

Final Environmental Impact Report West Patterson Business Park Expansion Project

State Clearinghouse No: 2011082016

City of Patterson • June 28, 2012



Michael Brandman Associates

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Final
Environmental Impact Report
West Patterson Business Park Expansion Project
City of Patterson, Stanislaus County, California
State Clearinghouse No. 2011082016

Prepared for:



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June 28, 2012

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SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Patterson, as the lead agency, has evaluated the comments received on the West Patterson Business Park Expansion Project. The responses to the comments and other documents, which are included in this document, together with the Mitigation Monitoring and Reporting Program, comprise the Final Environmental Impact Report (Final EIR) for use by the Patterson City Council in its review.

This document is organized into these sections:

- **Section 1: Introduction.**
- **Section 2: Master Responses.** Provides a single, comprehensive response to similar issues raised in multiple comment letters.
- **Section 3: Responses to Written Comments.** Provides a list of the public agencies and individuals who commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 4: Errata.** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

In addition, the Final EIR contains an appendix:

- **Appendix J: 2006 Groundwater Report**

Because of its length, the text of the DEIR is not included with these written responses; however, it is included by reference in this Final EIR. None of the corrections or clarifications to the DEIR identified in this document constitutes “significant new information” pursuant to Section 15088.5 of the CEQA Guidelines. As a result, a recirculation of the DEIR is not required.

SECTION 2: MASTER RESPONSES

Master responses provide a single, comprehensive response to similar comments raised by multiple public agencies and private parties through written comments submitted to the City of Patterson. A single master response, Master Response 1 – Groundwater, is contained in this section.

2.1 - Master Response 1 – Groundwater

Both the Del Puerto Water District (DPWD) and the Patterson Irrigation District (PID) questioned or disputed the adequacy of the Water Supply Assessment prepared for the Draft EIR. The relevant comments of each agency are summarized as follows.

2.1.1 - Summary of Del Puerto Water District Comments

DPWD referenced the proposed project’s Water Supply Assessment (Draft EIR Appendix H) and stated that impacts associated with water supply have not been fully or correctly analyzed or addressed. The agency asserted that its opinion is that to the extent surface water supplies remain unavailable to serve the project, the water supply impacts of the project are “significant, adverse, and remain unmitigated.” DPWD cited several statements from the Water Supply Assessment concerning unknown information and stated that these statements point to serious unknowns concerning water demands in the study area. The agency stated that because of the unknowns and uncertainties disclosed in the Water Supply Assessment, it is “impossible to put any faith in the adequacy of the estimates of a reliably available water supply to serve the project.” DPWD concluded by stating the Water Supply Assessment provides an inadequate analysis of the proposed project’s impacts.

2.1.2 - Summary of Patterson Irrigation District Comments

PID stated that the Draft EIR should not rely on inflated groundwater production figures that conflict with existing City water planning documents. The agency asserted that the proposed project’s Water Supply Assessment is inconsistent with the Water Supply Assessment prepared for the City of Patterson General Plan. PID stated that the figures cited in the proposed project’s Water Supply Assessment indicated that the lower basin is listed as having a yield of 8,900 acre-feet and the upper basin as having a yield of 3,500 acre-feet, while the General Plan Water Supply Assessment indicated that the lower basin had a yield of 7,500 acre-feet and the upper basin a yield of 3,500 acre-feet. The agency noted that the difference in lower basin yields equals 1,400 acre-feet, which also “coincidentally” is roughly equivalent to the proposed project’s estimated demand. PID also noted that the proposed project’s Water Supply Assessment did not mention Footnote A in Table 3-4 of the General Plan’s Water Supply Assessment, which concerns limited information about groundwater.

PID also claimed that the Draft EIR omits relevant groundwater information, which results in obscuring the project’s “true impacts.” The agency stated that the Draft fails to provide detailed information or data showing that the proposed project and other future development in the City of

Patterson will not affect overlying users and senior groundwater use such as PID. The agency noted that the Draft EIR acknowledged that there are other groundwater users, but fails to accurately quantify actual groundwater usage in the region and compare this use to estimates of local groundwater basin inflows. The agency claimed that if private well usage cited in the Water Supply Assessment, City well usage, and PID's average well usage were totaled (which was omitted), this number alone would suggest that, currently, groundwater production may already encroach upon estimates of sustainable groundwater capacity. PID reiterated a previous comment about the consistency of the proposed project's Water Supply Assessment with the General Plan Water Supply Assessment and concerns that the continued urbanization will lead to adverse impacts on overlying groundwater users.

PID stated that the Draft EIR improperly assumes full availability of upper aquifer inflows. The agency cited statements from the Draft EIR about the proposed project's non-potable water use being accounted for in the City's 2010 Urban Water Management Plan and reiterated a prior comment that asserted this not being supported by the proposed project's Water Supply Assessment. PID stated that if the proposed project's non-potable water supply was not included in the 2010 Urban Water Management Plan, total demand on the upper aquifer would be 3,874 acre-feet per year, which is above the available supply of 3,500 acre-feet per year. The agency noted that the Draft EIR assumes that 100 percent of the estimated 3,500 acre-feet of available supply from the upper aquifer and yet includes statements noting that it is almost certain that the aquifer will not be 100 percent reliable. PID stated that the Draft EIR failed to disclose the environmental impacts on the upper aquifer as a result of converting large swaths of agricultural land to urban uses and stated that the City should find out and disclose all that it can about a proposed project's environmental impacts. The agency disputed a statement on page 3.12-7 regarding the lack of available studies concerning the effects of urbanization on recharge, making it not possible to quantify the impact, and asserted that the Draft EIR must conduct any studies necessary to disclose the impact.

2.1.3 - Responses to Del Puerto Water District Comments and Patterson Irrigation District Comments

This master response will first address state requirements for Water Supply Assessments and then address DPWD's and PID's specific comments.

State Requirements for Water Supply Assessments

California Water Code Section 10910 establishes standards for Water Supply Assessments. Relevant requirements include:

- Relevant information from the applicable Urban Water Management Plan may be incorporated into the Water Supply Assessment.
- In cases where an Urban Water Management Plan, the Water Supply Assessment shall include a discussion with regard to whether the total projected water supplies, determined to be

available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses.

- The Water Supply Assessment shall include an identification of any existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project, and a description of the quantities of water received in prior years by the public water system.

In cases where water supply includes groundwater, California Water Code Section 10910 requires that the following additional information be included in the Water Supply Assessment:

- Review of any information contained in the urban water management plan relevant to the identified water supply for the proposed project.
- A description of any groundwater basin or basins from which the proposed project will be supplied. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater available to the public water system. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current bulletin of the department that characterizes the condition of the groundwater basin, and a detailed description by the public water system, or the efforts being undertaken in the basin or basins to eliminate the long-term overdraft condition.
- A detailed description and analysis of the amount and location of groundwater pumped by the public water system. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.
- A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the public water system. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.
- An analysis of the sufficiency of the groundwater from the basin or basins from which the proposed project will be supplied to meet the projected water demand associated with the proposed project. A water supply assessment shall not be required to include the information required by this paragraph if the public water system determines that the sufficiency of groundwater necessary to meet the initial and projected water demand associated with the project was addressed in the Urban Water Management Plan.

The proposed project's Water Supply Assessment (Draft EIR Appendix H) evaluated water supplies (Section 3), water demands (Section 4), and adequacy of water supply (Section 5). Because the City's current source of water is groundwater, the water supply discussion in Section 3 addressed the aforementioned requirements concerning groundwater basin management and production. As such, the Water Supply Assessment adhered to the applicable requirements in California Water Code Section 10910.

Further, the Water Supply Assessment noted that the groundwater sub-basin is not currently nor projected to be in overdraft over the foreseeable planning horizon. Based on historical deliveries and projected supplies of groundwater, potable and non-potable supplies from the lower and upper aquifers are expected to be sufficient to service the project, as well as existing and planned future uses, over the 20-year horizon. It is important to note that the project site is currently in agricultural production, which means there are significant existing demands. When urban uses replace the agricultural uses, the per-acre demand factors will decrease significantly from current baseline conditions. While a portion of this reduction in demand must be offset by the loss of recharge to the upper aquifer, it nonetheless demonstrates that, on balance, the project is not expected to significantly and adversely affect regional water supplies.

Uncertainty of Water Supply Projections

As referenced by DPWD, the Water Supply Assessment and Draft EIR disclose that there are unknown factors and uncertainties regarding various aspects of water supply and demand projections. These disclosures were made in the interest of informed decision-making and reflect the fact that there is limited available information about certain aspects of the local groundwater basin. However, there is sufficient information to support the conclusions contained in the Water Supply Assessment and Draft EIR concerning the adequacy of local groundwater supplies to serve the proposed project and other projects. For example, the groundwater sub-basin has been described as relatively stable over the long term and not in overdraft. To date, there has been no evidence submitted suggesting that the overall assessment of aquifer health and water availability is inaccurate.

Consistency with General Plan Water Supply Assessment

Pages 4 and 5 of the proposed project's Water Supply Assessment describe the relationship between that document and the City's 2010 Urban Water Management Plan and the General Plan Water Supply Assessment. To summarize, the General Plan Water Supply Assessment's projections serve as the basis for demand and supply projections contained in the 2010 Urban Water Management Plan. The Water Supply Assessment acknowledges that the precise extent to which the proposed project's water demand was considered in the 2010 Urban Water Management Plan is unclear. Nonetheless, at least a significant portion of those water demands was included. Beginning in 2007, the City embarked on an extensive 3-year effort to update its General Plan. On November 30, 2010, the City adopted the 2010 General Plan Update, which identifies future expansion areas of the City, population estimates, land use designations, public services, and similar topics. According to the

General Plan, buildout of the new General Plan area will likely take 40-plus years, resulting in an estimated population of approximately 67,000 persons, and it will include 11,794 total acres. The Urban Water Management Plan used a gross acreage and land use-based approach that relied on general land use designations in the City’s 2010 General Plan Update, which included the area proposed to be developed for the proposed project. In turn, both the 2010 Urban Water Management Plan and General Plan Water Supply Assessment relied on the General Plan Update’s gross-demand factors in order to derive the projected demand numbers. Consequently, while not specifically identified as a probable future project within the General Plan Area, the proposed project area was nonetheless included within the gross-demand calculations of long-term water demand as part of the City’s 2010 General Plan Update process.

Furthermore, the City’s growth projections in the original UWMP and General Plan WSA have been found to be overly conservative, and did not take more realistic estimates of growth into consideration. Since that time, the City has updated its growth projections as part of its infrastructure master planning process. As such, the proposed project’s Water Supply Assessment includes some of the information from the 2010 Urban Water Management Plan (including General Plan Water Supply Assessment) and supplements it as necessary to ensure a more complete analysis of water availability. In summary, the proposed project’s Water Supply Assessment discloses up front that it uses demand projections that are different from the General Plan Water Supply Assessment.

As noted by PID, the General Plan Water Supply Assessment and the proposed project’s Water Supply Assessment use different numbers for the safe yield of the lower aquifer. The General Plan Water Supply Assessment uses 7,500 acre-feet, while the proposed project’s Water Supply Assessment uses 8,900 acre-feet. Both documents cite as their source a 2006 groundwater study prepared by Kenneth D. Schmidt and Associates—a Fresno-based hydrological consulting firm with extensive experience with San Joaquin Valley groundwater issues—which is provided in Appendix J. The Kenneth D. Schmidt and Associates study involved a six-day “leaky aquifer” test that found that the lower aquifer had a safe yield of 8,900 acre-feet; refer to page 4. For reasons that are unclear, the General Plan Water Supply Assessment identified a much lower number as the safe yield. Regardless, the 2010 Urban Water Management Plan used the 8,900 acre-foot figure, which was the water supply planning document that the proposed project’s Water Supply Assessment largely relied upon for its information.

In summary, the discrepancy between the lower aquifer safe yield cited in the General Plan Water Supply Assessment and the proposed project’s Water Supply Assessment does not materially affect any conclusions in the Draft EIR regarding water supply.

As for PID’s comment that the proposed project’s Water Supply Assessment did not reiterate Footnote A in Table 3-4 of the General Plan’s Water Supply Assessment, as previously discussed, the proposed project’s Water Supply Assessment relies largely on information in the 2010 Urban Water Management Plan (rather than the General Plan Water Supply Assessment). Again, the 2010 Urban

Water Management Plan was updated to reflect the most current information and estimates related to population growth, water demands, and available water supply. Thus, the qualifications contained in Footnote A were no longer necessary

Groundwater Use Projections

PID claimed that the proposed project's Water Supply Assessment fails to accurately quantify actual groundwater usage in the region and compare this use to estimates of local groundwater basin inflows. The agency claimed that if private well usage cited in the Water Supply Assessment, City well usage, and PID's average well usage were totaled, this number alone would suggest that currently groundwater production may already encroach upon estimates of sustainable groundwater capacity.

The Water Supply Assessment noted on page 43 that other private commercial groundwater producers may be pumping at least 1,300 acre-feet annually and rural residential private pumpers may be pumping as much as 400 acre-feet. Thus, a reasonable effort was made to estimate use by private users not served by the City of Patterson, PID, or DPWD.

In the interest of disclosure, PID provided average well usage figures to the City of Patterson following release of the Draft EIR on May 1, 2012. Thus, the City did not have the opportunity to include this information in the Water Supply Assessment or Draft EIR. Nonetheless, the City has reviewed the PID data and believes that it does not materially alter conclusions contained in the Water Supply Assessment or Draft EIR because they appear to be in line with the projections contained in the document.

Impacts on Upper Aquifer

The local groundwater basin, including upper aquifer, was described on Draft EIR pages 3.12-4 through 3.12-10 and Water Supply Assessment pages 10 through 27.

To summarize the key points, Kenneth D. Schmidt and Associates had previously studied the local groundwater basin. Kenneth D. Schmidt and Associates found that 3,500 acre-feet of water naturally flow into the upper aquifer on an annual basis, which is the basis for the estimate of sustainable yield from the upper aquifer; refer to Appendix J. As indicated on Draft EIR page 3.12-6, it is acknowledged that all 3,500 acre-feet may not be available for City use now or in the future. Thus, contrary to PID's assertion, there are no statements in the Draft EIR or Water Supply Assessment indicating that the City assumes that 100 percent of the 3,500 acre-feet would be available for non-potable use.

It should be noted, however, that all of the current agricultural use within the proposed project area comes from the upper aquifer, whereas future potable-water demands from the proposed project will come from the deeper aquifer. Although the proposed project would continue to use groundwater from the upper aquifer for non-potable use, this amount would be well below existing levels.

Moreover, the proposed project would promote local recharge efforts by providing onsite storm drainage basins that are intended to facilitate percolation into the upper aquifer. When these project characteristics are accounted for, demands on the upper aquifer are expected to decrease with the proposed project.

Draft EIR page 3.12-6 and Water Supply Assessment page 22 acknowledge that urbanization will limit groundwater recharge available to the upper aquifer. Both documents state: “However, without further studies, it is uncertain whether and to what extent urbanization will have an impact on available groundwater.” This statement reflects the inherent uncertainties in attempting to quantify recharge in the absence of information about specific land use proposals (water usage, impervious surface coverage, storm drainage facilities, etc.) and is consistent with CEQA Guidelines Section 15145, which establishes that “If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.” In this case, the City has disclosed all relevant information about the upper aquifer, but because the effects of urbanization on groundwater recharge are unknown at this time (in part because they have not yet occurred), both the Draft EIR and Water Supply Assessment appropriately do not engage in further discussion. Again, the proposed project is expected to decrease the area’s demands on the upper aquifer and to supplement its non-potable supplies from other sources.

On a cumulative basis, it is important to note that the upper aquifer is used exclusively for non-potable irrigation by the City of Patterson. Both the Draft EIR (pages 3.12-18 and 3.12-19) and Water Supply Assessment (pages 43 through 48) noted that the City is pursuing development of additional non-potable sources of water such as use of recycled water from the City’s Water Quality Control Facility that would serve to supplement groundwater from the upper aquifer. At General Plan buildout, the Water Quality Control Facility is estimated to produce 3,100 acre-feet of non-potable water. For comparison purposes, total non-potable citywide demand (including the proposed project) is projected to be 3,220 acre-feet at buildout. Furthermore, the City contemplates the use of artificial recharge (storm water and recycled water) to replenish the upper aquifer. As shown in Water Supply Assessment Table 6.1, average annual artificial groundwater recharge is estimated to be 461 acre-feet. Thus, both the Draft EIR and Water Supply Assessment identify feasible methods of offsetting demands on the upper aquifer and promoting recharge.

SECTION 3: RESPONSES TO WRITTEN COMMENTS

3.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author	Author Code
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State Agencies

California Department of Water Resources.....	DWR
Central Valley Regional Water Quality Control Board.....	RWQCB
Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit	OPR
California Department of Toxic Substances Control	DTSC

Local Agencies

West Stanislaus County Fire Protection District	FPD
Stanislaus Local Agency Formation Commission.....	LAFCO
Del Puerto Water District	DPWD
Patterson Irrigation District	PID
San Joaquin Valley Air Pollution Control District.....	SJVAPCD
Stanislaus County Environmental Review Committee	COUNTY

Individuals

John Anderson (on behalf of the Del Puerto Health Care District).....	ANDERSON
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3.2 - Responses to Comments

3.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Patterson, as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2011082016) for the West Patterson Business Park Expansion Project, and has prepared the following responses to the comments received. This Responses to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

3.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



May 29, 2012

Mr. Joel Andrews, City Planner
City of Patterson
1 Plaza, Post Office Box 667
Patterson, California 95363

Draft Environmental Impact Report, West Patterson Business Park Expansion Project,
City of Patterson, California Aqueduct, Approximate
Milepost 38.2, Delta Field Division, Stanislaus County, SCH2011082016

Dear Mr. Andrews:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the West Patterson Business Park Expansion Project in the City of Patterson. The notice illustrates the proposal by the City of Patterson to add approximately 1,120 acres of Light Industrial and General Commercial to the existing business park off Sperry Avenue.

1

As previous stated in Department of Water Resources' (DWR) review for the Notice of Preparation, dated September 9, 2011, any development in the vicinity of the California Aqueduct or the Delta-Mendota Canal should accommodate existing and future surface-runoff patterns both upslope and downslope of both facilities. Additionally, any proposed modifications of existing DWR bridges to accommodate future traffic levels would have to be approved by DWR and funded by the Developer. DWR may require transfer of ownership for those bridges to the developer, or their successors.

2

As previously stated, any development that affects DWR right of way will require an Encroachment Permit from DWR prior to the start of construction. Information on obtaining an encroachment permit from DWR can be viewed at:

3

[http://www.water.ca.gov/engineering/Services/Real Estate/Encroach Rel/](http://www.water.ca.gov/engineering/Services/Real_Estate/Encroach_Rel/)

Please provide DWR with a copy of any subsequent environmental documentation or preliminary development plans when it becomes available for public review. Any future correspondence relating to this project should be sent to:

4

Leroy Ellinghouse, Chief
SWP Encroachments Section
Division of Operations and Maintenance
Department of Water Resources
1416 Ninth Street, Room 641-1
Sacramento, California 95814

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If you have any questions please contact Leroy Ellinghouse, Chief of DWR's State Water Project Encroachments Section, at (916) 659-7168 or Mike Anderson at (916) 653-6664.

5

Sincerely,



David M. Samson, Chief
State Water Project Operations Support Office
Division of Operations and Maintenance

cc: State Clearinghouse
Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814

State Agencies

California Department of Water Resources (DWR)

Response to DWR-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to DWR-2

The agency reiterated its comments from its September 9, 2011 Notice of Preparation (NOP) comment letter regarding the California Aqueduct and Delta-Mendota Canal. The agency stated that any development in the vicinity of the two waterways should accommodate existing and future surface-runoff patterns, and any modification of bridges must be approved by DWR and funded by the developer. The agency noted that it may require that ownership of bridges be transferred to the developer.

DWR's NOP comments were addressed on page 3.8-25 of the Draft EIR. In response to DWR's comments about drainage and bridges, the Draft EIR sets forth Mitigation Measure HYD-6a, which requires the project applicant to obtain an encroachment permit from the agency prior to construction activities. As part of the terms of the encroachment permit, the project applicant must adhere to DWR's Division of Operations and Maintenance Encroachment Permit Guidelines and implement all applicable conditions of approval, including those that pertain to water pollution prevention measures, and avoidance of runoff discharge into the California Aqueduct.

Finally, regarding ownership of bridges, although this issue is outside of the CEQA process, it would be expected that this would be determined as part of the encroachment permit process.

Response to DWR-3

The agency stated that any development that affects DWR right-of-way will require issuance of an Encroachment Permit from the agency and identified where such information can be found.

Refer to Response to DWR-2.

