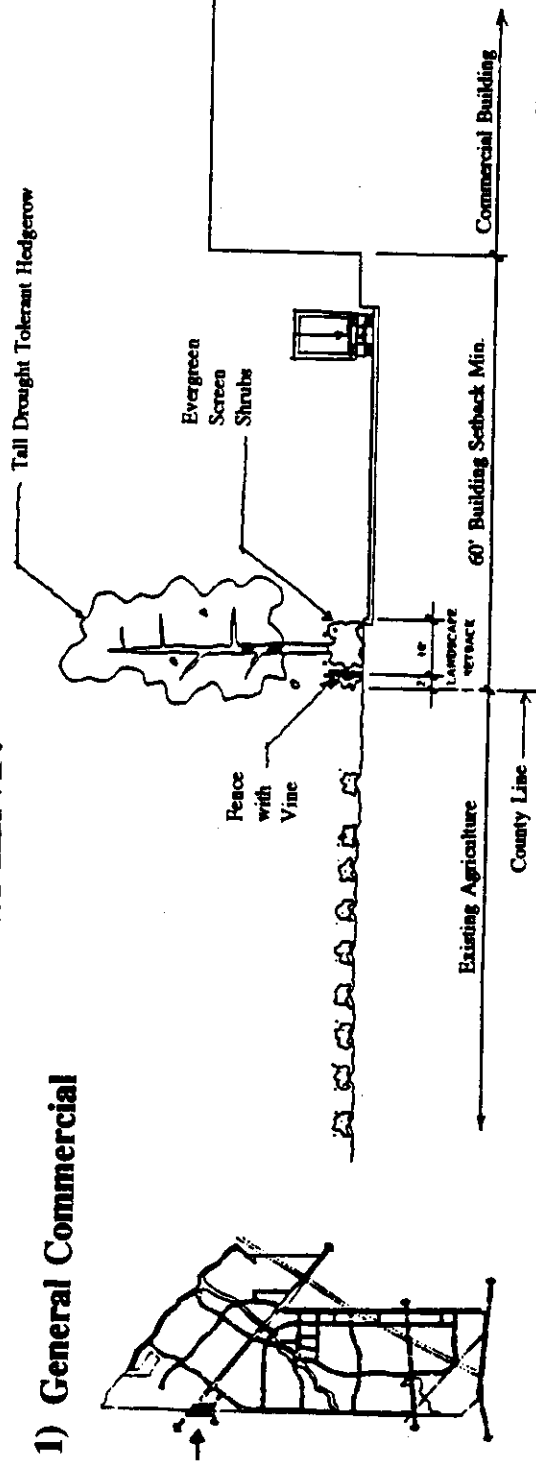
Figure 4.1-4



WESTERN EDGE TREATMENT:

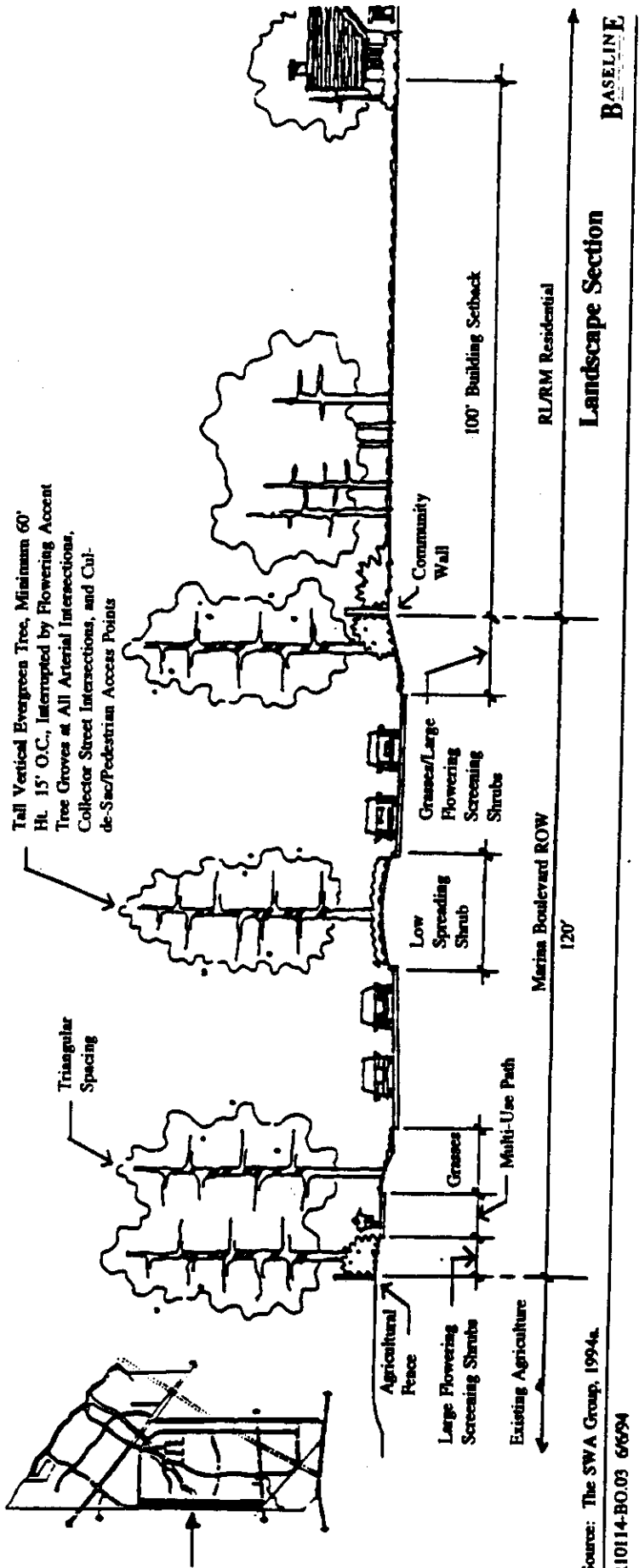
Figure 4.1-5

1) General Commercial



General Commercial

2) Marina Blvd



Source: The SWA Group, 1994a.

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would be required between agricultural operations and the nearest commercial building (Figure 4.1-2). The setbacks could be used as a yard for the residences, as a residential street, or as a loading area or other use for the commercial activity.

The proposed project would also introduce urban uses at the eastern edge of the project site along Patterson Pass Road, adjacent to existing agricultural operations. However, the proposed land uses on the eastern edge are exclusively industrial and commercial, which would not result in significant agricultural land use conflicts. In addition, the prevailing northwest to southeast winds reduce potential impacts of aerial spraying on adjacent urban uses. The planned right-of-way for the four- to six-lane Patterson Pass Road, a 105-foot drainage swale, and a 20-foot utility easement along much of the roadway's length would serve as an adequate 128-foot to 237-foot buffer between uses at the site's eastern edge and nearby agricultural lands.

Other natural or man-made buffers, such as Old River in the north and the Delta-Mendota Canal and I-205 to the south, serve as adequate buffers between the project's urban uses and nearby agricultural operations along those project boundaries.

Mitigation Measure M4.1-2

(a) The following Objective, with corresponding Policies and Implementations, should be inserted as Objective 11 under West Edge Treatment in Development and Design (Appendix C) in place of existing Policies a) and b):

"Objective 11:

"The project site shall be developed to minimize land use conflicts between planned urban uses and existing agricultural operations to the west.

"Policy:

"a) A buffer area, minimum 500 feet wide, shall be provided along the western site boundary. This minimum 500-foot buffer requirement applies to all portions of the western project boundary except in the south, where planned housing abuts the Delta Mendota Canal.

