
RESPONSE TO COMMENTS

INTRODUCTION

This chapter contains responses by the EIR authors to the written comments on the Draft EIR. Where revisions to the Draft EIR are appropriate, such changes are summarized below and the actual text changes are included in Chapter 23.

The City of Ceres received twelve (12) letters commenting on the West Landing Specific Plan Draft EIR within the comment period and an additional five (5) letters following the close of the review period for a total of seventeen (17) comment letters. The comments are organized in chronological order as follows:

Letter A: Katy Sanchez, Native American Heritage Commission

Letter B: Becky M. Meredith, Modesto City Schools

Letter C: Gary Thompson, Westport Fire Protection District

Letter D: Fred Van Vleck, Ceres Unified School District

Letter E: Sara Lytle-Pinhey, Stanislaus LAFCO

Letter F: Christine Almen, Stanislaus County Environmental Review Committee/Milton O'Haire, Stanislaus County Agricultural Commissioner's Office and Sealer of Weights and Measures

Letter G: Brad Wall, City of Modesto

Letter H: Tom Dumas, California Department of Transportation

Letter I: Jerome J. Thiele, Modesto City-County Airport

Letter J: Moses Stites, California Public Utilities Commission

Letter K: Arnaud Marjollet, San Joaquin Valley Air Pollution Control District

Letter L: Arie W. Vander Pol, Turlock Irrigation District

Letter M: Scott Morgan, State Clearinghouse

Letter N: Dan Otis, Department of Conservation

Letter O: Scott Morgan, Governor's Office of Planning and Research

Letter P: Christine Almen, Stanislaus County Environmental Review Committee / Angie Halverson, Stanislaus County Public Works

Letter Q: Scott Morgan, Governor's Office of Planning and Research

RESPONSES TO SPECIFIC COMMENTS

The following pages contain comments on the Draft EIR for the Project. Each comment is numbered and responses to these comments are provided following each comment letter.

In some instances, responding to a comment received on the Draft EIR resulted in a revision to the text of the Draft EIR. In other cases, the information provided in the responses is deemed adequate in itself, and modification of the Draft EIR text was not necessary.

Letter A

STATE OF CALIFORNIA

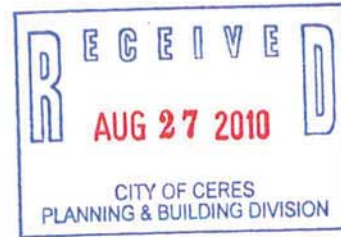
Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



August 24, 2010



Tom Westbrook
City of Ceres
2220 Magnolia St.
Ceres, CA 95307

RE: SCH#2008122087 West Landing Specific Plan (formerly West Ceres Specific Plan); Stanislaus County.

Dear Mr. Westbrook:

The Native American Heritage Commission has reviewed the Notice of Completion (NOC) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **Sacred Lands File check completed, no sites indicated.**
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse

Native American Contact List
Stanislaus County
August 24, 2010

Tule River Indian Tribe
Ryan Garfield, Chairperson
P.O. Box 589 Yokuts
Porterville , CA 93258
chairman@tulerivertribe-nsn.
(559) 781-4271
(559) 781-4610 FAX

North Valley Yokuts Tribe
Katherine Erolinda Perez
PO Box 717 Ohlone/Costanoan
Linden , CA 95236 Northern Valley Yokuts
(209) 887-3415 Bay Miwok
canutes@verizon.net

Southern Sierra Miwuk Nation
Anthony Brochini, Chairperson
P.O. Box 1200 Miwok
Mariposa , CA 95338 Pauite
tony_brochini@nps.gov Northern Valley Yokut
209-379-1120
209-628-0085 cell

Southern Sierra Miwuk Nation
Les James, Spiritual Leader
PO Box 1200 Miwok
Mariposa , CA 95338 Pauite
209-966-3690 Northern Valley Yokut

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2008122087 West Landing Specific Plan (Formerly West Ceres Specific Plan); Stanislaus County.

LETTER A: KATY SANCHEZ, NATIVE AMERICAN HERITAGE COMMISSION**Response to Comment A-1**

The recommended actions have been completed and are incorporated in the Draft EIR, as follows:

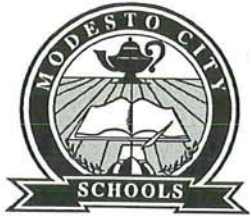
Records searches were conducted through the Central California Information Center of the California Historical Resources Information System for the entire WLSP area. (See Draft EIR p.8-7 and Draft EIR Appendix D pp. 27-30.)

Checks were completed of the Sacred Lands files through the Native American Heritage Commission for the entire WLSP area and letters were sent to the identified groups and individuals. The only reply received was to state that the responder had no knowledge of resources in that area. (See Draft EIR p. 8-8 and Draft EIR Appendix D pp. 10-11.)

A field survey was performed for a portion of the site only, as access was not granted by all property owners. A map showing the field survey coverage is included on p. 8-1. Mitigation Measure Culture-3 (Draft EIR p.8-9) requires survey prior to development for these unsurveyed areas and is followed by the list of parcels to which it applies.

While no surface evidence of subsurface resources was found, Mitigation Measures Culture-1 and Culture-2 (Draft EIR pp.8-8 and 8-9) address the procedure to respond should cultural resources and/or human remains be uncovered during subsurface activities.

Letter B



MODESTO CITY SCHOOLS

Planning and Facilities Support
(209) 576-4032/Fax 576-4879

426 Locust Street, Modesto, CA 95351
Email: meredith.b@monet.k12.ca.us

August 31, 2010



Tom Westbrook
Planning/Building manager
City of Ceres
2220 Magnolia Street
Ceres, CA 95307

Re: Draft West Landing Specific Plan and Environmental Impact Report for a 960 Acre Project Involving General Plan Amendment, Prezone and Annexation

Dear Mr. Westbrook:

Modesto City Schools is in receipt of the above mentioned project which is located by Whitmore Avenue in the North, Union Pacific Railroad Tracts in the East, Service Road in the South and Ustick Road in the West.

On August 23, 2010, the Modesto City Schools Board of Education approved an agreement with Ceres Unified School District to transfer territory from Modesto City Schools to Ceres Unified School District. This property is bounded by Whitmore Avenue on the north, Crows Landing on the east, Service Road on the south, and Ustick Road on the west. Therefore, the District has no objection to this plan which is a policy document to guide future land use, infrastructure and public service. Eventual transfer of this territory will permit future students to attend Ceres Unified School District.

Thank you for the opportunity to comment. Please don't hesitate to contact me at 576-4032 should you have any questions on this response.

Sincerely,

A handwritten signature in black ink, appearing to read "Becky M. Meredith".

Becky M. Meredith, Director
Planning and Facilities Support

BMM/lr

LETTER B: BECKY M. MEREDITH, MODESTO CITY SCHOOLS

Response to Comment B-1

Comment noted. A Modesto City Schools to Ceres Unified School District territory transfer agreement is now in place.

Letter C

TO: City of Ceres Development Services Department
2220 Magnolia Street
Ceres, CA 95307



FROM: WESTPORT FIRE PROTECTION DISTRICT
5160 S. Carpenter Rd.
MODESTO, CA 95358

SUBJECT: West Landing Specific Plan/Draft Environmental Impact Report

Agency's relationship to the proposed project:

☒ Responsible Agency () Trust Agency () Other

List any permits or subsequent approvals required by your agency for the proposed project:

2. List potential significant effects of the proposed project and reasons why these are considered significant (use additional sheets if necessary):

Loss of tax revenue from this ANNEXATION project
will have a significant effect on the continued
operation of the Westport Fire Protection District.

3. List recommended mitigation measures to reduce the significance of the potential significant effects described above (use additional sheets if necessary):

Allow ANNEXATION of this project without loss of
revenue to the WESTPORT FIRE PROTECTION DISTRICT.

4. Additional comments regarding project approval, conditions of approval, or other related matters:

6. Comments prepared by:

GARY THOMPSON FIRE CHIEF WESTPORT FPD 07/06/10
(Name) (Position) (Agency) (Date)

LETTER C: GARY THOMPSON, WESTPORT FIRE PROTECTION DISTRICT

Response to Comments C-1

As part of the annexation process required prior to development, the Local Agency Formation Committee (LAFCO) will require the loss of tax revenue and the continued feasibility of the Westport Fire District to be addressed, thus ensuring that there would be no significant environmental impact related to loss of service, as discussed in more detail on pages 17-3 and 17-4 of the Draft EIR.

Letter D



TO: City of Ceres Department of Planning and Community Development
2220 Magnolia Street
Ceres, CA 95307-0217

FROM: Ceres Unified School District
P.O. Box 307
Ceres, CA 95307

SUBJECT: Draft West Landing Specific Plan and Environmental Impact Report for a 906 Acre Project that will involve a General Plan Amendment, Prezone, and Annexation. The project is bound by Whitmore Avenue to the North, Union Pacific Railroad Tracks to the East, Service Road to the South and Ustick Road to the West.

1. List any permits or subsequent approvals required by your agency for the proposed project:

Developer must pay school impact mitigation fees and receive a "Certificate of Compliance for Developer Fees" from the District. City has agreed to require Certificate prior to issuance of building permit by the City.

