

### 5.2 AGRICULTURAL RESOURCES

This section of the Draft Environmental Report (DEIR) discusses the potential impacts from the loss of agricultural resources associated with The Ontario Plan. Although the Ontario General Plan Amendment of 1999 approved the replacement of agricultural lands with nonagricultural land uses, the analysis in this section does not compare the previous land use plan with the proposed land use plan of The Ontario Plan. This section compares the proposed land uses of The Ontario Plan with the current existing conditions. The CEQA Statutes state that projects must "...identify the significant effects on the environment of a project..." and that "environment" is defined as "...the physical conditions that exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance." Since the development previously proposed with the General Plan Amendment of 1999 has not been completed, the environment on which this analysis is based is the current conditions of Ontario.

#### 5.2.1 Environmental Setting

##### Agricultural Designations and Contracts

##### *Farmland Mapping and Monitoring Program*

The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) was established in 1982 to track changes in agricultural land use and to help preserve areas of Important Farmland. It divides the state's land into eight categories of land use designation based on soil quality and existing agriculture uses to produce maps and statistical data. These maps and data are used to help preserve productive farmland and to analyze impacts on farmland. Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance are all Important Farmland and are collectively referred to as Important Farmland in this DEIR. The highest rated Important Farmland is Prime Farmland.



**Prime Farmland.** This has the best combination of physical and chemical features and is able to sustain long-term agricultural production. The land has the soil quality, growing season, and moisture supply needed to produce sustained high yields and it must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

**Farmland of Statewide Importance.** This is 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.** This has lesser-quality soils and is used for the production of the state's leading agricultural crops. The land is usually irrigated, but may include nonirrigated orchards or vineyards, as found in some climatic zones in California. The land must also have been cropped at some time during the four years prior to the mapping date.

**Farmland of Local Importance.** This is of importance to the local agricultural economy, as determined by each county's board of supervisors and a local advisory committee.

**Grazing Land.** This has existing vegetation that is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.

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**Urban and Built-up Land.** This land is occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad, and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

**Other Land.** This land is not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines or borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

**Water.** These are areas with perennial water bodies with an extent of at least 40 acres.

Between 2004 and 2006, San Bernardino County lost 3,755 acres of Important Farmland (34,675 acres to 30,920 acres). Table 5.2-1 shows the amount of Important Farmland in the City of Ontario compared to developed and other lands. The total amount of Important Farmland in the City of Ontario is 3,269.3 acres, 10.2 percent of the total land in Ontario (31,957.9 total acres). Ontario has 3,005.8 acres of Prime Farmland, 164.2 acres of Farmland of Statewide Importance, and 99.3 acres of Unique Farmland, and 5,947.4 acres of other lands.

**Table 5.2-1**  
**Current Developed Land and Important Farmland in Ontario**

<i>Type of Important Farmland</i>	<i>Acreage</i>
Developed Land	22,807.4
Prime Farmland	3,005.8
Farmland of Statewide Importance	164.2
Unique Farmland	99.3
Other Lands	5,881.2
<b>Total<sup>1</sup></b>	<b>31,957.9</b>

Source: California Department of Conservation, Farming Mapping and Monitoring Program, 2006

### Past and Present Agricultural Uses in and Around Ontario

Existing farmland in Ontario can be seen in Figure 5.2-1, *Important Farmland*. It should be noted that since this map was created, many of the lands designated as Farmland have been developed.

#### **Original Model Colony**

Historically, agricultural lands made up much of the City of Ontario, including land for citrus, olive, dairy farms, and vineyards. Agriculture has remained an important heritage for the City, but many of the developed portions of the Original Model Colony (OMC) have replaced agricultural land uses with industrial, commercial, and residential land uses. Limited agriculture land uses are currently permitted in areas zoned for Agricultural Residential (AR), Residential Estate (RE), Public Facility (PF), Open Space (OS), Commercial (C-1 to C-4), and Industrial (M1 to M3) land uses. However, only a few remnant parcels of agricultural uses remain in the OMC intermixed with other land uses, mostly to the east of Vineyard Avenue.

**Figure 5.2-1 Important Farmland**



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### ***New Model Colony***

The majority of existing agricultural uses and Important Farmland is in the NMC. Important Farmland in the NMC is now used for dairy, noncommercial poultry farms, alfalfa, barley, strawberry, and other row crop farming. In 2006, approximately 7,330 acres (89 percent) of the NMC were used for agriculture.

With the adoption of the NMC General Plan Amendment in 1999, most of the agricultural land in the NMC has been designated as residential, commercial, industrial, open space, or public land. There are four sections of agricultural preserve in the NMC Land Use Plan, totaling 200 acres in the southwestern portion of the City. The change of land use from agricultural to nonagricultural has mostly been due to increasing population, which has put pressure on cities in southern California to turn Important Farmland into uses that would support residential, economic, and employment needs. Dairies and farms in Ontario have also found that they are being outcompeted by dairies and farms in the Central Valley, so they have either converted their land to more productive, nonagricultural uses or they have left Ontario for the Central Valley. Certain programs, which are discussed below, have been implemented in the area to preserve agricultural land in areas where it is being phased out.

### ***Areas Surrounding Ontario***

The land uses surrounding Ontario vary from residential to industrial, but there is little agricultural land use. Some of the only agricultural land surrounding Ontario is in Chino, to the south of the City. Much of this farmland to the south and southwest of Ontario is designated Prime Farmland by the Department of Conservation, based on 2006 data.

Agriculture in the area has declined primarily for two reasons: dairy businesses find that they are more profitable in the Central Valley and, more importantly, urban development has pushed agricultural land uses out of the area. After the dairy boom of the 1960s and 1970s, smaller dairy and other agricultural land uses have been in decline in Ontario and farmers have moved to the Central Valley where they can compete with larger operations. Between 2004 and 2005, the number of dairy farms in Riverside and San Bernardino Counties fell from 209 to 191. During the peak of the Inland Empire dairy industry, more than 400 dairy farms were in operation (Florkowski 2006).

### ***Southern California Agricultural Land Foundation Preserves***

The San Bernardino County Agricultural Land Preserves within the City were managed by the Southern California Agricultural Land Foundation (SoCALF) until 2006, when the County of San Bernardino took over management of these parcels. Hence these areas are still referred to as SoCALF Preserves in the City. The SoCALF Preserves were established and maintained with funds from the 1988 Park Bond Act regulations. The San Bernardino County Agriculture Land Preserve once covered about 15,000 acres, mainly in southern Ontario and Chino. However, much of this area is now being developed by both cities. An amount of \$20 million was paid to the County of San Bernardino from the State of California to establish and fund these lands as long as they remained in agricultural use within the San Bernardino County Agriculture Land Preserve (California Public Resources Code Sections 5905–5907). When the SoCALF Preserves are no longer being used for agricultural purposes, these funds must be returned to the state or used to purchase property of equal size and similar use within the San Bernardino County Agriculture Land Preserve. Approximately 200 acres are designated as SoCALF Preserves in the NMC.



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#### **Williamson Act Contracts**

The California Land Conservation Act of 1965, or the Williamson Act, allows city or county governments to preserve agricultural land or open space through contracts with landowners. The NMC has areas that are currently agriculture preserves under contract with San Bernardino County through the Williamson Act of 1965. Contracts last 10 years and are automatically renewed unless a notice of nonrenewal is issued.

The preservation of agricultural land through Williamson Act contracts today in Ontario is meant to discourage premature and unnecessary conversion to urban uses. Landowners benefit from the contract by receiving property tax assessments that are much lower than the normal rates, based on farming and open space land values rather than urban full market values. To prevent local governments from losing tax revenue on these lands, the Open Space Subvention Act of 1971 gives local governments an annual subvention.

Once the NMC annexed to the City, Ontario became the administrating entity for the Williamson Act contracts. Under the Act, either the land owner or the planning jurisdiction (the City) has the ability to submit the property for nonrenewal. Property owners in this area with Williamson Act contracts have filed for nonrenewal because of the declining profits from agriculture in the area and the potential development of these lands with nonagricultural uses. Current nonrenewed contracts would expire between 2009 and 2017, as shown in Figure 5.2-2, *Williamson Act Contract Lands*.

