

HUGHSON 2005 GENERAL PLAN EIR



City of Hughson | October 11, 2005



DESIGN, COMMUNITY & ENVIRONMENT

HUGHSON 2005 GENERAL PLAN EIR

City of Hughson | October 11, 2005



DESIGN, COMMUNITY & ENVIRONMENT

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TABLE OF CONTENTS

| | | |
|----|-----------------------------------|----|
| I. | INTRODUCTION | 1 |
| 2. | REPORT SUMMARY | 3 |
| 3. | REVISIONS FOR THE DRAFT EIR | 13 |
| 4. | LIST OF COMMENTORS..... | 19 |
| 5. | COMMENTS AND RESPONSES | 21 |

List of Tables

| | | |
|-------|---|----|
| 2-1 | Summary of Impacts and Mitigation Measures..... | 8 |
| 4.2-2 | Definitions of Farmland Quality Terms..... | 14 |

CITY OF HUGHSON
GENERAL PLAN FINAL EIR
TABLE OF CONTENTS

I INTRODUCTION

A. Purpose of the Environmental Impact Report

This document has been prepared in the form of an addendum to the Draft Environmental Impact Report (EIR) for the proposed Hughson 2005 General Plan. The Draft EIR identified the likely environmental consequences associated with the project, and identified policies contained in the proposed 2005 General Plan that help to reduce potentially significant impacts.

The Final EIR responds to comments on the Draft EIR and makes revisions to the Draft EIR as necessary in response to these comments.

This document, together with the Draft EIR, will constitute the Final EIR if the City of Hughson City Council certifies it as complete and adequate under the California Environmental Quality Act (CEQA).

B. Environmental Review Process

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public and project applicant with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to those comments received on the Draft EIR and to clarify any errors, omissions or misinterpretations of discussions of findings in the Draft EIR.

The Draft EIR was made available for public review on June 30, 2005, with the official State Clearinghouse review period commencing on July 5, 2005. The Draft EIR was distributed to local and State responsible and trustee agencies and the general public was advised of the availability of the Draft EIR through public notice published in the local newspaper and posted by the County Clerk as required by law. The CEQA-mandated 45-day public comment period was extended to end on August 18, 2005 to conform with the State Clearinghouse review period.

Copies of all written comments received on the Draft EIR are contained in this document.

This Final EIR will be presented at a Planning Commission hearing at which the Commission will advise the City Council on certification of the EIR as a full disclosure of potential impacts, mitigation measures and alternatives.

However, the Planning Commission will not take final action on the EIR or the proposed project. Instead, the City Council will consider the Planning Commission's recommendations on the Final EIR and the proposed 2005 General Plan during a noticed public hearing, and make the final action in regards to adoption of the Final EIR.

C. Document Organization

This document is organized into the following chapters:

- ◆ **Chapter 1: Introduction.** This chapter discusses the use and organization of this Final EIR.
- ◆ **Chapter 2: Report Summary.** This chapter is a summary of the findings of the Draft and the Final EIR. It has been reprinted from the Draft EIR with necessary changes made in this Final EIR shown in underline and ~~striketrough~~.
- ◆ **Chapter 3: Revisions to the Draft EIR.** Corrections to the text and graphics of the Draft EIR are contained in this chapter. Underline text represents language that has been added to the EIR; text with strike-through has been deleted from the EIR.
- ◆ **Chapter 4: List of Commentors.** Names of agencies and individuals who commented on the Draft EIR are included in this chapter.
- ◆ **Chapter 5: Comments and Responses.** This chapter contains reproductions of the letters received from agencies and the public on the Draft EIR. The responses are keyed to the comments which precede them.

2 REPORT SUMMARY

This is a summary of the findings of the Draft and Final EIRs. It has been reprinted from the Draft EIR with necessary changes made in this Final EIR shown in underline and ~~striketrough~~.

This summary presents an overview of the analysis contained in Chapter 4: Environmental Evaluation. CEQA requires that this chapter summarize the following: 1) areas of controversy; 2) significant impacts; 3) unavoidable significant impacts; 4) implementation of mitigation measures; and 5) alternatives to the project.

A. Project Under Review

The ~~This~~ Draft EIR provides an assessment of the potential environmental consequences of adoption of the Hughson General Plan. The General Plan is intended to serve as the principal policy document for guiding future development and conservation in and around the City. The proposed General Plan includes goals, policies and actions which have been designed to implement the City's and community's vision for Hughson. The policies and actions would be used by the City to guide day-to-day decision-making so there is continuing progress toward the attainment of the Plan's goals. The proposed General Plan proposes land use designations that would implement the overall goals and vision of the General Plan. The General Plan is further detailed in Chapter 3, Project Description of the Draft EIR.

B. Areas of Controversy

The proposed General Plan is largely self-mitigating with regard to environmental impacts. However, there has been controversy in the past regarding several issues related to the General Plan, including:

- ◆ The rate, location and type of growth.
- ◆ Traffic impacts of proposed development.

- ◆ The loss of agricultural lands.
- ◆ The availability of infrastructure to support new development.
- ◆ The need for more employment and shopping opportunities in the community.

All of these issues were addressed in the 2005 General Plan process. To the extent that these issues have environmental impacts, they are also addressed in the Draft ~~this~~ EIR.

C. Significant Impacts

Under CEQA, a significant impact on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance.

Implementation of the proposed General Plan has the potential to generate environmental impacts in a number of areas. However, the Plan has been developed to be largely self-mitigating. As shown in Table 2-1, the only impacts that would occur under the 2005 General Plan are those significant, unavoidable impacts that cannot be mitigated. These impacts are discussed below in Section E: Unavoidable Significant Impacts. All of the other potential impacts are avoided by the policies included in the 2005 General Plan and existing federal, State and local regulations

D. Mitigation Measures

The 2005 General Plan is generally self-mitigating. As a result, the only significant impacts that have been identified in the ~~this~~ Draft EIR are those which are significant and unavoidable, and for which no mitigation is avail-

able to reduce the level of the impact to a less-than-significant level. As a result, there are no mitigation measures identified in the ~~this~~ Draft EIR.

E. Unavoidable Significant Impacts

The proposed General Plan would have seven significant unavoidable impacts, as follows. These impacts are discussed further in Sections 4.1 and 4.2 and 4.3 of the Draft EIR.

1. Aesthetics

There would be one significant unavoidable aesthetics impact, which would occur under cumulative conditions. Together with development occurring elsewhere in its Sphere of Influence, new development would result in a change in visual character from an agricultural appearance to a more urban appearance.

2. Agricultural Resources

Four significant unavoidable impacts to agricultural resources would occur under the 2005 General Plan. Development under the General Plan would result in conversion of Prime and Unique Farmland, and Farmland of State-wide importance to urban uses. This affected agricultural land would include some areas that are currently zoned by Stanislaus County for agricultural uses and/or are under active Williamson Act contract, which would constitute a separate impact. The 2005 General Plan could also result in the development of incompatible urban uses adjacent to agricultural uses, which could result in the conversion of these lands from farmland. Finally, there would be a cumulative significant unavoidable impact associated with the 2005 General Plan, which would contribute to the on-going loss of agricultural lands in the region as a whole. The permanent loss of farmland is considered, in each of these cases, to be a significant and unavoidable impact.

3. Air Quality

There would be two significant and unavoidable air quality impacts as a result of the project. Firstly, the 2005 General Plan would be inconsistent with applicable air quality plans of the San Joaquin Valley Air Pollution Control District, since it allows for an amount of population growth in excess of that accounted for in the District's clean air planning efforts. The 2005 General Plan would also contribute cumulatively to on-going air quality issues in the San Joaquin Valley, to an extent that cannot be mitigated by policies and programs to reduce pollutant emissions.

F. Alternatives to the Project

The ~~This~~ Draft EIR analyzes alternatives to the proposed 2005 General Plan. The following four alternatives to the proposed project, the first two of which are versions of the CEQA-required No Project Alternative, are considered and described in detail in Chapter 5 of the Draft EIR:

- ◆ Existing General Plan Alternative
- ◆ Existing Conditions Alternative
- ◆ Concentrated Growth Alternative
- ◆ Reduced Density Alternative

As shown in the alternatives analysis in Chapter 5 of the Draft EIR, the Existing General Plan Alternative has the least environmental impact and is therefore the environmentally superior alternative. CEQA guidelines require that if the alternative with the least environmental impact is a No Project Alternative, the EIR must also designate the next most environmentally superior alternative. After the No Project Alternative, the Concentrated Growth Alternative is the next most environmentally superior alternative.

G. Summary Table

Table 2-1 presents a summary of impacts and mitigation measures identified in this report. It is organized to correspond with the environmental issues discussed in Chapter 4 of the Draft EIR.

The table is arranged in four columns: 1) environmental impacts; 2) significance prior to mitigation; 3) mitigation measures; and 4) significance after mitigation. For a complete description of potential impacts and suggested mitigation measures, please refer to the specific discussions in Chapter 4 of the Draft EIR. Additionally, this summary does not detail the timing of mitigation measures. Timing will be further detailed in the mitigation monitoring program.

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Significant Impact | Significance Before Mitigation | Mitigation Measures | Significance With Mitigation |
|--|--------------------------------------|--|------------------------------------|
| AESTHETICS | | | |
| <i>There are no significant impacts to aesthetics, so no mitigation measures are necessary.</i> | | | |
| Impact A-1: While the 2005 General Plan would not result in a project-level impact, cumulative development in Hughson and the SOI would contribute to the cumulative change in the visual character of the County, from an agricultural character or a more urban visual appearance. | S | No mitigation is available for this impact, since the permanent visual change from rural, agricultural lands to urban use is considered significant and unavoidable. | SU |
| AGRICULTURAL RESOURCES | | | |
| Impact AG-1: While mitigated to the extent feasible by policies of the 2005 General Plan, development permitted under the implementation of the 2005 General Plan would result in a significant and unavoidable impact related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as these lands are developed for urban uses. | S | No mitigation is available for this impact, since the permanent loss of farmland is considered significant and unavoidable. | SU |
| Impact AG-2: While mitigated to the extent feasible by policies of the 2005 General Plan, implementation of the General Plan would result in a significant and unavoidable impact to agricultural resources since it would allow urban uses on areas in the SOI that are currently zoned by the County for agricultural use and/or under active Williamson Act contracts. | S | No mitigation is available for this impact, since the permanent loss of farmland is considered significant and unavoidable. | SU |

LTS = Less Than Significant; S = Significant; SU = Significant Unavoidable Impact

| Significant Impact | Significance Before Mitigation | Mitigation Measures | Significance With Mitigation |
|--|--------------------------------------|--|------------------------------------|
| Impact AG-3: While mitigated to the extent feasible by policies of the 2005 General Plan, implementation of the General Plan would result in incompatible urban uses being developed adjacent to agricultural uses, which could result in the conversion of farmland to non-agricultural use and a significant and unavoidable impact to these resources. | S | No mitigation is available for this impact, since the permanent loss of farmland is considered significant and unavoidable. | SU |
| Impact AG-4: Development in Hughson and its SOI would contribute cumulatively to the on-going loss of agricultural lands in the region.. | S | No mitigation is available for this impact, since the permanent loss of farmland is considered significant and unavoidable. | SU |
| AIR QUALITY | | | |
| Impact AIR-1: While mitigated to the extent feasible by policies of the 2005 General Plan, the 2005 General Plan would not be consistent with applicable air quality plans of the SJVAPCD, since population growth that could occur under the 2005 General Plan would exceed that projected by StanCOG and used in projections for air quality planning. The projected growth would lead to an increase in the region's VMT, beyond that anticipated in the SJVAPCD's clean air planning efforts. The increase in VMT that would occur under the General Plan, relative to that projected by StanCOG, is less than 1 percent. | S | No mitigation is available for this impact, since the growth induced by the 2005 General Plan would increase vehicle miles traveled beyond that accounted for in the clean air planning efforts of the SJVAPCD | SU |
| Impact AIR-2: Development in Hughson and its SOI would contribute cumulatively to on-going air quality issues in the San Joaquin Valley Air Basin. | S | No feasible measures are available that would completely mitigate this cumulative impact. | SU |

LTS = Less Than Significant; S = Significant; SU = Significant Unavoidable Impact

BIOLOGICAL RESOURCES

No impacts would occur to biological resources, so no mitigation measures are necessary.

CULTURAL RESOURCES

No cultural resource impacts would occur, so no mitigation measures are necessary.

GEOLOGY AND SOILS

No significant impacts to geology and soils would occur, so no mitigation measures are necessary.

HAZARDS AND HAZARDOUS MATERIALS

No impacts would occur in regards to hazards or hazardous materials, so no mitigation measures are necessary.

HYDROLOGY AND WATER QUALITY

There are no significant impacts to hydrology and water quality, so no mitigation measures are necessary.

LAND USE

There are no significant land use impacts, so no mitigation measures are necessary.

NOISE

There are no significant noise impacts, so no mitigation measures are necessary.

POPULATION AND HOUSING

There are no significant impacts to population, housing and employment; therefore, no mitigation measures are necessary.

PUBLIC SERVICES

There are no significant impacts to public services, including police, fire, schools, libraries and parks; therefore, no mitigation measures are necessary.

LTS = Less Than Significant; S = Significant; SU = Significant Unavoidable Impact

TRANSPORTATION

As there are no significant impacts to transportation, no mitigation measures are necessary.

UTILITIES

There are no significant impacts to utilities (water service, wastewater, stormwater, solid waste, energy use and conservation), therefore no mitigation measures are necessary.

CITY OF HUGHSON
GENERAL PLAN FINAL EIR
REPORT SUMMARY

3 REVISIONS FOR THE DRAFT EIR

This chapter presents specific changes to the text of the Draft EIR that are being made in response to comments made by the public and/or reviewing agencies. In each case, the revised page and location on the page is set forth, followed by the textual, tabular or graphical revision. None of the changes constitute significant changes to the Draft EIR, so the Draft EIR does not need to be recirculated.

Page 4.2-3 is hereby amended to add the following paragraphs under the heading “c. Williamson Act Contracts”:

The preferred method for Williamson Act contract termination is through the nine-year non-renewal process, where the land owners file for non-renewal. Immediate termination via cancellation is reserved for “extraordinary”, unforeseen situations. In these cases, in addition to making necessary findings, a hearing is required, and the Department of Conservation must be noticed for the hearing and forwarded a copy of the landowner’s petition at least 10 days prior to the hearing.

Prior to approving the expansion of the City’s SOI into areas with active Williamson Act contracts, Stanislaus County LAFCO would need to make findings for annexation of Williamson Act contract lands, per California Government Code Section 56856.5 *et seq.* In addition, LAFCO is required to notify the Department of Conservation within 10 days of the City’s proposal to annex land under a Williamson Act contract per California Government Code Section 56753.5. If LAFCO does approve an annexation into Hughson that includes land subject to a Williamson Act contract, the City will need to succeed to all rights, duties and power of the County under the contract, per California Government Code Section 51243, unless conditions allowed under Section 51243.5 apply, thereby allowing the City the option of not succeeding to the contract.

Table 4.2-2 on page 4.2-7 of the Draft EIR is hereby amended as follows:

TABLE 4.2-2 **DEFINITIONS OF FARMLAND QUALITY TERMS**

| Name | Description |
|----------------------------------|---|
| Prime Farmland | Land which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops within the last three years |
| Farmland of Statewide Importance | Land other than Prime Farmland which has a good combination of physical and chemical characteristics for the production of crops. It must have been used for the production of irrigated crops within the last three years. |
| Unique Farmland | Land which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance that is currently used for the production of specific high economic value crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality or high yields of a specific crop when treated and managed according to current farming methods. Examples of such crops may include oranges, olives, avocados, rice, grapes and cut flowers. |
| Farmland of Local Importance | Land other than Prime Farmland, Farmland of Statewide Importance or Unique Farmland that is either currently producing crops or that has the capability of production. This land may be important to the local economy due to its productivity. <u>Stanislaus County specifically defines Farmland of Local Importance as farmlands growing dryland pasture, dryland small grains and irrigated pasture.</u> |

Table 4.3-1 on page 4.3-7 of the Draft EIR is hereby amended by deleting the Federal Primary Standard for 1-hour Ozone and replacing it with a reference to a footnote stating:

¹ The national 1-hour ozone standard was revoked by US EPA on June 15, 2005.

The first paragraph on page 4.3-4 of the Draft EIR is hereby amended as follows:

The San Joaquin Valley suffers from high levels of ground-level ozone, which can lead to serious health effects such as asthma. In addition, it can be harmful to crops. As a result, the area has been designated by the EPA as a severe nonattainment area. In response, the SJVAPCD has prepared several plans since 1994 to address attainment of both the federal and State O₃ standards. The Amended 2002-2005 Rate of Progress Plan is the latest plan submitted that addressed the federal one-hour O₃ standard. However, the national 1-hour ozone standard was revoked by the EPA on June 15, 2005. ~~However, EPA rejected the plan, and at the State's request, has proposed to reclassify the area as an extreme nonattainment area and has required the SJVAPCD to submit an extreme ozone nonattainment area plan. Without the redesignation, the EPA would have to subject the region to a federally imposed control plan.~~ The latest plan addressing the State O₃ standard is the 2000 Triennial Update. All of these plans include strategies for reducing the emissions of O₃ precursor pollutants.

The last paragraph of page 4.3-10 the Draft EIR is hereby amended as follows:

As is shown in Table 4.3-2, the region does not meet federal standards for ground level ozone and fine particulate matter. ~~The EPA is proposing to grant a request by the State to voluntarily reclassify the region (under the federal Clean Air Act) from a severe to an extreme 1 hour ozone nonattainment area. Under this action, EPA is also proposing that the State submit an extreme ozone nonattainment area plan. Reclassification will stop the sanctions and federal implementation plan clocks that were started when the EPA made a finding that the State failed to submit the statutorily required severe area attainment demonstration plan.~~ As noted in Table 4.3-2, the national 1-hour ozone standard was revoked by the

EPA on June 15, 2005. However, the 8-hour standard, which the region is currently considered in Serious Nonattainment, has become the prevailing federal standard for ground level ozone.

The following paragraph on page 4.3-23 of the Draft EIR is hereby amended as follows:

4. Wood Smoke

Wood smoke from new residential fireplaces or wood stoves could emit significant amounts of PM₁₀ and PM_{2.5}. Such devices in existing residential units in Hughson contribute to significant levels of PM₁₀ and PM_{2.5}, and future installation of wood-burning appliance could worsen this situation. However, Policy COS-7.9 of the 2005 General Plan requires new residential units to include gas burning fireplaces as required by SJVAPCD, while renovations will include only clean-burning EPA-certified wood burning devices, pellet-fueled stoves, or natural gas fireplaces. This requirement would reduce any impacts from new development occurring under the 2005 General Plan to a less-than-significant level.

Table 4.3-2 on page 4.3-11 of the Draft EIR is hereby amended as follows:

TABLE 4.3-2 **ATTAINMENT OF AMBIENT AIR QUALITY STANDARDS IN STANISLAUS COUNTY**

| Pollutant | Federal Designation | State Designation |
|--------------------|-----------------------------------|--------------------------|
| Ozone - one hour | Nonattainment/Severe * | Nonattainment/ Severe |
| Ozone - eight hour | Nonattainment/Serious | No classification |
| PM _{2.5} | Nonattainment** | Nonattainment |
| PM ₁₀ | Nonattainment | Nonattainment |
| CO | Unclassified/Attainment | Attainment |
| Nitrogen Dioxide | Unclassified/Attainment | Attainment |
| Sulfur Dioxide | Unclassified/Attainment | Attainment |

*US EPA revoked the standard in 2005 ~~proposes to reclassify the area as Extreme Nonattainment.~~

** US EPA recently designated as Nonattainment

Source: California Air Resources Board

4 LIST OF COMMENTORS

A. Written Comments

Agencies

1. Terry Roberts, Director, State Clearinghouse. State of California, Governor's Office of Planning and Research.
2. Dennis J. O'Bryant, Acting Assistant Director, Department of Conservation, Division of Land Resource Protection. August 17, 2005.
3. Hector R. Guerra, Senior Air Quality Planner, San Joaquin Valley Air Pollution Control District. August 16, 2005.
4. Raul Mendez, Senior Management Consultant, Stanislaus County Environmental Review Committee. August 15, 2005.

Members of the Public

5. Jeff and JoDee Albritton, 3231 Euclid Avenue. Received August 16, 2005.
6. Mike Boggeri, 8466 Fox Road. Received July 19, 2005.
7. Joe and Josephine Cipponeri, 3230 Euclid Avenue. Received August 16, 2005.
8. John and Cindy Lundell, 1830 Euclid Avenue. Received July 19, 2005.
9. Kenneth and Carol Ann Lundell, 5501 Geer Road. Received July 19, 2005.
10. Melvin Lundell, 1918 Euclid Avenue. Received July 19, 2005.
11. Jerry and Grace Rexin, 2461 Geer Road. Received August 2, 2005.
12. John and Pauline Togliatti, 3512 Euclid Avenue. Received August 2, 2005.
13. Dennis Wilson, Modesto. Received September 8, 2005.

CITY OF HUGHSON
GENERAL PLAN FINAL EIR
LIST OF COMMENTORS

5 COMMENTS AND RESPONSES

This chapter includes a reproduction of, and responses to, each letter received during the public review period. Each letter is reproduced in its entirety, and is immediately followed by responses to the comments in it. Letters are categorized by type of commentor, with State and regional agencies first, written comments from members of the public second, and finally, comments received at the various public hearings. Within each category, letters are arranged in either an alphabetical order or by order received. Each comment and response is labeled with a reference number in the margin.

Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response required revisions to the Draft EIR, these revisions are shown in the appropriate chapter.

Additional comments were also made verbally at the various Planning Commission and City Council Hearings. Minutes of these meetings are available from the City. However, all of these comments addressed concerns with policy and land use issues included in the Draft General Plan, versus concerns with the adequacy of the Draft EIR. Specifically, most of the comments received addressed specific land use concerns, including the proposed agricultural buffer between Euclid Avenue and Geer Road, the commercial uses at the corner of Santa Fe Avenue and Hatch Road, and the High Density residential uses along 7th Street. In addition, there were several comments regarding the appropriate extent of the Sphere of Influence. Since none of these comments questioned the adequacy of the Draft EIR, additional responses to these verbal comments are not required in this Final EIR.



Arnold
Schwarzenegger
Governor

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



Sean Walsh
Director

August 19, 2005

Barry Siebe
City of Hughson
7018 Pine Street
P.O. Box 9
Hughson, CA 95326

Subject: Hughson 2005 General Plan EIR
SCH#: 2005022146

Dear Barry Siebe:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 18, 2005, and no state agencies submitted comments by that date. 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 call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

1-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2005022146
Project Title Hughson 2005 General Plan EIR
Lead Agency Hughson, City of

Type EIR Draft EIR
Description Comprehensive General Plan Update.

Lead Agency Contact

| | | | |
|----------------|------------------|-----------------|------------------|
| Name | Barry Siebe | | |
| Agency | City of Hughson | | |
| Phone | (209) 883-0811 | Fax | |
| email | | | |
| Address | 7018 Pine Street | | |
| | P.O. Box 9 | | |
| City | Hughson | State CA | Zip 95326 |

Project Location

| | | | | |
|----------------------|------------|--------------|----------------|-------------|
| County | Stanislaus | | | |
| City | Hughson | | | |
| Region | | | | |
| Cross Streets | | | | |
| Parcel No. | Multiple | | | |
| Township | | Range | Section | Base |

Proximity to:

| | |
|------------------|---------|
| Highways | |
| Airports | |
| Railways | |
| Waterways | |
| Schools | |
| Land Use | Various |

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

Reviewing Agencies Resources Agency; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Parks and Recreation; Native American Heritage Commission; Department of Health Services; Office of Emergency Services; Department of Housing and Community Development; Department of Forestry and Fire Protection; Department of Fish and Game, Region 4; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 10; Department of Toxic Substances Control

| | | | | | |
|----------------------|------------|------------------------|------------|----------------------|------------|
| Date Received | 07/05/2005 | Start of Review | 07/05/2005 | End of Review | 08/18/2005 |
|----------------------|------------|------------------------|------------|----------------------|------------|

LETTER 1: Terry Roberts, Director, State Clearinghouse, State of California, Governor's Office of Planning and Research. August 19, 2005.

- 1-1: This comment acknowledges that the State Clearinghouse has received the Draft EIR and has circulated copies of the documents to selected State agencies for review. The letter further states that the City of Hughson has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA. No further response is necessary.

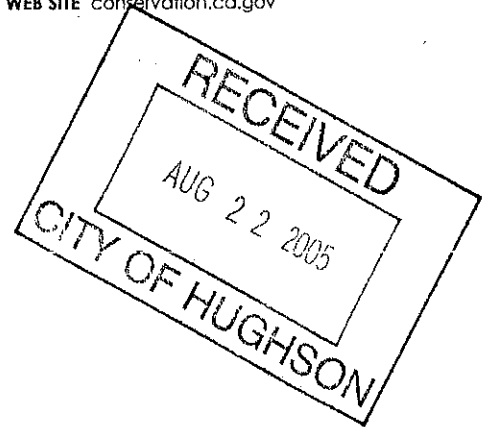


DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

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

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TO: Project Coordinator
Resources Agency

Barry Siebe, Director
Hughson Planning and Building Department
P.O. Box 9
Hughson, CA 95326

FROM: *Charles Tyson for*
Dennis J. O'Bryant, Acting Assistant Director
Department of Conservation, Division of Land Resource Protection

DATE: August 17, 2005

SUBJECT: HUGHSON 2005 GENERAL PLAN DRAFT ENVIRONMENTAL IMPACT
REPORT (DEIR) SCH#2005022146

The Department of Conservation's Division of Land Resource Protection (Division) commented on the Notice of Preparation for this project in March 2005. The Division has reviewed the above referenced DEIR which provides an excellent discussion on agricultural resources and project impacts. We, however, recommend that the following points be clarified or expanded in the Final Environmental Impact Report (FEIR).

2-1

Farmland of Local Importance Definition

The DEIR provides a generic definition for this map category. The FEIR should also provide the county-specific definition approved by the Board of Supervisors for the Stanislaus County Important Farmland Map:

2-2

Farmlands growing dryland pasture, dryland small grains, and irrigated pasture.

Sphere of Influence Boundary Changes and Annexations

The DEIR notes that the 2005 General Plan also considers an expanded Sphere of Influence. The FEIR should provide a discussion of or reference to the necessary

2-3

Project Coordinator and Barry Siebe, Director
August 17, 2005
Page 2 of 2

Local Agency Formation Commission (LAFCO) findings for approving annexation of lands covered by Williamson Act contracts (Government Code Section 56856.5 et seq.). The LAFCO must notify the Department of Conservation within 10 days of a city's proposal to annex land under contract (Government Code Section 56753.5). (The notice should be mailed to Debbie Sareeram, Interim Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 18-01, Sacramento, CA 95814-3528.)

The FEIR should also note that if a city annexes land under Williamson Act contract (Williamson), the city must succeed to all rights, duties and powers of the county under the contract (Government Code Section 51243) unless conditions in Section 51243.5 apply to give the city the option to not succeed to the contracts.

2-3

Williamson Act Contract Termination

The DEIR notes that there are lands under Williamson Act contract within the city's Sphere of Influence and that the 2005 General Plan directs growth into these areas. The DEIR should note that the preferred method for contract termination is through the nine-year nonrenewal process. Immediate termination via cancellation is reserved for "extraordinary", unforeseen situations (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855). In addition to making the necessary findings (Government Code Section 51282), the notice of the hearing to approve the tentative cancellation, and a copy of the landowner's petition, must be mailed to the Director of the Department of Conservation ten (10) working days prior to the hearing.

Mitigation Measures

The DEIR mentions several policies to address loss of agricultural lands, including working cooperatively with land trusts and other non-profit organizations to preserve agricultural land possibly using conservation easements. The city may want to add more specificity to this policy such as acreage criteria for mitigation, e.g., required mitigation for each acre of farmland converted with agricultural conservation easements on the same acreage of similar quality land, or payment of a mitigation fee to a land trust or non-profit organization to be used for purchase of conservation easements.

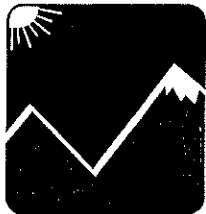
2-4

Thank you for the opportunity to comment on the DEIR. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0850.

cc: East Stanislaus RCD
3800 Cornucopia Way, Suite E
Modesto, CA 95358

LETTER 2: Dennis J. O'Bryant, Acting Assistant Director, Department of Conservation, Division of Land Resource Protection. August 17, 2005.

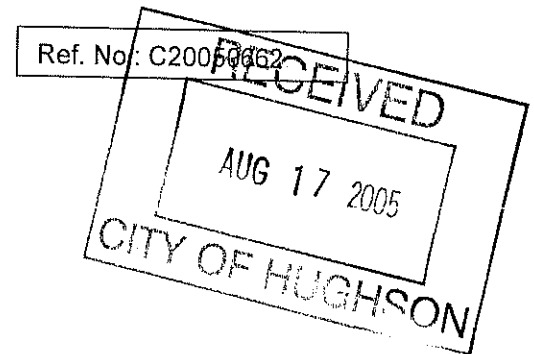
- 2-1: Comment noted. This comment does not question the adequacy of the EIR, so no further response is required.
- 2-2: This comment requests that the specific Stanislaus County definition for Farmland of Local Importance included on page 4.2-7 of the Draft EIR. In response to this comment, this additional language has been included, as reflected in Chapter 3 of this Final EIR. This additional language does not affect the EIR's overall findings.
- 2-3: This comment requests that additional language regarding the potential annexation of land subject to a Williamson Act contract or eventual termination of Williamson Act contracts be included in the Final EIR. In response to this comment, additional language has been included, as reflected in Chapter 3 of this Final EIR. This additional language does not affect the EIR's overall findings.
- 2-4: This comment suggests that the City may want to add more specificity to the various General Plan policies that address agricultural land preservation, such as identifying the amount of acreage required for mitigation. However, the comment does not suggest that the Draft EIR is inadequate for not including this information. The Draft EIR and associated Draft General Plan did not include this level of specificity since the General Plan is a general planning document and the City needs to complete additional research and cooperate with other jurisdictions and agencies to determine the best method and approach to preserve agricultural lands in the Hughson area. The specifics of the agricultural program will be determined as part of the drafting of a specific agricultural preservation ordinance or intergovernmental agreement. As a result, no additional change to the Final EIR is necessary.



San Joaquin Valley
Air Pollution Control District

August 16, 2005

Mr. Barry C. Siebe
Director of Planning and Building
City of Hughson
7018 Pine Street
Hughson, CA 95326



Re: City of Hughson General Plan Draft Environmental Impact Report

Dear Mr. Siebe,

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) forwarded by the City of Hughson for the City of Hughson General Plan (Project). The DEIR appropriately addresses the project's potential impact on Air Quality. Development as a result of this project will be subject to District rules, regulations and permitting requirements. The District previously commented March 29, 2005, Reference No. N20050171, and it appears that our comments were thoroughly addressed.

3-1

We noticed an error regarding the District's air quality classifications on Table 4.3-1. The SJV Air Basin is currently *serious* non-attainment for 8-hour ozone (the previous extreme non-attainment for 1-hour ozone has been revoked by the US EPA effective June 15, 2005 as specified in Federal Register Vol. 69 No. 84 Friday April 30, 2004 Rules and Regulations) and *severe* nonattainment for the State ozone standard. This information could be significant, for example, when providing the District's air quality classifications for federal programs such as Community Development Block Grant and Federal Transit Administration funding.

3-2

Also, we believe Policy COS-7.8 regarding fireplaces could be strengthened. See Air District Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) regarding limitations of wood burning devices in new residential development at <http://www.valleyair.org/rules/1ruleslist.htm>. The City of Hughson may also consider restricting new fireplaces in residential development to only natural gas-fueled devices similar to an ordinance adopted by the City of Fresno.

3-3

As noted in the DEIR, despite describing all mitigation efforts to reduce air quality impacts, the document correctly specifies that such efforts may not reduce impacts to levels of insignificance. We agree that all mitigations included in the DEIR should be implemented to the extent specified to reduce air quality impacts.

3-4

As the General Plan is the blueprint for future growth in Hughson, it correctly provides a broad, generalized approach to the city's development. However, as individual projects are developed, there are many mitigations which can be implemented and there are a variety of approaches to implement mitigations. In addition to the mitigation measures specified in the General Plan regarding air quality, the City of Hughson may also refer future development applicants to the

3-5

District directly. The District has entered into Air Quality Mitigation Agreements (Mitigation Agreement) with several developers. These agreements require the District and the applicant to quantify operational emissions, and identify on-site mitigation to reduce the proposed project's net impact on air quality. The developer commits to providing funding on a per ton of emissions basis to the District to purchase emission reductions through its grant and incentive programs to fully mitigate the net emissions. The District commits to reduce the net emissions and to manage and monitor the emission reduction projects over time. The District asks that developers interested in a Mitigation Agreement to meet with District staff to discuss the specifics of the project and the contract. District staff is available to meet with project proponents to discuss Mitigation Agreements for specific projects. Examples of Air Quality Mitigation Agreements have been included. For more information, or questions concerning this topic, please call Mr. Dave Mitchell, Planning Manager at (559) 230-5800.

3-5

If you have any questions or require further information, please call me at (559) 230-5820 and provide the reference number at the top of this letter.

Sincerely,



Hector R. Guerra
Senior Air Quality Planner

c: file

DRAFT SAMPLE ONLY

[--COMPANY--]

AIR QUALITY MITIGATION AGREEMENT

This Air Quality Mitigation Agreement ("Agreement") is made and entered into this ____ day of _____, 2005, by and between the SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT (hereafter "DISTRICT"), a unified air pollution control district formed pursuant to California Health and Safety Code section 40150, *et. seq.* and [--COMPANY--] (hereafter "[_____]"). [--COMPANY--] and DISTRICT may be referred to individually as a "Party" or collectively as the "Parties."

RECITALS:

WHEREAS, DISTRICT is classified as a *serious* nonattainment area for particulate matter ten microns in size or less (PM10) and an *extreme* nonattainment area for the 1-hour ozone standard; and

WHEREAS, DISTRICT is the Responsible Agency for Air Quality under the California Environmental Quality Act ("CEQA") and does comment on CEQA projects and has a limited CEQA authority and performs analyses as needed to determine the impact of development projects on air quality in the San Joaquin Valley Air Basin; and

WHEREAS, [--COMPANY--] requested DISTRICT's administrative review of the [--CEQA document--] for the proposed [--project--]; and

WHEREAS, the same letter dated [--date--], stated that DISTRICT would be reimbursed for the staff time required on a time and material basis in accordance with DISTRICT's standard rate schedule by [--company--]; and

WHEREAS, the proposed [--project plan details--]; and

WHEREAS, DISTRICT has performed an administrative review of the Air Quality Assessment for the proposed [--CEQA document--], and

WHEREAS, [--COMPANY--], in consultation with DISTRICT, has included reasonable emissions reductions and design features in the proposed [--project--], and would like to voluntarily gain additional emissions reductions; and

WHEREAS, [--COMPANY--] has proposed the payment of an air quality mitigation fee to be used for air quality benefit programs within the San Joaquin Valley, and as much as possible in the [] Region within or near the City of [].

NOW, THEREFORE, in exchange for their mutual promises, covenants, and conditions, the parties hereby agree as follows:

1. **AIR QUALITY MITIGATION THROUGH DESIGN FEATURES.**

[EXAMPLES ONLY]

- Prior to issuance of a grading permit, [--COMPANY--] shall prepare and submit a dust control plan. The plan shall be prepared consistent with District Regulation VIII and must be reviewed and approved by DISTRICT prior to the commencement of grading activities. Each contractor working on individual parcels within the [--project--] shall implement the dust control measures outlined in the approved dust control plan. The dust control measures selected shall be incorporated as a note on each grading plan.
- DISTRICT maintains New Source Review requirements that direct owners/operators of certain types of stationary equipment to obtain an Authority to Construct (ATC) and Permits to Operate (PTO) from DISTRICT. As part of this process, the need for emission control equipment is assessed and DISTRICT determines whether a Health Risk Assessment (HRA) must be prepared. All stationary sources shall provide proof of compliance with District Rules and Regulations prior to building permit issuance.
- In the event that a sensitive receptor, such as a day care facility, is constructed within the [--project--] area, an HRA shall be prepared so that such facilities are not subject to significant carcinogenic or toxic air contaminants (including diesel exhaust) emitted by the allowed uses within the [--project area--]. The HRA must demonstrate that the risk thresholds will not be exceeded. This assessment shall be prepared prior to issuance of building permits for any day care proposed within the [--project--] area.
- The following uses will be excluded from the [--project--]:
 - Prior to issuance of certificate of occupancy, the applicant for each commercial building proposed on an individual parcel shall achieve a building energy efficiency rating that is Ten Percent (10%) beyond Title 24 requirements. While a variety of methods are available to achieve this efficiency increase, the most common solution is the use of building insulating material having a greater “R-value.” This measure shall be placed as a condition of approval from [--the local agency--] and verification shall occur during the site plan review.
 - Prior to issuance of certificate of occupancy, the applicant for each commercial building proposed on an individual parcel shall utilize solar or low emission water heaters to reduce natural gas consumption and emissions. This measure shall be placed as a condition of approval from [--the local agency--] and verification of this measure will occur during site plan review and building inspection.
 - Prior to issuance of building permits for each structure proposed on an individual parcel, a landscape plan shall be prepared and submitted to the [--local agency--] Planning Department for review and approval. The plan shall provide shade trees and foliage, which conform to air quality enhancement for urban areas adjacent to buildings to reduce building heating/cooling needs. This measure shall be placed as a condition of approval from [--the local agency--] and

verification of this measure will occur during landscape plan approval conducted as part of the site plan review.

- Prior to issuance of certificate of occupancy, the applicant for each building proposed on an individual parcel shall submit site plans illustrating the use of light-colored roofing materials as opposed to dark roofing materials when possible. This measure shall be placed as a condition of approval from [--the local agency--] and verification of this measure will occur during site plan review and building inspection.
- Prior to issuance of building permits, [--COMPANY--] shall submit to the Planning Department, the site plan, for review and verification. This review will include consideration of the entrance/exit driveways and ease of turning movements as well as whether a proposed warehousing or industrial use contains parking spaces for heavy-duty trucks to layover overnight. In such cases, the applicant for development of that parcel shall provide electrical hookups for trucker's use. This measure shall be placed as a condition of approval from [--the local agency--] and verification of this measure will occur during site plan review and building inspection.
- Prior to issuance of building permits, [--COMPANY--] shall submit a site plan to the Planning Department, for review and verification that the site circulation includes reduced vehicle queuing at restaurant drive-through locations. This review will consider the use of separate windows for different functions and the provisions of temporary parking for orders not immediately ready for pickup.
- [--COMPANY--] shall come to an agreement with [--county--] Regional Transit regarding scheduled transit stops at the project site for future employees. The agreement will include identification of those locations where bus turnouts will be constructed along with transit shelters, benches, and route signs and displays. [--COMPANY--] shall construct these facilities, and the timing of construction for all planned facilities will be determined in the agreement. A signed copy of the agreement shall be provided to the [local agency] Planning Department for verification prior to issuance of building permits for the [] square foot of combined space within the [--project area--].
- The project shall include provisions that require future construction on individual parcels to install preferential parking for vanpooling and carpooling for site employees.
- Future uses within the project shall provide sidewalks and on-site pedestrian facilities to encourage employee trips to nearby commercial uses that are otherwise destined for off-site locations. This measure will be verified by the Planning and Roads Departments during the building and Plan check process.
- **Air Quality Mitigation Fee.** Subject to the conditions precedent set forth in Section 3 below, [--COMPANY--] agrees to contribute to DISTRICT the sum of [Dollars (\$)] to reduce emissions to the total of [] tpy of [pollutant] to benefit the [] Region within or near the City of [] (the "Air Quality Mitigation Fee"). An outline of the methodology used to determine the Air Quality Mitigation

Fee is attached hereto as Exhibit A, and is incorporated herein by reference. The calculation of the Air Quality Mitigation Fee is attached hereto as Exhibit B, and is incorporated herein by reference. [--COMPANY--] agrees to pay the Air Quality Mitigation Fee to DISTRICT within thirty (30) days after the execution of this agreement in accordance with the following schedule:

The fee includes an additional Ten Percent (10%) of funding for an additional air quality benefit to provide a safety margin to ensure reductions are achieved.

2. **CONDITIONS PRECEDENT.**

The Parties acknowledge and agree that [--COMPANY'S--] obligation to pay the Air Quality Mitigation Fee shall be subject to the fulfillment or waiver (such waiver to be in [--COMPANY'S--] sole discretion) of the following condition precedent:

A. Issuance of the [--project--] Approval for the project

Notwithstanding the above, if the initial building permit for the project has not been issued by [--date--] and if [--project--] has been cancelled or withdrawn, then this Agreement shall automatically terminate, and neither Party shall have any further obligations hereunder.