*"b) A combination of hard and soft treatments may be applied in the 500-foot buffer area that is required along the western boundary to mitigate potential agricultural impacts, such as aerial spraying, trespass, and vandalism. The 500-foot buffer can be located entirely on the project site (in San Joaquin County) or can be located entirely or partially west of the project boundary (in Alameda County). If existing agricultural lands west of the project are used to satisfy the buffer requirement, conservation easements must be placed on the lands **and dedicated to the Alameda County Open Space Land Trust**. The conservation easement shall stipulate that development rights are permanently restricted and shall be limited to those crops that do not require aerial spraying (e.g., oats, wheat, beans, pasture).*

"c) A combination of windrow tree plantings of a mature height and width, berms, fences, four-lane roadways, adjacent multi-use pathways, local streets, and utility easements

should be included in any portion of the 500-foot buffer that is on the project site. To the greatest extent feasible, the buffer area within the project site should be owned and maintained by a public or quasi-public agency. The inclusion of private residential backyards and private commercial facilities such as parking lots and loading zones shall be limited to a maximum of 50 feet of the total required buffer (e.g., the private backyards of homes along Marina Boulevard shall be no more than 50 feet deep). The buffer area shall ensure that along the continuous length of the western boundary of the project, all privately owned, urban uses such as residential backyards or commercial loading areas would be located a minimum of 500 feet from agricultural operations requiring aerial spraying. The design of any buffer area located in Alameda County shall be reviewed and endorsed by a qualified neutral party with specific expertise in urban/agricultural interface. Any off-site mitigation resulting in conservation easements shall be considered when assessing any per-acre agricultural mitigation fee or any wildlife mitigation."

(b) The following Policy and Implementation should be inserted under Objective 3, In Community Monitoring Programs in Jobs/Housing & Affordable Housing ~~Right to Farm Ordinance in Land Use~~ (Appendix C) in place of Policy a) and b):

"Policy:

"On-site residents shall be notified of the County's Right-to-Farm ordinance and that they are purchasing land or homes in an agricultural area. The disclosure shall cite specific examples of potential nuisances (e.g., noise, dust, odor, vectors, spraying) associated with ongoing and future agricultural activity."

"Implementation:

"Notification shall be recorded by separate instrument or on the face of the deed for each newly created parcel ~~within 1,000 feet of the western and eastern community boundaries.~~"

Impact M4.1-3

The construction of wastewater storage ponds on Fabian Tract may be inconsistent with the Sacramento-San Joaquin Delta Protection Act.

The Sacramento-San Joaquin Delta Protection Act was enacted by the State Legislature and signed by the Governor in 1992 to provide improved planning and resource protection for the Delta area, including portions of six counties. The Act designates a "primary zone" and "secondary zone" of the Delta. The operative provisions of the Delta Protection Act, including preparation of a resource management plan, are focused on the protection of the "primary zone" from the introduction of new uses that are not consistent with the agricultural and habitat values of the Delta. The primary zone includes most of the historic Delta islands located north of the Old River and west of I-5. The "secondary zone" includes areas with substantial existing or proposed urban development on the outer fringe of the Delta, including all of the City of Tracy and a large portion of the City of Stockton. The area north of the Old River, including Fabian Tract, the project's preferred long-term wastewater reclamation site, is located in the "primary zone" of the Delta.

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The Delta Protection Commission, created by the Act, is currently working on the preparation of the resource management plan for the "primary zone." The management plan is supposed to be completed by July 1, 1994, but is not expected to be adopted until sometime in 1995. The Act requires that within six months of adoption of the Delta management plan, all City and County General Plans with jurisdiction in the primary zone must be amended to be consistent with the Delta Protection Plan. Prior to the amendment of the local General Plans, local jurisdictions may approve development projects in the primary zone only after making specific findings on the basis of substantive evidence. Thus, the proposed use of portions of Fabian Tract for wastewater reclamation

and construction of wastewater storage ponds must be found to be consistent with the Act's relevant requirements. The wastewater facilities must be found to not result in:

- wetland or riparian loss;
- degradation of water quality;
- increased nonpoint source pollution or soil erosion;
- degradation of Pacific Flyway habitat;
- reduced public access;
- exposure of the public to increased flood hazards;
- adverse impacts to agricultural lands;
- degradation or impairment of levee integrity;
- adverse impacts to navigation; and
- increased requirements or restrictions upon agricultural practices in the primary zone.

