



FEBRUARY 7, 2022

VIA EMAIL: GCONTE@MADERA.GOV

Gary Conte, Planning Manager
Planning Department
205 West 4th Street
Madera, CA 93637



Dear Mr. Conte:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE VILLAGES AT ALMOND GROVE
SPECIFIC PLAN PROJECT, SCH#2018081051

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report (EIR) for the Villages at Almond Grove 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 and recommendations with respect to the project's potential impacts on agricultural land and resources.

Project Description

The Specific Plan envisions the development of a new compact mixed-use community that creates walkable and bikeable streets, and integrates open space throughout the area west of the City limits. The Specific Plan proposes to implement a village concept that would create opportunities for commercial development to be integrated with park and open space amenities.

Development considered in the EIR consists of 10,783 residential units, approximately 2.1 million square feet of commercial and office space, approximately 164 acres of parks and recreational area, and approximately 54 acres of public facilities, including schools. In addition, the proposed Specific Plan would include infrastructure improvements including roadways and utilities. The proposed project would require a General Plan Amendment, pre-zoning, and annexation of the Specific Plan Area into the City. Additionally, future development proposals within the Specific Plan Area would be required to be consistent with the Airport Land Use Compatibility Plan for Madera Municipal Airport, and some parcels would require removal of active Williamson Act contracts prior to development.

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.

As discussed in the Agriculture and Forestry Resources section of the EIR, Madera County, "expressed concern regarding the establishment of new agricultural easements within the County in order to offset potential environmental impacts resulting from the conversion of agricultural land."¹ Although the lead agency has expressed concerns with the use of agricultural easements within the County, it has not discussed the use of agricultural easements, or the donation of mitigation fees (in lieu-of fees), to areas outside of the County. As previously stated in the Department's comments, the conversion of agricultural land should be deemed an impact of at least regional significance, and the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

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. The Department suggests the lead agency revisit its consideration of agricultural

¹ The Villages at Almond Grove Specific Plan, Public Review Draft Environmental Impact Report, December 2021, P.4.2-11, https://files.ceganet.opr.ca.gov/72174-3/attachment/h9rmreriXcV6z0SJ7GOR0YevNlm-PY10KA2Shriz5w3ZL9NhBgGiyK-qF2rl_jwZEnAYArd8Y7jsd1J0

easements, and/or the donation of mitigation in lieu-of fees to areas outside of its area of concern.

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Villages at Almond Grove 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.

Sincerely,

A handwritten signature in cursive script that reads "Monique Wilber".

Monique Wilber
Conservation Program Support Supervisor