3. **USE OF AIR QUALITY MITIGATION FEE.**

DISTRICT agrees to use the Air Quality Mitigation Fee exclusively to establish specific programs that create contemporaneous air quality benefits within DISTRICT; the final improvement measures to be selected by DISTRICT from candidate measures including Heavy Duty Engine Retrofit/Replacement and Agricultural Engine Replacement and other measures set forth in the Air Quality Mitigation Measures Plan and any other program deemed by DISTRICT as appropriate to reduce the emissions of air contaminants in the San Joaquin Valley Air Basin. DISTRICT will create sufficient air quality benefits so that the net air quality impacts of the [--project--] as currently defined in the project on the date of this agreement are fully mitigated.

4. **COOPERATION.**

The Parties agree to cooperate with each other with respect to any requests or actions related to this Agreement from the Environmental Protection Agency, the California Air Resources Board, and/or any interveners in the [--project--], and to do or cause all things necessary, proper or advisable to help consummate and make effective the transaction contemplated by this Agreement. The Parties agree to include as a design feature of the [--project--] the terms of this agreement.

5. **GOVERNING LAW.**

Venue for any action arising out of or relating to this Agreement shall only be in [] County, California. The rights and obligations of the parties and all interpretation and performance of this Agreement shall be governed in all respects by the laws of the State of California.

6. **AUTHORITY.**

Each Party acknowledges and agrees that it has the full right, power and authority to execute this Agreement, and to perform its obligations hereunder.

7. **RELATIONSHIP OF THE PARTIES.**

Nothing herein is intended to create or is to be construed as creating a joint venture, partnership, agency or other taxable entity between the Parties. The rights and obligations of the Parties shall be independent of one another and shall be limited to those expressly set forth herein and, except as expressly provided to the contrary, shall not be construed to apply to any affiliate of the Parties.

8. **NO THIRD-PARTY BENEFICIARIES / NON-ASSIGNMENT.**

The Parties mutually agree that this Agreement is for the sole benefit and is not intended by them to be, in part or in whole, for the benefit of any third party other than the improvement of air quality in the San Joaquin Valley Air Basin.

9. **NOTICING/COMPENSATION / INVOICING.**

All notices necessary to be given under the terms of this Agreement, except as herein otherwise provided, shall be in writing and shall be communicated by prepaid mail, telegram or facsimile transmission addressed to the respective Parties at the address below or to such other address as respectively designated hereafter in writing from time to time:

| | |
|------------------|-----------|
| To [--COMPANY--] | [address] |
| | [address] |
| Attn: | [] |
| Phone: | [] |
| Fax: | [] |

| | |
|--------------|---------------------------|
| To DISTRICT: | 1990 E. Gettysburg Avenue |
| | Fresno, CA 93726-0244 |
| Attn: | Mr. Seyed Sadredin |
| Phone: | (559) 230-5900 |
| Fax: | (559) 230-6061 |

10. **ASSIGNMENT.**

This Agreement shall be binding upon, and inure to the benefit of each of the Parties and their respective successors and permitted assigns. No Party shall assign this Agreement or its rights or interests hereunder without the prior written consent of the other Party, such consent not to be unreasonably withheld or delayed. Notwithstanding the above, the Parties agree that [--COMPANY--] may freely assign its rights and duties under this Agreement, without DISTRICT'S prior written consent, to:

(a) an affiliate of [--COMPANY--]; (b) a successor-in-interest by merger, consolidation or reorganization; (c) a purchaser or other transferee of the [--project--]; and (d) a lender for purposes of financing the [--project--].

11. **ENTIRE AGREEMENT.**

This Agreement, including all attached exhibits and documents which are referred to and incorporated herein, constitutes the entire agreement between [--COMPANY--] and DISTRICT with respect to the subject matter hereof and supersedes all previous negotiations, proposals, commitments, writings, advertisements, publications and understandings of any nature whatsoever unless expressly included in this Agreement.

12. **JOINT EFFORT.**

The Parties acknowledge and agree that each Party and its counsel have read this Agreement in its entirety, fully understand it, and accept its terms and conditions. Accordingly, the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party is not applicable and therefore shall not be employed in the interpretation of this Agreement or any amendment of it.

13. **COUNTERPARTS.**

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same Agreement.

14. **TERM.**

This Agreement shall become effective upon execution by the parties and shall continue until terminated as provided herein. In no event shall the term of this agreement extend past [--date--], without the express, written consent of the parties hereto.

15. **MODIFICATION.**

Any matters of this Agreement may be modified from time to time by the written consent of all the parties without, in any way, affecting the remainder.

16. **INDEMNIFICATION.**

[--COMPANY--] agrees to indemnify, defend and hold harmless DISTRICT for, from and in connection with any third party claims, losses and/or liabilities arising from or in connection with DISTRICT'S performance of this Agreement, excluding only such claims, losses and/or liabilities which result from or in connection with District's sole negligence, act or omission.

17. **SEVERABILITY**

In the event that any one or more provisions contained in this Agreement shall for any reason be held to be unenforceable in any respect by a court of competent jurisdiction, such holding shall not affect any other provisions of this Agreement, and the Agreement shall then be construed as if such unenforceable provisions are not a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first hereinabove.

[--COMPANY--]

DISTRICT

San Joaquin Valley Unified Air Pollution
Control District

By: _____
[]

By: _____
Supervisor Thomas W. Mayfield
Chair, Governing Board

Recommended for approval:

Approved as to legal form:

David L. Crow
Executive Director/APCO

Philip M. Jay
District Counsel

Approved as to accounting form:

For accounting use only:

Roger W. McCoy
Director of Administrative Services

Account No.: _____

LETTER 3: Hector R. Guerra, Senior Air Quality Planner, San Joaquin Valley Air Pollution Control District. August 16, 2005.

- 3-1 This comment states that the Draft EIR appropriately addresses the Draft General Plan's potential impact on air quality and addresses the District's NOP letter dated March 29, 2005. The comment does not question the adequacy of the Draft EIR, so no additional response is required.
- 3-2 The information regarding the air quality classification status of the air basin in regards to ozone has been updated in response to this comment in the Final EIR. Please refer to Chapter 3 of this Final EIR for the specific changes. This revised language does not affect the EIR's overall findings.
- 3-3 This comment requests that the Revised Policy COS-7.9 of the General Plan Errata be strengthened to limit wood burning fireplaces in new development. The comment does not question the adequacy of the Draft EIR. Revisions to Policy COS-7.9 have been recommended for the Final General Plan. The Final EIR, in Chapter 3, includes revised language to reflect the change in General Plan policy language. This revised language does not affect the EIR's overall findings.
- 3-4 This comment agrees with the Draft EIR, so no additional response is required.
- 3-5 This comment does not question the adequacy of the Draft EIR, but rather proposes additional mitigation through recommendation of additional policy direction for the General Plan. However, a new policy encouraging new development to work with the District to enter into Mitigation Agreements has been recommended for the Final General Plan. No additional change to the Draft EIR is required.



883-2638

Original forthcoming

CHIEF EXECUTIVE OFFICE
Richard W. Robinson
Chief Executive Officer

Patricia Hill Thomas
Assistant Executive Officer

1010 10th Street, Suite 6000, Modesto, CA 95354
P.O. Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax 209.544-6226

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

August 15, 2005

Barry C. Siebe
City of Hughson
Planning & Building Department
7018 Pine Street
Hughson, CA 95326

AUG 16 2005

SUBJECT: ENVIRONMENTAL REFERRAL-CITY OF HUGHSON-NOTICE OF
AVAILABILITY OF THE DRAFT HUGHSON 2005 GENERAL
PLAN AND EIR AND NOTICE OF PUBLIC HEARINGS

Mr. Siebe:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has the following comment(s):

HAZARDOUS MATERIALS:

Applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I and II studies) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.

Applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to: (Calif. H&S, Division 20)

- A. Permits for the underground storage of hazardous substances at a new or the modification of existing tank facilities.
- B. Requirements for registering as a handler of hazardous materials in the County.

**ENVIRONMENTAL REFERRAL-CITY OF HUGHSON-NOTICE OF
AVAILABILITY OF THE DRAFT HUGHSON 2005 GENERAL PLAN AND EIR
AND NOTICE OF PUBLIC HEARINGS**

Page 2

- C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
- D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program, which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.
- E. Generators of hazardous waste must notify the Department of Environmental Resources relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
- F. Permits for the treatment of hazardous waste on-site will be required from the Hazardous Materials Division.
- G. Medical waste generators must complete and submit a questionnaire to the Department of Environmental Resources for determination if they are regulated under the Medical Waste Management Act.

4-1

TRANSPORTATION:

The StanCOG Regional Transportation Plan identifies Hatch Road, Geer Road, Service Road, and Santa Fe as an Expressway. The County is proposing to update its General Plan to designate Hatch Road, Service Road, and Geer Road as 4-lane Class C Expressways. The portion of Santa Fe within the current city boundaries is proposed as a 4-lane Major within an 85-foot right-of-way. The portion of Santa Fe outside the current city boundary is proposed as a 4-lane Class C Expressway within an 85-foot right-of-way. A Class C Expressway is characterized by access limitations to the main facility. Driveways with right-in, right-out access only are permitted no closer than 300 feet apart. Full intersections are permitted at roadways every 1/4 to 1/2 mile apart. A 4-lane expressway is proposed to be 110 feet. Additional right-of-way is required at the intersections to accommodate left- and right-turns. To be consistent with the Regional Transportation Plan and the proposed County General Plan, the expressway classification and designations need to be incorporated into the City's General Plan.

4-2

PUBLIC SERVICES:

Future expansion of the wastewater treatment facility is required to support the proposed growth plan for the City as stated on page 4.14-7 of the Draft EIR; therefore, it is a reasonably foreseeable project directly related to the adoption of the General Plan. The existing wastewater treatment facility is located in the unincorporated area within the proposed General Plan Boundary, but is not proposed to be incorporated into the City's Sphere of Influence. The existing

4-3

**ENVIRONMENTAL REFERRAL-CITY OF HUGHSON-NOTICE OF
AVAILABILITY OF THE DRAFT HUGHSON 2005 GENERAL PLAN AND EIR
AND NOTICE OF PUBLIC HEARINGS**

Page 3

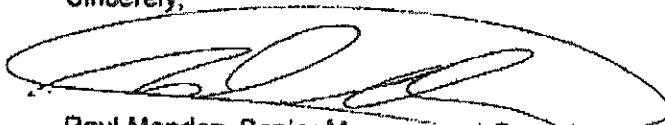
wastewater treatment plant is shown within the current City boundaries, but no expansion of the boundary is shown, as would be indicated by an expanded Sphere of Influence has been included in the Draft General Plan.