Response to DWR-4

The agency requested that it be provided with a copy of any subsequent environmental documentation or preliminary developments plans when they become available for public review.

The Draft EIR provided copies of preliminary development plans for the proposed project; refer to Exhibits 2-5, 2-9 (a-c), 2-10 (a-b), 2-11 (a-b), 2-12 (a-c), and 2-15.

DWR received a copy of the Final EIR a minimum of 10 days prior to the public hearing before the Patterson City Council in accordance with CEQA Guidelines Section 15088(b).

Response to DWR-5

The agency provided concluding remarks to close the letter. No response is necessary.



Central Valley Regional Water Quality Control Board

21 May 2012

Joel Andrews
City of Patterson
1 Plaza, P.O. Box 667
Patterson, CA 95363

CERTIFIED MAIL
7011 2970 0003 8939 9992

COMMENTS TO THE DRAFT ENVIRONMENTAL IMPACT REPORT, WEST PATTERSON BUSINESS PARK EXPANSION PROJECT, SCH NO. 2011082016, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 1 May 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Environmental Impact Report* for the West Patterson Business Park Expansion Project, located in Stanislaus County.

1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

2

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

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Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

3

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

4

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

5

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

6

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

West Patterson Business Park
Expansion Project
Stanislaus County

- 3 -

21 May 2012

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

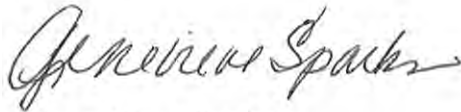
7

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4745 or gsparks@waterboards.ca.gov.

8



Genevieve (Gen) Sparks
Environmental Scientist
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

Central Valley Regional Water Quality Control Board (RWQCB)

Response to RWQCB-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to RWQCB-2

The agency provided standard language about compliance with construction stormwater general permit requirements.

Mitigation Measure HYD-1 requires the project applicant to prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the Central Valley Regional Water Quality Control Board for review and approval prior to issuance of grading permits. The purpose of the SWPPP is to achieve compliance with the General Permit for Storm Water Discharges Associated with Construction Activity.

Response to RWQCB-3

The agency provided standard language about compliance with Phase I and II Municipal Separate Storm Sewer System (MS4) Permits.

As a jurisdiction with fewer than 100,000 residents, the City of Patterson is subject to Phase II MS4 standards. Mitigation Measure HYD-2 requires the project applicant to prepare and submit a stormwater quality management plan to the City of Patterson for review and approval prior to issuance of building permits. The City of Patterson has established standards for new storm drainage systems that are intended to facilitate compliance with Phase II MS4 standards.

Response to RWQCB-4

The agency provided standard language about compliance with industrial stormwater general permit requirements.

Types of facilities subject to industrial stormwater general permit requirements include manufacturing, oil/gas production, hazardous waste treatment/storage, landfills, scrap/salvage yards, and vehicle maintenance facilities. The proposed Master Development Plan generally does not permit these types of land use activities; therefore, the proposed project's end uses would not be expected to be subject to industrial stormwater general permit requirements.

Nonetheless, should an end user engage in activities subject to industrial stormwater general permit requirements, it would be required to obtain approval of a permit prior to commencement of operations.

Response to RWQCB-5

The agency provided standard language about compliance with Clean Water Act Section 404 Permit requirements.

The Draft EIR acknowledged that the proposed roadway crossing of Del Puerto Creek may impact waters of the United States and, therefore, may require issuance of a Section 404 permit on page 3.4-22. Mitigation Measure BIO-2 requires the project applicant to prepare and submit a Jurisdictional Delineation to the relevant resource agencies (including the United States Army Corps of Engineers and the Central Valley Regional Water Quality Control Board) and, if necessary, obtain the relevant regulatory approvals, which may include an individual or nationwide 404 permit.

Response to RWQCB-6

The agency provided standard language about compliance with Clean Water Act Section 4-1 Permit – Water Quality Certification requirements.

The Draft EIR acknowledged that the proposed roadway crossing of Del Puerto Creek may impact waters of the United States and, therefore, may require issuance of a Section 401 water quality certification on page 3.4-22. Mitigation Measure BIO-2 requires the project applicant to prepare and submit a Jurisdictional Delineation to the relevant resource agencies (including the United States Army Corps of Engineers and the Central Valley Regional Water Quality Control Board) and, if necessary, obtain the relevant regulatory approvals, which may include a Section 401 water quality certification.

Response to RWQCB-7

The agency stated that if the United States Army Corps of Engineers determines that only non-jurisdictional waters of the State (i.e., non-federal waters of the State) are present within the project site, the proposed project will require a Waste Discharge Permit.

Mitigation Measure BIO-2 requires the project applicant to prepare and submit a Jurisdictional Delineation to the relevant resource agencies (including the United States Army Corps of Engineers and the Central Valley Regional Water Quality Control Board) and, if necessary, obtain the relevant regulatory approvals, which may include a Waste Discharge Permit.

Response to RWQCB-8

The agency provided concluding remarks to close the letter. No response is necessary.



EDMUND G. BROWN JR.
GOVERNOR June 18, 2012

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Joel Andrews
City of Patterson
1 Plaza
PO Box 667
Patterson, CA 95363

Subject: West Patterson Business Park Expansion Project
SCH#: 2011082016

Dear Joel Andrews:

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 June 14, 2012, 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."

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

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6/18/12 AM

Document Details Report
State Clearinghouse Data Base

SCH# 2011082016
Project Title West Patterson Business Park Expansion Project
Lead Agency Patterson, City of

Type EIR Draft EIR

Description The proposed project consists of the development of approximately 13.47 million square feet of light industrial, business park, and retail/restaurant uses and associated infrastructure on approximately 880 net acres of the project site. The proposed project would represent the westerly expansion of the existing fully entitled and partially developed West Patterson Business Park. The proposed project consists of two components: Arambel Business Park (12.18 million square feet) and the KDN Retail Center (1.29 million square feet).

Lead Agency Contact

Name Joel Andrews
Agency City of Patterson
Phone 209 895 8024
email
Address 1 Plaza
PO Box 667
City Patterson
State CA **Zip** 95363
Fax

Project Location

County Stanislaus
City Patterson
Region
Lat / Long 37° 29' 00" N / 121° 11' 00" W
Cross Streets Rogers Road / Keystone Pacific Parkway
Parcel No. 021-025-028
Township 5S **Range** 7E **Section** 9 **Base** MDB&M

Proximity to:

Highways Hwy 5,33
Airports Patterson
Railways California Northern
Waterways Del Puerto Creek; California Aqueduct; DMC
Schools Patterson Unified
Land Use Agricultural land uses / "Light Industrial" and "General Commercial" (City of Patterson General Plan)

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

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 10; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 05/01/2012 **Start of Review** 05/01/2012 **End of Review** 06/14/2012

Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit (OPR)

Response to OPR-1

The comment letter is the standard form letter issued by the Office of Planning and Research, State Clearinghouse and Planning Unit confirming that the Draft EIR was distributed to various state agencies, and that the City of Patterson has complied with review requirements for draft environmental review documents pursuant to CEQA. The letter referenced a comment letter submitted to the State Clearinghouse by the Central Valley Regional Water Quality Control Board, which has been previously addressed in this document. No further response is necessary.

Response to OPR-2

This comment consists of the “Document Details Report” provided in the State Clearinghouse database. No response is necessary.

-----Original Message-----

From: Tim Miles [mailto:tmiles@dtsc.ca.gov]

Sent: Thursday, June 14, 2012 8:21 AM

To: Andrews, Joel

Subject: West Patterson Business Park Expansion (SCH#2011082016)

DTSC
PAGE 1 OF 1

Hi Joel,

I was reviewing the CEQA document described above and had one comment regarding the project. With regard to investigating potential contamination from historical pesticide usage at the site, the discussion on page 3.7-13 under the Agricultural Chemicals section describes "Mitigation Measure HAZ-1b requiring Phase II soil testing to determine what levels of residual agricultural chemicals may be present and whether they are within "acceptable limits for commercial development." The mitigation measure requires "remediation activities" if they are found above the acceptable limits "prior to grading to ensure that human health and the environment are not exposed to harmful concentrations of agricultural chemicals."

The document does not explain what these acceptable limits may be. The Department of Toxic Substances Control considers cleanups to protect human health and the environment to be to a level that allows for an "unrestricted land use." If remediation is required, and the site is remediated to a level appropriate for commercial use but not an unrestricted use, then land use restrictions should be placed upon the property prohibiting activities such as residential use, use as a hospital or school, and other sensitive uses.

Please let me know if you have any questions.

Thanks,

Tim

Tim Miles

Hazardous Substances Scientist

Brownfields and Environmental Restoration Program Department of Toxic Substances Control

8800 Cal Center Drive

Sacramento, CA 95826

Phone: (916) 255-3710

1

2

California Department of Toxic Substances Control (DTSC)

Response to DTSC-1

The agency referenced Mitigation Measure HAZ-1b, which requires Phase II soil testing for the presence of residual agricultural chemicals and, if necessary, implementation of remediation measures if testing yields concentrations in excess of acceptable limits for commercial development. The agency stated that Mitigation Measure HAZ-1b does not explain what these acceptable limits may be. The agency stated that it considers cleanups to protect human health and environment to be a level that allows for an “unrestricted land use.” The agency noted that if the site is remediated to a level appropriate for a commercial use but not an unrestricted use, then land use restrictions should be placed upon the property prohibiting activities such as residential, hospital, school, or other sensitive uses.

Mitigation Measure HAZ-1b uses the term “acceptable limits for commercial development” in recognition that such standards may vary by end use. Generally, the types of end uses contemplated by the proposed project—business park, general commercial, and light industrial—would not be considered “sensitive uses”; thus, any necessary remediation activities would not need to achieve “unrestricted use” standards.¹ Under these circumstances, the City of Patterson would be expected to condition the end uses in a manner that would preclude the introduction of sensitive land uses without further discretionary review.

Should a sensitive use such as a hospital or medical facility be proposed, Mitigation Measure HAZ-1b provides appropriate discretion to the City of Patterson to require that any necessary remediation activities achieve “unrestricted use” standards.

In summary, Mitigation Measure HAZ-1b provides the City of Patterson with the discretion to determine the appropriate level of remediation based on the contemplated end uses in accordance with DTSC guidance.

Response to DTSC-2

The agency provided closing remarks to conclude the letter. No response is necessary.

¹ Note that residential uses are not permitted by the Master Development Plan.



WEST STANISLAUS COUNTY FIRE PROTECTION DISTRICT

P.O. Box 565, Patterson, CA 95363
(209) 895-8130 fax (209) 895-8139
email: firedepartment@ci.patterson.ca.us
www.weststanfire.org

Steven M. Hall
Fire Chief

To: Denise M. Melo, Planning Technician II
City of Patterson

From: Richard G. Gaiser, Special Projects Coordinator
West Stanislaus County Fire Protection District

A handwritten signature in blue ink, appearing to read "Richard G. Gaiser".

Date: May 30, 2012

Re: Draft Environmental Impact Report, Dated May 1, 2012, West Patterson Business Park Expansion, Impacts to the West Stanislaus County Fire Protection District

As most local people in the Patterson area know, the entire City of Patterson (City) area immediately adjacent to the present City of Patterson City Limits are surrounded by the West Stanislaus County Fire Protection District (District). Also, most are aware that the City and District have been "functionally consolidated" with regard to fire protection services since the District was first formed (circa 1935). Over the past 77 years, the financial status of both fire protection agencies have been modified in various years by many factors, such as the present economy of Stanislaus County, the laws placed upon cities and fire districts by the State of California, by mandates from the State and Federal Government, and by decisions from our courts.

The costs of providing fire and emergency response in local government are continuing to increase at a rapid rate, causing fire protection agencies to constantly be innovative as to how to continue to provide an acceptable level of service at an acceptable price tag. Governmental initiated studies on local fire protection services dating back to the 1980's have always pointed to the Patterson-West Stanislaus relationship as the most cost effective model of fire/rescue response in Stanislaus County.

However, the proposed West Patterson Business Park Expansion Project is an excellent example of proposed growth project which could cost both entities an extremely large amount of money if not approached on a rational basis. For one, it would cost the City of Patterson a tremendous amount of capital to place a fire protection facility with equipment to serve this proposed development not to mention the most expensive portion of fire protection, manpower. And, if not carefully mitigated, this annexation to the City could cost the District a good deal of lost revenue, yet force the District to provide fire and rescue protection to an endless stream of vehicles going to and from the proposed area.

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Consequently, the District would like to offer a couple of options on how to provide an affordable level of fire protection to this proposed expansion project at a cost that will not impact the existing population of either the City or the District.

1
CONT

Option I (preferred option). Annex the proposed area to the City but do not withdraw the area from the District. By handling this project in this way, the District would not lose revenue from loss of property tax dollars, would still be able to collect its standard development fees and fire suppression assessment fees. The City would likewise be able to collect development fees for non-fire protection service, still collect sales and other types of taxes and would not have to solely provide fire and rescue services. Consequently, there could be an actual increase in the level of fire protection, triggering an improvement in the Insurance Services Office (ISO) rating of the area, ultimately providing a major insurance savings to the improvements on the property, something which is extremely valuable in difficult financial times.

Option II. Annex the proposed area to the City and withdraw it from the District. However, the City would need to insure that existing annual fees generated from the project area from property taxes and fire assessment fees be continued to be paid to the District in perpetuity as losses in annual revenue could jeopardize the financial stability of the District forever. Additionally, the project according to the Draft EIR, will have significant impacts on the number of vehicle trips to and from the area which is in the District. To adequately mitigate this impact, a per trip fee will have to be paid to the District on an annual basis, calculated and adjusted annually, with an inflation factor, based about two to five cents per vehicle trip.

2

Obviously, Option II is much more complicated than Option I and would not encourage automatic aid from the District to protect structures in the City Limits. Also, other options may come to light as discussion ensues on the subject, however from the simplicity stand point and encouragement of a good working relationship, Option I should easily be preferred by both agencies involved.

Local Agencies

West Stanislaus County Fire Protection District (FPD)

Response to FPD-1

The agency provided background about the history of the West Stanislaus County Fire Protection District and general commentary on the most efficient and cost-effective delivery of fire protection services.

Refer to Response to FPD-2 for responses to the agency's specific comments regarding the proposed project.

Response to FPD-2

The agency outlined two potential options for fire protection services for the proposed project:

- Option I (the preferred option) consists of keeping the project site within the West Stanislaus County Fire Protection District after annexation into the City of Patterson, which would allow the agency to receive the benefits of fire development fees and annual fees for property taxes and fire assessments. The agency stated that this would increase the level of fire protection fees and trigger an improvement in Issuance Services Office (ISO) rating for the area, resulting in major insurance savings for property owners.
- Option II consists of withdrawing the project site from the West Stanislaus County Fire Protection District after annexation into the City of Patterson, which would result in the agency not receiving any fiscal benefits from the proposed project. The agency noted that the proposed project would still generate a significant number of vehicle trips within its service area and stated that a per-trip fee will have to be paid to the West Stanislaus County Fire Protection District on an annual basis (adjusted annually for inflation) that would be between 2 and 5 cents per vehicle trip.

To clarify, CEQA Guidelines Appendix G establishes that impacts on public services should be evaluated in the context of whether there is a need for new or expanded public facilities that have the potential to result in physical impacts on the environment. Accordingly, the discussion of impacts on fire protection on pages 3.12-31 through 3.12-33 was appropriately limited to the need for a new fire station in the project vicinity and the provision of adequate emergency access to the portion of the project site that would be located between the California Aqueduct and Interstate 5 (I-5).

Regarding the two options presented by the agency, the Draft EIR noted on page 3.12-31 that the project could be served by either the West Stanislaus County Fire Protection District or the Patterson Fire Department, and such a determination would be made prior to the filing of the annexation application with the Stanislaus Local Agency Formation Commission (LAFCO). However, because the determination of the fire protection provider does not have physical impacts on the environment, the Draft EIR appropriately did not discuss or identify which option was more desirable. Ultimately, this is a policy decision at the discretion of the Patterson City Council.



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MODESTO, CA 95354

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www.stanislauslafco.org

June 13, 2012

Joel Andrews, City Planner
City of Patterson
PO Box 667
Patterson, CA 95363

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT – WEST PATTERSON BUSINESS PARK EXPANSION PROJECT

Dear Mr. Andrews:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the proposed West Patterson Business Park Expansion project. As Lead Agency, the City of Patterson is responsible for considering the effects, both individual and collective, of all the activities involved in the project (Public Resources Code §21002.1). LAFCO, as a responsible agency will utilize the CEQA documents prepared by the City in reviewing the subject proposal.

1

Much of the information provided in the CEQA documentation can also be utilized to meet other LAFCO application requirements, including preparation of a Municipal Service Review (for the proposed Sphere of Influence Expansion) and a Plan for Services (for the proposed annexation). These LAFCO requirements were also outlined in our previous response letter regarding the project's Notice of Preparation dated August 22, 2011 (attached).

2

At this time, the following additional comments are provided for the City's consideration:

1. The project description also discusses various approvals that would be required for the proposal, including a Sphere of Influence expansion. As a minor clarification, LAFCO has sole responsibility for establishing and modifying a city's Sphere of Influence.
2. Table 3.9-4 (starting on page 3.9-75) analyzes the proposal relative to Government Code §56668 (factors for the Commission's consideration). LAFCO reviews proposals in light of the entirety of the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (Government Code Section §56000 et seq) as well as the Commission's adopted policies and procedures. The Commission will also consider and make determinations regarding factors for the proposed Sphere of Influence modification (§56425) and Municipal Service Review (§56430). Consistency with these policies will ultimately be determined by the Commission.
3. Logical Boundaries - Although contiguous to the existing City limits, the 1,119-acre proposal extends outwardly in a northwesterly direction, which, if approved, would create a large unincorporated area to the east surrounded on three sides by the City limits. Commission policy encourages creation of logical boundaries and proposals which do not create islands, corridors, or other distortion of existing boundaries (Commission

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Policy 20). Annexation proposals shall show that a planned, orderly, and compact urban development pattern will result.

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CONT

4. Fire Services – Page 3.12-31 of the Draft EIR states that following annexation, the project area may be served by either the Patterson Fire Department or the West Stanislaus Fire Protection District. Commission policies recognize that city spheres take precedence over those of rural fire districts. These instances are referred to “diminishing spheres”—as areas are annexed into cities, they are detached from the rural fire district to avoid duplication of services within the city’s incorporated boundary.

Therefore, with regards to the West Stanislaus Fire Protection District, LAFCO will require the loss of tax revenue and any detrimental effect to the District be addressed prior to application for annexation. Pursuant to 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. The identification of the amount of property tax loss to the District and their anticipated service cost savings would be helpful in assessing the effects of the annexation and detachment.

6

5. Sewer Services - The Public Services and Utilities portion of the Draft EIR (page 3.12-37) indicates that following a planned expansion of the City’s wastewater treatment plant, the plant would only be able to treat 56 percent of the proposed project’s effluent, taking into account other existing development and approved projects. It also states that the applicant may install an on-site package plant as an alternative to serve one or more of the project’s phases. Under Cumulative Effects (pages 4-14, 4-15), the document states that “adequate capacity is available at the City’s Water Quality Control Facility to accommodate the project.” This seems to contradict prior statements regarding capacity constraints. Clarification regarding the plant’s capacity to serve areas within the existing City limits and Sphere of Influence will be requested, as this information will be needed for the preparation of the City’s Municipal Service Review. Does the City have plans to further expand its treatment plant?

7

6. Sphere of Influence Policies – Stanislaus LAFCO’s policy describes a Sphere of Influence as “the area around a local agency within which territory is eligible for annexation and the extension of urban services within a twenty year period.” A Primary Area of Influence must also be identified, representing the City’s short-term growth area. Lands within the Primary Area are eligible for annexation and extension of urban services within a zero to ten year period. Territory between an adopted Primary Area and Sphere of Influence is considered a transition area, anticipated to need services within ten to twenty years. Additionally, LAFCO’s sphere policies state that 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.

8

The project description states that the proposed project is expected to build out in phases over a 20 to 30 year timeframe. The Draft EIR also identifies reduced-size

Referral Response to Patterson (West Patterson Business Park Expansion EIR)
June 13, 2012
Page 3

alternatives which may better coincide with the intent of the Commission's Primary Area timeframe (zero to ten years).

8
CONT

7. Development of Vacant or Underutilized Land – State law and Commission policy encourage development of vacant or underutilized land within an agency's boundaries prior to further annexation and development. Annexations must demonstrate that urban development is imminent for all or a substantial portion of the proposal area. One way to demonstrate the need for additional lands is through a vacant land inventory and absorption study. The Draft EIR identifies other existing projects within the City's limits, some of which are partially developed or not yet constructed. LAFCO policy also states that sphere amendments will not be approved if there is sufficient alternative land available for annexation within the existing SOI. Are there additional vacant acreages available within the existing City limits or Sphere of Influence with similar land use designations (e.g. land south of Sperry Avenue)?