#### **Agricultural Overlay Zone (Right to Farm Ordinance) in NMC**

When the NMC was annexed in 1999, the City zoned the area as Specific Plan, which requires the area to be developed with specific plans. Once a specific plan is implemented in an area, the provisions of that plan will determine the land use, which will be consistent with the general plan. However, the development of this area will be a gradual process and agricultural uses will exist on an interim basis before the land is developed. In January 2001, the City adopted the Agricultural Overlay Zone, or the Right to Farm ordinance, to act as a “buffering” device between existing agricultural uses and urban development. Homeowners near existing farm uses would be given notice in the form of a deed disclosure that agricultural nuisances (odors, noises, etc.) are present and that they have a right to exist as long as the land is not developed otherwise.

The intent of the Right to Farm ordinance is “to allow for the continuation of agricultural uses and agricultural support uses as defined herein on an interim basis in those areas which the New Model Colony General Plan may designate for more intensive urban uses in the future. The Agricultural Overlay District is further intended to protect vital agricultural uses by limiting land use activity to those uses which are compatible and supportive of agricultural and related uses and/or agricultural by-products” (City of Ontario Municipal Code, Section 9-1.2700).

The following agricultural land uses are prohibited in the Agricultural Overlay Zone:

- Animal slaughter operations
- Commercial poultry ranches
- Commercial hog ranches (City of Ontario 2002)

**Figure 5.2-2 Williamson Act Contract Lands**



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### 5.2.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- AG-1 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.
- AG-2 Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- AG-3 Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Important Farmland to non-agricultural use.

The Initial Study, included as Appendix A, substantiated that all agricultural impacts could be potentially significant. All impacts from the Initial Study will be discussed in the following analysis.

### 5.2.3 Environmental Impacts

**IMPACT 5.2-1: BUILDOUT OF THE ONTARIO PLAN WOULD CONVERT THE EXISTING 3,269.3 ACRES OF CALIFORNIA RESOURCE AGENCY-DESIGNATED PRIME FARMLAND, UNIQUE FARMLAND, AND FARMLAND OF STATEWIDE IMPORTANCE TO RESIDENTIAL, COMMERCIAL, MIXED-USE, AND INDUSTRIAL LAND USES. [THRESHOLD AG-1]**

**Impact Analysis:** Upon buildout of the proposed land use plan, there would be no agricultural land use designations in the City except for the Preserves. In addition, the proposed land use plan designates underlying nonagricultural development within the Preserves in the event the agricultural uses within the Preserves are relocated or abandoned.

The conversion of agricultural lands to nonagricultural uses was analyzed in the EIR prepared for the New Model Colony General Plan Amendment (NMC EIR). Impacts to agricultural lands as a result of such conversion was found to be a significant and unavoidable impact for which the City Council adopted a Statement of Overriding Considerations. Likewise, the implementation of the Proposed Land Use Plan of The Ontario Plan would potentially convert all 3,269.3 acres of the City's Important Farmland to nonfarmland uses, including residential, commercial, mixed-use, public, open space, and industrial. The proposed land use plan designates four noncontiguous parcels of land (totaling approximately 200 acres) as SoCALF Preserves. However, the agricultural land in these parcels is not all Important Farmland; three of the parcels contain Prime Farmland and one parcel does not contain any Important Farmland.

The City of Ontario does not have any prohibitions that prevent the transition of agricultural land uses to urban land uses. While existing agricultural uses would be allowed to persist, the proposed land use plan does not designate these areas for agricultural land uses. Therefore these existing agricultural uses would be converted to nonagricultural uses upon buildout of The Ontario Plan. Furthermore, although the intent of the SoCALF Preserves was to preserve Important Farmland in perpetuity in this area of the county, the preserves do not guarantee that Important Farmland would not be converted to nonagricultural uses within Ontario. The proposed land use plan for the City designates these areas for nonagricultural land uses provided that equivalent Important Farmland is preserved elsewhere or funds associated with the 1988 Park Bond Act are returned. Important farmland outside of these preserves may be converted to nonagricultural uses without requiring the county to repay the funding to the state or relocating the farmland elsewhere in the San



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Bernardino County Agricultural Land Preserve. However, any Important Farmland conversion to nonagricultural uses would be a significant impact. Consequently, implementation of The Ontario Plan would replace the SoCALF Preserves, and associated Important Farmland, with urban development. In conclusion, the Proposed Land Use Plan would ultimately convert all existing Important Farmland within the City to nonagricultural uses. The City is focusing on developing land in an economically productive way that would serve the growing population. Thus, Ontario's future development emphasizes mixed-use, commercial, industrial, and residential projects rather than supporting the continuation of agricultural uses, which are becoming less economically viable. Development and implementation of The Ontario Plan would have significant impacts on agricultural resources in Ontario.

