# FINAL
# ENVIRONMENTAL IMPACT REPORT

## MORGAN RANCH MASTER PLAN
## SCH #2012022039

**March 2015**

Quad Knopf

FINAL
ENVIRONMENTAL IMPACT REPORT

# Morgan Ranch Master Plan
# SCH #2012022039

**Prepared for:**

City of Turlock
Development Services Department, Planning Division
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Turlock, CA
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**Consultant:**

Quad Knopf

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**March 2015**

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# SECTION ONE

# INTRODUCTION

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# INTRODUCTION

## *1.1 Purpose*

The Environmental Impact Report for the Morgan Ranch Master Plan (SCH #2012022039) project was prepared to disclose, analyze, and provide mitigation measures for all potentially significant environmental effects associated with adoption and implementation of the proposed Project. Preparation of an environmental impact report is a requirement of the California Environmental Quality Act (CEQA) for all discretionary projects in California that have a potential to result in significant environmental impacts.

Following the preparation of the Draft Environmental Impact Report (Draft EIR), a public review period was held from November 17, 2014 to January 5, 2015. CEQA requires that a Final Environmental Impact Report (Final EIR) be prepared, certified and considered by public decision makers prior to taking action on a project. The Final EIR provides the Lead Agency (i.e., City of Turlock) an opportunity to respond to comments received on the Draft EIR during the public review period and to incorporate any additions or revisions to the Draft EIR necessary to clarify or supplement information contained in the Draft document. This Final EIR includes the responses to comments received during the public review period and any other errata or changes necessitated by comments on the Draft EIR. The Draft EIR and this document constitute the Final EIR for the Morgan Ranch Master Plan project and include all of the information required by Section 15132 of the CEQA Guidelines.

## *1.2 Scope and Format*

Section One of this document introduces and outlines the purpose, scope**,** and format of the Final EIR. Section Two explains the public review process and lists all agencies and individuals who commented on the Draft EIR. Section Three consists of the actual letters of comment, reproduced in their entirety, and the responses to each written comment received on the Draft EIR. These responses are intended to supplement or clarify information contained in the Draft EIR, as appropriate, based on the comments and additional research or updated information. Additions to the Draft EIR are shown in <u>underline</u> and deletions shown in ~~strikeout~~ format. Each response follows the associated letter or document. Each letter and document has been numbered (e.g., Letter 1, Letter 2). Within each letter or document, individual comments are assigned an alphanumeric identification. For example, the first comment of Letter 1 is Comment 1A, and the second is Comment 1B. Section Four contains the corrections that have been made to the Draft EIR based on comments received on the Draft EIR and updated information that has become available. Section Five contains a Mitigation Monitoring and Reporting Program (MMRP). Following Section Five are any additional appendices supporting Final EIR responses to comments.

# SECTION TWO

# OVERVIEW OF COMMENTS RECEIVED

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# OVERVIEW OF COMMENTS RECEIVED

## *2.1 Public Review and Comment Procedures*

CEQA requires public disclosure in an EIR of all project environmental effects and encourages public participation throughout the EIR process. As stated in Section 15200 of the CEQA Guidelines, the purposes of public review of environmental documents are:

1) sharing expertise
2) disclosing agency analyses
3) checking for accuracy
4) detecting omissions
5) discovering public concerns
6) soliciting counter proposals

Section 15201 of the CEQA Guidelines states that "Public participation is an essential part of the CEQA process." A public review period of no less than 30 days nor longer than 60 days is required for a Draft EIR under Section 15105(c) of the CEQA Guidelines. If a State agency is a lead or responsible agency for the project, the public review period shall be at least 45 days. As required under CEQA, the Draft EIR was published and circulated for the review and comment by responsible and trustee agencies and interested members of the public. The public review period ran from November 17, 2014 to January 5, 2015, a period of 50 days. All written comments received on the Draft EIR are addressed herein.

## *2.2 Agencies and Individuals Who Commented on the Draft EIR*

Letter 1: Scott Morgan, Director, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

Letter 2: Stanislaus County Hazardous Materials Division

Letter 3: Carl R. and Shirley A. Grubb

Letter 4: Dr. Sonny H DaMarto, Superintendent, Turlock Unified School District

Letter 5: Tom Dumas, Chief, Office of Metropolitan Planning, Caltrans

Letter 6: Trevor Cleak, Environmental Scientist, Central Valley Regional Water Quality Control Board

Letter 7: George A. Petulakis, Petrulakis Law and Advocacy, APC

Letter 8: Arnaud Marjollet, Director of Permit Services, San Joaquin Valley Air Pollution Control District

| | |
|---|---|
| Letter 9: | Milton Trieweiler |
| Letter 10 | Todd Troglin, Supervising Engineering Technician, Civil, Turlock Irrigation District |
| Letter 11 | Molly Penberth, Manager, Division of Land Resource Protection, Conservation Support Unit, Department of Conservation |
| Letter 12 | Delilah Vasquez, Management Consultant, Environmental Review Committee, Stanislaus County |
| Letter 13 | Dick Jones, Environmental Scientist, San Joaquin Branch, Department of Toxic Substances Control |
| Letter 14 | Miguel Galvez, Senior Planner, Stanislaus County Airport Land Use Commission |

# SECTION THREE

# RESPONSES TO COMMENTS

# SECTION THREE
# RESPONSES TO COMMENTS

This section contains the letters of comment that were received on the Draft EIR. Following each comment letter are responses intended to either supplement, clarify, or amend information provided in the Draft EIR, or refer the commenter to the appropriate place in the Draft EIR where the requested information can be found. Those comments that are not directly related to environmental issues are briefly described and noted for the record.

### *Letter 1 Scott Morgan, Director, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit*

**Comment 1A:** The commenter indicates that the Draft EIR has been submitted to selected State agencies for review, that the comment period ended on January 5, 2015, and that comment letters from responding agencies are attached. The letter concludes by noting that the City has complied with State Clearinghouse requirements for draft environmental documents pursuant to the California Environmental Quality Act.

**Response 1A:** The comment is noted. It should also be noted that the City provided a review period in excess of the 45-day minimum required by CEQA to account for the Christmas and New Year's holidays.

**LETTER 1**

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

January 12, 2015

RECEIVED
JAN 14 2015
CITY OF TURLOCK
Planning Division

Katie Quintero
City of Turlock
156 South Broadway, Suite 120
Turlock, CA 95380

Subject: Morgan Ranch Master Plan
SCH#: 2012022039

Dear Katie Quintero:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on January 5, 2015. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

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

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2012022039) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

January 6, 2015

RECEIVED
JAN 9 2015
CITY OF TURLOCK
Planning Division

Katie Quintero
City of Turlock
156 South Broadway, Suite 120
Turlock, CA 95380

Subject: Morgan Ranch Master Plan
SCH#: 2012022039

Dear Katie Quintero:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 5, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

### *Letter 2 Stanislaus County Hazardous Materials Division*

**Comment 2A:** The commenter concludes that the proposed project may have a significant effect on the environment. This is because the project site may contain pesticide residues, underground storage tanks, buried chemicals, buried refuse, or contaminated soils. Consequently, a Phase I, and possibly a Phase II, study is recommended prior to issuance of a grading permit.

**Response 2A:** The potential for hazardous materials to be present on the site is addressed in the Draft EIR. Potentially significant impacts are acknowledged, and Mitigation Measures 3.8.3a and 3.8.3b are recommended to reduce potential impacts to less-than-significant levels. The mitigation measures require on-site inspection and analysis prior to issuance of demolition permits and prior to issuance of grading permits. The mitigation measures require full remediation of any hazardous materials encountered prior to project development. The potential impacts associated with hazardous materials will be reduced to less-than-significant levels. No further actions are warranted.

## LETTER 2

November 18, 2014

TO: CITY OF TURLOCK PLANNING DIVISION

FROM: STANISLAUS COUNTY HAZARDOUS MATERIALS DIVISION

SUBJECT: CITY OF TURLOCK MORGAN RANCH MASTER PLAN

The Stanislaus County Hazardous Materials Division has reviewed the information available on the subject project and it is our position that the project **may have a significant effect on the environment**. Listed below are the specific impacts which support our determination and the mitigation or condition that needs to be implemented:

The 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 study, and Phase II study if necessary) prior to the issuance of a grading permit. DER recommends research be conducted to determine if pesticides were used on the proposed development site; if confirmed, suspect site areas should be tested for organic pesticides and metals. 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.

**A**

### *Letter 3 Carl R. and Shirley A. Grubb*

**Comment 3A:** The commenter suggests that the high density housing shown on the site plan should be moved to a location near SR 99.

**Response 3A:** The commenter's opinion is noted. This is a land use decision that is the responsibility of the City of Turlock. There are no environmental issues addressed in the comment. As such, further response is not required.

**Comment 3B:** The commenter suggests that it is inappropriate to convert Golf Road, which is currently a two-lane road, to a four-lane road, as proposed by the Master Plan. The commenter states that by doing so, hazardous traffic conditions will be created, including adding to the difficulty of exiting their residential driveway into oncoming traffic. The commenter observes that a turn-around area that allows vehicles to exit the property in a forward direction, rather than a backing out direction, will be lost as a result of the road widening, adding to the hazardous traffic condition. The commenter also predicts that their property value will decrease as a result of fronting on a four-lane road and as a result of high density housing across the street. The Draft Master Plan and Draft EIR identify Golf Road as a two-lane divided arterial.

**Response 3B:** Prior to release of the Draft EIR, the project was revised to keep Golf Road as a 2-lane road south of Glenwood Avenue. The City commissioned the preparation of a traffic impact study, which is excerpted in Section 3.15 of the Draft EIR and included in its entirety in Appendix I, in order to assess potential project-related impacts on the local roadway system, to suggest new roads required to handle anticipated traffic, and to suggest upgrades to existing roads in order to maintain adopted levels of service. It is anticipated in the City's General Plan that Golf Road north of Glenwood Avenue may need to be widened to 4 lanes at some point in the future. However, this project does not trigger such widening to 4 lanes and is not proposed as a part of this project.

**Comment 3C:** The commenter expresses concern about loss of a connection between Glenwood Avenue and Golf Road and the difficulties of making local trips.

**Response 3C:** The commenter's opinion is noted. The connection between Golf Road and Glenwood Avenue is not proposed for elimination. See Figure 4-1 of the Master Plan for the Circulation Plan. The traffic report prepared for the Master Plan includes an analysis of area-wide circulation impacts that will result from the Master Plan. The report assesses potential changes in level of service. The traffic report and Transportation/Traffic section of the Draft EIR indicate that, although the level of service (LOS) will be reduced, the LOS will not be below the City's adopted threshold of LOS D. Potential inconveniences as a result of increased traffic and signalization are not environmental issues that can be analyzed. There are no additional environmental issues requiring response.

**Comment 3D:** The commenter suggests that a traffic signal near SR 99 will create a dangerous traffic situation.

**Response 3D:** Refer to Response 3B.

**Comment 3E:** Presumably, the commenter questions why the Morgan Ranch Arterial Road needs to be a four-lane road. The commenter suggests that traffic speeds will increase, resulting in increased hazards.

**Response 3E:** Refer to Response 3B.

**Comment 3F:** The commenter suggests that the Master Plan should be re-visited to reduce hardships that it will cause on property owners outside the plan area.

**Response 3F:** Refer to Response 3B.

**Comment 3G:** The commenter indicates that public notification of the proposed master plan was insufficient, given its large geographical effect.

**Response 3G:** The comment is noted; however, the City disagrees that public notification was deficient. The Morgan Ranch Master Plan and Draft Environmental Impact Report were circulated in conformance with the California Environmental Quality Act (CEQA). A Notice of Availability was sent to agencies and to property owners within a 500-foot radius. The Notice was posted at the Stanislaus County Clerk-Recorder's Office on November 17, 2014 and filed with the State Clearinghouse on November 14, 2014. A legal notice was published in the *Turlock Journal* on November 19, 2015. The official 45-day comment period ran from November 14, 2014 to January 5, 2015. The Master Plan and Draft EIR were also posted on the City's webpage for public viewing.

**Comment 3H:** The commenter asks why Golf Road can't remain a two-lane road.

**Response 3H:** Refer to Response 3B.

**Comment 3I:** The commenter notes that the proposed Master Plan will exacerbate already congested roadways, making travel along Glenwood Avenue more difficult.

**Response 3I:** The commenter's concern is acknowledged. The traffic study and Draft EIR conclude that traffic on Glenwood Avenue will increase as a result of the Master Plan and that the level of service (LOS) will be reduced to below City standard thresholds. Also, see Response 3E. It should also be noted that the Master Plan includes several proposed roadway entry points on East Glenwood Avenue, in addition to the proposed entry point on Golf Road.

**Comment 3J:** The commenter suggests that adding land uses that may be occupied by renters rather than owners will result in poor property maintenance and increased crime.

**Response 3J:** The commenter's opinion is noted. However, there is no evidence to support this allegation. Moreover, the comment does not raise environmental issues requiring response.

**Comment 3K:** The commenter states that police coverage of the project area is currently deficient and that the proposed Master Plan will exacerbate the situation.

**Response 3K:** The EIR analyzed the potential impact of the proposed Master Plan on police services and determined that, through compliance with existing regulations and payment of

standard impact fees, the proposed Master Plan would result in a less-than-significant impact on law enforcement.

**Comment 3L:** The commenter asks what effect the proposed Master Plan will have on fire protection services and whether a new, closer fire station will be constructed.

**Response 3L:** The EIR analyzed the potential impact of the proposed Master Plan on fire protection services and determined that, through compliance with existing regulations and payment of standard impact fees, the proposed Master Plan would result in a less-than-significant impact on fire protection. A feasibility study of locations for construction of Fire Station 5 is now underway.

**Comment 3M:** The commenter notes that the Morgan Ranch developers will likely not be residents of the proposed Master Plan and that their motivation for promoting the project is purely financial.

**Response 3M:** The commenter's opinion is noted. It should be noted that the City of Turlock is the Master Plan proponent and the author of the Master Plan. There are no environmental issues requiring response.

**Comment 3N:** The commenter recommends that any two-story homes be constructed in the center of the Master Plan, rather than on the perimeter, because these homes will likely not be well maintained, and residents abutting the Master Plan should not be forced to see poorly maintained properties.

**Response 3N:** The commenter's opinion is noted. There are no environmental issues requiring response.

**Comment 3O:** The commenter asks that adjacent neighbor concerns be considered.

**Response 3O:** The commenter's request is noted. The Master Plan process has been lengthy, and numerous noticed public hearings have been conducted. A key element of the master planning and environmental review processes is solicitation of comments from members of the public and response to those comments. Ultimately, the Turlock City Council will consider all comments offered and weigh the benefits of the proposed Master Plan against the potential environmental impacts.

**LETTER 3**

6.

# CEQA Scoping Meeting Comment Form

## Please give us your comments!

*** Required Fields.** Please print clearly.

| | | | | | |
|---|---|---|---|---|---|
| **Name (First and Last)*** | CARL R. GRUBB<br>SHIRLEY A. GRUBB | | | | |
| **Organization** | HOMEOWNERS | | | | |
| **Title** | | | | | |
| **Address*** | 2030 GOLF RD. TURLOCK | | | | |
| **City*** | TURLOCK | **State*** | CA. | **Zip Code*** | 95380 |
| **E-mail** | — | | | **Phone*** | |

Completing this form will automatically add you to the mailing list for project updates and notices of document availability. If you prefer to not be on the mailing list, please check this box ☐

### Comments on the Scope of the Environmental Impact Report:

PLEASE SEE THE ATTACHED PAGES OF COMMENTS

(6)

These comments were first submitted just following the Scoping meeting in 2012. Some of the issues have changed, but our concerns are still valid. Since you probably no longer have the original comment forms, I was told to turn them in again.

We agree that the High Density Housing could & should be moved to the green area NEAR the Freeway. Better for everyone!

A

Responses must be received by March 12, 2012

1.

Reasons for Golf Road not to become a 4 lane road:

The idea of making Golf Road a 4-lane road from slightly north of the Musso property at the planned stoplights is not sensible. Having a 2-lane road (north of Musso's) abruptly change into a 4 l-lane road (at the foot of an over-pass no less) for a little over a mile does not make sense to drivers heading north or south on Golf Road. Are Merced and Stanislaus counties prepared to widen the rest of Golf Road to August Avenue?

The proposed 4 lanes will be at our front doors! What of the added noise, bad air quality, and accidents from the increased traffic?

If we did not now have a turn-around area in front of our house, we could not back out of our driveway onto Golf Road. The turn-around allows us to back out and then turn to head out onto Golf Road, instead of backing out into on-coming traffic. (There are no homes on this stretch of Golf Road who do not have areas to turn and head out onto Golf Road. No one backs out.) With a 4-lane road we would lose this area, and trying to back out into the added traffic would be more than dangerous for us. B

We would also lose any parking area for visitors that we now have. Where would anyone park on a 4-lane road?

We have a large 5th wheel trailer that is parked on our property next to our house. The access is through the turn-around in front of our house, through double gates to the parking area. How would we enter, leave, or park under the conditions if we lose the area in front

of our house? What will happen with the added traffic and no maneuvering space? An accident waiting to happen!

With no front yard to speak of, and fronting on a 4-lane road, our property value will plummet. Our home was only built 3 years ago, but who would want to buy a home with such close proximity to a busy 4-lane road? Add that to proposed high-density housing just across the street, and the chance of ever selling our home at a decent price are nil. **B**

If Glenwood Avenue is no longer an entrance/exit on Golf Road, this is going to present a real problem for us to have access to our pharmacy and grocery on Lander Avenue. Now, it is only a quick mile down Glenwood Avenue to reach them. If we lose our turn-around drive, we will need to back out onto 4-lane Golf Road and try to make an immediate left turn into traffic, go south to the proposed signal, and turn onto the proposed 4-lane road, and then to Lander Avenue! Not only is this distance much further, but getting onto Golf Road will be an almost impossible challenge (especially when you are in your 70's). I cannot think of the fog and the rain added to this mess. You are setting us up for accidents! **C**

Signal light so near the foot of the over-pass, with a road change from 2 to 4 lanes at this point, seems very dangerous. Drivers coming northbound on Golf Road on the over-pass will have a change just ahead (not good for speeders!). **D**

3.

Why does a sub-division of this size need to have a 4-lane road (from Lander Avenue to Golf Road)? No other sub-division in Turlock, to the north or east has more than a 2-lane road (or roads) through it. (Taylor Road and Christopherson Parkway are main arteries, not sub-division roads.) A wide 2-lane road with turning lanes as-or-if needed should be sufficient. A 2-lane Golf Road at the proposed signal could have turning lanes to take care of traffic. A 2-lane sub-division road could have turning lanes into streets, and continue into a 2-lane Golf Road. It would discourage speeding and would be controlled by speed limit signs. 4 lane traffic encourages faster driving and unsafe passing vehicles entering the main road would have a much better safety chance is the traffic was slower. **E**

The plans as they stand certainly are not acceptable, and more and better planning needs to be done. The displacing of property and the hard-ship that will be placed on so many families really needs to be addressed. **F**

Many of the people, whose property will be affected, even though they are not adjacent to the planned project, were not aware or notified. This was an over-sight on your part. Everyone north of Glenwood Avenue on Golf Road will be affected in some way and should have been notified of the plans for Golf Road. **G**

Why can't Golf Road just be made into a good 2-lane road? We don't need more traffic and speed that will be the end result with 4 lanes. **H**

Regarding the only one street for exiting and entering the sub-division:

With the narrow, winding streets, and on-street parking, it seems it will be very difficult for emergency vehicles to maneuver. Plus, with short, (1 car-length) driveways and street parking (see Linwood Avenue between Golf Road and Lander Avenue and the sub-divisions between Linwood Avenue and Glenwood Avenue) it will make for difficult access. The pre-mentioned areas have vehicles parked all over – 24 hours a day! This will be more of the same. I

Would yards and property be maintained by owners of the rentals? Realistically, these types of areas don't have a great track-record of home and yard up-keep, and when they do downhill they attract unsavory residents. We don't need more of that! Our home has been broken into twice and property in our yard and out-buildings taken many times. J

Police services are few and far between in our area now. How are they going to handle more population and territory? Is there money to hire more officers? K

There also was no mention made at the Socping meeting regarding Fire Service. Is another fire station going to be built near here, especially with so many houses another school being built? If not, the nearest station will be at Minaret and Marshall, quite a distance away. L

5.

The developers of Morgan Ranch are not going to be living there. They seem to have forgotten that those of us who are living here are being put-upon and cheated of our rights and property. M

**Everything cannot be changed to satisfy developer's greed!**

Regarding the proposed High Density housing planned for the property at Glenwood Avenue and Golf Road:

We are only going on the assumption that the same plans we were given 4 or 5 years ago regarding the property are the same. They are what we are basing our concerns on. No other information has been given us, and no-one at the Scoping meeting could give us any information.

Our feelings are that any 2 story houses should be built in the center of the project, not around the perimeter of Golf Road and Glenwood Avenue. N

Even with a wall along Golf Road and Glenwood Avenue, we will be faced with the rear views of these houses. These houses will be low-income, and for the most part, rentals. (Be realistic, who would buy one of these?) At lease with 1 story houses backing to the walls, we would not be forced to see broken blinds and curtains hanging out of 2nd story windows! Put the 2 story houses in the center of the sub-division. (Don't make it another Berkeley/Bothum or Fulkerth near the Fairgrounds.)

We hope the developers and planners will read and listen to the neighbors concerns. | O

We have everything to lose and nothing to gain.

Sincerely,

Carl R. Grubb
Shirley A. Grubb
2030 Golf Rd.
Turlock, CA 95380
Ph. 634-7993

### *Letter 4 Turlock Unified School District*

**Comment 4A:** The commenter indicates that the District intends to proceed with acquisition of the designated school site in the Morgan Ranch Master Plan, and observed that the EIR provides a programmatic analysis of school-related impacts that the District will tier upon at the time it proposes school facility development.

**Response 4A:** The comment is acknowledged.

**Comment 4B:** The commenter points out that, while the EIR refers to an 11.1-acre site for elementary school development, the District will require a site with 12.0 net acres.

**Response 4B:** The comment is acknowledged. The Master Plan will be revised to reflect the 12-acre site requirement.

**Comment 4C:** The commenter notes that the EIR incorrectly contains numerous references to 300 students associated with the proposed school site, whereas the District intends to build a school that will accommodate 900 students. If the school is developed in phases, the first phase would accommodate 650 to 700 students.

**Response 4C:** The comment is acknowledged. The EIR is hereby revised to reflect the District's student attendance expectations.

**Comment 4D:** The commenter observed that the number of students expected to be generated by construction of 1,325 to 1,660 residential units is not correctly described in the EIR. The District projects that the Master Plan residences will generate 500 to 600 kindergarten through sixth grade (K-6) students and 330 to 400 seventh through twelfth grade (7-12).

**Response 4D:** The comment is acknowledged. The EIR is hereby revised to reflect the District's student attendance expectations.

**Comment 4E:** The commenter suggests that, with regard to Impact 3.13.3, it should be noted that the State of California restricts and limits fees school districts may charge to levels below the actual costs of school development. Since a statewide bond was not passed in 2014, there are currently no matching funds available from the State to support school construction. The City recognizes that the timing of bond measures may not coincide with when schools need to be constructed.

**Response 4E:** The comment is acknowledged. In fact, State law prohibits lead agencies from requiring mitigation that exceeds State limits. In other words, the State-specified fees are deemed to constitute adequate mitigation.

**Comment 4F:** The commenter asks for confirmation that the District will not be charged Capital Facility Development Fees, in accordance with policies adopted in the 2012 General Plan Update. Such fees are not recognized or funded by the State and would constitute an additional tax on the District. The commenter asks that the fiscal analysis for the Master Plan address this issue.

**Response 4F:** According to Turlock Municipal Code Section 8-11-04(b)(1), public schools are exempt from the City's capital facilities fee program.

**Comment 4G:** The commenter expresses appreciation to the City's for its efforts in addressing the potential impacts of the Morgan Ranch project on the District.

**Response 4G:** The comment is acknowledged. The City appreciates its relationship with the District and the District's service to the community.

**LETTER 4**

Turlock Unified School District
*Learning Today... Leading Tomorrow*
choose civility

**Dr. Sonny H. Da Marto**
*Superintendent*

December 19, 2014

Katie Quintero, Associate Planner
Development Service Department
Planning Division
City of Turlock
156 South Broadway, Suite 120
Turlock, CA 95380-5454

SUBJECT: Morgan Ranch Master Plan – Draft Environmental Impact Report

Dear Ms. Quintero:

The City of Turlock is proceeding with the Morgan Ranch Master Plan for future development in the south Turlock General Plan Area. The Morgan Ranch Master Plan Draft Environmental Impact Report (EIR) was prepared as a "program" EIR that allows the Turlock Unified School District to incorporate the environmental documentation and findings into the District's environmental review for the acquisition and development of a school site. The District greatly appreciates the City of Turlock's efforts serving as lead agency. The District will not have to duplicate these efforts and only have to address the specific environmental impacts resulting from the design of the school. **A**

I have reviewed the Draft EIR with the long term benefits to the District as the goal. The District has the following concerns and comments based on this review:

1. There are numerous references to an "11.1 acre" school site in the Draft EIR. The District will acquire twelve (12.0) net acres for the development of an elementary school. **B**

2. There are numerous references to "300 students" associated with the school site in the Draft EIR. A "300 student" public school is not a viable school project given the costs needed to develop the school. The District will design a school to house approximately 900 students. The phasing assumptions shown in Table 2-3 only provides for "300 students" even though additional residential development occurs in subsequent phases. The District may develop the school in phases but the first phase would house between 650 to 700 students. **C**

1574 E. Canal Drive, PO Box 819013 • Turlock, CA 95381-9013 Ph (209) 667-0633 Fax (209) 667-6520

3. The number of students generated by the Morgan Ranch Master Plan residential development is not addressed in the Draft EIR. The development of 1,325 to 1,660 residential units in the Morgan Ranch Master Plan area will generate approximately 500 to 600 Kindergarten through Sixth Grade (K-6) students and will generate approximately 330 to 400 Seventh through Twelfth Grade (7-12) students. **D**

4. Under the discussion for "Impact #3.13.3 – Increased Demand on Public Schools," Fourth Paragraph, it must be noted that the State of California restricts and limits fees the District may charge below the actual costs of the capital improvements necessitated by new development. The State of California failed to provide a school bond measure on the November 2014 ballot and the State Allocation Board has allocated all available school construction funds. Currently, there are no State matching funds available to support future school construction. **E**

5. It is the District's understanding that public school projects will not be charged "Capital Facility Development Fees" based on the policies adopted in the 2012 update to the City of Turlock General Plan. The State Allocation Board does not recognize or fund "Capital Facility Development Fees" in the State grant programs for new construction. "Capital Facility Development Fees" constitute an additional tax to District property owners when applied to public school projects designed to mitigate the impacts of new residential and commercial/industrial development. The fiscal analysis for the Morgan Ranch Master Plan should address this change in policy by the City of Turlock. **F**

The District greatly appreciates the City of Turlock's efforts for the Morgan Ranch Master Plan and the support and cooperation with the Turlock Unified School District in addressing the impacts of the proposed project. Please do not hesitate to contact me if there are questions regarding the District's concerns and comments. **G**

Sincerely,

Sonny H. Da Marto

Dr. Sonny H. Da Marto,
Superintendent

SHD:rks:rc

1574 E. Canal Drive, PO Box 819013 • Turlock, CA 95381-9013 Ph (209) 667-0633 Fax (209) 667-6520

### *Letter 5 Caltrans*

**Comment 5A:** The commenter notes that the Traffic Impact Analysis shows that delays at the Lander Avenue/SR-99 ramps will be significantly increased as a result of this project. However, the Draft EIR shows no proposed mitigation for additional traffic on the SR-99 ramps. Furthermore, traffic impact fees should be collected on a "fair share" basis toward future improvements to the SR 99 northbound and southbound ramps.

**Response 5A:** Improvements to the Land Avenue/SR 99 ramps are included in the City Capital Facility Fee Program. Payment of fees into the Program is sufficient mitigation.

**Comment 5B:** The commenter notes that the traffic study did not analyze "existing plus approved projects scenarios" with and without project, and asks for this analysis and the electronic files for review.

**Response 5B:** The analysis included, as required by CEQA, existing and cumulative analyses, with and without the project. Approved development is included in the cumulative analysis, which represents buildout of the General Plan.

**Comment 5C:** The commenter notes that page 17 of the EIR provided the project trip generation rates, and asks what units were used for the school's daily trip calculations.

**Response 5C:** School trips were generated using a "per student" rate for a 300-student elementary school. The cumulative traffic analysis looks at impacts associated with a 900-student elementary school.

**Comment 5D:** The commenter points out that the results of a Simtraffic microsimulation were not provided for review, and asks that this be provided for review, including the electronic files.

**Response 5D:** Simtraffic microsimulation was not included in the scope of this project's traffic impact analysis. Instead, Syncro HCM files were provided to Caltrans, which is consistent with Caltrans guidelines and should be sufficient.

**Comment 5E:** The commenter notes that on page 14 Table 3, the delay and LOS do not match the Synchro electronic files. Also, delay and LOS on page 22 Table 7 do not match the Synchro electronic files. The commenter also states that when the HCM 2010 button in Synchro is selected, the results are different from the ones provided. Also, reports for HCM 2010 Signalized Intersections do not correspond to the results provided. The commenter asks that the analysis be revised and the results provided to the commenter for review.

**Response 5E:** HCM 2010 methodology was not used in this traffic study. This study was initiated prior to proper implementation of HCM 2010 methodology in Synchro and therefore HCM 2000 methodology was used. The Appendix LOS worksheets match the reported LOS and delay values in the report tables.

**Comment 5F:** The commenter notes that the percentage truck traffic data used by Caltrans is 12.5%, whereas the Synchro outputs all used 10%. The Caltrans data for this location should be used.

**Response 5F:** The truck percentage was obtained from the SR-165 data at the location closest to the Lander Avenue interchange, which is 4.9%. The traffic engineer increased the percentage, as noted on Page 11 of the traffic study report to provide a conservative analysis that reflects data collected on Lander Avenue indicating higher truck activity.

**Comment 5G:** The commenter notes that any work within SR-99 right-of-way will require an Encroachment Permit.

**Response 5G:** The comment is acknowledged and understood.

**DEPARTMENT OF TRANSPORTATION**
DISTRICT 10 DIRECTOR
P.O. BOX 2048
1976 E. DR. MARTIN LUTHER KING JR. BLVD.
STOCKTON, CA 95205
PHONE (209) 948-7943
FAX (209) 948-3670
TTY 711
www.dot.ca.gov

**LETTER 5**

*Serious drought.*
*Help save water!*

December 30, 2014

**10-STA-99-PM R001.458-R001.841**
**Morgan Ranch Master Plan**
**Draft EIR**
**SCH #2012022039**

Katie Quintero
Associate Planner
Planning Division
156 S. Broadway, Suite 120
Turlock, CA 95380-5454

Dear Ms. Quintero:

The California Department of Transportation appreciates the opportunity to have reviewed the Draft Environmental Impact Report for the Morgan Ranch Master Plan. The project is located on a 170 acre area bounded by Lander Avenue on the west, Glenwood Avenue on the north, Golf Road on the east, and Highway 99 on the south. The project includes 135.2 acres of residential development, 8.9 acres of community commercial development, and 1.5 acres of office development. The Department's comments are as follows:

1. The Traffic Impact Analysis shows that delays at the Lander Avenue/SR-99 ramps will be significantly increased as a result of this project. However, the DEIR shows no proposed mitigation for additional traffic on the SR-99 ramps. Traffic Impact fees should be collected on a "fair share" basis toward future improvements to the SR 99 northbound and southbound ramps. **A**

2. The Traffic Impact Study did not analyze "existing plus approved projects scenarios" with and without project. Please provide this along with the electronic files for review. **B**

3. Page 17 of the study provided the project trip generation rates. What units were used for the school's daily trip calculations? **C**

4. The results after running the Simtraffic were not provided for review. Please provide these to review including the electronic files. **D**

5. On page 14 Table 3, the delay and LOS do not match the Synchro electronic files. Also, delay and LOS on page 22 Table 7 do not match the Synchro electronic files. If **E**

you select the HCM 2010 button in Synchro, the results are different from the ones provided. Also, when you select create report and select HCM 2010 Signalized Intersections the results, do not correspond to the results provided. Please revise and provide the current results for us to review.

**E cont.**

6. The percent truck based on the Caltrans data is 12.5%. The Synchro outputs all used 10%. The Caltrans data for this location should be used.

**F**

7. Any work within State right-of-way will require an Encroachment Permit.

**G**

If you have any questions or would like to discuss our comments in more detail, please contact Nicholas Fung at (209) 948-7190 or me at (209) 941-1921.

Sincerely,

TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

### *Letter 6 Central Valley Regional Water Quality Control Board*

**Comment 6A:** The commenter indicates that CVRWQCB is responsible for protecting the quality of surface and ground waters of the state, and that comments in the letter address those resources.

**Response 6A:** The comment is acknowledged.

**Comment 6B:** The commenter describes the requirements of a Construction Storm Water General Permit

**Response 6B:** The City acknowledges its responsibility for complying with this statewide requirement and will comply, as required.

**Comment 6C:** The comment describes the requirements for Phase I and II Municipal Separate Storm Sewer (MS4) Permits.

**Response 6C:** The City acknowledges its responsibility for complying with this statewide requirement and will comply, as required.

**Comment 6D:** The commenter describes the requirements of an Industrial Storm Water General Permit.

**Response 6D:** The City acknowledges its responsibility for complying with this statewide requirement and will comply, as required. However, there are no industrial sites proposed in the Master Plan.

**Comment 6E:** The commenter describes the requirements of the federal Clean Water Act Section 404 Permit.

**Response 6E:** The City acknowledges its responsibility for complying with this requirement and will comply, as required.

**Comment 6F:** The commenter describes the requirements of federal Clean Water Act Section 401 Permit – Water Quality Certification.

**Response 6F:** The City acknowledges its responsibility for complying with this requirement and will comply, as required.

**Comment 6G:** The commenter describes the requirements of federal Waste Discharge Requirements.

**Response 6G:** The City acknowledges its responsibility for complying with this requirement and will comply, as required.

**Comment 6H:** The commenter describes the requirements of Regulatory Compliance for Commercially Irrigated Agriculture.

**Response 6H:** The City acknowledges its responsibility for complying with this statewide requirement and will comply, as required. However, no commercially irrigated agricultural lands are proposed as part of the Master Plan.

**Comment 6I:** The commenter describes the requirements of Low or Limited Threat General NPDES Permit.

**Response 6I:** The City acknowledges its responsibility for complying with this requirement and will comply, as required.

California Water Boards

Edmund G. Brown Jr., Governor
Matthew Rodriquez, Secretary for Environmental Protection

Central Valley Regional Water Quality Control Board

19 December 2014

Katie Quintero
City of Turlock
156 South Broadway, Suite 120
Turlock, CA 95380

CERTIFIED MAIL
7014 2120 0001 3978 3378

**COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, MORGAN RANCH MASTER PLAN PROJECT, SCH# 2012022039, STANISLAUS COUNTY**

Pursuant to the State Clearinghouse's 17 November 2014 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Morgan Ranch Master Plan Project, located in Stanislaus County.

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

**Construction Storm Water General Permit**

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

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

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits**[1]

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

C

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

**Industrial Storm Water General Permit**

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

D

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

**Clean Water Act Section 404 Permit**

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

E

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

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

**Clean Water Act Section 401 Permit – Water Quality Certification**
If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

F

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

G

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

**Regulatory Compliance for Commercially Irrigated Agriculture**
If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.
There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

H

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100**. Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently $1,084 + $6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

**Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.

Trevor Cleak
Environmental Scientist

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

### *Letter 7 Petrulakis Law and Advocacy, APC*

**Comment 7A:** The commenter notes that the Draft EIR includes a number of mitigation measures intended to protect the San Joaquin Kit fox, including one that prohibits firearms on the project site.

**Response 7A:** The comment is acknowledged. The mitigation measure that is referred to by the commenter (Mitigation Measure #3.4.1b) is one of several mitigation measures that are designed to protect special-status species that are either known to be present or could potentially be present, in this case both the San Joaquin Kit fox and the American badger, which are identified as transient foragers in the Turlock area. Mitigation Measure #3.4.1b contains 12 subsections; subsection 7 contains the language prohibiting firearms on the project site. The language is based on standard recommendations provided by the U.S. Fish and Wildlife Service. The prohibition against the presence of firearms is intended to pertain only to the construction period, and is not intended to be an infringement upon Second Amendment protections afforded by the U.S. Constitution once development occurs. The mitigation measure has been revised to state the following: Use of firearms on the Master Plan site shall conform to U.S. Fish and Wildlife protocols.

**Comment 7B:** The commenter opines that prohibiting firearms on the site is an unconstitutional restriction upon the Second Amendment right to keep and bear arms.

**Response 7B:** The commenter's concerns are noted; however, the concerns do not address an environmental issue that it covered by the California Environmental Quality Act, nor is it within the purview of the California Department of Fish and Wildlife, a responsible agency that oversees the protection of special-status wildlife, such as the San Joaquin Kit fox. Since the commenter's concerns do not raise environmental issues no further response is warranted**.**

**Comment 7C:** The commenter states that mitigation measures imposed under CEQA must not be in conflict with constitutional requirements.

**Response 7C:** Please refer to Response 7B.

**Comment 7D:** The commenter states that mitigation measures imposed under CEQA must not be in conflict with constitutional requirements.

**Response 7D:** Please refer to Response 7B.

**Comment 7E:** The commenter suggests that if the mitigation measure subordinates the Second Amendment it should be deleted.

**Response 7E:** Please refer to Response 7B.

**LETTER 7**

PETRULAKIS LAW & ADVOCACY, APC
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POST OFFICE BOX 92
MODESTO, CA 95353-0092

January 5, 2015

Katie Quintero, Associate Planner
City of Turlock Development Services Department, Planning Division
156 South Broadway, Suite 150
Turlock, CA 95380

Re: Comments on Morgan Ranch Master Plan Draft EIR - Chapter 3.4 - Mitigation Measure #3.4.1b

Dear Ms. Quintero:

Mitigation Measure #3.4.1b in the Morgan Ranch Master Plan Draft EIR incorporates a number of the USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox.

Sub-measure number 7 states: "No firearms shall be allowed on the project site." **A**

While this sub-measure is an improper mitigation measure for a number of reasons, most seriously, it is an unconstitutional condition requiring land owners to waive their constitutionally protected Second Amendment rights to keep and bear arms in exchange for obtaining land use approvals and the associated environmental review under CEQA from the government. The government cannot condition the provision of a discretionary benefit or approval upon a requirement that a person give up a constitutionally protected right. **B**

While a "lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment," such authority must be "consistent with applicable constitutional requirements." CEQA Guidelines Section 15041(a). **C**

In addition, "(m)itigation measures must be consistent with all applicable constitutional requirements." CEQA Guidelines Section 15126.4(a)(4). **C cont.**

While such constitutional requirements often are the "nexus" and "rough proportionality" standards of regulatory exactions as noted in the sections of the CEQA guidelines cited above, other constitutional requirements also must be adhered to should the government attempt to infringe on these under the guise of environmental regulation. Here, Second Amendment rights would be eliminated on the project site by sub-measure 7, a misuse of the federal Endangered Species Act applied through the California Environmental Quality Act to this property. **D**

Since sub-measure number 7 subordinates Second Amendment rights to regulatory concerns of a non-constitutional stature, it is illegal and should be stricken. **E**

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

Very truly yours,

PETRULAKIS LAW & ADVOCACY, APC

George A. Petrulakis

cc: Clients

### *Letter 8 San Joaquin Valley Air Pollution Control District*

**Comment 8A:** The commenter offers clarification to a description of District Rule 9510 contained in Section 3.3 of the Draft EIR.

**Response 8A:** District-recommended clarification to Rule 9510 has been added to page 3.3-20 of the Draft EIR. The last paragraph on page 3.3-21 of the Draft EIR has been deleted.

**Comment 8B:** The commenter makes recommendations for future development under the Master Plan that may require further environmental review and mitigation.

**Response 8B:** Reponses to comment 8B are provided in comments 8C through 8F.

**Comment 8C:** The commenter recommends that potential health risks be further reviewed when approving future projects, including those that would be exempt from CEQA requirements.

**Response 8C:** Language has been added to Impact #3.3-4 which addresses the District's recommendations.

Note: Mitigation measure numbering was also revised to reflect the correct sequence.

**Comment 8D:** The commenter recommends for all future projects, as a condition of approval, before issuance of the first building permit the applicant must compliance with District Rule 9510 and pay all applicable fees.

**Response 8D:** Mitigation Measure #3.3-2m has been added to page 3.3-50 which addresses fees for SJVAPCD Rule 9510.

Note: Mitigation measure numbering was also revised to reflect the correct sequence.

**Comment 8E:** The commenter states that future projects may be subject to other air district Rules.

**Response 8E:** Text has been added to page 3.3-50 regarding other rules.

**Comment 8F:** The commenter states that the applicant is strongly encouraged to contact the District's Small Business Assistance Office regarding District rules, regulations, and other requirements.

**Response 8F:** Text has been added to page 3.3-50.

**Comment 8G:** The commenter makes recommendations on considering the District's design standards to reduce vehicle miles (VMT) traveled.

**Response 8G:** Applicants may contact the District independently for guidance on reducing VMT. Many of the District's suggested design standards are already incorporated into the Master Plan.

**Comment 8H:** The commenter provides information on Voluntary Emission Reduction Agreements (VERAs).

**Response 8H:** Information on VERAs has been added to page 3.3-21.

**Comment 8I:** The commenter provides information that new projects should include in regards to referral documents.

**Response 8I:** The City will provide documentation to the SJVAPCD on all future proposed projects that are subject to CEQA clearance.

**LETTER 8**

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

January 2, 2015

RECEIVED
JAN 05 2015
CITY OF TURLOCK
Planning Division

Katie Quintero
City of Turlock
156 S. Broadway, Suite 120
Turlock, California 95380-5454

**Project: Draft Environmental Impact Report for the City of Turlock Morgan Ranch Master Plan**

**District CEQA Reference No: 20140907**

Dear Ms. Quintero:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (Draft EIR) prepared for the City of Turlock Morgan Ranch Master Plan (Project). The Morgan Ranch Master Plan would modify the zoning of approximately 170 acres to allow for future residential, commercial, office, park, and educational development. The intent of the Project is to facilitate development by providing a framework to ensure that, over time, the built environment of the Plan Area will be cohesive and consistent with the overall vision of the City of Turlock. This Project will be used as a tool in the review and approval process of precise development proposals such as tentative subdivision maps, site plans, and improvement plans as they are proposed for the Plan Area. The Project is located in Turlock, California. The District offers the following comments on the Draft EIR:

1. In relation to District Rule 9510 (Indirect Source Review), the Draft EIR states on page 3.3-20 "any of the following projects require an application to be submitted unless the projects have mitigated emissions of less than two tons per year each of NOx and PM10." The Draft EIR then identifies the applicability thresholds in section 2.0 of District Rule 9510. The District would like to clarify, any project exceeding the applicability thresholds identified in section 2.0 of District Ruie 9510 are required to submit an Air Impact Assessment (AIA) application prior to seeking final discretionary approval regardless of whether the proposed projects mitigated emissions are below two tons per year NOx and PM10. **A**

2. The change in zoning for approximately 170 acres will not have an impact on air quality. However, future development within the Morgan Ranch Master Plan will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. New development may require further environmental review and mitigation. The District makes the following recommendations regarding future development: **B**

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

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

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

www.valleyair.org www.healthyairliving.com

A. Accurate quantification of health risks and operational emissions requires detailed site specific information, e.g. type of emission source, proximity of the source to sensitive receptors, and trip generation information. The required level of detail is typically not available until project specific approvals are being granted. Thus, the District recommends that potential health risks be further reviewed when approving future projects, including those that would be exempt from CEQA requirements. Specific consideration should be given when approving projects that could expose sensitive receptors to toxic air contaminants (TACs). If the analysis indicates that TACs are a concern, the District recommends that a Health Risk Assessment (HRA) be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. If there are questions regarding health risk assessments, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at hramodeler@valleyair.org. Additional information on TACs can be found online by visiting the District's website at http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm. **C**

B. Individual development projects will be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:

- 50 dwelling units
- 2,000 square feet of commercial space;
- 25,000 square feet of light industrial space;
- 100,000 square feet of heavy industrial space;
- 20,000 square feet of medical office space;
- 39,000 square feet of general office space; or
- 9,000 square feet of educational space; or
- 10,000 square feet of government space; or
- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above

**D**

The District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit for each project phase including payment of all applicable fees, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm.

C. Individual development projects may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). **E**

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

3. The Master Plan is the blueprint for future growth and provides guidance for the community's development. The District is currently designated as extreme non-attainment of the federal national ambient air quality standard for ozone and non-attainment for PM2.5. Given the size of the project, it is reasonable to conclude that mobile source emissions resulting from growth and development would have significant impacts on air quality. To reduce the project related impacts on air quality the Master Plan should include design standards that reduce vehicle miles traveled (VMT). VMT can be reduced through encouragement of mixed-use development, walkable communities, etc. Recommended design elements can be found on the District's website at http://www.valleyair.org/ISR/ISROnSite Measures.htm. **G**

4. The Draft EIR includes Mitigation Measure 3.3.1k and Mitigation Measure 3.3.1l for air quality, which would reduce project air quality construction and operational impacts to a less than significant level through a Feasible Implementation Plan (FIP). The FIP as identified in the Draft EIR is equivalent to a *Voluntary Emission Reduction Agreement* (VERA). A VERA is a binding agreement between the District and the project proponent currently used as a tool to mitigate project impacts on air quality to a less than significant level under the California Environmental Quality Act (CEQA). **H**

   Once entered into, a VERA becomes a legally enforceable mechanism for achieving air quality mitigation. Dollars provided by the project proponent are reinvested in the Valley to reduce emissions. Utilizing the District's highly successful grant administration program, the funds generated here will be awarded to Valley businesses, residents, and municipalities to generate real and quantifiable reductions in emissions. The following are some example of how funds will be utilized to reduce air pollution:

   - Grants to Valley residents to purchase cleaner vehicles
   - Grants to Valley residents through the District's Tune-In-Tune-Up program to repair older high-polluting vehicles
   - Grants to Valley residents to replace fireplaces and non-certified woo burning stoves with clean-burning EPA certified units
   - Grants to electrify or replace existing diesel-powered off-road equipment
   - Grants to replace older trucks with new low-emission trucks
   - Grants to replace older and high-polluting school buses

   The emission reductions secured through VERAs are "surplus" to existing regulations, achieving reductions earlier or beyond those required by regulations. Over the years, the District has built a reputation for excellence in the

implementation of these programs, as highlighted in multiple audits by state agencies that lauded the District's incentive programs for their efficiency and effectiveness. **H cont.**

5. Referral documents for new development projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources. **I**

If you have any questions or require further information, please call Mark Montelongo at (559) 230-5905.

Sincerely,

Arnaud Marjollet
Director of Permit Services

Chay Thao
Program Manager

AM: mm

### *Letter 9 Milton Trieweiler*

**Comment 9A:** The commenter states that the Master Plan will have significant air quality impacts, will increase toxic air contaminants in the city, and will contribute to increased air quality-related human health hazards which can increase mortality and serious illness. The commenter states that it is imperative to reduce ozone and particulate matter in the air.

**Response 9A:** The comment is acknowledged. In fact, the EIR identifies impacts on air quality as a result of Master Plan approval as being significant and unavoidable after mitigation. There were no mitigation measures identified sufficient to reduce project impacts on air quality to less-than-significant levels. In accordance with CEQA, the City as lead agency will have to determine that the benefits derived from approving the proposed Master Plan outweigh the potential negative environmental impacts using a determination called a Statement of Overriding Considerations.

**Comment 9B:** The commenter states that the Master Plan design does not provide for alternatives to automobile use and reduced vehicle use, nor is it a transit-oriented development, nor is it near neighborhood commercial areas on East Canal Street and West Main Street.

**Response 9B:** The comment is acknowledged. In fact, the Master Plan is not classified as a transit oriented development. However, the Master Plan does provide for alternative modes of travel. As noted in Impact #3.15.5, on page 3.15-33 of the Draft EIR, the proposed Master Plan will include Class III bike lanes along the Glenwood Avenue and a Class II bike lane along Golf Road and the proposed Morgan Ranch Arterial. In addition, the plan provides bus stops for use by the local transit service. In addition, the Master Plan includes a mix of land uses, including retail commercial, office, and a school site. The close proximity of these land uses to the residential land uses in the plan may serve to reduce vehicle trips for residents of the Master Plan and adjoining developed neighborhoods.

**Comment 9C:** The commenter notes that the Master Plan will generate 19,264 daily vehicle trips, which is traffic that will impact streets that are poorly maintained.

**Response 9C:** The Draft EIR calculates that 16,019 daily trips will occur as a result of Master Plan-related traffic (see Table 3.15-11 on page 3.15-22 of the Draft EIR). The commenter's opinion regarding the condition of city streets is noted; however, the condition of Turlock roadways does not constitute an environmental impact.

**Comment 9D:** The commenter notes that the Master Plan will lower the quality of life for city residents by increasing air pollution, increasing traffic congestion and road damage, and eliminating prime farmland.

**Response 9D:** Refer to Response 9A concerning air quality impacts and Response 9C regarding road maintenance. With regard to loss of prime farmland, the Draft EIR concludes that the Master Plan will result in the irretrievable loss of prime farmland and that there are no mitigation measures available to reduce this impact. As noted in Response 9A, the City as lead agency will be required to adopt a Statement of Overriding Considerations regarding the loss of prime farmland in order to approve the Master Plan. See also Response 11E.

**Comment 9E:** The commenter urges the City to put approval of the proposed Master Plan on hold, since over 100 acres have already been approved for development elsewhere in Turlock, and instead concentrate on infill areas that will be more economical to develop and will reduce impacts on air quality and agricultural land.

**Response 9E:** The comment is acknowledged. It is the City's responsibility to make land use decisions, beginning with adoption of a General Plan and a consistent zoning ordinance. The proposed Master Plan will be consistent with those documents. Focusing development on other sites within the city, while possibly avoiding prime farmland, would not necessarily reduce impacts to air quality. It should be noted that the Master Plan area is designated for urban development at lower residential densities than those proposed by the Master Plan. The City believes the Master Plan will result in a superior development, as compared to development under existing General Plan and zoning designations.

**Comment 9F:** The commenter states that the No Project/No Build alternative is environmentally superior and should be selected.

**Response 9F:** The comment is acknowledged. In fact, Chapter Five of the Draft EIR recognizes that the No Project/No Build alternative is environmentally superior to the proposed Master Plan and to the other alternatives selected for analysis. However, CEQA provides that alternatives should be selected not only for environmental superiority but also in terms of whether Master Plan objectives would be met. The No Project/No Build alternative, while environmentally superior, does not meet any of the project objectives described in Chapter Five.

**Comment 9G:** The commenter states that a growing worldwide population will increase the need for food and farmland.

**Response 9G:** The comment is acknowledged. The comment, however, does not address analyses contained in the Draft EIR and is beyond the scope of analysis for this proposed Master Plan.

**Comment 9H:** The commenter urges that the Master Plan be put on hold, that development be focused upon infill areas, and that prime farmland should be preserved.