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8. Agricultural Lands – It is noted that the Draft EIR proposes agricultural mitigation at no less than a 1:1 ratio for the 1,108.69 acres of Important Farmland impacted by the proposal. LAFCO is currently considering adoption of agricultural preservation policies that request cities to demonstrate agricultural preservation techniques through strategies such as 1:1 mitigation for proposals that significantly impact agricultural resources. The City is encouraged to retain this proposed mitigation measure through the adoption of the Final EIR and project entitlements.

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If you have any questions regarding the above comments, please contact our office at your earliest convenience.

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Sincerely,



Marjorie Blom
Executive Officer

Attachment: LAFCO response letter dated August 22, 2011

1010 TENTH STREET, 3RD FLOOR
MODESTO, CA 95354



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FAX: (209) 525-7643
www.stanislauslafco.org

August 22, 2011

Joel Andrews, City Planner
City of Patterson Community Development Department
PO Box 667
Patterson, CA 95363

SUBJECT: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE WEST PATTERSON BUSINESS PARK EXPANSION PROJECT

Dear Mr. Andrews:

Thank you for the opportunity to review the Notice of Preparation (NOP) for the City's preparation of a draft Environmental Impact Report (EIR) for the proposed West Patterson Business Park Expansion project. As Lead Agency, the City of Patterson is responsible for considering the effects, both individual and collective, of all activities involved in the project (Public Resources Code §21102.1). LAFCO, as a Responsible Agency, will utilize the CEQA documents prepared by the City in reviewing the subject proposal.

12

The following comments are provided for the City's consideration:

1. The NOP lists the required approvals needed for the proposed project. Please note the following:
 - As required by Government Code §56375, the subject area must be rezoned *prior* to submittal of an annexation application to LAFCO.
 - As the entire proposed annexation area is outside of the City's current Sphere of Influence, the project will also necessitate a Sphere of Influence (SOI) amendment. Due to the size of this amendment, the City will also need to prepare an updated Municipal Service Review (MSR) prior to or concurrent with the SOI amendment (per Government Code §56425 and 56430).
 - At the time of application to LAFCO, a "Sphere of Influence Supplemental Application" will need to be submitted along with the general application form. (Both forms are available on the LAFCO website: www.stanislauslafco.org)
2. City-County Meeting and Agreement – 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 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 and the

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Commission shall consider a sphere of influence for the City consistent with the policies adopted by the Commission.

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CONT

3. Sphere of Influence Policies – The NOP states that the proposed project is expected to build out in phases over a 20 to 30 year timeframe. Stanislaus LAFCO's policy describes a Sphere of Influence as "the area around a local agency within which territory is eligible for annexation and the extension of urban services within a twenty year period." A Primary Area of Influence, must also be identified, representing the City's short-term growth area. Lands within the Primary Area are eligible for annexation and extension of urban services within a zero to ten year period. Territory between an adopted Primary Area and Sphere of Influence is considered a transition area, anticipated to need services within ten to twenty years.

15

Additionally, LAFCO's sphere policies state that territory not in need of urban services, including open space, agriculture, non-protected, or protected 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 also states that sphere amendments will not be approved if there is sufficient alternative land available for annexation within the existing SOI.

4. Agricultural Resources – One of LAFCO's main charges, as put forth by the Legislature, is to protect and promote agriculture. The majority of the acreage in the proposal area is also considered prime farmland. The City is strongly encouraged to incorporate mitigation measures to offset or reduce the impacts related to the conversion of agricultural lands. For example, mitigation measures which encourage the use of agricultural conservation easements or other mechanisms for the direct loss of agricultural land should be considered in order to lessen the impact of the loss of important farmland.

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5. Williamson Act Lands - The Notice of Preparation indicates that there are 22 active Williamson Act contracted lands within the proposed project area. The Williamson Act is considered a mechanism to preserve agricultural land both in the short and long term. The EIR should discuss the location of these parcels as they relate to possible phasing, general plan policies, development, and financing scenarios which would preserve the agricultural viability of this land as long as possible.

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As none of the Williamson Act contracts in the proposed area have been protested, the Commission may determine that the City must succeed to all the rights, duties, and powers of the County under those contracts which remain active upon annexation. Pursuant to Government Code §56889, should the City be required to succeed to the remaining contracts, the Commission shall impose a condition that requires the city to adopt the rules and procedures required by the Williamson Act, including but not limited to the rules and procedures required by Government Code §§51231, 51237, and 51237.5.

6. Logical Boundaries - Although contiguous to the existing City limits, the 1,119-acre proposal extends outwardly in a northwesterly direction, creating a large U-shape area of unincorporated territory. Commission policy encourages creation of logical boundaries and proposals which do not create islands, corridors, or other distortion of existing boundaries. Annexation proposals shall show that a planned, orderly, and compact urban development pattern will result.

18

7. Vacant Land Inventory and Absorption Study - Pursuant to the Cortese-Knox-Hertzberg Act, LAFCO has the authority, outside of the CEQA process, to request additional information regarding a project under their authority. Consistent with Commission Policy and Government Code §§56377 and 56668;

- ✓ In order to encourage orderly growth of urban areas and promote infill development, the Commission will 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.

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8. Impacts on Special Districts – The proposed territory is located within the Del Puerto Water District and the West Stanislaus Fire Protection District. These Districts have diminishing spheres of influence and therefore the proposed territory would detach from the Districts upon annexation to the City of Patterson. Therefore, as Lead Agency, the project description and environmental analysis must include a discussion of the impacts of the detachments from these Districts.

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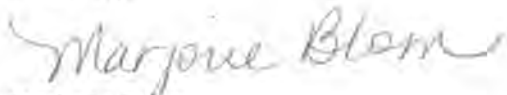
9. Public Services and Facilities – Pursuant to LAFCO policies, the proposal must show that the City has the necessary public services available to serve the development upon annexation. This analysis must include detailed evidence of current service levels, sufficient sewer capacity, sufficient quantities and quality of water, financing mechanisms, as well as the means to provide adequate levels of fire and police protection. This information can also be used to prepare a "Plan for Services", as required by LAFCO Policy and State law (Government Code Section 56653). The Plan for Services shall include information on the present and future level of services and evidence that the annexing agency can at least maintain the current level of public services already provided within its boundaries.

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Please include LAFCO in any future referrals involving this project. If you have any questions, please contact our office at (209) 525-7660.

22

Sincerely,



Marjorie Blom
Executive Officer

Stanislaus Local Agency Formation Commission (LAFCO)

Response to LAFCO-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to LAFCO-2

The agency stated that much of the information contained in the CEQA documentation can also be utilized to meet other LAFCO application requirements, including a Municipal Service Review and a Plan for Services. No response is necessary.

Response to LAFCO-3

The agency noted that the Project Description discusses various approvals required for the project and clarified that LAFCO has sole responsibility for establishing and modifying a city's Sphere of Influence.

As described on Draft EIR page 2-67, before a Sphere of Influence Expansion Request is submitted to LAFCO, the City of Patterson must approve a General Plan Amendment to expand its "Sphere of Influence" to encompass the project site. Should the Patterson City Council approve the General Plan Amendment, the Sphere of Influence expansion request would then be referred to LAFCO for consideration and approval. Thus, the Draft EIR appropriately and accurately characterized the roles and responsibilities of the City of Patterson and LAFCO as they relate to the Sphere of Influence expansion.

Response to LAFCO-4

The agency noted that Draft EIR Table 3.9-4 evaluated the proposed annexation in relation to Government Code Section 56668 and stated that LAFCO evaluates proposals in light of the entirety of the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 and LAFCO's adopted policies and procedures. The agency noted that it will consider and make determinations regarding the project and Municipal Service Review that are based on its own review of project consistency with these laws and policies.

The City of Patterson acknowledges that LAFCO is an independent agency and has the ability to make its own determinations regarding project consistency with the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 and LAFCO's adopted policies and procedures. The purpose of Table 3.9-4 was simply to present the City's position on project consistency with the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000.

Response to LAFCO-5

The agency stated that although the project site is contiguous to the existing Patterson city limits, the project boundaries extend outwardly in a northwestern direction, which, if approved, would create a large, unincorporated area to the east surrounded on three sides by the city limits. The agency noted that its own policies encourage the creation of logical boundaries and avoidance of proposals that create islands, corridors, or other distortion of existing boundaries. The agency stated that proposals shall show that a planned, orderly, and compact urban development pattern will result.

Exhibit 3-1 depicts the project boundaries in relation to the existing Patterson city limits. As described in Draft EIR Table 3.9-4, the project boundaries (and associated annexation area) follow logical and easily recognizable features that include I-5, Zacharias Road, and Rogers Road. The southern third of the project site adjoins the existing Patterson city limits and urban development associated with the West Patterson Business Park and Villa del Lago highway commercial center.

The area characterized by LAFCO as being “a large unincorporated area to the east surrounded on three sides by the City limits” measures approximately 1.80 miles (width) by 0.85 mile (length) for a total of 1.53 square miles in area. This area currently contains agricultural land use activities and is contemplated for future residential development by the City of Patterson General Plan. Given the current state of the housing market, it is doubtful that residential development will be pursued in this area in the near term. Thus, it is logical and reasonable to keep this area in unincorporated Stanislaus County for the time being, as this is the most appropriate jurisdiction for agricultural land use activities and avoids obligating the City to Patterson to provide municipal services to this area.

Response to LAFCO-6

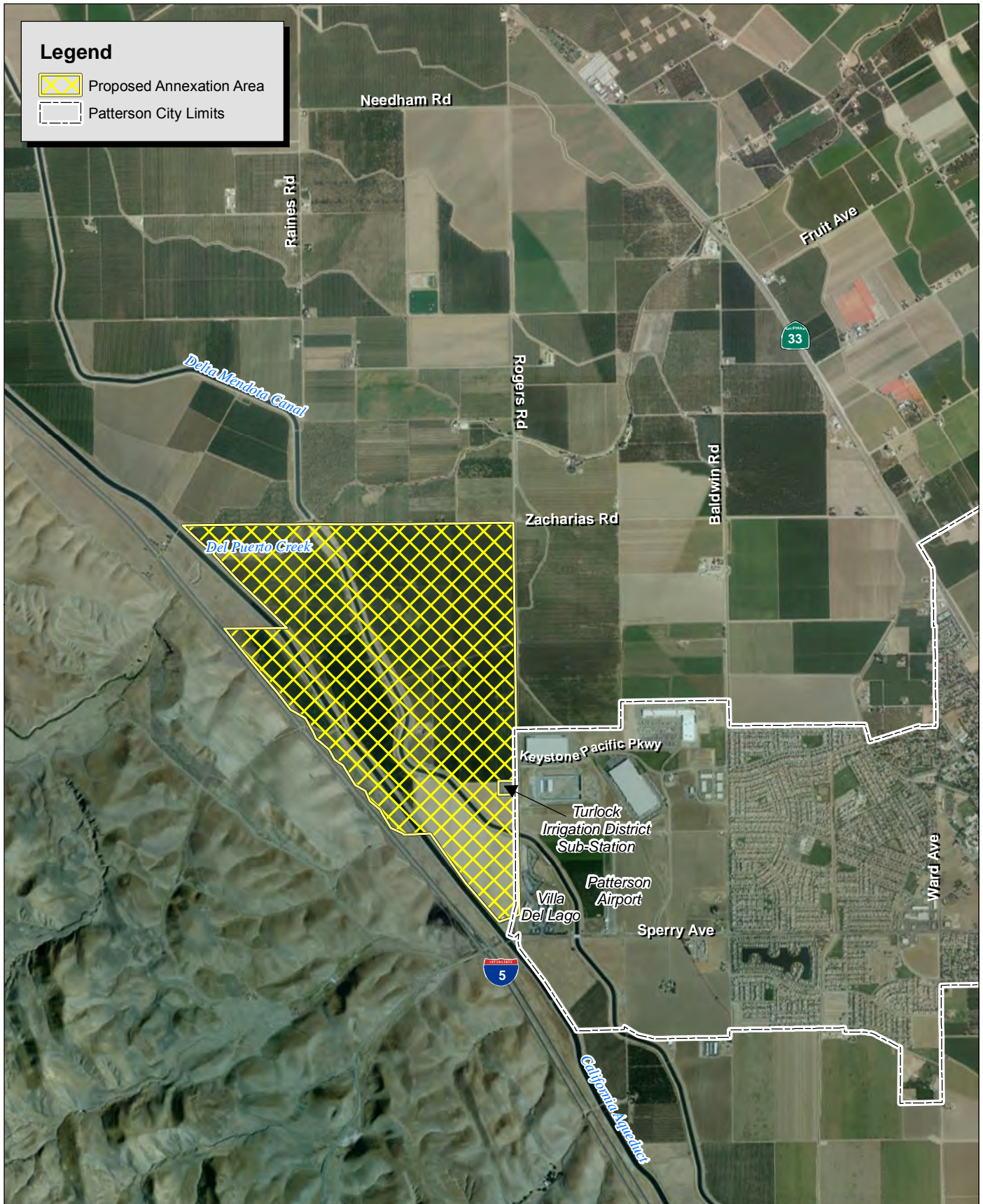
The agency noted a statement on page 3.12-31 indicating that the proposed project may be served by either the Patterson Fire Department or West Stanislaus Fire Protection District and stated that LAFCO policies recognize that the City’s spheres take precedence over those of rural fire districts. The agency stated that LAFCO will require the loss of tax revenue and any detrimental effects associated with detachment from the West Stanislaus Fire Protection District to be addressed prior to application for annexation. The agency noted that LAFCO policy requires denial of any proposals that result in significant immitigable adverse effects upon other service recipients or other agencies serving the affected area. The agency noted that it would be helpful to identify the amount of property tax loss that would occur to the West Stanislaus Fire Protection District as a result of detachment.

Generally, the issue of fiscal impacts on public service providers is outside of the scope of the Draft EIR and is most appropriately addressed as part of the review of the annexation application by LAFCO. Refer to Response to FPD-2 for further discussion.

Response to LAFCO-7

The agency noted the discussion of sewer services on page 3.12-37, which indicates that the City’s Water Quality Control Facility may only have capacity to treat 56 percent of the proposed project’s effluent, and stated that statement appeared to be inconsistent with the discussion of cumulative sewer impacts on pages 4-14 and 4-15, which indicates that adequate City treatment capacity is available to serve the proposed project. The agency requested that these statements be clarified, as sewer capacity will be an issue addressed in the Municipal Services Review. The agency inquired if the City has plans to further expand its treatment plant.

The discussion of cumulative wastewater impacts on pages 4-14 and 4-15 has been revised for consistency with the discussion on page 3.12-37. The change is noted in Section 4, Errata.



Source: ESRI Aerial Imagery



Exhibit 3-1 Proposed Annexation Area

The Central Valley RWQCB in 2007 authorized an expansion of the City’s Water Quality Control Facility to 3.5 mgd by Order R5-2007-0147. The City has planned that this expansion, commonly referred to as the Phase III Expansion, would increase total Water Quality Control Facility capacity to 3.50 million gallons per day (mgd). As shown in Table 3-1, based on current flow and prior commitments, a capacity of 0.736 mgd would be available for new developments after the planned Phase III expansion is complete.

Table 3-1: Water Quality Control Facility Capacity Summary

Category	Flow (million gallons per day)
Plant Capacity After Phase III	3.500
Current Flow	(1.432)
Prior Commitments	(1.332)
Available Capacity	0.736
Sources: Lee & Ro, 2012; City of Patterson, 2012.	

Order R5-2007-0147 also imposed new treatment standards that affected operation of the City’s existing treatment units and had the potential to “effectively reduce sewage treatment capacity by as much as 0.50 mgd” as noted on page 3.12-37 of the Draft EIR. Based on ongoing evaluation of the treatment plant’s performance and effluent quality, the City believes that many of the issues that could have required a 0.50-mgd reduction in capacity have been resolved. Consequently, the permitted capacity of the treatment plant should remain at or near 3.5 mgd and would have sufficient capacity for the 0.534 mgd generated from the proposed project.

However, in the event that the City’s Water Quality Control Facility does not have sufficient capacity to serve the proposed project at the time building permits are sought, the project applicant would pursue development of an onsite package plant that could serve the entire project. Refer to page 3.12-37 for further discussion.

Response to LAFCO-8

The agency described LAFCO policies that concern Spheres of Influence, noting that Primary Areas of Influence are those eligible for annexation and extension of urban services within a zero- to 10-year time frame, and transition areas are those anticipated to need urban services within a 10- to 20-year time frame. The agency also noted that LAFCO policies state that territory not in need of urban services (open space, agriculture, etc.) 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. The agency noted that the proposed project is expected to build out in phases over a 20- to 30-year time frame and stated that the Reduced Density Alternative may better coincide with the intent of the Primary Area time frame.

The project applicants (Arambel and KDN) own all 26 parcels that comprise the 1,119 gross-acre project site and have filed an application to develop approximately 13.47 million square feet of business park, general commercial, and light industrial uses on approximately 880 net acres of the project site. The applicants are seeking approval of entitlements for the entire project, including a Master Development Plan, Planned Development, Vesting Tentative Parcel Maps, and Development Agreements. Thus, the City of Patterson is of the position that annexing the entire 1,119-gross-acre project site (and associated Sphere of Influence expansion) at one time is the most appropriate and practical approach towards adjusting jurisdictional boundaries.

Although the City acknowledges the purpose and intent of the Primary Area of Influence, it maintains that the characteristics of the proposed project make it cumbersome and impractical to incrementally annex the project site into the Patterson city limits or apply a “transitional” sphere of influence designation to the portions of the site that would be developed in later phases.

Regarding the larger issue of extending urban services into areas where growth is not anticipated to occur in the near term, the proposed project’s phasing provisions reflect this objective. As shown in Exhibit 2-5, the first phase of the project would be contiguous to the existing West Patterson Business Park and Villa del Lago highway commercial center; subsequent phases would occur outward from the first phase. Infrastructure would be developed concurrently with each phase. Because of the cost of infrastructure, it would be developed on an “as needed” basis and timed to provide new development with immediate benefits. Thus, extension of urban services into agricultural areas that would not need this level of service would not be expected to occur.

Response to LAFCO-9

The agency noted that state law and LAFCO policy encourage development of vacant and underutilized land within an agency’s boundaries prior to further annexation and development. The agency stated that annexations must demonstrate that urban development is imminent for all or a substantial portion of the proposal area and indicated that one method of doing so is through a vacant land inventory and absorption study. The agency also noted that LAFCO policy states that Sphere of Influence amendments will not be approved if there is sufficient alternative land available for annexation within the existing Sphere of Influence. The agency inquired if there are additional vacant acreages available within the existing city limits or Sphere of Influence with similar land use designations, and cited the land south of Sperry Avenue as an example.

The issue of other available sites was addressed on page 3.9-77 and 3.9-78. As stated on those pages, the existing West Patterson Business Park is within the Patterson city limits and has land use designations appropriate for business park and light industrial uses; however, 70 percent of that area is currently developed or entitled for development, leaving insufficient acreages to support the proposed project. Furthermore, the West Patterson Business Park land use designations do not allow general commercial uses, which are a significant aspect of the proposed project. Finally, the project objectives reflect that the proposed project is intended to represent the western expansion of the

existing West Patterson Business Park. As such, developing the proposed project within the existing West Patterson Business Park would be contrary to the underlying purpose of the project.

Note that the need for a vacant land inventory and absorption study is outside of the environmental review process and will be addressed as part of the project application that would be filed with LAFCO, provided that the project is approved.

Response to LAFCO-10

The agency stated that the Draft EIR proposes agricultural mitigation at no less than a 1:1 ratio (Mitigation Measure AG-1). The agency noted that LAFCO is currently considering adoption of agricultural preservation policies that request cities to demonstrate agricultural preservation techniques through strategies such as 1:1 mitigation and encouraged the City of Patterson to retain this proposed mitigation measure through the adoption of the Final EIR and project entitlements.

In addition to Mitigation Measure AG-1, the Draft EIR proposes Mitigation Measure AG-3, requiring the project applicant to establish 150-foot minimum buffers between the proposed project and all agricultural lands in unincorporated Stanislaus County zoned “General Agriculture (A-2).” This mitigation measure reflects agricultural land use compatibility approaches set forth in the Stanislaus County General Plan Agriculture Element. Thus, the Draft EIR sets forth two mitigation measures that are consistent with regional efforts to preserve agricultural uses.

Response to LAFCO-11

The agency provided concluding remarks to close the letter. No response is necessary.

Response to LAFCO-12

The agency provided introductory remarks to open the August 23, 2011 NOP comment letter. No response is necessary.

Response to LAFCO-13

The agency described the process for annexation and Sphere of Influence adjustments. This process is described in the Draft EIR on page 2-67.

Response to LAFCO-14

The agency noted that the request for Sphere of Influence adjustment triggers a requirement for City representatives to meet with the County to discuss methods to reach an agreement on various matters.

This process is outside of the scope of the environmental review process; therefore, no further response is necessary.

Response to LAFCO-15

The agency described LAFCO Sphere of Influence policies. Refer to Response to LAFCO-8 for further discussion.

Response to LAFCO-16

The agency noted that the majority of the project site acreage is considered Prime Farmland and encouraged the City to incorporate mitigation measures to offset or reduce the impacts related to conversion of agricultural lands. Refer to Response to LAFCO-10 for further discussion.

Response to LAFCO-17

The agency noted that the August 4, 2011 NOP indicated that there are 22 active Williamson Act contracted lands within the project boundaries and stated that the EIR should discuss the location of these parcels as they related to possible phasing, General Plan policies, development, financing scenarios, and similar issues. The agency noted that none of the Williamson Act parcels have been protested and, therefore, LAFCO may require the City of Patterson to succeed to all rights, duties, and powers of the County under those contracts following annexation.

As of January 1, 2012, only two Williamson Act contracts remain in effect on the project site, as 20 expired on December 31, 2011.

The Draft EIR discussed Williamson Act contracts on pages 3.2-17 through 3.2-20. The project applicant has filed Notices of Non-Renewal for the two remaining Williamson Act contracts, which are set to expire on December 31, 2012 and December 31, 2014, respectively. Because Notices of Non-Renewal have been filed, both contracts are eligible for cancellation pursuant to Government Code Sections 51280 through 51283. As such, both the City of Patterson and the project applicant intend for the contracts to expire or be cancelled prior to annexation, obviating the need for succession.

Response to LAFCO-18

The agency discussed the proposed project boundaries in terms of creating logical jurisdictional boundaries. Refer to Response to LAFCO-8 for further discussion.

Response to LAFCO-19

The agency discussed the need for a vacant land inventory and absorption study as it relates to the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000. Refer to Response to LAFCO-9 for further discussion.

Response to LAFCO-20

The agency noted that the project boundaries are currently located within the Del Puerto Water District and West Stanislaus Fire Protection District and stated that these special districts have diminishing spheres of influence. The agency indicated that the project site will detach from these districts after annexation and, therefore, the EIR must discuss the impacts of detachment.

The project's relationship to the Del Puerto Water District was discussed on page 2-67 and its relationship to the West Stanislaus Fire Protection District was discussed on pages 3.12-31 through 3.12-33.

Response to LAFCO-21

The agency stated that the proposal must show that the City has necessary public services available to serve the proposed project upon annexation. The agency recited LAFCO policy for such analyses.

The Draft EIR discussed impacts on public services and utilities in Section 3.12, Public Services and Utilities. This analysis was provided in accordance with CEQA standards for evaluation of such impacts, which are focused on physical impacts on the environment.

LAFCO policy for evaluation of public service impacts is broader in scope and addresses non-CEQA issues such as fiscal impacts, financing mechanisms, quality of service delivery, and similar issues. The City of Patterson will prepare a Municipal Service Review that will address LAFCO issues for analyses of public services, which will be submitted to the agency at the time the application for annexation is filed (should the project be approved).

Response to LAFCO-22

The agency provided concluding remarks to close the August 23, 2011 NOP comment letter. No response is necessary.



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June 14, 2012

Mr. Joel Andrews, City Planner
City of Patterson, Community Development Department
1 Plaza
Patterson, CA 95363

Via Email: jandrews@ci.patterson.ca.us

Re: DRAFT ENVIRONMENTAL IMPACT REPORT – West Patterson Business Park Expansion Project

Dear Mr. Andrews:

The following comments are submitted on behalf of Del Puerto Water District (“District”) regarding the Draft Environmental Impact Report (DEIR) released May 1, 2012. 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, primarily for agricultural purposes. The District has also assumed certain responsibilities over local groundwater supplies through the adoption of an AB3030 “Groundwater Management Plan for the Northern Delta-Mendota Canal Subbasin”.

The District has several serious concerns regarding the proposed project and offers the following comments on the Draft EIR.

GENERAL COMMENTS

The District believes that the DEIR is premature, incomplete and flawed with too many unknowns and unaddressed potential impacts to be considered a valid planning document.

The District understands that the Project requires a number of discretionary approvals including Stanislaus LAFCO approval of annexation and expansion of the City’s Sphere of Influence (by way of a General Plan Amendment), and believes that these actions should be undertaken prior to the finalization and certification of the Draft EIR for this project. For the document to offer that the Project conforms to the City’s General Plan and with the LAFCO Annexation and Sphere of Influence criteria because that General Plan “contemplates annexation of the entire project site at some future, undetermined date” only begs the question and prejudices the outcome of the approval process.

With all but approximately 70 acres of the 1,119 gross acres in the subject Project site located in the District, it is inopmprehensible why there is no mention or discussion of the impacts to the District, fiscal and otherwise, associated with proposed detachment of these lands from the District.

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Certainly the proposed Project raises several issues of serious, long-range importance and concern to the District that will require policy-level discussions and decisions by the District's Board of Directors. You are advised that the Board reserves the right to object to and/or request that certain conditions be agreed to prior to adoption of a General Plan Amendment aimed at expanding the City's Sphere of Influence to encompass the Project site. The District also reserves its right to object to and/or request that certain conditions be included in any Stanislaus LAFCO approval of this expansion Sphere and annexation to the City of lands currently within the District.

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The District, in conformance with LAFCO policy, does not allow any overlap between the City and District service areas. In accordance with both LAFCO and District policy, lands annexed to the City are to be concurrently detached from the District at Project proponent's expense and are no longer eligible to receive water service from the District. Delivery of District water supplies outside of District boundaries is currently prohibited by the terms of the District's federal Water Service Contract. While the District, in cooperation with LAFCO and the City, may be willing to negotiate the terms of outside-District-boundary water service contract(s) with the landowner(s) to continue to provide agricultural water service to lands annexed to the City that wish to remain in agricultural production until such time as actual development is scheduled to take place, such approval is strictly at the discretion of the Board of Directors and is further subject to the consent and approval of the Secretary of Interior's duly authorized contract representative. In the absence of any such agreement, upon annexation, the Project site will no longer be eligible for water service provided by the District.

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As noted in District comments provided on the Notice of Preparation, the District strongly favors preservation of prime agricultural land and discourages adjacent land uses that are incompatible with ongoing agricultural operations. It is the District's position that this Project, contrary to its stated objectives, would generate land use conflicts and would unnecessarily and prematurely convert prime farmland to non-agricultural use. It is also the District's position that the proposed preservation of farmland elsewhere in the County does not adequately or appropriately mitigate the loss of Important Farmland to the West Side.

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The District also finds the General Plan Consistency Analysis to be erroneous and based on circular or disingenuous arguments, in a number of instances. For example, to argue that the Project is consistent with General Plan Policy LU-1.6 that seeks to preserve Patterson's "agricultural heritage" because the General Plan "contemplates the eventual conversion of this site to urban use" only points to an inconsistency within the General Plan itself.

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Specific Comments – Water Supply Issues

The District has reviewed the Water Supply Assessment (WSA) for the Project and finds that the impacts associated with water supply to the proposed Project have not been fully or correctly analyzed or addressed. It is the District's opinion that to the extent that surface water supplies remain

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unavailable to serve the Project, the water supply impacts of the proposed Project are significant, adverse and remain unmitigated.

The DEIR's analysis points to a numbers of factors, the effects of which on the proposed Project water supply remain unknown and un-quantified:

- (1) The WSA notes "at least two Patterson Irrigation District wells on the border of the Study Area" and states "Without production records and a better understanding of how PID wells might influence inflow, it is not possible to quantify the impact that production from these PID wells may have on inflow to the Study Area." (WSA Pg. 21).
- (2) The WSA states that the NOP for the County's proposed West Park Project indicates that groundwater pumped to serve this Project could have an influence on the Study Area but that "without further studies,...it is not possible to quantify the net change in groundwater production... and whether the net change might have an influence on groundwater inflow to the Study area." (WSA Pg. 22)
- (3) The WSA notes the City's operational limitation on pumping from the upper aquifer and states, "Without further studies, the City is unable to quantify the extent to which this operational limitation will have an impact on available groundwater, and therefore no adjustment is made to the estimated inflow to the upper aquifer based on this factor." (WSA Pg. 22)
- (4) While noting that surface water previously delivered to the Project site may help to better meet the agricultural needs of remaining District customers, the WSA states that "without further studies, the City is unable to quantify the extent to which urbanization will have an impact on available groundwater, and therefore no adjustment is made to the estimated inflow to the upper aquifer based on this factor." (WSA Pg. 23)
- (5) In assuming there is a net increase in groundwater production as land historically in agricultural production urbanizes, and urbanization reduces groundwater recharge, the WSA notes that "groundwater supplies may be less reliable in dry years because of the potential imbalance in the groundwater budget." It then goes on to state that "The City, however, does not currently have estimates of the extent to which, if any, these factors may influence dry-year supply reliability, and therefore based upon the data currently available, Table 3-2 shows 100% of the estimated inflow to both aquifers as available in all year types." (WSA Pg. 24)

In addition to these numerous and serious "unknowns" regarding the water supply available to the Project, the WSA points to some equally serious unknowns with regard to the water demands in the Study Area.

- 1) In attempting to identify the impact associated with competing demands on the available supply, the WSA states that "the existing data does not allow the City to quantify total existing demand" or how to "estimate how those demands will change over time." (WSA Pg. 36)
- 2) The WSA accurately points out that there could be other agricultural wells located in the Study Area but admits that "the City does not know" if this is the case. (WSA Pg. 37)

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CONT

With all of these unknowns and uncertainties cited in the WSA, it is impossible to put any faith in the adequacy of the estimates of a reliably available water supply to serve the Project. As such, the DEIR fails to provide any assurances that this Project will not adversely affect current overlying groundwater users or to identify the appropriate mitigation or Project alternative. Pending a much more thorough analysis of both existing and currently proposed groundwater uses and a much better understanding of the local resource's reliably sustainable yield, the document provides an inadequate analysis of the Project's impacts.

Conclusion

As indicated above, there are a number of outstanding procedural issues and discretionary actions that have not be adequately addressed in the DEIR along with significant gaps in information required to understand and evaluate the impacts of the proposed Project that need to be corrected prior to a Final EIR. These changes may result in "significant new information" and the need to recirculate the DEIR, or at least those portions related to water resources (See § 15688.5 of CEQA Guidelines).

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Thank you for the opportunity to comment on the Draft EIR. 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

Cc: Board of Directors
Ernest Conant ESQ.

Del Puerto Water District (DPWD)

Response to DPWD-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to DPWD-2

The agency stated that it believes that the Draft EIR is premature, incomplete, and flawed with too many unknowns and unaddressed impacts to be considered a valid planning document. The agency noted that the project requires approvals for LAFCO and stated that it believes these actions should be undertaken prior to finalization and certification of the Draft EIR for the project. The agency stated that the Draft EIR's conclusions that the proposed project is consistent with the City of Patterson General Plan and LAFCO annexation and Sphere of Influence criteria because the General Plan contemplates annexation at a future, undetermined date "only begs the question and prejudices the outcome of the approval process."

Government Code Section 56375(a)(7) establishes that the scope of LAFCO's powers and duties regarding annexation proposals must be based upon the general plan and rezoning of the city. As described on Draft EIR page 2-67, the City of Patterson must first approve a General Plan Amendment to expand its Sphere of Influence to encompass the project site and rezone the site to the zoning districts contemplated by the proposed project. Thus, the City of Patterson must first approve the General Plan Amendment and rezoning in order for the project to be eligible for consideration by LAFCO. Consequently, the sequencing is correct and the EIR is not premature.

Regarding the agency's concern that the Draft EIR's conclusion that the project is consistent with the City of Patterson General Plan and LAFCO annexation and Sphere of Influence criteria "only begs the question and prejudices the outcome of the approval process," the CEQA Guidelines Appendix G checklist requires that EIRs address the following question:

Would the project [...]

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Thus, evaluation of project consistency with the City of Patterson General Plan, and LAFCO annexation and Sphere of Influence criteria is both appropriate and essential as part of the environmental review process. It should be emphasized that both Patterson and LAFCO decision makers have the ability to make their own independent judgments regarding project consistency with City of Patterson General Plan, and LAFCO annexation and Sphere of Influence criteria and are not obligated to rely on the Draft EIR's conclusions. Further, when the project itself entails amendments to the general plan designations or zoning, inconsistency with the existing designations or zoning is

an element of the project itself, which then necessitates a legislative policy decision by the agency and does not signify a potential environmental effect.

Refer to Response to DPWD-3 through Response to DPWD-8 for further discussion of DPWD's comments regarding the legal adequacy of the Draft EIR.

Response to DPWD-3

The agency noted that close to 1,050 acres of the project site are within the DPWD and stated that there is no discussion of fiscal or other impacts on the agency associated with the proposed detachment of these lands.

Detachment from the DPWD and the associated Out-of-Boundary Service Agreement were discussed on page 2-67 of the Draft EIR. Pursuant to LAFCO requirements (and confirmed by Comment DPWD-5), the portion of the project site located with the DPWD would be detached as part of the annexation process. Existing groundwater production associated with the DPWD was discussed on pages 3.12-15 through 3.12-19. Overall, because the proposed project involves detachment from the DPWD and would result in a net decrease in water consumption relative to the existing agricultural uses on the project site, impacts on the agency are anticipated to be negligible from an environmental impact perspective.

Generally, fiscal impacts are outside the scope of the environmental review process because they do not involve physical impacts on the environment. Instead, fiscal impacts are more appropriately addressed during the LAFCO review process. Still, in this circumstance, detachment from DPWD is not an environmental impact; it would accompany a reduction in water service which would then be available to others within or adjacent to the District (presuming the District has sufficient water supplies available to service other customers).

Response to DPWD-4

The agency stated that the proposed project raised several issues of serious, long-range importance and concern to the DPWD that will require policy-level discussions and decisions by the Board of Directors. The agency advised that it reserves the right to object to or request that certain conditions be agreed to prior to the adoption of the General Plan Amendment associated with expanding the City's Sphere of Influence. The agency indicated that it reserves the right to object to or request that certain conditions be included as part of the LAFCO approval process.

The Draft EIR identified DPWD as a Responsible Agency and noted that the agency will be considering approval of an Out-of-Boundary Service Agreement for the project site on page 2-69. As such, the Draft EIR acknowledged that the DPWD has discretionary authority over a portion of the proposed project. As the comment acknowledges, the proposed project involves policy-level decisions that will be addressed by the appropriate public bodies.

Response to DPWD-5

The agency stated that it does not support any overlap between the City and DPWD service areas, consistent with LAFCO policy. The agency stated its requirements for detachment and noted that the proposed project may be eligible for an Out-of-Boundary Service Agreement, although such a determination is at the discretion of the board.

Refer to Response to DPWD-4.

Response to DPWD-6

The agency reiterated its prior NOP comments that it strongly supports preservation of prime agricultural land and discourages adjacent land uses that are incompatible with ongoing agricultural operations. The agency stated that its position is that the proposed project would generate land use conflicts and would unnecessarily and prematurely convey prime farmland to non-agricultural use. The agency also stated that the proposed preservation of farmland elsewhere in Stanislaus County does not adequately or appropriately address the loss of Important Farmland to the West Side.

The Draft EIR addressed the potential for the proposed project to create pressures to prematurely convert nearby farmland to non-agricultural use on pages 3.2-20 through 3.2-22. In recognition that the proposed project may create such pressures, Mitigation Measure AG-3 is proposed requiring the project applicant to establish 150-foot minimum buffers between the proposed project and all agricultural lands in unincorporated Stanislaus County zoned “General Agriculture (A-2).” This mitigation measure reflects agricultural land use compatibility approaches set forth in the Stanislaus County General Plan Agriculture Element. The DPWD did not provide any specific comments on this analysis or mitigation measure; therefore, no further response can be provided.

From a broader standpoint, the project characteristics also have several attributes that promote land use compatibility with neighboring agricultural uses. The project boundaries follow readily identifiable linear features such as I-5, the California Aqueduct, Zacharias Road, and Rogers Road, which serve to create distinctive “hard edges” around the project site. The proposed project’s phasing provisions also promote land use compatibility with neighboring land uses by allowing onsite agricultural uses to remain as interim land use activities until economic factors justify conversion to urban uses.

Finally, regarding the adequacy of Mitigation Measure AG-1, which requires preservation of farmland elsewhere in Stanislaus County at no less than a 1:1 ratio, this reflects a widely used concept that has been endorsed by both the California Department of Conservation and Stanislaus LAFCO. (Underscoring this point, LAFCO indicated its support for Mitigation Measure AG-1 in Comment LAFCO-10.) However, in recognition that 1:1 preservation does not necessarily assure that there will be no net loss in prime farmland, the Draft EIR conservatively concluded that impacts would remain significant and unavoidable. Although the DPWD does not believe that preservation of farmland is

sufficient mitigation, it offers no justification to support its position or any alternative solutions; therefore, no further response can be provided.

Response to DPWD-7

The agency stated that it found the General Plan consistency analysis (Table 3.9-2) to be “erroneous and based on circular or disingenuous arguments,” citing the example of Policy LU-1.6. The agency stated that “to argue that the project is consistent with General Plan Policy LU-1.6 that seeks to preserve Patterson’s ‘agricultural heritage’ because the General Plan ‘contemplates the eventual conversion of the site to urban use’ only points to an inconsistency within the General Plan itself.”

The text of City of Patterson General Plan Policy LU-1.6 and the associated consistency determination from pages 3.9-13 and 3.19-14 are reproduced below.

Policy LU-1.6	Small town character. The City shall seek to preserve Patterson’s traditional small-town qualities and agricultural heritage, while increasing its residential and employment base.	Consistent: The proposed project is located at the western edge of Patterson, adjacent to I-5. This location is away from the historic downtown area and, thus, would not conflict with preserving Patterson’s traditional small-town qualities. Although the project site currently supports agricultural uses, the General Plan contemplates the eventual conversion of this site to urban use. As such, it would not be in conflict with the General Plan’s objectives of protecting agricultural heritage. Furthermore, the project would employ more than 10,093 full-time workers, most of whom are expected to be local residents, and thus would further the policy of increasing the local employment base.
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Policy LU-1.6 concerns preserving “small town character” while simultaneously balancing “small town qualities and agricultural heritage” with the interests of population and economic growth. The Draft EIR provided a logical and reasoned finding of consistency, noting that it is located away from the historic downtown area (and, thus, advances the objectives of preserving small town qualities), while also contributing to economic growth by creating new local jobs.

Regarding preservation of agricultural heritage, the General Plan land use diagram and associate goals and policies recognize that conversion of some of the surrounding farmland acreage will be necessary over the planning horizon of the plan. Thus, when taken in context with the whole General Plan, the reference to “agricultural heritage” in Policy LU-1.6 is most appropriately viewed as a statement about the cultural significance of agriculture to the Patterson community and the associated desire to continue agricultural-related traditions in the future.

Response to DPWD-8

The agency referenced the Water Supply Assessment and stated that impacts associated with water supply have not been fully or correctly analyzed or addressed. The agency asserted that its opinion is that to the extent surface water supplies remain unavailable to serve the project, the water supply impacts of the project are “significant, adverse, and remain unmitigated.” The agency cited several statements from the Water Supply Assessment concerning unknown information and stated that these statements point to serious unknowns concerning water demands in the study area. The agency stated that because of the unknowns and uncertainties disclosed in the Water Supply Assessment, it is “impossible to put any faith in the adequacy of the estimates of a reliably available water supply to serve the project.” The agency concluded by stating the Water Supply Assessment provides an inadequate analysis of the proposed project’s impacts.

The Water Supply Assessment prepared for the proposed project complied with the Water Code in evaluating and describing existing water supplies (including groundwater) and water demands of the project combined with existing and planned future uses over the 20-year horizon. The Water Supply Assessment and Draft EIR concluded that existing groundwater supplies will be sufficient to meet the demands of the project and existing and planned future uses. CEQA and the California Water Code do not require absolute certainty but, rather, a reasoned good faith effort at full disclosure. Despite the finding that water supplies will be sufficient, the WSA and Draft EIR nevertheless acknowledged that some uncertainties exist. That uncertainty, however, does not negate the substantial evidence supporting the City’s findings. Refer to Master Response 1 for further discussion.