The Draft Master Plan proposes that portions of Fabian Tract would be irrigated with wastewater treated to a secondary level. Two hundred to three hundred acres of wastewater storage ponds are also proposed to be constructed on Fabian Tract to hold treated effluent during winter months when adjacent lands cannot be irrigated (further description of the proposed wastewater facilities is included in Section 4.4.2 of this DEIR). The Draft Master Plan also proposes that portions of Fabian Tract would be enhanced with the planting of trees and other vegetation, to provide habitat for the Swainson's hawk and other species (see related discussion in section 4.11, Biological Resources, in this DEIR).

Construction of 200 to 300 acres of wastewater storage ponds may be inconsistent with the Act, since the construction would result in the loss of agricultural lands and wildlife habitat. In addition, several landowners on Fabian Tract have protested the plan to irrigate non-food crops with treated effluent (Bacchetti, 1994). Agricultural landowners have stated that the most beneficial use of Fabian Tract is for cultivation of high value food crops such as tomatoes, asparagus, and dry beans. At least one large land owner has been advised by their main buyer of processing tomatoes (the Heinz plant in Tracy) that the company "will not purchase tomatoes from lands that have been irrigated, past or present, with treated sewage water" (Bacchetti, 1994).

The proposed wastewater irrigation and storage ponds may not be consistent with the findings required under the Act that development in the "primary zone" not result in: degradation of Pacific Flyway habitat, adverse impacts to agricultural lands, or increased requirements or restrictions upon agricultural practices in the primary zone. The ultimate determination of the consistency of the proposed wastewater facilities on Fabian Tract with the Delta Protection Act must be made by San Joaquin County staff, or if the project approval is appealed, the Delta Protection Commission.

Mitigation Measure M4.1-3

If the preferred location for the project's wastewater irrigation and storage ponds is determined to be Fabian Tract, all mitigation measures in Sections 4.4.2 (Wastewater) and 4.11 (Biological Resources) should be complied with, to mitigate all potential impacts.

Alternatively, another location for the wastewater disposal should be identified outside the Delta "primary zone," such as the alternative location in Alameda County described in the Draft Master Plan, or alternative wastewater treatment options (i.e., tertiary treatment) should be implemented.

SPECIFIC PLAN I

Specific Plan I provides data on detailed land uses and facilities that would be constructed in the Central Mountain House subarea (Neighborhoods E, F, and G), Old River Industrial Park, and Mountain House Business Park (Figures 3.12, 3.13, 3.14, and 3.15).

Impact S4.1-1 (O,M)

The proposed phasing of growth during Specific Plan I may not be possible if Williamson Act contracts have not expired. This could decrease the number of jobs projected for the initial years and could affect the land use balance.

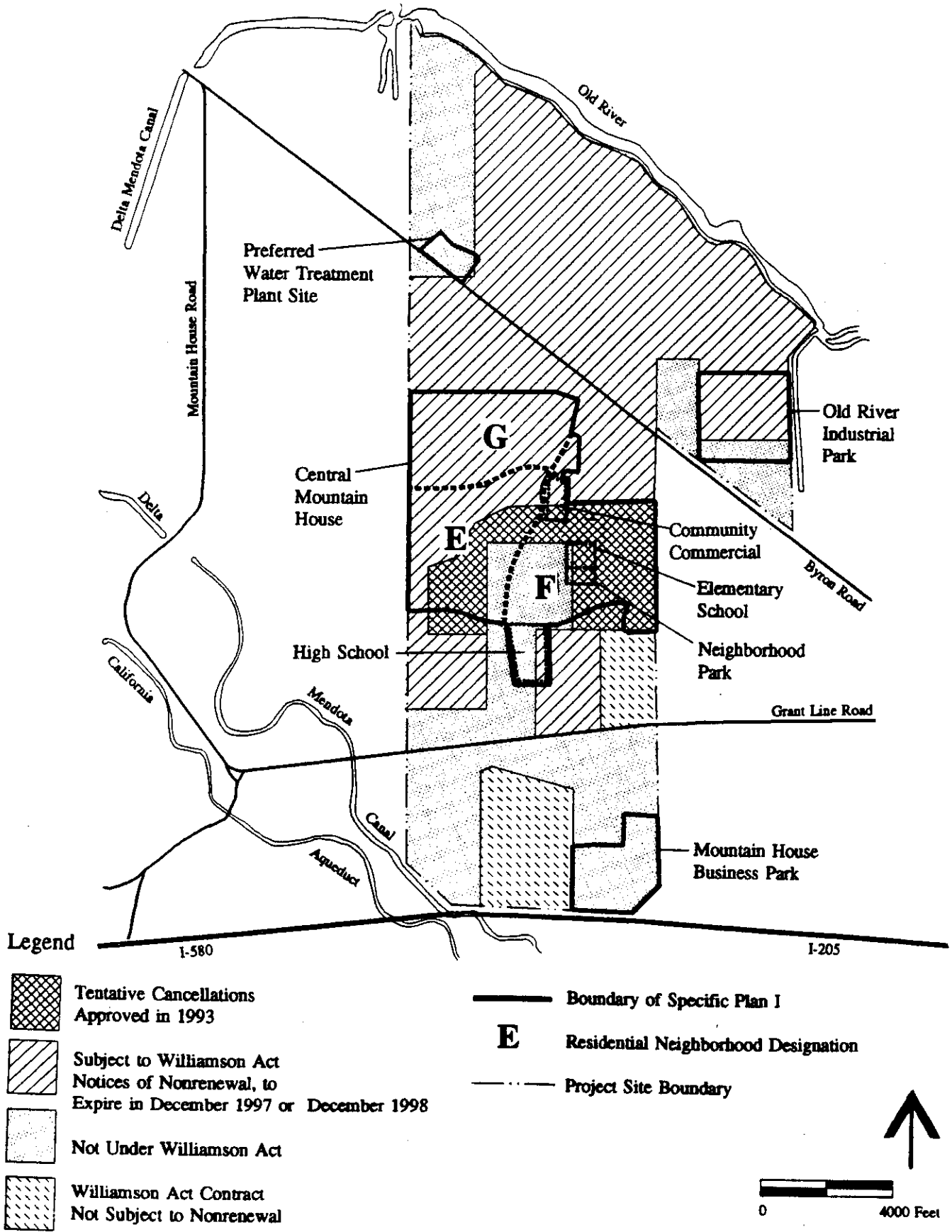
Adequate land may not be available for General Industrial development because some areas, planned for development within Specific Plan I, cannot proceed until existing Williamson Act contracts expire through nonrenewal or are canceled. The Draft Specific Plan I does not address how proposed development would relate to existing Williamson Act contracts and to the scheduled nonrenewal of Williamson Act contracts on lands proposed for development. This issue is especially important in the Old River Industrial Park and for the housing component of Central Mountain House, because Williamson Act contracts on some of the land proposed for development will not expire through the nonrenewal process until the end of 1997 or 1998 (Figure 4.1-6).

The Draft Master Plan designates a total of 233 acres for inclusion in the Old River Industrial Park, including 50 acres designated "Public" for the wastewater treatment plant, 110 acres designated for General Industrial, and 73 acres designated Light Industrial. The Draft Specific Plan I does not include all of the land planned for the Old River Industrial Park; Specific Plan I excludes 53 acres designated for General Industrial and 30 acres designated for Light Industrial because the lands are not currently controlled by the applicant. The lands left out of Specific Plan I are located immediately south and west of the remaining Old River Industrial Park parcels.

Industrial development associated with Specific Plan I, and subsequent job creation, could be postponed for the initial years of the project, since most of the 100 acres designated for Limited and General Industry in the Old River Industrial Park is under a Williamson Act contract that is not scheduled to expire until December 1998. If residential construction begins in 1995 or 1996 (Year 1 of the Specific Plan I schedule) job creation in the Old River Industrial Park could be hindered because not enough land will be free of Williamson Act contract. It appears that developable acreage in the Old River Industrial Park that is not constrained by Williamson Act Contracts is

WILLIAMSON ACT EXPIRATION DATES

Figure 4.1-6



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approximately 10 to 15 acres (including roadways and utility lines).² Construction of the wastewater treatment plant in the Old River Industrial Park would not be affected, since public facilities can be constructed on lands under active Williamson Act contract.

Industrial development in the Mountain House Business Park may also be hindered during the initial phases of Specific Plan I construction, due to the high cost of extending infrastructure to the site. The only other location that is designated for industrial uses in Specific Plan I is in the Central Mountain House subarea, where there are 37.5 acres designated for Limited Industrial uses along Patterson Pass Road.

Industrial development of the Specific Plan I area is expected by the applicant to occur according to a "high-growth" absorption schedule. According to this schedule, industrial land absorption rates (sales) are expected to be 18.3 acres of General and Limited Industrial land by the end of the third year which will result in 344 industrial jobs. However, this absorption schedule, which assumes absorption of 11.0 acres of General Industrial uses by Year 3, could probably not be reached until after the Williamson Act contract for most of the land in the Old River Industrial Park expired at the end of 1998 and services were extended to industrial parcels sometime in 1999 at the earliest. If residential construction does not begin until 1997 or 1998, at the earliest, timing of the Williamson Act Contract expirations will not be an issue. However, if residential construction begins in 1995 or 1996 (Year 1 of the Specific Plan I schedule) then the number of industrial jobs anticipated by the end of Year 3 under the "high growth" industrial absorption schedule seems unlikely to occur, unless other lands not under Williamson Act contract are designated for General Industrial uses.

In the central Mountain House subarea, construction of the first residential neighborhood (Neighborhood F) and most of the neighborhood's facilities could occur without delay, since the Williamson Act contracts, affecting approximately one-half of the land in Neighborhood F, were tentatively canceled by the Board of Supervisors in February 1993, when the Board approved the Mountain House General Plan Amendment. However, the Board did not cancel active Williamson Act contracts on lands that are planned for development in the northern portion of Neighborhood E, for one-half of the site planned for the Community Commercial shopping center, and for the western portion of the elementary school/neighborhood park site (Figure 4.1-6). The contracts on these parcels will not expire until December 1997.

Active Williamson Act contracts would also preclude any urban development of lands within Specific Plan I that are planned for Neighborhood G and approximately one-half of Neighborhood E (Figure 4.1-6). The contracts on these lands in Neighborhoods G and E will not expire until December 1997. Construction of public uses such as the planned water and wastewater treatment plants north of Byron Road could occur on lands with active Williamson Act contract, according to provisions of the County Development Title.

² It is unclear how much land in the Old River Industrial Park is not under contract and is not subject to use restrictions because of the Rio Oso-Tesla transmission line.

Mitigation Measure S4.1-1 (O,M)

~~(a) The following change should be made to the Specific Plan I land use map: The following Policy should be added to Specific Plan I, Section 4.4.1:~~

~~"b) If the jobs/housing goals are not being met, as determined during annual monitoring, the Old River Industrial Park Expansion Areas should be amended into Specific Plan I, in order to maximize industrial land opportunities in Specific Plan I."~~

~~The 83 acres of land within the Old River Industrial Park that were not included in Draft Specific Plan I should be added to the Specific Plan, to incorporate lands that are not subject to Williamson Act contracts and ensure there is enough General Industrial land available in the early years of the project. Alternatively, other lands in Specific Plan I should be designated or redesignated for General Industrial uses.~~

~~(b) The Draft Specific Plan I should be amended to include the following Objective and Policy in the Land Use section to ensure that enough non-contracted industrial lands are available for development in the early years of the project.~~

~~"Objective: To ensure that an adequate amount of industrial land is available, not subject to Williamson Act contracts or conflicting non-renewal schedules, for development in the early years of Specific Plan I.~~

~~"Policy:~~

~~"a) Lands zoned I-P and C-O on Patterson Pass Road, adjacent to Neighborhood F, shall be provided with on-site infrastructure during the early years of Specific Plan I.~~

~~"b) The Mountain House Business Park shall be provided with on-site infrastructure during Specific Plan I. Allocations of long lead infrastructure such as water and wastewater treatment shall be made available subject to prior commitment to other job generators within the community."~~