In addition, Ceres Unified School District is in the negotiation process with Modesto City Schools to have the land transferred to the Ceres Unified School District attendance boundaries. The district has negotiated a mitigation agreement with two developers to offset the student housing needs of the additional students generated by this development and expects to conclude similar negotiations with all developers prior to development of their properties.

2. List potential significant effect of the proposed project and reasons why these are considered significant:

Please see attached letter addresses to the City Manager dated January 9, 2009.

3. List recommended mitigation measures to reduce the significance of the potential significant effects described above:

Provide school impact mitigation fees as outlined in number 1 above. In addition, negotiations must be complete with Modesto City Schools and any developer prior to issuance of a building permit by Ceres Unified School District for said developers project.

4. Given the above, what is the recommendation of your agency regarding the Initial Study's CEQA findings:

- ☐ Will not have a significant effect on the environment - adopt a Negative Declaration.
- ☒ Will have a significant effect on the environment but the mitigation measures listed above will reduce the level of significance - adopt a Negative Declaration with mitigation measures.
- ☐ Will have a significant effect on the environment - prepare an EIR.
- ☐ No comment.

5. Additional comments regarding project approval, conditions of approval or other related matters:

None

6. Comments prepared by:

Fred Van Vleck, Ed.D.
Assistant Superintendent
Business Services Division
September 29, 2010

Ceres Unified School District

"Committed to Excellence, Responsive to Every Student"

BOARD MEMBERS:

*Teresa Guerrero, President
Eric Ingwersen, Clerk
Betty Davis
Jim Kinard
Faye Lane
Edgar Romo
Mike Welsh*

SUPERINTENDENT:

Walt L. Hanline, Ed.D.

January 9, 2009



Mr. Brad Kilger
City Manager
City of Ceres
2720 Second Street
Ceres, CA 95307

Re: California Environmental Quality Act Analysis for the
Crow's Landing Project – School Issues

Dear Mr. Kilger:

We understand that the City is in the process of finalizing the project description to be used in analyzing the Crow's Landing Project ("Project") under the California Environmental Quality Act ("CEQA"), and will soon be moving forward with the preparation of an Environmental Impact Report ("EIR") for the Project. We are writing to request that the EIR address several issues impacting Ceres Unified School District ("District"). Specifically, we ask that the impacts from a potential reorganization of the District's boundaries be addressed in the EIR. Doing so will allow both the Project and the related possible District reorganization to move forward in the most expeditious fashion.

CEQA Analysis of Potential School District Reorganization

As the City is aware, the Project area is currently located within the boundary of the Modesto City High School and Elementary School Districts (collectively "Modesto City Schools"), but adjacent to Ceres Unified School District. As the City is also aware, the Project's developer has spoken to the District about the possibility of reorganizing the District boundaries so that the Project will be served by the District's schools. We understand that the developer has also met with City staff and with Modesto City Schools to discuss the possibility of such a reorganization.

District staff is supportive of a boundary adjustment that will bring the Project within the District's jurisdiction, subject to consideration and approval by the CUSD Board of Trustees. The Project will be located within the City of Ceres, and based on its location, will share a common community identity with both the City and the District. The District's existing and planned schools are closer to the Project and will allow for shorter paths of travel than would Modesto City Schools' facilities. These

shorter distances are good both for students, who will have to travel a shorter distance and can stay within their community, and for the environment, since cars would not be on the road as long or as far and more students will be able to walk or ride bikes.

Whether the developer and the school districts are able to reach consensus about such a reorganization or if a petition is filed to commence the process of reorganization, the process, commonly known as a "territory transfer," will be governed by Education Code sections 35700, et seq. The territory transfer process would be overseen by the Stanislaus County Committee on School District Organization ("County Committee"), which is supported by the County Superintendent and the Stanislaus County Office of Education ("SCOE").

As part of its analysis, the County Committee will be required to consider the CEQA impacts of the reorganization. (Fullerton Joint Union High School District v. State Board of Education (1982) 32 Cal.3d 779 (the California Supreme Court ruled that school district reorganization is a "project" within the scope of CEQA).) While a regulation was adopted to remove reorganizations from the definition of a project requiring CEQA review (former Cal. Code Regs., tit. 14, §15378), that regulation was later overturned in court. (Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 125.) As a result, "filing of CEQA documents is again required on school district reorganization actions." (Cal. Dept. of Ed., District Organization Handbook, p. 69 (2006).)

In recent years, county offices of education and county committees around the state have struggled to determine how best to address the CEQA requirement relative to a reorganization. This question has grown more complicated following a recent CEQA lawsuit against the State Board of Education regarding an appeal to the State Board of a school boundary reorganization. The case settled, but the settlement included an agreement that the State Board would require a full EIR to address the impacts of the reorganization in that particular case. We are aware that some county offices of education around the state have interpreted this to mean that an EIR is always required. While we do not concur with that position, it has led some county offices to seek and receive waivers from the State Board of Education of statutory time lines to process a reorganization petition. This contributes to delays that can lead to situations in which residential development progresses before the issue of which school district will serve the development is resolved. This, in turn, leads to disruption for future residents and makes it difficult for school districts to plan facilities accordingly.

Additionally, delays regarding the reorganization can contribute to delays in development projects, as potential challenges are raised to moving forward without knowing which school district will serve a project. These can include challenges under CEQA alleging that the lead agency has illegally "piecemealed" the project so that the impact of the development and the impact of a territory transfer that is being necessitated by the development are not considered at the same time.

To avoid these types of problems and potential delays, it would be preferable for the Project EIR to consider the need for a territory transfer that will be created solely because of the Project, as well as the resulting impacts from such reorganization, if any. Where CEQA analysis for a new residential development includes analysis of related school boundary issues and potential reorganization, we are aware that other county offices of education have been willing to rely on that analysis, without having to undertake their own separate CEQA study. This avoids piecemealing the analysis of potential impacts, and complies with the intent of CEQA to consider the entirety of related, simultaneous

actions, as well as the cumulative impacts stemming from such actions. To the extent that the reorganization is not itself part of the Project, it can still be addressed within the EIR, whether under Project alternatives, mitigation measures, or otherwise.

Other Impacts on Schools

District staff also requests that the EIR have a full and complete analysis of the impact of the Project on schools. It is clear that a development of this size will lead to the need to expand existing schools and/or construct new ones, regardless of which school district serves the Project. We would be happy to provide you with a more detailed discussion of the scope of the EIR in relation to school issues at a future date, but did want to make our initial request that the impact on schools be assessed. Such assessment would include analysis both of the nature and extent of the impact on schools and mitigation measures that are available to address those impacts. It is our hope that the City's CEQA consultant will coordinate with the impacted school districts to obtain information necessary for the EIR regarding schools, as well as information concerning the nature and extent of the impacts.

California school districts are dependent on the provisions of Government Code sections 65995, et seq., and Education Code sections 17600, et seq., for financing new school facilities and for the cost of maintaining existing facilities to the extent necessary to continue providing existing levels of service. The developer fees mandated by Section 65995 provide the District the bulk of its financing for facilities needs related to new development. In the District's case, even after developer fees as well as potential state funding are taken into consideration, the District estimates that there could be a shortfall per single family residential unit of approximately \$8,400; for multi-family units, the shortfall is estimated at almost \$4,000 per unit. While District staff supports a territory transfer so that the District would serve the Project, the District's ability to do so will depend in large part on addressing those shortfalls. We note that even if Project were to stay in Modesto City Schools, we would expect that the possibility of significant shortfalls also exist there. These are issues that will have to be taken into consideration in the EIR.

While the foregoing funding considerations are fiscal, they translate directly into physical, environmental impacts, in that inadequate funding for new school construction can result in overcrowding of existing facilities. Furthermore, fiscal and social considerations are relevant to an EIR, particularly when they either contribute to or result from physical impacts. (Pub. Resources Code § 21001(g); Cal. Code Regs., tit. 14, §§ 15021(b), 15131(a) – (c) & 15382.)

There are also impacts related to schools from new development that are themselves physical impacts. This includes traffic related impacts stemming from transportation between the new homes and schools that will serve the residents, as well as noise issues that could impact schools.

Conclusion

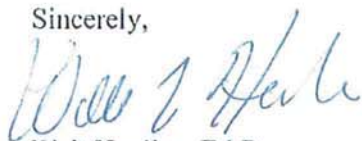
For the reasons stated above, we urge the City to analyze the District boundary issues in the EIR, including consideration of the impacts of a boundary adjustment. We believe that an adjustment that will bring the Project within the District is likely to have beneficial impacts, reducing the overall impact of the Project. We also request that the City carefully look at the issue of the impacts on schools to ensure that they are sufficiently addressed and mitigated.

City of Ceres
January 9, 2009
Page 4

We look forward to working with the City in relation to the Project, and would be happy to answer any questions you may have.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walt Hanline".

Walt Hanline, Ed.D.
Superintendent

cc: CUSD Board of Trustees
Scott Siegel, Deputy Superintendent

D-2 Cont'd

LETTER D: FRED VAN VLECK, CERES UNIFIED SCHOOL DISTRICT

Response to Comment D-1

Comment noted. This comment outlines agreements with the City of Ceres and developers.

Response to Comment D-2

The territory transfer of the area from the Modesto City School District to the Ceres Unified School District was included in the project description and analyzed in the Draft EIR.

September 30, 2010

Tom Westbrook
City of Ceres
2220 Magnolia Street
Ceres, CA 95307



SUBJECT: DRAFT WEST LANDING SPECIFIC PLAN AND ENVIRONMENTAL IMPACT REPORT (EIR)

Dear Mr. Westbrook:

Thank you for the opportunity to review the Draft West Landing Specific Plan and Environmental Impact Report. As Lead Agency, the City of Ceres is responsible for considering the effects, both individual and collective, of all activities involved in the project (Public Resources Code §21002.1). LAFCO is a Responsible Agency and will utilize the CEQA documents prepared by the City in reviewing the subject proposal. The following comments are provided for the City's consideration:

1. The project description states that, "as a separate effort, the City of Ceres is in the process of coordinating with Stanislaus LAFCo to update their Sphere of Influence to reflect anticipated new growth to the south and west, including growth in the West Landing Specific Plan area." The section then describes proposed expansions to the primary and secondary areas of the Sphere of Influence. As the current environmental review is focused on the West Landing Specific Plan area (960+/- acres), it is presumed that the City will be preparing a separate environmental review for any additional areas, outside the Specific Plan, proposed to be added to the Sphere of Influence. E-1
2. As a portion of the 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 submit its Municipal Service Review (MSR) for LAFCO approval prior to or concurrent with the SOI amendment (per Government Code §56425 and 56430). E-2
3. Water, Wastewater, and Storm Drainage – Page 19-10 of the EIR states that the existing wastewater treatment plant (WWTP) is projected to be able to accommodate growth until 2015, not including the Project's demand. The document acknowledges the need for the preparation of a Wastewater Master Plan. E-3

It is important that the City's Master Plans are in place in order for LAFCO to determine whether or not the City has the ability to provide the necessary services to its current and future residents. Much of the Draft EIR cites sections of a Draft Municipal Service Review currently being prepared by the City. The water, wastewater, and storm drainage sections of this Draft Municipal Service Review all state that there is a need to

complete Master Plans for these services, however, no estimate is provided as to when these may be completed.

Pursuant to LAFCO policies, the proposal must show that the City has the necessary services available to serve the proposed annexation area. This analysis must include detailed evidence of current service levels, sufficient sewer capacity, sufficient quantities and quality of water, police and fire services, and financing mechanisms. This information can also be used to prepare the "Plan for Services" required by LAFCO Policy and State Law (Government Code §56653), which requires 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.

4. Fire Services - LAFCO will require the loss of tax revenue and detrimental effect to the Westport Fire Protection District to be addressed prior to application for annexation. Per LAFCO policy, the Commission will deny proposals that would result in significant unmitigable adverse effects upon other service recipients or other agencies servicing the affected area unless the approval is conditioned to avoid such impacts. 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.
5. Sphere Policies - The area proposed for addition into the City's Sphere of Influence and concurrent annexation includes an area currently designated as "General Agriculture" on the County's General Plan and "Residential Reserve" on the City's General Plan. The City's General Plan describes these areas with the goal that they be maintained for consideration of development projected to occur beyond 2015.

The draft EIR states the current proposal would necessitate an amendment to the City's General Plan as "the proposed plan would represent an acceleration of the timing implied by the current Urban Growth Area designations."

The purposes of LAFCO, as set forth by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 include discouraging urban sprawl, encouraging orderly formation and development of local governmental agencies, and the protection and promotion of agriculture. Per LAFCO policy, amendment proposals involving Sphere expansion which contains prime agricultural land will not be approved by LAFCO if there is sufficient alternative land available for annexation within the existing Sphere of Influence. An application for a sphere amendment and concurrent annexation of this reserve area should include a discussion explaining the City's preference to convert its Residential Reserve lands at an accelerated timing in advance of other lands within its existing sphere boundaries.

6. Agricultural Mitigation - The Draft EIR identifies impacts to agricultural resources (conversion of farmland and cumulative loss of farmland) as significant and unavoidable. No mitigation has been identified to lessen these impacts. Under the discussion regarding impacts to agriculture, the document states:

...the County's Farmland Mitigation Program has been challenged in the courts, leaving no legally recognized system or mechanism for mitigation of agricultural

E-3 Cont'd

E-4

E-5

E-6

land conversion impacts currently exists [sic] in Stanislaus County. While applicants of development projects could support or participate in a number of generalized programs that could benefit agriculture and may result in expansion of agricultural acreage, no specific program exists for this purpose, and there is no quantifiable relationship between contributions to these programs and mitigation for project-related loss of agricultural lands (p. 5-12).

Agricultural mitigation has been used in the past in Stanislaus County (and other areas in the Central Valley). For example, the City of Oakdale's South Oakdale Industrial Specific Plan was approved with mitigations requiring collection of an agricultural impact mitigation fee for the purchase of conservation easements to offset conversion of important farmland at a ratio of 1:1.

In terms of a quantifiable relationship, the Department of Conservation response letter to the City of Ceres dated January 21, 2009, regarding the Notice of Preparation, suggests use of the California USDA Land Evaluation and Site Assessment (LESA) Model.

The City is encouraged to include mitigation measure(s) which encourage the use of agricultural conservation easements or other mechanisms for the direct loss of agricultural land, in order to lessen the impact of the loss of important farmland.

7. City-County Meeting and Agreement – Per Government Code §56425(b), an expansion of the Sphere of Influence triggers a requirement for City of Ceres 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 to the Commission and the Commission shall consider a sphere of influence for the City consistent with the policies adopted by the Commission.

If you have any questions regarding this matter, please contact our office at (209) 525-7660.

Sincerely,



Sara Lytle-Pinhey
Assistant Executive Officer

LETTER E: SARA LYTTLE-PINHEY, STANISLAUS LAFCO

Response to Comment E-1

The City of Ceres currently proposes to expand its Sphere of Influence only in the WLSP area, which is covered by this environmental analysis. Any additional sphere expansion is not covered under this EIR and would be subject to separate environmental review at such time as such a Sphere change is contemplated.

Response to Comment E-2

The City plans to submit an MSR for LAFCO approval concurrent with the SOI amendment.

Response to Comment E-3

Comment noted. Prior to LAFCO's consideration of approval of annexation, the City of Ceres will finalize and submit a Municipal Services Review, including a wastewater plan demonstrating that the City will have necessary services available to serve the proposed annexation area.

Response to Comment E-4

Comment noted. As part of the process required prior to annexation, the loss of tax revenue and the continued viability of the Westport Fire District will be addressed. See the response to comment C-1 and pages 17-3 and 17-4 of the Draft EIR for additional information.

Response to Comment E-5

Comment noted. The reasoning for the timing of the proposed WLSP will be discussed as part of the annexation process through LAFCO.

Response to Comment E-6

The City of Ceres does not propose to require implementation of agricultural mitigation for projects within the WLSP. This determination is consistent with the City's adopted General Plan and its associated EIR and was made on the following three factors: 1) The preservation of other existing agricultural land through purchase of conservation easements does not mitigate the loss of the land in question. The only way to mitigate the loss would be to preserve the land in question by preventing development. 2) The City of Ceres has no established program under which agricultural mitigation fees would be collected and dispersed nor any policy to require such a program. 3) The cost of such agricultural mitigation is not considered economically feasible. This impact has been found to be significant and unavoidable (see Draft EIR pages 5-12 and 5-15 through 5-16) and a statement of overriding considerations will need to be adopted for approval of the WLSP.

A Public Facilities Financing Plan was prepared for the WLSP and is available as a separate document through the City of Ceres.¹ This Financing Plan includes a financial feasibility analysis to assure that the cost and timing of infrastructure requirements are affordable by proposed new development. This analysis found that with the cost of roadway and utility infrastructure improvements and public facilities, the cost burden would range from 18 to 23 percent for residential uses and 6 to 9 percent for nonresidential uses. Burdens above 20 percent suggest that a project may not be financially feasible. Several factors can be considered for projects that exceed this threshold, such as phasing to avoid large upfront infrastructure costs, cross-subsidy opportunities between residential and commercial land uses, and private funding of infrastructure. Additionally, if residential values increase as the project is built out over time, this would lower the relative burden. The Financing Plan's conclusion that the WLSP has only marginal financial feasibility supports the City's conclusion that the additional cost of any agricultural mitigation is not economically feasible.

Response to Comment E-7

Comment noted. This comment outlines elements of the annexation process and does not address the adequacy or sufficiency of the Draft EIR.

¹ City of Ceres, prepared by Economic and Planning Systems, *West Landing Specific Plan Public Facilities Financing Plan*, April 2011.



Letter F



CHIEF EXECUTIVE OFFICE
Richard W. Robinson
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Monica Nino-Reid
Assistant Executive Officer

Stan Risen
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
P.O. Box 3404, Modesto, CA 95353-3404
Phone: 209.525.6333 Fax 209.544.6226

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

October 1, 2010

Tom Westbrook, Manager
City of Ceres
Planning Division
2220 Magnolia Street
Ceres, CA 95307

SUBJECT: ENVIRONMENTAL REFERRAL – CITY OF CERES – WEST LANDING
SPECIFIC PLAN/DRAFT ENVIRONMENTAL IMPACT REPORT

Mr. Westbrook:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has determined that it may have a significant impact on the environment. Comments/conditions from the Agricultural Commissioner's Office and Sealer of Weights & Measures dated September 13, 2010 are attached hereto and incorporated herein by reference.

In addition, comments are currently pending from the Department of Public Works and the Department of Parks and Recreation. Once their comments are provided, an amended letter will be issued.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Christine Almen, Senior Management Consultant
Environmental Review Committee

cc: ERC Members

Attachment



AGRICULTURAL COMMISSIONER'S OFFICE AND
SEALER OF WEIGHTS & MEASURES

Gary Caseri
Agricultural Commissioner/Sealer

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

Stanislaus County Environmental Review Committee
Referral Response Form

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

FROM: Stanislaus County Department of
Agriculture & Weights and Measures

SUBJECT: ENVIRONMENTAL REFERRAL - CITY OF CERES - WEST LANDING SPECIFIC
PLAN/DRAFT ENVIRONMENTAL IMPACT REPORT

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

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

Listed below are specific impacts which support our determination: (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheets if necessary)

1. This project takes land out of current agricultural production.
2. The proposed use will permanently eliminate agricultural uses.
3. Buffer and setback guidelines in the Stanislaus County Agricultural Element apply to all new or expanding non-agricultural uses approved by discretionary permit in the A-2 zoning district or on a parcel adjoining the A-2 zoning district. **Nonagricultural uses located within a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) for an incorporated city shall be subject to these guidelines if the project site is located within 300 feet of any production agriculture operation**, as defined by the Stanislaus County General Plan Agricultural Element, or the outer boundary of the SOI at the time of approval.

Listed below are possible mitigation measures for the above-listed impacts *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

1. Evaluate and implement agricultural buffers as needed.

In addition, our agency has the following comments: This project will ad to the cumulative loss of agricultural land available for production in Stanislaus County.

Response prepared by: *Milton O'Haire*

Milton O'Haire

Assistant Commissioner/Sealer

9/13/2010

Name

Title

Date

LETTER F: CHRISTINE ALMEN, STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE/MILTON O'HAIRE, STANISLAUS COUNTY AGRICULTURAL COMMISSIONER'S OFFICE AND SEALER OF WEIGHTS AND MEASURESResponse to Comment F-1

Comment noted. This comment is an introduction to further comments.

Response to Comment F-2

The City of Ceres does not propose to require implementation of agricultural mitigation for projects within the WLSP. This determination is consistent with the City's adopted General Plan and its associated EIR and was made on the following three factors: 1) The preservation of other existing agricultural land through purchase of conservation easements does not mitigate the loss of the land in question. The only way to mitigate the loss would be to preserve the land in question by preventing development. 2) The City of Ceres has no established program under which agricultural mitigation fees would be collected and dispersed nor any policy to require such a program. 3) The cost of such agricultural mitigation is not considered economically feasible. This impact has been found to be significant and unavoidable (see Draft EIR pages 5-12 and 5-15 through 5-16) and a statement of overriding considerations will need to be adopted for approval of the WLSP.

A Public Facilities Financing Plan was prepared for the WLSP and is available as a separate document through the City of Ceres.² This Financing Plan includes a financial feasibility analysis to assure that the cost and timing of infrastructure requirements are affordable by proposed new development. This analysis found that with the cost of roadway and utility infrastructure improvements and public facilities, the cost burden would range from 18 to 23 percent for residential uses and 6 to 9 percent for nonresidential uses. Burdens above 20 percent suggest that a project may not be financially feasible. Several factors can be considered for projects that exceed this threshold, such as phasing to avoid large upfront infrastructure costs, cross-subsidy opportunities between residential and commercial land uses, and private funding of infrastructure. Additionally, if residential values increase as the project is built out over time, this would lower the relative burden. The Financing Plan's conclusion that the WLSP has only marginal financial feasibility supports the City's conclusion that the additional cost of any agricultural mitigation is not economically feasible.

Response to Comment F-3

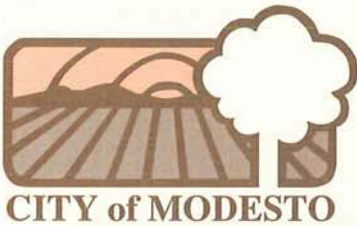
The County buffer guidelines are applicable to non-agricultural development within Spheres of Influence but outside City limits. The proposed project will be annexed to the City. The separation from agricultural uses as compared to the County's buffer guidelines has been

² City of Ceres, prepared by Economic and Planning Systems, *West Landing Specific Plan Public Facilities Financing Plan*, April 2011.

noted and the environmental impact has been fully analyzed in the Draft EIR. The Draft EIR concluded that the buffers as proposed, in conjunction with buffering walls and landscaping, and deeded right-to-farm notification (Mitigation Measure Ag-4) would be sufficient to reduce the potential environmental impact related to indirect loss of farmland due to potentially incompatible land uses to a level of less than significant. Additional information can be found on pages 5-13 and 5-14 of the Draft EIR.

Response to Comment F-4

See response to comment F-2 above.



Letter G

*Community and
Economic
Development*

*Planning
Division*

*P.O. Box 642
1010 Tenth Street
Third Floor
Modesto, CA 95353
209/577-5267
209/491-5798 Fax*

www.modestogov.com

*Hearing and Speech
Impaired Only
TDD 209/526-9211*

October 4, 2010

Tom Westbrook
City of Ceres
2220 Magnolia Street
Ceres CA 95307



RE: Review of Draft West Ceres Specific Plan and DEIR

Dear Mr. Westbrook:

City of Modesto staff has reviewed the subject documents. Our comments, which are shown below, relate to potential traffic issues / concerns.

A. Draft Specific Plan:

1. Figure 5.1: Circulation –Vehicular. A critical section of the circulation system is needed. One collector street should be added between Knox Road/A Street and B street along the southern property line of the two properties at the south end of Carol Lane. This street will provide more direct access from the residential areas along and west of Knox Road to the regional and community commercial. This street will provide an east access point to the regional commercial and will distribute traffic loads from/to the regional commercial from local residential areas. This street will make walking, biking, and driving between residential areas and the commercial areas much shorter and easier. This will encourage non-motorized transportation modes, which will benefit the public health, air quality, and reduce fuel consumption. This street will prevent the short local traffic from traveling on arterial streets. Without this street, the internal connectivity of the street network is broken. Automobile dependence will be increased. Residents in the planned residential areas east of the regional commercial will have to drive on Whitmore Avenue, because the other route is much longer and leads people to go on a long “U” shaped route, traveling south to the center ring road of the Specific Plan first then traveling north before reaching the regional commercial. These short trips with heavy turning movements will make the arterial street much more congested and unsafe along this section. The new street could follow the proposed sewer main line and drain pipe network line at that location.

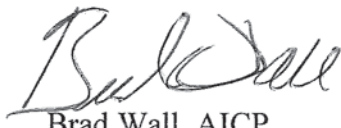
2. A north-south back street approximately 600' west of Crows Landing Road should be added. This street is to link A street, Hackett Road, B Street, and provide access within and between regional commercial, community commercial, neighborhood commercial, office and business park. This back street will reduce heavy short trips and heavy turning movements on Crows Landing among these large trip generators of non-residential uses. The regional commercial to the north and the business park to the south should extend the back road to the center of their development with private reciprocal access way.
3. The center line of H Street at Service Road should be aligned with the property line across the street a short distance to the west. This property line is on a ¼ mile grid between Crows Landing Road and Ustick Road. This will make future development and the streets better connected.
4. It is better to change the proposed sidewalk width from 5' to 10' on arterial A (Crows Landing), Arterial B (Whitmore), and Hackett Road A and B along the proposed commercial developments.
5. Figure 5.9 Bicycle and Pedestrian. A collector street with bike path is needed for bike and pedestrian circulation between A Street and B Street north of Hackett Road. For instance, a person works along Hackett Road east of Crows Landing Road and lives along Knox Road north of B Street, he needs a bike path to reach home without crossing the busy D Street twice, if a bike path is provided inside the central park. If there is no bike path in the central park linking the streets, he has to first go south on A Street to B Street, then go west on B Street following the bigger loop of more than a mile long and crossing many streets before he can reach his destination in the north part of the specific plan.
6. It is better to allow and plan a bike path on D Street as well. D Street is a more direct route at the ½ mile grid linking east-west and north-south traffic than B Street.
7. Figure 5.10: Circulation – Transit. It is better to have a bus turnout stop at the far end of each proposed signalized intersection. A bus stop is needed on Crows Landing Road south and north of A Street for northbound and southbound transit buses, respectively.
8. Whitmore Avenue is designated in the Modesto General Plan as a 4-lane minor arterial street and is designated as a 4-lane major street in the Stanislaus County General Plan. The distance between driveways on a minor arterial street is 250'. The church located at the southeast corner of the intersection of Whitmore Avenue and Carol Lane has one driveway on each of the streets. The driveway on Whitmore Avenue is only approximately 25' east of Carol Lane. This driveway on Whitmore Avenue should be closed.

B. Draft EIR:

1. Page 2-12 to Page 2-24. Impact Traf. This project is on the border with Modesto's General Plan boundary, and as the traffic impact analysis shows, will significantly impact the Modesto and regional transportation systems. City of Ceres shall assess fees on the project sufficient to cover their fair share portion of this development's cumulative impact and fully mitigate these impacts on all of the Modesto and regional transportation systems identified by the traffic impact analysis. G-2
2. The DEIR states that Crows Landing Avenue needs to be widened to 8 lanes north of Whitmore Avenue and deem it is infeasible. This indicates that the proposed developments needs to be scaled down to the level that can be accommodated by 6-lane Crows Landing Road in the future as designated by the City of Modesto General Plan. G-3
3. Page 18-2. 2.A.4 and Page 18-3. 2.A.6 and 2.A.8. These policies on mitigation of traffic impact by new development are very good and shall be implemented. G-4
4. The figures for "Cumulative plus Project Mitigation lane Geometry & Peak Hour Volumes AM (PM)" fail to show any of the peak hour volumes G-5

Please contact me directly (209.577.5273) if you would like to discuss this letter. Alternatively, you are welcome to contact Helen Wang, Senior Transportation Planner (209.577.5468), as she prepared the review comments shown above. Thank you for the opportunity to review and provide comments.

Sincerely,



Brad Wall, AICP
Principal Planner

C: Helen Wang, Senior Transportation Planner

LETTER G: BRAD WALL, CITY OF MODESTOResponse to Comment G-1

Comments noted. These are comments on the WLSP document.

Response to Comment G-2

The traffic impact mitigation measures include payment of local and regional traffic impact fees, fair-share payment by the project toward improvement measures to mitigate cumulative traffic impacts, and construction of other measures to mitigate traffic impacts solely due to the project. Outside of adopted fee programs, the City of Ceres and City of Modesto have no formal cost sharing program, as reflected in the analysis of traffic impacts in Chapter 18 of the Draft EIR.

Response to Comment G-3

Comment noted. The impacts to Crows Landing Road have been identified as significant and unavoidable in the Draft EIR due to the infeasibility of widening this road to 8 lanes north of the project area. The Draft EIR analyzed several reduced alternatives, including alternatives that would reduce project-generated traffic by 37% and 61% (Alternatives 3 and 4).

However, the analysis found that even with these reduced alternatives, cumulative traffic increases would result in significant impacts to Crows Landing Road that are not avoidable without widening. No reduced alternative could avoid these impacts, as the roadway operates below acceptable service levels under the cumulative scenario even without any development in the WLSP area. A statement of overriding considerations would need to be adopted for approval of the WLSP.

Response to Comment G-4

Comment noted. This comment references City of Ceres General Plan policies that are listed in the Draft EIR regarding mitigation of traffic impacts. The mitigation measures recommended in the Draft EIR are consistent with these General Plan policies.

Response to Comment G-5

Some figures were included to show lane geometry only. The titles on these figures were incorrect and should not have referred to volumes. Corrected titles for these Appendix F figures are included in Chapter 24.

DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. CHARTER WAY/1976 E. DR. MARTIN
LUTHER KING JR. BLVD. 95205)
PHONE (209) 941-1921
FAX (209) 948-7194
TTY: 711



*Flex your power!
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October 4, 2010

10-STA-99-R011.908

**Draft Environmental Impact Report
West Landing Specific Plan**

State Clearinghouse No. 2008122087

Mr. Tom Westbrook
City of Ceres Planning Division
2220 Magnolia Street
Ceres, CA 95307

Dear Mr. Westbrook:

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the West Landing Specific Plan Draft located in an unincorporated area of Stanislaus County, adjacent to the City of Ceres.

We have circulated a copy of the application to our functional units for review. Caltrans has the following comment:

- In order to determine the opening day impacts of each of the individual projects, a traffic study will need to be submitted for each project as they begin to develop. H-1
- Page 2-12 of the DEIR, states that for Impact Traf-24, the mitigation would be the widening of State Route (SR) 99. Will the projects described in the DEIR be done before the widening? What mitigation will be done if SR 99 is not widened by the time all these projects are being developed? H-2

The DEIR has mitigation for Traf-23-25, Traf-28, and Traf-63-69. They all indicate significant and unavoidable after this mitigation which may or may not occur before and prevent impacts to the State Highway Facility. H-3

We look forward to continuing to work with you in a cooperative manner. If you have any questions, please contact Janet P. Jaramillo at (209) 942-6022 (email: jjaramil@dot.ca.gov) or me at (209) 941-1921.

Sincerely,

Janet P. Jaramillo

TOM DUMAS, Chief
Office of Metropolitan Planning

c: Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"

LETTER H: TOM DUMAS, CALIFORNIA DEPARTMENT OF TRANSPORTATION

Response to Comment H-1

Comment noted. Subsequent development projects within the WLSP area will be assessed for the need for subsequent or supplemental environmental analysis when they are proposed.

Response to Comment H-2

Timing of improvements to SR 99 is within the purview of CalTrans and outside of the control of City of Ceres. The exact timing of projects within the WLSP area relative to the timing of SR 99 improvements are not known. Therefore, the impact was determined to be significant and unavoidable. See discussion of Impact Traf-24 on page 18-38 of the Draft EIR.

Response to Comment H-3

See response to comment H-2 above. Timing of planned improvements to the SR 99 corridor and its local off- and on-ramps are within the purview of CalTrans and therefore not ensured to occur prior to development in the WLSP area. These impacts have been determined significant and unavoidable for this reason. Table 2.1 in the Draft EIR provides a summary of those traffic impacts that are significant and unavoidable even with implementation of identified mitigation and those that would be mitigated to less than significant with the recommended improvement but that have been conservatively deemed significant and unavoidable due to the uncertainty of timing of improvements.

Tom Westbrook - Draft West Landing Specific Plan - Airport Review

From: "Jerome Thiele" <jthiele@modestogov.com>
To: <tom.westbrook@ci.ceres.ca.us>
Date: 10/4/2010 3:54 PM
Subject: Draft West Landing Specific Plan - Airport Review



Greetings:

I have reviewed the WLSP electronic files and offer the following comments:

The proposed site is located 28,500 ft. to 40,000 ft. from this airports primary runway 10L landing threshold. The site is located outside of the airports protective airspace (Horizontal Zone and Conical Zone – FAR Part 77 Airspace) that would control tall objects and obstructions. The site is outside of this airports noise compatibility contour (55-65 Ldn). The site will be subject to periodic over flight of various aircraft types operating at an altitude of 1,000 ft. above the ground level.

This concludes comments from the Modesto City-County Airport. Contact me with questions.

Jerome J. Thiele
Airport Manager
Modesto City - County Airport
617 Airport Way
Modesto, CA 95354-3916
jthiele@modestogov.com
209-577-5319
209-576-1985 fax

I

LETTER I: JEROME J. THIELE, MODESTO CITY-COUNTY AIRPORT

Response to Comment I-1

Comment noted. This comment provides additional information pertaining to operation of this airport and does not address the adequacy or sufficiency of the Draft EIR.

Letter J

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

October 4, 2010



Tom WestBrook
Planning Manager
City of Ceres
2220 Magnolia Street
Ceres, CA 95307

Re: Notice of Completion-Draft Environmental Impact Report (DEIR)
West landing Specific Plan
SCH# 2008122087

Dear Mr. Westbrook:

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

The CPUC reviewed the DEIR Executive Summary provided for the proposed West Landing Specific Plan. The identified Impact Traf-70: Traffic collisions at the Rail Crossings. The Project added traffic will incrementally add to the potential for traffic collisions at the rail crossings on Whitmore Avenue, Service Road and Hatch Road. The three recommended mitigation measures under Traf-70 **need to be conditions of approval for the project instead of** "Project shall make a fair share contribution:"

J-1

Additionally, Impact Traf-71: Vehicle Queuing Across Rail Crossings. The Project's added traffic will incrementally add to the potential for vehicle queues on the westbound approach to Crows Landing Road to extend across the rail crossing on Hatch Road. **The CPUC is in complete disagreement with the recommended mitigation measures which states** "No feasible mitigation has been identified to reduce this queue to the length that can be accommodated. However, this rail crossing does not have a history of train-involved collisions, and with the implementation of mitigation measure Traf-70, above, to further increase the safety of this crossing, the Project's impacts on rail safety related to vehicle queuing would be reduced."

J-2

A safety diagnostic needs to be conducted in coordination with the CPUC, City and Railroad at the above crossings in order to determine what mitigation measures are appropriate.

Tom Westbrook
City of Ceres
West Landing Specific Plan
SCH # 2008122087
October 4, 2010
Page 2 of 2

The CPUC staff will work with the City of Ceres to implement the mitigation measures in the West Landing Specific Plan EIR. Since the City has a FEE Program for infrastructure improvements and is the lead Agency on this project, we will work with the City on the necessary improvements and schedule of the improvements.

Commission approval is required to modify an existing highway rail crossing or to construct a new crossing. Also, completion and submittal of General Order (GO) 88-B will be required for any proposed work to the crossings along with appropriate environmental documents per CEQA.

The CPUC recommends that the above be included in the FEIR mitigation monitoring section and other areas as necessary in the FEIR.

Please contact Marvin Kennix, Utilities Engineer, CPUC Rail Crossings Engineering Section, at (916) 928-3809 or email at MLK@cpuc.ca.gov to coordinate the at-grade railroad safety diagnostics and project improvements.

If you have any other questions, please contact me at (415) 713-0092 or email at ms2@cpuc.ca.gov.

Thank you for your consideration of these comments.

Sincerely,



Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
180 Promenade Circle, Suite 115
Sacramento, CA 95834-2936

LETTER J: MOSES STITES, CALIFORNIA PUBLIC UTILITIES COMMISSION**Response to Comment J-1**

While project-generated traffic will contribute to the potential for traffic collisions at the rail crossings, it will not be the sole contributor. Therefore, a fair share contribution has appropriate nexus under CEQA, whereas full payment of improvements does not. (Pursuant to CEQA Guidelines section 15126.4(4), the mitigation measure must be “roughly proportional” to the impact of the project.) A mechanism by which the project proponents can be reimbursed for advancing the full costs of the improvements could satisfy this mitigation measure.

Response to Comment J-2

The subject section (pages 18-69 and 18-70 of the Draft EIR) has been reworded to clarify the difference between the queue length and the safety of the crossing and to clarify the process for determining appropriate mitigation, as outlined in this comment. See the revisions in Chapter 23 of this document.

Response to Comment J-3

See response to comment J-2 above. Mitigation Measure Traf-70 has been modified to address this request.



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT



October 4, 2010

Tom Westbrook
City of Ceres
Planning Division
2220 Magnolia Street
Ceres, California 95307



Project: Draft Environmental Impact Report (DEIR) for West Landing Specific Plan

District CEQA Reference No: 20100695

Dear Mr. Westbrook:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the West Landing Specific Plan located in Ceres, California. The District offers the following comments:

District Comments

- 1) The DEIR states "equipment and vehicle trips associated with construction would emit ozone precursor air pollutants on a temporary basis" (Page 6-16). Although construction related impacts are temporary, the District recommends feasible mitigation of construction exhaust. Feasible mitigation of construction exhaust emissions include use of construction equipment powered by engines meeting, at a minimum, Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends that for the West Landing Specific Plan, projects utilize construction fleets that can achieve the emission reductions required by Rule 9510. The reductions required are 20% for NOx and 45% for PM10 as compared to the statewide fleet average. These reductions can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.
- 2) Based on the DEIR, the proposed projects would be subject to District Rule 9510 (Indirect Source Review).

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
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

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required 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. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

K-2 Cont'd

- 3) 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.
 - a. The District recommends the City include a policy requiring consultation with the District for any project that may have a health risk impact, including those projects that are exempt from CEQA requirements. Specific consideration should be given when approving projects that could expose sensitive receptors to toxic air contaminants (TACs). The District recommends that the City review all projects for potential health risks. If the City's preliminary analysis indicates that TACs are a concern the District recommends that prior to performing a health risk assessment, the City contact the District to determine appropriate modeling techniques. For more information on health risk modeling techniques, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist by phone at (559) 230-6000 or e-mail at hramodeler@valleyair.org. Additional information on TACs and modeling approaches can be found online at the District's website at <http://www.valleyair.org/busind/pto/toxics.htm>.
- 4) The proposed project may require District permits. Prior to the start of construction the project proponent should contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required.
- 5) The proposed project may be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

K-3

K-4

K-5

- 6) The District recommends that a copy of the District's comments be provided to the project proponent.

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

K-6

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Mark Montelongo at (559) 230-5905.

Sincerely,

David Warner
Director of Permit Services



for: Arnaud Marjollet
Permit Services Manager

DW: mm

LETTER K: ARNAUD MARJOLLET, SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICTResponse to Comment K-1

Consistent with this comment, the Draft EIR noted on page 6-18:

“Development projects under the Plan would be subject to SJVAPCD Rule 9510 that would require mitigation of construction emissions of 20 percent for NO_x and 45 percent for PM₁₀. Measures to meet these requirements usually take the form of newer or retrofitted construction fleets, a reduction of construction traffic, use of electrical-powered stationary equipment, and possibly off site mitigation or fees payable to SJVAPCD to obtain off-site reductions.”

Response to Comment K-2

New development within the WLSP area will be required to comply with Rule 9510. See Draft EIR pages 6-17 through 6-18 for further discussion.

Response to Comment K-3

A new mitigation measure requiring a health risk assessment for new sources of toxic emissions has been added. See Mitigation Measure Air-4 in Chapter 24 of this document for additional detail.

Response to Comment K-4

Comment noted. This comment provides procedures for acquiring permits and does not address the adequacy or sufficiency of the Draft EIR.

Response to Comment K-5

Comment noted. This comment lists potentially applicable District rules and does not address the adequacy or sufficiency of the Draft EIR.

Response to Comment K-6

Comment noted. The City of Ceres will encourage subsequent project applicants to contact the Air Pollution Control District for applicable rules and regulations.

October 4, 2010

City of Ceres
Planning & Building Division
Attn: Tom Westbrook
2220 Magnolia Street
Ceres, CA 95307



RE: Draft West Landing Specific Plan and Environmental Impact Report

Dear Mr. Westbrook:

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

The following irrigation improvement districts (I.D.) lie within the boundary of the proposed West Landing Specific Plan (Plan):

1. I.D. 91C, Lateral C
2. I.D. 570, Carol Lane Branch of the Koefed
3. I.D. 676, Lower Koefed
4. I.D. 799, East Branch of the Koefed
5. I.D. 850, Turner Branch of the Carol Lane Branch
6. I.D. 1095, Harold Rogers, Lower Branch

In addition, there are numerous private facilities (pipelines, pumps, ditches, etc.) that exist in the plan area. During build-out, those irrigation facilities that cannot be abandoned will require upgrading to current District Standards along with the dedication of appropriate irrigation easements for the benefit of the improvement districts affected.

In order for the District to accept the necessary easements, this statement should appear on the acceptance documents:

Certificate of Acceptance

This is to certify that the interest in real property conveyed by this map to the Turlock Irrigation District, a governmental agency, and to the named improvement districts of the District (if any) are hereby accepted by the undersigned officer on behalf of the Board of Directors of the Turlock Irrigation District pursuant to authority conferred by Turlock Irrigation Rule RL 0340.001 adopted on January 2, 1990 and revised December 18, 2001.

Dated this _____ day of _____, 20xx

Leslie H. Barrigar
Civil Engineering Department Manager

Upon request the District will review and quitclaim irrigation easements that are no longer required. There is an application fee for this review.

When a parcel within the Plan is proposed for development, it will be necessary for the developer to submit plans detailing the existing irrigation facilities, relative to the proposed site improvements, in order for the District to determine specific impacts and requirements.

District Standards require properties that will no longer irrigate or have direct access to water to apply for abandonment of the parcel(s) from the improvement district(s). Developed property adjoining irrigated ground must be graded so that finished grading elevations are at least 6 inches higher than irrigated ground. A protective berm must be installed to prevent irrigation water from reaching non-irrigated properties. Stub-end streets adjoining irrigated ground must have a berm installed at least 12" above the finished grade of the irrigated parcel(s).

The District shall review and approve all maps and plans of any proposed project. Any improvements to a parcel within the Plan which impact irrigation facilities shall be subject to the District's approval and meet all District standards and specifications. If it is determined that irrigation facilities will be impacted, the applicant will need to provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. There is a District Board approved time and material fee associated with this review.

Work on irrigation facilities can only be performed during the non-irrigation season which typically runs from November 1, thru March 1, but can vary.

If any irrigation facility is to be relocated in a new alignment, then irrigation improvement plans and an Irrigation Improvements Agreement for the impacted irrigation facility modifications must be executed before the District approves a final map. The final map signature block is as follows:

As to Irrigation Tax

Mike Kavarian
Deputy Collector, Turlock Irrigation District

Date

L-1 Cont'd

If the District's canal system is to be used for storm water drainage, the existing Master Storm Drainage Agreement between the City of Ceres and the Turlock Irrigation District must be reviewed to determine if the additional discharge can be accommodated. This additional discharge would be subject to District approval. In addition, any detention basin must be capable of containing the water from a 10-year, 48-hour storm.

An overall strategy for mitigating impacts to irrigation should be developed to avoid inefficiencies that can occur when reviewing on a project-by-project basis. Development build-out should try to emphasize in-fill development to reduce conflicts between remaining agricultural production and the progressing development.

The Electric Utility has existing facilities throughout this area. Existing facilities may or may not have enough capacity to serve new development. However, as development occurs, the District will extend or relocate facilities as required by affected agencies and the District's Electric Service Rules.

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

Sincerely,



Arie W. Vander Pol
Engineering Technician, Civil
CF: 2008024

L-1 Cont'd

LETTER L: ARIE W. VANDER POL, TURLOCK IRRIGATION DISTRICT

Response to Comment L-1

Comment noted. This comment details procedures for coordinating with the Turlock Irrigation District regarding irrigation lines and does not address the adequacy or sufficiency of the Draft EIR.



