



MAY 20, 2024

VIA EMAIL: BALLARDJ@STANCOUNTY.COM
STANISLAUS COUNTY
PLANNING AND COMMUNITY DEVELOPMENT
JEREMY BALLARD, SENIOR PLANNER
1010 10TH STREET, SUITE 3400
MODESTO, CA 95354

Dear Mr. Ballard:

INITIAL STUDY AND NOTICE TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2020-0123 – 132 INVESTMENTS PROJECT, SCH# 2021010365

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Initial Study and Notice to Adopt a Mitigated Negative Declaration for the General Plan Amendment and Rezone Application No. PLN2020-0123 – 132 Investments Project (Project).

The Division monitors and maps farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. Public Resources Code, section 614, subdivision (b) authorizes the Department to provide soil conservation advisory services to local governments, including review of CEQA documents.

Protection of the state's agricultural land resources is part of the Department's mission and central to many of its programs. The CEQA process gives the Department an opportunity to acknowledge the value of the resource, identify areas of Department interest, and offer information on how to assess potential impacts or mitigation opportunities.

The Department respects local decision-making by informing the CEQA process, and is not taking a position or providing legal or policy interpretation.

We offer the following comments for consideration with respect to the project's potential impacts on agricultural land and resources within the Department's purview.

PROJECT ATTRIBUTES

Request to amend the General Plan designation from Agriculture and zoning designation from Planned Development(P-D)(23) to a new Planned Development, to allow for the development of an 18-pump fueling station, serving both heavy-duty

trucks and passenger vehicles, and a 8,400 square-foot retail building made up of a convenience market and two shell suites for future retail use, on a 9-acre portion of a 15.66-acre parcel.

The portion of the building for the two separate retail users, to be identified in the future, are proposed to be 1,800 square feet each. The convenience market will include areas for product display, storage, bathrooms, office, and a walk-in cooler and freezer. The fueling station will include a 1,380 square-foot canopied island that will include six fueling pumps for heavy-duty trucks and a 5,130 square-foot canopied island with 12 passenger vehicle fueling pumps. A total of 111 standard passenger vehicle parking spaces and 20 EV charging station spaces are proposed around the market structure and site perimeter. The project site contains Prime Farmland as designated by DOC's Farmland Mapping and Monitoring Program.

PROJECT CONSIDERATIONS

The conversion of agricultural land represents a permanent reduction and impact to California's agricultural land resources. The Department generally advises discussion of the following in any environmental review for the loss or conversion of agricultural land:

- 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 impacted agricultural lands within the proposed project area.

MITIGATING AGRICULTURAL LAND LOSS OR CONVERSION

Consistent with CEQA Guidelines, the Department advises that the environmental review address mitigation for the loss or conversion of agricultural land. An agricultural conservation easement is one potential method for mitigating loss or conversion of agricultural land. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."]; see also *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.)

Mitigation through agricultural conservation easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land may be

viewed as an impact of at least regional significance. Hence, the search for replacement lands may not need to be limited strictly to lands within the project's surrounding area. A helpful source 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:

[California Council of Land Trusts](#)

Of course, the use of conservation easements is only one form of mitigation, and the Department urges consideration of any other feasible measures necessary to mitigate project impacts.

Thank you for giving us the opportunity to comment on the Initial Study and Notice to Adopt a Mitigated Negative Declaration for the General Plan Amendment and Rezone Application No. PLN2020-0123 – 132 Investments Project. Please provide the 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 via email at Farl.Grundy@conservation.ca.gov.

Sincerely,



Monique Wilber

Conservation Program Support Supervisor