Impact S4.1-2 (M)

~~Exclusion of the Mountain House Business Park from the "initial Community Services District boundary" could conflict with attempts to provide sufficient industrial land during Specific Plan I and attain a balanced land use program.~~

~~The Draft Specific Plan I includes a proposed "initial Community Services District (CSD) boundary" that excludes the Mountain House Business Park near the I-205/Patterson Pass Road interchange, but includes all other lands owned or optioned by the applicant inside and outside of the Specific Plan I boundaries.~~

~~Not including the business park in the initial CSD boundaries, coupled with the restrictions of the Williamson Act contracts on portions of the Old River Industrial Park, could result in a scarcity of~~

4.1 LAND USE AND AGRICULTURAL ISSUES

~~available industrial land during the early years of Specific Plan I. Exclusion of the Mountain House Business Park means development of the area will probably not occur during the early years of Specific Plan I, unless the area is annexed into the CSD soon after the Specific Plan is approved.~~

~~Mitigation Measure S4.1-2 (M)~~

~~The portion of the Mountain House Business Park included in Specific Plan I should also be included in the initial boundaries of the Community Services District. The text and graphic in Chapter Sixteen of the Draft Specific Plan I should be amended to reflect this inclusion.~~

Impact S4.1-3 S4.1-2 (C,O,M)

Inclusion of lands within the Community Services District that are not proposed for development in Specific Plan I could result in premature curtailment of agricultural operations.

Inclusion of all agricultural lands outside Specific Plan I that are owned or under option by the applicant could place an economic burden on current agricultural owners (who have signed options with the applicant) or agricultural operator lessees (who lease lands from the applicant). This economic burden may not occur for optioned properties, if the terms of the option contract require the applicant to pay the increased fees. Unless provisions are made in the Specific Plan to ensure that lands not planned for development for many years in the future are not assessed at a high rate, the economic burden could result in the premature curtailment of existing agricultural operations.

Mitigation Measure S4.1-3 S4.1-2 (C,O,M)

*Agricultural properties outside the Specific Plan I boundaries that are not proposed for development within five years should be deleted from the initial CSD boundaries, unless policies are added to the Draft Specific Plan, **Development Agreement, and Public Financing Plan** that ~~indicate~~ **state** existing agricultural landowners or operator lessees of lands outside the Specific Plan I boundaries, but within the initial CSD boundaries, will not be subject to the same ~~high level of~~ **urban benefit assessment fees** as properties that will be developed as part of Specific Plan I.*

Impact S4.1-4 S4.1-3 (C,O,M)

Conflicts between urban/rural land uses could occur within Specific Plan I, particularly where ongoing agricultural operations abut planned residential and industrial development. Such conflicts could result in adverse impacts on the existing Byron-Bethany Irrigation District facilities, and on the existing access routes used by farm workers and equipment to reach agricultural fields. These impacts could in turn lead to the curtailment of agricultural operations, an increase in applications to cancel existing Williamson Act contracts, and the premature conversion of agricultural lands within the project site boundaries to non-agricultural uses.

Urban/rural land use conflicts could affect ongoing agricultural operations and the infrastructure (roads, irrigation ditches) needed to support those operations. Urban/rural conflicts could affect adjacent agricultural lands under Williamson Act contracts that have not yet expired or have not yet been "nonrenewed" by the property owners.

There is a potential for land use conflicts along the boundaries of the Old River Industrial Park, in the northern portion of the project site. Approximately four-fifths of the 150 acre industrial park is under Williamson Act contracts that will not expire until December 1998. Williamson Act lands

4.1 LAND USE AND AGRICULTURAL ISSUES

adjacent to the planned industrial park to the north will also not expire until that time. Thus, ongoing agricultural operations to the north of the site, as well as operations on non-contracted lands to the west and south could be impacted. To the east, the Old River Industrial Park is bounded by a waterway, the Wicklund Cut, which forms a natural edge separating the park and the adjacent farming.

