



Legislation Text

File #: PC 19-031, **Version:** 1

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PUBLIC HEARING to consider a recommendation to the Board of Supervisors regarding incorporating policies relative to the Cache Slough region into the General Plan

RECOMMENDATION:

1. Determine that the project qualifies for Section 15308 Class 8 Protection of the Environment, of the California Environmental Quality Act.
2. Recommend that the Board of Supervisors amend the General Plan and incorporate policies regarding Cache Slough, as drafted in the attachments.

EXECUTIVE SUMMARY:

On May 16, 2019, Planning staff presented an overview relative to the issues related to the potential land conversions in Cache Slough. Planning Commissioners requested that the item be brought back for further discussion and review. Staff is now bringing to the Commission, a specific set of General Plan text and policy, for consideration and recommendation to the Board of Supervisors.

ENVIRONMENTAL ANALYSIS:

The project qualifies for a Categorical Exemption pursuant to Section 15308 Class 8, Actions by Regulatory Agencies for the Protection of the Environment, of the California Environmental Quality Act. Section 15308 Class 8 consists of:

Actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation is not included in this exemption.

The project consists of adoption of a policy framework to address potential agricultural land conversions in Cache Slough. Cache Slough is predominantly agriculture, adjacent to the Sacramento River and its tributaries, and the Yolo Bypass floodway. The proposed policies protect the existing agricultural environment and the supporting infrastructure in order to ensure continued economic viability of the region in order to avoid conflicts of Solano County's vision for agriculture. Individual environmental effects due to construction activities will be evaluated on a project level or case by case basis.

DISCUSSION:

Background:

The current General Plan, adopted in 2008, acknowledges that significant State efforts such as the Delta Vision were underway for the strategic management of the Sacramento-San Joaquin Delta as a sustainable ecosystem to support the economic and environmental functions of the Delta. (page RS-23 of Resources Chapter, Exhibit C). Since then, State level planning efforts such as the Bay Delta Conservation Plan, the Delta Plan and creation of State agencies such as the Delta Stewardship Council, WaterFix and EcoRestore

have been established with objectives on ensuring continued water supply, habitat restoration and funding mechanisms for regions in within the five counties (Solano, Yolo, Sacramento, Contra Costa and San Joaquin) in the Delta. The Delta Protection Act has been amended to include the Delta Plan which identifies the Cache Slough Region as one of the Priority Habitat Restoration Areas in the Delta Plan, adopted in 2013. The proposed General Plan amendment and policies is an update to address the State efforts affecting Cache Slough, and in particular, to ensure continued viability of agriculture in the region.

Land conversions from agriculture to habitat restoration or floodway raises numerous issues such as the protecting the economic viability of agriculture in Cache Slough, loss of Prime Farmland, lands use compatibility between wildlife and adjacent agriculture, nuisances, management and maintenance of the lands, impacts to the transportation network, water quality and supply, introduction of additional recreational usage such as fishing or boating and other water oriented uses, and property tax revenue implications due to the change from private landownership to public lands .

Several tidal wetland habitat restoration projects in the Cache Slough such as Prospect Island (1100 acres) and Lookout Slough (3400 acres), are currently in the environmental review phase of the permitting process, and Little Egbert (3500 acres) is anticipated in the near future. The project locations are shown on the location map (Exhibit D).

General Plan Amendment:

The proposed policies provide the policy framework for land conversions from agriculture to ecosystem restoration or floodways in the Cache Slough Region. The proposed framework establishes key land use policies to guide the decision making without diminishing the General Plan's vision of Solano County. The policies require development of a Cache Slough Protection and Management Plan, a Zoning Overlay and key policies which address sustaining the agricultural economy by enhancing agricultural operations, protecting the infrastructure and water supply, and reducing flood risks. The proposed policies are contained in Exhibit B. Following adoption of the General Plan amendment, Planning staff will bring forward the Cache Slough Zoning Overlay.

Under the current General Plan, the area is designated Agriculture with a Resource Conservation Overlay. There are several areas adjacent to the waterway designated Marsh. Changes to the existing General Plan land use designations are not proposed. The new policies are proposed to be added to the Resources Chapter of the General Plan under the Sacramento San Joaquin Delta Section because Cache Slough lies within the Delta boundary. The updated chapter is included as an attachment to the report (Exhibit C) and the area is depicted as Figure RS-3.1.

The proposed policies are specific to Cache Slough and the potential land use changes in the region and adjacent lands, however, are supplemental to the other goals and policies in the General Plan and are not intended to be exclusive or override other adopted policies in the General Plan. Consistency with the Land Use and Resource Management Plan by the Delta Protection Commission and Airport Land Use Commission is required prior to the Board of Supervisors action.

Consistency with General Plan:

Agriculture Chapter:

Agriculture is a predominant land use in the unincorporated Solano County and contributes significantly towards the economy. The following are the relevant goals for lands designated Agriculture which form the agricultural vision for Solano County.

AR.G-1: Recognize, value, and support the critical roles of all agricultural lands in the stability and economic well-being of the county.