Arnold Schwarzenegger
Governor

Letter M

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



Cathleen Cox
Acting Director

October 5, 2010

Tom Westbrook
City of Ceres
2220 Magnolia Street
Ceres, CA 95307

Subject: West Landing Specific Plan
SCH#: 2008122087

Dear Tom Westbrook:

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 October 4, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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



M-1

Type	EIR	Draft EIR
Description	Development of the Plan area would result in a mix of new commercial, office, and business park uses and a mix of residential units at various densities (1,310 multi-family units and 2,325 single-family unit(s)). Additionally, some existing uses would be expected to remain, including the existing 18.1 ac. Carol Lane residential neighborhood, the G3 Enterprises Industrial facility, which would be expected to build out their 128.5 ac site, and the 175.5 ac. County facilities site, which would be expected to build out in accordance with the County's adopted Master Plan for the site.	

Name	Tom Westbrook		
Agency	City of Ceres		
Phone	209-538-5774	Fax	
email			
Address	2220 Magnolia Street		
City	Ceres	State CA	Zip 95307

County	Stanislaus				
City	Ceres				
Region					
Lat / Long	37° 36' 16" N / 120° 59' 22" W				
Cross Streets	Whitmore Avenue and Crows Landing Road				
Parcel No.	Numerous				
Township	4S	Range	9E	Section	16&17

Highways	CA-99
Airports	
Railways	UPRR
Waterways	Tuolumne River
Schools	Modesto City, Ceres Unified
Land Use	The area is currently largely in Agricultural use with some rural residential, the existing G3 and County facilities, and has various General Plan designation.

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

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

LETTER M: SCOTT MORGAN, STATE CLEARINGHOUSE

Response to Comment M-1

Comment noted. This is the cover letter to the comments forwarded by the Clearinghouse. It included comment letters H and A, which have been responded to separately.



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

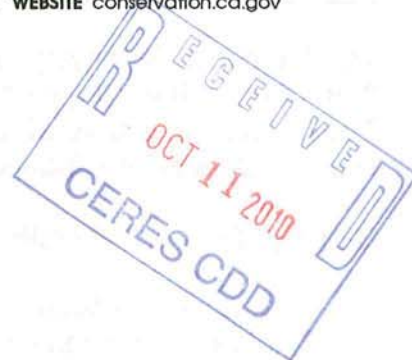
801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

October 6, 2010

VIA Email: tom.westbrook@ci.ceres.ca.us

Mr. Tom Westbrook, Planning Manager
City of Ceres
2220 Magnolia Street
Ceres, CA 95307



Subject: DEIR for West Landing Specific Plan - SCH# 2008122087

Dear Mr. Westbrook:

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

Project Description:

The 960-acre West Landing Specific Plan area is located in an unincorporated area of Stanislaus County, adjacent to the City of Ceres. The core planning area of the Specific Plan would result in a new mixed-use master planned community that could support development of residential units, retail commercial and office space, light industrial and/or research and development uses, schools and parks.

The undeveloped portions of the proposed Specific Plan area are composed almost entirely of Farmland (approximately 660 acres), made up primarily of Prime Farmland, with 70 acres of Unique Farmland, and a small area (approximately 3,000 square feet) along Service Road that is designated Farmland of Statewide Importance.

Three parcels within the Plan area are under Williamson Act Contracts. A nonrenewal has been filed for one of these parcels, (APN 056-057-003) and the contract will expire January 1, 2016. While development of the Plan area assumes successful cancellation of all of the Williamson Act contracts, the Plan can be viewed as directly triggering those cancellations and the related loss of agricultural land under Williamson Act Contract.

Mr. Tom Westbrook
October 6, 2010
Page 2 of 5

Division Comments:

The Executive Summary for the West Landing Specific Plan DEIR, repeatedly states that "No feasible mitigation has been identified" for the impacts to agricultural resources. The Division has several recommended options that they City may find helpful in its search for feasible mitigations (below).

On page 5-12 of the DEIR, it states:

"... the [Stanislaus] County's Farmland Mitigation Program has been challenged in the courts, leaving no legally recognized system or mechanism for mitigation of agricultural land conversion impacts currently exists in Stanislaus County. While applicants of development projects could support or participate in a number of generalized programs that could benefit agriculture and may result in expansion of agricultural acreage, no specific program exists for this purpose, and there is no quantifiable relationship between contributions to these programs and mitigation for project-related loss of agricultural lands."

The Division disagrees with the statement that, "there is no quantifiable relationship between contributions to these programs and mitigation for project-related loss of agricultural lands." The Division believes that mitigating for loss of agricultural lands, such as the use of conservation easements, protects a portion of those remaining land resources and lessens project impacts in accordance with CEQA Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

The Division also questions the City's statement that, "applicants of development projects could support or participate.." in programs that would protect agricultural resources, but that programs are not available and that no mitigation is found to be feasible. Just because a program for protecting agricultural resources does not currently exist in the County, it does not mean that alternative mitigations cannot be considered or required. The conversion of agricultural land (in this case, high quality agricultural land) should be deemed an impact of at least regional significance. Hence the search for replacement lands can be conducted regionally or statewide, and need not be limited strictly to lands within the project's surrounding area.

Although direct conversion of agricultural land is often an unavoidable impact under California Environmental Quality Act (CEQA) analysis, mitigation measures must be considered. The adoption of a Statement of Overriding Consideration does not absolve an agency of the requirement to implement feasible mitigation that lessens a project's impacts. A principal purpose of an EIR is to present a discussion of mitigation

Mr. Tom Westbrook
October 6, 2010
Page 3 of 5

measures in order to fully inform decision-makers and the public about ways to lessen a project's impacts. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and, therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation. Rather, the criterion is feasible mitigation that lessens a project's impacts. Pursuant to CEQA Guideline §15370, mitigation includes measures that "avoid, minimize, rectify, reduce or eliminate, or compensate" for the impact. For example, mitigation includes "Minimizing impacts by limiting the degree or magnitude of the action and its implementation (§15370(b))" or "Compensating for the impact by replacing or providing substitute resources or environments (§15370(e))."

All potentially feasible measures should be included in the DEIR. Each measure should be discussed, as well as the reasoning for selection or rejection. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible based on its elements.

Finally, when presenting mitigation measures in the DEIR, it is important to note that mitigation should be specific measurable actions that allow monitoring to ensure their implementation and evaluation of success. A mitigation consisting only of a statement of intent or an unspecified future action may not be adequate, pursuant to CEQA.

Mitigation Measures

Mitigation can be accomplished by incorporating a program or policy into the West Landing Specific Plan which would require mitigation for loss of agricultural resources from specific future projects permitted within the Plan boundaries.

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department recommends the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased. Mitigation for the loss of Prime Farmland is suggested at a 2:1 ratio due to its importance in the State of California.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional

Mr. Tom Westbrook
October 6, 2010
Page 4 of 5

significance. Hence the search for replacement lands can be conducted regionally or statewide, and need not be limited strictly to lands within the project's surrounding area. One source that has proven helpful for regional and statewide agricultural mitigation banking is the California Council of Land Trusts, which can be found at:

<http://www.calandtrusts.org>

The California Council of Land Trusts deals with all types of mitigation banks. Therefore, it is suggested that when the City contacts them they specify the need for agricultural mitigation banks. If, as stated on page 5-12 under Agricultural Resources section of the DEIR, "applicants of development projects could support or participate in a number of generalized programs that could benefit agriculture and may result in expansion of agricultural acreage..." then developers also have the ability to pay fees to agricultural mitigation banks that are currently set up in a nearby region.

The Department has a listing available of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land, that the City may request from the Division at the address or phone number at the conclusion of this letter. Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered, as mentioned above.

Williamson Act Contract Cancellations

The DEIR states that there are three parcels within the Plan area that are under Williamson Act Contracts, and development of the Plan area assumes successful cancellation of all of the Williamson Act contracts.

The West Landing Specific Plan area currently falls under the jurisdiction of Stanislaus County, as such the existing Williamson act contracts are with the County. The City of Ceres anticipates eventual annexation and development of the Plan site. When Williamson Act contract lands are annexed to a City, that City succeeds to the administration of the contract, which remains in force until it is cancelled or expires.

Sections 51282 through 51285 outline the steps necessary for the cancellation of a Williamson Act contract. Section 51284.1 requires the notice for a tentative cancellation of a contract to be sent as soon as the cancellation application is deemed complete, but not less than 30 (thirty) days prior to the scheduled action by a board or council. The board or council must consider any comments submitted by the Department when making their findings. A notice of the hearing and copy of the landowner's petition shall be mailed to the Director of the Department of Conservation 10 (ten) working days prior

N-2 Cont'd

N-3

Mr. Tom Westbrook
October 6, 2010
Page 5 of 5

to the hearing as a separate notification from any CEQA document. The notice must be mailed to:

Department of Conservation
C/o Division of Land Resource Protection
801 K Street MS 18-01
Sacramento, CA 95814-3528

Under Government Code section 51282, the board or council must base any approval of a request for cancellation on specific findings that are supported by substantial evidence. The Department recommends that a discussion of the required cancellation findings be included in any related CEQA document.

