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County of Tulare-RMA
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Governor's Office of Planning & Research

AUG 01 2022

STATE CLEARINGHOUSE

Dear Mr. Guerra:

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE DERREL'S MINI STORAGE (GPA 22-001, PZC 22-002) PROJECT, SCH#2022070367

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Initial Study and Mitigated Negative Declaration for the Derrel's Mini Storage 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 project's potential impacts on agricultural land and resources.

Project Description

The applicant is requesting to modify the previously approved Sequoia Drive-In Business Park Master Development Guidelines PPD 20-001, Development Agreement No. DEV 20-002, and Vesting Tentative Subdivision Map No. TSM 834 in order to accommodate the establishment of the first phase of Derrel's Mini-Storage within the footprint of the previously approved project. This modification would also add twenty acres of additional territory to the Project site to accommodate the second phase of Derrel's Mini-Storage. The area that is proposed to be added currently is planted to walnuts, has a land use designation of "Valley Agricultural", and is located in the AE-20 (Exclusive Agricultural Zone – 20 Acre Minimum). In addition, the applicant is requesting a Lot Line Adjustment to adjust the boundaries between three existing parcels (APNs: 101-090-014 & -015 and 101-100-009) to coincide with the three (3) phases of the proposed Project.

The proposed Project site is located approximately one-quarter mile east of the City of Visalia. In addition to mini-storage structures, the Project would include recreation vehicle (RV) storage and resident manager housing. The proposed use (mini-storage/RV storage) where the expansion would occur is not allowed in the AE-20 Zone; therefore,

the Project will require a change of zone to PD-C-3-SC from its existing AE-20 zone. A Williamson Act Cancellation must also occur as part of this Project.

Department Comments

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, the Department recommends the County consider 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.

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).

Conclusion

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.
- Projects compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract.
- If applicable, notification of Williamson Act contract non-renewal and/or cancellation.

Thank you for giving us the opportunity to comment on the Initial Study and Mitigated Negative Declaration for the Derrel's Mini Storage 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.

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor