



## Responses to Comments for the Parkwood Subdivisions Project

### Introduction and List of Commenters

The Initial Study / Mitigated Negative Declaration (IS/MND) for the Parkwood Subdivision Project was available for the statutory 30-day public review from June 15, 2020 to July 14, 2020. No new significant environmental impacts or issues, beyond those already covered in the IS/MND for the Parkwood Subdivision Project, were raised during the comment period.

The following table lists the comments on the IS/MND that were submitted to the City of Hughson during the 30-day public review period for the IS/MND. The assigned comment letter, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed. Letters received are coded with letters (A, B, C, etc.).

#### ***LIST OF COMMENTERS ON IS/MND***

<i>RESPONSE LETTER</i>	<i>INDIVIDUAL OR SIGNATORY</i>	<i>AFFILIATION</i>	<i>DATE</i>
A	Monique Wilber	California Department of Conservation	7-14-2020
B	Nicholas White	Central Valley Regional Water Quality Control Board	7-8-2020
C	Gina Oltman	Resident of Hughson	6-27-2020
D	Scott Berner	Hughson Fire Protection District	7-14-2020
E	Brenda Smith	Hughson Unified School District	7-14-2020
F	Michael Mitchell	Resident of Hughson	7-14-2020
G	Robin MacDONald	Resident of Hughson	7-3-2020

### Responses to Comment Letters

Written comments on the IS/MND are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Those comments received are represented by a lettered response.
- Each letter is lettered (i.e., Letter A) and each comment within each letter is numbered (i.e., comment A-1, comment A-2).

DocuSign Envelope ID: 5F9FDE58-93E6-40EB-9B2A-BC6449E19937



Gavin Newsom, Governor  
David Shabazian, Director

JULY 8, 2020

VIA EMAIL: [LSIMVOULAKIS@HUGHSON.ORG](mailto:LSIMVOULAKIS@HUGHSON.ORG)

City of Hughson, Community Development Department  
Attn: Lea Simvoulakis, Director  
P.O. Box 9  
Hughson, CA 95326

Dear Ms. Simvoulakis:

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE  
PARKWOOD SUBDIVISION PROJECT, SCH# 2020060271

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Intent to adopt a Mitigated Negative Declaration for the Parkwood Subdivision Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The proposed project includes the subdivision of the approximately 56.04-acre site into 299 single-family residential lots with one single-family home per lot. The lots would range in size from 5,005 to 13,280 square feet. The project also includes development of 6.14 acres of park/dual use facilities. Additionally, the project would include development of circulation and utility infrastructure improvements.

Currently, the project site is in agricultural use and contains Prime Farmland, as identified by the Department of Conservation's Farmland Mapping and Monitoring Program<sup>1</sup>.

A-1

<sup>1</sup> California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, <https://maps.conservation.ca.gov/DLRP/CIFF/>

### Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.<sup>2</sup> All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

A-2

As the courts have shown<sup>3</sup>, agricultural conservation easements on land of at least equal quality and size can mitigate project impacts in accordance with CEQA Guideline § 15370. The Department highlights agricultural conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA. Agricultural conservation easements are an available mitigation tool and should always be considered; however, any other feasible mitigation measures should also be considered.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

### Conclusion

The Department recommends further discussion of the following issues:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.

A-3

<sup>2</sup> Public Resources Code section 21002.

<sup>3</sup> *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 238.

DocuSign Envelope ID: 5F9FDE58-93E6-40EB-9B2A-BC6449E19937

- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.

A-3  
cont'd

Thank you for giving us the opportunity to comment on the Notice of Intent to adopt a Mitigated Negative Declaration for the Parkwood Subdivision Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner at (916) 324-7347 or via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

A-4

Sincerely,

*Monique Wilber*

Monique Wilber  
Conservation Program Support Supervisor

**Response to Letter A: Monique Wilber, California Department of Conservation**

**Response A-1:** This comment is noted. This comment serves as an introduction to the letter. This comment notes the responsibilities of the Department of Conservation's Division of Land Resources Protection. Additionally, the commenter summarizes the proposed project description, and notes that the project site is in agricultural use and contains Prime Farmland, as identified by the Department of Conservation's Farmland Mapping and Monitoring Program.

As discussed on page 24 of the IS/MND and as shown in Figure 7 of the IS/MND, the majority of the project site is designated Prime Farmland as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. A portion of the site along the northern boundary is designated Urban and Built-Up Land. The proposed project would result in the conversion of this designated Prime Farmland land to a non-agricultural use. Further, as discussed in the Project Description on page 4 of the IS/MND, the site has previously been used for agricultural and single-family ranchette uses. Orchards are currently located throughout the project site, including mature and young walnut and almond trees. No further response is warranted.

**Response A-2:** The commenter notes that conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources and that, under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project. The commenter also notes that all mitigation measures that are potentially feasible should be included in the project's environmental review, and that a measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

The commenter further notes that agricultural conservation easements on land of at least equal quality and size can mitigate project impacts in accordance with CEQA Guideline §15370. According to the comment, the Department of Conservation highlights agricultural conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA. In addition, the commenter notes that agricultural conservation easements are an available mitigation tool and should always be considered; however, any other feasible mitigation measures should also be considered. The comment concludes with information regarding regional and statewide agricultural mitigation banks is the California Council of Land Trusts.

This comment is noted. Impacts associated with agricultural land conversion, including impacts associated with other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use, are discussed in Section II, Agriculture and Forestry

Resources, of the IS/MND. As discussed on page 24, the proposed project will convert Prime Farmland to single-family residential uses. However, the project site is designated as Low Density Residential (LDR) (approximately 19.28 acres), Medium Density Residential (MDR) (approximately 17.73 acres), and Service Commercial (SC) (approximately 19.00 acres) by the Hughson General Plan Land Use Map. The Hughson General Plan EIR anticipated development of the project site as part of the overall evaluation of the build out of the City. The General Plan EIR addressed the conversion and loss of agricultural land that would result from the build out of the General Plan (General Plan 2023 Draft EIR, pp. 4.2-1 through 4.2-15). The General Plan EIR determined that even with the implementation of the General Plan goals, policies, and actions (including, but not limited to, Goal COS-1, Actions LU-1.2, COS-1.2, and COS-1.3, and Policies COS-1.1, COS-1.3, COS-1.6, COS-1.7), the impact would be significant and unavoidable. The City subsequently adopted a Statement of Overriding Consideration and certified the General Plan EIR. The proposed project is generally consistent with the General Plan.

Because conversion of the project site from agricultural to urban uses was previously analyzed in the City's General Plan EIR, implementation of the proposed project would have a less than significant impact relative to this issue.