Response to DPWD-9

The agency referenced its comments in Comments DPWD-2 through DPWD-8 and stated that the Draft EIR needs to be corrected. The agency stated that these corrections may result in “significant new information” and the to need recirculate the Draft EIR. The agency stated that it would like to be notified of any actions proposed taken by the City as it relates to DPWD lands.

As indicated in Response to DPWD-2 through Response to DPWD-8, as well as Master Response 1, the agency’s comments do not constitute “significant new information” resulting in a need to revise and recirculate the Draft EIR. Specifically, there is no new information that has revealed a new significant impact or an increase in the severity of any significant impacts already addressed. The existing groundwater supplies are sufficient to meet the needs of the project and existing and planned future uses, a finding that has not changed in the Final EIR.

The DPWD will receive notice of availability of the Final EIR and the meetings at which the Patterson Planning Commission and City Council will consider the project.

Board of Directors

John Azevedo
President
David Reichmuth
Vice President
Alfred Scheuber
David Fantozzi
Dan Robinson



Peter Rietkerk
General Manager

Toni Russell
Secretary/Treasurer

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June 14, 2012

Mr. Joel Andrews
Community Development Department
City of Patterson
1 Plaza
Patterson, CA 95363

Dear Mr. Andrews,

Patterson Irrigation District (PID) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR or Draft EIR) for the West Patterson Business Park Expansion Project (Project). PID’s review of this document focuses primarily on the DEIR Water Supply Assessment (Appendix H).

1

These comments are founded on the principle that an EIR acts as an informational document identifying potentially significant impacts of a project, as well as alternatives and mitigation measures necessary for informed decision-making (Pub. Res. C. §21002.1), and that an EIR’s findings and conclusions must be supported by substantial evidence. *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376. An adequate EIR “must be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences” and “must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” *Id.* The Draft EIR does not meet this threshold.

2

I. Background Information Regarding PID and Groundwater Usage.

PID has provided agricultural water delivery service to approximately 14,500 acres in the Patterson area for over 100 years. PID’s water supplies include Pre-1914 rights on the San Joaquin River, Central Valley Project federal water contract supplies, and groundwater. PID currently uses groundwater conjunctively in-District to meet peak irrigation demands and as an emergency supply.

3

PID shares some responsibility for groundwater management activities within the local region. The District has adopted an updated AB 3030 Groundwater Management Plan known as the “Groundwater Management Plan for the Northern Agencies in the Delta-Mendota Canal Service Area” (GMP). PID participates in implementing this GMP with other local agricultural irrigation, water and municipal agencies, including the Cities of Patterson and Tracy.

The District believes that municipal development of prime, irrigable farmland in the area may lead to a reduction in groundwater recharge available to both public and private well interests. As a major surface water importer in the area, PID operations and deliveries contribute to local groundwater recharge. Regionally, greater reliance on groundwater wells has been necessary to offset unreliable (CVP) surface deliveries. This additional reliance on groundwater may also threaten the long-term sustainability of groundwater.

3
CONT

PID also supports Stanislaus Local Agency Formation Commission and Stanislaus County General Plan Policies intended to protect agricultural lands. According to the California Department of Food and Agriculture, Stanislaus County ranks 6th in the state for gross agricultural product. Continued reduction of prime farmland will harm local businesses that have relied on the local agricultural economy for many years.

II. The DEIR Should Not Rely on Inflated Groundwater Production Figures that Conflict with Existing City Water Planning Documents.

According to the DEIR's Water Supply Assessment, the City's "sole water supply source is groundwater," which the City intends to continue using for the near-term. DEIR Appendix H at 4. As part of its 2010 General Plan Update, the City prepared a Water Supply Assessment (General Plan WSA) estimating groundwater production figures for the City based on future build-out. The DEIR and Appendix H rely on groundwater production figures that are inconsistent with the General Plan WSA as a basis for concluding that the Project will have less than significant groundwater impacts. DEIR at 3.8-19.

More specifically, the DEIR Appendix H references a study by Kenneth D. Schmidt and Associates that estimates a sustainable groundwater yield based on hydraulic conductivity and transmissivity in the region totaling 12,400 acre-feet annually in all hydrologic conditions.¹ This amount was further segregated into potable and non-potable supplies, estimated at 8,900 acre-feet and 3,500 acre-feet, respectively. The City 2010 General Plan WSA, however, assumes the existing City potable well capacity, 7,500 acre-feet, was the appropriate planning number for future City growth and that additional non-potable water supplies would be necessary to support build out. This amounts to a difference of approximately 1,400 acre-feet between the Project DEIR potable water supply availability and the 2010 City General Plan. Coincidentally, approximately 1,400 acre-feet is also the amount of water necessary to meet to needs of the West Patterson Business Park Expansion annually. Additionally, Footnote "A" in Table 3-4 from the General Plan WSA states that "Studies completed in the City suggested that groundwater supplies are limited" and that "relying on additional groundwater supplies in the Patterson General Plan areas without augmentation seems unreasonable." The DEIR does not disclose this information, nor the effect of relying on additional groundwater that exceeds the sustainable yield identified in the General Plan WSA to serve the Project.

4

¹ The DEIR at page 3.8-19 identifies the total available groundwater supply in the Patterson area to be a "maximum of 12,500 acre-feet per year on an average annual basis." The 12,500 acre-feet figure appears to be a mathematical error since the DEIR calculates the annual yield by combining 8,900 acre-feet per year from the lower aquifer and 3,500 acre-feet per year from the upper aquifer, which actually equals 12,400 acre-feet.

Mr. Andrews
June 14, 2012
Page 3 of 5.

III. The DEIR Omits Relevant Groundwater Information Thereby Obscuring the Project's True Groundwater Impacts.

An EIR must include a description of the existing environment in the vicinity of a project from both a local and regional perspective. CEQA Guideline §15125(a). "Knowledge of the regional setting is critical to the assessment of environmental impacts." CEQA Guideline §15125(b). In this case, the DEIR's description of the environmental or regional setting with respect to groundwater resources in the area and the demands on those resources is inadequate.

Although the DEIR generally describes the use of groundwater in the region, it fails to provide detailed information or data showing that this Project and other future development in the City will not adversely affect overlying users and senior groundwater appropriators such as PID into the future. The DEIR generally acknowledges groundwater use by PID and other private well users in the area, but fails to accurately quantify actual groundwater usage in the region, and compare this use to estimates of local groundwater basin inflows. If the private well usage published in the Project DEIR WSA, City well usage, and PID's average well usage (which is omitted from the report) were totaled, this number alone would suggest that current groundwater production may already encroach upon estimates of sustainable groundwater capacity in the area. Evaluation of Project groundwater uses without thoroughly analyzing existing uses and capacity does not provide a complete picture of groundwater supply availability in the region.

5

PID is generally concerned that the Project development is inconsistent with the City's General Plan water supply analysis and that continued urbanization without the appropriate studies will eventually lead to unintentional, but adverse impacts to overlying groundwater users and appropriators in the area. PID recognizes that local groundwater conditions need to be studied in more detail to assess sustainability, both for groundwater quantity and quality. These studies are especially important for those in the area, both public and private, who rely on groundwater as a primary source of supply.

IV. The DEIR Improperly Assumes the Project's Water Demand was Included in the City's 2010 Urban Water Management Plan.

The DEIR concludes that the Project will have less than significant groundwater impacts because the Project's estimated demand – 1,397 acre-feet per year – was "included in the projected water consumption values contained in the 2010 City of Patterson Urban Water Management Plan for Year 2032..." DEIR at 3.8-19 ("The Urban Water Management Plan's 2032 estimates for potable consumption (6,986 acre-feet) and non-potable consumption (3,220 acre-feet) are less than the projected available supply from both aquifers, as estimated by Ken Schmidt & Associates (8,900 acre-feet [potable] and 3,500 acre-feet [non-potable])."). Yet according to the DEIR's Appendix H, it is unclear whether the Project's full demand was included in the Urban Water Management Plan projections. See e.g., Appendix H at 4 ("the City's 2010 Urban Water Management Plan (UWMP) may include demands for the Project because the 2010 UWMP incorporates the 2010 General Plan Water Supply Assessment (GP WSA) demands.") (emphasis added); see *id.* at 5 ("it is not clear whether the entire Project demand was captured in the City's 2030 demand projection in the 2010 UWMP."). The City cannot find that the Project will have less than significant groundwater impacts because the Project's demand was purportedly included in the 2010 UWMP when Appendix H expressly acknowledges that this may not be the case.

6

In any event, as discussed above, the DEIR relies on inflated groundwater production figures that differ from those used in adopting the 2010 General Plan and its associated WSA. Thus, even if the Project demand were included in the 2010 UWMP, which was based on the 2010 General Plan, the DEIR does not adhere to those figures.

6
CONT

V. The DEIR Improperly Assumes Full Availability of Upper Aquifer Inflows.

Groundwater from the upper aquifer is “used for non-potable irrigation use.” DEIR at 3.8-19; DEIR at 3.12-12 (“Some non-potable demands are currently served by lower-quality groundwater from the upper aquifer and such service will continue into the foreseeable future.”). According to the DEIR, the Project will require 654-acre feet annually for non-potable use. DEIR at 3.8-19. The DEIR claims that the Project’s non-potable water use is included in the UWMP’s 2032 projections that the City will consume 3,220 acre-feet of upper aquifer water. DEIR at 3.8-19. Yet, as noted above, that assumption is not supported by Appendix H given its acknowledgement that it is unclear whether the Project’s water demand is actually included in the UWMP. Based on this unsupported assumption, the DEIR then concludes that the non-potable consumption (3,220 acre-feet) is less than the projected available supply from the upper aquifer (3,500 acre-feet). DEIR at 3.8-19. If the Project’s non-potable water demand was not included in the UWMP, then the total demand on the upper aquifer upon construction of the Project would be 3,874 acre-feet per year – well above the 3,500 acre-feet available supply. The DEIR does not disclose or evaluate this significant impact.

Even assuming that the Project’s 654-acre feet per year non-potable water consumption is included in the UWMP, the DEIR bases its analysis on an assumption that 100 percent of the estimated 3,500 acre-feet per year inflow to the upper aquifer is available in all year types. DEIR at 3.12-8. Yet the DEIR states that “it is almost certain that the supply from the upper aquifer will not be 100 percent reliable in the future, during both normal and dry years...” DEIR at 3.12-7. Thus, there is no basis for concluding that 100 percent of the upper aquifer inflows will be available to serve the City and the Project in the future.

7

Furthermore, although the DEIR claims that the reliability of the upper aquifer could change with urbanization and a reduction in recharge (DEIR at 3.12-7), it fails to take the next analytical step by disclosing what the environmental impacts will be on the upper aquifer as a result of converting large swaths of agricultural land to urban uses such as those proposed for the Project. The City should find out and disclose all that it can about a proposed project’s potential environmental impacts. It is not enough to simply state that “[w]ithout further studies regarding the impacts of urbanization on recharge, it is not currently possible to quantify the impact” to upper aquifer supplies. DEIR at 3.12-7. Instead, the DEIR must conduct any necessary studies to disclose the impact prior to certifying the DEIR or approving the Project.

VI. The Draft EIR Must Be Revised.

As set forth above, the DEIR omits critical information regarding groundwater impacts thereby thwarting informed decision-making. CEQA “provides that ‘noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency...may constitute a prejudicial abuse of discretion..., *regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.*” Pub. Res. C. §21005(a) (emphasis added). The City should include the omitted information and analyze the additional effects prior to certification or Project approval. *See Rural Landowners*

8

Mr. Andrews
June 14, 2012
Page 5 of 5

Association v. Lodi City Council (1983) 143 Cal.App.3d 1013, 1023; *see also* CEQA Guidelines §§15088.5; 15003(a)-(f).

PID would again like to thank the City of Patterson for the opportunity to comment on the DEIR for the West Patterson Business Park Expansion Project. In the future, PID respectfully requests to be informed of similar projects that may affect local water supplies or District lands. Please contact the District if your office or the City has any additional questions or requires any additional information on this subject.

Sincerely,



Peter M. Rietkerk
General Manager

Cc: Patterson Irrigation District Board of Directors

8
CONT

Patterson Irrigation District (PID)

Response to PID-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to PID-2

The agency provided a summary of CEQA standards and case law concerning EIR adequacy and stated that the Draft EIR does not meet these thresholds.

The Draft EIR provides a significant amount of detail and discloses a number of potentially adverse environmental impacts of the project, including impacts that cannot be avoided or mitigated. The agency-specific comments are addressed in Response to PID-4 through Response to PID-8, as well as Master Response 1.

Response to PID-3

The agency provided background on its service area, irrigation production, and groundwater management efforts, and stated that it believes that conversion of prime, irrigable farmland may lead to reductions in groundwater recharge and groundwater available to users. The agency indicated its support for LAFCO and Stanislaus County policies intended to protect agricultural lands, and states that reductions in prime farmlands will harm local businesses that have relied on local agricultural production.

The proposed project's Water Supply Assessment acknowledges that replacement of agricultural production with urban uses will reduce the recharge available to the upper aquifer. To a large degree, the proposed land uses will offset this reduction in recharge by reducing per-acre demands generally, shifting demands to the lower aquifer for potable uses, reducing demands for non-potable supplies from the upper aquifer through use of recycled water or captured stormwater for outdoor uses, and maintaining some recharge through collection of stormwater. Regardless, the Water Supply Assessment has concluded that groundwater supplies are sufficient to satisfy the needs of the project along with existing and planned future uses in the area (including agricultural uses).

Response to PID-4

The agency stated that the Draft EIR should not rely on inflated groundwater production figures that conflict with existing City water planning documents. The agency asserted that the proposed project's Water Supply Assessment is inconsistent with the Water Supply Assessment prepared for the City of Patterson General Plan. The agency noted that the Draft EIR erroneously cited the sustainable yield of the local groundwater basin as 12,500 acre-feet annually, when in fact it should be 12,400 acre-feet annually. The agency stated that the figures cited in the proposed project's Water Supply Assessment indicated that the lower basin is listed as having a yield of 8,900 acre-feet and the upper basin as having a yield of 3,500 acre-feet, while the General Plan Water Supply Assessment indicated that the lower basin had a yield of 7,500 acre-feet and the upper basin a yield of 3,500 acre-feet. The agency noted that the difference in lower basin yields equals 1,400 acre-feet, which also "coincidentally" roughly equivalent to the proposed project's estimated demand. The agency also

noted that the proposed project's Water Supply Assessment did not mention Footnote A in Table 3-4 of the General Plan's Water Supply Assessment, which concerns limited information about groundwater.

The relationship between the proposed project's Water Supply Assessment and the General Plan's Water Supply Assessment is addressed in Master Response 1. The proposed project's Water Supply Assessment relied on the most recent data and analysis available, and has concluded that existing groundwater supplies are sufficient.

Regarding the erroneous reference to 12,500 acre-feet on page 3.8-19 of the Draft EIR, this has been corrected and the change is noted in Section 4, Errata.

Response to PID-5

The agency claimed that the Draft EIR omits relevant groundwater information, which results in obscuring the project's "true impacts." The agency stated that the Draft EIR fails to provide detailed information or data showing that the proposed project and other future development in the City of Patterson will not affect overlying users and senior groundwater use such as PID. The agency noted that the Draft EIR acknowledged that there are other groundwater users, but fails to accurately quantify actual groundwater usage in the region and compare this use to estimates of local groundwater basin inflows. The agency claimed that if private well usage cited in the Water Supply Assessment, City well usage, and PID's average well usage were totaled, this number alone would suggest that currently groundwater production may already encroach upon estimates of sustainable groundwater capacity. The agency reiterated a previous comment about the consistency of the proposed project's Water Supply Assessment with the General Plan Water Supply Assessment and concerns the continued urbanization will lead to adverse impacts on overlying groundwater users.

Groundwater production by other users is addressed in Master Response 1. The Draft EIR and Water Supply Assessment specifically addressed existing and planned future uses in the relevant study area. While existing agricultural uses outside of the City's current service area cannot be specifically quantified, the groundwater basin and sub-basin are stable and have not exhibited any signs that they may be danger of overdraft within the foreseeable planning horizon. Further, on balance, the project's water demands should not be significantly different from existing uses within the project area, even after taking into consideration that some imported surface water is currently applied to agricultural lands and facilitates some recharge of the upper aquifer.

Response to PID-6

The agency stated that the Draft EIR improperly assumes that the proposed project's water demand was included in the City's 2010 Urban Water Management Plan. The agency referenced a statement on page 3.8-19 of the Draft EIR that the proposed project's demand was accounted for in the 2010 Urban Water Management Plan and noted that it differs from a statement in the Water Supply Assessment, that it is unclear to the extent the 2010 Urban Water Management Plan accounted for the

proposed project's demand. The agency stated that the City cannot find that the proposed project would have a less than significant impact on groundwater and reiterated a previous comment about the City relying on inflated groundwater production figures.

As is discussed in Master Response 1, it was unclear to the extent the 2010 Urban Water Management Plan accounted for the proposed project's demand; therefore, the proposed project's Water Supply Assessment was supplemented to ensure a more complete analysis of water availability. As such, the erroneous statement on page 3.8-19 of the Draft EIR has been corrected and the change is noted in Section 4, Errata.

That said, the 2010 Urban Water Management Plan relied on the General Plan Update Water Supply Assessment, which in turn used the General Plan designated land-uses to estimate long-term water demands. The proposed project is within the boundary of the 2010 General Plan Update. Consequently, while not specifically referenced as a planned future project within the City, the project area was included within the general growth projections and gross demand estimates for the General Plan Update and the 2010 Urban Water Management Plan.

Response to PID-7

The agency stated that the Draft EIR improperly assumes full availability of upper aquifer inflows. The agency cited statements from the Draft EIR about the proposed project's non-potable water use being accounted for the City's 2010 Urban Water Management Plan and reiterated a prior comment about this not being supported by the proposed project's Water Supply Assessment. The agency stated that if the proposed project's non-potable water supply was not included in the 2010 Urban Water Management Plan, total demand on the upper aquifer would be 3,874 acre-feet per year, which is above the available supply of 3,500 acre-feet per year. The agency noted that the Draft EIR assumes that 100 percent of the estimated 3,500 acre-feet of available supply from the upper aquifer and yet includes statements noting that it is almost certain that the aquifer will not be 100 percent reliable. The agency stated that the Draft EIR failed to disclose the environmental impacts on the upper aquifer as a result of converting large swaths of agricultural land to urban uses and stated that the City should find out and disclose all that it can about a proposed project's environmental impacts. The agency disputed a statement on page 3.12-7 regarding the lack of available studies concerning the effects of urbanization on recharge making it not possible to quantify the impact, and asserted that the Draft EIR must conduct any studies necessary to disclose the impact.

Impacts on the upper aquifer are discussed in detail in Master Response 1. The project's non-potable demands from the upper aquifer are minimal. On balance, while the project will reduce the amount of recharge for the upper aquifer, the project will also reduce demands for non-potable water from the upper aquifer. Because there are sufficient potable and non-potable water supplies for the project and existing and planned future uses, there are no adverse consequences of the project that have not already been disclosed.

Response to PID-8

The agency referenced its comments in Comments PID-2 through PID-7 and stated that the Draft EIR omits critical information regarding groundwater. The agency indicated that the Draft EIR must be revised to include this information. The agency stated that it would like to be notified of any actions proposed by the City as they relate to PID lands.

As indicated in Response to PID-2 through Response to PID-7, as well as Master Response 1, the Draft EIR and Water Supply Assessment included the required information about water supplies and water demands, and the agency's comments do not constitute significant new information requiring the City to revise or recirculate the Draft EIR.



June 14, 2012

Joel Andrews
City of Patterson
Community Development
1 Plaza, P.O. Box 667
Patterson, CA 95363

Project: West Patterson Business Park Expansion Project

District CEQA Reference No: 20120170

Dear Mr. Andrews:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (EIR) for the West Patterson Business Park Expansion project. The proposed project consists of the development of approximately 13.47 million square feet of light industrial, business park, and general commercial uses on 880 acres of a 1,119 acre site. The District offers the following comments:

1

Emissions Analysis

1) The emissions analysis appears to underestimate the project’s potential impacts on air quality. As seen in the attached document, it appears that the URBEMIS modeling provided in Appendix C represents only a portion of the full buildout identified in the project description. Furthermore, based on Table 3.3-21 it appears that there will be no operational emissions from the project for the first 10 years of construction. It is the District’s experience that a project of this size, with multiple land uses and multiple development phases, will have multiple subphases in which subsequent projects are constructed and become operational prior to full buildout of the main phase. As such, the District offers the following recommendations for the emissions analysis:

2a

A. As the models appear to include only one tenth of the square footage in Phase 1, one fifth of the square footage of Phase 2, and one third of the square footage of

2b

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
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Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

Phase 3, the District recommends that the emissions analysis be revised to include the square footage of the entire project. The District also recommends that the Tables 3.3-23 through 3.3-27 be amended to reflect the revised analysis.

2b
CONT

B. Page 3.3-41 indicates that for modeling purposes each phase was assumed to be constructed in equal amounts over the duration of the phase. As such, it would be appropriate to indicate that each phase become operational upon completion. Therefore, the District recommends that Table 3.3-21 be amended to identify the assumptions used in the modeling. For example, Phase 1 would have 593,950 sf operational in 2014; 1,187,900 sf operational in 2015; 1,781,850 sf operational in 2016; and so on.

2c

Mitigation Measures

2) As presented in the EIR, after implementation of all feasible mitigation, the project would have a significant and unavoidable impact on air quality. However, the environmental document does not discuss the feasibility of implementing a voluntary emission reduction agreement (VERA). As discussed below, the District believes that mitigation through a VERA is feasible in many cases, and recommends the environmental document be revised to include a discussion of the feasibility of implementing a VERA to mitigate project specific impacts to less than significant levels.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's Emission Reduction Incentive Program (ERIP). The funds are disbursed by ERIP in the form of grants for projects that achieve emission reductions. Thus, project specific impacts on air quality can be fully mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

3

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by a District approved air quality impact assessment, and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the District has designed flexibility into the VERA such that the final mitigation is based on actual emissions related to the project as determined by

actual equipment used, hours of operation, etc., and as calculated by the District. After the project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that project specific emissions have been mitigated to less than significant.

The District has been developing and implementing VERA contracts with project developers to mitigate project specific emissions since 2005. It is the District's experience that implementation of a VERA is a feasible mitigation measure, and effectively achieves the emission reductions required by a lead agency, by mitigating project related impacts on air quality to a net zero level by supplying real and contemporaneous emissions reductions. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document be amended to include an assessment of the feasibility of implementing a VERA.

Additional information on implementing a VERA can be obtained by contacting District CEQA staff at (559) 230-6000.

3
CONT

Health Risk Impacts

3) Policy AR-4.1 requires residential developments and other projects categorized as sensitive receptors to be located an adequate distance from existing and potential sources of toxic emissions in accordance to ARB's Air Quality Land Use Handbook. While this is an effective measure to reduce potential risks, some sources may potentially have significant health risks impacts even if they are located at distances beyond those recommended by ARB. 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 the City include a policy requiring evaluation of potential health risks for any project within the scope of the EIR, including those projects that would include only ministerial approvals and exempt from CEQA requirements (i.e. uses allowed by right).

4

4) There are various General Plan policies identified in the EIR that require consultation with the District during the CEQA process to identify and mitigate project related impacts. The District offers the following recommendations for CEQA referrals submitted to the District for review:

5a

A. 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

5b

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.

5b
CONT

B. To reduce City staff time responding to applicant inquiries regarding the District's permitting process and aid project proponents in complying with District requirements (ISR, eTRIP, dust control, permitting, etc.) the District recommends that all requests for CEQA comments include proponent contact information. District receipt of the requested information will allow District staff to contact developers directly and assist them in understanding how to reduce project related impacts on air quality and how to complete the appropriate application process. The District also recommends that the City provide a copy of District comments to the applicant.

5c

Indirect Source Review

5) As discussed in the EIR, the project is subject to District Rule 9510 (Indirect Source Review). Rule 9510 requires applicants subject to the rule to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Chapter 2.5.1 indicates that the development of the project would require future discretionary approvals. Mitigation Measure MM AIR-3a requires applicants to demonstrate compliance with District Rule 9510 prior to the issuance of building permits. However, it is unclear whether the adoption of the EIR will constitute the final discretionary approval for any portion of the project. Therefore, if adoption of the EIR constitutes the last discretionary approval by your agency for any portion of the project, the District recommends that demonstration of compliance with District Rule 9510 for that portion of the project, be made a condition of project approval. More information about compliance with District Rule 9510 requirements can be found online on the District's website at: <http://www.valleyair.org/ISR/ISRHome.htm>.

6

The District recommends that a copy of the District comments be provided to the project proponent. If you have any questions or require further information, please call Jessica Willis at (559) 230-5818.

7

Sincerely,

David Warner
Director of Permit Services

Arnaud Marjollet
Permit Services Manager

District CEQA Reference No: 20120170

Page 5 of 5

DW:jw

Enclosure

cc: File

Buildout Year: 2020

<u>Phase</u>	<u>Land Use</u>	<u>Square Feet in Project Description</u>	<u>Square Feet in URBEMIS Model</u>
1	Regional Shopping Center	1,089,700	108,970
1	Industrial Park	306,300	30,630
1	General Light Industrial	<u>4,543,500</u>	<u>454,350</u>
		5,939,500	593,950

Buildout Year: 2035

<u>Phase</u>	<u>Land Use</u>	<u>Square Feet in Project Description</u>	<u>Square Feet in URBEMIS Model</u>
1	Regional Shopping Center	1,089,700	108,970
1	Industrial Park	306,300	30,630
1	General Light Industrial	4,543,500	454,350
2	General Light Industrial	3,602,400	720,480
3	Regional Shopping Center	306,000	102,000
3	Industrial Park	139,600	46,530
3	General Light Industrial	2,891,950	963,980
4	Industrial Park	<u>591,150</u>	<u>591,150</u>
		13,470,600	3,018,090

San Joaquin Valley Air Pollution Control District (SJVAPCD)

Response to SJVAPCD-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to SJVAPCD-2a

The agency stated that the emissions analysis appears to underestimate the proposed project's potential impacts and referenced an attached spreadsheet (Comment SJVAPCD-8) comparing the phasing assumptions of the Draft EIR's Project Description with those used in the URBEMIS model. The agency also noted that Table 3.3-21 indicates that there will be no operational emissions from the proposed project from the first 10 years, which is at odds with the SJVAPCD's experience with similar projects.

These comments are addressed in detail in Response to SJVAPCD-2b and Response to SJVAPCD-2c.

Response to SJVAPCD-2b

Referencing its prior comment, the agency stated that the models appear to only include 10 percent of the Phase 1 square footage, 20 percent of the Phase 2 square footage, and 33.3 percent of the Phase 3 square footage. The agency recommended that the emissions analysis be revised to include the square footage of the entire project, with corresponding changes to Tables 3.2-23 through 3.2-27.

As noted by the SJVAPCD, the construction emissions analysis output does contain only percentages of the each phase. As described in Draft EIR Table 2-8 and Table 3.3-21, project phasing assumes that Phase 1 would be constructed over 10 years, Phase 2 over 5 years, and Phase 3 over 3 years. These assumptions are conceptual; the project applicant does not have any agreements with potential tenants that allow for more detailed timing to be identified. Accordingly, the air quality and greenhouse gas emissions analyses assumed that each phase would be built in equal amounts over the duration of construction. This results in 10 percent of Phase 1 being developed each year over a 10-year period, 20 percent of Phase 2 being developed each year over a 5-year period, and 33.3 percent of Phase 3 being developed each year over a 3-year period. As such, the construction emissions analysis is based on reasonable construction scenario based on the project description, was fully disclosed within the Draft EIR, and reflects the percentages described above, in the Draft EIR and by the SJVAPCD.

Operational emissions were based on the full square footage of each phase and the assumed buildout year for the phase. For example, Phase 3 General Commercial development, identified as "Regional Shopping Center" in the analysis reflects 306,000 square feet of building. In the URBEMIS output, the amount is shown in two columns: "No. Units" and "Unit Type." Because an URBEMIS land use base unit is 1,000 square feet, Phase 3 General Commercial shows as 306.00 in "No. Units," and 1,000 square feet in "Unit Type"—equal to 306,000 square feet of building. The emissions analysis for operations utilized the trip generation rates and total trip generation provided in the project's traffic study to estimate mobile emissions.

Response to SJVAPCD-2c

Referencing its prior two comments, the agency stated that Table 3.3-47 indicates that each phase was assumed to be constructed in equal amounts over the duration of the phase for modeling purposes. The agency noted it would be appropriate to indicate that each phase would become operational upon completion and recommended that Table 3.3-21 be amended to identify the assumptions used in modeling.

As previously discussed in Response SJVAPCD-2b, construction assumptions are conceptual in nature. Therefore, based on the assumed phasing of project construction and operation, and an understanding of future year emissions factors and level of activity, criteria pollutant emissions analysis were completed for the first year of construction (2013), full buildout (2032), and the highest-emitting interim years (2023, 2028, 2031).

Regarding the agency's recommendation, this essentially entails completing a year-by-year sequential analysis with as-built cumulative square footage over the duration of construction for each phase. This is not necessary, as the highest-emitting interim years (2023, 2028, 2031), and the buildout year (2032) provide the worst-case scenario for each phase and the total project. Additionally, completion of further multiple, sub-phase analyses would not increase the accuracy of the analysis, since the construction assumptions were general in nature, as described above. Thus, the Draft EIR's air quality phasing assumptions provide an appropriate, conservative analysis of project air emissions, and the recommendation for year-by-year emissions totals would not provide further insight into project air quality impacts.

Response to SJVAPCD-3

The agency noted that Impact AIR-3 concludes that the proposed project would have a significant unavoidable impact associated with criteria pollutant emissions after mitigation and stated that the SJVAPCD believes that a Voluntary Emissions Reduction Agreement is feasible mitigation for this impact. The agency provided a description of a Voluntary Emissions Reduction Agreement, which entails payment of fees to the SJVAPCD for use in its Emissions Reduction Incentive Program. This program provides grants for projects that achieve emissions reduction such as conversion of stationary internal combustion engines to electrical power; replacing old heavy-duty trucks with new, cleaner heavy-duty trucks; and replacement of old farm tractors. The agency noted that it has a process in place to verify emissions reductions and described the process by which it can verify to lead agencies that emissions have been reduced. The agency noted that its Voluntary Emissions Reduction Agreement program has been in place since 2005 and recommended that the EIR addresses an assessment of the feasibility of implementing such a program for the proposed project.

Although the City of Patterson acknowledges the SJVAPCD's efforts on developing and implementing its Voluntary Emissions Reduction Agreement program, it has concerns that it would not meet CEQA standards for "feasible mitigation." The program operates in a manner in which a specific value per ton of emissions generated is paid to the SJVAPCD to mitigate impacts. However,

the offsite mitigation fee has not undergone a public environmental review process consistent with CEQA; thus, the use of such an impact fee as mitigation without CEQA review of the fee was specifically disapproved by the court in *California Native Plant Society v. County of El Dorado*, 170 Cal. App. 4th 1026 (2009). Accordingly, requiring the project applicant to participate in the Voluntary Emissions Reduction Agreement program as means of mitigating air quality impacts is not possible.

Response to SJVAPCD-4

The agency referenced City of Patterson General Plan Policy AR-4.1, which requires sensitive receptors to be located adequate distances from existing and potential sources of toxic emissions in accordance with the California Air Resources Board Air Quality and Land Use Handbook, and stated that it is possible that sensitive receptors may be exposed to significant health risk impacts even if they adhere to the siting standards set forth in the Air Quality and Land Use Handbook. The agency noted that accurate quantification of health risks requires detailed information usually not available until project-specific approvals have been issued and recommended that the City include a policy requiring evaluation of potential health risks for any project within the scope of the EIR, including those projects that would require only ministerial approvals.

The proposed project's business park, general commercial, and light industrial uses have limited potential to support sensitive receptor uses; thus, most, if not all, end uses would not be subject to Policy AR-4.1. Underscoring this point, the proposed Master Development Plan specifically prohibits residential uses from all three zoning district and excludes other sensitive receptor-type uses (e.g., medical facilities) from the West Patterson Light Industrial Zoning District, which is the largest zoning district by acreage. Sensitive land uses such as medical facilities, day care centers, or schools could be developed in the General Commercial Zoning District and West Patterson Industrial Business Park Zoning District, although administrative approval may be required in certain cases. Should these types of uses seek to locate within the proposed project, the Master Development Plan's provisions afford the City discretion in terms of requiring analysis of land use compatibility, including exposure to toxic air contaminants.

Response to SJVAPCD-5a

As a preface to more specific comments, the agency noted that there are various General Plan policies that require consultation with the SJVAPCD during the CEQA process to identify and mitigate project related impacts. Refer to Response to SJVAPCD-5b and Response to SJVAPCD-5c.

Response to SJVAPCD-5b

The agency recommended that CEQA referral documents include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emissions sources. The agency provided instructions for submittal of such documents.

The Draft EIR provides the requested information in Section 2, Project Description and Section 3.3, Air Quality and Greenhouse Gases. The City of Patterson acknowledges the SJVAPCD's recommendations and will adhere to them for all future CEQA submittals.

Response to SJVAPCD-5c

The agency recommended that all requests for CEQA comments include project proponents' contact information, which would allow it to contact developers directly and assist them in understanding how to reduce project-related impacts on air quality and how to complete the appropriate application process. The agency recommended that the City provide a copy of the SJVAPCD's comments to the applicant.

The Draft EIR disclosed the applicant team in Section 8, Persons and Organizations Consulted/List of Preparers. The City of Patterson will provide the SJVAPCD with applicant contact information as part of future CEQA submittals.

The City of Patterson provided the applicant team with a copy of the Final EIR, which includes the SJVAPCD's comments.

Response to SJVAPCD-6

The agency acknowledged that the EIR states that the proposed project is subject to the SJVAPCD's Rule 9510 (Indirect Source Review) and noted that the rule requires project applicants to submit an Air Impact Assessment application to SJVAPCD no later than applying for final discretionary approval. The agency stated that although Mitigation Measure AIR-3a requires the applicant to demonstrate conformance with Rule 9510 to the City of Patterson at the time building permits are sought, it is unclear if adoption of the Draft EIR represents the final discretionary approval for any portion of the project. Accordingly, the agency recommended that the City of Patterson require a condition of approval demonstrating that the project comply with Rule 9510.

Specific uses that are developed pursuant to the proposed project's Master Development Plan will require at a minimum Site Plan Review and Design Review, which are discretionary approvals. Thus, certification of the EIR would not be the final discretionary approval.

As part of its standard plan check process, the City of Patterson requires project applicants to submit documentation demonstrating compliance with or exemption from Rule 9510 prior issuance of building permits. Mitigation Measure AIR-3a reinforces this established process with a mitigation measure. The City typically reiterates mitigation measures as conditions of approval, to the extent they are relevant and applicable to specific development projects; thus, it would be expected that this would occur with specific uses developed pursuant to the proposed project's Master Development Plan.

Response to SJVAPCD-7

The agency provided closing remarks to conclude the letter. No response is necessary.

Response to SJVAPCD-8

The agency provided a spreadsheet showing a comparison of phasing between the Draft EIR Project Description and the air quality modeling. Refer to Response to SJVAPCD-2a through Response to SJVAPCD-2c.



CHIEF EXECUTIVE OFFICE

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STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

June 20, 2012

Joel Andrews, City Planner
City of Patterson
Community Development Department
1 Plaza
Patterson, Ca 95363

COUNTY
PAGE 1 OF 3

**SUBJECT: ENVIRONMENTAL REFERRAL – CITY OF PATTERSON –
NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL
IMPACT REPORT FOR THE WEST PATTERSON BUSINESS
PARK EXPANSION PROJECT**

Mr. Andrews:

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 in the areas of Agricultural Resources and Transportation/Traffic. The following comments are provided for consideration and very similar to those submitted during the City of Patterson’s preparation of the Environmental Impact Report (EIR).

1

Agricultural Resources

The proposed project takes land out of agricultural production, contributes to the cumulative loss of very productive agricultural lands, and continues to set precedent to develop agricultural land for future urban/industrial growth (and at full build out increases pressure to develop nearby agricultural lands). The Environment Impact Report (EIR) should determine if the conversion of agricultural land to non-agricultural uses as a result of this project could have a significant effect on the environment. The evaluation should consider both the direct and indirect effects of agricultural land conversion and should fully assess the cumulative impacts of the conversion. In order to mitigate the conversion of agricultural land resulting from this project, the City of Patterson should consider

2

ENVIRONMENTAL REFERRAL – CITY OF PATTERSON – NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WEST PATTERSON BUSINESS PARK EXPANSION PROJECT

Page 2

the replacement of agricultural land at a 1:1, or greater, ratio with agricultural land of equal quality located in Stanislaus County. The EIR should also evaluate the use of buffers to protect surrounding agricultural operations from conflicts with the project.

2
CONT

Transportation/Traffic

The increase in vehicular traffic will impact areas outside of the immediate business park expansion area. The proposed amendments only include on site improvements. Fair share traffic mitigation should be considered at locations such as the Sperry Road/I-5 interchange, Sperry Road at Rogers Road, Highway 33/Rogers Road interchange, Zacharias Road at Rogers Road, Zacharias at Highway 33 and any other proposed routes. There will be a significant amount of traffic generated by this project. Trip distribution from this project will have a large impact on the intersections and roadways affected inside and outside the proposed project area.

3

It should be expected that any existing planned projects will have its fair share calculated based on all new generated trips. Any unplanned effects on the transportation network from the West Patterson Business Park Expansion Project will be constructed at identified locations. This includes any infrastructure that the Environmental Impact Report may identify the South County Expressway as constructing. It is currently an unfunded, unscoped project, therefore any impact that is claimed to be mitigated by the South County Expressway should be rejected and must be mitigated instead with this project.

4

Because the area is currently within the limits of Stanislaus County, it needs to be clear that the General Plan Designation the document refers to for the roadway is from the City of Patterson's General Plan and that the use is consistent with the planned designation. Currently, Zacharias Road is a local road in the County. If the traffic generated is greater than the planned use in the Stanislaus County General Plan, it must be mitigated by the project. As mentioned earlier, only projects that have been scoped should be considered a real project with forward progress in which the effects of the project can pay towards the fair share of the use.

5

Land developed on the west side of the California Aqueduct and the Delta Mendota are connected with private bridges that need to be evaluated for in the Environmental Review Report process for sufficiency as related to carrying significant truck traffic along with modern seismic loadings. Currently, there is no other true access. It is shown that the Del Puerto Canyon Road undercrossing connects to the Del Puerto Canyon Road, but it is an unimproved private road.

6

**ENVIRONMENTAL REFERRAL – CITY OF PATTERSON – NOTICE OF
AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
WEST PATTERSON BUSINESS PARK EXPANSION PROJECT**

Page 3

Additionally, the amount of traffic that can be generated from a project of this scope has regional implications that need to be considered in the Environmental Impact Report's Traffic Impact Analysis. The Stanislaus County Department of Public looks forward to working with the City of Patterson on further environmental review of this project.

7

The ERC appreciates the opportunity to comment on this project that looks to enhance economic development opportunities in Stanislaus County.

8

Sincerely,



Raul Mendez, Senior Management Consultant
Environmental Review Committee

cc: ERC Members

RM:kg

Stanislaus County Environmental Review Committee (COUNTY)

Response to COUNTY-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to COUNTY-2

The agency stated that the EIR should evaluate impacts on agricultural resources and should consider mitigating the conversion of agricultural land through the replacement of equally or better quality land at a 1:1 or greater ratio within Stanislaus County.

Draft EIR Section 3.2, Agricultural Resources evaluated the potential impact on Important Farmland. Mitigation Measure AG-1 is proposed requiring the project applicant to mitigate the loss of Important Farmland through the preservation of equal- or higher-quality land at no less than a 1:1 ratio elsewhere in Stanislaus County. This mitigation measure is consistent with the County's request.

Response to COUNTY-3

The agency stated that the proposed project will increase traffic volumes on local roadways and the EIR should consider fair-share mitigation at locations such as Sperry Road/I-5, Sperry Road/Rogers Road, SR-33/Rogers Road, Zacharias Road/Rogers Road, Zacharias Road/SR-33, and other locations.

The Draft EIR identifies 25 traffic mitigation measures, including improvements to all intersections specified by the County—specifically, Mitigation Measures TRANS-1b (Sperry Avenue/I-5 Southbound Ramps), TRANS-1c (Sperry Avenue/I-5 Northbound Ramps), TRANS-1d and TRANS-2a (Sperry Avenue/Rogers Road), TRANS-2c (Sperry Avenue/Ward Avenue), TRANS-2e (Sperry Avenue/SR-33), TRANS-2h (Zacharias Road/SR-33), TRANS-2j (Rogers Road/SR-33), and TRANS-2o (Rogers Road/Zacharias Road). The applicant's proportionate-share responsibility is identified in Table 3.13-14.

Response to COUNTY-4

The agency noted that it should be expected that any existing planned projects will have their fair share calculated on all new generated trips and that any unplanned effects on the transportation network from the proposed project will be constructed at identified locations. The agency stated that this includes any infrastructure that the EIR may identify, including the South County Expressway. The agency noted that this planned roadway is currently an unfunded, unscoped project; therefore, any impact that is claimed to be mitigated by the South County Expressway should be rejected and must be mitigated instead with this project.

The Draft EIR evaluated project-related traffic impacts under Existing Plus Phase 1 conditions and Year 2035 Cumulative Traffic scenarios. The Existing Plus Phase 1 scenario did not assume the South County Expressway was constructed, as this facility currently does not exist. The Year 2035 Cumulative Traffic scenario assumed buildout of the City of Patterson General Plan and the associated roadway network. Although the Year 2035 Cumulative Traffic scenario did not assume that the South County Expressway would be constructed, it did address on pages 3.13-46 and 3.13-47

when the Zacharias Road/I-5 interchange—which would be associated with the expressway—would be needed. The interchange would be needed at approximately 60 percent buildout of the proposed project. Accordingly, Mitigation Measure TRANS-2p is proposed requiring the proposed project to contribute fees to fund this improvement, provided that it is programmed into an adopted fee program at the time building permits are sought.

In summary, the Draft EIR appropriately did not assume that this improvement would be in place under the Year 2035 Cumulative Traffic scenario, but it did acknowledge that this improvement is needed to serve the proposed project and set forth mitigation to require the proposed project to contribute fees if, in fact, it is included in a fee program in the future.

Response to COUNTY-5

The agency noted that the project site is currently located in unincorporated Stanislaus County and stated that the EIR should be clear that General Plan roadway classifications are those of the City of Patterson and are reflective of the surrounding land use designations. The agency noted that Zacharias Road is classified as a local road by the County and the traffic generated by the proposed project would result in a corresponding need for mitigation.

Draft EIR Exhibit 2-7 depicts the roadway classifications for Rogers Road, Zacharias Road, and the internal project roadways, which are based on the City of Patterson General Plan and are reflective of Light Industrial and General Commercial land use designations.

As discussed in Response to COUNTY-3, Mitigation Measure TRANS-2o requires improvements to the intersection of Rogers Road/Zacharias Road. Additionally, as described on Draft EIR page 2-21, Zacharias Road would be improved to an interim 65-foot-wide section along the project frontage. This interim section would provide access to the proposed project up until the point the South County Expressway is pursued. The project applicant would be responsible for the full cost of improving Zacharias Road along the project frontage.

Response to COUNTY-6

The agency stated that land developed on the west side of the California Aqueduct and Delta-Mendota Canal is connected with private bridges that need to be evaluated in the EIR for sufficiency in terms of carrying significant truck traffic. The agency noted that there is no other access to these areas and stated that project plans show that an undercrossing connects this area to Del Puerto Canyon Road, but that this is an unimproved private road.

Draft EIR page 2-22 indicates that new waterway crossings of the California Aqueduct and Delta-Mendota Canal would be required, which may also result in offsetting removal of the existing private crossings. Thus, the existing private crossings are not contemplated to provide truck access to areas on the west sides of the waterways.

As noted on Draft EIR page 2-22, the area between the California Aqueduct and I-5 would be served by an Emergency Vehicle Access to Del Puerto Canyon. The existing unpaved roadway would be improved to provide a 20-foot-wide, all-weather surface facility. The route is shown in Exhibit 2-8.

Response to COUNTY-7

The agency stated that the proposed project's traffic volumes may have regional impacts that need to be considered in the EIR.

The Draft EIR evaluated traffic impacts at 25 intersections, nine arterial roadway segments, and the I-5 freeway corridor. All major roadway facilities that serve the City of Patterson and surrounding unincorporated areas were included in this evaluation, including I-5, SR-33, Sperry Avenue, Rogers Road, Zacharias Road, Baldwin Road, E. Las Palmas Avenue, W. Main Avenue, Sycamore Avenue, and Ward Avenue. Thus, the proposed project's regional traffic impacts were considered and mitigation measures were proposed where appropriate.

Response to COUNTY-8

The agency provided closing remarks to conclude the letter. No response is necessary.



LAND USE PLANNING

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June 11, 2012

Mr. Joel Andrews
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Community Development Department
City of Patterson
P.O. Box 667
Patterson, CA 95363
Email: jandrews@ci.patterson.ca.us

Subject: Comments: West Patterson Business Park Expansion Project Draft Environmental Impact Report (DEIR) – State Clearinghouse No. 2011082016

Dear Mr. Andrews:

As you may be aware, my Firm has been retained by the Del Puerto Health Care District (hereinafter referred to as the "District") to assist in various Capital Planning, Strategic Entitlement Review and Environmental Review matters concerning the District. As such, the purpose of this letter is to provide the City of Patterson comments on the above-mentioned DEIR. In addition, please note that I have attached the Letter, dated April 9, 2012, in which our Firm submitted to the City written comment on the West Patterson Business Park Expansion Project Notice of Preparation. I ask that this attached Letter be included as part of DEIR comments contained herein.

1

The District, located in the western portion of Stanislaus County, was established in 1946 to provide health care services to residents and employees living in the City of Patterson and unincorporated areas within western Stanislaus County. District services are also available to residents/patients living or working in the greater service area, including the Cities of Gustine and Newman. In its current form, the District provides acute care and routine medical services, as well as the Patterson District Ambulance. The proposed expansion of the West Patterson Business Park is located within the District's Service Boundary.

The District's Mission Statement is as follows; "The District's primary mission is to provide the highest quality service through Patterson Ambulance and Del Puerto Health Center, while expanding the healthcare availability to the citizens of the Del Puerto Health Care District." Because the proposed expansion of the West Patterson Business Park Project is within the District's Service Boundary, it is our goal to work with the County and the Project Proponent to ensure the above Mission Statement is executed and the highest quality service to the future employees and potential future residents generated as a direct result of the expansion of the West Patterson Business Park Project as referenced. As you are aware, the Patterson City adopted the current General Plan on November 30, 2010. The adopted Patterson General Plan contains goals, policies and implementation measures which serve to promote Westside Medical Care as a top priority. It is in light of the adopted General Plan that Del Puerto Health Care District is pleased to present these comments.

2

Based on our review of the DEIR, it is our understanding the proposed expansion of the West Patterson Business Park (hereinafter referred to as the "Project") is comprised of twenty-six (26) parcels of land occupying approximately 1,119 gross acres of land. The Project is bounded by Interstate 5 and the California Aqueduct to the west and south, Zacharias Road to the north, and Rogers Road and the Villa Del Lago highway commercial center to the east. The Project generally consists of two components: Arambel Business Park and the KDN Retail Center/Business Park.

According to the DEIR, the Project consists of the following:

- Development of approximately 13.47 million square feet of light industrial, business park, and general commercial land uses;
- Installation of the necessary infrastructure and public facility improvements;
- Water supply and wastewater collection services, as provided by the City of Patterson; and
- All Land Use Entitlement applications including General Plan Amendment, Prezone, Master Development Plan, Planned Development, Vesting Tentative Maps and Development Agreements.

Based on our review of the Project's DEIR, we have included the following comments. Please note that the comments below correspond with each environmental topic as they are discussed in the DEIR.

Section 2 - Project Description:

Based on a review of Section 2 – Project Description, of the DEIR, the land use classifications included as part of the Project consist of three industrial zoning classifications: West Patterson Industrial Business Park (WPIBP), West Patterson Light Industrial (WPLI), and General Commercial (GC). Within the WPIBP zone classification, land uses are noted to be consistent with the Light Industrial land use designation of the City's 2010 General Plan. The WPLI zone classification is also noted to be consistent with the Light Industrial land use designation of the General Plan.

The DEIR Project Description states that "medical and health facility uses" are permitted within the WPIBP zone classification. With the exception of the WPIBP zone classification, the DEIR Project Description provides little detail as to which uses are permitted within the WPLI and GC zone classifications. As such, we assume that the Project, and the uses permitted within each zone classification, will be consistent with not only the Light Industrial and General Commercial land use designations of the 2010 General Plan, but also the permitted uses identified in Title 18 of the City's Municipal Code. If this assumption is correct, the DEIR Project Description should provide language that generally states the uses permitted within each of the Project's zone classifications shall be consistent with the uses prescribed for each zone classification within Title 18 of the City's Municipal Code.

In addition, in light of the comments provided for the Project's Notice of Preparation (NOP), the District is of the opinion that ambulance services and medical facilities should be included as a permitted use within the Project's WPIBP, WPLI, and GC zone classifications. The District respectfully requests these uses be clarified in Section 2 of the DEIR.

2
CONT

3

Section 3.9 - Land Use:

Table 3.9-2 – General Plan Consistency Analysis, summarizes the Project’s consistence with all applicable goals and policies of the City’s 2010 General Plan. As the City is aware, the 2010 General Plan includes goals and policies applicable to the District and the existing/future medical services it provides. As it relates to the Project, these goals and policies are as follows:

Goal LU-6 of the 2010 General Plan states, “To designate adequate land and provide support for the development of hospital and medical offices to serve Patterson residents and to become the medical services hub for western Stanislaus County.”

Policy LU-6.1 of the 2010 General Plan states, “The City shall encourage the maintenance and expansion of hospital and medical facilities to meet the needs of Patterson residents, employees, and visitors.”

Policy LU-6.3 of the 2010 General Plan states, “The City shall work with the Del Puerto 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.”

4

Table 3.9-2 of the DEIR does not include a summary analysis of how the Project is consistent with the above goal and policies. The District requests the above goal and policies be included as part of the analysis and summary contained in Table 3.9-2 of the DEIR. As noted in Section 2 of the DEIR, and specifically as it relates to Policy LU-6.1, the Project is anticipated to generate approximately 10,093 full-time employees, and therefore, the maintenance of existing, and potential expansion of, District facilities may be affected.

In light of Goal LU-6, and as noted previously, the District is of the opinion that ambulance services and medical facilities be considered a permitted use within the WPIBP, WLIP, and GC zone classifications. With the addition of 10,093 full-time employees generated by the Project, allowing such uses within these zone classifications would permit the type of flexibility the District needs to identify future locations for these types of facilities within the Project and the greater City of Patterson.

Section 3.12 - Public Services and Utilities:

The following is contained in the attached NOP Comment Letter, dated April 9, 2012: *“As noted previously, the proposed project is located within the boundary of the Del Puerto Health Care District. As such, the DEIR should evaluate the proposed projects potential affects on the District, as well as the potential need for expansion of District services and facilities needed as either a direct or indirect result of the proposed project. The District anticipates that implementation of the proposed project will have a significant impact to the District and potentially require the need for additional medical staff, facilities and quite possible the expansion of additional lines of medical service that may or may not currently exist needed to allow the continued medical assistance to the residents in west Stanislaus County. The District requests that the City and the preparers of the EIR consult and coordinate with District Staff in determining such impacts and potential mitigation measures dealing with public services, and*

5

specifically, the impacts said project may have on the District's responsibility to provide medical care to residents within the District's boundary."

It appears the preparers of the DEIR made a diligent effort in contacting various public service and utility providers (i.e. Patterson Police Department, Fire Department, and Public Works Department, TID, and PG&E), as referenced in Section 3.12.4. However, the District was not consulted by the preparers of the DEIR and allowed the opportunity to provide input as to how the Project may affect the District's facilities and ability to provide medical services to Patterson residents and employees. In addition, it appears that the request to consult with the District (as referenced in the April 9, 2012 NOP Comment Letter) was not fulfilled.

5
CONT

Based on the above, the District requests that the City and preparers of the DEIR consult and coordinate with District Staff in determining how the Project will impact the District's facilities and their ability to provide adequate medical services in addition to potential mitigation measures that may result from any potentially significant impacts as a result of the Project. The District requests this be done prior to the preparation of the Project's Final EIR.

Section 3.13 - Transportation:

As it relates to the County's Emergency Response Plan, the DEIR does not evaluate the potential environmental impacts to the District's ability to provide emergency response to all areas of the proposed industrial project via the regional and local circulation network. Locations of the District's emergency medical facilities should be considered in exploring appropriate methods to adequately serve the proposed workforce. Ambulance service response times, mutual aid relationships with neighboring ambulance service operators, and requirements of the regional EMS regulatory authority must be evaluated considering the current District responsibilities and existing service level demands.

6

The District requests the DEIR and Final EIR consider the Project's impacts on emergency response times as it relates to the Project's location and the location of the District's ambulance facilities. Perhaps this a topic more suited for Section 3.12 of the DEIR, but the District is willing to discuss the Project's potential impacts on its ambulance services with the City and the preparers of the DEIR.

On behalf of the Del Puerto Health Care District, thank you again for the opportunity to provide the City of Patterson with comments on the West Patterson Business Park Expansion Project Draft Environmental Impact Report. I look forward to hearing from the City and/or the preparers of the DEIR to discuss the comments noted above.

7

Sincerely,



John B. Anderson
Principal

Mr. Joel Andrews
City Planner
City of Patterson
June 11, 2012
Page 5

ANDERSON
PAGE 5 of 8

cc: Del Puerto Health Care District

Attachment

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Phone: (209) 599-8377

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April 9, 2012

Mr. Joel Andrews
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Community Development Department
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P.O. Box 667
Patterson, CA 95363
Email: jandrews@ci.patterson.ca.us

Subject: Amended Notice of Preparation of a Draft Environmental Impact Report for the West Patterson Business Park Expansion Project (State Clearinghouse No. 2011082016)

Dear Mr. Andrews:

As you may be aware, my Firm has been retained by the Del Puerto Health Care District (hereinafter referred to as the "District") to assist in various Capital Planning, Strategic Entitlement Review and Environmental Review matters concerning the District. As such, the purpose of this letter is to provide the City of Patterson comments on the above-mentioned Notice of Preparation.

The District, located in the western portion of Stanislaus County, was established in 1946 to provide health care services to residents and employees living in the City of Patterson and unincorporated areas within western Stanislaus County. District services are also available to residents/patients living or working in the greater service area, including the Cities of Gustine and Newman. In its current form, the District provides acute care and routine medical services, as well as the Patterson District Ambulance. The proposed expansion of the West Patterson Business Park is located within the District's Service Boundary.

The District's Mission Statement is as follows; "The District's primary mission is to provide the highest quality service through Patterson Ambulance and Del Puerto Health Center, while expanding the healthcare availability to the citizens of the Del Puerto Health Care District." Because the proposed expansion of the West Patterson Business Park Project is within the District's Service Boundary, it is our goal to work with the County and the Project Proponent to ensure the above Mission Statement is executed and the highest quality service to the future employees and potential future residents generated as a direct result of the expansion of the West Patterson Business Park Project as referenced. As you are aware, the Patterson City adopted the current General Plan on November 30, 2010. The currently adopted City General Plan contains goals, policies and implementation measures which serve to promote Westside Medical Care as a top priority. It is light of the adopted City General Plan that Del Puerto Health Care District is pleased to present these comments.

In general, based on our review of the NOP, it is our understanding the proposed expansion of the West Patterson Business Park (hereinafter referred to as the "Project") is comprised of 26 parcels of land occupying nearly 1,200 gross acres of land. The draft Environmental Impact Report will evaluate the following project elements:

- Industrial, commercial, and business park land uses to generate about 13.47 million square feet of buildings;
- Infrastructure and public facility improvements;
- Water supply and wastewater collection services will be provided by the City of Patterson; and
- All entitlement applications including General Plan Amendment, Prezone, Master Development Plan, Planned Development, Vesting Tentative Maps and Development Agreements.

It is our understanding that in accordance with Section 15161 of the CEQA Guidelines, the City will be preparing a Project-level analysis for the Project. Where specific development details are not known, the City will prepare a program-level environmental analysis in accordance with Sections 15152 and 15168 of the CEQA Guidelines to be followed in the future with additional environmental analysis as greater project knowledge is available. Below, we provided our input on the NOP for the expansion of the West Patterson Business Park Project.

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CONT

Land Use and Planning:

The NOP provides little detail of the types of potential uses within each land use classification of the Project. The District is of the opinion that ambulance services and medical facilities should be included as part of the Project, as its distance from the City of Patterson is such that to rely on existing facilities may not adhere to mandated emergency response times.

In relation to the Project's NOP and forthcoming EIR, the District requests that the potential uses of ambulance services, as well as emergency services and facilities, be considered in other land use designations such as Industrial Commercial and Business Park, and that those potential uses, within these land use designations, be considered for their potential environmental impacts in the Project's EIR. Allowing uses such as emergency services and facilities in other land uses beyond the Public Facilities land use would permit the type of flexibility the District needs to identify future locations for these types of facilities within the Project and the greater community of Patterson.

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Based on the above, the District respectfully requests that the potential use of ambulance services and medical facilities be considered in the Business Park, Industrial Commercial, and Public Facilities land use designations and be include as part of the analysis contained in the Project's EIR.

Public Services:

The NOP states, "The EIR will evaluate the potential for adverse physical effects on the environment related to construction of new governmental facilities required to provide public services such as fire and law enforcement protection, schools, and solid waste, and the project's effect on the availability of public resources to communities within the project vicinity."

As noted previously, the proposed project is located within the boundary of the Del Puerto Health Care District. As such, the DEIR should evaluate the proposed projects potential affects on the District, as well as the potential need for expansion of District services and facilities needed as either a direct or indirect result of the proposed project. The District anticipates that implementation of the proposed project will have a significant impact to the District and potentially require the need for additional medical staff, facilities and quite possible the expansion of additional lines of medical service that may or may not currently exist needed to allow the continued medical assistance to the residents in west Stanislaus County. The District requests that the City and the preparers of the EIR consult and coordinate with District Staff in determining such impacts and potential mitigation measures dealing with public services, and specifically, the impacts said project may have on the District's responsibility to provide medical care to residents within the District's boundary. Furthermore, a public service and safety collaborative effort that includes input from law enforcement, fire protection, emergency medical service, hospitals, and other concerned agencies should be considered when addressing these issues based on the distant proximity of the project to a city center.

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Traffic and Circulation:

The NOP states, "The EIR will evaluate the proposed project's impacts on local and regional transportation facilities, including several freeways segments and ramps, and the local rail lines. The evaluation will be based on a transportation analysis that will evaluate local intersections, roadway segments, merge/diverge/weave, project-related vehicle trips, proposed site circulation and access, local transit operations, and the surrounding roadway network. The EIR will identify triggers for transportation improvements. The traffic and circulation section will also analyze effects on public transit, as well as public transit needs and alternative modes of transportation."

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As it relates to the County's Emergency Response Plan, the EIR should evaluate the potential environmental impacts to the District's ability to provide emergency response to all areas of the proposed industrial project via the regional and local circulation network. Locations of the District's emergency medical facilities will need to be considered in exploring appropriate methods to adequately serve the proposed workforce. The PEIR should evaluate as a design possibility the opportunity to establish the expansion of the public services center on the project to include ambulance services. Ambulance service response times, mutual aid relationships with neighboring ambulance service operators, and requirements of the regional EMS regulatory authority must be evaluated considering the current District responsibilities and existing service level demands. If the proposal is to increase rail traffic to the Industrial Park Impacts associated with railroad crossings and potential delays to emergency response times should also be considered.

Hazards & Hazardous Materials:

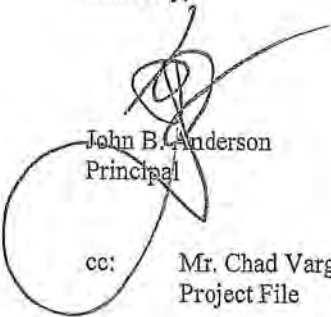
The NOP states, "The EIR will evaluate the proposed project's impacts as a result of hazardous materials through the transportation, use, or disposal of hazardous materials, as well as the potential for reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment."

The DEIR should evaluate the potential environmental impacts for hazardous material storage, disposal or transport within the proposed project and evaluate potential significant impacts created as a result of these hazardous materials on the surrounding environment. Special equipment, training and the like will need to be evaluated as a direct result of potential hazardous materials use within the project. Fire suppression systems, roadway circulation and land use patterns may influence the impacts in this regard based on the types of hazardous materials storage.

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On behalf of the Del Puerto Health Care District, thank you again for the opportunity to provide the City of Patterson with comments on the proposed expansion of the West Patterson Business Park Project Notice of Preparation. Should you have any questions, please do not hesitate to contact me at the phone number listed above.

Sincerely,


John B. Anderson
Principal

cc: Mr. Chad Vargas, Executive Director of the Del Puerto Health Care District
Project File

Individuals

John Anderson (on behalf of the Del Puerto Health Care District) (ANDERSON)

Response to ANDERSON-1

The author provided background on his relationship with the Del Puerto Health Care District and requested that his previous comments on the NOP be included.

The author's NOP comments are addressed in Response to ANDERSON-8 through Response to ANDERSON-12.

Response to ANDERSON-2

The author provided background about the Del Puerto Health Care District and provided a summary of the project characteristics. No response is necessary.

Response to ANDERSON-3

The author referenced the Draft EIR's Project Description's discussion of the three proposed zoning districts for the project site and requested clarification regarding what zoning districts "medical and health facility uses" would be permitted within. The author also requested clarification regarding whether permitted uses would be consistent with the provisions of the underlying General Plan land use designation of Light Industrial and General Commercial and the provisions of Municipal Code Title 18 (Zoning Ordinance). The author stated that the Del Puerto Health Care District is of the opinion that ambulance services and medical facilities should be included as a permitted use within all three project-related zoning districts and requested that the Draft EIR provide clarification.

The draft Master Development Plan identifies permitted uses for the West Patterson Industrial Business Park Zoning District, the West Patterson Light Industrial Zoning District, and the General Commercial Zoning District. Each will be discussed individually.

West Patterson Industrial Business Park Zoning District

The draft Master Development Plan establishes that "medical and health facility uses" are allowable uses within the West Patterson Industrial Business Park Zoning District. Medical and health facility uses are defined as follows:

"Medical and health facilities and uses" as used in this chapter means health centers; medical centers (not including hospitals); outpatient surgery centers; urgent care centers; prompt care centers; medical offices, doctors' offices, dental or dentist offices, psychologist offices, and health care, mental health, and medical counseling services; medical and health care education and training; medical clinic as defined in Section 18.08.020; health clinic; dental clinic; industrial and occupational medicine; physical therapy; imaging, x-ray, radiology, diagnostic, and scanning facilities; medical, health, or dental fabrication offices, medical, health, or dental laboratories; lab services; all uses may include general, primary, family, pediatric, optometry, specialist or other types or levels of care; medical and orthopedic supply stores and

distributors; boutique pharmacies, optician shops, gift shops, and health-related bookstores as an ancillary use; administrative and professional offices, facilities, community facilities and rooms, or uses supporting or relating to any of the uses herein; any other facilities or uses customarily used to support the uses above, or any combination of these, or any rental or lease of facilities owned or leased by any of these to third parties for permitted uses under this zoning chapter; all of which may be provided by private, quasi-public, or public entities.

West Patterson Light Industrial Zoning District

The draft Master Development Plan establishes that “Medical offices and clinics” are prohibited in the West Patterson Light Industrial Zoning District.

General Commercial Zoning District

The draft Master Development Plan establishes that “Medical clinics, including laboratories in conjunction therewith” are permitted uses within the General Commercial Zoning District.

Summary

The types of medical and health facilities relevant to the Del Puerto Health Care District could be developed as a permitted use within the West Patterson Industrial Business Park Zoning District and General Commercial Zoning District; however, such facilities are prohibited within the West Patterson Light Industrial Zoning District.

Response to ANDERSON-4

The author referenced the General Plan consistency analysis provided in Table 3.9-2 and noted that it omitted discussion of project consistency with Goal LU-6, Policy LU-6.1, and Policy LU-6.3, all of which concern provision of medical services to the community. The author requested that project consistency with the goal and two policies be added to Table 3.9-2. The author also stated that the proposed project would be expected to create 10,093 full-time jobs and, therefore, may affect the ability of the Del Puerto Health Care District to maintain and expand its facilities. The author reiterated a previous statement that the Del Puerto Health Care District is of the opinion that ambulance services and medical facilities should be included as a permitted use within all three project-related zoning districts and requested that the Draft EIR provide clarification in this case.

Table 3.9-2 addresses project consistency with goals and policies that are applicable to the proposed project. As such, goals and policies that are not applicable to the proposed project were not addressed.

In the case of Goal LU-6, Policy LU-6.1, and Policy LU-6.3, these primarily pertain to the development of medical facilities and the delivery of medical services to the Patterson community. As described throughout the Draft EIR, the proposed project consists of the development of business park, general commercial, and light industrial uses, and associated infrastructure on the project site,

and these characteristics are reflected in the project objectives. Although a medical facility is one example of a potential tenant for the business park and general commercial components of the proposed project, no such agreements have been entered into to develop such a facility; therefore, the Draft EIR appropriately did not discuss this type of potential end user in any more detail than any other potential end user.

Regarding the author's statement that the 10,093 full-time jobs created by the project may affect the ability of the Del Puerto Health Care District to maintain and expand its facilities, it should be emphasized that this employment estimate represents full buildout of the project, which is not expected to occur for a minimum of 20 years, if not longer. The existing West Patterson Business Park provides a more realistic example of how job growth would likely occur on an incremental basis over a period a years. Thus, the proposed project would not be expected to result in a sudden increase in new demand on the Del Puerto Health Care District such that new or expanded facilities would be required in the near term.

Furthermore, the Del Puerto Health Care District recently moved into a remodeled 11,000 square-foot building in the Keystone Pacific Business Park in March 2012 that includes 21 exam rooms, a digital x-ray room, doctors' offices, a conference room, a break room with lockers for staff, and an office for the director.² Thus, it would be expected that the Del Puerto Health Care District's new facility should be adequate to serve the short-term increases in demand attributable to the proposed project's new employment opportunities.

Moreover, as a government agency, the Del Puerto Health Care District would receive additional tax revenues generated by the proposed project and also has the ability to issue bonds to finance the development of new or expanded facilities. Additionally, the Development Agreement for the proposed project is anticipated to include a one-time, square-footage-based fee that would be assessed to the proposed project's uses to provide funding for capital improvements to Del Puerto Health Care District facilities. As such, the Del Puerto Health Care District would be expected to have funding to develop new or expanded health care facilities as the proposed project builds out.

Finally, the proposed project is anticipated to be primarily tenanted by private employers. Such employers are anticipated to offer employees health care plans affiliated with private Health Maintenance Organizations (HMOs). Typically, HMOs encourage plan participants to use health care facilities that are affiliated with the HMO network through incentives such as lower co-pays, and likewise discourage use of out-of-network health care facilities through use of disincentives such as higher co-pays. Thus, to the extent that project employees would seek care at the Del Puerto Health Care District would be largely a function of whether their health plan treats the Health Care District as a "network" or "out-of-network" facility. In cases where the Del Puerto Health Care District is not

² See "Health center to open Monday in new quarters," published in the Patterson Irrigator on March 1, 2012. Available online at http://www.pattersonirrigator.com/view/full_story/17697991/article-Health-center-to-open-Monday-in-new-quarters?

part of the HMO network, employees would have no incentive to seek treatment with this agency for non-emergency care, as they would be faced with higher costs than if they used another network care provider.

Refer to Response to ANDERSON-3 for discussion of zoning for medical facilities.

Response to ANDERSON-5

The author recited language from the NOP comment letter concerning impacts to public services, including a request to consult with Del Puerto Health Care District regarding project impacts and necessary mitigation. The author stated that the Del Puerto Health Care District was not contacted during the preparation of the Draft EIR Public Services and Utilities section, nor was the agency consulted by the City of Patterson. The author stated that the Del Puerto Health Care District requests that the City of Patterson consult and coordinate with the agency regarding how the proposed project may affect its ability provide services.

To clarify, the Del Puerto Health Care District is not a “responsible agency” for the West Patterson Business Park Expansion Project; refer to Draft EIR pages 2-68 and 2-69.³ CEQA Guidelines Section 15096 affords responsible agencies with the opportunity to request consultation; however, this provision does not extend to other agencies. As such, in these circumstances, such requests for consultation are elective and at the discretion of the lead agency.

The City of Patterson reviewed the Del Puerto Health Care District’s NOP comment letter dated April 9, 2012 and determined that the comments raised in the letter concerned issues that would be addressed in detail in the Draft EIR (traffic and circulation, hazardous materials, etc.) or had limited potential to involve physical impacts on the environment (such as what zoning districts medical and health care facilities could be developed in). Thus, consultation was determined not to be necessary.

In light of the Del Puerto Health Care District Draft EIR comments, the City still maintains that consultation is not warranted, as all of the agency’s comments have been responded to in this Final EIR. Refer to Response to ANDERSON-4 for further discussion.

Response to ANDERSON-6

The author stated that the Draft EIR did not evaluate the potential environmental impacts to the Del Puerto Health Care District’s ability provide emergency response to all areas of the proposed project. The author stated that EIR needs to evaluate the locations of the Health Care District’s ambulance facilities as well as ambulance response times, mutual aid relationships with neighboring ambulance operators, and requirements of the regional Emergency Medical Services authority.

³ A Responsible Agency is defined by CEQA Guidelines Section 15381 as a “public agency which proposes to carry out or approval project for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term ‘Responsible Agency’ includes all public agencies other than the Lead Agency which have discretionary approval power over the project.”

The Patterson Fire Chief, who also serves as the Fire Chief of the West Stanislaus Fire Protection District, was consulted about emergency response impacts associated with the proposed project. The Fire Chief is the most appropriate individual to consult, since the California Fire Code establishes specific requirements for access for fire apparatus and designates the local fire chief as the decision maker regarding the acceptance of alternative access arrangements when minimum standards cannot be met. Thus, one can reason that if a project provides adequate access for a large fire engine, it would also provide adequate access for smaller emergency response vehicles such as ambulances.

As stated on pages 3.12-31 through 3.12-33, the Patterson Fire Chief determined that the proposed project needed to provide a second point of emergency access to the portion of the project site that would be located between the California Aqueduct and I-5. As such, Mitigation Measure HAZ-4 was proposed requiring the project applicant to prepare and submit plans to the satisfaction of the Patterson Fire Chief demonstrating that a second point of emergency access could be provided to this area in accordance with California Fire Code requirements. Accordingly, the Fire Chief was consulted about emergency access and deemed it to be acceptable with the implementation of Mitigation Measure HAZ-4.

Regarding emergency access to the proposed project by Del Puerto Health Care District ambulances, this is expected to be adequately provided because of the proximity of Health Center to the project site. The Health Center is located at 1700 Keystone Pacific Parkway, less than 1 mile from the project site; thus, an ambulance responding to an emergency call at the proposed project would be expected to get there in less than 5 minutes.

Finally, regarding the issues of mutual aid relationships with neighboring ambulance operators, and requirements of the regional Emergency Medical Services authority, these issues do not have physical impacts on the environment and, therefore, are outside the scope of the EIR.

Response to ANDERSON-7

The author provided concluding remarks to close the letter. No response is necessary.

Response to ANDERSON-8

Note to reader: Comments ANDERSON-8 through ANDERSON-12 consist of the April 9, 2012 NOP Comment letter.

The author provided background about the Del Puerto Health Care District and provided a summary of the project characteristics. No response is necessary.

Response to ANDERSON-9

The author stated that the Del Puerto Health Care District requests that the potential uses of ambulance services, as well as emergency services and facilities, be considered in other land use designations such as Industrial Commercial, Business Park, and Public Facilities.

Refer to Response to ANDERSON-3.

Response to ANDERSON-10

The author stated that the Del Puerto Health Care District requests that impacts on its ability to provide medical services be evaluated in the Draft EIR.

Refer to Response to ANDERSON-4.

Response to ANDERSON-11

The author stated that the Del Puerto Health Care District requests that the Draft EIR evaluate impacts on emergency response, including ambulance response times, to the project site.

Refer to Response to ANDERSON-6.

Response to ANDERSON-12

The author stated that the Del Puerto Health Care District requests that the EIR evaluate potential impacts associated with hazardous materials storage, disposal, or transport within the project site.

The Draft EIR evaluated hazardous materials impacts in Section 3.7, Hazards and Hazardous Materials. The author did not provide specific comment on this analysis; therefore, no further response can be provided.

SECTION 4: ERRATA

The following are revisions to the Draft EIR. These revisions are minor modifications and clarifications to this document and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

Section 2, Project Description

Page 2-67, Out-of-Boundary Service Agreement

The discussion of the proposed out-of-boundary service agreement has been revised to correct two errors.

~~A portion~~ Approximately 1,050 acres of the project site ~~is~~ are currently within the Del Puerto Water District. As a condition of annexation, the project site would be detached from the Water District boundaries. Therefore, the property owners intend to seek approval of an Out-of-Boundary Service Agreement with the Del Puerto Water District that would allow water deliveries for irrigation water to continue up until the point that agricultural uses no longer occur onsite. The Out-of-Boundary Service Agreement requires approval from LAFCO and the Del Puerto Water District.

Section 3.8, Hydrology and Water Quality

Page 3.8-15, Third Paragraph, First Sentence

The sentence has been revised to correct two errors.

Project implementation would involve the development of up to 13.47 ~~11.75~~ million square feet of new commercial and industrial land uses on 1,119 gross acres over a 20-~~to~~ 30-year period.

Page 3.8-17, Second Paragraph, Second Sentence

The sentence has been revised to correct an error.

Development of the proposed project would increase impervious surface coverage on the project site by up to 880 ~~16.75~~ acres through construction of buildings, parking areas, and internal roadways, and sidewalks.

Page 3.8-19, Fifth Paragraph, First Sentence

The sentence has been revised to correct an error.

When the lower aquifer and upper aquifer groundwater supplies are combined, the total available groundwater supply in the Patterson area is estimated to be a maximum of 12,400 ~~12,500~~ acre-feet per year on an average annual basis.

Page 3.8-19, Sixth Paragraph

The paragraph has been revised to more accurately reflect the conclusions of the Water Supply Assessment.

As discussed in Section 3.12, Public Services and Utilities, the proposed project is estimated to demand 1,397 acre-feet per year, of which 742 acre-feet are for potable use and 654 acre-feet are for non-potable use. The Water Supply Assessment determined that the proposed project’s water consumption, as well as water consumption from other planned projects, would total 6,986 acre-feet of potable demand (lower aquifer) and 3,220 acre-feet of non-potable demand (upper aquifer). These values are lower than the projected available supply from both aquifers, as estimated by Kenneth D. Schmidt & Associates (8,900 acre-feet [potable] and 3,500 acre-feet [non-potable]). ~~These values are included in the projected water consumption values contained in the 2010 City of Patterson Urban Water Management Plan for Year 2032, which estimates a total of 6,986 acre-feet of potable demand (lower aquifer) and 3,220 acre-feet of non-potable demand (upper aquifer). The Urban Water Management Plan’s 2032 estimates for potable consumption (6,986 acre-feet) and non-potable consumption (3,220 acre-feet) are less than the projected available supply from both aquifers, as estimated by Ken Schmidt & Associates (8,900 acre-feet [potable] and 3,500 acre-feet [non-potable]).~~

Page 3.8-25, Fourth Paragraph, Second Sentence

The sentence has been revised to correct an error.

The Delta Mendota Canal is operated and maintained by the San Luis & Delta-Mendota Water Authority under a contract agreement with the United ~~States~~ States Bureau of Reclamation.

Section 3.9, Land Use

Page 3.9-77, Table 3.9-4, Last Row and Page 3.9-78, Table 3.9-4, First Row

A sentence in the consistency determination column has been revised to correct an error.

4	<p>The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377. (Section 56377 is reproduced below)</p>	<p>Consistent: The project area contains 722.64 acres of Prime Farmland, 278.17 acres of Unique Farmland, and 81.38 acres of Farmland of Statewide Importance, for a total of 1,082.19 acres of Important Farmland. Buildout of the proposed project would result in the conversion of this farmland acreage to non-agricultural use. This conversion would be consistent with Section 56377 for the following reasons: 1) The proposed project contains phasing provisions that are intended to allow for the logical and orderly development of urban uses within the project boundaries. Economic conditions will dictate the exact</p>
	<p>56377. In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:</p>	

	<p>(a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.</p> <p>(b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.</p>	<p>timing and characteristics of each phase. As such, it would be expected that less economically viable agricultural land would be developed first and economically viable, prime agricultural land would be developed later.</p> <p>2) The project area is located adjacent to the existing West Patterson Business Park to the east and I-5 to the west. Implementation of the proposed project would annex the project site into the City of Patterson and its sphere of influence. Although the West Patterson Business Park contains vacant, nonprime agricultural lands that could support a portion of the proposed project’s light industrial and business park uses, the zoning for the Business Park does not allow the proposed project’s general commercial uses. As such, there are no existing vacant or nonprime agricultural lands of a similar area and land use designation currently available for development within Patterson that would accommodate all of the uses contemplated by the proposed project. Furthermore, approximately 70 percent of the West Patterson Business Park is developed or entitled for development; therefore, it is reasonable to expect that economic factors would create demand for expansion of the business park.</p> <p>3) The project site is within the City of Patterson General Plan Area; therefore, its development has been accounted and planned for in the General Plan.</p>
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Page 3.9-78, Table 3.9-4, Last Row

A sentence in the consistency determination column has been revised to correct an error.

9	The comments of any affected local agency or other public agency.	Consistent: The Draft EIR will be circulated to relevant federal, state, and <u>local</u> agencies. Responses to comments will be provided in the Final EIR.
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Section 3.12, Public Services and Utilities

Page 3.12-1, Third Paragraph, Second Sentence

The sentence has been revised to correct an error.

The Health Care District operates the Health Center at 1700 Keystone Parkway ~~1108 Ward Avenue~~ in Patterson.

Page 3.12-37, Sixth Paragraph, Third Sentence

The sentence has been revised to correct an error.

The facility would have a footprint of as much as 7.5 acres.

Section 3.13, Transportation

Page 3.13-53, Mitigation Measure TRANS-2p

The last sentence of Mitigation Measure TRANS-2p has been stricken, as it is not applicable to the proposed action contemplated by the mitigation measure.

MM TRANS-2p Prior to issuance of building permits for each project building, the project applicant shall provide fair-share fees for the planned I-5/Zacharias Road interchange, if this improvement is programmed into an adopted fee program. This mitigation measure does not apply if the improvement is not programmed into an adopted fee program at the time building permits are sought. ~~This mitigation measure shall not apply if the planned I-5/Zacharias Road interchange is programmed in the Community Facilities District or other financing mechanism contemplated by Mitigation Measure TRANS-1a.~~

Section 4, Cumulative Effects

Page 4-14, Last Two Paragraphs and Page 4-15, First Paragraph

The discussion of cumulative wastewater effects has been revised to reflect the discussion in Section 12, Public Services and Utilities.

Wastewater

The geographic scope of the cumulative wastewater analysis is the Patterson water quality control facility service area, which collects wastewater from Patterson. Those projects listed in Table 4-1 that lie in the service area have the potential to combine with the project to exert cumulative impacts.

All future projects would be required to demonstrate that sewer service is available to ensure that adequate sanitation can be provided. At buildout, the proposed project would generate 533,900 gallons of effluent per day. The City of Patterson's Water Quality Control Facility is currently permitted to treat 2.25 mgd and receives an average of 1.4 mgd during dry weather conditions. The City approved a 1.25-mgd expansion of the Water Quality Control Facility in 2010, which would increase capacity to 3.50 mgd. However, since approval of the expansion, regulations have been put in place that increase the period of time that wastewater needs to be stored onsite, which effectively reduces sewage treatment capacity by as much as 0.50 mgd, for a capacity of 3.00 mgd. Furthermore, the City has approximately 1.332 mgd of capacity committed to other approved projects. When the existing dry weather flows of

1.432 mgd are accounted for, there is a projected future demand of 2.764 mgd, leaving 0.236 mgd available to the proposed project and other projects.

In recognition that the Water Quality Control Facility may not have capacity to serve the entire project, the project applicant has proposed to develop a privately owned onsite wastewater treatment plant (known as a “package plant”) to serve one or more phases of the project. The untreated effluent would be pumped to a treatment plant located within the Arambel portion of the project site. The facility would be a prefabricated, packaged wastewater treatment plant with related equipment designed and constructed to comply with Title 22 requirements for use as recycled water. The package plant will have a maximum capacity of 0.700 mgd, which would be sufficient to serve the entire project (which is projected to generated 0.534 mgd of effluent at buildout).

Other projects that require municipal wastewater treatment would be required to either confirm that the City’s Water Quality Control Facility has adequate capacity to serve their effluent or provide alternate means of wastewater treatment (e.g., a package plant). Therefore, the proposed project, in conjunction with other planned and approved projects, would not have a cumulatively considerable impact on wastewater.

~~A Sanitary Sewer Analysis was prepared by GDR Engineering concluded that existing sewer pipes have adequate capacity to accommodate the proposed project. Furthermore, adequate capacity is available at the City’s Water Quality Control Facility to accommodate the project. Furthermore, Patterson is currently planning for the expansion of the Water Quality Control Facility’s treatment capacity. The increased capacity would be expected to provide adequate capacity to serve the projects listed in Table 4-1 within the service facility’s service area. However, as a fallback option in the event that downstream conveyance capacity or treatment capacity is not available, the applicant has proposed to develop an onsite, privately owned and operated wastewater treatment plant that could serve the entire project. This would obviate the need for reliance on the City wastewater collection and treatment system and any potential cumulative impacts in this regard. Therefore, the proposed project, in conjunction with other planned and approved projects, would not have a cumulatively considerable impact on wastewater.~~