**IMPACT 5.2-2: BUILDOUT OF THE ONTARIO PLAN WOULD CONFLICT WITH EXISTING WILLIAMSON ACT CONTRACT LANDS. [THRESHOLD AG-2]**

**Impact Analysis:** The City's current zoning code would remain upon implementation of the proposed land use plan. There are two categories for agricultural land under this zoning code: and Specific Plan Agriculture Preserve. Because the Proposed Land Use Plan does not designate any agricultural uses, The Ontario Plan has the potential to conflict with the existing zoning designations that allow these types of uses. Rural residential land use and Agriculture Residential zoning allow low density housing and estates with some minimal agriculture use such as the keeping of chickens or horses. However, because this zoning designation was not intended for large-scale farming/agricultural operations no impacts would occur in this regard. Furthermore, the NMC would remain zoned as Specific Plan Agriculture Preserve upon the implementation of the Proposed Land Use Plan of The Ontario Plan. This zoning would allow the development of specific plans in the NMC and would not conflict with the proposed land uses. Since this project does not include a development code or zoning update, this zoning would remain current after the implementation of the Proposed Land Use Plan. Although the degree to which agriculture is preserved in the NMC may lessen over time, there would not be any inconsistencies in this area between the zoning and the proposed land uses. Consequently, no impacts would occur in this regard.

There are a number of Williamson Act contracts within the City that have yet to expire. Any land held in a Williamson Act contract will have to be filed for nonrenewal and the contract will have to be allowed to expire before any development occurs on it. The contracts that have been designated for nonrenewal by the landowners are set to expire between 2009 and 2017. Other contracts are still active, but buildout of The Ontario Plan would most likely require the cancellation or nonrenewal of these contracts. The current use of these contracts would slow the rate of conversion from agricultural to nonagricultural land but it would not prevent the conversion. Since there are some Williamson Act contracts still active in the NMC, implementation of the Proposed Land Use Plan for The Ontario Plan would conflict with these contracts and cause a significant impact unless the contracts are cancelled prior to development. Impacts related to Williamson Act contracts within the NMC area were also analyzed in the NMC EIR, and a statement of overriding considerations was adopted with regard to its significant and unavoidable impacts.

**IMPACT 5.2-3: BUILDOUT OF THE ONTARIO PLAN WOULD IMPACT ADJACENT AGRICULTURAL LAND USES IN NEIGHBORING COMMUNITIES AND CITIES [THRESHOLD AG-3]**

**Impact Analysis:** As discussed for Impacts 5.2-1 and 5.2-2, changes in land use from implementation of The Ontario Plan would convert the remaining agricultural uses and Important Farmland throughout the City to nonagricultural uses and it could lead to the cancellation or expiration of Williamson Act contracts. Development of the City in accordance with The Ontario Plan would increase the amount of nonagricultural land uses. When nonagricultural land uses are placed near agricultural uses, the odors, noises, and other hazards related to agriculture conflict with the activities and the quality of life of the people living and working in the surrounding areas. Consequently, conversion of agricultural uses in the City may cause farms and

agricultural land uses outside the City to be converted to nonagricultural uses because of the nuisances related to agriculture and because of development pressures. The Agriculture Overlay District itself would not have any influence on surrounding communities because the ordinance is only applied within the City's boundaries.

Development of the NMC would place urban developments next to farms and agricultural areas in Chino. Important Farmland in Chino exists west of Euclid Avenue. It would be adjacent to proposed business park and residential land uses in Ontario. Even though future development projects will require environmental review in accordance with CEQA, including assessment of potential agricultural resources impacts, the development of the land in accordance with The Ontario Plan would create significant impacts on surrounding agricultural resources by encouraging its conversion.

#### 5.2.4 Relevant Policy Plan Policies and Programs

##### Environmental Resources Element

- ER5-2 Right to Farm. We support the right of existing farms to continue their operations within the New Model Colony.
- ER5-3 Transition of Farms. We protect both existing farms and sensitive uses around them as agricultural areas transition to urban uses.