Further, impacts associated with other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use, are discussed on pages 25 and 26. As discussed, the agricultural land located west of the site, opposite Santa Fe Avenue, is designated mainly Vacant or Disturbed Land, with some Prime Farmland located west of the southwestern corner of the site (see Figure 7). The land to the east is designated for Agriculture by the Stanislaus County General Plan land use map. In order to ensure that development of the site does not result in conversion of the portion of Prime Farmland located west of the southwestern corner of the site to non-agricultural use, the project would be subject to the City's Right to Farm Ordinance. Section 17.03.064 of the Hughson Municipal Code outlines the Right to Farm Ordinance, including nuisances, deed restrictions, and notification to buyers.

The project will comply with the City's Right to Farm Ordinance (as required by Mitigation Measure AG-1). Because conversion of the project site from agricultural to urban uses was analyzed in the City's General Plan EIR, and because the project will be subject to the Right to Farm Ordinance, implementation of the proposed project would have a less than significant impact relative to this issue.

Because the conversion of agricultural land to urban uses was analyzed by the City's General Plan EIR, mitigation is not required for conversion of on-site Important Farmland.

**Response A-3:** The commenter recommends the following issues be further discussed:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.

This comment is noted. See Response A-2 which details the: (1) type, amount, and location of on-site and adjacent farmlands, including a discussion of the farmland conversion that would result from implementation of the project; and (2) impacts on agricultural operations in the vicinity. As discussed, the proposed project will convert Prime Farmland to single-family residential uses. Because the conversion of agricultural land to urban uses was analyzed by the City's General Plan EIR, mitigation is not required for conversion of on-site Important Farmland.

As noted in Response A-2, the lands adjacent to the site contain religious uses and residential uses. The agricultural land located west of the site, opposite Santa Fe Avenue, is designated mainly Vacant or Disturbed Land, with some Prime Farmland located west of the southwestern corner of the site (see Figure 7). It is noted that Mitigation Measure AG-1 is included in the IS/MND to ensure that adjacent off-site agricultural operations are not significantly impacted by development of the proposed project.

Impacts associated with cumulative agricultural impacts are discussed on pages 157 and 158 of the IS/MND. As discussed, the Initial Study includes an analysis of the project impacts associated with agricultural resources, and it was found that the proposed project would have either no impact, a less than significant impact, or a less than significant impact with the implementation of Mitigation Measure AG-1. This mitigation measure would also function to reduce the project's contribution to cumulative impacts. There are no significant cumulative or cumulatively considerable effects that are identified associated with the proposed project after the implementation of all mitigation measures presented in the IS/MND, including Mitigation Measure AG-1.

**Response A-4:** This comment is noted. This comment serves as a conclusion to the letter. This comment letter has been forwarded to the decision-makers for their consideration. No further response is necessary.



---

## Central Valley Regional Water Quality Control Board

14 July 2020

Lea Simvoulakis  
City of Hughson  
P.O. Box 9  
Hughson, CA 95326

### **COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, PARKWOOD SUBDIVISION PROJECT, SCH#2020060271, STANISLAUS COUNTY**

Pursuant to the State Clearinghouse's 12 June 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Parkwood Subdivision Project, located in Stanislaus County.

B-1

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

#### **I. Regulatory Setting**

##### **Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

B-2

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

B-2  
cont'd

#### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

B-3

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

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

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

B-4

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

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

B-5

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

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

**Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

B-6

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml)

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

B-7

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic

B-8

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

General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

B-8  
cont'd

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

B-9

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:  
[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

B-10

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

Parkwood Subdivision Project  
Stanislaus County

- 5 -

14 July 2020

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

B-10  
cont'd

**Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

B-11

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4856 or [Nicholas.White@waterboards.ca.gov](mailto:Nicholas.White@waterboards.ca.gov).

B-12



Nicholas White  
Water Resource Control Engineer

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

**Response to Letter B: Nicholas White, Central Valley Regional Water Quality Control Board**

**Response B-1:** This comment is noted. This comment serves as an introduction to the letter and does not warrant a response. No further response is necessary.

**Response B-2:** The commenter provides background information regarding the responsibilities of the Central Valley Regional Water Quality Control Board (RWQCB). This information further elaborates on regulatory setting information provided in the Initial Study. The City of Hughson, including the proposed project site, is located in the Turlock Groundwater Basin. The project site is located within the Water Quality Control Plan for the Sacramento-San Joaquin River Basins (Basin Plan) area. This comment is noted. No further response is necessary.

**Response B-3:** The commenter provides information regarding “Antidegradation Considerations,” including the Basin Plan’s policy and analysis requirements for National Pollutant Discharge Elimination System (NPDES) and Waste Discharge Requirement (WDR) permitting. Project impacts to groundwater and surface water quality are addressed in Section X, Hydrology and Water Quality, of the IS/MND. Impacts were determined to be less than significant with implementation of Mitigation Measure GEO-2 (preparation of a Storm Water Pollution Prevention Plan [SWPPP]). The IS/MND adequately analyzes the potential impacts to groundwater and surface water quality.

**Response B-4:** The commenter identifies construction storm water permit requirements for projects that disturb one or more acres of soil or are part of a larger plan that in total disturbs one or more acres of soil. As described on page 68 of Section VII, Geology and Soils, of the IS/MND, without implementation of appropriate Best Management Practices (BMPs) related to prevention of soil erosion during construction, development of the project would result in a potentially significant impact with respect to soil erosion. Mitigation Measure GEO-2 requires preparation of a SWPPP. The SWPPP will include project specific best management measures that are designed to control drainage and erosion. Furthermore, proposed project will include detailed project specific drainage plan that control storm water runoff and erosion, both during and after construction. The SWPPP and the project specific drainage plan would reduce the potential for erosion. Mitigation Measure GEO-2 of the IS/MND requires the applicant to prepare a SWPPP and implement BMPs. The IS/MND adequately reflects the information provided in the comment.

**Response B-5:** The commenter discusses Best Management Practices and municipal separate storm sewer system (MS4) requirements for storm drainage systems. The City of Hughson is classified as a Phase II city by the State Water Resources Control Board. As such, the City, and consequently new development, is required to comply with the State Board’s storm water NPDES permit for Phase II cities. This

comment does not warrant any modifications to the IS/MND. No further response is necessary.

**Response B-6:** The commenter discusses Industrial Storm Water General Permit requirements. The proposed project does not include industrial uses. This comment does not warrant any modifications to the IS/MND. No further response is necessary.

