



# DEPARTMENT OF CONSERVATION

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

August 4, 2008

### VIA FACSIMILE (209) 525-4056

Keith Boggs  
Deputy Executive Officer  
Office of Economic Development  
1010 10<sup>th</sup> Street  
Suite 6800, Sixth Floor  
Modesto, CA 95354

Subject: West Park Specific Plan Project Notice of Preparation (Stanislaus County)  
SCH# 2008062066

Dear Mr. Boggs:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation (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 purpose of the West Park Specific Plan project is the: (1.) development of an inland port and short-haul rail services to and from the Port of Oakland; (2.) development of industrial, business park, and distribution land uses on approximately 4,800 acres, including the former Crow's Landing Air Facility (CLAF); (3.) development of a general aviation airport on the former CLAF property; and (4.) various infrastructure and public facility improvements to support the project. The project site consists of approximately 4,800 acres and is located in western unincorporated Stanislaus County, outside of the limits of the City of Patterson. The project site may involve the conversion of agricultural lands to non-agricultural uses and/or conflicts with lands contracted under the Williamson Act. Therefore, the Division recommends that the Draft Environmental Impact Report (DEIR) address the following items to provide a comprehensive discussion of potential impacts of the project on agricultural land and activities.

### Agricultural Setting of the Project

- Location and extent of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and other types of farmland in and adjacent to the project area.

Mr. Keith Boggs  
 August 4, 2008  
 Page 2 of 4

- Current and past agricultural use of the project area. Please include data on the types of crops grown, and crop yields and farm gate sales values.

To help describe the full agricultural resource value of the soils on the site, the Department recommends the use of economic multipliers to assess the local, regional and state economies. Two sources of economic multipliers can be found at the University of California Cooperative Extension Service and the United States Department of Agriculture (USDA).

#### Project Impacts on Agricultural Land

- Type, amount, and location of farmland conversion resulting directly and indirectly from project implementation and growth inducement, respectively.
- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, etc.
- Incremental project 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 projects in the future.

Under California Code of Regulations Section 15064.7, impacts on agricultural resources may also be both quantified and qualified by use of established thresholds of significance. As such, the Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model. The California LESA model is 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 available on the Division's website at:

[http://www.consrv.ca.gov/DLRP/gh\\_les.htm](http://www.consrv.ca.gov/DLRP/gh_les.htm)

#### Williamson Act Lands

Under California Code of Regulations Section 15206(b)(3), a project is deemed to be of statewide, regional or area-wide significance if it will result in cancellation of Williamson Act contract for a parcel of 100 or more acres. If lands under Williamson Act contracts and/or in agricultural preserves exist in the project area, the Department recommends that the following information be discussed and/or provided in the DEIR:

- A map detailing the location of agricultural preserves and contracted lands within each preserve. The DEIR should also tabulate the number of Williamson Act acres, according to land type (e.g., prime or non-prime agricultural lands), which could be impacted directly or indirectly by the project.

Mr. Keith Boggs

August 4, 2008

Page 3 of 4

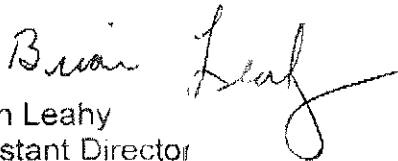
- A discussion of Williamson Act contracts that may be terminated prior to implement the project. The DEIR should discuss the probable impact on nearby properties resulting from the termination of adjacent Williamson Act contracts. For example, a termination of a Williamson Act contract may have a growth-inducing impact. In other words, a termination may not only lift a barrier to development, but also result 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 only be withdrawn from a Williamson Act contract through the nine-year non-renewal process. Immediate termination and cancellation is reserved for "extraordinary circumstances" (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855). Under Government Code Section 51282, the city or county must approve a request for cancellation on a case-by-case basis that approval on specific findings that are supported by substantial evidence. When cancellation is proposed, the Department recommends that a discussion of the findings be included in the DEIR. Finally, a notice of hearing to approve the tentative cancellation and a copy of the landowner's petition must be mailed to the Director of the Department ten working days prior to the hearing (The notice should be mailed to Bridgett Luther, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 18-01, Sacramento, CA 95814-3528.)
- Under Government Code Section 51243, if a city annexes land under a Williamson Act contract, the city must succeed to all rights, duties and powers of the county under the contract. However, under Section 51243.5, a city may exercise its option not to succeed to the contract if certain conditions are met. LAFCO must notify the Department within 10 days of a city's proposal to annex land under a contract (Government Code Section 56753.5). Additionally, LAFCO must not approve a change to a sphere of influence or annexation of contracted land to a city unless certain conditions are met (see Government Code Sections 51296.3, 56426, 56426.5, 56749 and 56856.5).
- If portions of the planning area are under Williamson Act contracts (and will continue to be 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 51230 - 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 qualified land to be placed under the Williamson Act's 10-year contracts. Preserves are also intended to create a setting for contract-protected lands that is conducive to continuing agricultural use. Under Government Code Section 51230, "An agricultural preserve may contain land other than agricultural land, but the use of any land

Mr. Keith Boggs  
August 4, 2008  
Page 4 of 4

within the preserve and not under contract shall within two years of the effective date of any contract on land within the preserve be restricted by zoning including appropriate minimum parcel sizes that are at a minimum consistent with this chapter, in such a way as not to be incompatible with the agricultural use of the land." Therefore, the DEIR should also discuss any proposed general plan designation or zoning within agricultural preserves affected by the project.

Thank you for giving us the opportunity to comment on this NOP. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Elliott Lum, Environmental Planner, at 1015 Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0869.

Sincerely,



Brian Leahy  
Assistant Director

cc: State Clearinghouse