**Response 9H:** The comment is acknowledged. The City Council has the authority to approve or deny the Master Plan, based on an assessment of the proposed project's potential environmental impacts and anticipated benefits.

**LETTER 9**

# Morgan Ranch Master Plan

# Draft EIR Comment Form

* **Required Fields**. Please print clearly.

| | | | | | |
|---|---|---|---|---|---|
| **Name (First and Last)*** | Milton Trieweiler | | | | |
| **Organization** | | | | | |
| **Title** | Turlock Citizen | | | | |
| **Address*** | P.O. Box 2020 | | | | |
| **City*** | Turlock | **State*** | CA | **Zip Code*** | 95381 |
| **E-mail** | magictrain@aol.com | | | **Phone*** | 209-632-1242 |

Completing this form will automatically add you to the mailing list for project updates and notices of document availability. If you prefer to not be on the mailing list, please check this box ☐

## Comments on Draft Environmental Impact Report:

The impacts on air quality from this project will be significant. This project will increase the toxic air contaminants in the City of Turlock. This can contribute to an increased hazard to human health, which can increase mortality or serious illness. This will increase our healthcare costs. As California's climate continues to warm, the result will be more bad air quality days. It is imperative that we reduce the amount of ozone and particular matter produced. This project does not establish land use patterns that enable alternatives to automobile use and reduce trip lengths, including transit oriented development and neighborhood commercial areas as we have on East Canal Street and West Main Street. This is one of the goals of our general plan. **A** **B**

This project will add an addition of 19,264 daily vehicle trips on our existing roadways. It is irrational to increase the Cities Population when the City can't take care of the population we already have. Many of the roads in the City are in need of repair. **C**

Ultimately this project will lower the Quality of Life for the Citizens of Turlock. This project will increase the level of air pollution, cause traffic congestion and road damage, and take away prime farmland. **D**

I strongly urge you to put this project on hold. In 2014 the Council already approved over 100 acres for development. Building up and filling in the infill areas of our City will be much more economical, because the infrastructure is already in place. Let's plan for a sustainable future and preserve our prime farmland and our air quality in the City of Turlock. **E**

Responses must be received by 5:00p.m. on Monday, January 5, 2015

# Morgan Ranch Master Plan

# Draft EIR Comment Form

*** Required Fields.** Please print clearly.

| | | | | | |
|---|---|---|---|---|---|
| **Name (First and Last)*** | Milton Trieweiler | | | | |
| **Organization** | | | | | |
| **Title** | Turlock Citizen | | | | |
| **Address*** | P. O. Box 2020 | | | | |
| **City*** | Turlock | **State*** | CA | **Zip Code*** | 95381 |
| **E-mail** | magictrain@aol.com | | | **Phone*** | 209-632-1242 |

Completing this form will automatically add you to the mailing list for project updates and notices of document availability. If you prefer to not be on the mailing list, please check this box ☐

## Comments on Draft Environmental Impact Report:

Under the No Project/ No Build alterative the project site would continue to be utilized for the same uses which include agriculture. In comparison to the proposed project, which would eventually develop the entire project site and preclude future agricultural use of the property. The No Project/ No Build ALTERNATIVE IS CONSIDERED ENVIRONMENTALLY SUPERIOR. **F**

The environmental challenges posed by agriculture are huge, and they'll only become more pressing as we try to meet the growing need for food worldwide. We'll likely have two billion more mouths to feed by mid-century—more than nine billion people. But sheer population growth isn't the only reason we'll need more food. The spread of prosperity across the world, especially in China and India, is driving an increased demand for meat, eggs, and dairy, boosting pressure to grow more corn and soybeans to feed more cattle, pigs, and chickens. If these trends continue, the double effect of population growth and richer diets will require us to roughly double the amount of crops we grow by 2050. **G**

Let us make the best choice for the future of the City of Turlock. Sustainability is the choice we want to support and not be ruled by Desire and Greed. I strongly urge you to put this project on hold. In 2014 the Council already approved over 100 acres for development. Building up and filling in the infill areas of our City will be much more economical, because the infrastructure is already in place. Let's plan for a sustainable future and preserve our prime farmland. **H**

Responses must be received by 5:00p.m. on Monday, January 5, 2015

### *Letter 10 Turlock Irrigation District*

**Comment 10A:** The commenter states that projects within the Turlock Irrigation District boundaries that affect electrical and irrigation facilities must comply with District requirements.

**Response 10A:** The comment is acknowledged.

**Comment 10B:** The commenter notes that the majority of the comments provided make corrections or clarifications to the descriptions of District infrastructure and resources described in the EIR.

**Response 10B:** The comment is acknowledged. Revisions offered by the District apply to Chapter Two, Section 3.8, Section 3.9, and Section 3.13.

**Comment 10C:** The commenter notes that information has been provided that accurately describes the District's electrical generation capacity.

**Response 10C:** The comment is acknowledged.

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**LETTER 10**

January 6, 2015

City of Turlock
Planning Division
Attn: Katie Quintero
156 South Broadway, Suite 120
Turlock, CA 95380

RE: Morgan Ranch Master Plan – DEIR comments

Dear Mrs. Quintero:

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

Upon review of the Draft Environmental Impact Report, the District provides the enclosed comments. As you will see, most of the comments in the attached markups are related to correcting or clarifying the description of District infrastructure and resources. **B**

Additionally, the information concerning the District's electrical generation resources was somewhat outdated and should be corrected to reflect the current resource mix. We have offered replacement language for the 2nd and 3rd paragraphs in Section 3.13 - 15. It is important to understand that the generation capacity and resource mix cannot necessarily be used interchangeably. While the District owns sufficient generation capacity to meet current customer loads, as a balancing authority, we must maintain adequate generating reserves to respond to unexpected local or regional fluctuations in electric supply. As a result, the District is an active buyer and seller in regional electric markets. **C**

If you have any questions concerning irrigation system requirements, please contact me at (209) 883-8367. Questions regarding electric utility requirements should be directed to Manjot (Joe) Gill at (209) 883-8241.

Sincerely,

Todd Troglin
Supervising Engineering Technician, Civil
CF: 2004034

At the southeast corner of Lander Avenue and Glenwood Avenue is the existing, operating Lander Mini Mart with a Chevron gas station with 10 pumps. Directly east of the Mini Mart is the existing, operating Fast Track Car Wash, which has five self-service vehicle washing bays, one automatic vehicle washing bay, and self-service vacuums for interior vehicle cleaning.

There is an open ditch running roughly parallel to SR 99. Another underground irrigation pipeline runs north/south about 500 feet west of Golf Road. This pipeline serves agricultural parcels north of the project area on the northwest corner of Golf Road and Glenwood Avenue. There are above ground electrical power lines running along Glenwood Avenue on the south side of the street. There is a small drainage basin within the project area that is owned by Caltrans and is used for drainage run-off coming from the highway right-of-way.

Photographs of the project site are provided in Photoplate 1.

***Existing Circulation***

There are no public streets or roadways in the interior of the project area. Golf Road, Glenwood Avenue, and Lander Avenue surround the project area.

SR 99 is located south of the project area and is a four-lane divided highway oriented roughly northwest to southeast. SR 99 connects the City of Turlock with the cities of Modesto, Stockton, and Sacramento to the north, and with the cities of Merced, Fresno, and Bakersfield to the south. There is a diamond interchange at Lander Avenue directly southwest of the project area, with the highway crossing over Lander Avenue, and the entrance and exit ramps staying at grade.

Lander Avenue is a four-lane divided arterial roadway running north-south. Lander Avenue connects SR 99 with downtown Turlock. The intersections of Lander Avenue/southbound highway ramps, Lander Avenue/northbound highway ramps, and Lander Avenue/Glenwood Avenue are all signalized. Lander Avenue is built out curb to curb with a median and has sidewalks and landscaping on both sides. Lander Avenue is designated as State Route 165 (SR 165) south of SR 99, but is not designated as a highway north of its entrance/exit ramps.

Glenwood Avenue is a two-lane local street running east-west that currently acts as a collector street between Lander Avenue and Golf Road. Between Lander Avenue and Golf Road there are seven three-way intersections with Glenwood Avenue. All of the intersections are one-way stop intersections with Glenwood Avenue being the through movement. In front of the commercial uses near Lander Avenue, Glenwood Avenue is built curb to curb with sidewalk and landscaping on both sides. East of this Glenwood Avenue has curb/gutter only on the north side of the street from Lander Avenue to just east of Willert Drive. East of Willert Drive the sidewalk on the north side of Glenwood Avenue is intermittent. There are above ground electrical power lines running along Glenwood Avenue on the south side of the street.

Golf Road is a two-lane undivided arterial roadway running north-south. Golf Road connects to the eastern part of Turlock to the north, and to the Turlock Golf and Country Club to the south approximately 1.5 miles south of the project area. Along the project area, Golf Road has no curb, gutter, sidewalks, or landscaping. The roadway is elevated to pass over SR 99 at the southwest corner of the project area. The east right-of-way line is coterminous with the current Turlock city limits line.

***Existing Utilities***

**SEWER COLLECTION AND DISPOSAL**

There are 8-inch sewer lines in the portions of Glenwood Avenue where there are residences fronting the street. These lines are to service existing residences only. The nearest sewer trunk line is a 24-inch line in Linwood Avenue, which runs east-west approximately ¼ mile north of the Plan Area. That sewer trunk line currently terminates approximately 700 feet west of the Linwood Avenue / Golf Road intersection.

**DOMESTIC WATER**

There is a 12-inch water line in Lander Avenue. There is a 10-inch water line in Glenwood Avenue from Lander Avenue to approximately 400 feet east of 5th Street. There are fire hydrants on the north side of Glenwood Avenue from Lander Avenue to 5th Street near each street intersection.

**STORM DRAINAGE**

Storm drainage facilities are maintained by the City of Turlock. The gas station site drains to the existing storm drainage facilities in Lander Avenue. The north side of Glenwood Avenue drains to drop inlets that carry stormwater to existing basins located in the existing neighborhoods north of the project area. None of the other portions of the project area have existing drainage infrastructure.

**IRRIGATION WATER**

The Turlock Irrigation District (TID) provides irrigation water to the region through a system of open ditches, pipelines, and pumps. There are two irrigation lines that currently run through the site. District 34A, known as the Casey, runs south to north from under SR 99 and continues in a northwesterly direction until eventually crossing under Glenwood Avenue. The pipeline continues from there to serve other downstream parcels. Within the Plan Area, the facility is comprised of 42-inch diameter cast-in-place pipe and an open ditch.

District 247B, known as the Goldberry-Conyers, runs south to north from under SR 99 for approximately 400 feet before turning east to continue for about 350 feet. From there, the pipeline runs northeasterly for roughly 400 feet before turning north to cross under Glenwood Avenue. Within the project area, the facility is comprised of a 36-inch diameter cast-in-place pipe and appurtenances.

TID also operates a drainage pump and well known as Pump 112 approximately ~~600~~ 700 feet west of Golf Road, on the south side of Glenwood Avenue. The pump discharges into a structure box located to the east on the Goldberry-Conyers pipeline, for the purpose of controlling groundwater elevations in the area.

**DRY UTILITIES**

Electricity service in Turlock is provided by the TID. There are existing aerial power lines along the south side of Glenwood Avenue and along the west side of Golf Road.

Natural gas is provided by Pacific Gas & Electric (PG&E). There is a 6-inch gas main in Lander Avenue. There are 3-inch gas mains in Glenwood Avenue and in Golf Road.

AT&T has existing underground facilities starting south of SR 99 along Golf Road and continuing briefly north until converting to overhead lines. The aerial facilities continue north on Golf Road and turn westward along the south side of Glenwood Avenue before going underground just east of 5th Street on Glenwood Avenue The underground line continues west on Glenwood Avenue, turning to continue north and south along Lander Avenue.

Charter Communication has existing underground cable located on the north side of Glenwood Avenue running just behind the sidewalk from Lander Avenue to Golf Road. There is also existing aerial cable on the electrical poles located on the south side of Glendale Avenue from Lander Avenue to Golf Road.

### 2.1.3 SURROUNDING LAND USES

Representative photos of the surrounding land uses are provided in Photoplate 2.

#### *West*

The western boundary of the project area is Lander Avenue. On the west side of Lander Avenue is an existing, operating fast food restaurant with a drive-thru and the gas station with mini mart and automatic car wash.

#### *North*

Glenwood Avenue is the northern boundary of the project area. There is an existing, operating gas station with a mini mart on the northeast corner of Glenwood Avenue and Lander Avenue. There are approximately 40 occupied single-family residences along the north side of Glenwood Avenue; some homes have direct access to Glenwood Avenue, some are side-facing on Glenwood Avenue, and some are rear-facing with a block wall along the boundary. At the northwest corner of Glenwood Avenue and Golf Road are three rural residential lots, each with occupied rural residential homes and various outbuildings.

**DOMESTIC WATER**

A water supply system of 10-inch and 12-inch lines will be constructed and looped into the City's existing water system and four connection points. A new City water well will be drilled within the project area at the northwest corner of SR 99 and Golf Road, near the overpass.

**STORM DRAINAGE**

The majority of the project area will drain to the new park/pond basin located on the southerly side of the project area adjacent to SR 99. The exceptions are the existing gas station and car wash sites that currently drain to existing storm drain lines in Lander Avenue, and the north side of Glenwood Avenue, which drains to drop inlets with lines that carry storm water to existing basins in the existing neighborhoods north of the project area.

There will be a 30-inch overflow line that runs from the outfall structure at the new basin to an existing 42-inch storm drainage line in Lander Avenue.

**IRRIGATION WATER**

The Turlock Irrigation District (TID) provides irrigation water for agricultural purposes within the project site and to other nearby properties. There two irrigation lines that currently run through the project site. District 3A, known as the Casey, runs south to north from under SR 99 and continues in a northwesterly direction until eventually crossing under Glenwood Avenue. With the project site, the facility is comprised of a 36-inch diameter cast-in-place pipe and appurtenances. TID also operates a drainage pump and well known as Pump 112 approximately 600 feet west of Golf Road, on the south side of Glenwood Avenue. The pump discharges into a structure box located to the east on the Goldberry-Conyers pipeline, for the purpose of controlling groundwater elevations in the area.

The irrigation lines provide water not only to the project site but also to properties beyond the project site. Therefore, a plan is needed to maintain service even as the project site develops. The Casey and Goldberry-Conyers lines will need to be relocated as development occurs.

**DRY UTILITIES**

Electricity service in Turlock is provided by the Turlock Irrigation District (TID). There are existing 69 KV overhead power lines along the west side of Golf Road. There are also existing 12 KV overhead power lines along the south side of Glenwood Avenue. Turlock Irrigation District is expected to abandon the 69 KV overhead lines prior to implementation of the Master Plan; however, the Glenwood Avenue overhead lines and power poles will need to be relocated and undergrounded to accommodate road widening.

Natural gas is provided by Pacific Gas & Electric (PG&E). There is a six-inch gas main in Lander Avenue. There are three-inch gas mains in Glenwood Avenue and in Golf Road. As the

may be involved in coordinating project implementation. These agencies may include, but are not limited to, the following.

- United States Fish and Wildlife Service (USFWS)
- California Department of Fish and Wildlife (CDFW)
- California Department of Transportation (Caltrans)
- Central Valley Regional Water Quality Control Board (RWQCB)
- San Joaquin Valley Air Pollution Control District
- Turlock Irrigation District (TID)
- Turlock Unified School District

Actions that are necessary to implement the project that must be taken by other agencies include:

- Obtain coverage under General Stormwater Permit – State Water Resources Control Board Central Valley RWQCB. A Storm Water Pollution Prevent Plan must be submitted in order to obtain such coverage; and

- Relocation of existing TID irrigation lines.

- Relocation and undergrounding of TID electrical ~~transmission~~ distribution lines.

in the exposure of persons and environment to hazardous materials: hazardous waste containing building materials, pesticides, abandoned wells, and USTs. Each is discussed below:

**ASBESTOS-CONTAINING MATERIALS**

As the Master Plan is developed, structures onsite will be demolished. Therefore, the project is required to comply with San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4002 (National Emissions Standards for Hazardous Air Pollutants) and Rule 3050 (Asbestos Removal Fees). The applicant is required to determine if the structures are considered "regulated facilities" under National Emissions Standards for Hazardous Air Pollutants (NESHAP) by contacting the SJVAPCD. If there are regulated facilities to be demolished, the facilities must be inspected to determine if any asbsestos containing material (ACM) are present. If ACM are present, the project must follow the SJVAPCD requirements and, potentially, Cal OSHA and Cal-EPA regulations.

Based on the age of the structures onsite, there is the likelihood of encountering building materials containing asbestos. Mitigation is proposed requiring that these materials be properly removed and disposed of by a certified contractor prior to demolition activities. The implementation of this mitigation measure would reduce impacts to a level of less than significant.

**LEAD-BASED PAINT**

Based on the age of the structures onsite, it is likely that lead-based paint (LBP) may exist onsite. Mitigation is proposed requiring that these materials be properly removed and disposed of by a certified contractor prior to demolition activities. The implementation of this mitigation measure would reduce impacts to a level of less than significant.

**WELLS/SEPTIC SYSTEMS**

There were no wells or septic systems directly observed on the property, but property access was restricted in some areas. As such, it is assumed that, due to the presence of active agriculture on the project site, there are agricultural wells onsite as well as domestic wells and possible septic systems for the scattered residences onsite. As these wells and septic systems would not be used at a future date with the proposed project, they should be abandoned in accordance with applicable local, state, and federal regulations. In particular, the closure of all onsite wells and septic systems should be required as a condition of approval for the proposed project. The abandonment of the existing wells and septic systems in accordance with applicable laws would not pose a health risk. Therefore, impacts would be less than significant for all well closure associated activities.

TID Well + pump #112 is not expected to be sealed

**PESTICIDES**

The project site was formerly used for agricultural production. While agricultural chemicals were not directly observed on the project site during the site reconnaissance, their uses are assumed due to past and current agricultural practices. It is unknown how recently such

grading activities. The applicant shall submit documentation to the City of Turlock demonstrating that soil testing was performed and any necessary remediation was completed as part of the grading permit application.

Well/Pump #112 is not expected to be abandoned

**Mitigation Measure #3.8.3c:** Irrigation wells that may be dispersed throughout the project site, and any potential onsite domestic wells and septic systems shall be properly abandoned or destroyed in compliance with applicable regulations of the Stanislaus County Department of Environmental Resources governing water wells and septic systems. Consultation shall occur with the Department of Environmental Resources regarding well and septic system abandonment and inspections. Documentation of wells and septic systems being abandoned or destroyed shall be submitted to the City of Turlock Planning Division prior to construction of proposed uses.

**Mitigation Measure #3.8.3d:** The applicant shall consult with TID to determine the location of electric power lines and irrigation pipelines within the project boundaries. The locations shall be delineated on all grading/development plans. Development plans shall provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of TID facilities; alternatively, the applicant may relocate the facilities with TID's approval. TID shall be afforded the opportunity to review and approve the grading plans. The applicant shall secure a letter indicating approval of the plans from TID. Prior to issuance of grading permits, the applicant shall provide the City of Turlock with a letter of approval from TID indicating that they have reviewed and approved the proposed grading/development plans.

**Effectiveness of Mitigation:** With the implementation of the above measures, potential hazardous impacts from past and current uses on the project site would be ***less than significant***.

**Impact #3.8.4 – For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.**

As noted above, the proposed project is immediately north to northeast of the Turlock Airpark. This impact will evaluate the proposed project's potential to create aviation safety hazards for people residing or working within the Turlock Airpark land use planning boundary.

The California Division of Aeronautics classifies the Turlock Airpark as a private use airport. By definition, private use airports are to be used only by personal aircraft and occasional invited guests (transient aircraft). Because Turlock Airpark is a private use airport, it is not required to be included in a county's airport land use plan. However, Stanislaus County has chosen to adopt a compatibility plan for the Airpark.

***Safety Compatibility Zones***

For the purposes of safety around an airport, the California Airport Land Use Planning Handbook has suggested different categories of Safety Compatibility Zones. These Zones differ in size depending on the operations of a specific airport. The characteristics of the Turlock

## 3.9 *Hydrology/Water Quality*

### 3.9.1 INTRODUCTION

This section provides an evaluation of the potential hydrology and water quality impacts that would be caused by implementation of the proposed project. The discussion starts with an overview of regulation that is normally applicable to the hydrology and water quality environmental factor, followed by a description of the physical setting of both the site and surrounding lands. An analysis is then provided to determine whether the impact(s) would be less than significant, significant without mitigation, or significant and unavoidable. If an impact is significant and can be reduced with mitigation, then a description of the mitigation measure(s) is provided.

### 3.9.2 ENVIRONMENTAL SETTING

***Stormwater***

The City currently protects surface water quality by requiring the implementation of Best Management Practices (BMPs) during the construction of new development projects and requires projects to comply with post-construction BMPs, as identified in the City's National Pollutant Discharge Elimination System (NPDES) Phase 2 Storm Water Management Plan. Surface water quality is also protected by complying with the current State of California Construction General Permit Order 2009-0009-DWQ.

The City's existing storm water system includes about 130 miles of storm drain collection/conveyance piping, with sizes ranging from 6 to 60-inches in diameter; 49 pump stations, several detention basins, and use of the TID open channels.

City pumps into ID34A pipeline near NE corner of Lander and Glenwood. Water ends up in the Harding Drain.

Currently, most of Turlock's stormwater drains to detention basins located throughout the City. Because groundwater levels are close to the ground surface, these basins are relatively shallow and it is necessary to pump runoff into many of the basins during storm events. After the storm passes, runoff is drained or pumped back into the trunk storm drain system and flows to the southwest corner of the City to a large stormwater basin near the Turlock Regional Water Quality Control Facility (TRWQCF), where it is either pumped into TID Lateral 4 or the Harding Drain. To avoid overloading the trunk storm drains, it is necessary to drain several of the detention basins in the north part of town sequentially, starting with the more downstream basins and progressing to the more upstream basins. This approach of using detention basins with sequential draining of the basins can continue to be used to provide stormwater storage and disposal as the City grows to buildout of the 2030 General Plan.

Stormwater from north side of City pumped into Lateral 3 and flows to San Joaquin River

Part of the eastern area of the City flows directly to Lateral 4 without first being stored in detention basins. Use of the TID laterals for stormwater disposal is allowed through agreements with TID. However, this does not always provide reliable disposal of the stormwater because sometimes the TID laterals are also being used to convey irrigation water or the laterals are out of service for maintenance by TID staff. To eliminate this problem, the runoff from this area should be diverted into a more reliable stormwater disposal system.

square feet per person, short of both the current system-wide ratio and the Library's planning standard.

***Potable Water***

The City of Turlock Municipal Services Department distributes potable water within the city limits. The description of potable water supply infrastructure and sources is derived from the Water Supply Assessment prepared for the project and provided in Appendix H. Below are summaries of the relevant findings.

Current and projected water supplies are summarized above in Table 3.13-6. To meet the future water demands, the cities of Turlock, Modesto, and Ceres have been evaluating a Regional Surface Water Supply Project (RSWSP) that will produce potable water from the Tuolumne River. The RSWSP has formally created a Joint Powers Authority (JPA), the Stanislaus Regional Water Authority (SRWA). The SRWA will pursue funding for various phases of the project. Extensive planning work has been performed for the RSWSP, but some additional work is still needed to update some aspects of the environmental review of the RSWSP. By being a member of the JPASRWA, Turlock continues to be committed to the project. The SRWA is negotiating an agreement with TID for the provision of raw water for the project. The RSWSP would initially provide the City with up to 16,800 acre-feet per year (15 mgd) of potable water, but could ultimately provide up to 22,400 acre-feet per year (20 mgd). The RSWSP facilities would include a surface water treatment plant and water transmission mains. The total cost of the RSWSP is estimated to be in the range of $145-154 million. The City's share of this cost is estimated to be about $81-86 million. The City would also have to construct a water storage reservoir (an enclosed water tank), a booster pump station and water transmission mains within the City at a cost of about $20 15 million. This potential surface water supply would provide over half of the City's future water needs.

**Table 3.13-6**
**City of Turlock Water Supplies – Current and Projected**

| Water Supply Sources | | 2010 | 2015 | 2020 | 2025 | 2030 | 2035 (Optional) |
|---|---|---|---|---|---|---|---|
| Water Purchased From: | Wholesaler supplied volume (yes/no) | | | | | | |
| Wholesaler: Turlock Irrigation District | yes | 0 | 0 | 5,475 | 5,475 | 5,475 | 5,475 |
| Supplier-produced groundwater | | 7,094 | 8,784 | 4,066 | 5,320 | 6,652 | 8,246 |
| Supplier-produced surface water | | 0 | 0 | 0 | 0 | 0 | 0 |
| Transfers In | | 0 | 0 | 0 | 0 | 0 | 0 |
| Exchanges In | | 0 | 0 | 0 | 0 | 0 | 0 |
| Recycled Water | | 368 | 400 | 400 | 400 | 400 | 400 |
| **Total** | | **7,462** | **9,184** | **9,941** | **11,195** | **12,527** | **14,121** |

Notes: Units: million gallons per year; The Turlock Irrigation District will provide surface water to the Cities of Ceres, Hughson, Modesto, and Turlock through the Turlock Regional Surface Water Supply Project.
Source: City of Turlock, 2010 Urban Water Management Plan, 2011

In May 1992, the City's franchise waste hauler implemented a dramatic new program to reduce Turlock's waste stream. Instead of voluntary separation by the resident, the program provides three separate bins to each home throughout the City. The largest of these is a 90-gallon container reserved exclusively for compostable green waste. Next is a 65-gallon container for all recyclable materials, which are separated by the refuse company after pick-up. Finally, each household is limited to one 32-gallon container for non-recyclable household wastes.

## LANDFILLS

### *Waste Diversion Targets*

Public Resources Code Sections 41000 and 41300 et seq. require each city and county in the State to prepare a Source Reduction and Recycling Element (SRRE) to meet waste diversion reduction goals of 25 percent by 1995 and 50 percent by 2000. Turlock's SRRE was adopted by the City Council in 1994. The SRRE was later reviewed and approved by the California Integrated Waste Management Board (CIWMB) in 1995. The SRRE included source reduction, including recycling and composting activities for solid waste generated within the City. The study also detailed means of reducing commercial and industrial sources of solid waste. Funding and public information components were also included.

Waste diversion in Turlock has been steadily improving. The amount of waste diverted in the City of Turlock was 40 percent in 1997 and 47 percent in 2000. In 2001, the Regional Solid Waste Planning Agency (RSWPA) was formed including Stanislaus County and the eight cities within the county. According to CalRecycle, the RSWPA's current per capita target is 6.3 pounds per person per day and employment target is 21.2 pounds per employee per day. In 2010, the RSWPA achieved 3.9 pounds per person per day and 16.0 pounds per employee per day.

#### *Energy*

The Turlock Irrigation District (TID) provides electricity to the City of Turlock. Pacific Gas & Electric (PG&E) provide natural gas service to the City of Turlock. Below is a discussion of each energy source.

## ELECTRICITY

Turlock receives its electricity supply from the Turlock Irrigation District (TID). Established in 1887 as the state's first publicly-owned irrigation district, TID supplies water to farmers and retail power to homes, businesses, and farms in Turlock and the surrounding area. TID was able to offer hydroelectric power beginning in 1923 with the construction of the Don Pedro dam. Approximately 40 percent of TID's electricity is generated at the Don Pedro Dam and Powerhouse. To supplement power generated at Don Pedro, TID built numerous small hydroelectric plants on its canals, which use the gravity-fed system to generate power during periods of peak demand.

20

Natural gas power plants represent approximately 19 percent of TID's power generation capacity. TID operates three such plants: the Walnut Energy Center, the Walnut Power Plant, and the Almond Power Plant. TID also purchases power from numerous sources in northern California and the Pacific Northwest.

TID's electricity supply is split between power that the District generates and that which is purchased from other suppliers. TID generates just over half of its own supply and purchases the remainder. TID estimates that current electricity sources are not adequate to maintain a sufficient level of service over the next 20 years. However, TID is in the process of adding additional resources as part of its normal planning process and expects to be capable of maintaining sufficient service in future years.

***Renewables***

Currently, 6.5 percent of TID's electricity supply comes from renewable energy sources. Seventy percent of their renewable power supply is generated from geothermal energy, and TID also owns some solar, wind, and fuel cell facilities in the Napa area. TID is also investing in a large wind power site in the Columbia River Gorge, which will allow them to meet their state renewable requirement through 2025. Current state requirements are for power suppliers to deliver at least 20 percent renewable energy by 2017 and 33 percent by 2020. TID's goal is to increase their renewable percentage by one to two percent per year in order to meet the requirement. TID is also currently working with the City of Turlock to develop a fuel cell plant in conjunction with the City's new wastewater treatment facility, which would utilize the facility's methane output to create energy.

**NATURAL GAS**

PG&E provides natural gas to all or part of 39 counties in California, including the project site, comprising most of the northern and central portions of the State. PG&E obtains more than 70 percent of its natural gas supplies from western Canada and the balance from U.S. sources. PG&E operates approximately 48,000 miles of transmission and distribution pipelines.

### 3.13.3 REGULATORY SETTING

***Federal***

**UNIFORM FIRE CODE**

The National Fire Protection Association publishes the Uniform Fire Code with provides standards for fire protection. The nationally recognized standards require that fire departments "have the capability to deploy an initial full alarm assignment within eight (8) minute response time to 90 percent of the incidents." (NFPA 1710)

TID's electricity supply is split between power that the District generates and that which is purchased from other suppliers. TID is capable of generating 100% of its own supply with the recent addition of three generating units to the existing Almond Power Plant. TID expects to be capable of maintaining sufficient service in future years.

Currently, 24 percent of TID's electricity supply comes from renewable energy sources. Eleven percent of their renewable power supply is generated from geothermal energy, twelve percent from eligible hydroelectric, seventy-seven percent from wind and a small amount from solar. Current state requirements are for power suppliers to deliver at least 20 percent renewable energy by 2017 and 33 percent by 2020. TID continues to explore additional renewable resources to meet those requirements.

Suggested language to replace 2nd and 3rd paragraphs in section 3.13-15

### *Letter 11 Division of Land Resource Protection, Conservation Support Unit, Department of Conservation*

**Comment 11A:** The commenter describes the function and responsibility of the Division of Land Resource Protection, Conservation Support Unit, Department of Conservation.

**Response 11A:** The comment is acknowledged.

**Comment 11B:** The commenter states facts and conclusions contained in the Draft EIR.

**Response 11B:** The comment is acknowledged.

**Comment 11C:** The commenter notes that the Draft EIR concludes that there are no project-specific feasible mitigation measures that would reduce the impact of conversion of agricultural lands to non-agricultural lands. The commenter states that in accordance with the Public Resources Code, lead agencies are required to identify and apply any feasible mitigation that can reduce project impacts, even if that mitigation does not reduce the impact to a level that is less than significant.

**Response 11C:** Refer to Response 11E.

**Comment 11D:** The commenter states that in accordance with Public Resources Code and cited court decisions the City must identify and implement mitigation that would reduce impacts of agricultural land conversion.

**Response 11D:** Refer to Response 11E.

**Comment 11E:** The commenter indicates that two possible mitigation measures are recordation of conservation easements or purchase of replacement agricultural land and payment of impact fees. Other forms of mitigation may be possible, as well

**Response 11E:** The Department of Conservation made a similar suggestion as part of its comments on the Draft General Plan EIR. As stated at that time, the City found that the purchase of agricultural easements on other land that is already being used for agricultural purposes—either in the surrounding area or elsewhere in the County or region—would not provide any mitigation for the loss of farmland within the Turlock. As the Draft EIR for the General Plan explained, such mitigation does not meet the definition of "mitigation" set forth in CEQA Guidelines section 15370, as it certainly would not "replace" or provide "substitute" resources and thus would not provide "compensation" under subdivision (e) of section 15370.

The City found that a program consisting of the required purchase of agricultural easements on other land would be of limited utility or benefit. It is inherently dependent upon voluntary agreements by farm owners to sell such easements over their property upon an agreed price. If the land in question is remote and not in an area planned for development in the near term, then the owner may be more willing to sell such an easement at a reasonable price, but it would make little practical difference. If the land in question is in an area already subject to development pressures, then most landowners likely will be resistant and will oppose efforts to "target" their area for the purchase of easements, or only sell them at very high cost. The most likely result

will be a "patchwork" of easements, with some owners more willing than others to sell them. Indeed, efforts by local agencies to develop mandatory programs for the purchase of agricultural easements can have the effect of actually elevating the market cost of such easements. That appears to have been the experience of neighboring San Joaquin County, where the cost of agricultural easements increased significantly after a countywide program was developed providing for their purchase. In that county, costs per acre of farmland purchased for easements averaged $1,690 when the program was first established in 2002, and rose to $14,372 per acre in 2012 (San Joaquin Council of Governments, 2012).

Furthermore, the City found that sound land use planning, including the planning for the preservation of agricultural land, is best accomplished through the general plan and zoning processes, rather than through a program which depends on voluntary participation of individual landowners. In other words, the preservation of agricultural land can be achieved by adopting general plan, zoning, and annexation policies that provide for the long-term preservation of such land.

While the comment letter refers to the recent case of *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4$^{th}$ 230, the holding of that case was more recently addressed and clarified by the Fifth District Court of Appeal in *Friends of the Kings River v. County of Fresno* (2014) 232 Cal.App.4$^{th}$ 105. Consistent with the guidance of the Fifth District, the City has not simply rejected the use of conservation easements on legal or categorical grounds, but rather has provided supporting factual findings explaining why the use of conservation easements would be of limited efficacy and why the alternative mitigation measures the City is adopting for loss of agricultural land are superior to the use of conservation easements. The factual analysis summarized above represents the professional opinion of the City's expert planning professionals, including its Deputy Director of Development Services. Such factual findings and evidence were not included in the administrative record and thus not considered by the court in the *Masonite Corp.* case.

The City has adopted several policies within its current General Plan that are intended to reduce potential impacts of urban development on agricultural operations and reduce the conversion of agricultural land to urban uses, and proposes specific mitigation measures to ensure implementation of those policies for the project. As such, the City proposes the following mitigation measures:

General Plan Implementing Policy 7.2-e states that the City will promote compact development at densities higher than typical in recent years in order to limit conversion of agricultural land and minimize the urban/agricultural interface. Mitigation Measure 3.2.1a has been added to Impact #3.2.1 of the EIR requiring that the project achieve a minimum average density of 8.0 dwelling units per acre- a density that is roughly 74% higher than the historic average density in the City of 4.6 dwelling units to the acre. This measure would result in a quantitative and verifiable reduction in the amount of farmland converted to urban use within the vicinity of the project area.

General Plan Implementing Policy 7.2-h states that the City will allow agricultural uses to continue until urban development occurs. Mitigation Measure 3.2.1b has been added to Impact #3.2.1 of the EIR requiring the agricultural uses be allowed to continue on these properties until

such time that urban development occurs. This measure will ensure that agricultural land continues to be used for farming purposes until such time that urban development becomes viable on the subject property.

Even with mitigation measures, the City acknowledges that the impact remains significant and unavoidable.

**Comment 11F:** The commenter points out that any mitigation included in the EIR must contain specific, measurable actions that allow for monitoring.

**Response 11F:** The City acknowledges this requirement.

NATURAL RESOURCES AGENCY EDMUND G. BROWN JR., GOVERNOR

DEPARTMENT OF CONSERVATION

*Managing California's Working Lands*

DIVISION OF LAND RESOURCE PROTECTION

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

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January 8, 2015

**LETTER 11**

**Via Email: kquintero@turlock.ca.us**
Ms. Katie Quintero, Associate Planner
City of Turlock
Development Service Department, Planning Division
156 S. Broadway, Suite 120
Turlock, CA 95380-5454

MORGAN RANCH MASTER PLAN PROJECT DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT, STANISLAUS COUNTY – SCH # 2012022039

Dear Ms. Quintero:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the Draft Program Environmental Impact Report (Draft PEIR) for the City of Turlock's Morgan Ranch Master Plan project and offers the following comments and recommendations. **A**

PROJECT DESCRIPTION

The proposed project would modify the General Plan and zoning designations on 170 acres to allow for approximately 135 acres of residential, 9 of community commercial, 11 of school, and 8 of park development, as well as other uses. The project is located in the vicinity of the Lander Avenue/State Route 99 (SR 99) interchange and bounded by Lander Ave. on the West, Glenwood Ave. on the north, Golf Road on the east, and SR 99 on the south in the City of Turlock, in Stanislaus County. **B**

According to the Draft PEIR, the project location contains truck and berry crops and grain, hay, and field crops (Truck and berry crops include bush berries, tomatoes, melons, onions, peas, potatoes, spinach, flowers, asparagus, and other fruits and vegetables that are relatively perishable)[1]. Implementation of the proposed project

[1] Morgan Ranch Master Plan Project Draft PEIR, page 3-2.14. City of Turlock, November 2014.

would convert important farmland to non-agricultural uses and would preclude future agricultural uses on the site[2].

**B cont.**

DIVISION COMMENTS

AGRICULTURAL LAND CONVERSION

Although the Draft PEIR acknowledges that the project site is designated as Prime Farmland and Farmland of Statewide Importance[3] on the 2012 Important Farmland Map[4] for Stanislaus County, the document ultimately utilized the California Land Evaluation and Site Assessment (LESA) model to determine the significance of the project's impacts to agricultural resources. The City's LESA model results "...conclude that conversion of the project site to a non-agricultural use is considered significant"[5]. If the city is unable to mitigate the impact of this conversion to a less-than–significant level, Public Resources Code § 21081 requires the lead agency consider whether there are mitigation measures already incorporated which reduce or avoid the impact, and/or whether there are specific enumerated considerations that would make infeasible the mitigation measures identified in the Draft PEIR.

The Division has outlined, in the following section, potentially feasible mitigation measures that would reduce the impact of agricultural land conversion. If the City cannot adopt mitigation measures that reduce the impact to a less-than-significant level, the City must make the findings outlined in Public Resources Code §§ 21081 (a)(3) and 21081(b).

**C**

MITIGATION MEASURES

The Draft PEIR states:

> *There are no project-specific feasible mitigation measures to reduce the impact from conversion to agricultural lands to non-agricultural use based on the following: Courts have opined that conservation easements or agricultural impact fees do not completely mitigate agricultural impacts because they do not create additional, offsetting agricultural lands. They simply ensure the longer-term operation of existing agricultural operations and the loss of agricultural lands is not reduced.*[6]

---

[2] "The proposed project will result in the loss of 8 acres of agricultural land designated Prime Farmland and 129 acres of Farmland of Statewide Importance". Morgan Ranch Master Plan Project Draft PEIR *at* page 3-2.14.
[3] *Id.*
[4] Important Farmland Maps are produced by the Farmland Mapping and Monitoring Program (FMMP), http://maps.conservation.ca.gov/ciff/ciff.html.
[5] *Id* at 3.2-15. LE subscore was 29.8, SA subscore was 28.5. Total LESA score: 58.3.
[6] *Id* at 3.2-16.