**Response B-7:** The commenter indicates that a Section 404 permit from the U.S. Army Corps of Engineers would be required for activities involving a discharge to waters of the U.S. Section IV, Biological Resources, of the IS/MND analyzes potential impacts to water of the U.S. as a result of project development. As discussed on page 52 of the IS/MND, the project site does not contain protected wetlands or other jurisdictional areas and there is no need for permitting associated with the federal or State Clean Water Acts. The Turlock Irrigation District canal along the northern site boundary is a man-made facility with the sole purpose of agricultural irrigation. These ditches are exempt from permitting. This comment does not warrant any modifications to the IS/MND. No further response is necessary.

**Response B-8:** The commenter indicates that a Section 401 Water Quality Certification from the State Board would be required for activities that require a Section 404 permit or other federal permits. As noted in Response B-7 above, the project site does not contain protected wetlands or other jurisdictional areas and there is no need for permitting associated with the federal or State Clean Water Acts. This comment does not warrant any modifications to the IS/MND. No further response is necessary.

**Response B-9:** The commenter indicates that a Waste Discharge Requirement is required if there are State waters that require discharge or dredging. As noted in Responses B-7 and B-8, the project site does not contain protected wetlands or other jurisdictional areas. This comment does not warrant any modifications to the IS/MND. No further response is necessary.

**Response B-10:** The commenter indicates that if the proposed project includes construction dewatering, the proposed project will require coverage under a NPDES permit. Dewatering is not anticipated to be required during construction of the proposed project, however, should groundwater be encountered during construction and dewatering become necessary, the applicant would be required to seek the proper NPDES permit for dewatering activities.

**Response B-11:** The commenter indicates that if the proposed project includes construction dewatering, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering is not anticipated to be required during construction of the proposed project, however, should groundwater be encountered during construction and dewatering become necessary, the applicant would be required to seek the proper NPDES permit for dewatering activities.

**Response B-12:** This comment is noted. This comment serves as a conclusion to the letter and does not warrant a response. No further response is necessary.

Subject: Responses to Comments and Errata for the Parkwood Subdivision Project IS/MND  
Date: July 17, 2020

From: Gina Oltman <ginaoxyz@gmail.com<mailto:ginaoxyz@gmail.com>>  
Sent: Saturday, June 27, 2020 8:07 AM  
To: Lea Simvoulakis <lsimvoulakis@hughson.org<mailto:lsimvoulakis@hughson.org>>  
Subject: Dog Park in Proposed Development?

Hi, Lea:

In a previous email, you mentioned that you advised the developer of the subdivision proposed for the southeast corner of Hatch and Santa Fe to include a dog park. I was reading the initial study and mitigated neg dec report on the project, and it does not include a dog park. (See quoted text below.) Is a dog park going to be included? The report does not appear to be a draft.

Please let me know what the plan is. From talking to Natalie Mendoza (intern), it sounds like the city's survey a couple of months ago showed significant support for a dog park, so it seems like that would be a good thing to actively pursue for the community.

From the report:

"The project includes two common space areas totaling 6.14 acres: one in the eastern portion of the subdivision, and one in the western portion of the subdivision. The eastern park area will include street, signature, accent, and shade trees, a neighborhood connecting path, children's play equipment, turn mounding and seat walls, terraced grass seating with barbecue tables, and open turf social space. The western park area will include street, accent, and shade trees, a neighborhood connecting path, children's playground equipment, a tennis court, a basketball court, a pickleball court, a gazebo, and open turf social space."

Best,  
Gina

Sent from Mail<<https://go.microsoft.com/fwlink/?LinkId=550986>> for Windows 10

C-1

**Response to Letter C: Gina Oltman, Resident of Hughson**

**Response C-1:** The commenter questions whether a dog park is included in the proposed project, and notes that a city survey showed significant support for a dog park. The commenter also correctly quotes page 4 of the IS/MND, which discusses the proposed park facilities.

This comment is noted and has been forwarded to the decision-makers for their consideration. The project applicant agrees that a dog park can be an excellent community asset as it provides an avenue for increased social interactions among City residents and presents opportunities for community members to build relationships with their neighbors. Generally, dog parks provide a dedicated space to run free and easily socialize with other dogs in-lieu of open space recreation areas that typically have strict leash-only laws. The latest update to the proposed project site plan incorporates a dog park facility within the main park area. The area designated for a dog park is of such a size that it could accommodate a separate play area for both large and small dogs, should the City desire this type facility. Final design of the dog park, including the types of amenities for both the dogs and their owners, will be subject to review and approval of the City's Community Development Director and/or the City's Planning Commission.

**From:** Scott Berner <sberner@hughsonfire.com>  
**Sent:** Tuesday, July 14, 2020 1:44 PM  
**To:** Lea Simvoulakis <lsimvoulakis@hughson.org>  
**Cc:** Randall Kelley <rkelley@hughsonfire.com>  
**Subject:** Parkwood Subdivision

Hi Lea,

Thank you for taking the time to meet with Randall and I this morning. We appreciate you explaining in further details of what was outlined and by whom in the "Initial Study" under the Fire Protection section. | D-1

As mentioned, one of our key concerns about this project would be making sure the we have proper enough access for the fire apparatus to navigate the streets with or without parked vehicles. We are concerned also about the design of some of these homes that share a common driveway. Not only does it present a challenge from an access standpoint, but the additional expose it presents to the residents neighbor should there be a fire in one of the residents. | D-2

Also, as we read thru the Initial Study, we found a lot of the verbiage incorrect, and some of it came across as others were speaking on our behalf. I will try to be more specific. | D-3

- In paragraph 2 on page 122, it references that if the Hughson Fire Protection District (HFPD) were not available to respond to a calls, another agency would respond. Yes, we do have mutual aid agreements where is we assist other departments as they assist us as well on call where additional resources are required. However, in the years I have been on the department, I don't recall a time we were "not available to respond" to a call. | D-4

- It is referenced a few times that the Stanislaus Consolidated Fire Protection Districts (SCFPD) cooperates with the City. This is not a correct statement, the SCFPD is a district similar to HFPD that provides emergency services to the Empire, Southwest Modesto, Waterford and Riverbank communities. It would be the Stanislaus County Fire Warden office in conjunction with the HFPD that should be working with the City as it relates to fire prevention and various code requirements, water supply and street widths etc. | D-5

- Paragraph 4 references that this project "would place additional demands for fire service on the HFPD. What is the definition of the "additional demands" and who is making that decision? | D-6

- Paragraph 4 talks about the City of Hughson General Plan that would allow for the HFPD to continue providing adequate facilities and staffing levels. What are these specific plans? It is also our understanding that those plans are 15 years old? | D-7

- In the last paragraph of page 123, there is a lot of reference to how this project should have "less than significant" impact on the HFPD and no need to physically or alter fire facilities, and that property tax revenues would fund capital and labor cost associated with fire protection services. What and who defines "less than significant" The concern is with this is who has made this determination in this report on our behalf. | D-8

Our goal is to provide a supportive roll in the community for emergency services and fire suppression services, but it is imperative that we take a stronger roll and participation in the ability to communicate directly the impact that future growth and development of the City of Hughson would have on the HFPD. | D-9

Thank you again for your time.

