



APRIL 12, 2023

VIA EMAIL: [KSNYDER@INDIO.ORG](mailto:KSNYDER@INDIO.ORG)

Kevin Snyder, AICP, Director of Community Development  
City of Indio  
100 Civic Center Mall  
Indio, CA 92201



Dear Mr. Snyder:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DESERT RETREAT SPECIFIC PLAN  
PROJECT, SCH#2022070300

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report (EIR) for the Desert Retreat Specific Plan 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 with respect to the Final Environmental Impact Report for the Desert Retreat Specific Plan Project.

#### Project Description

The applicant is proposing the Desert Retreat Specific Plan Project to implement the City of Indio General Plan by regulating development of an age-restricted residential community for residents aged 55 and above containing up to 1,500 homes on an approximate 377-acre site. The objectives of the Specific Plan document include ensuring quality development consistent with the goals, objectives, and policies of the City of Indio General Plan; designing a high-quality, master-planned active adult residential community; planning a community that is compatible and connected with the surrounding residential communities and recreational amenities; and helping meet the City of Indio's need for additional housing.

#### Department Comments

The Department of Conservation's Farmland Mapping and Monitoring Program designates the majority of the project site as "Prime Farmland" as shown on its most current Important Farmland Map. Although the lead agency recognizes this in the EIR, it finds the impact is less than significant stating:

The City of Indio General Plan Update EIR, completed in June 2019 recognizes that the 2018 IFL map is based on data collected from the previous two years (2016 and 2017). Figure 4.2-2 in the General Plan EIR identifies fallow and active agricultural land within the City. The General Plan EIR identifies the Project Site as fallow land. As there have been no active irrigated farming on the site since 2018, which is over four years ago, the site no longer meets the criteria for identification as Prime Farmland, and in addition, this site is designated for urban uses by the Indio General Plan. Therefore, this impact is less than significant.

Figure 4.2-2 (Agricultural Land Status) in the City's General Plan EIR appears to be based on aerial imagery from May 2010.<sup>1</sup> It is also noted that imagery obtained from Google Streetview for the year 2019 shows irrigated agricultural on the project site.<sup>2</sup>

Analysis based on imagery over nine years old at the time of General Plan completion, and which is over 22 years old at the time of the EIR completion, seems inappropriate. The Department recommends the lead agency reevaluate the impacts to agricultural resources using a more appropriate and timely data resource.

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. CEQA requires that all feasible and reasonable mitigation be reviewed and applied to projects. 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.

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.

Consistent with CEQA Guidelines, DOC recommends the consideration of agricultural conservation easements, among other measures, as potential mitigation. (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."])

Mitigation through agricultural 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 should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

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<sup>1</sup> City of Indio General Plan 2040 update, Environmental Impact Report, Figure 4.2-2 Ag Land Status, accessed 3/23/2023, <https://www.indio.org/home/showpublisheddocument/948/637874293888000000>

<sup>2</sup> Google Maps, Street View, April 2019, [Google.com/maps/](https://www.google.com/maps/)

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 that should be considered. Any other feasible mitigation measures should also be considered. Indeed, the recent judicial opinion in *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814 ("KG Farms") holds that agricultural conservation easements on a 1 to 1 ratio are not alone sufficient to adequately mitigate a project's conversion of agricultural land. KG Farms does not stand for the proposition that agricultural conservation easements are irrelevant as mitigation. Rather, the holding suggests that to the extent they are considered, they may need to be applied at a greater than 1 to 1 ratio, or combined with other forms of mitigation (such as restoration of some land not currently used as farmland).

DOC 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.

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Desert Retreat Specific Plan 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 via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

Sincerely,



Monique Wilber  
Conservation Program Support Supervisor