#### 5.2.5 Existing Regulations and Standard Conditions

##### City of Ontario Municipal Code

The City of Ontario Municipal Code contains regulations pertaining to agricultural resources in the City, including:

- **Title 9, Development Code, Chapter 1, Zoning and Land Use Requirements, Article 27, Agriculture Overlay District, Section 9-1.2700**, regulates development in the NMC to create compatibility between agricultural and nonagricultural uses. It recognizes that specific plans will guide the development of the NMC and that "there will be a need for regulations to guide agricultural-related development activities for the interim period until a Specific Plan is approved and urban development begins." The overall goal of the ordinance is to prevent unnecessary urban development in the area unless the development has been planned. "It is the intent of the Agriculture Overlay District to allow for the continuation of agricultural uses and agricultural support uses as defined herein on an interim basis in those areas which the New Model Colony General Plan may designate for more intensive urban uses in the future." It states the permitted, conditional, and ancillary agricultural uses for Overlay District and is known as the Right-to-Farm ordinance.

#### 5.2.6 Level of Significance Before Mitigation

Without mitigation, the following impacts would be **potentially significant**:

- Impact 5.2-1 Buildout of The Ontario Plan would convert the existing 3,269.3 acres of California Resource Agency–designated Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to residential, commercial, mixed-use, and industrial land uses.



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- Impact 5.2-2 Buildout of The Ontario plan would conflict with existing Williamson Act contracts.
- Impact 5.2-3 Buildout of The Ontario Plan would impact adjacent agricultural land uses in neighboring communities and cities.

#### 5.2.7 Mitigation Measures

##### Mitigation Measures Considered and Rejected

In compliance with CEQA, “each public agency shall mitigate or avoid the significant effects on the environment of any project it carries out or approves whenever it is feasible to do so” (Public Resources Code, Section 21002.1[b]). The term “feasible” is defined in CEQA to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors” (Public Resources Code, Section 21061.1).

While the City maintains a Right-to-Farm ordinance, use of farm equipment and odors associated with dairy farming in the NMC is not compatible with densities proposed in the Proposed Land Use Plan. Historically, the dairy farms in the NMC represented the highest concentration of dairy cattle in the United States. This type of industrial agriculture has burdened the San Bernardino County region with air quality problems resulting from methane from dry lot operations, water quality problems from high levels of nitrates and other water pollutants percolating into the groundwater basin and surface waters, and hazards from methane and hydrogen sulfide emissions from manure. Several mitigation measures to reduce the impacts of The Ontario Plan on agriculture were considered. However, none of these mitigation measures would feasibly be able to reduce the significant impacts to levels less than significant and impacts would remain significant and unavoidable. The measures considered are discussed below.

##### Retention of On-Site Agricultural Uses

Currently, there are approximately 200 acres of agricultural land on-site within the SoCALF Preserves, which were purchased through funding from the 1988 Parks Bond Act. Further plans to conserve agricultural land within the City of Ontario would be infeasible because they would not be consistent with the City’s goals for housing and improving the jobs/housing balance that existing within the SANBAG region and because it would place farmland near incompatible land uses. This would create islands of agricultural uses within an urbanized setting, potentially resulting in incompatible land uses. The City’s policy towards the long-term maintenance of agriculture can also be seen from the land use designations proposed, none of which would solely allow agriculture permanently. Thus, there are policy-based reasons for finding onsite mitigation to be infeasible. Furthermore, the economic viability of dairy farming in the NMC area has declined as a result of losing many of the support services associated with the dairy industry. Ultimately, the long-term viability of agriculture within the City is limited due to the increasing land prices and values, higher water costs, higher labor costs, higher property taxes, competition from other parts of the state, and the growing urbanization of the area. These factors make the long-term, permanent use of lands within the City for agricultural purposes economically infeasible.

##### Replacement of Agricultural Resources Off-Site

This option would require the City to purchase replacement acreage for Important Farmland currently not in use elsewhere in California and restore it as viable farmland. This type of mitigation would face the same drawbacks as outlined above, unless the mitigation parcels were in another portion of the state. However, in such circumstances that type of distant mitigation would not reduce impacts because these mitigation

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parcels could have no bearing or relationship on the loss of agricultural lands within the City. Furthermore, replacing Important Farmland areas outside the City also would have its own environmental impacts such as potential impacts to biological resources, groundwater quality, and air quality as a result of converting vacant land to agricultural uses. Furthermore, this mitigation strategy would cause no net change in Important Farmland conversion within the state because new Important Farmland cannot be created. Consequently, for the reasons outlined above and in this paragraph, it is determined that offsite mitigation of agricultural resources is neither feasible nor effective in mitigating such impacts.