Thank you for giving us the opportunity to comment on the DEIR for the West Landing Specific Plan. Please provide this Department with the date of any hearings for this particular action, a copy of the Final EIR, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,



Dan Otis
Program Manager
Williamson Act Program

cc: State Clearinghouse

Stanislaus County Farm Bureau
1201 L Street
PO Box 3070
Modesto, CA 95353-3070
Fax (209) 521-9938

N-3 Cont'd

N-4

LETTER N: DAN OTIS, DEPARTMENT OF CONSERVATIONResponse to Comment N-1

Comment noted. This is a restating of the agricultural land and Williamson Act contracts in the WLSP area.

Response to Comment N-2

The City of Ceres does not propose to require implementation of agricultural mitigation for projects within the WLSP. This determination is consistent with the City's adopted General Plan and its associated EIR and was made on the following three factors: 1) The preservation of other existing agricultural land through purchase of conservation easements does not mitigate the loss of the land in question. The only way to mitigate the loss would be to preserve the land in question by preventing development. 2) The City of Ceres has no established program under which agricultural mitigation fees would be collected and dispersed nor any policy to require such a program. 3) The cost of such agricultural mitigation is not considered economically feasible. This impact has been found to be significant and unavoidable (see Draft EIR pages 5-12 and 5-15 through 5-16) and a statement of overriding considerations will need to be adopted for approval of the WLSP.

A Public Facilities Financing Plan was prepared for the WLSP and is available as a separate document through the City of Ceres.³ This Financing Plan includes a financial feasibility analysis to assure that the cost and timing of infrastructure requirements are affordable by proposed new development. This analysis found that with the cost of roadway and utility infrastructure improvements and public facilities, the cost burden would range from 18 to 23 percent for residential uses and 6 to 9 percent for nonresidential uses. Burdens above 20 percent suggest that a project may not be financially feasible. Several factors can be considered for projects that exceed this threshold, such as phasing to avoid large upfront infrastructure costs, cross-subsidy opportunities between residential and commercial land uses, and private funding of infrastructure. Additionally, if residential values increase as the project is built out over time, this would lower the relative burden. The Financing Plan's conclusion that the WLSP has only marginal financial feasibility supports the City's conclusion that the additional cost of any agricultural mitigation is not economically feasible.

Response to Comment N-3

Comment noted. This comment outlines procedures for cancellation of Williamson Act contracts and does not address the adequacy or sufficiency of the Draft EIR.

³ City of Ceres, prepared by Economic and Planning Systems, *West Landing Specific Plan Public Facilities Financing Plan*, April 2011.

Response to Comment N-4

Comment noted. This comment requests copies of documents and notification of further hearings and does not address the adequacy or sufficiency of the Draft EIR.

Letter O



Arnold Schwarzenegger
Governor

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



Cathleen Cox
Acting Director

October 7, 2010



Tom Westbrook
City of Ceres
2220 Magnolia Street
Ceres, CA 95307

Subject: West Landing Specific Plan
SCH#: 2008122087

Dear Tom Westbrook:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 4, 2010. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2008122087) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

O-1

LETTER O: SCOTT MORGAN, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

Response to Comment O-1

Comment noted. This is the cover letter to the late comments forwarded by the Clearinghouse. It included comment letter N, which has been responded to separately.

Letter P



CHIEF EXECUTIVE OFFICE
Richard W. Robinson
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Monica Nino-Reid
Assistant Executive Officer

Stan Risen
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
P.O. Box 3404, Modesto, CA 95353-3404
Phone: 209.525.6333 Fax 209.544.6226

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

- A M E N D E D -

October 15, 2010

Tom Westbrook, Manager
City of Ceres
Planning Division
2220 Magnolia Street
Ceres, CA 95307

SUBJECT: ENVIRONMENTAL REFERRAL – CITY OF CERES – WEST LANDING
SPECIFIC PLAN/DRAFT ENVIRONMENTAL IMPACT REPORT

Mr. Westbrook:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has determined that it may have a significant impact on the environment. Comments/conditions from the Agricultural Commissioner's Office and Sealer of Weights & Measures dated September 13, 2010 were issued on October 1, 2010 and are attached here for your reference. In addition, comments from the Department of Public Works are attached hereto and incorporated herein by reference. The Department of Parks and Recreation has indicated that they will not have any comments on this project.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Christine Almen, Senior Management Consultant
Environmental Review Committee

cc: ERC Members

Attachment



DEPARTMENT OF PUBLIC WORKS

Matt Machado, PE
Director

Laurie Barton, PE
Deputy Director,
Engineering/Operations

Diane Haugh
Assistant Director,
Business/Finance



1010 10th Street, Suite 3500, Modesto, CA 95354
Phone: 209.525.6550/email: publicworks@stancounty.com

October 14, 2010

MEMO TO: Environmental Review Committee, Christy Almen/Barbara Barker,
CEO's Office

FROM: Angie Halverson, Senior Land Development Coordinator, Public
Works

SUBJECT: City of Ceres – West Landing Specific Plan Project

Stanislaus County has undergone a recent program update of its Public Facilities Fees (PFF) program. On March 30th of this year, the Board of Supervisors approved the 2010 Program Update, minus the Regional Transportation Impact Fee (RTIF) component. The Board of Supervisors approved the RTIF on June 29, 2010. This new RTIF has seen several changes from the previous 2005 fee program. With these updates in mind, a few areas within the West Landing Specific Plan (WLSP) show funding from Stanislaus County PFF fees that are no longer part of the new 2010 update. Some of the improvements shown in the mitigation measures do not match RTIF projects that Stanislaus County has planned.

Carpenter Road at Whitmore Avenue (#3) and Carpenter Road at Hatch Road (#21) are part of the RTIF. Crows Landing Road at Whitmore Avenue (#5) and Crows Landing Road at Service Road (#12) are no longer in the RTIF. Carpenter Road at Keyes Road (#17) plans do not include improving Carpenter Road to a full four-lane Major Arterial, as stated in the WLSP at this time, but only the addition of a two-way left-turn lane. Crows Landing Road at Keyes Road (#18) intersection plans include one through lane and one shared through-right turn lane on the north- and southbound approaches, not two dedicated through lanes. Differences between the WLSP and the RTIF also include only the addition of a two-way left-turn lane at Carpenter as opposed to a four-lane Major Arterial. The RTIF at Crows Landing and Keyes Road proposes one through and one shared through-right turn lane; not the two dedicated through lanes as proposed in the WLSP. Reimbursement to the Stanislaus County Public Works' project would be based on current RTIF project amounts.

The following intersections are within the County jurisdiction, wholly or in part, and are not part of the RTIF and will be impacted by the project: Crows Landing Road at Hatch Road (#2), Carpenter Road at Service Road (#11), Carpenter Road at Paradise Road (#20), Crows Landing Road at Glenn Avenue (#24), and Crows Landing at El Paso Avenue (#25). The development should pay Stanislaus County Public Works for its fair share of the proposed improvements to these intersections.

Storm drainage and the accompanying requirements can influence the design of development in an area. The current National Pollutant Discharge Elimination System (NPDES) requires Low Impact Development (LID) for phase II entities. The Environmental Protection Agency's website describes LID as "LID is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product." This concept follows the intent of The City of Ceres General Plan Policies 4.E.7 and 4.E.10, but is not mentioned in the Specific Plan.

Thank you for this opportunity to comment on this project.

LETTER P: CHRISTINE ALMEN, STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE / ANGIE HALVERSON, STANISLAUS COUNTY PUBLIC WORKSResponse to Comment P-1

Comment noted. This comment is an introduction to further comments.

Response to Comment P-2

Comment noted. Improvements required to mitigate impacts outside of the existing or proposed future jurisdiction City of Ceres have been determined to be significant and unavoidable due to the inability to ensure implementation or control timing. Fee programs and transportation improvement programs evolve over time as traffic conditions change and development occurs, as is noted to be the case with the County's RTIF. A program is in place whereby the City of Ceres collects a contribution to the County's fee program from development projects within its jurisdiction. No additional traffic improvement cost sharing programs exist between these jurisdictions to which the project could contribute. Impacts to intersections located outside the City of Ceres and within the County's jurisdiction remain significant and unavoidable. A statement of overriding considerations regarding these impacts will be necessary to approve the WLSP.

Response to Comment P-3

Comment noted. Projects under the WLSP will be required to comply with applicable NPDES requirements.

Letter Q



Arnold Schwarzenegger
Governor

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



Cathleen Cox
Acting Director

October 13, 2010



Tom Westbrook
City of Ceres
2220 Magnolia Street
Ceres, CA 95307

Subject: West Landing Specific Plan
SCH#: 2008122087

Dear Tom Westbrook:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 4, 2010. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2008122087) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Q-1

LETTER Q: SCOTT MORGAN, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

Response to Comment Q-1

Comment noted. This is the cover letter to the late comments forwarded by the Clearinghouse. It included comment letter J, which has been omitted here to avoid redundancy.

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