Scott

Scott Berner  
Fire Chief  
Hughson Fire Protection District  
Office (209) 883-2863  
Cell (209) 541-8657  
[sberner@hughsonfire.com](mailto:sberner@hughsonfire.com)

**Response to Letter D: Scott Berner, Hughson Fire Protection District**

**Response D-1:** This comment is noted. This comment serves as an introduction to the letter. This comment letter has been forwarded to the decision-makers for their consideration. No further response is necessary.

**Response D-2:** The commenter notes that one of the key concerns about the project is making sure the Hughson Fire Protection District (HFPD) has enough access for the fire apparatus to navigate the streets with or without parked vehicles. The commenter also expresses concerns about the design of some of these homes that share a common driveway. The commenter states that “not only does it present a challenge from an access standpoint, but the additional expose it presents to the residents neighbor should there be a fire in one of the residents.”

This comment is noted. Impacts associated with emergency vehicle access are discussed on pages 82, 83, 141, and 142 of the IS/MND. As discussed on page 83, all major roads in Stanislaus County are available for evacuation, depending on the location and type of emergency that arises. The main evacuation routes according to the Stanislaus County Emergency Operations Plan are State Route (SR) 99 and 132. These roadways are capable of handling heavy truck traffic, as well as traffic from passenger vehicles and would be a primary route for evacuations. The proposed project does not include any actions that would impair or physically interfere with any of Stanislaus County’s emergency plans or evacuation routes. Future uses on the project site will have access to the County resources that establish protocols for safe use, handling and transport of hazardous materials. Construction activities are not expected to result in any unknown significant road closures, traffic detours, or congestion that could hinder the emergency vehicle access or evacuation in the event of an emergency.

Additionally, as discussed on pages 141 and 142, no site circulation or access issues have been identified that would cause a traffic safety problem/hazard or any unusual traffic congestion or delay. All emergency vehicles arriving to and from the proposed project would be able to enter via Santa Fe Avenue, Flora Vista Drive or Estancia Drive. All accesses would be designed to City standards that accommodate turning requirements for fire trucks. These multiple entry/exit points provide flexibility for emergency vehicles to access or evacuate from multiple directions during an emergency. There are no safety, capacity, or sight distance issues identified with the project site plan.

Further, as noted on page 122 of the IS/MND, prior to project approval, the Stanislaus Fire Protection District reviews plans for new development to assess design issues, such as the provision of adequate water supply systems, compliance with minimum street widths, and hydrant locations and distances. This plan review process would ensure adequate on-site and adjacent emergency access.

**Response D-3:** The commenter notes that a lot of the verbiage in the IS/MND is incorrect, and introduces a list of specific concerns. See Responses D-4 through D-8, which address each of the listed concerns.

**Response D-4:** The commenter notes that the IS/MND “references that if the [HFPD] were not available to respond to calls, another agency would respond. Yes, we do have mutual aid agreements where we assist other departments as they assist us as well on call where additional resources are required. However, in the years I have been on the department, I don’t recall a time we were ‘not available to respond’ to a call.”

This comment is noted. The commenter has adequately described the mutual aid agreements in the project area. As noted on page 122, while the HFPD provides primary fire protection to the community, it also has a mutual aid agreement with most of the other fire protection service providers in Stanislaus County. As a result, if the HFPD is not available to answer a call in the city, another fire department or district will respond to the call. The text in question is intended to convey that, *if* (emphasis added) the HFPD is responding to a call, then other departments could assist *if* (emphasis added) one or more subsequent calls warranted fire response.

**Response D-5:** The commenter notes that the IS/MND makes an incorrect statement regarding the Stanislaus Consolidated Fire Protection District (SCFPD) cooperation with the City. The commenter further notes that “the SCFPD is a district similar to HFPD that provides emergency services to the Empire, Southwest Modesto, Waterford and Riverbank communities. It would be the Stanislaus County Fire Warden office in conjunction with the HFPD that should be working with the City as it relates to fire prevention and various code requirements, water supply and street widths etc.”

This comment is noted. As noted on page 122 of the IS/MND, the HFPD provides primary fire protection to the community. The IS/MND further states that the SCFPD cooperates with the City to reduce the risk of fires in the area. Because this comment does not address the adequacy of the IS/MND, no further response is warranted.

**Response D-6:** The commenter cites various discussions in the IS/MND pertaining to fire demand and notes that the project “would place additional demands for fire service on the HFPD. The commenter questions what the definition of “additional demands” is, and who makes that decision.

This comment is noted. As stated on page 122 of the IS/MND, the proposed project would add 299 residential units, which is anticipated to add 1,034 people to the City of Hughson. The additional of 1,034 people in the City of Hughson would place additional demands for fire service on the HFPD. The residents of the proposed project may require services from the HFPD over the lifetime of the

project. As such, this is considered an “additional demand” on the HFPD. The decision of “additional demand” is not made by a single person, entity, agency, etc. Instead, the additional demand has been qualified by the analysis included in the IS/MND.

**Response D-7:** The commenter states that the IS/MND notes that the City of Hughson General Plan would allow for the HFPD to continue providing adequate facilities and staffing levels. The commenter further questions what those specific plans are, and notes that the plans are believed to be 15 years old.

This comment is noted. As discussed on pages 122 and 123, the City of Hughson General Plan includes policies and actions that would allow for the District to continue providing adequate facilities and staffing levels. For example, Policies PSF-2.1 and PSF-2.2, and Action PSF-2.1, address continued cooperation between the City and the Hughson Fire Protection District to provide adequate fire protection service to the community and explore methods to improve the level of service provided. The City would also continue to support the existing mutual aid agreements (Policy PSF-2.3). To reduce the overall need for fire protection, the City would enforce all relevant fire codes and ordinances (Policy PSF-2.4), require all new development to use fire-safe building materials and early warning systems, install sufficient water supply systems (Policy PSF-2.5), and encourage the installation of sprinkler systems (Policy PSF-2.6). The City would also forward new development applications to the Hughson Fire Protection District and Stanislaus County Fire Protection District for their review (Action PSF-2.2).

The commenter is correct that the City’s General Plan is 15 years old. However, these policies and actions are intended to provide long term strategies that would allow for the District to continue providing adequate facilities and staffing levels over the lifetime of the City’s General Plan document. No further response is warranted.

