



# DEPARTMENT OF CONSERVATION

## DIVISION OF LAND RESOURCE PROTECTION

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May 16, 2008

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Devon Muto  
San Diego County  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

RE: Notice of Preparation (NOP) of Draft Environmental Impact Report (DEIR)  
County of San Diego General Plan Update – SCH #2002111067

Dear Ms. Muto:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the NOP for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

### Project Description

The project is a comprehensive update of the San Diego County (County) General Plan. The update will replace the County's existing General Plan, including all elements, land use distribution maps and Community/Subregional plans. The project will cover all unincorporated portions of the County over which the County has land use jurisdiction.

### Agricultural Setting of the Project

The DEIR should describe the project setting in terms of the actual and potential agricultural productivity of the land. The Division's Important Farmland Map for the County should be utilized to identify land within the project site and surrounding land that may be impacted. Acreages for each land use designation should be identified. Likewise, the County's Williamson Act Map should be utilized to identify potentially impacted contracted land, and agricultural preserve land by acreage and whether it is prime or nonprime agricultural land according to definition in Government Code §51201(c). Maps of the Important Farmland and Williamson Act land should be included in the DEIR.

### Project Impacts on Agricultural Land

The Department recommends that the following be included in the DEIR in the analysis of project impacts:

- Indirect impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, population, traffic, water availability, etc.
- Growth-inducing impacts, including whether leapfrog development is involved.
- Incremental project impacts leading to cumulatively considerable impacts on agricultural land. These impacts would include impacts from the proposed project as well as impacts from past, current and probable future projects. The Division's farmland conversion tables may provide useful historical data.
- Impacts on agricultural resources may also be quantified and qualified by use of established thresholds of significance (California Environmental Quality Act (CEQA) Guidelines §15064.7). The Division has developed a California version of the United States Department of Agriculture Land Evaluation and Site Assessment (LESA) Model, a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is recommended by CEQA and is available from the Division at the contact listed below.

### Williamson Act Lands

The Department recommends that the following information be included in the DEIR regarding Williamson Act lands impacted by the project.

- The DEIR should tabulate the number of Williamson Act acres, according to land type (e.g., prime or non-prime agricultural land), which could be impacted directly or indirectly by the project.
- A discussion of Williamson Act contracts that may be terminated in order to implement the project. The DEIR should discuss the impacts that termination of Williamson Act contracts would have on nearby properties also under contract; i.e., growth-inducing impacts (in the sense that the removal of contract protection not only lifts a barrier to development, but results in higher property taxes, and thus, an incentive to shift to a more intensive land use, such as urban development).

As a general rule, land can be withdrawn from Williamson Act contract only through the nine-year nonrenewal process. Immediate termination via cancellation is reserved for "extraordinary", unforeseen situations (See Sierra Club v. City of Hayward (1981))

28 Cal.3d 840, 852-855). The city or county of jurisdiction must approve a request for contract cancellation, and base that approval on specific findings that are supported by substantial evidence (Government Code Section 51282).

- If portions of the planning area are under Williamson Act contract, and are to continue under contract after project implementation, the DEIR should discuss the proposed uses for those lands. Uses of contracted land must meet compatibility standards identified in Government Code Sections 51238 - 51238.3. Otherwise, contract termination (see paragraph above) must occur prior to the initiation of the land use.
- An agricultural preserve is a zone authorized by the Williamson Act, and established by the local government, to designate land qualified to be placed under the Act's 10-year contracts. Preserves are also intended to create a setting for contract-protected lands that is conducive to continuing agricultural use. The uses of agricultural preserve land must be restricted by zoning or other means so as not to be incompatible with the agricultural use of contracted land within the preserve (Government Code Section 51230). Therefore, the DEIR should also discuss any proposed general plan designation or zoning within agricultural preserves affected by the project.

#### Mitigation Measures and Alternatives

Feasible alternatives to the project's location or configuration that would lessen or avoid farmland conversion impacts should be considered in the DEIR. Similarly, while the direct conversion of agricultural land is often deemed to be an unavoidable impact by CEQA analyses, mitigation measures must nevertheless be considered.

The Division recommends that the purchase of agricultural conservation easements on land of at least equal quality and size be considered as partial compensation for the direct loss of agricultural land, as well as for the mitigation of growth inducing and cumulative impacts on agricultural land. We highlight this measure because of its growing acceptance and use by lead agencies as mitigation under CEQA.

Mitigation using conservation easements can be implemented by at least two alternative approaches: the outright purchase of conservation easements tied to the project, or via the donation of mitigation fees to a local, regional or statewide organization or agency, including land trusts and conservancies, whose purpose includes the purchase, holding and maintenance of agricultural conservation easements. For example, the California Farmland Conservancy Program is authorized to accept donations of funds if the Department of Conservation is the designated beneficiary and it agrees to use the funds for purposes of the program in a county specified by the donor. Whatever the approach, the conversion of agricultural land should be deemed an impact of at least regional significance and the search for mitigation lands conducted regionally, and not limited strictly to lands within the San Diego County region.

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Information about conservation easements is available on the Division's website, or by contacting the Division at the address and phone number listed below. The Division's website address is:

<http://www.conservation.ca.gov/DLRP/>

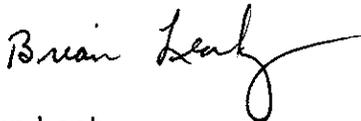
Of course, the use of conservation easements is only one form of mitigation that should be considered. The following mitigation measures could also be considered:

- Increasing home density or clustering residential units to allow a greater portion of the development site to remain in agricultural production.
- Establishing buffers such as setbacks, berms, greenbelts, and open space areas to separate farmland from incompatible urban uses.
- Investing in the commercial viability of the remaining agricultural land in the project area through a mitigation bank which invests in agricultural infrastructure, water supplies and marketing.

The Department believes that the most effective approach to farmland conservation and impact mitigation is one that is integrated with general plan policies. For example, the measures suggested above could be most effectively applied as part of a comprehensive agricultural land conservation element in the County's general plan. Mitigation policies could then be applied systematically toward larger goals of sustaining an agricultural land resource base and economy. Within the context of a general plan mitigation strategy, other measures could be considered, such as the use of transfer of development credits, mitigation banking, and economic incentives for continuing agricultural uses.

Thank you for the opportunity to comment on the NOP. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact Adele Lagomarsino at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 445-9411.

Sincerely,



Brian Leahy  
Assistant Director

cc: Resource Conservation District of Greater San Diego County