



AUGUST 24, 2020

VIA EMAIL: KVALENTE@LIVEOAKCITY.ORG

Kevin Valente, Planning Director
City of Live Oak
9955 Live Oak Boulevard
Live Oak, CA 95953

9/9/2020

Governor's Office of Planning & Research

Aug 24 2020

STATE CLEARINGHOUSE

Dear Mr. Valente:

NOTICE OF INTENT TO ADOPT AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE ORCHARD VIEW I AND II SUBDIVISION PROJECT, SCH# 2020080148

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Initial Study/Mitigated Negative Declaration for the Orchard View I and II Subdivision Project (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 Orchard View I and II Subdivision Project consists of two separate sites totaling 38 acres within the City of Live Oak. Currently, both sites are used as orchards. The proposed project would include the development of 172 single-family residences split between the two sites, with 129 units proposed for Orchard View I and 43 units proposed for Orchard View II. The construction of Orchard View I would include the extension of Epperson Way, Tulip Avenue, and Erika Way, as well as several cul-de-sacs and internal circulation roads within the project site. Orchard View II would be built along the east side of De Ree Road, and would involve the extension of Gum Street, Elm Street, and Date Street. The project site was historically and is currently used for agriculture and contains Statewide and Unique Farmland as identified by the Department of Conservation's Farmland Mapping and Monitoring Program.¹

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

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.² 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 shown³, 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

Prior to approval of the proposed project the Department recommends further discussion of the following issues:

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

² Public Resources Code section 21002.

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

Thank you for giving us the opportunity to comment on the Initial Study/Mitigated Negative Declaration for the Orchard View I and II Subdivision 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.

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor