

FINAL ENVIRONMENTAL IMPACT REPORT

FOR THE 2010 CITY OF

PATTERSON GENERAL PLAN

Introduction

This Program Final Environmental Impact Report (EIR) has been prepared by the City of Patterson (City) in accordance with the California Environmental Quality Act (CEQA). The City is the lead agency responsible for ensuring that the 2010 Patterson General Plan (General Plan) complies with CEQA.

Purpose

The Final EIR includes the Draft EIR and this document, which includes Comments on, and Responses to Comments on, the Draft EIR, and minor corrections and clarifications to the Draft EIR. It is intended to disclose to decision makers, responsible and trustee agencies, organizations, and the general public, the potential impacts of implementing the proposed General Plan. This program level analysis addresses potential impacts of activities associated with implementation of the General Plan, which are described in Chapter 3 of the Draft EIR: Description of Equal-Weight Project Alternatives.

The primary purpose of the Final EIR is to revise and refine the environmental analysis in the Draft EIR, published July 19, 2010, in response to comments received during the 45-day public review period. The review period for the Draft EIR (State Clearinghouse No. 2010022035) was from July 19 to September 1st, 2010. In response to requests from the Patterson Irrigation District, the West Stanislaus Irrigation District and the Del Puerto Water District, the public review period for these agencies, only, was extended to September 16th, 2010.

This document, combined with the Draft EIR, constitutes the Final EIR on the project. This Final EIR amends and incorporates by reference the Draft EIR, which is available separately from the City of Patterson Community Development Department, 1 Plaza, in Patterson, and also available on the City's web site at <http://www.ci.patterson.ca.us/Default.aspx?pi=71&ni=92>.

The Draft EIR identifies several impacts that are significant and unavoidable despite extensive mitigating policies and implementation measures, including those relating to land use, population, public services, water supply, wastewater, traffic and circulation, air quality and climate change, noise, biological resources, agricultural resources, hydrology and water quality, visual and aesthetic resources. Other potentially significant impacts can be avoided or reduced to levels that are not significant through implementation of the policies and implementation measures identified in the Draft EIR.

Organization of the Final EIR

This Final Environmental Impact Report contains the following components:

- A list all of the agencies, organizations and individuals that submitted written comments on the Draft EIR. All written comments have been reproduced and a unique number has been assigned to each.
- Written responses to comments immediately following each comment letter. The responses are numbered to correspond to the items identified in each letter.
- A list of revisions to the Draft EIR by chapter and page, in the same order as the revisions would appear in the Draft EIR. Additional tables and graphics appear at the end of this chapter, also in the same order that they would appear in the Draft EIR.

Process

Following consideration of the draft and Final EIR by the Planning Commission, the City Council will consider certification of the Final EIR at a duly-noticed public hearing conducted to consider adoption of the proposed General Plan. The City Council will determine the adequacy of the Final EIR, and, if determined adequate, will certify the document as compliant with CEQA. For impacts identified in the EIR that cannot be reduced to a level that is less than significant, the City must make findings and prepare a Statement of Overriding Considerations for approval of the Project if specific social, economic, or other factors justify the proposed Project's unavoidable adverse environmental effects.

If the City decides to approve the proposed General Plan, it will issue a Notice of Determination. Copies of the Final EIR have been provided to agencies and other parties that commented on the Draft EIR or have requested the Final EIR. The Final EIR is also available at the City of Patterson Community Development Department, 1 Plaza, Patterson, and on the City's website at: <http://www.ci.patterson.ca.us/Default.aspx?pi=71&ni=92>

List of Those Who Commented

Number	Commenter	Affiliation	Date
Agencies			
1	Gregor Blackburn, CFM, Branch Chief, Floodplain Management and Insurance Branch	US Department of Homeland Security, Federal Emergency Management Agency	August 3, 2010
2	Dan Radulescu, EJD, P.E., CPSWQ Lead, MS4 Permitting & Water Quality Certification Unit	Central Valley Regional Water Quality Control Board /CalEPA	August 6, 2010
3	J.B. Anderson Land Use Planning	Del Puerto Health Care District	August 16, 2010
4	Tom Dumas, Chief Office of Metropolitan Planning	California Department of Transportation, District 10	August 26, 2010
5	Moses Stites, Rail Corridor Safety Specialist	State of California Public Utilities Commission	August 30, 2010
6	Scott Morgan, Director	State of California Office of Planning and Research	August 31, 2010
7	Marjorie Blom, Executive Officer	Stanislaus LAFCo	August 31, 2010
8	David Warner Director of Permit Services	Joaquin Valley Unified Air Pollution Control District	September 1, 2010
9	Arie W. Vander Pol, Engineering Technician, Civil	Turlock Irrigation District	September 1, 2010
10	Joan E. Smith, Ed.D., Interim Chanellor	Yosemite Community College District	September 1, 2010
11	Peter Riekerk, General Manager	Patterson Irrigation District	September 14, 2010
12	William D. Harrison, General Manager	Del Puerto Water District	September 16, 2010
13	Robert Pierce, P.E. General Manager	West Stanislaus Irrigation District	September 16, 2010
14	Christine Almen, Senior Management Consultant Milton O'Haire, Assistant Commissioner/Sealer	Stanislaus County Environmental Review Committee	September 1, 2010
Organizations and Businesses			
15	Craig Moon, Representative/Project Manager	Patterson Frozen Foods, Inc.	August 26, 2010
16	Keith J. Scheider	Keystone Business Park	August 27, 2010
17	David J. Froba, Treasurer	Stanislaus Audubon Society	August 30, 2010
18	Yokuts Group of the Sierra Club	Yokuts Group of the Sierra Club	August 31, 2010
19	Dennis V. Jackman, Chair	Farmland Working Group	August 31, 2010
20	Steven D. Madison	Building Industry Association of Central California	August 31, 2010
21	Adrienne Chaney, Director	City of Patterson, Parks and Recreation Department	September 1, 2010
Individuals			
22	Elias Funez		August 31, 2010
23	Elaine DeLash		August 31, 2010
24	Greg Arnaudo		August 18, 2010
25	Eric Anderson		September 8, 2010



FEMA

August 3, 2010

Bryan Whitemyer, Interim City Manager
City of Patterson
1 Plaza
Patterson, California 95363

Dear Mr. Whitemyer:

This is in response to your request for comments on the City of Patterson 2010 General Plan Draft Environmental Impact Report (EIR), Policy Document and Appendices.

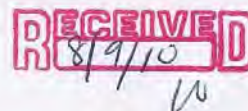
Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Stanislaus (Community Number 060384), City of Modesto (Community Number 060387), and City of Patterson (Community Number 060390), Maps revised September 26, 2008. Please note that the Cities of Modesto and Patterson, Stanislaus County, California are participants in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

1.1

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

1.2



Bryan Whitemyer, Interim City Manager
Page 2
August 3, 2010

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

1.2

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements.

If you have any questions or concerns, please do not hesitate to call Jane Hopkins of the Mitigation staff at (510) 627-7183.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

William A. Crew, Chief Building Official, City of Modesto
Bryan Whitemyer, Interim City Manager/Floodplain Administrator, City of Patterson
Tony Refuerzo, Road Commissioner, Stanislaus County
Ed Perez, State of California, Department of Water Resources, South Central Region Office
Jane Hopkins, Floodplanner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

**1. Letter from Gregor Blackburn, CFM, Branch Chief, Floodplain Management and Insurance Branch
Department of Homeland Security, Federal Emergency Management Agency**

Comment 1.1 : The commenter recommends that the City review the most recent flood insurance rate maps for the Cities of Patterson and Modesto.

Response:

Section 5.13 Hydrology and Water Quality includes a discussion of relevant flood plain mapping conducted by the Federal Emergency Management Agency (FEMA) as well as the Best Available Flood Information maps provided by the California Department of Water Resources. Figure 5.13-3 provides the September 26, 2008 Flood Hazard area map referenced by the commenter. The comment regarding participation by the City of Patterson in the National Flood Insurance program is noted.

Comment 1.2: The commenter provides a summary of the National Flood Insurance Program (NFIP) floodplain management building requirements.

Response:

The comment is noted. The NFIP requirements are incorporated into title 17 of the City's Municipal Code, Flood Hazard Areas.

Hello, Mr. Whitemyer:

Our comments refer mostly to the Hydrology and Water Quality section. In regard to the NOP for the DEIR, we would like to recommend that the City incorporate in its long term planning, and amend the municipal codes accordingly, the concepts of Low Impact Development (LID), Smart Growth in order to mitigate some of the impacts related to urbanization and provide sustainable approaches for the development of the community while preserving the natural resources.

LID is a sustainable practice that benefits water supply and contributes to water quality protection. The goal of LID is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source of rainfall.

Hydromodification strategies should include controls to manage the increases in the magnitude, volume and duration of runoff from development projects in order to protect receiving waters from increased potential for erosion and other adverse impacts, ideally to the pre-development levels.

On 20 January, 2005, Resolution 2005-0006 was adopted by the State Water Resources Control Board. The resolution adopted the concept of sustainability as a core value for all California Water Boards activities and programs, and directed California Water Boards staff to consider sustainability in all future policies, guidelines, and regulatory actions, including the review of applicable CEQA documents.

The Draft EIR provides an analysis of the trend in LID implementation, however, we recommend that zoning policies and design codes be amended to require the use of LID and Smart Growth standards. In addition, as noted in the DEIR, the Phase II MS4 permit, which already covers Stanislaus County area, requires the implementation of post-construction standards. Furthermore, please also note that the new Construction Storm Water General Permit, recently issued by the State Water Board, Order 2009-0009-DWQ, also require the implementation of post-construction controls.

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

«ATT03045.dat»

For further details please check

[http://www.opr.ca.gov/ceqa/pdfs/Technical Advisory LID.pdf](http://www.opr.ca.gov/ceqa/pdfs/Technical_Advisory_LID.pdf)
http://www.epa.gov/smartgrowth/about_sg.htm
[http://icma.org/en/icma/knowledge_network/documents/kn/Document/301483/Putting Smart Growth to Work in Rural Communities](http://icma.org/en/icma/knowledge_network/documents/kn/Document/301483/Putting_Smart_Growth_to_Work_in_Rural_Communities)

Thank you for the opportunity to present comments,

Dan Radulescu, EJD, P.E., CPSWQ
Lead, MS4 Permitting & Water Quality Certification Unit
Central Valley Regional Water Quality Control Board | CalEPA
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<<http://www.waterboards.ca.gov/centralvalley/>>

2.1

2.2

2. Letter From Dan Radulescu, EJD, P.E., CPSWQ, Lead, MS4 Permitting & Water Quality Certification Unit Central Valley Regional Water Quality Control Board | CalEPA

Comment 2.1: The commenter recommends the City amend the Municipal Code to require Low Impact development regulations.

Response:

The Draft General Plan includes the following implementation measures relating to drainage:

Implementation Measures

PS-5 The City shall prepare, adopt, review, and periodically update Drainage Master Plans for all new development and annexation areas.

In addition, in Section 5.13, Hydrology and Water Quality under impact 5.13-7 the draft EIR recommends the following policies and implementation measures relating to Low Impact Development:

Policies

HS-2.18 Low Impact Development. New development shall incorporate provisions for low impact development as defined by as minimizing or eliminating pollutants in storm water through natural processes and maintaining pre-development hydrologic characteristics, such as flow patterns, surface retention, and recharge rates.

Implementation Measures

PS-11 The City shall establish and collect development impact fees in accordance with Government Code section 66000, et seq as needed for flood control improvements outlined in the City's 2010 Master Drainage Plan as it may be amended from time to time.

HS-16. Flood mitigation derived by the City's Drainage Master Plan shall address the following objectives:

- a. Compliance with relevant flood protection regulations, including:
 1. Those adopted by the City of Patterson;
 2. The National Flood Insurance Program;
 3. The Central Valley Flood Protection Plan;
- b. Protection of the biological integrity of natural drainage courses;
- c. The incorporation of low impact development requirements for new development;
- d. The prevention of downstream flooding impacts;
- e. The protection of surface and groundwater quality;
- f. Economic feasibility;

Comment 2.2: The commenter notes that the Phase II MS4 permit, requires the implementation of post-construction standards. Furthermore, please also note that under the Phase II MS4 permit, which already covers Stanislaus County area, new Construction Storm Water General Permit, recently issued by the State Water Board, Order 2009-0009-DWQ, also require the implementation of post-construction controls.

Response:

The comments are noted.



August 16, 2010

Bryan Whitemyer
Interim City Manager
City of Patterson
P.O. Box 667
Patterson, CA 95363

Re: City of Patterson Draft EIR published and set for circulation on July 19, 2010

Dear Mr. Whitemyer:

Please be informed that I have been contracted by Del Puerto Health Care District to review all planning related documents and to help assist them in the preparation of appropriate comments therein. Based on my areas of expertise and my review of the Draft EIR prepared for the City of Patterson General Plan Update of 2010, I have the following comments to submit and be part of the administrative record for this document.

On Page 5.3-40 of the Draft EIR, reference is made specifically under paragraph one to the construction of a fire station. I believe the reference should be made to construction of future medical related facilities and emergency services centers providing ambulance care.

3.1

On Page 5.3-40 of the Draft EIR, reference is made to the proposed General Plan policies including Public Service Policies 8.1, 8.2, 8.3 and 8.4. It would be appropriate to add Land Use Policy 6.1, 6.2, and 6.3, referenced within the body of the Draft EIR document as well.

3.2

On Page 5.3-41 of the Draft EIR, reference is made to the Del Puerto Health Care District and the identification of significant impacts that may be created as a result of cumulative growth related impacts created as a result of the General Plan update including the proposed West Park Industrial Project in Stanislaus County. Specific reference is made in this paragraph, that such impacts to healthcare are considered cumulative, significant, and therefore unavoidable. At this point, we truly believe the ultimate goal and objective of the Del Puerto Health Care District through the implementation of their Master Facilities Plan and Capital Improvement Program will be to promote healthcare services for the Westside Community. In doing so, we would appreciate the City of Patterson including language in their Draft EIR which provides emphasis of mitigation measures similar to those described under the section provided for the Westside Stanislaus Fire Protection District. These mitigation measures may be found on Page 5.3-9 of the Draft EIR. In this regard, we believe the City of Patterson in cooperation with the Del Puerto Health Care District should continue to enforce key Mitigation Agreements for all new developments until such time as the Health Care District adopts a formal development impact fee as needed to support these public services in accordance with Government Code 6600. Furthermore, we would encourage the City of Patterson to continue to cooperate with Del Puerto Health Care District in their preparation and adoption of master plans for the future provision of healthcare services for the West Side of Stanislaus County including the Patterson community. Future growth of Patterson will certainly have an impact on the Del Puerto Health Care District and it is extremely important that both agencies continue to cooperate

3.3

Bryan Whitemyer, Interim City Manager
City of Patterson
August 16, 2010
Page 2

to establish roles and responsibilities to promote appropriate medical care facilities and long-term review and consideration of staffing, operations and such including equipment and training necessary to provide medical services needed for the Westside residents.

I look forward to further review and consideration of both the Draft General Plan and CEQA documentation associated with the General Plan in the upcoming months, as we move from workshop and review committee onto ultimate adoption by City Council. Should you have any further questions, or concerns regarding the comments expressed herein, please contact me at your earlier convenience.

Very truly yours,



John B. Anderson

cc: Margo Arnold, Administrator
Del Puerto Health Care District

3. Letter From John B. Anderson on behalf of the Del Puerto Health Care District, August 16, 2010

Comment 3.1: The commenter refers to a reference made on page 5.3-40 of section 5.3, Public Services and Facilities, which makes reference to the construction of a fire station, rather than the construction of medical facilities.

Response:

The correct language should be as follows (shown in italics and strikethrough):

Draft Policy Document Response

The recommended policies and implementation measures identified above will help reduce construction-related impacts relating to the construction of ~~fire stations~~ *health care facilities*. In addition, the construction of future public facilities will be subject to project-specific environmental review.

Comment 3.2: The commenter recommends including policies LU-6.1, 6.2 and 6.3 from the Land Use Element as they relate to assisting the Del Puerto Health Care District.

Response:

The comment is noted. The above-referenced policies are listed below:

- LU-6.1 Hospital facilities.** The City shall encourage the maintenance and expansion of hospital and medical facilities to meet the needs of Patterson residents, employees, and visitors.
- LU-6.2 Health care industry.** The City shall encourage efforts to attract medical industry and health professionals to Patterson.
- LU-6.3 Patterson Health Care District.** The City shall work with the Patterson Health Care District and other health care entities, in their efforts to provide health care services and facilities to serve Patterson residents, as such work and support is consistent with other City goals and policies.

The reference in policy LU-6.3 to the Patterson Health Care District will be changed to the Del Puerto Health Care District.

Comment 3.3: The commenter refers to conclusions provided in the draft EIR under impact 5.3-5 relating to the cumulative impacts of increased population on the provision of health care facilities. The commenter recommends including mitigation language similar to that found on page 5.3-9 relating to potential impacts to fire protection. The commenter further recommends that the City should continue to enforce key mitigation agreements for all new developments until the Del Puerto Health Care District adopts development impact fees as allowed under Government Code §66000. Lastly, the comment recommends continued cooperation with the District in regards to the preparation and adoption of master plans for health care facilities.

Response:

As discussed on page 5.3-39 of the draft EIR under impact 5.3-5:

In accordance with the standard of significance recommended by Appendix G of the CEQA Guidelines, impacts to emergency services may occur if physical impacts to the environment would result from the construction of additional facilities needed to maintain an acceptable level of service. In this context, an absence of funding for the new facilities does not constitute a physical impact to the environment. The need for new or expanded medical facilities in the Patterson area is a financial and public policy issue, to be determined by the coordinated efforts of the DPHCD and communities within the District, including the City of Patterson.

However, the construction of new health care facilities that may be required to serve the increased population associated with the Equal-Weight Alternatives could result in significant physical impacts to the environment. The precise number and location for such facilities would be determined as development accommodated by any of the Equal-Weight Alternatives proceeds. Potential construction-related impacts include the same as those discussed under impact 5.3-2, above. For this reason, impacts associated with the provision of new health care facilities are considered significant and unavoidable.

In accordance with the State CEQA Guidelines, the analysis of potential impacts with regard to health care facilities addresses only the potential physical impacts associated with the construction of health care facilities, and not with the funding (or lack of funding) for such improvements.

The implementation measures referenced on page 5.3-9 relating to fire protection state the following:

- PS-9 The City shall periodically update its long-term Capital Improvements Programs (CIPs), including sewer, water, drainage, police and fire protection, and other facility improvements.
- PS-11 The City shall establish and collect development impact fees as needed for public services in accordance with Government Code §66000, et seq.
- PS-13 The City shall, in cooperation with West Stanislaus Fire Protection District (WSFPD), prepare and adopt a Master Plan for the provision of fire protection services. The Master Plan shall address, among other things:
 - The roles of the City and District in the provision of fire protection services for the City;
 - The size, number and location of fire stations to serve the City;
 - Desired fire fighting staffing and organizational structure;
 - Equipment and training;

Implementation measure PS-13 states that the City will prepare a Master Plan for fire protection facilities in cooperation with the West Stanislaus Fire Protection District. This language reflects the mutual aid agreement that exists between the City and WSFPD and the fact that the WSFPD and City share the fire chief.

According to the City of Patterson, there is currently no mitigation agreement between the City and the Del Puerto Health Care District regarding the collection of fees for the construction of health care facilities. The City has executed a number of development agreements that require individual projects to contribute fees and/or other assistance to the Del Puerto Health Care District to help mitigate the potential impact of their project on the provision of health care facilities. Since the City is a party to these agreements, the City is obligated contractually to enforce those provisions and will continue to do so. However, as policies PS-8.4 and LU-6.3 of the draft Policy Document state:

PS-8.4 Facility financing. The City shall assist and cooperate with the Patterson Health Care District in levying and collecting fees to aid in the financing of necessary capital improvements to the health care facilities of the district.

[reference to the Patterson Health Care District will be amended to refer to the Del Puerto Health Care District.]

LU-6.3 Patterson Health Care District. The City shall work with the Patterson Health Care District and other health care entities, in their efforts to provide health care services and facilities to serve Patterson residents, as such work and support is consistent with other City goals and policies.

These policies appear to capture the intent of the commenter's recommendations.

DEPARTMENT OF TRANSPORTATION
DISTRICT 10
P.O. BOX 2048, STOCKTON, CA 95201
(1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205)
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TTY 711



*Flex your power!
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August 26, 2010

10-STA-Various
City of Patterson
2010 General Plan Update
SCH #2010022035

Mr. Bryan Whitemeyer
City of Patterson
1 Plaza
P.O. Box 667
Patterson, CA 95363

Dear Mr. Whitemeyer:

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the City of Patterson 2010 General Plan Update draft Environmental Impact Report (EIR). The Department has the following comments:

Travel Forecasting/Modeling

Page 17 of Appendix 5.6 Traffic Demand Model – Page 17 references the current StanCOG Model. The traffic consultant used this model as a base to develop a validated a.m. and p.m. peak hour model for the City of Patterson. The results of the model are included, but Caltrans District 10 Travel Forecasting has not received a copy of this model. Please provide a copy so that we can conduct a complete review of the project traffic studies as the Patterson General Plan builds out.

4.1

Traffic impacts to the State Highway System (I-5/SR-33) will need to be mitigated as the Patterson General Plan builds out.

4.2

Please be sure projects listed in the Patterson General Plan are also listed in Stanislaus Council of Governments Regional Transportation Plan (RTP).

4.3

System and Advanced Planning Comments

The following comments from our March 11, 2010 letter still apply:

When developing a general plan, goods movement issues should be considered a priority and incorporated into the plan. Issues needing to be addressed are as follows:

4.4

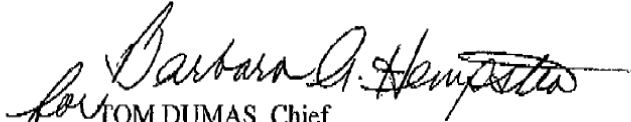
"Caltrans improves mobility across California"

1. Encourage planning to establish rail line connectors at all new industrial park developments or other developments with significant goods movement activity.
2. Consider provisions for truck parking facilities (Truck Stops) that include adequate overnight parking, food, showers/restrooms, fueling and truck wash and maintenance/repair services. Encourage truck stops to include truck parking electrification options at truck parking facilities to reduce truck emissions and green house gases. Establish provisions for encouraging alternatives to diesel fuel for fueling trucks at truck stops such as Hydrogen, Liquefied Natural Gas (LNG) and Biodiesel fuel types.
3. Establish planning criteria for Surface Transportation Assistance Act (STAA)/truck routes to major industrial centers and to shopping centers, particularly off ramps on Interstate 5 and Sperry Road
4. Include a truck route map in the document that includes plans being considered to link major industrial centers and shopping centers to rail line distribution centers, and STAA truck routes and establish where there are all significant STAA truck route gaps. Please delineate all gaps on a map and establish methodologies including funding as to how these gaps will be addressed over a specified time period. Please also include discussion as to what efforts are being made with adjacent jurisdictions to providing connectivity for larger sized or STAA trucks.
5. Please discuss the City of Patterson's plans regarding issues expected to arise concerning the adjacent Crows landing Short Haul Intermodal Facility, such as management of truck traffic, truck parking and railroad crossing safety.

4.4

If you have any questions or would like to discuss our comments in more detail, please contact Barbara Hempstead at (209) 948-3909 (e-mail: Barbara_hempstead@dot.ca.gov) or me at (209) 941-1921.

Sincerely,


for TOM DUMAS, Chief
Office of Metropolitan Planning

4. Letter From Tom Dumas, Office of Metropolitan Planning, California Department of Transportation District 10

Comment 4.1: The commenter makes reference to the traffic model used by the Draft EIR in section 5.6, Appendix 5.6 and requests a copy of the model for future analysis as the General Plan builds out.

Response:

The comment is noted and the City's transportation engineer will forward a copy of the model to Caltrans.

Comment 4.2: The comment states that impacts to the State Highway System, including State Route 33 and Interstate 5, will need to be mitigated as the Patterson General Plan builds out.

Response:

The analysis of impacts provided in section 5.6 of the draft EIR, Transportation, includes an analysis of peak hour traffic impacts and resulting levels of service to roadways and intersections within the City's General Plan Study Area, including those relating to State Route 33 and Interstate 5. The analysis is provided for each Equal Weight General Plan Alternative and for the 20-year and 40-year timeframes. The Draft EIR recommends improvements to the State Highway system where necessary to achieve and maintain the desired level of service. However, although the needed roadway and intersection improvements are identified, the State highways are not within the jurisdiction of the City and permission to construct the improvements cannot be guaranteed by the City. Therefore, impacts to the State highway system are considered significant and unavoidable.

Comment 4.3: The commenter recommends that the roadway improvements recommended for the General Plan be listed in the Stanislaus Council of Governments (StanCOG) Regional Transportation Plan.

Response:

The comment is noted. Following adoption of the General Plan, the City will forward the list of recommended improvement to StanCOG for their consideration in the next Regional Transportation Plan.

Comment 4.4: The commenter refers to issues raised by Caltrans in response to the Notice of Preparation for the draft EIR. These issues include:

- Establishing rail line connectors to industrial parks;
- Provisions for truck parking facilities and facilities at truck stops to encourage the use of alternate fuels;
- Establishing criteria for truck routes;
- A discussion of the City's plans regarding issues arising from the increased train traffic associated with the Crows Landing Short Haul Intermodal Facility.

Response:

The Planning Commission Environmental Review Alternative designates land for industrial development in the vicinity of a rail spur located north of Zacharias Road in the vicinity of State Route 33.

With regard to truck parking and facilities for truckers, each Equal-Weight Alternative designates land near Interstate 5 and the existing and potential future interchange locations for Highway-Serving Commercial development. The range of activities described by the commenter would be allowed uses in these areas. The types of uses will be noted for inclusion in future revisions to the City's zoning regulations for the Highway-Service Commercial zoning district.

The draft EIR recommends a map of truck routes to be incorporated into the Circulation Element following adoption of the General Plan. The analysis of truck route gaps and limitations that may arise in the future would be addressed by implementation measure T-3:

T-3 The City shall prepare, adopt, and periodically update a long-term Capital Improvements Program (CIP) that includes traffic, pedestrian and bikeway improvements.

With respect to impacts that may arise with respect to the increased train traffic that may occur as a result of increased rail traffic associated with the Short Haul Intermodal Facility that may be constructed with the West Park Specific Plan project, the potential impacts associated with increased rail traffic are discussed under impact 5.12-7. The draft General Plan recommends applying the strategies recommended by the Public Utilities Commission with respect to mitigating the hazards associated with at-grade rail crossings. Namely:

HS-7.1 At-grade railroad crossings and rail corridors. The City shall initiate, and collaborate in, safety and design improvements at existing railroad-at-grade crossings and along rail corridors. Strategies to be considered include (but are not limited to) the following:

- a. Installation of grade separations at crossings where feasible;
- b. Improvements to warning devices at existing highway-rail crossings;
- c. Installation of additional warning signage;
- d. Improvements to traffic signaling at intersections adjacent to crossings, such as traffic preemption;
- e. Installation of median separation to prevent vehicles from driving around railroad crossing gates;
- f. Where soundwalls, landscaping, buildings would be installed near crossings, maintaining the visibility of warning devices and approaching trains;
- g. Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains;
- h. Installation of pedestrian-specific warning devices and channelization;
- i. Construction of pull-out lanes for buses and vehicles transporting hazardous materials;
- j. Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the right-of-way;
- k. Elimination of driveways near crossings;
- l. Increased enforcement of traffic laws at crossings;

- m. Rail safety awareness to educate the public about the hazards of highway-rail grade crossings;

HS-7.2 Referral to PUC. The City shall refer projects with the potential to adversely impact existing or proposed railroad crossings to the California Public Utilities Commission for recommendations regarding rail safety.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3258



August 30, 2010

Bryan Whitemeyer
City of Patterson
1 Plaza
Patterson, CA 95363

Re: Notice of Completion, Draft Environmental Impact Report (DEIR)
City of Patterson 2010 General Plan Update
SCH# 2010022035

Dear Mr. Whitemeyer:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The traffic impact study within the traffic/circulation section of the DEIR did not specifically consider safety issues to existing at-grade rail crossings within the City of Patterson. The CPUC in response to the Notice of Preparation requested inclusion of the at-grade rail crossings in the traffic impact study. This is a significant oversight by the City and EIR consultants.

In addition to the potential impacts of the proposed project itself, the DEIR needs to consider cumulative rail safety-related impacts created by other projects.

In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. The proposed project has the potential to increase vehicular and pedestrian traffic in the vicinity.

Measures to reduce adverse impacts to rail safety need to be considered in the DEIR. General categories of such measures include:

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses

5.1

- Improvements to warning devices at existing highway-rail crossing
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption
- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization and sidewalks
- Construction of pull out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing.

Please provide a revised and or amended Traffic Impact Study to ensure that all at-grade railroad crossings are included in the DEIR analysis. This will minimize the need for future development projects from being required to conduct individual Traffic Impact Studies which expedites the review time and is significantly more cost effective to the City and future project proponents.

Thank you for your consideration of these comments. We look forward to working with the City on this project. If you have any questions in this matter, please contact me at (415) 713-0092 or email at ms2@cpuc.ca.gov.

Sincerely,



Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
180 Promenade Circle, Suite 115
Sacramento, CA 95834-2939

5. Letter from Moses Stites, Rail Corridor Safety Specialist, Consumer Protection and Safety Branch California Public Utilities Commission

Comment 5.1: The comment states that the draft EIR does not include an analysis of potential safety impacts associated with at-grade railroad crossings as part of the traffic study and recommends that the traffic study be amended to include such analysis. The comment goes on to list the range of measures to be implemented to reduce potential hazards at railroad crossings.

Response:

Potential hazards associated with at-grade rail operations are assessed under impact 5.12-7 of section 5.2, Hazards and hazardous Materials. The discussion under impact 5.12-7 includes a list of the 16 at-grade crossings within the Study Area and the type of warning devices currently in place. Table 5.12-8 on page 5.12-42 provides a summary of accidents associated with all 283 at-grade rail crossings in Stanislaus County since 1998. Table 5.12-8 reveals the following:

- There were a total of 34 reported accidents during the eleven-year period of 1998 to 2009 Countywide, which resulted in eight fatalities.
- The average number of accidents during this period was 2.8 accidents per year Countywide.
- The rate of accidents per 100,000 residents during this period has actually gone down since 1998 from a high of 1.16 per 100,000 to 0.19 per 100,000 in 2009, even though the population of the County has increased by over 97,000 residents (about 19%).

Table 5.12-9 on page 5.12-42 provides a summary of accidents involving at-grade crossings within the City of Patterson General Plan Study Area between 1975 and 2009. As Table 5.12-9 shows, there have been four reported accidents during this 34-year period which resulted in one fatality. These data suggest that there have been an average of one accident every eight years during this 34 period, while the City's population grew from about 3,527 in 1970 to 16,123 in 2005. The analysis suggests that the rate of accidents associated with at-grade crossings both within the General Plan Study Area and within the County has remained low in spite of a significant increase in population in the County and in the City of Patterson. Assuming the historic rate of accidents within the Study Area continues into the future, the Study area can expect to see about 4.7 accidents during the timeframe of the 40-year timeframe of the General Plan.

Lastly, although the analysis concludes the future risk associated with at-grade rail crossings through buildout of the City's General Plan will result in a less than significant impact, the draft General Plan includes the strategies recommended by the commenter in the Health and Safety Element to ensure the safety of at-grade crossings through buildout of the General Plan:

HS-7.1 At-grade railroad crossings and rail corridors. The City shall initiate, and collaborate in, safety and design improvements at existing railroad-at-grade crossings and along rail corridors. Strategies to be considered include (but are not limited to) the following:

- a. Installation of grade separations at crossings where feasible;
- b. Improvements to warning devices at existing highway-rail crossings;
- c. Installation of additional warning signage;
- d. Improvements to traffic signaling at intersections adjacent to crossings, such as traffic preemption;
- e. Installation of median separation to prevent vehicles from driving around railroad crossing gates;
- f. Where soundwalls, landscaping, buildings would be installed near crossings, maintaining the visibility of warning devices and approaching trains;
- g. Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains;
- h. Installation of pedestrian-specific warning devices and channelization;
- i. Construction of pull-out lanes for buses and vehicles transporting hazardous materials;
- j. Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the right-of-way;
- k. Elimination of driveways near crossings;
- l. Increased enforcement of traffic laws at crossings;
- m. Rail safety awareness to educate the public about the hazards of highway-rail grade crossings;

HS-7.2 Referral to PUC. The City shall refer projects with the potential to adversely impact existing or proposed railroad crossings to the California Public Utilities Commission for recommendations regarding rail safety.

Future development accommodated by the General Plan that may result in additional traffic through one of the at-grade crossings within the General Plan Study area will be the subject of project-specific environmental review at which time the range of strategies outlined above in policy HS-7.1 will be required. Improvements to any of the crossings will be coordinated with approvals required of the Public Utilities Commission as required by policy HS-7.2.

Thus, although the analysis provided in the draft EIR is not based directly on the traffic study, the evidence provided supports the conclusion of a less than significant impact.

cc: planning



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Cathleen Cox
Acting Director

August 31, 2010.

Bryan Whitemeye
City of Patterson
1 Plaza
Patterson, CA 95363



Subject: City of Patterson 2010 General Plan Update
SCH#: 2010022035

Dear Bryan Whitemeye:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 30, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

6.1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010022035
Project Title City of Patterson 2010 General Plan Update
Lead Agency Patterson, City of

Type EIR Draft EIR

Description The Patterson General Plan last underwent a comprehensive revision in 1992. The 1992 Plan was intended to provide guidance for the growth and development of the City through the year 2012. Although the Plan was revised and updated in 2004, the area covered by the Plan and its vision for the future remained largely unchanged through 2007. In 2007 the City initiated a comprehensive revision of its 1992 General Plan. The draft Plan includes the goals, policies, standards, implementation programs, quantified objectives, draft land use diagram, and preliminary circulation diagram recommended as the formal policy of the City of Patterson for land use, development, and environmental quality. The policy Document addresses all seven of the issues, or "elements", required by State law.

Lead Agency Contact

Name Bryan Whitemeye
Agency City of Patterson
Phone (209) 895-8013 **Fax**
email
Address 1 Plaza
City Patterson **State** CA **Zip** 95363

Project Location

County Stanislaus
City Patterson
Region
Lat / Long 37° N / 121° W
Cross Streets Sperry Avenue and State Route 33
Parcel No. Various Books
Township **Range** **Section** **Base**

Proximity to:

Highways SR-33/I-5
Airports Patterson, Crows Landing
Railways UPRR/Cal Northern
Waterways San Joaquin River, Salado Creek, Del Puerto Creek
Schools Patterson Unified School District
Land Use Various

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual; Economics/Jobs; Vegetation; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Department of Parks and Recreation; Central Valley Flood Protection Board; Office of Emergency Management Agency, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 10; Department of Housing and Community Development; Regional Water Quality Control Bd., Region 5 (Fresno); Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Department of Water Resources

Date Received 07/16/2010 **Start of Review** 07/16/2010 **End of Review** 08/30/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

**CEQA APPENDIX C:
NOTICE OF COMPLETION & ENVIRONMENTAL DOCUMENT TRANSMITTAL**

Appendix C

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2010022035

Project Title: City of Patterson 2010 General Plan Update

Lead Agency: City of Patterson Contact Person: Bryan W. Wiermeyer
Mailing Address: 1 Plaza Phone: (209) 895-8013
City: Patterson, CA Zip: 95363 County: Stanislaus

Project Location: County: Stanislaus City/Nearest Community: Patterson, CA

Cross Streets: Sperry Avenue and State Route 33 Zip Code:

Longitude/latitude (degrees, minutes and seconds): 37 ° 121' - N / 121 ° 83' - W Total Acres: 12,768

Assessor's Parcel No.: Section: Twp.: Range: Base:

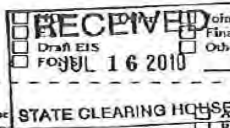
Within 2 Miles: State Hwy #: 33 and Interstate 5 Waterways: Del Puerto Creek, Salado Creek, San Joaquin River

Airports: Patterson, Cross Landing Railways: Union Pacific/Cal Northern Schools: Patterson Unified School District

Document Type:

CEQA: NOP Draft EIR
 Early Cons Supplement/Subsequent EIR
 Neg Dec (Prior SCH No.)
 Mit Neg Dec Other:

NEPA: Final Document
 Draft EIS
 FONSI Other:



Local Action Type:

General Plan Update Specific Plan Rezoning
 General Plan Amendment Master Plan Precursor
 General Plan Element Planned Unit Development Use Permit
 Community Plan Site Plan Land Division (Subdivision, etc.)

Development Type:

Residential: Units _____ Acres _____
 Office: Sq. ft. _____ Acres _____ Employees _____
 Commercial: Sq. ft. _____ Acres _____ Employees _____
 Industrial: Sq. ft. _____ Acres _____ Employees _____
 Educational: _____
 Recreational: _____
 Water Facilities: Type _____ MOD _____

Project Issues Discussed in Document:

Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Job Public Services/Facilities Traffic/Circulation Other:

Present Land Use/Zoning/General Plan Designation:

Various

Project Description: (please use a separate page if necessary)

The Patterson General Plan last underwent a comprehensive revision in 1992. The 1992 Plan was intended to provide guidance for the growth and development of the City through the year 2012. Although the Plan was revised and updated in 2004, the area covered by the Plan and its vision for the future remained largely unchanged through 2007. In 2007 the City initiated a comprehensive revision of its 1992 General Plan. The draft Plan includes the goals, policies, standards, implementation programs, quantified objectives, draft land use diagram, and preliminary circulation diagram recommended as the formal policy of the City of Patterson for land use, development, and environmental quality. The Policy Document addresses all seven of the issues, or "elements", required by State law.

State Clearinghouse Contact: (916) 445-0613

State Review Began: 7-16-2010

SCH COMPLIANCE 8-30-2010

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: _____
Please forward late comments directly to the Lead Agency

AQMD/APCD 34
(Resources: 7, 17)

Project Sent to the following State Agencies

- | | |
|--|--------------------------------|
| <input checked="" type="checkbox"/> Resources | State/Consumer Svcs |
| <input type="checkbox"/> Boating & Waterways | General Services |
| <input type="checkbox"/> Coastal Comm | Cal EPA |
| <input type="checkbox"/> Colorado Rvr Bd | ARB: Airport Projects |
| <input checked="" type="checkbox"/> Conservation | ARB: Transportation Projects |
| <input checked="" type="checkbox"/> Fish & Game # 4 | ARB: Major Industrial Projects |
| <input type="checkbox"/> Delta Protection Comm | SWRCB: Div. Financial Assist. |
| <input type="checkbox"/> Cal Fire | SWRCB: Wtr Quality |
| <input type="checkbox"/> Historic Preservation | SWRCB: Wtr Rights |
| <input checked="" type="checkbox"/> Parks & Rec | X Reg. WQCB # 5F |
| <input checked="" type="checkbox"/> Central Valley Flood Prot. | Toxic Sub Ctrl-CTC |
| <input type="checkbox"/> Bay Cons & Dev Comm. | Yth/Adlt Corrections |
| <input checked="" type="checkbox"/> DWR | Corrections |
| <input checked="" type="checkbox"/> Cal EMA | |
| Resources, Recycling and Recovery | |
| Bus Transp Hous | Independent Comm |
| <input checked="" type="checkbox"/> Aeronautics | Energy Commission |
| <input checked="" type="checkbox"/> CHP | X NAHC |
| <input checked="" type="checkbox"/> Caltrans # 10 | X Public Utilities Comm |
| <input checked="" type="checkbox"/> Trans Planning | X State Lands Comm |
| <input checked="" type="checkbox"/> Housing & Com Dev | X Tahoe Rgl Plan Agency |
| <input type="checkbox"/> Food & Agriculture | |
| <input type="checkbox"/> Public Health | |
| | Conservancy |
| | Other: |

6. Letter from Scott Morgan, Director, Governor's Office of Planning and Research, August 31, 2010

Comment 6.1: The letter from Scott Morgan, Director, Governor's Office of Planning and Research acknowledges that the City has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Response:

No response is necessary.

August 31, 2010

Bryan Whitemyer, Interim City Manager
City of Patterson
1 Plaza / PO Box 667
Patterson, CA 95363

**SUBJECT: CITY OF PATTERSON 2010 GENERAL PLAN DRAFT ENVIRONMENTAL
IMPACT REPORT**

Dear Mr. Whitemyer:

Thank you for the opportunity to review and comment on the City's 2010 General Plan Draft Environmental Impact Report (EIR). LAFCO policy encourages cities and Stanislaus County to adopt general plans, policies, and agreements which protect farmland outside urban boundaries, encourage compact and efficient growth, and avoid unnecessary conversion of farmlands. The following comments are provided for the City's consideration, as Lead Agency in the preparation of the Final EIR:

General Comments

- Figure I-2 - Patterson and Vicinity Map, located on Page 1-3 incorrectly shows the City of Newman as being located in Merced County. Please correct. 7.1
- Several Figures (maps) throughout the Draft EIR do not accurately reflect the City's Wastewater Treatment Plant property and/or Sphere of Influence, which was annexed in 2010 (see attached map). Please correct. 7.2
- Figure 3.0-6: Compact Development Alternative includes the proposed West Park Plan Boundary, while Figure 3.0-7: Jobs Emphasis Alternative and Figure 3.0-8: Planning Commission Environmental Review Alternative do not; even though the area is listed in the Legend(s). 7.3
- Page 4.0-5, Table 4.0-3 – should be corrected to update the status of the Southeast Industrial Annexation, which was approved by LAFCO in 2010. 7.4
- Page 5.1-14 references an outdated version of Government Code 56430 (Service Reviews). Effective January 2008, the Commission must consider and prepare written determinations with respect to each of the following six factors: 7.5
 - (1) Growth and population projections for the affected area.
 - (2) Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
 - (3) Financial ability of agencies to provide services.

- (4) Status of, and opportunities for, shared facilities.
- (5) Accountability for community service needs, including governmental structure and operational efficiencies.
- (6) Any other matter related to effective or efficient service delivery, as required by commission policy.

In addition, effective January 23, 2008, the preparation of a separate Master Services Element is no longer required to be submitted with a Sphere of Influence (SOI) Plan.

- Page 5.1-15 references Figure 5.1-2 (page 5.1-4) which highlights the Patterson City Limits and Sphere of Influence (SOI) in 2006. The City's SOI was subsequently amended in 2007 and 2010. Please see attached map, which reflects the City's current Sphere of Influence, adopted by LAFCO on March 24, 2010. 7.6
- Page 5.1-31 states that various policies and programs are to be implemented to ensure the provision of services concurrently or in advance of annexation. Typically, provision of services *prior* to annexation to an area outside the City's jurisdiction is not permitted without first securing an out-of-boundary service approval from LAFCO. 7.7
- Figure 5.3.1: Existing Public Facilities should be updated to include the recently annexed city well sites. 7.8
- Page 5.3-36 references the 2009 Draft Municipal Service Review and Sphere of Influence Update for the Del Puerto Healthcare District, the final version was adopted by the Commission on December 2, 2009. 7.9
- Page 5.4-1: Setting – should state that water for agricultural use is provided by surrounding irrigation and water districts. 7.10
- Page 5.4-27: Under the Overview of Water Supply Strategy section, an assumption is made with regards to properties within the Study Area that are currently receiving water from local irrigation and water districts. The section states that "prior to annexation to the City, agreements will be made among the City, property owners, and irrigation/water districts regarding how these existing water supplies will be retained and delivered to the City for serving those properties." It is unclear what kind of agreement is being suggested. Typically, upon annexation to a city, the area is detached from the water or irrigation district. Continued use of water for *agricultural* purposes during the transition period to urban uses may occur through outside service agreements between the district and the property owner. 7.11
- Page 5.4-32, presumably utilizing the assumptions above, states that the City's non-potable water system will be partly supplied by irrigation water from surrounding districts. Later sections (pages 5.4-35 – 42) summarize the water rights of the Patterson Irrigation District, West Stanislaus Irrigation District, and Del Puerto Water District, and list them as potential future water suppliers to the Study Area. Current LAFCO policy would support detachment from these Districts upon annexation to the City. 7.12
- Pages 5.4-60, 61 state that implementation of any of the Equal-Weight Alternatives would result in a permanent loss of irrigation water available for agricultural use and that

no feasible mitigation is available. Per the Final Draft Water Supply Assessment, "a formal and comprehensive groundwater management program for the area has yet to be implemented". Per LAFCO policy, the Commission will deny proposals that would result in significant unmitigable adverse effects upon other service recipients or other agencies servicing the affected area unless the approval is conditioned to avoid such impacts.

7.13

- Page 5.11-21 references General Plan Implementation Measure NR-C, which is intended to minimize the impact to prime agricultural lands. The Implementation Measure states that "the City shall develop an Agricultural Conservation Program to help mitigate the permanent conversion of productive farmland to a non-agricultural use." The proposed program would include the establishment of a ratio of agricultural land to be permanently protected for each acre converted to a non-agricultural use. Additionally, Implementation Measure NR-F states that the City shall investigate a mechanism for funding the acquisition and management of a mitigation land bank. However, neither of these measures has a specific timeframe or deadline in order to insure implementation. The City should consider the addition of a specific timeframe, should the Agricultural Conservation Program not be adopted concurrently with the General Plan.

7.14

- Page 5.11-27 - The correct reference under Impact 5.11-5 is Government Code Section 51243.5. This section of the Government Code outlines the requirement that the City succeed to all rights, duties, and powers of the County as part of an existing Williamson Act contract at the time of annexation unless certain criteria are met. The next paragraph under this impact states, "However, these stipulations do not apply to those lands within the General Plan Study Area because all lands under Williamson Act contract were contracted prior to city annexation." This statement is illogical as it relates to succession or non-succession of Williamson Act contracts. Additionally, Government Code Section 56426.5 prohibits LAFCO from approving a change to a sphere of influence if that territory is under a Williamson Act Contract, unless it makes certain findings.

7.15

Agricultural Resources

The City's Draft 2010 General Plan includes the goal of protecting and preserving local agricultural lands and preventing premature conversion to urban uses. The General Plan Study Area includes approximately 12,768 acres, including existing urbanized areas (approximately 2,519 acres). According to the Draft EIR, under the largest scenario (the Planning Commission Environmental Review Alternative), "about 10,099 acres of farmlands of all classifications would be converted to urban uses by development through the 40 year buildout horizon..." The document goes on to say that the total prime farmland converted would be roughly twice that expected with development under the existing General Plan area.

One of LAFCO's main charges, as put forth by the Legislature, is to protect and promote agriculture. The redesignation of land to other than Agriculture on an agency's general plan tends to prematurely cease the use of the land for agricultural purposes. Although there is currently no sphere of influence modification being proposed with the General Plan update, the territory proposed for inclusion in the City's proposed 2010 General Plan (all alternatives) includes prime farmland and numerous lands under Williamson Act contracts. LAFCO strongly

7.16

encourages the City to adopt its Agricultural Conservation Program prior to or concurrently with its General Plan adoption.

Sphere of Influence Policies

Although the City has not indicated whether or not it intends to request a proposed Sphere of Influence (SOI) revision following adoption of the 2010 Patterson General Plan, LAFCO offers the following comments regarding SOI policies.

Government Code Section 56076 defines a sphere of influence as "a plan for the probable physical boundaries and service area of a local agency, as determined by the commission". It is an area within which a city or district may expand, over an undefined period of time, through the annexation process. In simple terms, a sphere of influence is a planning boundary within which a city or district is expected to grow at some future time.

LAFCO will designate a Sphere of Influence line for each local agency that represents the agency's probable physical boundary and includes territory eligible for annexation and the extension of that agency's services within a zero to twenty-year period. LAFCO shall also designate a Primary Area line for a local agency, which represents the agency's short-term growth area. Areas within an adopted Primary Area shall be eligible for annexation and extension of urban services within a zero to ten-year period.

7.16

Territory not in need of urban services, including open space, agriculture, non-protested, or protested and not upheld Williamson Act contracted lands, shall not be assigned to an agency's sphere of influence, unless the area's exclusion would impede the planned orderly and efficient development of this area. LAFCO policy states that sphere amendments will not be approved if there is sufficient alternative land available for annexation within the existing SOI.

In addition, pursuant to the Cortese-Knox-Hertzberg Act, LAFCOs have the authority, outside of the CEQA process, to request additional information regarding a project under their authority. Consistent with Commission Policies 20 (Logical Boundaries) and 21 (Development of Vacant or Underutilized Land Prior to Annexation of Additional Territory); and Government Code Sections 56377 (Open-space/Agricultural Land Conversion) and 56668 (Factors to be Considered in Review of a Proposal):

- ✓ In order to encourage orderly growth of urban areas and promote infill development, the Commission may require a vacant land inventory and absorption study of incorporated vacant lands located within the City's existing limits and/or sphere of influence.
- ✓ Vacant land within urban areas should be developed before agricultural land is annexed for non-agricultural purposes. For example, agricultural land should not be annexed for nonagricultural purposes when feasible alternatives exist.

7.17

City/County Meeting (included in Draft EIR - on Page 5.1-15)

An expansion of the sphere of influence triggers a requirement for City of Patterson representatives to meet with the County to discuss the proposed sphere and explore methods to reach agreement on its boundaries, development standards, and zoning requirements within the

7.18

sphere. If an agreement is reached, LAFCO is required to give great weight to that agreement in the consideration of any proposed sphere of influence. If no agreement is reached, an application may be submitted to the Commission and the Commission shall consider a sphere of influence for the City consistent with the policies adopted by the Commission.


Presentation to the Commission

Stanislaus LAFCO has encouraged cities during their general plan update process to schedule a presentation before the Commission. In the past, this has been valuable in obtaining the Commission's comments prior to finalizing any general plan policies relating to the sphere of influence and annexation, as well as, developing a proposed sphere of influence boundary line for the Commission's consideration.

7.18

If you would like to meet to discuss this matter further or to schedule a presentation before the Commission, please call me at your earliest convenience.

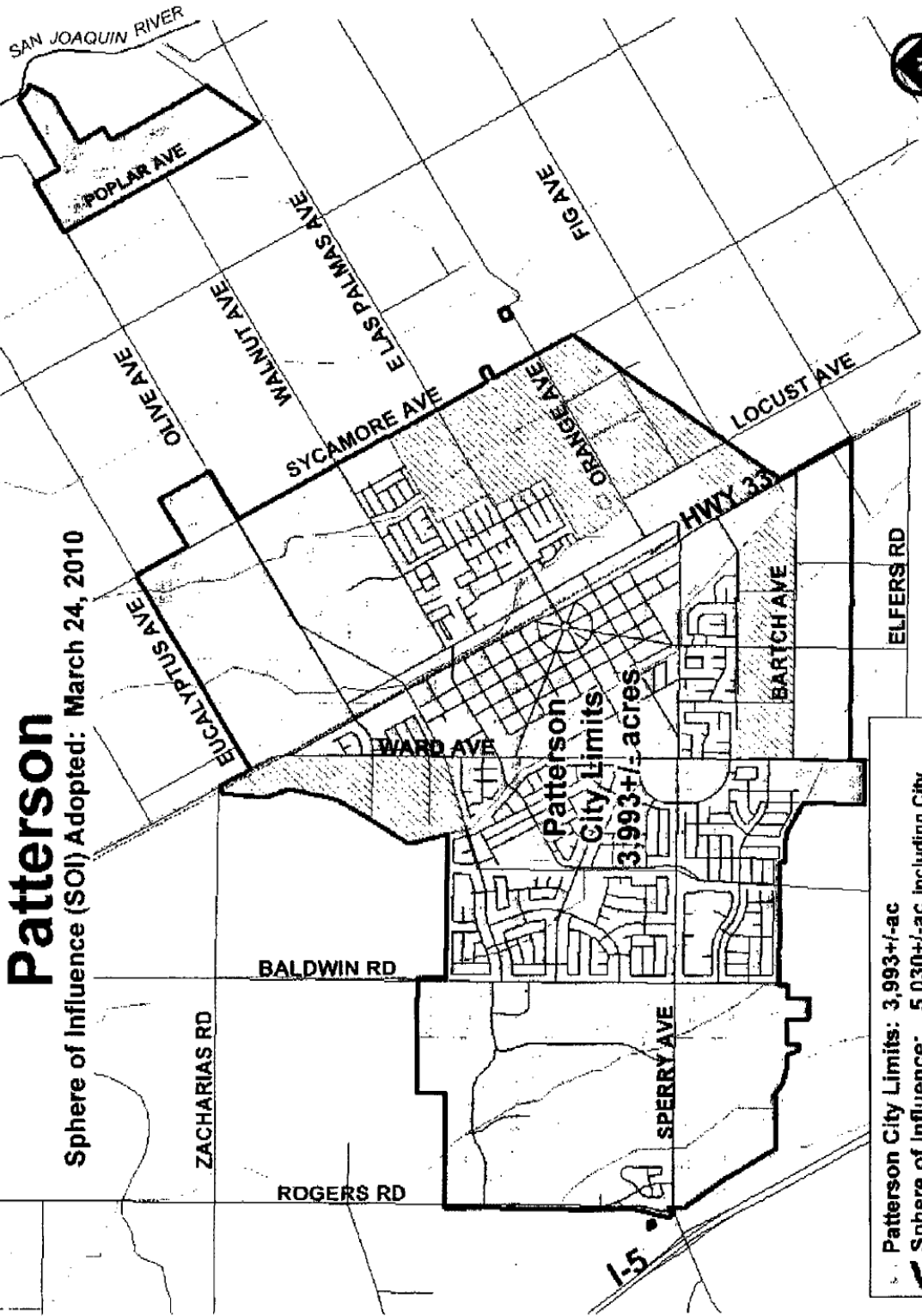
Sincerely,



Marjorie Blom
Executive Officer

Attachment: Boundary & SOI Map for the City of Patterson (June 8, 2010)

cc: LAFCO Commissioners
Joel Andrews, Associate Planner, City of Patterson
Dave Moran, Crawford Multari & Clark Associates



Source: LAFCO Files, County GIS, June 8, 2010

7. Letter from Marjorie Bloom, Executive Officer, Stanislaus Local Agency Formation Commission

Comment 7.1: The commenter states that Figure 1-2 incorrectly shows the City of Newman located in Merced County.

Response:

The draft EIR does not include a Figure 1-2. However, Figure 3.0-2: Regional Setting, provided in section 3.0 – Project Description, depicts the City of Newman correctly located within Stanislaus County. The commenter may be referring to a figure provided in the Notice of Preparation which incorrectly showed the location of the City of Newman.

Comment 7.2: The comment refers to several maps throughout the draft EIR that do not show the currently-adopted sphere of influence.

Response:

Section 15125 of the State CEQA Guidelines states that an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no notice of preparation is published. The Notice of Preparation (NOP) was circulated for 30 days, from February 11, 2010 to March 12, 2010. At the time the NOP was distributed, the annexation of lands surrounding the wastewater treatment plant and the Southeast Industrial Annexation had not occurred. Thus, the maps show the City's sphere of influence and City limits that existed at the time the NOP was published. Following adoption of the General Plan, all of the maps will be updated to reflect actions taken by LAFCo since the NOP was distributed.

Comment 7.3: The comment refers to a mapping error on the illustrations for the Jobs Emphasis and Planning Commission Environmental Review Alternatives.

Response;

The illustrations for each Equal-Weight Alternative was intended to include the boundaries of the proposed West Park Specific Plan, as shown on the Compact Development Alternative. The final land use diagram for the General Plan will include the boundary.

Comment 7.4: The comment refer to Table 4.0-3 which does not include land associated with the Southeast Area Annexation.

Response:

The reader is referred to response 7.2, above.

Comment 7.5: The comment corrects a reference provided in the draft EIR relating to Government Code 56430.

Response:

The comments are noted.

Comment 7.6: The comment makes reference to a map showing the City's sphere of influence as it existed in 2006 and that the City's sphere of influence has been amended by LAFCo in subsequently in 2007 and 2010.

Response:

The reader is referred to the response under comment No. 7.2, above. The final maps included in the General Plan will reflect the sphere of influence as last amended by LAFCo in 2010.

Comment 7.7: The comment states that the provision of services to an annexation area prior to annexation requires LAFCo approval of an out-of-boundary service agreement.

Response:

The policies of the draft Policy Document are aimed at ensuring the City has a program in place to serve annexation areas concurrently or an advance of an application for such annexation. For example:

LU-1.9 Managing the pace of development. The City shall link the rate of growth in Patterson to the provision of adequate services and infrastructure, including schools. The City shall, through specific plans and/or planned development plans for major projects, ensure that urban development proceeds in an orderly fashion and in pace with the expansion of public facilities and services.

As noted by the comment, the provision of City services to lands outside the city limits will require an out-of-boundary services agreement from LAFCo.

Comment 7.8: The comment states that the map of existing public facilities should be updated to include the City's recently annexed well sites.

Response:

The comment is noted. The final maps included in the General Plan will reflect the sphere of influence as last amended by LAFCo in 2010. Also, the reader is referred to the response under comment No. 7.2, above.

Comment 7.9: The comment states that the Municipal Service Review and Sphere of Influence Update for the Del Puerto Healthcare District was adopted in December, 2009.

Response:

The comment is noted.

Comment 7.10: The comment states that the discussion of the environmental and regulatory setting for water supply should state that State water for agricultural use is provided by surrounding irrigation and water districts.

Response:

The comment is noted. The language on page 5.4-1 will be amended as follows:

Water for agricultural use is provided to properties surrounding the City and within the Study area by irrigation *and water* districts that use surface and groundwater supplies.

Comment 7.11: The comment refers to the discussion in section 5.4 -- Water Supply, regarding the strategy to be employed to ensure properties proposing annexation to the City have secured an adequate water supply. The comment states that such properties are typically detached from the underlying water purveyor upon annexation to the City.

Response:

The City's strategy for ensuring that properties contemplating annexation to the City demonstrate that they have secured an adequate water supply is embodied in the following policies provided in the Public Services Element of the draft General Plan:

PS-1.1 Water supply. The City shall continue to use groundwater as a source of domestic water for the city. The City shall also pursue, as expeditiously as possible, acquisition of surface water rights to supplement its water supply in order to accommodate projected water demand and provide for water supply security.

PS-1.3 Supply for new development. The City shall not approve any new development without the demonstrated assurance of an adequate water supply to support such development and a City-approved funding mechanism to pay for necessary improvements.

In addition, the following additional policy is recommended by the draft EIR:

Policy

PS-1.3 Supply for new development. The City shall not approve any new development without the demonstrated assurance of an adequate water supply to support such development and a City-approved funding mechanism to pay for necessary improvements. Such assurance shall be provided in a form and manner determined by the City, and may include, but is not limited to, the following:

- a. A contract between the property owner(s) and a water purveyor guaranteeing the long-term delivery of a suitable quantity of water to serve the intended use of the property consistent with the General Plan;
- b. A contract between a water purveyor and the City guaranteeing the long-term delivery of a suitable quantity of water to serve the intended use of the property consistent with the General Plan;
- c. Such other mechanism suitable to the City.

Thus, the agreement contemplated by the text provided on page 5.4-27 would consist of a contract for water service between the property owner(s) and the water purveyor, a contract between the water purveyor and the City, or such other agreement suitable to the City. In the event option a. is contemplated, the property would be annexed to the City but remain within the service area of the water purveyor (no detachment). Under option b., the water purveyor would sell the water directly to the City and the property would detach from the water purveyor. In either case, the water retained by the property or sold to the City would be connected to the City's water supply system and used for groundwater recharge and not for municipal and industrial consumption. The water used for groundwater recharge would then be extracted by City wells and used by City customers.

Comment 7.12: The comment states that LAFCo policy would support detachment from the underlying water purveyor upon annexation to the City.

Response:

As discussed under comment 7.11, one option for ensuring a water supply for new annexation areas would be for annexation areas to remain within their respective water supply purveyor service area upon annexation to the City, and for the water associated with the property to continue to be sold to the property owner. Another option would be for the water purveyor to sell the water to the City directly and for the property to be detached from the water purveyor.

LAFCo policies encourage the consolidation of service providers where there is more than one service provider to a particular area. Accordingly, the draft EIR concludes that the Equal-Weight Alternatives are not consistent with LAFCo policies and would result in a significant and unavoidable impact. However, there is some precedence for overlapping water service in Patterson. As shown on Figure 5.4-1 of the draft EIR, the service areas of the Del Puerto Water District and the Patterson Irrigation District currently overlap with the water service area of the City. This condition has existed for many years.

The City's preference would be to acquire the water rights from the water purveyor and to detach newly-annexed properties from the underlying service provider. However, Policy PS-1.3 leaves both options open. The final solution would be the subject of negotiations among the property owners, the water purveyor, the City and LAFCo.

Comment 7.13: The comment states that LAFCo will deny proposals that would result in significant unmitigable adverse effects upon other service recipients or other agencies serving the affected area unless the approval would be conditioned to avoid such impacts.

Response:

The draft EIR concludes that water available for agriculture would be reduced in the event a portion of the water purveyor's land is converted to a non-agricultural use (ie, urban development) and the water associated with such land is used for groundwater recharge instead of irrigation. However, two points are worth making:

- Although there would be less water available for agriculture, there would also be less agricultural land within the service area of the water purveyor.
- As shown on Table 5.4-15 in section 5.4 of the draft EIR, the amount of water currently delivered to properties within the areas served by other purveyors would be considerably more than the demand associated with urban development accommodated by each of the Equal-Weight Alternatives.
- Existing water service recipients within the service area of the water purveyor would continue to receive their water entitlement as before and would be unaffected, consistent with LAFCo policy.

Under this option, the water purveyor would continue to sell water to its customers as it does now. The excess water not needed by urban development could theoretically be sold to other customers. Potential impacts to other wells in the area as a result of continued groundwater withdrawals by the City are discussed under impact 5.4-3. To address the potential impacts, the draft EIR recommends the following additional policy and implementation measures:

Policy

PS-1.12 Affect of City Wells On Surrounding Wells. If, in the unlikely event that an existing user of the confined aquifer finds its well affected by the City's pumping, the City shall compensate that user for the cost of deepening the pump setting and the increased cost of operating the well to draw water from greater depths. New development in the City's sphere of influence shall be required to pay its fair share of such costs.

Recommend Implementation Measures

PS-15 The City shall sample groundwater quality semiannually to assess water quality and shall conduct additional studies to better understand the direction and rate of groundwater flow in the confined aquifer. These investigations will allow the City to optimize the arrangement of new water supply wells to maximize water quality and minimize the severity of the resulting cone of depression and associated impacts. To the extent feasible, new wells shall be located at greater spacings to reduce the cone of depression and maximize their distance from nearby users. This would reduce the risk and/or severity of the potential impacts from subsidence discussed above.

PS-16 The City shall implement a subsidence monitoring program. Subsidence shall be monitored annually at each well and new wells shall be designed to prevent damage to the wells from subsidence as described in the groundwater study.

Comment 7.14: The comment recommends that implementation measures NR-C and NR-F that address the permanent loss of agricultural land incorporate a timeframe or deadline for implementation.

Response:

Neither implementation measure referred to be the commenter provides a timeframe in the text for implementation. However, the table of implementation measures provide at the end of the Natural Resources Element provides a recommended implementation timeframe for these and all

other implementation measures. The table recommends that these measures be implemented in the near term, which is typically one to three years.

The reader is also referred to the responses provided under comment letter No. 20. from the Building Industry Association of the Central California.

Comment 7.15: The commenter corrects a reference to the Government Code regarding the City's rights and responsibilities under the Williamson Act and points out an error on page 5.11-27 in reference to existing Williamson Act contracts. Lastly, the commenter states that state law prohibits LAFCo from approving a sphere of influence amendment that includes territory subject to Williamson Act contracts unless certain findings are made.

Response:

The comment regarding the reference to the Government Code is noted. The correct reference should be 51243.5. With regard to the text on page 5.11-27, the sentence should read as follows:

However, these stipulations do not apply to those lands within the ~~General Plan Area~~ current City limits because all lands under Williamson Act contract were contracted prior to city annexation or were protested by the City prior to annexation.

The comment regarding findings to be made by LAFCo for the annexation of territory subject to Williamson Act contracts is noted.

Comment 7.16: The comment acknowledges that the City's General Plan Study Area consists of a significant acreage of prime agricultural land and lands under Williamson Act contract and recommends that the City adopt its Agriculture Conservation Program as required by implementation measure NR-C prior to or concurrently with General Plan adoption.

Response:

The table of implementation measures recommends that measure NR-C be implemented in the near term, which is typically one to three years.

The reader is also referred to the responses provided under comment letter No. 20. from the Building Industry Association of the Central California.

Comment 7.17: The comments outline the responsibilities of LAFCo with regard to the establishment of spheres of influence.

Response:

The comments regarding the adoption of a sphere of influence are noted. The draft General Plan does not propose an amendment of the City's currently-adopted sphere of influence.

Comment 7.17: The comment states that LACo has the authority to request additional information outside the CEQA process to inform decisions regarding spheres of influence and reorganizations.

Response:

The City has worked with LAFCo staff in the past to provide the necessary information to support applications for sphere of influence amendments and reorganization. With regard to the factors to be considered, the City can provide an inventory of vacant land whenever necessary. The draft policy document contains the following policy regarding the priorities for development:

LU-1.7 Preferences for the timing of urban development. The Land Use Diagram (Figure I-3) designates areas expected to be developed within a 20 year and 40 year timeframe (buildout). These boundaries are not permanent but express the City's preferences for the timing of future development, based on the availability of public services prescribed by the City's infrastructure master plans. In general, the preferred timing of urban development in accordance with the General Plan is as follows:

- a. First Priority—Vacant or underutilized areas within the current City limits;
- b. Second Priority—Vacant or underutilized areas within the City's currently-adopted sphere of influence;
- c. Third priority—Vacant or underutilized areas within the 20-year planning boundary;
- d. Fourth Priority—Areas outside the 20-year planning boundary.

LU-1.13 Status of land prior to urban development. Land within the General Plan Area shall ultimately be developed to urban standards described in Part I – Land Use and Development Standards. Pending connection to City services, such land shall remain in agricultural, open space, or other low intensity uses.

Comment 7.18: The comment makes reference to the requirement for City representatives to meet with the County to discuss proposed sphere of influence amendments.

Response:

The comment is noted. The City will continue to work with LAFCo and County staff regarding the outward expansion of the City.

Comment 7.19: The comment suggests the City make a presentation to LAFCo regarding the City's General Plan update as an opportunity to resolve potential issues.

Response:

The comment is noted and will be passed along to the decision-makers for their consideration.

September 1, 2010

Bryan Whitemyer, Interim City Manager
City of Patterson
1 Plaza Street
Patterson, CA 95363

Project: City of Patterson 2010 General Plan and Environmental Impact Report

District Reference No: 20100082

Dear Mr. Whitemyer:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the City of Patterson 2010 General Plan and Draft Environmental Impact Report (EIR). The District offers the following comments and recommendations regarding these two documents:

1. AB 170 (Reyes) requires general plans to be amended to include an air quality discussion including: (1) a description of local air quality conditions, attainment status, and state and federal air quality plans; (2) a summary of local, district, state, and federal policies, programs, and regulations to improve air quality; (3) a comprehensive set of goals, policies, and objectives to improve air quality; and (4) feasible implementation measures (strategies) designed to achieve these goals. As the General Plan and the Draft EIR have been combined to minimize redundancy, the documents appear to fulfill the requirements set forth in AB 170 (Reyes).
2. The General Plan contains policies requiring the City to accurately assess impacts on air quality using District resources and programs and to coordinate with the District to minimize air impacts from projects subject to CEQA review. The District appreciates the City's ongoing commitment to working with the District and appreciates the opportunity to aid the City in identifying and mitigating impacts on air quality through the CEQA review process.
 - a) Policy AR-1.3 requires the City to consult with the District during CEQA review to determine potential impacts on air quality. To aid the City in determining a project's potential impacts, the District recommends that CEQA referral documents submitted to the District include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources. CEQA referral documents should be submitted to the District's CEQA Division located at the District's Central Office. To minimize paper consumption and help expedite project review, the District recommends that CEQA referrals be submitted via e-mail at CEQA@valleyair.org.
 - b) Policy AR-1.0 requires the City to review projects using criteria established by the District to minimize vehicle miles traveled (VMT) associated with new growth. The policy also requires the City to assist in the implementation of District indirect source regulations, namely District Rule 9510 (Indirect Source Review). The District commends the City in its recognition of the importance of reducing indirect source

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emissions associated with VMT and the role it plays in the District's strategies to achieve attainment for ozone and PM2.5. The District further commends and appreciates the City's dedication to assisting the District with the implementation of Rule 9510. To reduce City staff time in responding to project proponent questions District Rule 9510, the District recommends that all requests for CEQA comments include project proponent contact information. District receipt of the requested information will allow District staff to contact developers and assist them in understanding how to reduce project related impacts on air quality and how to complete the Indirect Source Review application process.

3. The District appreciates the City's support and continued efforts to educate the public on the impacts that personal choices have on the valley's air quality (Policies AR-1.14 and AR-1.15). The District agrees that education is a key component of improving air quality in the San Joaquin Valley.

- a) The District has developed a school program for those schools wishing to add air quality education to their curriculum. The program includes District speakers, student workbooks and teaching aids. More information on the District's school curriculum can be found on the District website at: <http://www.valleyair.org/kids/KidsElemCurr.htm>.
- b) The District has developed an air quality flag program in which various colored flags serve as a visual communicator of daily air quality indicators and health descriptors of the Air Quality Index. More information on the District's flag program can be found on the District website at: http://www.valleyair.org/Programs/FlagProgram/AirQualityFlagProgram_Idx.htm.
- c) The District has a variety of publications available to the public, including compliance assistance bulletins and brochures on the District's grant and incentive and Healthy Air Living programs. For more information on District publications and the availability of reference materials, please contact the District's Outreach and Communication Department staff by phone at (559) 230-6000 or e-mail at public.education@valleyair.org.

4. Goals AR-2 and AR-3 and the associated policies aim to reduce impacts on air quality through the reduction of VMT emissions. Again, the District commends the City in its recognition of the importance of reducing VMT emissions and the role these reductions play in the District's strategies to achieve attainment for ozone and PM2.5. The District appreciates the City's commitment to promoting the implementation of employer based trip reduction programs. (Policy AR-2.1) The District has adopted District Rule 9410 (Employer Based Trip Reduction) which reduces VMT emissions from private vehicles used by employees to commute to and from their worksites. The rule applies to employers with at least 100 eligible employees.

- a) To aid employers in complying with Rule 9410 and reduce City staff time in responding to project proponent questions, the District recommends that requests for CEQA comments include the number of employees that projects are expected to generate as well as the project proponent contact information. District receipt of the requested information will allow District staff to contact project proponents and assist them in understanding how to comply with the rule and complete the required registration process.

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- b) More information about District Rule 9410 can be obtained by contacting District Technical Services staff at (559) 230-6000 or by visiting the District's website at: http://www.valleyair.org/Programs/Rule9410TripReduction/eTRIP_main.htm or.
5. The General Plan contains policies to minimize exposure of the public to hazardous air pollutants (HAPs). Policy AR-4.1 requires residential developments and other sensitive receptors to be located an adequate distance from existing and potential sources of HAPs, while Policy AR-4.2 requires consultation with the District for industrial projects that may have adverse health impacts. The District commends the City for its commitment to protecting the health of its citizens.
- a) Accurate quantification of health risks and operational emissions requires detailed site specific information, e.g. type of emission source, proximity of the source to sensitive receptors, and trip generation information. The required level of detail is typically not available until project specific approvals are being granted. Therefore, the District recommends that potential health risks be further reviewed when approving all future projects. This recommendation includes projects that would otherwise appear to be exempt from CEQA requirements, such as projects that could be categorically exempt or allowed land uses under current zoning.
- b) As stated above, the City requires that conflicting land uses be located an adequate distance apart to prevent potential health risks to nearby sensitive receptors. However, the Air Quality Element does not identify what constitutes an adequate distance. The District recommends that Policies AR-4.1 and AR-4.2 be amended to identify what the City considers as adequate. The District recommends using, at a minimum, the distances identified in ARB's *Air Quality and Land Use Handbook: A Community Health Perspective*. The document includes a table with recommended buffer distances associated with various types of common sources. The ARB handbook can be found on the ARB's website at: <http://www.arb.ca.gov/ch/landuse.htm>.
- c) In addition to ARB's handbook, various tools exist to aid the City in performing a screening level analysis for emissions from new sources, such as prioritization charts, SCREEN3, and various spreadsheets available from the District's website, to determine if a health risk assessment (HRA) would be required. More information on TACs, prioritizations and HRAs can be obtained by:
- E-mailing inquiries to the District's Technical Services Division at: hramodeler@valleyair.org; or by
 - Visiting the District's website at: http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

8.4

Sincerely,

David Warner
Director of Permit Services

Arnaud Marjollet
Permit Services Manager
DW: jw
cc: File

8. Letter from David Warner, Director of Permit Services, San Joaquin Unified Air Pollution Control District

Comment 8.1: The comment states that the draft EIR and General Plan comply with the provisions of Assembly Bill 170.

Response:

The comment is noted.

Comments 8.2: These comments discuss strategies for the City to consult with the San Joaquin Unified Air Pollution Control District with respect to the review of future development accommodated by the draft General Plan, as well as strategies for informing the public with respect to ways in which individuals can help promote clean air.

Response:

These strategies are noted and will be included in the City's CEQA compliance guidelines.

Comment 8.3: The comment states that the District has adopted District Rule 9410 (Employer Based Trip Reduction) which reduces VMT emissions from private vehicles used by employees to commute to and from their worksites. The rule applies to employers with at least 100 eligible employees. The comment outlines recommendations to be followed by City staff to aid employers in complying with Rule 9410.

Response:

These strategies are noted and will be included in the City's CEQA compliance guidelines.

Comment 8.4: The comment provides recommendations for the City to follow with respect to the review of future projects with the potential to result in health risks to sensitive receptors. The comment recommends that the Air Quality Element identify an adequate distance to be maintained between sources of potential hazardous air pollutants and sensitive receptors. The District recommends using, at a minimum, the distances identified in ARB's *Air Quality and Land Use Handbook: A Community Health Perspective*.

Response:

The draft EIR recommends the following implementation measure:

AIR-9 The following measures shall be required as a condition of approval for development projects with the potential to have adverse air quality impacts to sensitive land uses:

- Maintain a minimum 500 foot separation between sensitive land uses and the Interstate 5 freeway;
- Maintain a minimum 1,000 foot separation between sensitive land uses and major rail yards;
- Maintain a minimum 1,000 foot separation between sensitive land uses and major distribution centers (more than 100 trucks per day);

- Maintain a minimum 300 foot separation between sensitive land uses and dry cleaning operations (500 feet for operations with two or more machines); and
- Maintain a minimum 50 foot separation between sensitive land uses and gasoline dispensing facilities (300 feet if throughput exceeds 3.6 million gallons per year).

In addition Policy AR-4. will be revised as follows:

AR-4.1 Sensitive receptors. The City shall, to the extent practicable, separate sensitive land uses from significant sources of air pollutants or odor emissions. The City shall require residential development projects and projects categorized as sensitive receptors to be located an adequate distance from existing and potential sources toxic emissions such as freeways, major arterials, industrial sites, and hazardous material locations. *For purposes of compliance with this policy, the City will be guided by the recommendations provided in the Air Quality and Land Use Handbook: A Community Health Perspective published by the California Air Resources Board.*



Board of Directors:
Joe Alamo
Charles Fernandes
Michael Frantz
Ron Macedo
Rob Santos

September 1, 2010

City of Patterson
Attn: Denise M. Melo
P.O. Box 667
Patterson, CA 95363

RE: General Plan Draft EIR

Dear Ms. Melo:

The Turlock Irrigation District (District) acknowledges the opportunity to review and comment on the referenced project. District standards require development occurring within the District's boundary that impacts irrigation and electric facilities, to meet the District's requirements.

The District has no comments regarding irrigation facilities on the above referenced project as it is not within the District's irrigation service area.

The District's electric utility has no comment concerning this project.

If you have any questions concerning irrigation system requirements, please contact me at (209) 883-8384. Questions regarding electric utility requirements should be directed to Paul Rodriguez at (209) 883-8438.

Sincerely,

Arie W. Vander Pol
Engineering Technician, Civil
CF: 2010037

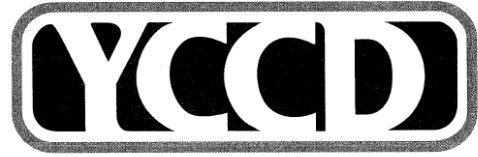
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**9. Response to letter from Arie W. Vander Pol, Civil Engineering Technician,
Turlock Irrigation District**

Comment 9.1: The Turlock Irrigation District offers no comments with respect to the draft EIR.

Office of the Chancellor



Yosemite Community College District

P.O. Box 4065 / Modesto, CA 95352 / 2201 Blue Gum Avenue
Phone (209) 575-6508 / FAX (209) 575-6565

September 1, 2010

City of Patterson
1 Plaza Street
Patterson, CA 95363

Attention: Bryan Whitemyer, Interim City Manager

Re: Patterson General Plan

Dear Mr. Whitemyer:

The Yosemite Community College District has acquired property at Ward Avenue and Elfers Road in the City of Patterson's sphere of influence. The property is located in what is denominated in the proposed General Plan as the Southern Expansion Area. The District will be proceeding with construction and development of an educational outreach center on its property in the very near future, as part of its Measure E program. This center will be of tremendous benefit to the City of Patterson, as recognized in your proposed General Plan.

The District is concerned that one of the three of the Equal Weight Alternatives considered by the City's EIR, the Compact Development Alternative, designates the District's site as "neighborhood village". The Jobs Emphasis Alternative and the Planning Commission Environmental Review Alternative show the District's site as "public/quasi public", which appears to be an appropriate designation. Since the District has worked extensively with the City on zoning, use and infrastructure issues related to the development of the District's site, and has, in fact, signed an out of boundary services agreement with the City, the District would strenuously object to any general plan designation of its site which would be incompatible with the site's development as an educational outreach center.

The District respectfully requests that the Compact Development Alternative be revised to show the District's site as "public/quasi public", and asks that you confirm to the undersigned that the "public/quasi public" designation does, in fact, accommodate the development of the District's site as an educational outreach center so that such development would be consistent with your proposed general plan.

10.1

Page Two
Bryan Whitemyer, Interim City Manager
September 1, 2010

The District appreciates your consideration of the foregoing and looks forward to a long and fruitful relationship with the City of Patterson. In furtherance of the comments set forth in this letter, I would like to set up a meeting with you and appropriate representatives of your staff to discuss the issues raised in this letter and to consider how our two agencies can most effectively coordinate planning, design and construction of our planned site and establish a relationship for future coordination on future District projects. I will have Nick Stavrianoudakis, the District's Public Affairs Director, contact you to set up this meeting.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joan E. Smith". The signature is fluid and cursive, with a large initial "J" and "S".

Joan E. Smith, Ed.D.
Interim Chancellor

JES:jsm

cc: Patterson Planning Department

10. Letter dated September 1, 2010 from Joan E. Smith, Ed.D, Interim Chancellor, Yosemite Community College District

Comment 10.1: The commenter states that one of the illustrations of the Compact Development Alternative provided in the draft EIR designates property recently acquired by the District as Neighborhood Village rather than Public/Quasi-Public.

Response:

The correct recommended designation is Public/Quasi-Public which in turn will be reflected in the final land use plan adopted by the City.

cc: planning

Board of Directors

John Azevedo
President
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Vice President
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General Manager

Toni Russell
Secretary/Treasurer

948 Orange Avenue - P.O. Box 685 - Patterson, Ca. 95363
Office (209) 892-6233 - Fax (209) 892-4013

September 14, 2010

Mr. Bryan Whitemyer
Interim City Manager
City of Patterson
1 Plaza
Patterson, CA 95363



SUBJECT: City of Patterson 2010 General Plan Draft EIR Comments

Dear Mr. Whitemyer,

Patterson Irrigation District (PID) has reviewed the City of Patterson's General Plan Draft Environmental Impact Report, Policy Document and Appendices (collectively referred to as EIR). In short, the details of the EIR document include undocumented assumptions for water supply acquisition from PID and other local agricultural water and irrigation districts that were not properly scrutinized with these districts prior to publishing.

While the City's consultant did contact PID in March, it asked various water supply and policy questions without any discussion of the City's future water supply strategies. Managers from PID, Del Puerto Water District, and West Stanislaus Irrigation District also attended a meeting hosted by the City and involving City staff, consultants, and landowner/developers who surprised the District managers by mentioning a few of the details of these previously undisclosed policies and expected instant participation and reaction. Soon after, these policies and the accompanying assumptions were released in the form of this EIR.

The water supply section of the EIR clearly defines the City's need to acquire between 9,700 and 19,000 acre-feet per year of reliable water supplies to support various growth alternatives. The EIR relies on local agricultural districts to meet this demand. One strategy suggests that districts such as PID continue to serve non-potable water to developed areas by allowing these properties to remain within the district. Under PID's policy, land annexed to the City is detached from the District, and water resources made available as a result of the detachment are put to other reasonable and beneficial use. This policy is important to the district, and PID will not allow for overlap to occur between City and District service areas. While PID does provide limited agricultural water service to out-of-district properties, including the City's Villages of Patterson development area, until such time that these properties are developed, any long-term assignment of water or service beyond agricultural use would represent a major change in historical operations for the District. Such a change may be considered by PID in the future, but it would be dependent upon terms and mechanisms negotiated and agreed to by both parties. It is premature to include such recommendation in the EIR when these discussions have not even begun.

11.1

The City also attempts to quantify the water supply available from PID to support the growth outlined in the EIR. According to the report, approximately 3.0 acre-feet of San Joaquin River supply may be available to support every acre of City development within PID's current service boundary, equating to approximately 15,000 AF. These numbers are strictly based on historical pumping and do not take into account current or future implementation of efficient irrigation technologies, or other recent District conservation projects. Furthermore, the City did not account for any long-term water resource strategies that PID and other local irrigation and water districts may be planning in regards to "available" supplies. The City is assuming that PID, as well as other local agricultural districts have included the City in their long-term water supply planning efforts without any coordination or prior discussion.

11.2

Under the General Plan EIR, the City is also assuming that the availability of groundwater will continue to be a long-term resource to meet potable water needs. PID currently uses groundwater conjunctively in-district to meet peak irrigation demands and as an emergency supply. As a major importer of surface supplies in the area, PID operations and deliveries contribute to local groundwater aquifer recharge. Municipal development of irrigable, agricultural land in the region will ultimately lead to a reduction in the groundwater recharge available to City wells operating within PID's service area. Regionally, greater reliance on groundwater wells to offset unreliable Central Valley Project (CVP) surface deliveries may also threaten the future long-term availability and sustainability of groundwater. PID agrees that more research needs to be done to determine the long-term sustainability of the local groundwater aquifer, especially if groundwater is considered a primary source of supply.

11.3

For over 100 years, PID has provided water for irrigated agriculture locally, satisfying the needs of landowners and growers first, and subsequently providing supplies made available through conservation practices to other local agricultural districts in need of supply. PID sees the City's future water resource challenges as an opportunity for a constructive relationship between PID and the City, as long as terms are fair and beneficial for both parties. The City's history has deep ties to the development of irrigated agriculture in the region, an industry that surrounds the City on all sides. PID would appreciate that this and future planning efforts are put forth in a professional, respectable, and collaborative manner, especially if plans for growth and development rely on the water resources of others.

Please call me with any questions or concerns.

Sincerely,



Peter Rietkerk
General Manager
Enclosures

Cc: Patterson Irrigation District Board of Directors
William Harrison, General Manager, Del Puerto Water District
Robert Pierce, General Manager, West Stanislaus Irrigation District



RECEIVED
SEP 16 2010

BY: *[Signature]*

P.O. Box 1596 • Patterson, CA 95363-1596

Fax (209) 892-4469 • Phone (209) 892-4470

September 16, 2010

City of Patterson
Attn: Bryan Whitemyer, Interim City Manager
1 Plaza
Patterson, CA 95363

**Re: DRAFT ENVIRONMENTAL IMPACT REPORT –
City of Patterson 2010 General Plan**

Dear Mr. Whitemyer:

The following comments are submitted on behalf of Del Puerto Water District (“District”) regarding the Draft Environmental Impact Report (DEIR) dated July 2010 for the City of Patterson 2010 General Plan (“Plan”, “General Plan”).

The District is a California Water District and federal water service contractor. The jurisdictional responsibilities and expertise of the District are in the area of surface water supply, management and distribution for agricultural purposes. The District has also assumed certain responsibilities regarding local groundwater supplies through the adoption of an AB3030 “Groundwater Management Plan for the Northern Delta-Mendota Canal Subbasin,” (1996) which is currently being updated to provide compliance with recent legislation.

As the agency currently responsible for providing agricultural water service to approximately 2,761 acres of the lands in the subject planning area, the current proposed Plan raises several issues of serious, long range importance and concern to the District that may require policy level discussions and decisions by this District’s Board of Directors. The deadline for providing these comments does not provide opportunity for this to occur. Therefore, you are advised that the Board reserves the right to provide additional comment prior to finalization and adoption of the Plan and to object to and/or request that certain conditions be agreed to prior to the annexation to the City of lands currently within the District.

The sole source of water available to and administered by the District is provided by its current, long-term water service contract (“Contract”) with the Bureau of Reclamation, which expires on February 28, 2030. Under the terms of this Contract, the District is subject to declared shortages of supplies which have increased dramatically in recent years and are likely to continue for the foreseeable future due to legal and regulatory constraints.

In this regard, you are advised that because the District cannot guarantee the reliability of water supplies needed for urban uses, lands converted to urban uses must be served from sources

12.1

other than the District. It is long-standing District policy that as District lands urbanize they are to be detached from the District and annexed to a responsible public agency that is both willing and able to meet their urban water supply needs. The District, in conformance with LAFCO policy, will not allow any overlap between the City and District service areas. While the District may agree to continue to serve agricultural water supplies to lands within the General Plan area until such time as these lands are developed, upon submission of specific development plans, these lands will be detached, at City/developer expense, and will no longer receive water service from the District.

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Furthermore, because the District is in need of additional water supplies to serve the agricultural lands that remain in the District, the water supply previously allocated to serve those lands that are detached and urbanized shall remain with the District and be put to reasonable and beneficial use to help meet that need.

As a general rule, the District strongly favors the preservation of prime agricultural land and supports both Stanislaus Local Agency Formation Commission and Stanislaus County's General Plan policies intended to protect agricultural lands. The City's Proposed General Plan is in direct conflict with these policies and the responses provided to these inconsistencies are inadequate to address or mitigate the far-reaching and long-term impacts associated with conversion of these lands to non-agricultural purposes.

It is the District's view that the protection of existing agricultural and open space lands adjacent to the City is of critical importance not only to the District but to the City's present and future residents. Agriculture has always been and remains a major contributor to local and regional economy and creates both direct and indirect employment for many local residents. The unique character of Patterson and the quality of life that has been enjoyed by Patterson residents for over 100 years depends on the protection of the surrounding agricultural and open space lands.

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The District also discourages adjacent land uses that are incompatible with ongoing agricultural operations. It has been our experience that "Right-to-Farm" ordinances and public notices do little to reduce conflict and protect against potential liability associated with adjacent competing lands uses. Additional mitigation measures, including buffer zones and setbacks, as well as measures that address the growth inducing impacts associated with the extension of public services throughout the planning area, should be included in the plan. Protective measures such as those suggested by Stanislaus County LAFCO, the Department of Conservation and the Stanislaus County Farm Bureau should be considered, analyzed and adopted where appropriate before finalizing the DEIR.

Of additional impact and serious concern is the fact that District lands within the study area currently support District operations and long-term water supply planning efforts through the payment of certain land-based charges. Detachment of these lands from the District and

annexation to the City without consideration of this effect will create a significant economic hardship on the District and its remaining landowners. You are advised that the District may seek certain and/or ongoing compensation to offset the economic impacts associated with detachment of District lands.

12.2

Continued urban encroachment into agricultural lands not only impairs the viability of the local agricultural economy, but it also threatens the quantity and quality of local water supplies available for all uses.

As noted above, it is District policy that the water supplies previously allocated to urbanized lands shall remain with the District. The assumptions contained in the "Overview of Water Supply Strategy" are in direct conflict with this policy.

12.1

In the unlikely event that the District would even consider an assignment of a portion of its CVP contract supply to lands annexed to the City, such assignment 1) would only be made with a responsible public agency who would be responsible for all costs associated with said assignment and not with a private landowner; 2) would not exceed that portion of the District's contract supply that has historically been allocated to such lands; 3) would require that the water continue to have the same priority in times of shortage as the District's remaining irrigation supplies regardless of any future Bureau of Reclamation policies in this regard; and 4) would transfer all unpaid capital and any unpaid operation and maintenance deficits along with responsibility for any future costs associated with such supply.

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In summary, it does not appear that either the availability of and/or the potential impacts associated with the water supply under the proposed Plan have been fully or correctly analyzed or addressed. While we understand and agree that no new development will take place without the demonstrated assurance of an adequate water supply, the District believes that the Plan's assumptions regarding the availability of surface water supplies to serve annexed lands are incorrect and that the Plan's continuing reliance upon local groundwater is problematic and the assumptions made regarding its continued availability and suitability to meet the City's potable water needs is questionable.

12.1

While the District does not own or operate any wells, District landowners have placed ever greater reliance on local groundwater supplies to compensate for the lack of reliable surface water supplies made available to and by the District. While the District has supported the local groundwater resource for many years through the importation of surface water supplies, the more recent lack of these supplies, compounded by the widespread conversion to high efficiency irrigation systems and coupled with conversion of more and more lands to urban uses will eventually and inevitably lead to reduced groundwater recharge, the lowering of the local groundwater levels, deterioration of water quality and the potential for cones of depression. The effects of these changes are still largely unknown, but the District feels that they are highly unlikely to be adequately addressed through the proposed groundwater recharge program. The

City of Patterson
Attn: Brian Whitemeyer, Interim City Manager
September 16, 2010
Page 4

assumptions contained in the DEIR in this regard merit further study and analysis but at this point in time are highly speculative.

The District believes that the Plan would benefit from additional analysis of all of the factors that are currently affecting the groundwater resource and that any meaningful mitigation of the Plan's impacts on this resource will require importation of new, additional surface supplies to meet demand in part. We are currently unaware of any agreement for local irrigation or water districts to continue supplying some portion of the previously delivered agricultural surface supplies to lands in the Study Area, or even of any negotiations to carry out any such conversion of surface supplies. In looking to acquire additional imported surface water supplies to meet the Plan needs, the District would suggest that the City should better research, identify and investigate its options in this regard.

12.1

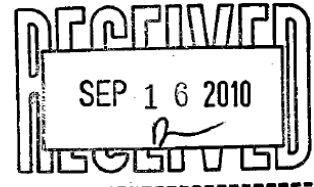
Thank you for the opportunity to comment on the Draft EIR and the additional time provided to staff for review of the documents. The District requests to be kept informed as to any actions proposed or taken by the City with regard to District lands. If your office or the City has any questions or requires any additional information in this regard, please do not hesitate to contact us.

Sincerely,



William D. Harrison, General Manager
DEL PUERTO WATER DISTRICT

WEST STANISLAUS IRRIGATION DISTRICT



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BY HAND DELIVERY AND U.S. POST MAIL

September 16, 2010

City of Patterson
Mr. Bryan Whitemyer
Interim City Manager
1 Plaza,
Patterson, CA 95363

Subject: West Stanislaus Irrigation District's comments on the City of Patterson
2010 General Plan Draft EIR.

West Stanislaus Irrigation District (WSID) reviewed the City of Patterson's General Plan Draft EIR. Significant comments in this letter focus mostly on water supply and inappropriate assumptions of water supply.

In reviewing the Draft EIR and Appendices associated with the City's future water supply needs, there was a great amount of focus on the use of groundwater and supplies from local water/irrigation districts (Districts) including WSID. In order for the General Plan to be feasible, the City must locate a long term reliable water supply as stated in the EIR. As such, a great amount of discussion was focused on local Districts supplying portions of the anticipated volume required for non-potable use. Little to no communication with the Districts was performed during this study to evaluate the feasibility of Districts supplying water to the City. The EIR states that the City's water supply assessment assumes that the waters the Districts currently deliver to the general plan areas will continue to be delivered to those areas in the future. That is an inaccurate and unfair assumption as WSID has historically been water short and needs to allocate its available supplies to the best possible beneficial use in supplying its growers with a long term reliable irrigation supply. WSID should have been consulted further regarding this assumption.

13.1

The document also states that the volume of water available to serve the areas within the general plan area was estimated at 3.0 acre feet of water per acre of land. It also states that in reality, a much greater volume of water is likely available. In reality, WSID is currently and historically faced with water shortages and is forced to ration its users at times during the peak irrigation season. WSID is currently focusing on projects to improve the District's long term reliable water supply to limit or eliminate

13.2

future rationing. As you know, WSID has a license to divert on the San Joaquin River, draws from groundwater as needed and has a Federal Central Valley Project (CVP) Contract for delivery of water off the Delta-Mendota Canal (DMC). WSID's license to divert specifically states that water diverted from the San Joaquin River must be used within District boundaries for irrigation purposes. WSID relies heavily on its CVP supplies and over the past three years that supply has become extremely unreliable. Due to environmental regulations, pumping from the Delta has been curtailed resulting in CVP allocations south of the Delta at 10 to 45 percent over the past four years. Great efforts are ongoing associated with obtaining a more reliable water supply from the Delta but positive results from a water supply perspective will not be seen for years to come.

Additionally, the documents suggests the private land owners secure water supplies prior to annexation of their land into the City and that secured Federal CVP water entitlements would be transferred to the City when existing Federal CVP contract expire. First, WSID will not enter into any long term water transfer agreements with private land owners. Water supply on the Westside south of the Delta is extremely uncertain and WSID is currently unwilling to enter into a long term water supply agreement. Water within WSID is allocated based on daily supply available and daily demand. Water is not allocated equally to all irrigable acres. Second, WSID will by no means relinquish any portion of its Federal CVP contract. The District's full CVP contract supply will stay with WSID and WSID will decide on the best beneficial use of that supply. This option was never discussed with WSID during this study.

The Draft EIR also focuses heavily on groundwater use. In WSID's opinion, long term reliability of good groundwater quality is uncertain. As mentioned above, irrigation water supply south of the Delta on the Westside has been greatly reduced. As a result, more groundwater is being pumped for irrigation use and more wells will be constructed within two years for irrigation purposes. It will be interesting to see how this increase in groundwater pumping affects groundwater level and quality. In addition, due to reduced water supplies, thousands of acres of farm land are being converted to micro-irrigation systems where water is applied at the evapotranspiration rate of the crop. This practice eliminates over irrigation therefore reduces groundwater recharge. Roughly 1/3 of WSID service area has been converted to micro-irrigation systems over the years and it is anticipated that more micro-irrigation system will be installed in the coming years. Also, as more and more agricultural land is taken out of production and converted to residential or industrial use, there will be less groundwater recharge due to no irrigation and reduced infiltration of storm water. WSID agrees that groundwater recharge basins need to be investigated as discussed in the EIR but also thinks these other factors that affect groundwater recharge should be investigated and commented on in the EIR.

Historically WSID has kept the interest of its growers within the District at first priority providing long term reliable irrigation supplies and will continue to do so in the future. WSID will by no means enter into any water supply agreement to serve

lands annexed into the City of Patterson that could affect reliable supplies to growers within the District. Although future relationships with the City of Patterson and WSID may be negotiated for short term intermittent water supplies, WSID current will not enter into a long term water supply agreement and will, again, not relinquish any portion of its CVP Contract supply to the City in the future.

Please don't hesitate to contact me if there are any questions or concerns regarding comments in this letter. WSID wishes to maintain a good working relationship with its neighbor, the City of Patterson.

Sincerely,



Robert Pierce, P.E.
General Manager
West Stanislaus Irrigation District

Cc: West Stanislaus Irrigation District Board of Directors
William Harrison, General Manager, Del Puerto Water District
Peter Rietkerk, General Manager, Patterson Irrigation District

Letters 11., 12. and 13 from the Patterson Irrigation District, Del Puerto Water District and the West Stanislaus Irrigation District, respectively.

Representatives of the Patterson Irrigation District, Del Puerto Water District and West Stanislaus Irrigation District have each provided written comments on the draft EIR. The common issues addressed by each letter include:

- The water supply program described in the Draft EIR and the water supply assessment prepared by H2O Group and presented in Appendix 5.5;
- The long-term reliability of groundwater resources;
- An unwillingness to sell irrigation water to properties contemplated for urban development, or to the City for such development;
- The analysis of alternatives for meeting the City's future water demand.

These issues (specifically comments No. 11-1, 12-1, and 13-1) are addressed in the following response.

The Preferred Water Supply Program

Section 5.4 of the Draft EIR (Water Supply) and the water supply assessment prepared in support of this analysis (presented as Appendix 5.4) set forth a program for providing a long-term water supply to serve buildout of each of the Equal-Weight Alternatives. The preferred program is based on the following:

- A water supply program consisting of a variety of source water options to provide for a stable and reliable supply;
- The continued, managed use of local groundwater;
- Expanded use of recycled water from the City's wastewater treatment plant;
- Conservation;
- The use of established surface water supplies for non-potable demand and groundwater recharge; and
- Conjunctive and flexible management of water supplies;

The key to the preferred water supply program is providing infrastructure and institutional agreements for use of a wide variety of source waters. This includes non-potable systems for use of untreated and lower quality surface and groundwater, recycled water, storm water, and other potential sources. It also includes the ability to actively manage groundwater through recharge facilities, regional cooperation among groundwater users and accurate monitoring programs.

Future demand for potable and non-potable supplies for each Equal-Weight General Plan alternative is provided in Table 5.4-8 on page 5.4-23. As shown in table 5.4-8, the highest water demand (potable and non-potable combined) would occur with the Planning Commission Environmental Review alternative (27,311 acre-feet) which would exceed the City's existing supply from groundwater. Potable demand for this alternative would amount to about 14,604 acre-feet per year; non-potable demand is estimated to be 12,707 acre-feet. The water supply program recommends using a portion of the irrigation water currently delivered to properties within the City's General Plan Study Area, along with recycled water and storm water runoff, to reduce potable demand and to artificially recharge the groundwater basin to help meet these demands. The City will reduce current potable groundwater water demands through both conservation and by converting current irrigation demands from potable water system service to the non-potable water system service.

The draft EIR quantifies the total acreage within the General Plan Study Area within the jurisdiction of each water purveyor, along with the acre-feet of water allocated to these areas. It should be noted that the total demand for water (potable and non-potable) associated with urban development of lands within the areas currently served by each water purveyor is estimated to be 11,967 acre-feet (see Table 3-3 of Appendix 5.4), considerably less than the estimated water supplied to these areas. The demand for potable water associated with these areas is about 5,554 acre-feet. Accordingly, the water supply program assumes only a portion of the water currently allocated to these areas would be diverted to an urban use. The remainder could presumably be sold to other irrigation customers within each purveyor's jurisdiction.

The analysis provided in the draft EIR and Appendix 5.4 suggests that the storage of surface water and recycled water in the groundwater basin could result in the availability of additional groundwater. The draft EIR estimates 11,285 acre-feet of potable water per year which would be drawn to mitigate the uncertainties associated surface water deliveries. However, the recharge program can be managed to correct for various groundwater use scenarios. In this way, water supplies (consisting of groundwater, surface water and recycled water) would be managed conjunctively to meet future demand.

As described on pages 5.4-30 through 5.4-33 future potable demand is expected to be significantly reduced by:

- Maximizing the production and use of recycled water and non-potable surface water for landscape irrigation; and
- By implementing water conservation strategies as required by recent legislation.

None of the letters dispute the projection of future water demand or the resources available to each water purveyor.

A few additional points are worth making regarding the preferred water supply program:

- The need for additional water sources, such as surface water from one, or a combination of, the local irrigation districts, recycled water, or other surface water source would not occur for many years as the City's current supplies of groundwater are sufficient to accommodate between 10 to 20 years of additional development. During this period, the final water supply program would be identified which may include water sources as negotiated among the property owners, the City, other water purveyors and agencies, and the Local Agency Formation Commission.
- The surface water sources obtained from some, or a combination of, water purveyors currently serving the General Plan Study Area would be used for non-potable demand associated with groundwater recharge and landscape irrigation, only.
- The amount of surface water needed to meet future demand associated with any of the Equal-Weight Alternatives could be satisfied by some combination of available water sources, including local irrigation districts, recycled water obtained from another agency such as the City of Modesto, or water purchased from some other Central Valley Project/State Water Project purveyor. The full allotment of all surface water currently serving the General Plan Study Area is not needed.

- The supplemental supply of surface water could be obtained from other CVP/SWP purveyors. For example, a contractor to the south (and downstream) of the City could sell a portion of its Central Valley Project or State water entitlement to the City who would then divert that amount from the Delta Mendota Canal or California Aqueduct for non-potable use. Another option would be to divert this water to one or more of the irrigation districts in exchange for water provided to the City or property owner.
- As discussed on page 5.4-30 of section 5.4, the preferred water supply program relies on the use of recycled water to meet non-potable demands. As shown on Table 5.4-12, the production of recycled water is expected to contribute as much as 6,346 acre-feet of non-potable water to reduce potable demands, but could be increased if necessary to balance the water budget.
- Conservation will play a key role in the City's water supply program, as discussed on pages 5.4-32 and 5.4-33. Water conservation regulations enacted in 2009 (SB7) require water purveyors to reduce water use by 20 percent by the year 2020. The water supply program incorporates this reduction in estimating future demand.

Groundwater

Each water districts' comment letter raises concerns regarding the City's continued reliance on groundwater to meet future demand. The conditions associated with the groundwater basin are discussed on pages 5.4-7 through 5.4-9 of section 5.4 of the draft EIR and are based on numerous studies conducted in recent years to document inflow into the basin. These studies have shown recharge due to inflow is approximately 11,500 ac-ft to 12,500 ac-ft.¹ The City of Patterson is currently using approximately 4,300 ac-ft annually, and has approved development based on projected use of an additional 3,200 ac-ft/year. The water supply program assumes the City will protect its right to continue use of local groundwater for the purposes identified. As discussed above, the water supply program also assumes implementation of an artificial groundwater recharge program, using sources including surface water, storm water, and recycled water to supplement groundwater availability.

The discussion on page 5.4-10 concludes that water levels and well capacity in the area have not changed significantly over time, according to City records, and groundwater production has increased as the City's population has grown. Although the City continues to add wells to satisfy increasing demand, the local groundwater table appears to remain stable². Moreover, the City has not seen measurable changes in the groundwater table or yield due to periods of low rainfall. Studies of the local groundwater supply have indicated that low rainfall will not adversely impact groundwater levels, yields, or quality. Nevertheless, the City, along with other jurisdictions, has adopted a Drought Contingency Plan in the event that an extended drought impacts the local groundwater supply.

Although inflow to the groundwater basin has been shown to be between 11,500 and 12,500 acre-feet, the water supply program provided in section 5.4 and Appendix 5.4 of the draft EIR assumes that groundwater supplies available to the City will not exceed the use established through current use and approved development projects, and that the City's use of groundwater to meet future demand will not exceed that total under any of the Equal-Weight Alternatives.

¹ KSA Groundwater Supply Evaluation for City of Patterson, 2002, and City of Patterson Water Planning Study, 2006.

² H2O Group, WSA, July 2006, p. 11.

The draft General Plan recommends a number of policies and implementation measures to help minimize the potential impact of additional groundwater withdrawals on surrounding wells. However, it is not known whether existing wells would be affected by new City wells pumping from both the unconfined (upper) and the confined (lower) aquifer. Accordingly, this impact is considered significant and unavoidable.

A common comment by all three irrigation districts is that converting agricultural lands to a non-agricultural use will have noticeable adverse impacts on local groundwater due to less recharge from applied irrigation water. Most of the recharge from irrigation is to the upper aquifer, which is not a major contributor to the City's groundwater program. However, the majority of the City of Patterson's water use is for outdoor irrigation of landscape, turf, medians, parks, etc. Thus, a portion of the City's water deliveries will also percolate back into the groundwater table, not unlike irrigation water used for agriculture. Lastly, the groundwater recharge program as defined in the preferred water program can mitigate changes to surface recharge.

Willingness To Continue Water Service

Each water purveyor re-states their current policies regarding water service to lands for non-irrigation purposes. In general it is the policy of each water purveyor that properties annexed to the City detach from their service area, which is the approach favored by the Local Agency Formation Commission. Representatives of the West Stanislaus Irrigation District state that WSID will not enter into any long-term water transfer agreements with private land owners and that the District will not relinquish any portion of its Federal Central Valley Project contract for urban use. The Del Puerto Water District states that it is long-standing District policy that lands annexed to the City are detached from the DPWD. Its letter goes on to state that the water supply previously allocated to serve lands that are detached from the DPWD shall remain with the DPWD. Lastly, the Patterson Irrigation District states that, under PID's policy, land annexed to the City is detached from the PID and water resources made available as a result of detachment are put to other reasonable and beneficial use within the PID. However, with respect to the policies of the water/irrigation districts regarding the provision of water service:

- None of the letters identifies a contractual limitation with their water entitlements that would prevent them from either continuing to sell water to property owners or to the City.
- The service area of the Del Puerto Water District currently overlaps the water service area of the City of Patterson, and the DPWD is currently supplying irrigation water to lands within the City limits.
- Likewise, water service is currently being provided by the Patterson Irrigation District within the City limits.

Clearly, there remain a number of important policy issues to be resolved for continuing water service on the part of any of the water purveyors. As stated above, their continued service would be negotiated with property owners, the City and LACFo. As stated above, the amount of surface water that may be needed can be satisfied by some combination of existing and new water purveyors, recycled water, etc..

The draft EIR acknowledges the considerable uncertainties associated with the preferred water supply program, and in particular uncertainties associated with the participation of the water districts. As stated on page 5.4-42:

The primary uncertainty associated with the water supply strategy outlined above relates to the willingness of the water purveyors currently providing water to properties within the Study Area to continue to provide water either to the property owners or to the City to serve these properties. Under this program, the responsibility for acquiring the water rights rests with the property owner/proponent of development. Should the water purveyors choose not to sell the water to the property owner or to the City, the development could not go forward unless and until a suitable water supply alternative is provided.

Accordingly, the draft EIR concludes that potential impacts associated with water supply will be significant and unavoidable under each Equal-Weight Alternative.

In addition, the analysis provided in the draft EIR quantifies the reliability of each water supply source for wet/normal (see Table 5.4-15), single dry (Table 5.4-16), multiple dry (5.4-17) and extremely dry years (5.4-18) using the conservative assumptions presented in Table 5.4-13. These analyses demonstrate that the preferred water supply program can satisfy future demand associated with each of the Equal-Weight Alternatives under each of these conditions. None of the comment letters dispute this analysis of reliability.

Alternative Sources of Water

The preferred water supply program outlined in section 5.4 of the draft EIR was chosen because:

- It relies on water supplies currently delivered to the area -- no new supplies need to be found;
- The infrastructure to deliver the water is in place which in turn reduces cost and eliminates many environmental impacts associated with surface water;
- It is a multi-source approach (surface, groundwater and recycled) which helps maximize long-term reliability; and
- The State is encouraging this type of multi-source/integrated regional approach.

Other alternatives for providing a supplementary source of water are discussed in the draft EIR. Each of these alternatives has certain limitations, uncertainties and potential adverse environmental impacts which are summarized in Table 5.4-19. Accordingly, the draft EIR concludes that impacts associated with water supply are significant and unavoidable. However, some combination of these options, along with the preferred alternative would be pursued by the City.

Potential environmental impacts associated with the construction of water supply infrastructure are discussed under impact 5.4-2.

Conclusion

The draft EIR and associated water supply program set forth a feasible range of options for providing a long-term water supply to the City, with or without the participation of the water purveyors currently serving the General Plan Study Area. As outlined above, the preferred program would require negotiations among the City, the property owners, the water purveyors and LAFCo to resolve the significant policy issues that remain and identify solutions that benefit all of the parties. However, as stated above, this is a long-term program that will take many years to put in place.

Other Issues Raised By The Comment Letters of the Patterson Irrigation District, Del Puerto Water District and West Stanislaus Irrigation District

Patterson Irrigation District

Comment 11.2. The Patterson Irrigation District states that the assumptions provided in the draft EIR regarding the availability of San Joaquin River Water (3.0 acre-feet per year) are based on historical pumping and do not take into account current or future implementation of efficient irrigation technologies or other water recent District conservation efforts. Nor did the analysis account for any long-term water resource strategies that PID and other water districts may be planning in regards to available supplies.

Response

The City distributed a Notice of Preparation to each water purveyor on February 11, 2010 soliciting issues to be considered in the draft EIR with respect to water supply. Although the Notice was sent to each water purveyor, no comments were received. The City's water supply representatives (The H2O Group) met on several occasions with representatives of each water purveyor prior to the release of the draft EIR. Lastly, absent a specific list of water supply or conservation efforts that may be considered by the PID or any other water purveyor, any consideration of these efforts by the draft EIR would be considered speculative.

Del Puerto Water District

Comment 12.2. The comments raise concern regarding the permanent conversion of prime agricultural land and the potential for compatibility conflicts between urban development and ongoing agricultural operations.

Response

Impacts associated with the permanent conversion of prime agricultural land are analyzed under impacts 5.11-1, 5.11-2, 5.11-3 and 5.11-6 of section 5.11 of the draft EIR, Agricultural Resources. Although the draft General Plan and draft EIR recommend a number of policies and implementation measures to help minimize this impact, the draft EIR concludes that the permanent loss of prime agricultural land would result in a significant and unavoidable impact.

Compatibility impacts between ongoing agricultural operations and urban development are discussed under impact 5.11-4 and 5.11-7 of section 5.11 and under impact 5.1-1 of section 5.1. Land Use/Consistency with Adopted Plans and Policies. Although the draft General Plan and draft EIR recommend a number of policies and implementation measures to help minimize this impact, the draft EIR concludes that ongoing conflicts would result in a significant and unavoidable impact.

Consistency of the draft General Plan and Equal-Weight Alternatives with relevant policies of the Local Agency Formation Commission are analyzed in section 5.1 Land Use/Consistency with Adopted Plans and Policies, under impact 5.1-4. LAFCo policies relating to the protection of prime agricultural land are also discussed and the conclusion of the draft EIR is that the Equal-Weight Alternatives would result in a significant and unavoidable impact with respect to consistency with LAFCo policies.

Comment 12.2. The comment states that the detachment of properties from the District that may result from future annexation to the City would create a significant economic hardship to the District.

Response

This comment is noted and will be passed along to the decision-makers for their consideration. However, section 15131 of the State CEQA guidelines states:

15131. ECONOMIC AND SOCIAL EFFECTS

Economic or social information may be included in an EIR or may be presented in whatever form the agency desires.

(a) Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

In accordance with section 15131, the analysis of impacts provided in the draft EIR focused on physical changes to the environment.

Comment 12.3. The comment states that in the unlikely event an assignment of the District's Central Valley Project water would be considered, it would be the subject certain limitations.

Response

The comments are noted and will be passed along to the decision-makers for their consideration. The list of qualifications would appear to be a starting point of issues to be considered in negotiations between the City and the District.

West Stanislaus Irrigation District

Comment 13.2. The WSID points out that draft EIR assumes 3.0 acre-feet of water per year on average, available for use in the properties served by the District within the General Plan Study Area. The comment goes on to state that the District is currently and historically faced with water shortages and is forced to ration water at times during peak irrigation season.

Response

The analysis of reliability of surface water supplies to each water purveyor currently serving the General Plan Study Area includes assumptions for wet/normal years, single dry years, multiple dry years and extremely dry years as shown in Table 5.4-13 on page 5.4-38 of the draft EIR. The analysis provided in tables 5.4-15, 5.4-16, 5.4-17 and 5.4-18 demonstrate that the water supply program can meet the expected demand during each of these scenarios. The assumptions for these different supply scenarios account for severe restrictions associated with the delivery of water from the Central Valley Project. For example, Table 5.4-13 shows that the water supply program assumes no water deliveries from the Central Valley Project in critically dry years.



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STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

September 1, 2010

Bryan Whitemyer
Interim City Manager
City of Patterson
PO Box 667
Patterson CA 95363

SUBJECT: ENVIRONMENTAL REFERRAL – CITY OF PATTERSON – 2010 GENERAL PLAN DRAFT EIR, POLICY DOCUMENT AND APPENDICES

Mr. Whitemyer:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has determined that it may have a significant effect on the environment.

The following comments/conditions are submitted by the Department of Public Works (Traffic Circulation) dated August 20, 2010.

Appendix 5.6 "City of Patterson General Plan Update Traffic Study" states that "Future freeway interchange improvements (Zacharias, Sperry, Oak Flat, Fink, and Stuhr) needs were assumed for three existing interchanges and two potential future interchanges on I-5." The assumption that others will make these critical improvements is faulty. Based upon the growth projections and trip generation by the General Plan area these interchanges should be a part of the General Plan analysis, impacts and mitigation plan. This proposed growth will trigger these interchange improvements and therefore needs to be addressed from a financial perspective, scope perspective and timing perspective within the General Plan. The Traffic Study needs to be revised to include these interchange improvements and impacts.

14.1

The only funding that has been identified for traffic circulation improvements is an existing community facilities district (CFD) and Stanislaus County Public Facility Fees (PFF). Any existing CFD would be very limited in its funding ability for future infrastructure needs. Regarding County PFF the horizon dates do not match and therefore the PFF would not be a long term funding source. Additionally, of the 23 intersections studied by the Traffic Study only 3 are PFF eligible and that eligibility is for a different scope than what is needed for the GP. The General Plan Update and associated Traffic Study needs to include a viable finance plan to insure infrastructure needs are met with the anticipated growth.

14.2

**ENVIRONMENTAL REFERRAL – CITY OF PATTERSON – 2010 GENERAL PLAN DRAFT EIR,
POLICY DOCUMENT AND APPENDICES
Page 2**

With these substantial modifications requested we would also request an opportunity to re-review the entire document in its revised draft form.

The following comments/conditions are submitted by the Department of Planning and Community Development dated September 1, 2010.

We also concur that the potential impacts associated with inconsistency with the County General Plan and the potential impacts to agricultural resources are significant and unavoidable.

The City's proposed General Plan policies that are identified as potential mitigation measures seem internally inconsistent when dealing with agricultural land uses. For example, proposed Land Use Policy LU-1.14 encourages development of land within the General Plan Area to be developed to standards consistent with City Standards and proposed Policy NR-2.3 states that the City shall encourage the County to retain agricultural uses on lands surrounding and within the General Plan area pending annexation. In the County, numerous associated uses can be allowed within the "Agricultural" Zoning Districts with the approval of a conditional Use Permit. These "Agricultural Uses" may include hullers, shellers, food processing facilities, agricultural service establishments, etc. These uses typically have little or no impact to City Services and it is unclear whether the City has "agricultural use" standards to which these uses can be built.

14.3

Implementation Measure NR-3 further states that the City will develop an Agricultural Conservation Program to help mitigate permanent conversion of productive farmland to a non-agricultural use. If this policy is to be considered partial mitigation, it should include a specific timeline for implementation. One suggestion might be to clarify the timing of implementation with the statement such as: "The Agricultural Conservation Program will be developed prior to any development authorization within the General Plan area." Additionally, the program should include a financing plan related to implementation.

14.4

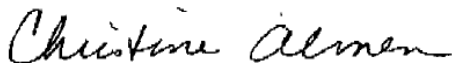
Overall, the EIR appears to rely on existing or new City General Plan policies or other agencies policies as mitigation for direct, indirect and cumulative impacts identified throughout the document. It does not appear that specific measures, complete with implementation details, timing, funding, and responsible parties have been developed or identified. This seem to be a rather broad brush approach to defining mitigation.

14.5

Additionally, the ERC attaches hereto and incorporates herein by reference comments/conditions from the Agricultural Commissioner's Office and Sealer of Weights & Measures dated August 12, 2010.

The ERC appreciates the opportunity to comment on this project.

Sincerely,



Christine Almen, Senior Management Consultant
Environmental Review Committee

cc: ERC Members

Attachment



AGRICULTURAL COMMISSIONER'S OFFICE AND
SEALER OF WEIGHTS & MEASURES

Gary Caseri
Agricultural Commissioner/Sealer

3800 Cornucopia Way, Suite B
Modesto, California 95358
Phone: 209.525.4730 Fax: 209.525.4790

**Stanislaus County Environmental Review Committee
Referral Response Form**

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: Stanislaus County Department of
Agriculture & Weights and Measures

SUBJECT: ENVIRONMENTAL REFERRAL - CITY OF PATTERSON - 2010 GENERAL PLAN
DRAFT EIR, POLICY DOCUMENT AND APPENDICES

Based on this agencies particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination:

1. This project has the potential to permanently convert prime farmland to other uses.
2. This project has the potential to impact endangered species such as the Kit Fox.
3. Urbanization of farmland will increase the likelihood of introducing invasive pest that threaten agriculture.

14.6

Listed below are possible mitigation measures for the above-listed impacts:

1. Agricultural Buffers policies need to be established.
2. Agricultural lands need to be protected.
3. Endangered species protection needs to be addressed.

In addition, our agency has the following comments:

This project adds to the cumulative loss of agricultural land available for production in Stanislaus County.

14.7

Response prepared by: *Milton O'Haire*

Milton O'Haire Assistant Commissioner/Sealer 8/12/10
Name Title Date

14. September 1, 2010 Letters from Christine Almen, Senior Management Consultant, Stanislaus County Environmental Review Committee

Milton O'Haire, Assistant Commissioner/Sealer, Stanislaus County Department of Agriculture and Weights and Measures

Comment 14.1: The commenter states that the traffic study prepared for the draft EIR assumes that interchange improvements at Zacharias, Oak Flat, Fink Road and Stuhr Road were assumed in the analysis and that the assumption that others will make these critical improvements is faulty.

Response:

The traffic analysis prepared for the draft EIR made assumptions about improvements to the Zacharias Road, Sperry Avenue, Fink Road and Stuhr Road interchanges for purposes of modeling the potential impacts associated with buildout of each of the Equal-Weight Alternatives. The Stanislaus Council of Government (StanCOG) countywide gravity based average daily traffic (ADT) model was used as the basis for the development of a peak hour model. Previously approved and reasonably foreseeable development anticipated in the region surrounding the City that will contribute traffic to the cumulative impacts associated with the draft General Plan were added. Some of the major approved project includes the West Patterson Business Park, Villages of Patterson, while pending projects under review include Patterson Logistics, Wal-Mart and the Diablo Grande project.

However, Table 5.6-8 of section 5.6 of the draft EIR (Transportation), lists the improvements included in the most recently adopted 2007 Regional Transportation Plan which describes the improvements to regional roadways and the status of funding. Included on this list are interchange improvements at Zacharias Road and Fink Road, which are being programmed for construction.

A new interchange at Interstate 5 and Zacharias Road is shown on the recommended Circulation Plan (Figure II of the draft General Plan). Policies and implementation measures of the draft Circulation Element address funding for roadway improvements as follows:

Policies

T-1.10 Funding of traffic improvements. The City shall ensure through a combination of traffic impact fees and other funding mechanisms that new development fully mitigates its impact on traffic facilities by paying its share of the costs of circulation improvements. New development shall pay a proportional share of costs of required improvements necessitated by the new development.

T-1.13 New interchange. The City shall investigate the construction of a new interchange at Interstate 5 north of Sperry Avenue in the vicinity of Zacharias Road.

T-5.1 Regional coordination. The City shall continue to participate in state, regional, and local transportation planning efforts to ensure coordination of the expansion and improvement of the region's transportation system.

Implementation Measures (provided in the table at the end of the Circulation Element.)

T-3 The City shall prepare, adopt, and periodically update a long-term Capital Improvements Program (CIP) that includes traffic, pedestrian and bikeway improvements.

T-4 The City shall prepare and adopt a traffic impact development fee program to pay for key improvements necessitated by new development, including transit.

T-11 The City shall work with Caltrans to prepare a Project Study Report (PSR) for a new interchange north of the City in the vicinity of Zacharias Road and Interstate 5.

T-13 The City shall work with StanCOG, Caltrans and other agencies to obtain funding for major traffic improvements that serve the region.

The table of implementation measures at the end of the Circulation Element recommends a timeframe for implementation of each measure.

The following additional implementation measures are recommended by the draft EIR:

T-18 The City shall continue to monitor traffic levels on roadways and intersections serving the City and to require the installation of roadway and intersection improvements necessary to maintain the desired level of service.

T-19 The City shall refine the analysis of future traffic conditions during the 2030 to 2050 timeframes as the traffic model used by the Stanislaus Council of Governments is updated to include the 2050 timeframe.

T-20 Based on traffic monitoring, consider implementing the following roadway improvements as needed to maintain an acceptable level of service on street segments and intersections:

- a. Widening Rogers Road north of Sperry Avenue to four lanes.
- b. Widen Zacharias Road and Eucalyptus Avenue to four lanes, or complete the South County Corridor.
- c. Widen the West Main Street bridge over the San Joaquin River to six lanes or provide a separate bridge/roadway.
- d. Signalize the intersection of State Route 33 and Baldwin Road.
- e. Signalize the intersection of State Route 33 and Olive Avenue.
- f. Widen State Route 33 to four lanes from Sperry Avenue to Rogers Road.

Lastly, the analysis of impacts in the draft EIR under impacts 5.6-1, 5.6-2, 5.6-3, 5.6-4, 5.6-5 and 5.6-6 identifies recommended roadway and intersection improvements serving the General Plan Study Area necessary to achieve and maintain the desire level of service for each General Plan

alternative. For each recommended roadway and intersection improvement, the funding status (in 2010) is provided.

Comment 14.2: The commenter states that the traffic study needs to provide a finance plan to insure future infrastructure needs are met with anticipated growth.

Response:

The draft EIR states that, although the City has adopted a development impact fee ordinance and has included the partial cost of these improvements in currently-collected fees on new development, none of the improvements are fully funded in 2010 and future funding cannot be guaranteed. In addition, the draft EIR quantifies impacts to roadways and intersections under the jurisdiction of other agencies under impact 5.6-8 and 5.6-9. Improvements to these roadways would require approvals and/or funding which cannot be guaranteed by the City. Because of the lack of funding and the need to improve roadways and intersections outside the jurisdiction of the City, the draft EIR concludes that traffic impacts are considered significant and unavoidable.

Thus, the draft EIR addresses the lack of funding for regional roadway improvements and concludes, as a result, that impacts to traffic are significant and unavoidable.

Comment 14-3: The comment states that the General Plan policies identified as potential mitigation seem internally inconsistent with respect to agricultural land uses. The commenter refers to policy LU-1.14 as being inconsistent with policy NR-2.3.

Response:

Policy LU-1.14 states:

LU-1.14 Development of unincorporated land within the General Plan area. The City shall encourage the County to require development on unincorporated lands within the Patterson Planning Area to be developed to standards consistent with City standards, including architectural compatibility, provision of adequate infrastructure improvements, and provision of City sewer service, and to ensure that such development adequately mitigates potential adverse impacts to the City.

The intent of this policy is to encourage development within the City's General Plan area that is contemplated for annexation to be developed consistent with City standards with respect to the items identified, namely, architectural compatibility and infrastructure improvements.

Policy NR-2.3 states:

NR-2.3 Greenbelt. The City shall encourage the County to retain agricultural uses on lands surrounding the City's General Plan area and on lands within the General Plan area pending their annexation to the City or development by mutual agreement with the City.

Policy NR-2.3 is part of the policies under Goal NR-2 aimed at preserving agricultural resources within the City's General Plan Study Area. The two policies cited by the commenter are not in conflict. LU-1.4 speaks to the qualities desired in development in the unincorporated County

within the City's General Plan area, and the second encourages agricultural lands to remain as such until annexation.

Comment 14.4: The comment states that if implementation measure NR-3 is to be considered partial mitigation for the permanent loss of productive agricultural land, it should include a specific timeline for implementation and a financing plan.

Response:

The table of implementation measures provided at the end of the Natural Resources Element includes a recommended timeframe for implementation. In this case, the recommended timeframe is for the near-term. However, the recommendation for a specific timeframe to be included in the implementation measure will be forwarded to the decision-makers for their consideration.

Comment 14.5: The comment states that the draft EIR relies on existing or new General Plan policies for mitigation and that it does not include complete implementation details, timing, funding and responsible parties.

Response

The draft EIR for the 2010 Patterson General Plan is a program EIR which is defined by the State CEQA Guidelines as follows:

15168. PROGRAM EIR

- a. General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:
 - 1. Geographically,
 - 2. A logical parts in the chain of contemplated actions,
 - 3. In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
 - 4. As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

A General Plan fits the definition of a program as described above.

Section 15126.4 (2) states the following with respect to mitigation measures for a plan or policy document, such as the 2010 Patterson General Plan:

15126.4 CONSIDERATION AND DISCUSSION OF MITIGATION MEASURES PROPOSED TO MINIMIZE SIGNIFICANT EFFECTS.

(2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

In accordance with the provisions of the CEQA Guidelines outlined above, the draft EIR recommends additional programmatic mitigation for impacts the identified impacts in the form

of additional policies and implementation measures to be incorporated into the General Plan. In addition, each element of the draft General Plan provides a table of implementation measures which describes:

- The measure to be implemented;
- The specific policies that each measure implements (to be finalized following adoption);
- The City department responsible for implementation; and
- A recommended timeframe for implementation.

The implementation measures include provisions for funding and in some case a more specific timeframe for implementation. For example, implementation measure T-4 states:

T-4 The City shall prepare and adopt a traffic impact development fee program to pay for key improvements necessitated by new development, including transit.

Comment 14.6. The commenter states that the project has the potential to adversely impact prime agricultural land, habitat for endangered species such as San Joaquin kit fox, and that urbanization will increase the likelihood of introducing invasive pests that threatens agriculture.

Response

These comments regarding the potential impacts of the Project are noted and addressed by the topical analyses provided in Section 5.11 -- Agricultural Resources, and Section 5.10 – Biological resources.

Comment 14.7. The commenter states that the project will add to the cumulative loss of agricultural land available for production in Stanislaus County.

Response

The comment regarding this potential impact of the Project is noted and addressed by the analysis provided in Section 5.11 -- Agricultural Resources.



PATTERSON
Frozen Foods, Inc.

P.O. Box 487 • Patterson, California 95363
Phone: 209.892.5060 • Fax: 209.892.6866

Date: August 26, 2010

To: City of Patterson,
Bryan Whitemyer, Interim City Manager

From: Craig Moon
Representative for Patterson Frozen Foods, Inc.

Re: Comments on the 2010 City of Patterson General Plan (draft General Plan)

We would like to emphasize and support the following items. As you are aware, Patterson Joint Unified School District plans to build a second high school at the northwest corner of Zacharias and Baldwin Roads. Patterson Frozen Foods owns approximately 280 acres surrounding the future site of the new high school. We believe having residential zoning, neighborhood commercial, and professional medical zoning around the site is the proper designation for land use.

15.1

We support the Industrial/ Business Park zoning further north of the high school that is indicated in Figure 4 Planning Commission map. This area could be earmarked for city development of jobs, as well as having direct access to the railroad. This plan would not only provide jobs, but would also provide access to the railroad without having to go south through town.

We would like clarification on land-use designation Neighborhood Village. This designation is to be contemplated for new large-scale residential development. What is considered large scale? We believe that the neighborhood village designation should be a guideline not a requirement.

We are also concerned about the new goals and policies in the Natural Resource section in the general plan draft. Specifically, implementation measures NR-3, which states the City shall develop an Agricultural Conservation Program to help mitigate the permanent conservation of productive farmland to the non-agricultural use. Such a program will address at least the following:

15.2

1. The establishment of a ratio of comparable agricultural lands to be permanently protected for each acre converted to a non-agricultural use.
2. Criteria for assessing the suitability of agricultural lands to be permanently protected.

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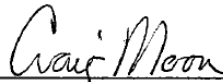
3. Options for satisfying the required ratio of preserved agricultural land for each acre converted to a non-agriculture use. Such options may include, but are not limited to the payment of in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanisms.

Patterson would be the first city in Stanislaus County to have such a requirement. As a matter of fact, Stanislaus County's controversial farmland preservation requirement requiring that developers preserve an equal amount of farmland when building new homes was declared unconstitutional by a Stanislaus County judge in June 2009 Building Industry Association of Central California vs. County of Stanislaus. For this reason alone, implementation measure NR-3 should be removed. There is no need to change 2004 Natural Resources policies and implementation measures.

Please see enclosed attachment where "Stanislaus County's farmland proposal won't fly, judge says"

I thank you for this opportunity to share our comments and views.

Sincerely,



Craig Moon
Patterson Frozen Foods, Inc.
Representative/Project Manager

cc: Becky Campo, City Mayor
Annette Smith, City Council Member
Sam Cuellar, City Council Member
Dejeune Shelton, City Council Member
Dominic Farinha, City Council Member
Patrick Dooley, Chairperson Planning Commissioner
Ron West, Planning Commissioner
K.D. Rookard, Planning Commissioner
David Applegate, Planning Commissioner
Enrique "Birdie" Rodriguez, Planning Commissioner
Joel Andrews, Associate Planner
Denise M. Melo, Planning Technician II
Lisa Ochoa, Planning Secretary
David Moran, Chris Clark,
Crawford Multari & Clark (General Plan Consultants)

15. Letter dated August 26, 2010 from Craig Moon, Representative/Project Manager, on behalf of Patterson Frozen Foods, Inc.

Comment 15.1: The commenter recommends residential zoning surrounding the site acquired by the Patterson Unified School District for the purposes of constructing a new high school, and recommends an industrial designation as shown on the Planning Commission Environmental review Alternative.

The commenter also requests clarification of the language recommended for the Neighborhood Village land designation in regards to what constitutes “large scale” development.

Response:

These comments appear to address aspects of the draft Policy Document and land use plans rather than the draft EIR. The comments will be noted and passed along to the decision makers for their consideration.

Comment 15.2: The commenter expresses concerns regarding the legality of the requirements for the mitigation of the permanent loss of agricultural land discussed under implementation measure NR-3 as it relates to a requirement for the permanent protection of prime agricultural land off-site.

Response:

The reader is referred to the response provided under letter 20. from the Building Industry Association.



KEITH SCHNEIDER
KEYSTONE PACIFIC BUSINESS PARK
505 BALDWIN AVENUE
PATTERSON, CA 95363
(209) 480-2513 MOBILE
(209) 895-9305 FAX

KEYSTONE CORPORATION
J. PATRICK GAVAGHAN
PRESIDENT

CORPORATE OFFICE
KEYSTONE CORPORATION
630 DAVIS DRIVE, SUITE 200
MORRISVILLE, NC 27560 (MAIL)
DURHAM, NC 27713 (DELIVERY)
(919) 281-0300
(919) 281-0310 FAX

August 27, 2010

Bryan Whitemyer
City of Patterson
1 Plaza
Patterson, CA 95363

Dear Bryan:

On behalf of Keystone Corporation, I am writing in opposition to the City of Patterson adopting a mandatory Agricultural Conservation Program as part of its General Plan update. The reasons for our opposition are as follows:

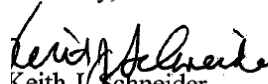
1. A mandatory Agricultural Conservation Program requires the landowner/developer to purchase conservation easements on outlying farmland or pay an in lieu fee which shifts wealth from one industry (building) to another (agricultural). This policy would increase the cost to the builder and would be subsequently passed onto the consumer, exacerbating the city's goal for affordable housing. Patterson's fees and mitigation requirements are already some of the highest and most stringent in Stanislaus County. This in effect is just another farm subsidy placed on the backs of homeowners.
2. Stanislaus County farmers have every right to preserve agricultural lands and can voluntarily place easements on their land to preserve their farming rights in perpetuity. They also have the opportunity to keep their land in the Williamson Act, which gives farmers tax incentives to preserve their land.
3. A mandatory program will discourage home, commercial and industrial development in Patterson.
4. Patterson would be the only city in Stanislaus County to adopt a mandatory agricultural mitigation policy, putting it at a distinct disadvantage from other communities in the county.

16.1

A mandatory Agricultural Conservation Program is another example of government intrusion into the free enterprise system and our property rights.

Thank you for the opportunity to comment on this issue.

Sincerely,


Keith J. Schneider
Keystone Corporation

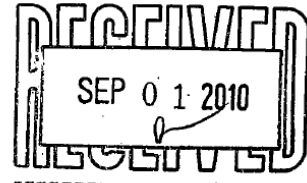
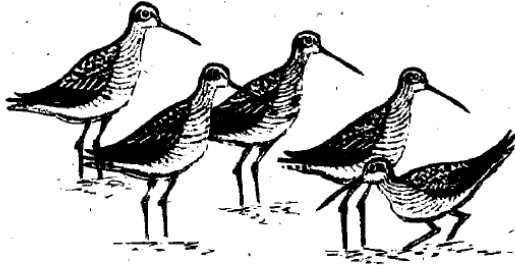
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16. Letter dated August 27, 2010 from Keith Schneider, Patterson Business Park/Keystone Corporation

Comment 16.1: The commenter expresses concerns regarding the legality of the requirements for the mitigation of the permanent loss of agricultural land discussed under implementation measure NR-3 as it relates to a requirement for the permanent protection of prime agricultural land off-site.

Response:

The reader is referred to the responses provided under letter 20. from the Building Industry Association.



Stanislaus Audubon Society, Inc.

P.O. Box 4012 • Modesto, CA 95352 • (209) 521-0108

August 30, 2010

City of Patterson
Attn: Bryan Whitemeyer, Interim City Manager
1 Plaza Street
Patterson, CA 95363

Re: Draft EIR comment/2010 General Plan Update

Dear Mr. Whitemeyer:

I am David Froba. I reside at 4428 Bluff Creek Drive, Modesto, California. I am writing this letter on my own behalf as a county resident and on behalf of Stanislaus Audubon Society (SAS), of which I am currently the treasurer. The mission of SAS includes wildlife conservation, particularly of wild birds.

SAS objects to the extension of the city limits to the proposed site on the west side of Interstate 5 (hereinafter known as The Property) because it would interfere with wildlife. When you cross the freeway and enter The Property, it is obvious that you are immediately in a more natural place. This is probably the most striking difference between two life zones that exists anywhere in Stanislaus County. Ravens seldom stray east of the freeway, and American Crows seldom go west of the freeway. This is true to a lesser extent for a number of other species of birds. The Grasshopper Sparrow has never been seen in Stanislaus County outside The Property.

Many people in Patterson probably consider the extirpation of the Grasshopper Sparrow in Stanislaus County that would result from any development of The Property to be no big deal. But I believe that most people in the city appreciate being near a natural area and understand that the loss of something like the Grasshopper Sparrow is a sign of an ominous loss of natural habitat that would affect many other species. Moving development up the canyon would be literally and figuratively going up a slippery slope. Every home in Patterson would be devalued both spiritually and economically by development of The Property.

Also, there are legal reasons why The Property should not be annexed into the city.

The Biological Resources section of the EIR is inadequate. It was based on only three days of actual observation, April 14, 15, and 21 (H.T. Harvey and Associates, EIR appendix 5.10). Bird species in particular are often migratory and are not seen in April in this county. The Biological Resources section is largely based on secondary sources or on what the ecologist

17.1

17.2

thought a habitat would likely support or not, not on actual observations. The California Natural Diversity Database has up-to-date records of actual species present all over the state and lists the Kit Fox as present at or very near The Property. Tricolored Blackbirds, a species of concern, are fairly common on The Property but were not mentioned. The Western Spadefoot Toad breeds in vernal pools but is not mentioned.

The EIR states that the development of The Property would have considerable, significant, and unavoidable impact, necessitating a finding of overriding considerations if development were to go forward. SAS believes that such a finding is not possible. The reality is that the city is considering annexing The Property so that the county does not develop that land for retail commercial use and reap the sales tax. But the owner of The Property wants to be in the city precisely because the county will not give him the zoning for the development he wants. Also, an overriding consideration cannot exist when an alternative and less environmentally problematic site exists just over on the east side of the freeway.

17.3

The EIR also tells us that developing The Property would require permits from the USFWS for interference with endangered species. The EIR states that there have not been enough studies done to see if such permits would be feasible. If the USFWS permits were not secured, The Property would not be able to be developed. This would leave the city with marginal grazing land inside the city, partly under the Williamson Act, that would never be developed and would never produce much tax revenue, despite costs to the city. This is a very unwise gamble. The city should not consider annexing The Property until the owner funds and produces the required studies.

17.4

Thus, while the city must look very carefully at bringing The Property into the city, as a matter of law, the EIR is inadequate to guide the city since it doesn't sufficiently separate out The Property from the other areas being considered for the city limits. It is obvious that The Property presents much greater environmental concern than do the other areas not only in terms of biological resources but also as to transportation, city services, air quality, etc. While The Property would be contiguous with the rest of the city, it would in fact be a weird appendage jutting off to the side, accessible only through one freeway underpass. The courts have held that CEQA prohibits the city from separating out parcels of land in order to dilute their environmental impact. Similarly, CEQA requires that an area such as The Property not be lumped together with other areas to mask and spread out its relatively greater environmental negatives. One gets the false impression from reading the EIR that all of the areas under consideration are more or less the same. The EIR does not provide the Planning Commission and the City Council with sufficient evidence to do its job.

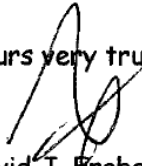
17.5

The EIR is also deficient in that it describes The Property as partly orchard and partly grazing land. In fact, the "orchard" is a commercially and agriculturally unsustainable effort begun two or three years ago that relies upon water from the east side of the freeway and puts fruit trees on hills that other farmers wisely keep in grazing land. The planting of the "orchard" is consistent with rendering The Property unsuitable for endangered species. SAS believes that the legal baseline for The Property is grazing land and not orchard.

17.6

For all the above reasons SAS urges the City of Patterson to remove The Property from consideration for incorporation into the city limits.

Yours very truly,

A handwritten signature in black ink, appearing to read 'D. Proba', written over the closing text.

David J. Proba
Stanislaus Audubon Society Treasurer

17. Letter from David J. Froba, Treasurer, Stanislaus Audubon Society

Comment 17.1: The commenter recommends no urban development be extended west of Interstate 5 because of potential adverse impacts to wildlife.

Response:

The comment is noted and will be forwarded to decision makers for their consideration.

Comment 17.2: The commenter states that the Biological Resources section of the draft EIR (section 5.10) is inadequate because it was based on three days of field observations and the conclusions of the biological consultant with regard to the species likely to occur within the Study Area.

Response:

Potential impacts to biological resources were assessed by HT Harvey and Associates based on field observations conducted in April 2009, and based on previous studies of biological resources conducted within the General Plan Study Area. The complete list of references is provided at the end of section 5.10 of the draft EIR, Biological Resources. The biological resources study prepared for the General Plan, including all of the references cited, is provided in its entirety as Appendix 5.10 Biological Resources.

The analysis of biological resources included a comprehensive review of existing data as well as field observations. The analysis provides an inventory of habitats occurring in the General Plan Study Area and species with the likelihood to occur within the Study Area based on existing data sources and field observations.

As stated on page 5.10-17 of section 5.10, reconnaissance-level surveys were conducted on 14, 15, and 21 April 2009 for habitats capable of supporting special-status plant and wildlife species. Prior to the surveys, information concerning the known distribution of threatened, endangered, or other special-status plant and wildlife species with the potential to occur in the Study Area was collected from several sources and reviewed. The sources included the CDFG's California Natural Diversity Database (CNDDDB 2009) and information available through the USFWS, CDFG, technical publications, Museum of Vertebrate Zoology, and California Academy of Sciences. Other sources include the Jepson Manual (Hickman 1993), The Online CNPS Inventory of Rare and Endangered Plants (CNPS 2009), and CalFlora (2009).

A query of special-status plants and wildlife listed in the CNDDDB was performed covering the U.S. Geological Survey (USGS) Patterson topographical quadrangle in which the majority of the Study Area occurs and for the 8 surrounding quadrangles. A similar 9-quadrangle query of the CNPS Inventory was also performed to generate a list of species occurring on CNPS lists 1 through 3 (CNPS 2009). A second query was performed for CNPS List 4 plant species occurring in Stanislaus County at elevations between 40 and 400 ft in California annual grassland and riparian habitats. The habitat requirements of each special-status plant and wildlife species were compared to the existing habitat conditions at the Study Area to determine the likelihood of occurrence for each species at the site (Table 5.10-3). Six wildlife species and 27 plant species were rejected from consideration due to lack of suitable habitat characteristics (see Appendix 5.10 -- City Of Patterson General Plan Update, Environmental Impact Report Biological Resources, H.T. Harvey & Associates, January, 2010). Expanded species descriptions are

provided in Appendix 5.10 for the remaining 14 wildlife and 15 plant species in which suitable habitat is present on the site.

The analysis provides factual information regarding the species and habitats potentially impacted by the implementation of each of the Equal-Weight General Plan alternatives. The analysis included a review of the California Natural Diversity Database, as suggested by the commenter, and includes an analysis of potential impacts to San Joaquin Kit Fox (under impact 5.10-13), aquatic habitats that may support western toads (impacts 5.10-1 and 5.10-6) and tricolored blackbirds (Impact 5.10-16). Implementation measures are recommended to address potential impacts to each species and each habitat in accordance with CEQA.

The commenter suggests that the California Natural Diversity Database (CNDDDB) be consulted for up to date information regarding species that may occur within the portion of the City's General Plan Study Area west of Interstate 5. As discussed above, the biologists who prepared the biological resources assessment for the General Plan EIR relied on the CNDDDB and other sources to document the species with the potential to occur within the Study Area. The CNDDDB, (accessed in September, 2010) does not list the Grasshopper Sparrow as occurring within the Patterson USGS 24 minute quadrangle, nor within Stanislaus County in its entirety. The list of species for the Patterson quadrangle, which includes the portion of Del Puerto Canyon within the Study Area, is provided below.

California Natural Diversity Database Findings for the Patterson Quadrangle					
SCINAME	COMNAME	FED STATUS	CAL STATUS	DFG STATUS	CNP SLIST
Spea hammondii	western spadefoot	None	None	SSC	
Falco mexicanus	prairie falcon	None	None	WL	
Athene cunicularia	burrowing owl	None	None	SSC	
Eremophila alpestris actia	California horned lark	None	None	WL	
Lanius ludovicianus	loggerhead shrike	None	None	SSC	
Agelaius tricolor	tricolored blackbird	None	None	SSC	
Lasiurus cinereus	hoary bat	None	None		
Vulpes macrotis mutica	San Joaquin kit fox	Endangered	Threatened		
Taxidea taxus	American badger	None	None	SSC	
Masticophis flagellum ruddocki	San Joaquin whipsnake	None	None	SSC	
Ceratochrysis menkei	Menke's cuckoo wasp	None	None		
Blepharizonia plumosa	big tarplant	None	None		1B.1
Caulanthus lemmonii	Lemmon's jewel-flower	None	None		1B.2
California macrophylla	round-leaved filaree	None	None		1B.1
Eschscholzia rhombipetala	diamond-petaled California poppy	None	None		1B.1

With regard to the Grasshopper Sparrow and its ecology, the following are excerpts from a 2008 publication entitled *California Bird Species of Special Concern* (Shuford, W. D., and Gardali,

T., editors, Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento).

The grasshopper sparrow is a species of special concern as it relates to their breeding populations which have declined in California and especially in the Central Valley. Although further work has expanded areas of known occurrence, the overall outline of the breeding range today is probably similar to that in 1944. Still, numbers have declined and the species has been extirpated locally and regionally, particularly on the floor of the Central Valley and in parts of the southern coast. Agricultural and urban development has left the Grasshopper Sparrow's naturally patchy California range even more fragmented. Breeding Bird Survey data suggest populations of this sparrow in California were stable from 1968 to 2004, but there appears to have been a marginally significant decline from 1980 to 2004 (Sauer et al. 2005).

Agriculture and urbanization have greatly reduced numbers of Grasshopper Sparrows in the Central Valley, but anecdotal evidence indicates they still breed very locally, primarily at the edges and in low foothills but also very sparingly on the valley floor.

Some representative locales of records on the margins of the Central Valley or in the adjacent foothills, not all of which are occupied annually, include Del Puerto Canyon in Stanislaus County (fide J. Davis). Though Grasshopper Sparrows generally are still rare in the Central Valley, many more areas of occurrence likely would be documented with concerted effort.

Grasshopper Sparrows in California prefer short to middle-height, moderately open grasslands with scattered shrubs. Studies of factors limiting the Grasshopper Sparrow population are lacking. These factors, however, may include amount and quality of existing habitat. Urbanization is the primary current threat to the Grasshopper Sparrow. Much of its California habitat lies in the path of expanding cities, especially in southern California and the foothills surrounding the Central Valley.

Thus, the Grasshopper Sparrow is considered a Species of Special Concern and has been documented in Del Puerto Canyon; no evidence of nests has been documented.

The area west of Interstate 5 within the General Plan Study Area contains about 415 acres of California annual grasslands (see Table 5.10-2) which could serve as habitat for the Grasshopper Sparrow. And while the Grasshopper Sparrow was not listed by the NDDDB, nor listed as a species with the likelihood to occur within the Study Area, impacts to the loss of California annual grassland could have a cumulative impact on this species. Potential impacts associated with the permanent loss of California annual grasslands is discussed in the draft EIR under impact 5.10-3 and found to be less than significant. This is because the loss of grasslands associated with development of the Study Area is a small fraction of the total within the County and within California, including the estimated breeding range of the Grasshopper Sparrow. California annual grasslands cover about a 100-mile stretch of land west of Interstate 5 within the foothills. Nonetheless, as stated above, the loss of 415 acres could result in a cumulative impact to Grasshopper Sparrow habitat. The draft EIR concludes (under impact 5.10-20) that cumulative impacts associated with the permanent loss of habitat for sensitive species within the Study Area (including Del Puerto Canyon) are cumulatively considerable and significant and unavoidable.

Potential impacts to other habitats in Del Puerto Canyon that may be used by the Grasshopper Sparrow, such as aquatic habitats, vernal pools and riparian resources are discussed under impacts, and 5.10-1, 5.10-6 and 5.10-7 respectively.

Lastly, impact 5.10-5 discusses impacts to other Special-Status Species that may occur within the Study Area. As stated on page 5.10-36:

Some special-status wildlife species may occasionally visit the Study Area during migration or during transient movements. Similarly, some may occasionally forage in small numbers on the site. These species include the American peregrine falcon, greater sandhill crane, foothill yellow-legged frog, mountain plover, tricolored blackbird, short-eared owl, yellow warbler, and pallid bat. Development of the Study Area as contemplated by the Compact Development, Jobs Emphasis or PC Environmental Review Alternative will have no effect on the breeding success of any of these species, although it may result in a small reduction of foraging habitat and a small reduction in the value of roosting habitat available to some of these species on a regional level. Habitat loss associated with the future projects covered by the Equal-Weight Alternatives would constitute a less-than-significant effect to these species due to the abundance of similar habitats regionally and the infrequency with which these species might occur on the Study Area.

Some special-status wildlife species may be present on the Study Area in small numbers though the quality of habitat is already diminished by existing human disturbance. These species include the San Joaquin whipsnake, northern harrier, loggerhead shrike, American badger, western red bat, and hoary bat. Development accommodated by any of the Equal-Weight Alternatives will have no effect on the breeding success of any of these species, although it may result in a small reduction of foraging habitat and a small reduction in the value of roosting habitat available to some of these species on a regional level. Habitat loss associated with the future projects covered by the Patterson General Plan would constitute a less than significant effect to these species due to the abundance of similar habitats regionally.

Impact 5.10-16 addresses potential impacts to nesting avian species of special concern, which would include the Grasshopper Sparrow. The list of species provided under impact 5.10-16 is illustrative, only, and not meant to capture every possible species that may be found on a site at a given time. The draft EIR recommends the following mitigation to address these potential impacts which would also apply to the Grasshopper Sparrow:

BIO-24 Avoidance. To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from January through August.

BIO-25 To the extent construction cannot be scheduled to avoid the nesting season, conduct pre-construction surveys and monitoring for breeding birds. A qualified ornithologist shall conduct pre-construction surveys for nesting birds if construction and removal activities are scheduled to occur during the breeding season. Surveys shall be conducted in areas within 500 ft of construction activities. If breeding birds with active nests are found, a biological monitor shall establish a 500-ft buffer around the nest, and no activities will be allowed within the buffer until the young have fledged from the nest, the nest fails or an ornithologist in cooperation with CDFG determines avoidance is possible by other means. The biological monitor shall conduct regular monitoring of the nest. If an active raptor nest is found close enough to the

construction area to be disturbed by these activities, the ornithologist, in consultation with the CDFG, shall determine the extent of a construction-free buffer zone to be established around the nest.

With regard to potential impacts to riparian and vernal pool habitats, the draft General Plan Natural Resources Element recommends the following policies:

NR-3.8 Riparian habitat protection. The City shall preserve the ecological integrity of creek corridors, canals, and drainage ditches that support riparian resources by preserving native riparian plants and, to the extent feasible, removing invasive nonnative plants. If preservation of the ecological integrity of existing resources is found to be infeasible, adverse impacts to riparian resources shall be fully mitigated consistent with the requirements of applicable state and federal regulations. (see also Implementation Measures and Appendix NR)

NR-3.9 Wetland protection. The City shall preserve and protect wetland resources including creeks, rivers, ponds, marshes, vernal pools, and other seasonal wetland areas, to the extent feasible. If preservation of the ecological integrity of existing wetland resources is found to be infeasible, adverse impacts to such resources shall be fully mitigated consistent with the requirements of applicable state and federal regulations. (see also Implementation Measures and Appendix NR)

Lastly, with regard to riparian resources, the draft EIR recommends the following additional implementation measure:

BIO-34 A no-disturbance area of 100 feet shall be established from the high water mark, or outside edge of existing riparian vegetation, whichever is greater, along Del Puerto Creek and Salado Creek, and existing wetland and vernal pool habitats.

