



May 5, 2020

VIA EMAIL: [AWERNER@TURLOCK.CA.US](mailto:AWERNER@TURLOCK.CA.US)

Adrienne Werner, Senior Planner  
City of Turlock  
156 South Broadway, Suite 120  
Turlock, CA 95380

Governor's Office of Planning & Research

**MAY 07 2020**

**STATE CLEARINGHOUSE**

Dear Ms. Werner:

INITIAL STUDY FOR THE MINOR DISCRETIONARY PERMIT 2020-01, SCH# 2020049044

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Initial Study for the Minor Discretionary Permit 2020-01 (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

#### Project Description

The applicant is proposing to parcel a 9.6-acre property for the development of an Industrial-Business Park. The applicant will be submitting an application to the Engineering Division to divide the property into four approximately 1-acre parcels and one 3.67-acre parcel.

Parcel 4 will be developed with a 32,705 square foot manufacturing building, associated office space, parking, fencing, and landscaping. The existing home on Parcel 2 will remain, a storm water basin is proposed on the Remainder. No development has been proposed or approved for Parcels 1 and 3 as part of this application. A new industrial roadway will provide access to the parcels. Off-site improvements including curb, gutter, and sidewalks, will be constructed.

On page nine of the initial study checklist under response a), it is stated that the project site is designated as Urban and Built-up Land as classified by the Department of Conservation's Farmland Mapping and Monitoring Program. However, using the

California Important Farmland Finder on the Department's website, the project site is found to be classified as Prime Farmland and Farmland of Statewide Importance<sup>1</sup>.

### Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.<sup>2</sup> All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

As the courts have shown<sup>3</sup>, agricultural conservation easements on land of at least equal quality and size can mitigate project impacts in accordance with CEQA Guideline § 15370. The Department highlights agricultural conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA. Agricultural conservation easements are an available mitigation tool and should always be considered; however, any other feasible mitigation measures should also be considered.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

### Conclusion

The Department recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.

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<sup>1</sup> California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, California Important Farmland Finder, <https://maps.conservation.ca.gov/DLRP/CIFF/>

<sup>2</sup> Public Resources Code section 21002.

<sup>3</sup> *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 238.

- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.

Thank you for giving us the opportunity to comment on the Initial Study for the Minor Discretionary Permit 2020-01 Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner at (916) 324-7347 or via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

Sincerely,

*Monique Wilber*

Monique Wilber  
Conservation Program Support Supervisor