AR.G-2: Preserve and protect the county's agricultural lands as irreplaceable resources for present and future generations.

AR.G-5: Reduce conflict between agricultural and nonagricultural uses in Agriculture-designated areas.

AR.G-6: Recognize, support, and sustain agricultural water resources for farmlands.

The proposed policies protect the economic viability for Cache Slough by requiring enhancements in agricultural infrastructure and minimizing impacts to agricultural operations by addressing improvements to water supply, drainage, levees and road network, retaining the water rights in Cache Slough and, reducing flood and seepage risks. Additional measures include regulatory protection from the incidental take of endangered species, reducing nuisances by early and frequent outreach to adjacent landowners and establishing Good Neighbor policies. Early formal consultation with the County is required to address the loss of farmland and consistency with General Plan policies. The proposed policies are consistent with the goals in the Agriculture chapter.

Resource Conservation Overlay:

Cache Slough is designated with a Resource Conservation Overlay. The Overlay protects areas of the County with special resource management needs and recognizes the presence of important natural resources in the County while maintaining validity of underlying land use designations. The overlay protects resources by (1) requiring study of potential effects if development is proposed in these locations and (2) providing mitigation to support urban development in cities. The Overlay recognizes that agriculture is the predominant land use in Cache Slough, with a focus on agricultural land sustainability.

The Resource Conservation Overlay designates areas of environmental value and protection by a habitat conservation planning (HCP) process. The Solano County Water Agency is developing the County's HCP and these areas are targets for development of mitigation banks of terrestrial species. The proposed General Plan amendment does not preclude the development of the HCP or mitigation banks within Cache Slough; however, establishes more specific policies to address the impacts of land conversions in Cache Slough.

Public Health and Safety Chapter:

The risk for flooding and levee failure in Cache Slough is high due to the low-lying elevations and liquefaction potential. As lands are converted, adjacent agricultural lands shall be protected to minimize the loss of life, property and the agricultural economy. The following are the applicable goals and policies in the Public Health and Safety Chapter.

HS.G-1: Minimize the potential for loss of life and property resulting from natural or human-caused hazards.

HS.P-6: Work with federal, state, and local agencies to improve flood control and drainage throughout the county.

HS.P-7: Require new development proposals in dam, canal, or levee inundation areas to consider risk from failure of these facilities and to include mitigations to bring this risk to a reasonable level.

HS.P-8: Work with responsible parties to ensure dams, levees, and canals throughout the county are properly maintained and/or improved.

HS.P-9: Preserve open space and agricultural areas that are subject to natural flooding and are not designated for future urban growth; prohibit permanent structures in a designated floodway where such structures could increase risks to human life or restrict the carrying capacity of the

floodway.

HS.P-10: Ensure that flood management policies that minimize loss of life and property also balance with environmental health considerations of the floodplain and therefore do not cause further erosion, sedimentation, or water quality problems in the floodplain area.

The proposed policies require strengthening the levee system, preparation and funding of a flood protection plan specific to Cache Slough as the potential to create higher water levels, erosion and seepage risks due to wave actions. A water quality monitoring program is required to ensure no degradation of water quality for agriculture or municipal use. The proposed policies are consistent with the above goals.

Consistency with the Delta Plan:

Cache Slough is targeted as a Priority Conservation Area for land conversions to ecosystem, and subject to the coequal goals of the Delta Plan. The Delta Plan, administered by the Delta Stewardship Council, is the long-term sustainable management plan for the region, to advance the State's coequal goals for the Delta. According to the Delta Plan, the coequal goals means two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place by achieving the following core strategies:

- A. Designate the Delta as a special place worthy of national and state attention;
- B. Plan to protect the Delta's lands and communities,
- C. Maintain Delta agriculture as a primary land use, a food source, a key economic sector, and a way of life;
- D. Encourage recreation and tourism that allow visitors to enjoy and appreciate the Delta and that contribute to its economy;
- E. Sustain a vital Delta economy that includes a mix of agriculture, tourism, recreation, related industries and business, and vital components of state and regional infrastructure; and
- F. Reduce flood and other risks to people, property and other interests in the Delta

The General Plan amendment is consistent with the Delta Plan's coequal goals in that the proposed policies provide guidance for the protection of the agricultural economy in Cache Slough and the local framework for conversion of lands to ecosystem or floodways.

Consistency with the Land Use and Resource Management Plan (2010):

Cache Slough is located within the Primary Zone of the Delta and the proposed policies are consistent with the Land Use and Resource Management Plan in that the policies promote and facilitate agriculture as the primary land use in the Delta, and addresses flood protection, recreational opportunity, habitat and water quality. Delta Protection Commission review and consistency finding is required prior to the Board of Supervisors action.

ATTACHMENTS:

Exhibit A - Draft Resolution

Exhibit B - Draft Policies and background text

Exhibit C - Chapter 4 Resources, (Proposed text and diagram begins on Page RS-32, Implementation policy on Page RS-37; Proposed text are colored green)

Exhibit D - Cache Slough Location & Ecosystem Restoration Projects