Expansion of the existing plant could potentially generate additional environmental impacts, including, but not limited to, aesthetic impacts, loss of farmland, displacement of existing residential uses, negative impacts on wildlife, and population exposure to hazardous or toxic substances, in the area that has not been identified as part of this project. The potential expansion of the wastewater treatment plant and its potential impacts needs to be addressed in the Final EIR.

4-3

The ERC appreciates the opportunity to comment on this project.

Sincerely,



Raul Mendez, Senior Management Consultant
Environmental Review Committee

cc: ERC Members

LETTER 4: Raul Mendez, Senior Management Consultant, Stanislaus County Environmental Review Committee. August 15, 2005.

- 4-1: This comment outlines processes that would apply to specific development and businesses to ensure that they are not affected by existing hazardous material risks or do not create new hazardous material risks. Specifically, the comment refers to processes associated with grading permits, permits for underground storage tanks, permitting and planning for handlers and generators of hazardous materials and wastes. Since the proposed General Plan is programmatic in nature, adoption and implementation of the General Plan will not directly require any of these permits. As specific projects allowed by the General Plan are proposed they will be subject to the permitting processes outlined in the comment; however, it is not appropriate for a programmatic EIR to try to outline every possible permit process that individual projects may require. The Draft EIR does discuss this matter on page 4.7-9, Policy S-3.2 of the Draft General Plan, which states that the City would require compliance with federal and State regulations, many of which are overseen by the County. Including a reference to the County into Policy S-3.2 to specify that projects would need to be in compliance with County requirements has been recommended for the Final General Plan. However, no additional change to the Draft EIR is required.
- 4-2: This comment provides information about existing and proposed County and StanCOG plans for Hatch Road, Geer Road, Service Road and Santa Fe Avenue to serve as expressways. The comment specifically suggests that the City should be consistent with the County and StanCOG when designating these roadways in the Draft General Plan. The comment does not question the adequacy of the Draft EIR, and as a result, no additional change to the Draft EIR is required. However, language has been recommended for the Final General Plan which would ensure that the City's Arterial designa-

tion of these roadways is consistent with the functionality of the County's and StanCOG's Expressway designations.

- 4-3: This comment raises the issue of where the City's wastewater treatment plant is located and implies that the Sphere of Influence would need to be expanded if the plant expanded to include additional land outside the current city limits. The comment also states that the Draft EIR should analyze the potential impacts associated with the potential expansion of the wastewater treatment plant to support the growth allowed under the Draft General Plan.

First to clarify, the City's wastewater treatment plant is located on City-owned land to the north of Hatch Road, along the Tuolumne River, as shown on Figure 4.12-1 on page 4.12-2 of the Draft EIR. The plant and ponding area are both located within the City's existing incorporated boundary, as depicted on all figures in the document. However, while within the City's incorporated boundary, the treatment plant and ponding areas are not connected to the rest of the incorporated city limits, so they have resulted in two City-incorporated islands surrounded by County, unincorporated lands.

LAFCO discourages the creation and enlargement of islands, and based on a conversation with LAFCO during the drafting of the Draft General Plan, LAFCO would only approve enlarging these islands of City-land after the construction and expansion of the plant. At this time, there are no specific plans that identify the need to expand the plant onto additional properties, and as stated on page 4.14-18 of the Draft EIR, the City anticipates that future improvements to the treatment plant would primarily occur on its existing site. As a result, at this time LAFCO would probably not approve an expansion of the Sphere of Influence around the treatment plant. In addition, the City does not need to annex land around the existing incorporated islands to be able to expand the wastewater treatment plant onto adjacent, unincorporated lands. For these reasons, no expan-

sion of the Sphere of Influence was proposed in the Draft General Plan.

In regards to the question of whether the Draft EIR is required to analyze the potential impact of future expansions of the wastewater treatment plant, as mentioned on page 4.14-18 of the Draft EIR, the potential project-specific impacts associated with an expansion of the wastewater treatment plant cannot be determined at the first-tier level of analysis. While the City has already processed the environmental review for the emergency improvements to the plant, it has not determined the preferred alternative for larger expansion projects to meet future demand. As a result, a project-specific environmental analysis is infeasible at this time and no additional change to the Draft EIR is needed. However, additional policy language has been recommended for the Final General Plan to include a new policy that states that the City will conduct additional CEQA environmental review at the time that an actual expansion project is proposed.

Comment Form

Hughson 2005 General Plan and EIR

Name/Affiliation (optional): Jeff and JoDee Albritton
 Address/Email (optional): 3231 Euclid Rd. Hughson CA 95326

Please use this form to provide input on the Draft General Plan and EIR. Comment forms should be returned to the City of Hughson by **August 18, 2005**. Forms can be returned by mail to: City of Hughson, Planning Department, 7018 Pine Street, Hughson, CA 95326, or faxed to: 209-883-9725.

Draft General Plan Comments

- 5-1 Land Use Element: we believe that both sides of Euclid Rd. should allow development. It is not practical to leave one side of the road in an agricultural buffer zone. With the equipment, traffic and noise that are part of farming, the neighborhood community directly across the street (sharing the same street) would definitely be disrupted.
- 5-2 ~~Circulation Element~~ The General Plan should extend the SOI beyond Geer Road to the east. The Geer Road corridor should be planned now with zoning suitable for development. Without zoning, there is a likelihood that more and more "facilities" will be placed on the corridor through the county planning process and not through the city planning process.
- 5-3 ~~Conservation and Open Space Element~~ We do not agree with the creation of the Euclid/Geer Road agricultural buffer zone. This buffer zone is not sensible and therefore, should be eliminated.

LETTER 5: Jeff and JoDee Albritton, 3231 Euclid Avenue. Received August 16, 2005.

- 5-1 This comment recommends that both sides of Euclid Avenue allow growth, which is a General Plan policy issue. The comment also outlines some reasons why agricultural uses would be incompatible with adjacent development. The Draft EIR does address the potential incompatibility of new development with agricultural operations on pages 4.2-13 to 14 and pages 4.7-9 to 10. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required.
- 5-2 This comment recommends expanding the Sphere of Influence to the east of Geer Road and allowing development along the Geer Road corridor, which is a General Plan policy issue. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required.
- 5-3 The commentor does not support the creation of an agricultural buffer between Geer Road and Euclid Avenue, which is a General Plan policy issue. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required.

Received 7-19-05 €

Comment Form

Hughson 2005 General Plan and EIR

Name/Affiliation (optional): MIKE BOGLIERI / PROPERTY OWNER (EUCUID ROAD)
Address/Email (optional): 8466 FOX RD. - HUGHSON / 100gus@JSC GLOBAL.NET

Please use this form to provide input on the Draft General Plan and EIR. Comment forms should be returned to the City of Hughson by August 18, 2005. Forms can be returned by mail to: City of Hughson, Planning Department, 7018 Pine Street, Hughson, CA 95326, or faxed to: 209-883-9725.

Draft General Plan Comments

Land Use Element:

(SEE ATTACHED STATEMENT)

Circulation Element:

(SEE ATTACHED)

Conservation and Open Space Element:

(SEE ATTACHED)

I am the owner of an almond orchard totaling 23.7 acres located between Euclid & Geer roads, extending to the canal along Hatch Road.

I am physically disabled and confined to a wheel chair, because of this, I am unable to farm the land. I am forced to lease my land to another farmer. With development eventually extending to the west side of Euclid Road, farming will become more difficult. I base this upon past incidents elsewhere in similar situations where complaints and protests against dust, pesticide & herbicide spraying have become rampant. Leasing my land may become more difficult because potential renters may feel it will not be worth the extra efforts and problems. Although I have no current plans to sell my land, if that becomes necessary, I may find other farmers reluctant to buy because of the afore mentioned situation.

The placing of my land within a thin strip of greenbelt compounds the difficulty of my position. I believe it will lower my property value if I need to sell to another farmer, indeed it may make a sale at any price more difficult because of very limited options to the buyer.

I do not understand the location of the greenbelt in this area. In my opinion, the logical boundaries for the city of Hughson would be Geer Road, Hatch Road & Santa Fe Road. The east side of Geer Road is primarily agriculture, indeed the area is agriculture all the way to Hickman. So why place this thin greenbelt on the west side of Geer, when the east side has unlimited agriculture.

Stanislaus County and the Turlock Irrigation District are annexing a small section of my land in order to widen Geer Road in the approach to the Hatch Road bridge.

The greenbelt, in my opinion, should be placed in an area to deter encroachment of urbanization from outside the city. If this is the case, placing the greenbelt between Hughson and Ceres would seem much more sensible.

BENDER ROSENTHAL, INC.

COMMERCIAL VALUATION AND RIGHT OF WAY SERVICES

Michael E. Lahodny

June 8, 2005

BENDER  ROSENTHAL, INC.
COMMERCIAL VALUATION AND RIGHT OF WAY SERVICES

Mr. Michael R. Boggeri
8466 Fox Road
Hughson, CA 95326

3650-C Auburn Boulevard, Suite 206
Sacramento, CA 95821
916-978-4900 Fax 916-978-4904
cell: 559-289-8344 e-mail: appraisernw@aol.com

Re: Road Improvement on Geer Road and Hutch Road
Assessor's Parcel No. 018-020-014

Dear Mr. Boggeri:

The County of Stanislaus (County) and Turlock Irrigation District (TID) are proposing the road improvement project on Geer Road and Hutch Road. The nature of this project will require the purchase of private property, permanent and temporary easements, and other potential property rights and interests.

In connection with this project, the County has retained Bender Rosenthal, Inc., Commercial Valuation and Right of Way Services, to make an appraisal and to provide an estimate of fair market value for the portion of property potentially being affected. (Please refer to the attached preliminary engineer's plat). We would like to schedule an appointment at your earliest convenience to inspect the property.

The County will be staking the proposed acquisition areas prior to the inspection of the property. I will be calling you within the next week and asking for permission to stake the proposed acquisition area and to schedule an inspection of your property. We will try to accommodate any special scheduling requirements you may have and encourage you to contact us at your earliest convenience.

We have enclosed an informative booklet titled "Your Property/Your Public Improvement Project," which will provide you with answers to questions owners frequently ask concerning land acquisition procedures.

All services and/or benefits to be derived from any right of way activity will be administered without regard to race, color, national origin, or sex, in accordance with the Title VI of the Civil Rights Act of 1964 (42 U.S.C.2000d, et seq.) and Section 162(a) of the Federal Highway Act of 1973 (23 U.S.C.324). Enclosed for your information is a "Title VI Survey".

6-2

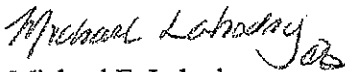
Mr. Micael R. Boggeri
June 8, 2005
Page 2

This notice does not constitute an offer to purchase your property, nor does it establish eligibility of the owner and/or any other occupant for relocation assistance or relocation payments. Only those in occupancy at the time of the first written offer to purchase the property may be eligible for relocation payments.

Upon completion of the appraisal, a representative of Bender Rosenthal Inc. will contact you for an appointment to discuss the acquisition details.

If you have any questions regarding the potential acquisition of your property, the process or timing please feel free to call Michael Lahodny at Bender Rosenthal, Inc., at (916) 978-4900.

Respectfully,



Michael E. Lahodny
(916) 978-4900

Encs: Business Card, Preliminary Engineering Plat(s), "Your Property/Your Public Improvement Project," "Title VI Survey".

6-2

NE COR. —
SECTION 10

CERES MAIN CANAL
T.I.D.

N66°52'40"W
27.23'

P.O.B.

NEW RIGHT OF WAY

N00° 14' 38" W
217.59'

EXISTING
RIGHT OF WAY

PARCEL 2
18 PM 2

DOC.
96-112438

DOC.
92-37231

ROAD

১৫৬৬

N04° 53' 40" W 308.34'

N00° 14' 38" W 514 11'

| | |
|-----|----|
| 50' | 25 |
|-----|----|

DRAFT

SCALE: 1"=80'

SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR
RIGHT OF WAY TAKE OF
A PORTION OF PARCEL 2
18 PM 2
AREA = 9,146 SF ±

SHEET 2 OF 2 SHEETS

RBF
CONSULTING

PLANNING ■ DESIGN ■ CONSTRUCTION

500 YGNACIO VALLEY ROAD, SUITE 270
WALNUT CREEK, CALIFORNIA 94596-3847
925.906.1460 • FAX 925.906.1465 • www.RBF.com

APRIL 29, 2005

J.N. 35-100395

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LETTER 6: Mike Boggeri, 8466 Fox Road. Received July 19, 2005.

- 6-1 The commentor does not support the creation of an agricultural buffer between Geer Road and Euclid Avenue, which is a General Plan policy issue. The comment also outlines some reasons why agricultural operations would be incompatible with adjacent development. The Draft EIR does address the potential incompatibility of new development with agricultural operations on pages 4.2-13 to 14 and pages 4.7-9 to 10. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required.
- 6-2 A copy of a letter from Bender Rodenthal, Inc. was included in regards to a portion of the commentor's property being purchased by the Turlock Irrigation District for road improvements. The letter does not address the Draft General Plan nor the Draft EIR, therefore no additional change to the Draft EIR is required.

Comment Form

Hughson 2005 General Plan and EIR

Name/Affiliation (optional): Joe & Josephine Cipponeri
 Address/Email (optional): 3230 Euclid, HUGHSON CA 95326

Please use this form to provide input on the Draft General Plan and EIR. Comment forms should be returned to the City of Hughson by August 18, 2005. Forms can be returned by mail to: City of Hughson, Planning Department, 7018 Pine Street, Hughson, CA 95326, or faxed to: 209-883-9725.

Draft General Plan Comments

Land Use Element: *We do not support the creation of the Euclid / Deer road agricultural buffer zone. Deer is a much better "boundary" for the city. It makes farming practices difficult if left with one side developed & one side left for farming. Development should occur on both sides. Zoning should be suitable for development. If Euclid is planned as the gateway to the City then both sides of Euclid should be developed.*

Conservation and Open Space Element:

LETTER 7: Joe and Josephine Cipponeri, 3230 Euclid Avenue. Received August 16, 2005.

- 7-1 The commentor does not support the creation of an agricultural buffer between Geer Road and Euclid Avenue, which is a General Plan policy issue. The comment also outlines some reasons why agricultural uses would be incompatible with adjacent development. The Draft EIR does address the potential incompatibility of new development with agricultural operations on pages 4.2-13 to 14 and pages 4.7-9 to 10. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required.

Received 7-19-05 e

Comment Form

Hughson 2005 General Plan and EIR

Name/Affiliation (optional): John & Cindy Lundell
Address/Email (optional): 1830 Euclid Ave. Hughson

Please use this form to provide input on the Draft General Plan and EIR. Comment forms should be returned to the City of Hughson by August 18, 2005. Forms can be returned by mail to: City of Hughson, Planning Department, 7018 Pine Street, Hughson, CA 95326, or faxed to: 209-883-9725.

Draft General Plan Comments

Land Use Element:

SEE ATTACHMENT

Circulation Element:

Conservation and Open Space Element:

To Whom It May Concern:

Re: Hughson 2005 General Plan and EIR

From: John and Cindy Lundell

We are property owners located on the east side of Euclid Road, between Hatch and Fox. We own a small peach farm, just slightly over 18 acres. We would like to express our concern regarding the change from the previous city plan to the one which now includes our land as part of a green belt or buffer zone. As property owners, we were never notified of this change and we were only informed of this due to our attendance of city council meetings and our purchase of a master plan.

8-1

We understand the concerns that the city and the council may have regarding growth in Hughson, but we don't see a green belt in this area as a necessary means to plan for future growth. We don't understand the need for a green belt in this area as we already have some natural boundaries in Geer Road, Santa Fe, and Hatch. It doesn't make sense as it is ag land against ag land.

On a personal note, a green belt for us would actually mean limiting our means of farming. We are currently in an area that is directly across the street from future development. As a small farmer, we will be squeezed into a situation in which farming, spraying, and fumigating would become even more difficult and costly. As we look to our future retirement, it would be impossible to rent out or sell our land to another farmer. Who would want to take on farming under such restrictions? We would also not have the option of selling for development. We would be stuck!

8-2

Thank you for listening to our concerns. We respectfully ask that you remove the current placement of a green belt or buffer zone.

LETTER 8: John and Cindy Lundell, 1830 Euclid Avenue. Received July 19, 2005.

- 8-1 This comment states concern that the commentors were not notified about the change to their property designation. The availability of the Draft EIR and General Plans for public review were notified in the local newspaper as required by law. The City was not required by law to notify every affect property owner individually.

Since the area between Euclid Avenue and Geer Road is not within the City's adopted Sphere of Influence, the City has not officially designated this area for any use. The proposed land uses identified by the Draft General Plan for the area is consistent with what is currently allowed by the County, so adoption of the Draft General Plan would not result in a change of allowable land uses. However, in a prior draft of the General Plan, the area was identified for residential use, but as that draft was never adopted and the Sphere of Influence was not expanded to include the area between Euclid Avenue and Geer Road, the prior draft of the General Plan does not have any legal standing.

- 8-2 The commentor does not support the creation of an agricultural buffer between Geer Road and Euclid Avenue, which is a General Plan policy issue. The comment also outlines some reasons why agricultural uses would be incompatible with adjacent development. The Draft EIR does address the potential incompatibility of new development with agricultural operations on pages 4.2-13 to 14 and pages 4.7-9 to 10. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required.

Received 7-19-05 E

Comment Form

Hughson 2005 General Plan and EIR

Name/Affiliation (optional): Kenneth and Carol Ann Lundell (Parents of John Lundell)
Address/Email (optional): 5501 Geer Road, Hughson - (Partnership with John and Cindy
Lundell--1830 Euclid Road, Hughson

Please use this form to provide input on the Draft General Plan and EIR. Comment forms should be returned to the City of Hughson by August 18, 2005. Forms can be returned by mail to: City of Hughson, Planning Department, 7018 Pine Street, Hughson, CA 95326, or faxed to: 209-883-9725.

Draft General Plan Comments

Land Use Element:

Please see attached paper.

Circulation Element:

Conservation and Open Space Element:

Our names are Ken and Carol Ann Lundell and we are the parents of John Lundell. We are in a partnership with John and Cindy Lundell on a 18-acre peach orchard located at 1830 Euclid Road.

This farm has been in the family for over 70 years. Small family size farms are slowly disappearing because we cannot compete with the large farms which are able to spread their costs over many acres.

When we decide it is no longer economical to farm, what other peach farmer would buy or rent this property with these restrictions placed upon it. I feel our property rights are slowly being taken away from us, and we would like to know who is responsible for putting us in this situation, and would like them to explain the legal reason for the green belt buffer. The majority of the property along the east side of Euclid Road is mostly ranchettes or small acreage, therefore it does not seem logical to pit agriculture against agriculture.

I certainly hope you will consider our concerns before you make a final decision on the buffer zone.

Thank you.

LETTER 9: Kenneth and Carol Ann Lundell, 5501 Geer Road. Received July 19, 2005.

- 9-1 The commentor does not support the creation of an agricultural buffer between Geer Road and Euclid Avenue, which is a General Plan policy issue. The comment also outlines some reasons why agricultural uses would be incompatible with adjacent development. The Draft EIR does address the potential incompatibility of new development with agricultural operations on pages 4.2-13 to 14 and pages 4.7-9 to 10. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required. Please refer to response to comment 8-1 for a discussion of existing allowable uses versus proposed land uses.

Received 7-19-05 E

Comment Form

Hughson 2005 General Plan and EIR

Name/Affiliation (optional): Melvin Lundell
Address/Email (optional): 1918 Euclid Rd.

Please use this form to provide input on the Draft General Plan and EIR. Comment forms should be returned to the City of Hughson by August 18, 2005. Forms can be returned by mail to: City of Hughson, Planning Department, 7018 Pine Street, Hughson, CA 95326, or faxed to: 209-883-9725.

Comments - Proposed green belt - Hatch Rd to
Service Rd between Euclid Rd & Geer Rd. (East side)
Draft General Plan Comments

Purpose - (1) Farmers within the green belt can remain in
Land Use Element: farming, however, a large percentage of properties
within the proposed green belt are ranchette size parcels,
 $\frac{1}{2}$ Acre, 1 Acre, 5 Acre, 6, 8, 10, 15 Acre parcels to
20 Acres. There are probably a dozen farmers farming
20 Acre parcels. Dust and spray become a real problem
if you are farming near the city limits.