**Response D-8:** The commenter notes that the project would have a “less than significant” impact on the HFPD, no need for new fire facilities would be required, and the property tax revenues would fund capital and labor cost associated with fire protection services. The comment also questions what and who defines “less than significant”, and expresses a concern with who has made this determination on the HFPD’s behalf.

This comment is noted. The evaluation instructions and significance determinations used throughout the IS/MND are included on pages 20 and 21 of the IS/MND. As shown, once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. The “less than significant” impact determination is defined as: “A less than significant impact is one which is deemed to have little or no adverse effect

on the environment. Mitigation measures are, therefore, not necessary, although they may be recommended to further reduce a minor impact.” Similar to what is noted above in Response D-6, the determination of whether impacts related to fire protection services would be “less than significant” is not made by a single person, entity, agency, etc. Instead, the significance determination has been qualified by the analysis included in the IS/MND.

**Response D-9:** This comment is noted. This comment serves as a conclusion to the letter and does not warrant a response. No further response is necessary.

**From:** Brenda Smith <bsmith@hughsonschools.org>  
**Sent:** Tuesday, July 14, 2020 2:43 PM  
**To:** Lea Simvoulakis <lsimvoulakis@hughson.org>  
**Subject:** Re: School enrollment

Ms. Simvoulakis and the City Council,

Thank you for letting me review the plan for the potential new subdivision located at Hatch and Santa Fe. In the section on schools, it was stated:

**The Hughson Unified School District (HUSD) provides kindergarten through 12th grade education for students living in Hughson and the surrounding unincorporated areas. All of the HUSD's six schools are located within Hughson, including:**

- **Hughson Elementary School (pre-kindergarten through 3rd grade) – 583 students during 2015/2016**
  - **Fox Road Elementary School (4th and 5th grades) – 304 students during 2015/2016**
  - **Emilie J. Ross Middle School (6th through 8th grades) – 482 students during 2015/2016**
  - **Hughson High School (9th through 12th grades) – 712 students during 2015/2016**
  - **Billy Joe Dickens Continuation (alternative education) – 29 students during 2015/2016**
  - **Valley Community Day School (8th through 12th grades) – 9 students during 2015/2016**
- As shown above, the schools in the City had a total enrollment of approximately 2,119 students during the 2015/2016 school year.**

E-1

**According to the City's General Plan EIR, one residential unit would generate an average of 0.7 students. This total is further broken down into 0.4 kindergarten through 5th grade students, 0.1 6th through 8th grade students, and 0.2 high school students per dwelling unit. Using these rates. The proposed 299 units would result in 119 kindergarten through 5th grade students, 29 6th through 8th grade students, and 59 high school students.**

With these numbers, Hughson Unified School District would be impacted in regards to our facilities. We would need approximately four elementary classrooms, one middle school classroom, and two high school classrooms. In addition, we may have some issues with our cafeteria facilities at Hughson Elementary School. At this time, since we are on an uptick in enrollment, our campuses are full. This past summer we had to add a new portable to Fox Road Elementary and Ross Middle School. Further growth due to the subdivisions at Hatch and Euclid and then this proposed subdivision would necessitate us needing more classrooms.

E-2

Please let me know if you have any questions,  
Brenda Smith  
Superintendent  
Hughson Unified School District

**Response to Letter E: Brenda Smith, Hughson Unified School District**

**Response E-1:** This comment is noted. This comment serves as an introduction to the letter. This comment summarizes a portion of the analysis pertaining to schools in the IS/MND. This comment letter has been forwarded to the decision-makers for their consideration. The commenter has correctly cited portions of the IS/MND, and no further response is warranted.

**Response E-2:** The commenter notes that the proposed project student generation would result in an impact to Hughson Unified School District (HUSD) facilities. The commenter notes that the HUSD “would need approximately four elementary classrooms, one middle school classroom, and two high school classrooms.” The commenter also notes that HUSD may have some issues with their cafeteria facilities at Hughson Elementary School. The comment notes that, since HUSD is on an uptick in enrollment, their campuses are full. The comment concludes that “This past summer we had to add a new portable to Fox Road Elementary and Ross Middle School. Further growth due to the subdivisions at Hatch and Euclid and then this proposed subdivision would necessitate us needing more classrooms.”

This comment is noted. As discussed on pages 124 and 125 of the IS/MND, the City’s General Plan includes policies and actions to work with HUSD to provide for adequate and well-designed public school facilities to meet future demand. As a result of General Plan Policies PSF-3.1 and PSF-3.2, the City would work with HUSD to ensure, to the extent allowed by law, that adequate school facilities are provided concurrently with new development. Hughson would also provide the District with the opportunity to review residential development proposals to assist the City in assessing the potential impacts on schools (Policy PSF-3.5). The location and design of future school sites is also addressed by Policy PSF-3.3 of the 2005 General Plan, which recommends that a school be centrally located to the student population it would serve. To maximize benefits, Policy PSF-3.4 encourages school sites to be integrated with parks to provide additional recreational opportunities for the community.

As discussed in page 5 and throughout the IS/MND, the project site is currently designated Low Density Residential (LDR) (approximately 19.28 acres), Medium Density Residential (MDR) (approximately 17.73 acres), and Service Commercial (SC) (approximately 19.00 acres) by the City’s General Plan land use map. As discussed on page 30 of the IS/MND, allowable densities in the MDR designation range from 5.1 to 14.0 dwelling units per gross acre. Allowable densities in the LDR designation range from 0.0 to 5.0 dwelling units per gross acre. A maximum allowed intensity of use for the SC designation is a FAR of 0.5. Therefore, using these allowable densities and intensities for the current land use designations for the site, the City’s General Plan anticipated up to 344 residential units (with an associated population of 1,190 persons) and 413,730 square feet of SC within the project area. As such, the proposed project includes fewer residential units than

were anticipated for the project site (in addition to the elimination of the up to 413,730 square feet of commercial uses that were anticipated for the project site) by the City's General Plan and associated EIR.

The planned growth associated with the proposed project is within the range of growth analyzed by the City's General Plan EIR. Existing capacity issues identified at the HUSD are not a result of the proposed project.

Public school facilities and services are partially supported through the assessment of development fees. The HUSD charges every new residential dwelling unit \$3.15 per square foot, and all new commercial development \$0.36 per square foot. HUSD is limited by State law as to how much it can collect from new development. Funding of school facilities has been impacted by the passing of Senate Bill 50, which limits the impact fees and site dedication that school districts can require of developers, to off-set the impact of new development on the school system.

The provisions of State law are considered full and complete mitigation for the purposes of analysis under CEQA for school construction needed to serve new development. In fact, State law expressly precludes the City from reaching a conclusion under CEQA that payment of the Leroy F. Greene School Facilities Act school impact fees would not completely mitigate new development impacts on school facilities. Consequently, the City of Hughson is without the legal authority under CEQA to impose any fee, condition, or other exaction on the project for the funding of new school construction other than the fees allowed by the Leroy F. Greene School Facilities Act. Although MUSD may collect higher fees than those imposed by the Leroy F. Greene School Facilities Act, no such fees are required to mitigate the impact under CEQA.

July 14, 2020

City of Hughson  
Lea Simvoulakis  
Community Development Director  
7018 Pine Street  
Hughson, Ca 95326

Dear Ms Simvoulakis,

After reading the initial study on the Parkwood Subdivision Project, I am vehemently opposed to this enormous development. The study was well written and professional but totally ignores the fact that this project will forever change the flavor and small community uniqueness of Hughson. The change of the General Plan to accommodate this largess should be rejected. This is supposedly a MDR/R-2 usage project but when you look at the proposed map of homes it is a very HDR usage. The developers are attempting to build as many homes as possible on small acreage. My further objections are as follows:

F-1

- We are losing more and more farmland to development and destruction of local species/habitat in the state, plus increasing the un-healthy air quality. pg. 24 & 29. Pg. 45-table 6, pg. 46-table 7

F-2

- Throughout the plan it is stated that there will be no significant impact on surrounding areas. However, there will be increased traffic in all our local roads which are mostly 2 lanes and we are way behind in improving our roads due to state funding. In addition, there is no proposed access onto Hatch road. This is a significant problem for fire/police to reach this subdivision. pg. 36 & 37, 127, 134.

F-3

- Our water quality has been an issue for several years as the arsenic and 1,2,3-TCP levels are higher than state standards. The city is working to address these levels but we are only able to perform these high cost repairs with matching state funds. The community has been very angry with the high cost, leading to significant increase in water rates. Knowing this, any impacts on water quality or future repairs the state requires will put the city reserve funds in jeopardy as any matching funds will not be forthcoming from the state d/t the enormous amount of deficits the state is experiencing. Pg. 84, 85. The 'less than significant impact' on pg. 145, 146 is laughable.

F-4

● Fire/Sheriff protections: As stated on pg.122, the addition of 1,034 people would place additional demands for fire/police services and EMT's. On going revenues that come from property taxes via the state will eventually be needed to fund fire/police services to maintain the required service ratios and response times. Again, the state is in such a financial deficit that those matching funds will not be forthcoming for these projects. This is very concerning as we have a significant retirement population who require a greater need for services. We will eventually require another sheriff deputy to patrol this new development. Pg. 122, 123, 124.

F-5

● Pg. 124, 125 addresses the impact of schools with this new project. The plan states there would be *less than significant impact*. Obviously, the planners did not interview any teachers/administrators for this submission. Our schools are significantly impacted and cannot provide extra or enrichment programs without on-going fundraisers conducted by the schools. Again, the burden falls to the parents to fund these in addition to increased property taxes just to try to maintain programs. Property taxes have never fully funded what schools require to function.

F-6

● Pg 157 addresses the Mandatory Findings of Significance. These findings only look at the physical aspects of the project which is of great impact to our little community. In addition, when you increase the population, significant commercial development follows. Our smallness and connectivity to each other need to be considered with this considerable development.

F-7

In conclusion, I foresee an irreparable change in the quality of life in Hughson with such a large, in my opinion, a very dense populated project. This is exactly why I moved here instead of Turlock; to live in a rural area with small population and no large commercial/strip mall shops. The flavor and uniqueness of our city will be vastly changed as people will eventually demand more commercial services and the cycle of more development continues. I am asking the City Council to please reject this project.

F-8

Sincerely,

Michael A. Mitchell  
7415 Deforest Court  
Hughson, Ca. 95326

## **Response to Letter F: Michael Mitchell, Resident of Hughson**

**Response F-1:** This comment is noted. This comment serves as an introduction to the letter. This comment notes “the study was well written and professional but totally ignores the fact that this project will forever change the flavor and small community uniqueness of Hughson. The change of the General Plan to accommodate this largess should be rejected. This is supposedly a MDR/R-2 usage project but when you look at the proposed map of homes it is a very HDR usage. The developers are attempting to build as many homes as possible on small acreage.”

This comment letter has been forwarded to the decision-makers for their consideration.

As discussed in page 5 and throughout the IS/MND, the project site is currently designated Low Density Residential (LDR) (approximately 19.28 acres), Medium Density Residential (MDR) (approximately 17.73 acres), and Service Commercial (SC) (approximately 19.00 acres) by the City’s General Plan land use map. The proposed project would require a General Plan Amendment to change the LDR and SC land uses to MDR. Allowable densities in the MDR designation range from 5.1 to 14.0 dwelling units per gross acre. The maximum density may be increased by up to 25 percent under the Planned Development process, as part of legally-required affordable density bonuses. With 299 units on 56.04 acres, the proposed density would be 5.34 dwelling units per acre, which is within the allowed density range. The project is requesting a Conditional Use Permit for the proposed Planned Development overlay zone.

Additionally, as discussed on page 30 of the IS/MND, allowable densities in the MDR designation range from 5.1 to 14.0 dwelling units per gross acre. Allowable densities in the LDR designation range from 0.0 to 5.0 dwelling units per gross acre. A maximum allowed intensity of use for the SC designation is a FAR of 0.5. Therefore, using these allowable densities and intensities for the current land use designations for the site, the City’s General Plan anticipated up to 344 residential units (with an associated population of 1,190 persons) and 413,730 square feet of SC within the project area. As such, the proposed project includes fewer residential units than were anticipated for the project site (in addition to the elimination of the up to 413,730 square feet of commercial uses that were anticipated for the project site) by the City’s General Plan and associated EIR.

**Response F-2:** The commenter notes that the City is losing more and more farmland to development and destruction of local species/habitat, in addition to unhealthy air quality. This comment is noted. Impacts associated with loss of farmland, loss of species/habitat, and air quality are discussed in Section II, Agriculture and Forestry Resources, Section IV, Biological Resources, and Section III, Air Quality, of the IS/MND, respectively.

As discussed on page 24 of the IS/MND and as shown in Figure 7 of the IS/MND, the majority of the project site is designated Prime Farmland as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. A portion of the site along the northern boundary is designated Urban and Built-Up Land. The proposed project would result in the conversion of this designated Prime Farmland land to a non-agricultural use.

As discussed on pages 44 through 52 of the IS/MND, impacts related to special-status species with a potential to exist in the project area were analyzed. Field surveys and habitat evaluations were performed in March 2019, which generally does not coincide with the special-status plant species blooming period; however, the site was essentially void of natural vegetation based on the orchard operations on the project site and there is no possibility for presence of these species. The project site provides limited habitat for special-status animal species. No special-status fish, amphibian, reptile, or mammal species are expected to be affected by the proposed project. While the project site contains very limited nesting habitat, there are powerlines and trees located in the region that represent potentially suitable nesting habitat for a variety of special-status birds. In addition, common raptors such as among others, may nest in or adjacent to the project site. Mitigation Measure BIO-1 requires measures to avoid or minimize impacts on Swainson's hawk, and Mitigation Measure BIO-2 requires and measures to avoid or minimize impacts on other protected bird species which may be found on-site.

As discussed on pages 30 through 42 of the IS/MND, all air quality-related impacts were determined to be less-than-significant or less-than-significant with implementation of the mitigation measures included in the IS/MND.

**Response F-3:** The commenter expresses concerns regarding increased traffic on local roads and lack of project access onto Hatch Road, which could result in problems for police or fire. This comment is noted. Impacts associated with traffic are discussed in Section XVII, Transportation, and impacts associated with emergency access are discussed on pages 82, 83, 141, and 142 of the IS/MND. The transportation analysis is based on the project-specific Traffic Impact Analysis that was completed for the project. As discussed on page 136, the addition of project trips will not result in any location carrying daily volumes in excess of the City of Hughson minimum level of service (LOS) D goal. The project will add traffic to the local streets south and east of the site. While not an adopted significance criterion, in comparison to the planning level daily volume thresholds typically employed by other communities, the project will not result in any local street carrying volumes that exceed an acceptable level. Additionally, while development of the project will increase the volume of traffic passing through study area intersections, resulting traffic conditions will not exceed the City's minimum LOS D standard. The same holds true during the cumulative traffic condition.

The commenter is correct that a project access on Hatch Road is not proposed. As discussed on page 83, all major roads in Stanislaus County are available for evacuation, depending on the location and type of emergency that arises. The main evacuation routes according to the Stanislaus County Emergency Operations Plan are State Route (SR) 99 and 132. These roadways are capable of handling heavy truck traffic, as well as traffic from passenger vehicles and would be a primary route for evacuations. The proposed project does not include any actions that would impair or physically interfere with any of Stanislaus County's emergency plans or evacuation routes. Future uses on the project site will have access to the County resources that establish protocols for safe use, handling and transport of hazardous materials. Construction activities are not expected to result in any unknown significant road closures, traffic detours, or congestion that could hinder the emergency vehicle access or evacuation in the event of an emergency.

Additionally, as discussed on pages 141 and 142, no site circulation or access issues have been identified that would cause a traffic safety problem/hazard or any unusual traffic congestion or delay. Signalization of the Santa Fe Avenue / Project Access intersection would alleviate delays in the Cumulative condition, and signalization could assist emergency vehicles in circulation in and around the project area. All emergency vehicles arriving to and from the proposed project would be able to enter via Santa Fe Avenue, Flora Vista Drive, Estancia Drive, or Hatch Road. All accesses would be designed to City standards that accommodate turning requirements for fire trucks. These multiple entry/exit points provide flexibility for emergency vehicles to access or evacuate from multiple directions during an emergency. There are no safety, capacity, or sight distance issues identified with the project site plan.

**Response F-4:** The commenter notes that water quality has been an issue for several years as the arsenic and 1,2,3-TCP levels are higher than state standards. The commenter further notes that “the city is working to address these levels but we are only able to perform these high cost repairs with matching state funds. The community has been very angry with the high cost, leading to significant increase in water rates. Knowing this, any impacts on water quality or future repairs the state requires will put the city reserve funds in jeopardy as any matching funds will not be forthcoming from the state d/t the enormous amount of deficits the state is experiencing.”

This comment is noted. The City's water quality issues are discussed in Section XIX, Utilities and Service Systems, of the IS/MND. As discussed on page 145, in 2017, the State of California adopted a new standard for a man-made contaminant called 1,2,3-TCP. As of this date, all of the City's wells are in violation of this new standard. The City plans to install treatment for 1,2,3-TCP removal and is actively working to identify funding to pay for these needed treatment facilities.

Additionally, as discussed on page 148, in 2017, the State Water Resource Control Board (SWRCB) Division of Drinking Water (DDW) adopted regulation for 1,2,3-trichloropropane (TCP), setting a maximum contaminant level (MCL) of 0.005 micrograms per liter ( $\mu\text{g/L}$ ). In 2018, the City collected the first compliance samples for TCP from the active drinking water wells. TCP levels in all the active wells exceeded the MCL. A feasibility study was conducted to evaluate alternatives for TCP mitigation and is documented in the April 2018 *1,2,3-TCP Mitigation Feasibility Study*. Treatment with granular activated carbon (GAC) was determined to be the best solution to mitigate the 1,2,3-TCP contamination, and installation of GAC treatment systems for all the municipal supply wells is planned.

Specifically, the status of the City's wells are as follows:

- Wells 3, 4, and 8 are actively used for municipal supply. All three wells are in violation of 1,2,3-TCP;
- Well 8 is equipped with treatment and in compliance with arsenic standards;
- Well 4 is in violation of arsenic and requires treatment;
- Well 5 was removed from service, and its production capacity will be replaced by Well 10;
- Well 6 was converted to supply non-potable uses in 2013, due to elevated levels of arsenic and nitrate;
- Well 7 has been inactive since 2015, due to elevated levels of nitrate, and its production capacity will be replaced by Well 9.

The Well 7 Replacement Project is currently under construction and involves construction of Wells 9 and 10, installation of a treatment system for arsenic and manganese, and construction of a one-million-gallon water storage tank.

Currently the City has no source water production that meets state and federal water quality standards. Should the City successfully secure funding for 1,2,3-TCP treatment, Wells 3, 4, and 8 can be modified with treatment equipment to be in full compliance for 1,2,3-TCP. With completion of the Well 7 Replacement project in 2021, the City will have two (2) additional wells with treatment for long-term water supply. Since Well 4 requires treatment for arsenic, piping can be constructed to convey untreated water from Well 4 to the Well 7 Replacement facility for treatment.

Lastly, as discussed on page 152, the City of Hughson is actively working to address deficiencies in its water supply system. The City has lost three (3) of its seven (7) water supply wells to groundwater contaminants since 2013, and currently has no wells that meet all federal and state drinking water standards. Projects to address the water system deficiencies include:

- Construction of Well 8 Water Treatment Facility (2013);

- Conversion of Well 6 to a non-potable water supply (2016);
- Design and construction of the Well 7 Replacement Project (2018);
- Planned design and construction of GAC treatment facilities for treatment of 1,2,3-TCP contamination at Wells 3, 4 and 8;
- Planned construction of pipeline from Well 4 to Well 7 Replacement arsenic treatment facility.