Comment 17.3: The commenter states an opinion that a finding of overriding considerations cannot be made regarding impacts to biological resources that may occur from urban development west of Interstate 5. The commenter also states that a finding of overriding considerations cannot be made when an alternative and less environmentally problematic alternative exists.

Response:

Section 15093 of the State CEQA Guidelines states the following with respect to significant and unavoidable environmental effects, and a statement of overriding considerations:

15093. STATEMENT OF OVERRIDING CONSIDERATIONS

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record

The provisions cited above do not prohibit the lead agency from approving a project and making a finding of overriding considerations when there exists an alternative that reduces the potentially significant and unavoidable impacts. However, as stated in item b.) above, CEQA requires that a statement of overriding considerations be supported by substantial evidence in the record.

Comment 17.4: The commenter re-states the conclusions of the draft EIR with regard to the requirement to secure approvals from the US Fish and Wildlife Service in accordance with relevant provisions of the federal Endangered Species Act, and recommends the City not consider annexation of land west of Interstate 5 unless and until such permits/approvals are secured.

Response:

The comment is noted. Policies NR-3.2 and NR-3.3 require that a development project demonstrate compliance with relevant federal and State laws relating to the protection of sensitive biological resources:

NR-3.2 Protection of sensitive species. Prior to the approval of a project with the potential to adversely impact special status species or their habitat, the City shall require evidence of compliance with the relevant provisions of state and federal laws relating to the preservation of rare, threatened, or endangered species and their habitat. Such laws include, but are not limited, the federal and state Endangered Species Acts, the federal Clean Water Act, and the federal Rivers and Harbors Act.

NR-3.3 Overriding considerations. Unless there are significant overriding considerations, the City shall not approve projects that would adversely impact rare, threatened, or endangered wildlife or plant species or their habitats.

Comment 17.5: The commenter states that the draft EIR is inadequate because it does not sufficiently separate out the area west of Interstate 5 from other areas being considered for the City limits. Later in the same paragraph, the commenter states that CEQA prohibits the City from separating out parcels of land in order to dilute their environmental impact.

Response:

The analysis of biological resources assesses the potential impacts to the biological resources occurring within the Study Area (or with the potential to occur). The habitats for the entire Study Area are provided on Figure 5.10-1 and 5.10-2 and are summarized by acres in Table 5.10-2. The different habitats within the Study Area and the species they support are discussed relative to their sensitivity and the significance of potential impacts that may arise through implementation of any of the Equal-Weight Alternatives without regard for where they may occur within the Study Area.

Comment 17.6: The commenter states that the draft EIR incorrectly describes the area west of Interstate 5 as partly orchard and partly grazing land, and that the legal environmental baseline for this area should be grazing and not orchard.

Response:

Section 15125 of the State CEQA Guidelines states that an EIR must include a description of the physical environmental conditions in the vicinity of the project as they exist at the time the Notice of Preparation is published, or if no notice of preparation is published. The Notice of Preparation (NOP) was circulated for 30 days, from February 11, 2010 to March 12, 2010. At the time the NOP was distributed a portion of the area west of Interstate 5 included orchards and was noted in the existing conditions.

The comment regarding the planting of orchards as being consistent with rendering the property unsuitable for endangered species is noted. However, it should also be noted that grazing activities can have significant adverse impacts on the suitability of habitats to support sensitive species.

August 31, 2010

My name is Brad Barker, and I am the chairperson for the Yokuts Group of the Sierra Club. Our group has over 800 members throughout Stanislaus County. I am writing on behalf of our management committee to express concern for the Draft Environmental Impact Report for the City of Patterson's General Plan Update.

Please consider these remarks as official public comments in the CEQA review process for the DEIR.

A city that was devastated by so many foreclosures should learn from its planning mistakes. To say the least, any updates to Patterson's General Plan need to be cautious and very moderate about city expansion. And Patterson's planning policies need to embrace values beyond quick riches for developers that seemed to be the overriding value of the past. The sacrifice of good farmland and natural wildlife habitat comes at a steep cost that can never be repaid within a sprawl-happy general plan.

Abstract principles that suggest a desire for smart growth don't matter if proper practice is not established. Nebulous promises such as "The City shall develop an Agricultural Conservation Program to help mitigate the permanent conversion of productive farmland..." don't mean anything unless they're locked in place. Until the details of the mitigation program are known, and they're shown to direct growth away from prime farmland, then there is no mitigation at all.

18.1

The DEIR shows a number of impacts that are "cumulatively considerable, and significant and unavoidable," and even more that are "significant and unavoidable." But, of course, many of these harmful impacts can largely be avoided by the No Project Alternative, and some can be minimized by adopting the Lower Carbon Future Alternative plan. Given all the harmful impacts acknowledged in the DEIR, and the lack of specific policies to mitigate these impacts, the No Project Alternative is the only choice that serves the public interest.

18.2

The stated deference to "the City's obligations to meet state-required housing allocations" is ridiculous in a city full of empty houses. To ensure smart growth, housing must follow job creation, and Patterson has failed miserably with this ratio. We do not need a sprawling bedroom community of long distance commuters built on productive farmland. This DEIR is written as if the foreclosure crisis and all the planning mistakes of the past never happened, and as if nobody learned anything from those mistakes.

18.3

In addition, there are far too many unanswered questions: What will the West Park project's EIR reveal? Will the massive West Park project be approved by the county or not? Where is the water supply for any future expansion? Where is a transportation plan with specific policies that establish better public transportation, encourage bicycling and walking, and minimize the impacts of increased truck and car traffic? Why would Patterson even consider expanding across I-5 onto lands in Del Puerto Canyon? What would the City do to protect sensitive wildlife habitat along Salado and Del Puerto Creeks? Why shouldn't the City focus on redeveloping existing residential and commercial buildings, empty and otherwise, to prevent blight and protect already established neighborhoods? And, why would the City consider future expansion onto prime farmland without a specific farmland mitigation policy already in place?

18.4

Clearly, now is not the time to look to expansion. Even when or if the economy improves, Patterson needs to be far more careful about growth policies than the past. Our management committee strongly recommends the No Project Alternative in the DEIR of Patterson's General Plan Update. All other options have impacts that are far too severe to counter any supposed benefits.

Thank you for considering our point of view.

--Brad Barker, Chair, Yokuts Group of the Sierra Club, 1305 Edgebrook Drive, Modesto, CA, 95354 (209) 526-5281

Patterson planning officials, Just to confirm: My comments on the DEIR for your General Plan Update have been received by you, right? I understand that today, Sept. 1st, is the deadline. And, if possible, could you please revise the second-to-the last sentence of my comments to read: All other options have impacts that are far too severe to be countered by any supposed benefits. I've already made the revision in the comments below. Thank you for your attention to this. --Brad Barker

18. Letter from Brad Barker, chairman of the Yokuts Group of the Sierra Club

Comment 18.1: The commenter expresses an opinion regarding the effectiveness of policies and implementation measures recommended as mitigation by the draft EIR, such as implementation measure NR-3 which establishes a program for the mitigation of the permanent loss of prime agricultural land.

Response:

The City has had numerous discussions regarding the issue of whether to include specific mitigation measures (e.g., conservation easements and/or in-lieu fees) in its agriculture element to try offset any impacts of the conversion of farmland to residential development. Because the state of the law on what mitigation requirements are valid is unclear, the City believes it would be more beneficial to address mitigation of agricultural land conversion either via any LAFCO proceedings and/or the adoption of an ordinance. As such, the City has deleted Implementation Measure NR-3.

Comment 18.2: The commenter recommends that the No Project Alternative or the Lower Carbon Future Alternative be adopted as they result in the least environmental impacts.

Response:

The recommendation is noted and will be forwarded to the decision makers for their consideration. CEQA requires an EIR to consider a range of feasible alternatives that meets most of the basic objectives of the project while reducing significant adverse environmental effects. This is provided in Section 8. of the draft EIR. Although CEQA requires the draft EIR to identify the environmentally superior alternative, it does not require decision-makers to adopt the alternative with the least environmental effects. The responsibility for determining whether a particular alternative meets the basic objectives established for the 2010 Patterson General Plan update is vested with the Patterson City Council.

Comment 18.3: The commenter states an opinion regarding the City's obligations to meet State-mandated affordable housing requirements in light of the recent downturn in the housing market and the large number of vacant dwellings that remain within the City.

Response:

The comment is noted. It should also be noted that the timeframe for buildout of any of the Equal-Weight Alternatives is at least 40 years. During that time, the supply and demand for affordable housing in Patterson and in the region will likely fluctuate with the economy along with the housing vacancy rate. Nonetheless, the City's obligations to satisfy its regional fair share of affordable housing as prescribed by State law will continue and will require the designation of land for additional housing to meet these obligations.

Comment 18.4: The commenter raises a number of questions regarding the City's planning efforts and regional planning in general.

Response:

The questions raised do not appear to be comments on the Draft EIR. However, many of the questions raised are addressed in either the draft EIR and/or the draft Policy Document.

Brian Whitemyer
City Manager, City of Patterson

Dear Mr. Whitemyer,

It is the request of Farmland Working Group that the City of Patterson include, in it's General Plan Update, policies that start to stop the loss of prime farmland due to the unbridled expansion proposed by the current alternatives. In particular the August 10, 2010 expansion recommendations are not conducive with the heritage of Patterson and are an example of the disconnect from the realities of today. Given the facts of so many homes in foreclosure and a majority of home owners upside down regarding the value of their homes and what is mortgaged, it is difficult to respect such blatant proposals of housing expansion for Patterson over the next twenty years.

19.1

Given the need to better manage infrastructure needs and costs we recommend adoption of an urban growth boundary and it's approval by a majority of Patterson voters. The land-use element of your General Plan should be presented to the voters for affirmation.

We recommend that the General Plan include mitigation policies for the negative impacts caused through the destruction and elimination of agricultural lands surrounding the City at a minimum of one acre protected for one acre urbanized.

19.2

It is critical that a community built on a history of agricultural strength and character include long-term policies and conditions that promote agriculture not seek to eliminate it.

Through vote and survey the public has clearly directed communities to create plans that promote "smart growth policies" and minimize negative impacts on the existing community. To do otherwise leaves local government trapped in a future certain only of fiscal failure and a government plan not representative of it's citizens.

Thank you.

Dennis V. Jackman
Chair, Farmland Working Group
P.O.Box 948 Turlock, CA 95381
(209) 343 4174

--
Denny Jackman, California Grown

19. Letter from Dennis V. Jackman, Chair, Farmland Working Group

Comment 19.1: These comments appear to refer to the draft General Plan rather than the analyses provided in the Draft EIR.

Response:

These comments will be forwarded to the decision makers for their consideration.

Comment 19.2: The commenter recommends including policies in the draft General Plan aimed at mitigating the effects of the conversion of agricultural land to an urban or non-agricultural use.

Response:

The draft General Plan and the draft EIR recommend a number of policies and implementation measures aimed at protecting agricultural land and mitigating the effects of the permanent conversion of such land within the City's General Plan area. These policies and implementation measures include the following:

Policies

- NR-2.1 Agricultural land preservation.** Undeveloped lands that are State designated as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland shall be preserved, to the greatest extent feasible, for open space or agricultural use.
- NR-2.2 Compact development.** The City shall encourage infill development within existing urbanized areas of the city in order to minimize pressure to convert agricultural lands to urban uses. Conversely, the City shall support the continuation of agricultural uses on lands for urban uses until urban development is imminent.
- NR-2.3 Greenbelt.** The City shall encourage the County to retain agricultural uses on lands surrounding the City's General Plan area and on lands within the General Plan area pending their annexation to the City or development by mutual agreement with the City.
- NR-2.4 Support for County agricultural land preservation.** The City shall support strategies adopted by Stanislaus County aimed at maintaining agricultural lands in viable farming units in areas not designated for urban development.
- NR-2.5 Regional farmland preservation.** The City shall continue to work with the County and other jurisdictions to implement conservation plans that preserve prime farmland.
- NR-2.6 Financial incentives.** The City shall support tax and economic incentives, at both the local and state levels, to enhance the economic competitiveness of agricultural exports.

- NR-2.7 Markets.** The City shall allow, encourage, and support local activities that strengthen the viability of agricultural markets, including farmers' markets, the on-site sale of produce, and special events that promote local agricultural products.
- NR-2.8 Community gardens.** The City shall allow and encourage urban agriculture in the form of community gardens as an important recreational, educational, landscaping, and community-nurturing resource, and an important source of fresh food in urbanized areas.
- NR-2.9 Williamson Act.** The City shall allow cancellation of Williamson Act contracts only if the City Council finds that cancellation is consistent with State law.
- NR-2.10 Right-to-farm.** The City shall continue to apply its right-to-farm ordinance.
- NR-2.11 Soil conservation.** The City shall encourage soil conservation practices as recommended by the Natural Resources Conservation Service.

Implementation Measures

- NR-C** The City shall develop an Agricultural Conservation Program to help mitigate the permanent conversion of productive farmland to a non-agricultural use. Such a program will address at least the following:
1. The establishment of a ratio of comparable agricultural lands to be permanently protected for each acre converted to a non-agricultural use.
 2. Criteria for assessing the suitability of agricultural lands to be permanently protected.
 3. Options for satisfying the required ratio of preserved agricultural land for each acre converted to a non-agricultural use. Such options may include, but are limited to the payment of an in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other permanent farmland conservation mechanism.
- NR-F** The City shall investigate a mechanism for funding the acquisition and management of lands for mitigation land bank for impacts to biological and/or agricultural resources.



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August 31, 2010

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Mr. Bryan Whitemyer
Interim City Manager
City of Patterson
1 Plaza
Patterson, CA 95363

Re: **City of Patterson 2010 General Plan Draft Environmental Impact Report
SCH# 2010022035**

Dear Mr. Whitemyer:

On behalf of the Building Industry Association of Central California ("BIACC"), we respectfully take this opportunity to comment on portions of the proposed General Plan Update and the accompanying Draft EIR. In particular, the City is urged to give careful attention to the inconsistencies between the Draft EIR and the proposed new policies included in the General Plan ostensibly to "mitigate" for the impacts of conversion of farmland to alternative land uses (Implementation Measure NR-C and accompanying "implementation strategies.") Those proposed new policies and implementation measures would mandate the exaction of "conservation easements or other mechanisms" to prevent future urban development, based upon ratios yet to be determined -- or payment of unjustified new "agricultural land mitigation fee" -- as a condition of approving new land uses.

There is no evidence that inclusion of such new "conservation policies" in the General Plan Update would actually promote the ostensible "goal" of conserving the practice of agriculture. To the contrary, the Draft EIR candidly acknowledges that such policies would not be effective in "mitigating" for the conversion of farm land to more valuable alternative uses. The Draft EIR explicitly states (as others have observed) that the impacts of possible conversion of important farmland under buildout of the new General Plan "**would be significant and unavoidable.**" (DEIR, p. 5.11-17.)

In addition, the proposed new "farmland conservation" policies and implementation strategies would unnecessarily add new costs and burdens to process of attempting to provide housing that is "affordable" for all segments of the Patterson community; would improperly exceed the scope of the City's legal authority; and would recklessly open the City's well-intended new land use plans to legal challenge.

While the importance of agriculture as a key component of the economy and quality of life in the Central Valley is unquestioned, the proposed new "agricultural land conservation policy" is a misguided and stultifying approach to attempting to assuring a vibrant agricultural economy in or near the City of Patterson. To the contrary, many thoughtful agricultural economists, land planners and legal scholars have pointed out that attempting to "preserve agriculture" by means of such a raw acre-for-acre land exaction of agricultural conservation easements (or fees in lieu) is a superficial, simplistic, and ultimately ineffective means of preserving a viable agricultural economic sector.

This threatened new land exaction policy raises many concerns, including (but not limited to) the following deficiencies:

(1) Applicability: The applicability of the proposed new policy is not clear.

(a) The disputed new policy, NR-C, would ostensibly apply to "projects and subdivisions" that would involve the conversion of Important Farmland in the 12,000 or so acres outside the City which are contemplated for future inclusion in the City's planning sphere of influence. It appears speculative at best, and premature at worst, for this Update to mandate uniform, "one-size-fits-all," conditions of future land use decisions where it remains unclear where and when such important farmland may come within the City's planning jurisdiction.

(b) It is also unclear whether the proposed new exaction policy would apply uniformly to all such "conversions" of farmland, including conversions by public sector and institutional users, or only to certain "disfavored" private sector conversions.

(2) Inconsistencies between DEIR and General Plan policies:

As noted in the Draft EIR, section 5.11, the loss of important or prime farmland as a result of conversion to non-agricultural production is considered a significant adverse impact under CEQA (DEIR p. 5.11-15). However, as the DEIR also points out, "future development under any of the land use scenarios envisioned would permanently convert prime farmlands to non-agricultural use" (DEIR p.5.11-16). And, since such "loss" of farmland is considered permanent and the DEIR concludes that the possible conversion of farmland under General Plan buildout results in significant and unavoidable impacts, (DEIR, p. DEIR p. 5.11-17) it is therefore inherently unreasonable and inconsistent for the General Plan Update to attempt to justify new policies requiring the dedication of conservation easements or payment of in-lieu fees on the pretext of "mitigating" for the impacts of land "lost" to farming through conversion to alternative land uses. (See also, section (3) below.)

The Draft EIR references Stanislaus County General Plan policies related to agricultural resources, at page 5.11-14 the DEIR references Stanislaus County General Plan Policy 2.15.

Policy 2.15 is a requirement for 1:1 replacement of agricultural land for discretionary projects in Stanislaus County that require a General Plan or Community Plan amendment. This policy was struck down by the Superior Court of California for Stanislaus County.

The County is enjoined from enforcing the policy and the court issued a Writ of Mandamus ordering the Stanislaus County Board of Supervisors to set aside the policy. Unless and until the County of Stanislaus is successful in reversing the trial court's orders, the policy as quoted in the DEIR is not enforceable.

(3) Ineffective "Mitigation:" The effectiveness of the proposed new policies is unclear and highly questionable as purported "mitigation" for the conversion of (unidentified) "Important Farmland" to other, presumably more valuable, urban uses.

Many land planners have recognized that there is no truly effective "mitigation" for the impacts of permitting the conversion of "irreplaceable" prime farm land to other uses. Several California courts have reached the same conclusion.

See, for example, *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, in which the Court of Appeal rejected claims under CEQA that such "farmland conservation easements" or "fees in lieu" of dedications are required as "mitigation" for loss of "important farmland" to proposed new development.

As observed in a recent environmental law journal:

"... California has not yet made up its mind about the fundamental question of whether the permanent preservation of offsite agricultural lands actually mitigates the loss of farmland. Litigants, the courts, State agencies, and the Office of the Attorney General are split on the mitigation issue.... Until the California Legislature or the California courts take affirmative action in this arena, **the threshold question of whether the loss of agricultural land can be mitigated will remain unanswered.**" (Joshua Safran, 6 VERMONT JOURNAL OF ENVIRONMENTAL LAW 15 (2004-2005) "*Zero Sum Game: The Debate over Off-Site Agricultural Mitigation Measures.*")

The effectiveness, and the legitimacy, of land use policies mandating the exaction of such compensatory conservation easements as "mitigation" for the loss of any land actually suitable for "farming" has been repeatedly questioned, even in a CEQA context.

For another example, please see the attached Report recommending that the County of Riverside abandon and delete a similar "mitigation measure" in light of a 2003 decision from the Fifth Appellate District (Fresno) holding that a measure of this type "does not actually avoid or reduce the loss of farmland subject to development."¹

The exaction of conservation easements on some other "equivalent" farmland as proposed by the new policy is too simplistic and one-dimensional to effectively promote the avowed "goal" of conserving "the practice of agriculture" in proximity to the expanding urban environs of the City. The deficiency of this approach to "farmland conservation" has long been noted. "[T]he availability of land does not by itself ensure the continuation of farming. ... **conserving only the surface of the land will not ensure the continuation of viable agriculture**; land is not the only natural resource required for the production of food. Land that is losing its topsoil to erosion, relying on polluted water supplies, or lacking an adequate water supply is as incapable of growing crops as land that has been converted to a nonagricultural use." M. L. Duncan, *High Noon on the Oglalla Aquifer: Agriculture Does Not Live By Farmland Preservation Alone*, 27 WASHBURN L.J. 16, 19 (Fall 1987).

(4) No Legal Authority: The City has not cited any legal authority for the proposed new policy of mandating agricultural conservation easements or fees.

(a) Under the proposed new policy, the City would require applicants for permission to "convert" presently-existing "Important Farmland" to other urban uses to dedicate a permanent conservation easement on other lands to a designated trustee, at an arbitrarily fixed per acre ratio, as condition of approval of the new use. Such a policy would clearly violate controlling State law on such easements: "**No local governmental entity may condition the issuance of an entitlement for use on the applicant's granting of a conservation easement**" (Civil Code § 815.4(b).)

(b) Moreover, the City's "police power" or zoning authority may only be exercised "within the territorial limits" of the City (Cal. Const. art XI, § 7). It is established that a California city does not have legal authority to require developers to obtain and dedicate land for "mitigation" purposes outside the territorial limits of the city. (See, e.g., *Kenneth Mebane Ranches v. Superior Court* (1992) 10 Cal.App.4th 276

¹ The Riverside County Planning Department was referring to the (unpublished) Court of Appeal decision in *Friends of the Kangaroo Rat v. California Department of Corrections* (2003; 4 Cal.Rptr.3d 558), in which the State proposed to expand the existing prison at Delano onto more than 400 acres of prime farmland. The State's EIR deliberately rejected proposed "mitigation" that would have required the State to provide a conservation easement on an equivalent acreage of farmland elsewhere. Environmental groups sued and argued that CEQA required such "mitigation" for the conversion of farmland. The Court of Appeal rejected that contention.

[rejected city attempt to exact "habitat mitigation" easements outside city limits].) The new policy appears to improperly extend the City's land use controls far beyond the City's "territorial limits," by encumbering unincorporated lands with restrictive agricultural easements limiting the permissible uses of such extraterritorial lands in perpetuity

(c) Finally, the proposed new policy mandating dedication of conservation easements for the "benefit" of the community as a whole actually appears to be a thinly-disguised "special tax" in violation of Propositions 13 and 218. The Supreme Court recently invalidated a similar exaction scheme, taking the form of voter-approved purported "open space assessments," in *Silicon Valley Taxpayers Ass'n v. Santa Clara Open Space Authority* (2008) 44 Cal.4th 431.

(5) Arbitrary Mitigation Ratios: The proposed "mitigation ratios" as called for in Implementation Measure NR-C appear arbitrary and unjustified. Even if the City could, in concept, demonstrate some legal authority for this so-called "mitigation" approach, there is still no evidentiary showing of any "reasonable relationship" between new land uses and any particular "impact" on public needs for easement-restricted farmland – much less the required "nexus" – to support the exaction of purported "mitigation" lands based upon the yet to be determined ratios, as proposed. "Mitigation measures" must be carefully tailored to address and remedy identified "impacts" but only to the extent that such impacts can be shown to be caused by the activity.

"Mitigation measures must be reasonably related to and proportional to the impacts of development." (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 360.) There is no evidence to support proposed new mitigation requirements.

(6) Inflexible Public Policy: The proposed policy would be inflexible and imprudent land use planning, which threatens to impose a random scatter of perpetual conservation easements over a wide stretch of the Valley.

The proposed policy would impose a new type of permanent constraint on the City's future discretionary decisions to permit the conversion of defined "agricultural land" to other types of private urban use.

If the City were to adopt this policy, it would not only be tying the hands of future City planning officials, but also locking up thousands of acres in permanent and inflexible "agricultural" easements – whether or not agricultural activities remain feasible or desirable on such lands in the future.²

² "With respect to growth and land use planning, **the static nature of perpetual conservation easements simply proves incompatible with the dynamic nature of smart land use planning.**" (J. J. Richardson, *Beyond Fairness: What Really Works To Protect Farmland*, 12 DRAKE J. AGRIC. LAW 163, 180 (Spring 2007).)

[I]nformation disseminated by land trusts, along with press reports of conservation efforts, consistently fails to mention the possibility that shifts in the ambient climate or surrounding topography may render the chosen land utterly different from its current state. Ignoring this unpleasant reality allows landowners, land trusts, and the general public to imagine that current uses of undeveloped land will continue to be both desirable and feasible. Designating significant portions of land as perpetually off-limits to development, however, may have the unfortunate consequence of frustrating innovations in land planning. Indeed, it is easy to imagine conservation servitudes having the unintentional effect of exacerbating one of the problems--"sprawl"--they are ostensibly intended to alleviate, as development leapfrogs over lands subject to conservation servitudes, resulting in pockets of open space in the midst of populated areas. Prof. Julia D. Mahoney, *Perpetual Restrictions on Land and the Problem of the Future*, 88 VA. L. REV 739 at 757, 762 (June 2002).