Urban/rural conflicts could also be anticipated along the boundaries of the Central Mountain House neighborhoods. Key land uses in the first planned neighborhood F, such as the entire site of the community shopping center, and a part of the high school site, are subject to Williamson Act contracts that will not expire until the end of 1997. Existing agricultural operations, roadways, and irrigation facilities on these and other non-contracted land within, and adjacent to the area designated for the first phase of development in Neighborhood F could be adversely impacted.

Another potential land use conflict associated with the development of the Central Mountain House neighborhoods is the proximity of agricultural lands that have recently (1993) been planted with sugar beets. Approximately 93 acres of land that is within or immediately south of Neighborhood E has been cultivated with sugar beets, which require applications of sulfur dust to control pests. The land is controlled by the applicant. As discussed earlier, the County Agricultural Commissioners office receives numerous complaints from nearby residents about the odor and fallout from the aerial spraying of sulfur dust. According to the Draft Specific Plan I, the first neighborhood to be constructed will be Neighborhood F, which is located immediately to the east, and downwind, from the fields planted in sugar beets.

In the southern portion of the project site, urban/rural conflicts could occur along the boundary of the Mountain House Business Park subarea. The edge treatment between the planned high technology or business park-type uses and the existing farm operations of the 135-acre parcel to the west (owned by the Tusso family) is particularly sensitive. The Specific Plan for development of the business park proposes no roadway or other features which could help to form an effective boundary edge along the west side.

The Tusso family has an active Williamson Act contract on their property, and has not filed for non-renewal. Thus, there is no anticipated expiration date for the Williamson Act Contract on this property. The family currently leases the land to a farmer who grows alfalfa on the property. With no sensitive edge treatment, industrial uses in the planned business park could force the agricultural operator to prematurely curtail farming and induce the current owner, or a new owner, to file for non-renewal or cancellation of the existing Williamson Act contract.

Objectives and policies in the Draft Master Plan encourage farming as long as possible as construction of the new community proceeds. Policies also ensure that the Byron Bethany Irrigation District (BBID) service to ongoing agricultural activities be unaffected by development.

Specific implementation measures of the Draft Master Plan require the preparation of phasing plans which address issues related to ongoing, adjacent agricultural operations, including an assessment of

the impacts of development on BBID facilities and operations. Specific Plan I does contain policies related to BBID facilities located within or adjacent to the Specific Plan I area. However, the Draft Specific Plan I does not include adequate mitigation for other potential urban/rural land use impacts.

Mitigation Measure S4.1-4 S4.1-3 (C,O,M)

(a) Specific Plan I should be amended to provide interim buffers, setbacks, and/or appropriate landscaping treatment along the boundaries of the three Specific Plan subareas, to reduce land use conflicts between planned urban uses and the existing agricultural operations. Any interim buffer areas or larger than normal setbacks should remain in place until the adjacent agricultural operations cease and/or a specific plan is adopted for the adjacent properties. (C,O,M)

(b) Agricultural lessees who farm lands owned by the applicant which are within 1,000 feet and upwind of neighborhoods under construction in the Central Mountain House subarea shall be prohibited from cultivating sugar beets. (C)

*(c) To mitigate the potential for significant **temporary** agricultural/urban land use conflicts along the western edge of the Mountain House Business Park, where no roadway forms a boundary, the Specific Plan I should be amended to require a ~~heavily~~ landscaped area incorporating a combination of windrows, hedges, and evergreens to reduce the impacts of aerial spray and dust from the adjacent agricultural operations. **The intent of this mitigation measure is to provide a buffer strip that would ultimately be a part of the final landscaping design for the Business Park bulldout.** (M)*

(d) Specific Plan I contains no policies requiring notification to all buyers (not just properties located within 1,000 feet of the western and eastern boundaries) that all properties are surrounded by agricultural operations. The following policy should be inserted in Chapter Three of Specific Plan I:

"The deed of each newly created parcel within Specific Plan I shall include a clear statement to inform new buyers that they are purchasing land or homes in a predominantly agricultural area and that the County has adopted a Right-to-Farm ordinance to protect farmers from nuisance suits as a result of normal farming practices." (C,O,M)