The City's plan to address water quality issues is further discussed on pages 152 and 153 of the IS/MND.

The project applicant would be required to pay water system impact fees to the City totaling \$2,427,581. At buildout, the subdivision will contribute \$190,164 annually in water rates. These fees can be used to partially offset capital costs of the City's planned water system improvements and ongoing operation and maintenance of the water facilities.

**Response F-5:** The commenter restates portions of the IS/MND text on page 122 and notes that "the state is in such a financial deficit that those matching funds will not be forthcoming for these projects. This is very concerning as we have a significant retirement population who require a greater need for services. We will eventually require another sheriff deputy to patrol this new development."

This comment is noted. The state does not match property tax dollars as claimed in this portion of the comment. All property tax revenue that would be generated by this project remains within the county in which it is collected to be used exclusively by local governments.

**Response F-6:** The commenter notes that teachers/administrators were not interviewed, and schools are significantly impacted and cannot provide extra or enrichment programs without on-going fundraisers conducted by the schools. The commenter also states that the burden falls to the parents to fund these in addition to increased property taxes just to try to maintain programs. The commenter concludes that property taxes have never fully funded what schools require to function.

This comment is noted. This comment is noted. As discussed on pages 124 and 125 of the IS/MND, the City's General Plan includes policies and actions to work with the Hughson Unified School District (HUSD) to provide for adequate and well-designed public school facilities to meet future demand. As a result of General Plan Policies PSF-3.1 and PSF-3.2, the City would work with HUSD to ensure, to the extent allowed by law, that adequate school facilities are provided concurrently with new development. Hughson would also provide the District with the opportunity to review residential development proposals to assist the City in assessing the potential impacts on schools (Policy PSF-3.5). The location and design of future school sites is also addressed by Policy PSF-3.3 of the 2005 General Plan, which recommends that a school be centrally located to the student

population it would serve. To maximize benefits, Policy PSF-3.4 encourages school sites to be integrated with parks to provide additional recreational opportunities for the community.

As discussed in page 5 and throughout the IS/MND, the project site is currently designated Low Density Residential (LDR) (approximately 19.28 acres), Medium Density Residential (MDR) (approximately 17.73 acres), and Service Commercial (SC) (approximately 19.00 acres) by the City's General Plan land use map. As discussed on page 30 of the IS/MND, allowable densities in the MDR designation range from 5.1 to 14.0 dwelling units per gross acre. Allowable densities in the LDR designation range from 0.0 to 5.0 dwelling units per gross acre. A maximum allowed intensity of use for the SC designation is a FAR of 0.5. Therefore, using these allowable densities and intensities for the current land use designations for the site, the City's General Plan anticipated up to 344 residential units (with an associated population of 1,190 persons) and 413,730 square feet of SC within the project area. As such, the proposed project includes fewer residential units than were anticipated for the project site (in addition to the elimination of the up to 413,730 square feet of commercial uses that were anticipated for the project site) by the City's General Plan and associated EIR.

The planned growth associated with the proposed project is within the range of growth analyzed by the City's General Plan EIR. Existing capacity issues identified at the HUSD are not a result of the proposed project.

Public school facilities and services are partially supported through the assessment of development fees. The HUSD charges every new residential dwelling unit \$3.15 per square foot, and all new commercial development \$0.36 per square foot. HUSD is limited by State law as to how much it can collect from new development. Funding of school facilities has been impacted by the passing of Senate Bill 50, which limits the impact fees and site dedication that school districts can require of developers, to off-set the impact of new development on the school system.

The provisions of State law are considered full and complete mitigation for the purposes of analysis under CEQA for school construction needed to serve new development. In fact, State law expressly precludes the City from reaching a conclusion under CEQA that payment of the Leroy F. Greene School Facilities Act school impact fees would not completely mitigate new development impacts on school facilities. Consequently, the City of Hughson is without the legal authority under CEQA to impose any fee, condition, or other exaction on the project for the funding of new school construction other than the fees allowed by the Leroy F. Greene School Facilities Act. Although MUSD may collect higher fees than those imposed by the Leroy F. Greene School Facilities Act, no such fees are required to mitigate the impact under CEQA.

**Response F-7:** The commenter notes that the Mandatory Findings of Significance only look at physical aspects of the project which is of great impact to the community. The commenter further notes that “when you increase the population, significant commercial development follows. Our smallness and connectivity to each other need to be considered with this considerable development.”

This comment is noted. The Mandatory Findings of Significance generally analyzes impacts associated with the physical environment. This comment letter has been forwarded to the decision-makers for their consideration.

**Response F-8:** The commenter summarizes the concerns outlined in the body of the comment, and concludes that the City Council should reject the project. This comment is noted. This comment letter has been forwarded to the decision-makers for their consideration.

Subject: Responses to Comments and Errata for the Parkwood Subdivision Project IS/MND  
Date: July 17, 2020

---

**From:** Robin MacDonald <rmacdca@gmail.com>  
**Sent:** Friday, July 3, 2020 7:40 AM  
**To:** Lea Simvoulakis <lsimvoulakis@hughson.org>  
**Subject:** IS/MND

Good day Lea,

I hope all is well with you and yours.

**Comment:**

Suggest you post a public response from TID about the feasibility of a bridge over Ceres Main Lateral north of the planned Parkwood Subdivision, a bridge to ameliorate the significant traffic impact on our community.

G-1

Thanks for listening.

Robin MacDonald  
Steeplechase Drive  
Hughson

**Response to Letter G: Robin MacDonald, Resident of Hughson**

**Response G-1:** The commenter suggests that the City post a public response from the Turlock Irrigation District (TID) about the feasibility of a bridge over Ceres Main Lateral, located north of the project site. The commenter notes that a bridge could ameliorate the significant traffic impact on the community.

While this comment does not address the adequacy of the IS/MND, it is noted that traffic impacts are discussed in Section XVII, Transportation. The transportation analysis is based on the project-specific Traffic Impact Analysis that was completed for the project. As discussed on page 136, the addition of project trips will not result in any location carrying daily volumes in excess of the City of Hughson minimum level of service (LOS) D goal. The project will add traffic to the local streets south and east of the site. While not an adopted significance criterion, in comparison to the planning level daily volume thresholds typically employed by other communities, the project will not result in any local street carrying volumes that exceed an acceptable level. Additionally, while development of the project will increase the volume of traffic passing through study area intersections, resulting traffic conditions will not exceed the City's minimum LOS D standard. The same holds true during the cumulative traffic condition.

This comment is noted and has been forwarded to the decision-makers for their consideration.