The proposed policy does not -- and could not -- require or assure that such "mitigation" lands restricted to agricultural uses "in perpetuity" will be actually be used for farming or continue to be productively used for farming for any period, much less "permanently," and unreasonably limits the discretion of future planning agencies to react to inevitable "change."

(7) Inadequate CEQA Analysis:

The Draft EIR fails to provide any analysis, much less legally-sufficient analysis, of the impacts of the proposed new agricultural land conservation policies, exactions and fees.

The new policies included in the proposed conservation element of the Update have their own impacts, or potential impacts, on the environment which the DEIR erroneously ignores. As noted above, the enactment of these policies would be the first step in a program by the City and possibly other agencies which may result in permanently locking up thousands of acres of land in "perpetual conservation easements" for purposes limited to agricultural uses (with un-studied impacts, e.g., such as future demands for irrigation water, fertilizers, air quality impacts, etc.), and in the imposition of substantial new economic burdens on development and constraints on planning flexibility.

Even if those new farm land "conservation" policies may be well-intended to help limit the future conversion of farm lands, that alone does not excuse the failure of the DEIR to examine the impacts of those policies. "It cannot be assumed that activities

intended to protect or preserve the environment are immune from environmental review." (*Calif. Farm Bureau Federation v. Calif. Wildlife Conservation Board* (2006) 143 Cal.App.4th 173, 196 (Court of appeal held that "conversion" of agricultural land into wildlife habitat by Conservation Board was not exempt from CEQA review.)

Conclusion:

The BIACC urges the City to reject this superficial and ineffective approach to the goal of conserving a viable and properly-situated agricultural economy in Stanislaus County.

The approach embodied in the proposed new Implementation Measure NR-C is not only unlawful, but is also not reasonably calculated to promote that ostensible goal, and indeed may be counter-productive. This new policy would thus unnecessarily constrain the City's ability to flexibly plan for and provide housing and other development needs, while failing to legally or effectively achieve any legitimate goal of "supporting the practice of agriculture and ... farming" in the Patterson planning area and beyond." Some advocates of "farm land conservation" actually intend merely to preserve generic "open space" -- whether or not such land can be, or is, used productively for farming -- as a means of precluding development.

This results in a superficial approach to preserving "land", but erroneously disregards the fact that "agriculture" is an economic activity, not just an open space land use classification. This is also another critical deficiency.

Farmland protection efforts in the United States continually fail to achieve true enhancement of the industry of agriculture. Unlike open space preservation and protection of areas such as wetlands or groundwater recharge areas, farmland protection (at least according to the rhetoric) seeks to enhance and maintain an **economic activity**.... Presently, governmental and private groups treat farmland and open space equivalently.

Such an approach ensures failure with respect to farmland protection. **The standard response, that land conservation measures keep land open such that the land may be used for agriculture, rings hollow** and indicates ulterior, and malevolent, motives behind farmland protection movements. ... (J. J. Richardson, *Beyond Fairness: What Really Works To Protect Farmland*, 12 DRAKE J. AGRIC. LAW 163, 182 (Spring 2007).)

BIACC recognizes and values the importance of productive agriculture, and is pleased to support legitimate planning initiatives and policies to enhance the

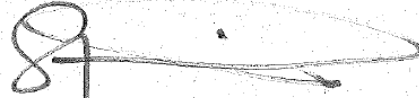
viability of agricultural activities in appropriate locations throughout Central California. However, the proposed new policies and exactions here are superficial and not effective means to achieve these goals.

Better, more comprehensive and community-based, approaches are available and have already proved to be effective and successful. (See, e.g., the Sonoma County Open Space and Agricultural Initiative, supported by more than 70% of the voters in 2007.)

Until land protection policies and commercial farmland viability policies are consciously linked, state and local farmland policies will more likely protect 'open spaces' than the economic vitality of the working rural landscape."
J. J. Richardson, *Beyond Fairness: What Really Works To Protect Farmland*, 12 DRAKE J. AGRIC. LAW 163, 166 (Spring 2007).

Thank you for considering our comments, objections, and suggestions, as outlined above.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Stephen D. Madison', written over a horizontal line.

Stephen D. Madison

Attachment: Riverside County Memo

20. Letter dated August 31, 2010 from the Building Industry Association of Central California

The comment letter makes a number of statements regarding recommended implementation measure NR-3 that include:

- The applicability of the measure is not clear;
- Inconsistencies between the findings of the draft EIR and the draft General Plan policies;
- The effectiveness of the implementation measure is unclear and highly questionable;
- The City has not cited any legal authority for the proposed implementation measure;
- The measure establishes an arbitrary mitigation ratio;
- The measure is inflexible and would result in a random scatter of perpetual conservation easements over a wide stretch of the San Joaquin Valley;
- There is inadequate CEQA analysis with regard to the potential impacts of establishing the permanent conservation of prime agricultural land;

Response:

The City has had numerous discussions regarding the issue of whether to include specific mitigation measures (e.g., conservation easements and/or in-lieu fees) in its agriculture element to try offset any impacts of the conversion of farmland to residential development. Because the state of the law on what mitigation requirements are valid is unclear, the City believes it would be more beneficial to address mitigation of agricultural land conversion either via any LAFCO proceedings and/or the adoption of an ordinance. As such, the City has deleted Implementation Measure NR-3.



City of Patterson
Parks & Recreation
1 Plaza
(209) 895-8080 phone 895-8059 fax
ParksRecreation@ci.patterson.ca.us

September 1, 2010

To: Joel Andrew, Community Development Department, Interim City Planner
From: Adrienne Chaney, Parks & Recreation Director

A handwritten signature in black ink, appearing to be "AC", located to the right of the "From:" line.

RE: General Plan Comments

I would like to take this opportunity to stress to you the importance of creating a Parks Master Plan. I have been the Director of Parks and Recreation for 12 years and had little input regarding the location and types of parks that are built by developers and the impact they have on our community. The only document we have is a Parks Design Guideline created in 1995, with a few updates in 2006. Our parks and facilities are greatly lacking and we have no way to control our destiny.

We currently have a partially built Sports Complex that includes 2 ball diamonds (one lighted) and one lighted soccer field. Additionally, we have one drainage basin that doubles as a ball diamond/soccer/football field. Other than that there are no other facilities to play organized sports. In Patterson, we currently support a youth soccer league of 550 participants, 2 baseball/softball leagues with 400 total participants, 1 youth football team with 250 participants, 1 flag football league with 120 participants, 100 adult soccer players, 30 Creekside Middle school participants, 15 adult baseball participants, 192 adult softball we also have several other teams that rent our facilities. That is over 1660 known players on these fields.

During the winter the sports fields we have are closed down from December – end of March to reseed and fertilize so that we can ensure a quality turf throughout the rest of the year. This causes a lot of anxiety for spring soccer and baseball teams that are ready to start their opening season as soon as possible.

In order, to ensure that the City is building the necessary facilities that meet the needs of our community, a Master Plan is critical to this department. The Parks & Recreation Department needs to control the destiny of size, location and amenities of the parks that are being built. Over the last 10 years, we have not been able to add one sports field as our town has grown by thousands of people.

Currently most teams practice throughout the new residential parks/basins. Basins that are built for flood control, that have no parking or restrooms cannot continue to serve as place for games and practices. It is unsafe and unhealthy for participants, residents and the basins.

Other items for the Parks Master Plan to consider are: open space that is not designed for flood control, mainly open areas of park land that creates a buffer from heavy residential and commercial properties, defining parks land versus flood control basins should the basin be counted as park land or be an addition to park land; arts must also be addressed in the Master Plan, how is the City going to provide for these culturally enhancing programs and facilities.

I urge the General Plan process to consider making the long overdue Parks Master Plan a top priority for the City of Patterson before any new development is allowed to build. Let us control our destiny to make Patterson a great place to live.

21.1

21. Letter dated September 1, 2010 from Adrienne Chaney, City of Patterson Parks and Recreation Director

Comments 21.1: These comments appear to address the draft General Plan and not the draft EIR.

Response:

The comments will be forwarded to the decision makers for their consideration.

Elias Funez
Patterson Parks and Recreation Commissioner
and former Planning Commissioner
10 North 5th street
Patterson, CA 95363

August 31, 2010

To: City of Patterson
Office of the City Manager
Community Development Department

Re: General Plan Public Comment Period

As a resident native of the city of Patterson, and long time concerned volunteer for the city, I am honored for the opportunity to comment on the 2010 General Plan Draft EIR. When I first began as a commissioner for the city of Patterson's planning department I was brought up to speed quickly by attending any planning seminar or workshop available, including a pair of lengthy league of California Cities' workshops in which I became well versed in the world of municipal planning and its many intertwined and complicated issues. Upon my unfortunate unfounded dismissal from service in the city's planning department I was quickly recruited by the office of parks and recreation and have further opened my breadth of knowledge in terms of service to our community.

During this time I have still kept myself well informed of the important issues relating to the cities' General Plan and will list a few of my greatest concerns with the Draft EIR and subsequent Policy Document.

- I) The city opted to include a Parks and Recreation element with the adoption of the new General Plan which *by law* is required to receive equal attention in regards to planning as well as are the other 9 elements to be adopted in the new General Plan. While elemental equality is required by the CEQA, the subsequent maps that show the "equal weight alternatives" fail to depict decisions voted on by the Parks and Recreation Commission (PRC) regarding placement of future parkland should the city assume development within the EIR study area.
- Of great concern to the PRC was the protection and preservation of the historic Del Puerto Canyon Gateway and subsequent areas along Del Puerto Creek as an area available for recreation as a natural regional park or other public open space use within the planning area.
 - While PR-1.10 of the Parks and Recreation policy document seems to address this issue, the wording should be changed to show that the Parks and Recreation Department *intends* to protect the Del Puerto Gateway and Del Puerto Creek corridor if development ensues within the planning area.

22.1

- With the help of the EIR background reports from the previous and current General Plan, along with many historical documents that site this natural entry way into the Diablo Range as being a historically and culturally significant area for the native tribes of the area, the current PRC *has already identified* this area as one to be preserved from any form of development that would otherwise alter the natural character of this place, and the policy document should reflect the PRC’s decision.
- The Circulation/Transportation element of the General Plan states preliminary roads to be located through the Del Puerto Canyon gateway completely disregarding the wishes of the PRC and further proving that the city is not operating in accordance of equality between General Plan elements. Roadways through this area should be removed or changed accordingly along with an open space or parkland designation placed on the map for this area along with the areas bordering Del Puerto Creek within the study area.
- Designation of parkland along the San Joaquin River as shown on the “equal weight alternative” maps is welcomed however the borders of this park are not well defined nor will satisfy the open space needs of our community should it grow. Other elements of the plan are designated with defined boundaries for housing, commercial, industrial etc... At this point of the General Plan process it’s time to define our parks and places for the community to recreate. The city of Patterson’s western boundaries border one of the largest central areas of land in the state that has seen little to no development and has been virtually untouched since the times of the Native American Hoyumne and Miumne Yokuts Indians that inhabited the hills merely 200 years ago. This area should not be looked at solely as an area to be capitalized upon and marketed but also as an area to be studied and appreciated for its contributions to science and nature. Many collegiate institutions have utilized the area of the Diablo Range directly to the west of the cities’ boundaries for biological, zoological, and geological studies in recent years especially the Del Puerto Creek corridor.

22.1

II) Page 5.7-14 of the Air Quality and Climate Change element of the general plan states that sensitive receptors include, schools, day care centers, hospitals, nursing homes and *sensitive or endangered species*. While the other sensitive receptors are addressed in the following pages and maps, sensitive and/or endangered species from within the study area are not mentioned or noted as they say they should be.

22.2

- There is no lack of sensitive or endangered species within the study area. The endangered San Joaquin Kit Fox has been noted to live and travel

within the study area of the general plan yet it's presence has not been noted on this EIR's section and should be.

- Sensitive species from the area have been noted as the Swainson's Hawk, Burrowing Owl, and even possibly the endangered Tiger Salamander and Red Legged Frog which may live in the waters of Del Puerto Creek in the hills to the west of Patterson. The study and subsequent maps should be changed and noted in the correct documents..
- This section also states that there are no hospitals in the study area, yet the study didn't take into account the acreage of the former Del Puerto Hospital which is still zoned for medical uses and is currently in the stages of being transformed into a facility with hospital type uses. The study and accomodating map should account for this.

22.2


III) Page 5.7-29 of the Air Quality and Climate change element of the General Plan states that, "environmental changes that will occur due to climate change, and thus subject property and persons to additional risk of physical harm related to flooding, public health, wildfire risk and other impacts."

22.3

- This statement re-occurs through out this element of the General Plan, that un-mitigable consequences will occur if development ensues. Listing flooding as an increased risk is a real danger that may have been overlooked even as development encroaches upon the 100 year flood plain of the Del Puerto Canyon creek bed. The impact of flooding concerns can be alleviated by directing development away from this 100 year flood plain which currently is operated as high quality farmland.
- The premise that cities should promote development and the county is to promote agriculture is a premise that is being changed here in California. Many growing cities have adopted general plans that now incorporate agriculture within city limits, and what way to preserve high quality farmland than by taking it into our own limits and utilizing that ag land as a buffer from incompatible land uses. After all who better to promote agricultural sustainability than the City of Patterson, apricot capital of the world, whom the cities' founders developed and instilled the world's first lift irrigation system which is still in strong use today.

22.4

Thank you for your time and patience,


Sincerely,
Elias H. Funez

22. Response to letter from Elias Funez dated August 31, 2010

Comment 22.1: The commenter discusses various aspects of the recommended policies and implementation measures contained in the draft Parks and Recreation Element.

Response:

These comments appear to address aspects of the draft Policy Document rather than the draft Environmental Impact Report. These comments are noted and will be passed along to the decision-makers for their consideration.

Comment 22.2: These comments also appear to be aimed at the policies recommended by the Policy Document rather than the draft EIR.

Response:

Both the draft policy document and the Draft EIR recommend a range of implementation measures to address potential impacts to sensitive plant and animal species that may occur through development of the Study Area as contemplated by each of the Equal-Weight Alternatives. These requirements have been incorporated into the Natural Resources Element as Appendix NR and would be applied at the time of development.

With respect to hospitals, the land designated for Medical Professional development is currently not occupied by a hospital but could be at some point in the future.

Comment 22.3: The commenter refers to the analysis of potential flooding risk as it may be exacerbated by climate change. The comment states that potential flooding concerns can be alleviated by directing development away from the 100-year flood plain of Del Puerto Creek.

Response:

The potential impacts associated the placement of new development in areas subject to flooding within the Study Area is addressed under impact 5.13-6 in section 5.13, Hydrology and Flooding. Policy HS-2.1 anticipates the need to evaluate whether or not new development should be located in flood hazard zones:

HS-2.1 Flood control management. The City shall prepare and adopt flood management plans and practices aimed at protecting life and property from the harmful effects of flooding. As part of this effort, the City shall establish criteria for:

- a. Evaluating whether new development shall be located in flood hazard zones;
- b. Identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones, and
- c. Maintaining the structural and operational integrity of essential public facilities during flooding.

Accordingly, one option for addressing the potential risks associated with flooding would be to avoid flood-prone areas.

Comment 22.4: The commenter states that many cities now incorporate agriculture within the City limits as a strategy for buffering incompatible land uses.

Response:

The draft General Plan includes an Agriculture land use designation. Moreover, each of the Equal-Weight Alternatives identifies an Agriculture Transition Area which is designated Agriculture and intended to serve as an agricultural buffer between urban development and ongoing agricultural operations in the County. With respect to mitigating the potential compatibility impacts associated with urban development being placed next to agricultural operations, the draft Policy Document recommends a range of policies to address this problem, beginning with policies applied to properties outside the areas designated for urban development:

NR-2.2 Compact development. The City shall encourage infill development within existing urbanized areas of the city in order to minimize pressure to convert agricultural lands to urban uses. Conversely, the City shall support the continuation of agricultural uses on lands for urban uses until urban development is imminent.

NR-2.4 Support for County agricultural land preservation. The City shall support strategies adopted by Stanislaus County aimed at maintaining agricultural lands in viable farming units in areas not designated for urban development.

NR-2.10 Right-to-farm. The City shall continue to apply its right-to-farm ordinance.

In addition, the following additional mitigation measure is recommended by the draft EIR under impact 5.11-4 of section 5.11, Agricultural Resources:

5.11-2(a) Buffering Techniques. As residential or school development occurs adjacent to agricultural uses, such development shall implement one or more of the following buffering techniques in its design:

- Roadways, creeks or canals shall be used as buffers where feasible;
- Where incompatible uses directly abut, fences shall be installed on the non-agricultural use, which shall be designed to limit the drift of pesticides or other sprays, and shall discourage climbing and graffiti to the extent possible;
- If additional non-residential development is anticipated in an area that is currently in agricultural use, fencing at the current interface of conflict shall be removed if requested by the current property owner on which the fence is located. The cost for the fence removal must be borne by the developer of the land being converted from agriculture to urban uses.

August 31, 2010

To: City of Patterson
Bryan Whitemyer-Interim City Manager

From Elaine and David DeLash

In regards to our 70 acre property, APN 021-027-027 adjoining and south of Kiper Homes, Shea Homes

Re. Comments on the 2010 City of Patterson General Plan (draft General Plan)

- 1.) Elaine and I support and recommend the revised Planning Commission Land Use Map, dated August 2010. We also support the land south of Kiper Homes, Shea Homes, as a low density residential zoning. With a new Modesto Junior College Satellite Campus being built and the T.W. Sports Complex, our property is walking distance from the new campus and Sports Park.
- 2.) We cannot support the inclusion of the Neighborhood Village land use designation concept. If it should be included, it should be worded optional and not required.
- 3.) In regards to the Natural Resource Section in the General Plan Draft, known as the Agriculture Conservation Program, to help mitigate the permanent conservation of productive farmland to the non-farmland use. This will only cause extra cost to the developer/builder and that cost will be passed on to the homebuyer, making Patterson's homes less affordable and more expensive. Other options may include, but are not limited to, the payment of in lieu fee, to purchase farmland conservation easements, or other farmland conservation methods.

23.1

Thank you for allowing us to share our comments and concerns.

Sincerely,



Elaine DeLash

16712 S. Del Puerto Ave., Patterson, Ca. 95363 Phone 209-892-6138



David DeLash

16712 S. Del Puerto Ave., Patterson, Ca. 95363 Phone 209-892-6138

cc: Becky Campo, City Mayor
Annette Smith, City Council
Sam Cuellar, City Council
Dejeune Shelton, City Council
Dominic Farhina, City Council

Patrick Dooley, Chairperson Planning Commissioner
Ron West, Planning Commissioner
K.D. Rookard, Planning Commissioner
David Apple, Planning Commissioner
Birdie Rodriguez, Planning Commissioner

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23. Letter from Elaine and David De Lash dated August 31, 2010

Comment 23.1: These comments appear to address issues associated with the draft Policy Document and land use plan.

Response:

Issues associated with implementation measures NR-3 regarding the mitigation of the permanent loss of prime agricultural land are addressed in responses to letter No. 6 from the Building Industry Association of Central California.

Wednesday, August 18, 2010

To Patterson Planning Commission & Staff

RE: General Plan Study Area Boundaries and Land Uses

Commissioners and Staff

Our family owns and farms several hundred acres in and around the southern portion of the Patterson General Plan Study and Planning Area, and we wish to add our comments to the ongoing deliberations and discussions. Our property includes parcels on both sides of Marshall Road, and we are aware of the ongoing discussion concerning the southern boundary of the new G.P. Planning Area. A current proposal shows the G.P. southern boundary north of Marshall Road, going east-west through ours and other owner's parcels. We are long time farmers, and realize that we might be part of area-wide plans in the future. For that reason, we would request that Marshall Road be the division line, instead of a line running through parcels that could sever farmable land, be the southern edge of the G.P. Planning Area. The northern portion of this area between Elfers and Marshall seems to be considered for Estate Residential, which seems logical to us. The southern portion, to Marshall, could be designated "Ag/Urban Reserve" for a similar ag/urban buffer use in the 40 year outlook.

We therefore suggest that the City's long term planning area use Marshall Road as a southern boundary, and designate our future land uses as above. We intend to continue to be good stewards of our land, and will continue to provide the best farming practices we know. We hope to always be good neighbors, and as appropriate, part of Patterson's future.

I apologize for not being there in person, I am on the board of San Joaquin County Housing Authority and our meeting is this Thursday.

**Greg Arnaudo
Arnaudo Bros, Inc
13193 S Hwy 33 Ste A
Santa Nella, Ca
Office 209-826-1717
Fax 209-826-1878
arnaudo@netvelocite.net**

24.1

24. Letter From Greg Arnaudo

Comment 24.1: The commenter recommends extending the southern boundary of the City's General Plan area to Marshall Road.

Response:

The comment appears to be in regards to the draft General Plan and not the draft EIR. The comments will be forwarded to the decision-makers for their consideration.

City of Patterson
P.O. Box 667
Patterson, CA 95363

September 8, 2010

EIR comments on the General Plan

Ref: 2006 Sperry/ Light Industrial zoning Parcel #APN# 021-026-006-000

Congratulations on moving forward on your comprehensive revision of its 1992 General Plan. Despite not having lived in Patterson I have watched closely the many changes that have taken place over the years. My family's 13 acre property (Dr. Anderson's vacant field) located at 2006 Sperry the southwest corner with Baldwin Ave. At that time it was one of the few areas zoned light industrial on the west side of Stanislaus County which was undeveloped under the previous general plan. Since then a large area to the North along Baldwin was converted to that type of zone using General Plan amendments to allow for the construction of the large warehouse distribution facilities which exists there now. Since the City of Patterson now has plenty of area devoted to that type of land use I would like to make the following suggestion for consideration in this update process.

The city should consider this 13 acre site on Sperry with a zone that allows retail sales. Specifically I recommend that you add to LU-3.2 the following: Location of new commercial development this location (d). New commercial development on a site greater than 10 acres shall be concentrated in four locations. It is an ideal size and location to build a retail sales facility that will enhance the revenues for the City of Patterson and support the costs of providing services to the many new residential areas in town. I have to admit during a visit to my parents Thanksgiving 3 years ago it was quite a shock for me to wake up to houses across Baldwin on Charlie Hansen's old farm. As I am sure you are aware economic studies show that residential use costs the city 1.50+ one dollar and fifty cents (plus) for every dollar of revenue that is generated. It is essential to draw in additional sales tax revenue especially for those retail uses that bring in large sales tax revenue from outside of the City of Patterson. The residents of Patterson have been contributing large amounts of sales tax revenue to the City of Modesto buying cars, visiting Big Box retailers and especially the spending at the large regional shopping malls. It is time for the residents of Patterson and communities on the west side to spend more money in Patterson and help support the City which has been losing those revenues to Modesto. The famed Stanislaus saying of "WATER WEALTH CONTENTMENT HEALTH, should apply to the City of Patterson as well, in addition Modesto will never have the nice small town feel in the great community that I grew up with. The current amount of area zoned for commercial retail is barely adequate to serve the future needs of the growing community and when companies and individuals explore locations so that people are not commuting a ridiculous amount of time, locally the need for additional commercial/retail space will be even more evident. With a large number of homes near by the potential for people to ride bikes and walk to work would be ideal. Placing this zone on this property is ideal especially if areas around the property are allowed higher densities to achieve the smart growth concepts. This location is an ideal spot for a mass transit stop so that people do not have to drive and congest Sperry to get to the retail establishments they need and the jobs that it will provide.

An additional suggestion on Traffic is that with the large distribution facilities you need to create a direct truck route possibly from Rogers road to Baldwin prevent a significant deterioration in level of service on the west end of Sperry due to the truck traffic. At the moment the facilities are generating a fraction of the total potential truck traffic when the economy improves.

Please include my address on any future mailings and notices regarding the General Plan.

Respectfully

Eric T. Anderson Trustee for the Albert H. Anderson Family Trust
20250 Aquilera lane Escondido Ca. 92029

25.1

RECEIVED
9/10/10

25. September 8th, 2010, Letter from Eric T. Anderson, Trustee for the Albert H. Anderson Trust

Comment 25.1: The commenter recommends designating land on the south side of Sperry Avenue at Baldwin Road for commercial development.

Response:

The comment appears to be in regards to the draft General Plan and not the draft EIR. The comments will be forwarded to the decision-makers for their consideration.

Edits/Minor Corrections To The Draft EIR

1. All reference to the Patterson Health Care District are changed to the *Del Puerto Health Care District*.
2. Page 5.3-40 of section 5.3 Public Services is revised as follows:

The recommended policies and implementation measures identified above will help reduce construction-related impacts relating to the construction of ~~fire stations~~ *health care facilities*. In addition, the construction of future public facilities will be subject to project-specific environmental review.

3. The Government Code reference on page 5.1-14 of section 5.1 Land Use and Consistency With Adopted Plans and Policies will be changed to Government Code 56430.
4. The Government Code section referenced on page 5.11-27 is changed to Government Code 51243.5.
5. The text on page 5.11-27 is changed as follows:

However, these stipulations do not apply to those lands within the ~~General Plan Area~~ *current City limits* because all lands under Williamson Act contract were contracted prior to city annexation *or were protested by the City prior to annexation*.

6. Map references to property owned by the Yosemite Community College District are changed to Public/Quasi-Public.