I'm located at the corner of Fox Rd & Euclid Rd.
Circulation Element: In my case, at walnut harvest time, dust is a major
problem for my neighbors - the catholic church,
the Samaritan Village & the Pentecostal church & other
neighbors nearby. This is not a good location for a pro-
posed green belt, because it is not benefiting many farmers.
It limits the use of your property.

Location - (2) In other cities the green belt serves
as a buffer zone to prevent 2 cities from merging
together. A good example of this is Turlock & Denair.
Conservation and Open Space Element:

Turlock has designated a green belt area at its
eastern city limits to prevent these 2 cities from
merging together in the future. Another example is
Riverbank & Oakdale. They have proposed a green belt
at Riverbank's eastern boundary & Oakdale's western
boundary.

Hughson has a natural green belt (farm belt) across
Geer Rd to the East with many full time farmers farming
large acreages. Hughson is a unique city with definite
boundaries - Geer Rd to the East, Santa Fe Rd to the west
and Hatch Rd to the North (OVER)

Public Services and Facilities Element:

Let Hughson grow within these boundaries through controlled ^{growth} services become available and there is a continued demand for housing, we need to plan now for the future.

Safety Element: A proposed green belt for Hughson makes more sense to be considered on the west side of Hughson city limits, possibly at Clinton Rd. The city of Ceres is moving East toward Hughson. They are already at Faith Home Rd.

Noise Element: Hughson & Ceres officials need to get together to discuss a proposed green belt to they have not already done so.

This is where the green belt should be considered to save this prime farm land before its developed into housing.

Draft EIR Comments:

LETTER 10: Melvin Lundell, 1918 Euclid Avenue. Received July 19, 2005.

- 10-1 The commentor does not support the creation of an agricultural buffer between Geer Road and Euclid Avenue, which is a General Plan policy issue. The comment also outlines some reasons why agricultural uses would be incompatible with adjacent development. The Draft EIR does address the potential incompatibility of new development with agricultural operations on pages 4.2-13 to 14 and pages 4.7-9 to 10. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required.
- 10-2 The commentor recommends using Geer Road, Santa Fe Avenue and Hatch Road to form the boundaries for Hughson, with possibly creating an agricultural buffer between Hughson and Ceres. These are General Plan policy issues. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required.

Comment Form

A06-2

Hughson 2005 General Plan and EIR

Name/Affiliation (optional): Jerry and Grace Rexin
Address/Email (optional): 2461 Geer Rd

Please use this form to provide input on the Draft General Plan and EIR. Comment forms should be returned to the City of Hughson by **August 18, 2005**. Forms can be returned by mail to: City of Hughson, Planning Department, 7018 Pine Street, Hughson, CA 95326, or faxed to: 209-883-9725.

Draft General Plan Comments

Land Use Element: I am against the Green Zone, Geer Road would be a more natural boundary than Euclid Road if you have to have a green zone. Why have a Green Zone on the East side of Hughson? There is not a threat of another city coming from the East. Geer to Fox would make a great area for commercial development. We already have Mid Valley Nut and J&J Produce and MO's Oasio.

Circulation Element:

With Geer being the main road from Oakland to Turlock and for getting trucks from Oakland to 99 highway. Putting this area in to a green zone would be bad for the city.

Conservation and Open Space Element:

11-2

Safety Element:

By developing the west side of Euc the east side will remain narrow until developed. With more traffic for the farmers to work with could be dangerous. There equipment runs slow and they don't have the safety equipment or to handle the traffic. The citizens are aware of this problem but some of the new comers are not and may come upon the slow equipment to fact.

Noise Element:

Summer breezes make it necessary to spray orchards at night while the people try to sleep. The wind dies down at night so we spray in order to keep pests from drifting to neighbors.

Draft EIR Comments:

LETTER 11: Jerry and Grace Rexin, 2461 Geer Road. Received August 2, 2005.

- 11-1: The commentor does not support the creation of an agricultural buffer between Geer Road and Euclid Avenue and thinks the area would be good for commercial development, which are General Plan policy issues. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required.
- 11-2 This comment lists some safety issues associated with continuing agricultural activities adjacent to residential development, which would make agricultural activities difficult within the proposal agricultural buffer. The Draft EIR does address the potential incompatibility of new development with agricultural operations on pages 4.2-13 to 14 and pages 4.7-9 to 10. Since the Draft EIR addresses the issues raised by the commentor regarding the interaction of agriculture and urban development and the commentor has not identified any new issues, no additional change to the Draft EIR is required.

Comment Form

Hughson 2005 General Plan and EIR

AUG-2

Name/Affiliation (optional): JOHN + PAULINE TOGLIATTI
Address/Email (optional): 3512 EUCLID AVE

Please use this form to provide input on the Draft General Plan and EIR. Comment forms should be returned to the City of Hughson by August 18, 2005. Forms can be returned by mail to: City of Hughson, Planning Department, 7018 Pine Street, Hughson, CA 95326, or faxed to: 209-883-9725.

Draft General Plan Comments

Land Use Element:

We are landowners and farmers of 18 acres on the Southeast side of Euclid Ave and have been farming this property for 36 years.

Circulation Element:

We believe that a greenbelt on the East side of Euclid would create an unnecessary economic hardship for us and other small farmers in this area. Because of encroaching development and especially if the west side of Euclid Ave is developed, our land would be undesirable for purchase by other farmers for agricultural use, and it could not be purchased by developers. Furthermore, there will be additional problems with farming across the street from a housing development.

Conservation and Open Space Element:

LETTER 12: John and Pauline Togliatti, 3512 Euclid Avenue. Received August 2, 2005.

- 12-1: The commentor does not support the creation of an agricultural buffer between Geer Road and Euclid Avenue, a General Plan policy issue. The comment also outlines some reasons why agricultural uses would be incompatible with adjacent development. The Draft EIR does address the potential incompatibility of new development with agricultural operations on pages 4.2-13 to 14 and pages 4.7-9 to 10. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required.



September 7, 2005

Honorable Hughson City Council
City Of Hughson
7018 Pine Street
Hughson, Ca 95328

Subject: Comments to General Plan Draft Document
Dated May 27, 2005 and General Plan Errata
Dated June 30, 2005

Dear Councilmembers:

At your request I am committing in writing my verbal comments expressed at your August 22, 2005 City Council meeting.

As stated previously, I represent a group of landowners located at the southeast corner of Hatch and Santa Fe, who comprise approximately 71 acres.

Dennis E. Wilson
Land Planning and
Zoning Consultant

P.O. Box 1448
Modesto, California
95363

phone 209.491.7820
fax 209.491.7826

e-mail: dwilson@arrival.net

An annexation request was originally filed with the City of Hughson in December of 2002. That application has not been processed. In November of 2004 my Clients paid a \$15,000 deposit towards time that will be spent on this project by City staff and re-filed the annexation request.

13-1

The City of Hughson has been in the process of updating the general Plan for some time and several changes in the land use and circulation categories have raised serious concerns regarding the ultimate feasibility of development of the land in question. They are as follows:

1. Commercial Designation Affecting the Hughes Parcel (APN: 16-17-02). Based on my 40 plus years experience in the land use field, this is not a viable commercial location due to poor visibility, access from Hatch and Santa Fe Avenues, a market area of less than 45 degrees and detrimental effects upon downtown re-development and revitalization.
2. Proposed 8500 Sq. Ft. Minimum For Residential Lots. With the current rise in land, development costs and housing prices, it seems counter productive to increase lot sizes, which leads to less affordable housing than now exists in Hughson. Instead most communities are exploring smaller lots in the 3,000 to 5000 square foot range as a means of reducing costs, increasing density and

13-2

13-3

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HORIZON CONSULTING

No.6667 P. 3

affordability. Cities such as Lodi, Stockton, Manteca and Modesto have already adopted guidelines to permit such development. Larger lots only contribute to an accelerated urbanization of prime farmland and sprawl.

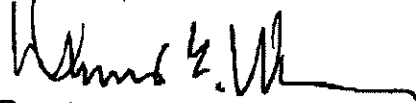
13-3

3. Circulation Element Changes. The General Plan draft errata proposes an 80' wide major collector extension of Mountain View Road through the Hughes and Martella properties, south across Hatch Road, the T.I. D. main canal and an ultimate intersection with Santa Fe Avenue. Not only would this create an expensive 4-way intersection slightly more than 1320 feet from the Santa Fe Avenue and Hatch Road intersection, it would not serve useful purpose in relieving traffic congestion at the aforementioned intersection. Stanislaus County is rapidly approaching completion of the design phase of the renovation, widening and signalization of Hatch and Santa Fe which will go a long way towards improving traffic congestion at this location.

13-4

I will be in attendance at the regularly scheduled meeting on September 12, 2005 to discuss my Clients concerns and answering questions you may have.

Sincerely,



Dennis E. Wilson

DEW/chw

Cc: Jim Sadler, Esq.
Cyrus Amirfar
Terry Gelman
Warren and Don Hughes
Ron Martella

LETTER 13: Dennis Wilson, Modesto. Received September 8, 2005.

- 13-1: This comment refers to an annexation process that is outside the scope of the Draft General Plan and EIR. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required.
- 13-2: This comment outlines an argument of why commercial uses are not appropriate for the parcels to the southeast of the Hatch Road/Santa Fe Avenue intersection. This is a General Plan policy issue. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required.
- 13-3: This comment outlines an argument of why the 8,500 square foot lot minimum is not appropriate for residential areas. This is a General Plan policy and zoning issue since the City has already adopted the 8,500 square foot requirement as part of its zoning code. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required.
- 13-4: This comment questions the usefulness of the proposed Mountain View Road extension between Hatch Road and Santa Fe Avenue. The proposed roadway would be located approximately $\frac{1}{4}$ mile from the Santa Fe Avenue/Hatch Road intersection, which is a distance that could be compatible with the County's proposed Expressway designation for both roadways. The Mountain View Road extension was intended to provide capacity for access to the commercial and higher density residential uses proposed for the area surrounding the roadway, and was not designed with the sole purpose of relieving congestion at the Hatch Road/Santa Fe Avenue intersection. The comment does not address the adequacy of the Draft EIR, so no additional change to the Draft EIR is required.