#### **Relocation of Prime Farmland Topsoil**

This measure would call for the removal of the top 12 to 18 inches of topsoil from Important Farmland sites and the placement of this soil on farm sites that have lesser quality soil. Similar to the “Replacement of Agricultural Resources Off-Site” measure, this would not be feasible because Ontario would have to remove large amounts of topsoil and place it somewhere outside of the City’s boundaries. Locating and placing topsoil in areas outside the City would have its own environmental impacts, such as increased truck traffic on local roadways from both hauling on-site and replacing soils off-site, increased diesel truck emissions, and increased noise levels due to the machinery used to move soil. Furthermore, this mitigation assumes that the topsoil in the NMC is high quality topsoil that should be salvaged. The majority of the current agricultural uses in the NMC (dairy) do not require high quality topsoil and the area is not known for quality topsoil. In fact, remediation of the topsoil is required in many cases as a result of high levels of methane and hydrogen sulfite in manure.

#### **Establishment of Conservation Easement or Preserves**

Since the majority of the City is being developed, the agriculture allowed in conservation easements or preserves would have to be limited to types of agriculture that do not impact neighboring communities and residents. The current agricultural uses in Ontario include dairy and noncommercial poultry establishments and alfalfa, barley, strawberry, and other row crop farming. Dairy and poultry would have high impacts on surrounding land uses because of the high noise and odor levels associated with these types of agriculture. Previous conservation easements have not been viable in Ontario, as shown by the SoCALF preserves, and it is unlikely that they would be successful in the future. The City could either retain these preserves and use them for low-nuisance agriculture or they could attempt to develop agricultural conservation easements outside of the City. In the former scenario, such mitigation would still be infeasible as it would conflict with the policy determinations regarding the conversion to urban land uses reflected in the proposed Ontario Plan. Even if the City developed easements outside of the City, they would most likely not be large enough to preserve 3,269.3 acres of Important Farmland and would suffer from all of the infirmities discussed above in connection with “Retention of Onsite Agricultural Uses.” Furthermore, the EIR certified by the City in 1999 for the NMC established the policy of the City of Ontario to convert agricultural lands into nonagricultural uses. For these reasons, the establishment of conservation easements or preserves is not deemed to be feasible or effective mitigation.

#### **Payment in Lieu or Transfer of Development Rights**

San Bernardino County has a transfer of development rights program for land within the county. Transferring development rights would involve the purchasing of the right to develop land from a currently undeveloped piece of land and transferring those rights to farmland within Ontario. It is similar in concept to the conditions of the SoCALF Preserves agreement, which would require the establishment of agriculture preserves within the San Bernardino County Agriculture Land Preserve in compensation for the development of the SoCALF Preserves in Ontario. Developing a similar program in the City of Ontario would require establishment of a per-acre fee to acquire development rights from farmland elsewhere while developing the Important



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Farmland within Ontario. This option is only feasible for Important Farmland that is not part of a SoCALF Preserve. The preservation of Important Farmland in place of these Preserves would have to remain within the San Bernardino County Agriculture Land Preserve; it could not occur arbitrarily elsewhere in San Bernardino County. Thus, this option is also infeasible because there would still be a net loss of Important Farmland (i.e., the Farmland preserved would still likely be preserved anyhow). Even if Important Farmland would be preserved elsewhere in San Bernardino County, the Important Farmland in Ontario would be developed, resulting in a net loss of Important Farmland. Therefore, for these reasons outlined above and in this paragraph, it would not prevent significant impacts from occurring in Ontario and would not be an effective CEQA mitigation measure, nor is this mitigation measure feasible from an economic perspective within this region.

#### **Impact 5.2-1**

As discussed above, no feasible mitigation measures are available to prevent the loss of Important Farmland within the City of Ontario.

#### **Impact 5.2-2**

As discussed above, no feasible mitigation measures are available to prevent or reduce the agricultural impacts caused by implementation of The Ontario Plan.

#### **Impact 5.2-3**

As discussed above, no feasible mitigation measures are available to prevent or reduce the agricultural impacts caused by implementation of The Ontario Plan.

#### **5.2.8 Level of Significance After Mitigation**

The impacts on agriculture would remain **significant and unavoidable**.