Direct conversion of agricultural land is often an unavoidable impact under CEQA, and the City has made the argument that conservation easements as mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project. However, the criterion is any feasible mitigation that lessens a project's impacts, not a requirement to completely negate the impact. Pursuant to CEQA Guideline §15370, mitigation includes measures that avoid, minimize, rectify, reduce or eliminate, or compensate for the impact (emphasis added). A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely (14 Cal Code Regs § 15370(b)). Therefore, all potentially feasible mitigation measures which could lessen a project's impacts should be included in the Final PEIR for the City's Morgan Ranch Master Plan project. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

While the City may not be able to replace agricultural lands that are converted, the Department notes that the 6th District Court of Appeals found in *Save Panoche Valley v. County of San Benito* (2013)(217 Cal.App.4th 503,526): **D**

> *Save Panoche Valley's insistence that the mitigation measures fail because there is no creation of additional agricultural lands to compensate for the ones utilized for the project site are unsubstantiated. We are unaware of any case law that supports Save Panoche Valley's position. The goal of mitigation measures is not to net out the impact of a proposed project, but to reduce the impact to insignificant levels. (See Banning Ranch Conservancy, supra, 211 Cal.App.4th at p.1233).*

In *Masonite Corporation v. County of Mendocino* (2013)(218 Cal.App.4th 230) the County argued, as the City has for this project, that conservation easements were not feasible because they did not create additional agricultural lands[7]. The Court soundly rejected this reasoning, stating:

> *We conclude that ACEs may appropriately mitigate for the direct loss of farmland when a project converts agricultural land to a nonagricultural use, even though an ACE does not replace the onsite resources. Our conclusion is reinforced by the CEQA Guidelines, case law on offsite mitigation for loss of biological resources, case law on ACEs, prevailing practice, and the public policy of this state.[8]*

[7] "Here, the determination that no mitigation was feasible for the loss of farmland rested on a conclusion that offsite agricultural conservation easements (ACEs) cannot mitigate for the land lost at the Project site because they would "not replace the on-site resources." The County presumed that ACEs were useful only to address "the indirect and cumulative effects of farmland conversion," and were not needed here because the Project would have no such effects. Thus, the finding of infeasibility in the EIR rested on the legal conclusion that while ACEs can be used to mitigate a project's indirect and cumulative effects on agricultural resources, they do not mitigate its direct effect on those resources." *Masonite Corporation v. County of Mendocino* at 238.

[8] *See* Masonite Corporation v. County of Mendocino (2013) 218 Cal.App.4th 230, 239 for the Court's discussion of the case law on agricultural conservation easements.

Mitigation via agricultural conservation easement can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The California Council of Land Trusts (CCLT) and the California Farmland Conservancy Program (CFCP) are two sources of information on the mechanisms and fees associated with conservation easements as well as their use in mitigating for agricultural land conversion. Their web site addresses are: **E**

http://www.calandtrusts.org/wp-content/uploads/2014/03/conserving-californias-harvest-web-version-6.26.14.pdf

http://www.conservation.ca.gov/DLRP/CFCP/Pages/Index.aspx

Of course, the use of conservation easements is only one form of mitigation that should be analyzed. Any other feasible mitigation measures should also be considered.

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

Thank you for the opportunity to provide comments. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Heather Anderson, Environmental Planner at (916) 324-0869 or via email at Heather.Anderson@conservation.ca.gov.

Sincerely,

Molly A Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

cc: State Clearinghouse

### *Letter 12 Environmental Review Committee, Stanislaus County*

**Comment 12A:** The commenter points out that at least four properties on the east side of Golf Road across from the Master Plan are actively engaged in agricultural cultivation, which may possibly involve the use of chemicals and result in odors and ground disturbance. These activities may be bothersome to new residents of the Master Plan, possibly leading to complaints and conflict. The commenter requests that the City require future residents to acknowledge the presence of farming operations as a condition of purchasing a residence in the Master Plan.

**Response 12A:** The City recognizes the need to protect agricultural operations from nuisance complaints as adjoining lands are developed with urban uses. Turlock Municipal Code Section 5-24, Protection of Agricultural Operations, will ensure that no land use incompatibilities will result from implementation of the Master Plan. In addition, General Plan Implementing Policy 7.2-j states that the City will support the implementation of the Stanislaus County Agricultural Element and the Right-to-Farm ordinance. Mitigation Measure 3.2.1c has been added to Impact #3.2.2 requiring the final subdivision maps within the project area to include a notice that all future buyers should be prepared to accept inconveniences associated with agricultural operations, such as noise, odors, flies, dust or fumes, and that the City of Turlock has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards. This measure ensures that existing and future farming operations adjacent to the project area will be able to continue operating when urban development does occur.

**Comment 12B:** The commenter notes that for Impact 3.9.2 in the Executive Summary Table ES-1 there is no significance determination provided.

**Response 12B:** As noted in Table ES-1, and as explained in Impact #3.9.2 on page 3.9-10 of the Hydrology/Water Quality section, all discussion of groundwater supply issues is contained in Section 3.13 of the Draft EIR.

**Comment 12C:** The commenter states that the determination of less than significant for water supply is based on information that is no longer current and accurate.

**Response 12C:** Since the time of the Draft EIR preparation a number of conditions have changed in the city of Turlock and the region. The recent economic downturn, the drought and the Governor's drought declaration have resulted in a significant effect on population and potable water production projections in Turlock. Due to water conservation efforts the City of Turlock has seen the single family water consumption drop in excess of 20%.

Although the City continues to be active in the negotiations with the Turlock Irrigation District (TID) on a possible Surface Water Supply Project the City's current need for this supply is not as urgent as described in the Draft EIR. Conservation efforts have significantly reduced Turlock's demands on the groundwater supply. The description and costs continue to reflect the proposed RSWSP. The City of Hughson is the only agency that is currently no longer participating in the SRWA; the City of Modesto remains an active participant. Negotiations continue to move forward; however, at this time the City cannot accurately determine when this Master Plan will be completed and whether or not TID will be the raw water supplier. The SRWA/JPA continues

to consider other raw water suppliers should the project with the TID prove to be impractical. Should the SRWA disband, the City will utilize well head treatment to maintain/expand its water production as appropriate on those wells that do not meet federal and State drinking water standards

The projected water supplies (demand) shown in Figure 3.13-6 no longer accurately reflect current conditions. This is primarily due to slower population growth than originally projected (2.5%) and reduced potable water production due to greater water conservation efforts (15-20%). As a result, the projections are also in need of correction. The City has determined that the groundwater basin from which the City of Turlock draws its water supply has a sustainable yield of approximately 8.2 billion gallons per year, barring any influence from users outside of the Turlock service area, over which the City has no control. The last five years the average annual ground water production for the City is 6.9 billion gallons, reflecting a reduction of 1.3 billion gallons annually (3,990 AFY). Therefore, due to the City's conservation efforts, adequate groundwater supplies are available for the Morgan Ranch project.

A more accurate depiction of Figure 3.13-6 is shown below.

| **SUPPLY** | **2010** | **2015** | **2020** | **2025** | **2030** | **2035** |
|---|---|---|---|---|---|---|
| Surface H2O* | X | X | X | X | X | X |
| GW** | 7.094 | 6.900 | 7.245 | 7.607 | 7.988 | 8.387 |
| Total | 7.094 | 6.900 | 7.245 | 7.607 | 7.988 | 8.387 |

Numbers are in billion gallons/year.

*participation in the development of a surface water supply dependent upon future quantity and quality of GW available

**assumes potable water production annual increase of 5% from 2015 production

**Comment 12D:** The commenter asks that Table 3.13-8 on page 3.13-8 of Section 3.13 be updated to reflect the groundwater condition in the subbasin.

**Response 12D:** The table incorrectly lists volumes in the heading "Turlock Subbasin." The table is not intended to show the total amount of pumping from the Turlock Subbasin. Rather, it shows how much water Turlock pumps from the basin and that 100% of the City's supply is derived from the Turlock subbasin. Historical tracking of groundwater pumped and static levels of groundwater within Turlock's service area indicate a sustainable yield of 8.2 billion gallons per year, as stated previously, barring any influence from users outside of the Turlock service area, over which the City has no control.

Approximate annual volumes pumped for the period 2010-2014 (billion gallons/year)

| **2010** | **2011** | **2012** | **2013** | **2014** |
|---|---|---|---|---|
| 7.094 | 6.847 | 7.012 | 7.432 | 6.565 |

**Comment 12E:** The commenter states that the note at the top of page 3.13-9 in Section 3.13-9, which applies to Table 3.13-9, should be checked for accuracy.

**Response 12E:** The City does not plan on expanding recycled water use within the City's service area at this time.

**Comment 12F:** The commenter asks for clarification regarding how private water will be affected by the lowering of groundwater elevations in the subbasin and asks for an assessment of impacts.

**Response 12F:** Lowering of pumps has been a common practice in Turlock not only for pumping rates but water quality as well. In many cases, private wells for residential use are drawing groundwater from the upper unconfined aquifer. It should be noted, the City draws from the lower confined aquifer and all municipal wells are constructed as to eliminate the possibility of drawing ground water from the unconfined aquifer and impacting shallower domestic wells. The City believes that this practice has not resulted in any impact to neighboring private wells.

**Comment 12G:** The commenter asks that the comments provided by the Stanislaus County Hazardous Materials Division be addressed.

**Response 12G:** Letter 2 contains the comments of the Stanislaus County Hazardous Materials Division, and Response 2A addresses the comments provided. Please refer to Comment 2A and Response 2A.

**LETTER 12**

CHIEF EXECUTIVE OFFICE

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**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE**

January 12, 2015

Katie Quintero, Associate Planner
City of Turlock
Development Services Department
Planning Division
156 S. Broadway, Suite 120
Turlock, CA 95380

**SUBJECT: ENVIRONMENTAL REFERRAL – CITY OF TURLOCK – MORGAN RANCH MASTER PLAN – DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)**

Ms. Quintero:

Thank you for the opportunity to review the above-referenced project.

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

**Agricultural Resources Impact** (Page ES – 5; Chapter Three, Section 3.2.2)

The Draft EIR reports a "Less Than Significant" impact and no mitigation measures are required for the project under this section. The project site is located west of and adjacent to properties that are actively engaged in agriculture cultivation. There are at least four properties fronting on the east side of Golf Road whose agricultural operations may involve the use of pesticides, herbicides, and involve odors and ground disking, all of which may be perceived as nuisances by new residents of the project site. Although these agricultural properties are located within the City's Sphere of Influence and are not part of the project, the generation of complaints from non-agricultural property residents of agricultural practices occurs frequently. The County's Right to Farm Ordinance, as contained in Agricultural Element includes Policies 1.9, 1.10, and 1.11 identifies implementation measures which lend themselves for incorporation into development projects along the fringe of any City. A condition of approval requiring that subsequent property owners acknowledge the presence of active farming operations taking place now and in the foreseeable future is recommended as part of any purchase agreement. **A**

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**Hydrology/Water Quality Impact** (Page ES – 24; Chapter Three, Section 3.9.2)

The Draft EIR report makes no environmental determination, but refers to impacts in Section 3.13 of the Executive Summary. An environmental impact determination needs to be made for areas of the initial study checklist in light of the discussion below. **B**

**Public Services and Utilities Impact** (Page ES – 31; Chapter Three, Section 3.13.8)

The Draft EIR reports a "Less Than Significant" impact and "no mitigation measures are required." The discussion included in Chapter 3, Section 3.13, Potable Water, appears to reflect information that is no longer accurate. Page 3.13 – 7 references the evaluation of a Regional Surface Water Supply Project that will produce water from the Tuolumne River. The status of the referenced Joint Powers Agency (JPA) and project needs to be updated and the results of the updated information incorporated into the analysis for providing a reliable water supply to serve the project and the Turlock community. Options should be identified in the event that the JPA is dissolved and a regional surface water supply project using Tuolumne River water is no longer a viable option. The environmental impact determination needs to be updated accordingly in Sections 3.9.2 and 3.13.8. **C**

Section/Page 3.13, Potable Water – Please update the status of the JPA and the proposed Regional Surface Water Supply Project. It is the understanding of this agency that the Cities of Modesto and Hughson are no longer part of this project. The analysis should identify alternative methods of providing a reliable water supply, including the use of groundwater well system incorporating appropriate well-head treatment.

Section/Page 3.13 – 8 – Table 3.13-8, Groundwater – Volume Pumped – The table seems to indicate that a 100 percent of the Turlock sub basin water supply is pumped and completely exhausted. Please update the table to correctly show the ratio of Turlock Sub basin ground water volume that has been pumped. If available, please provide the volume amounts of water that have been pumped during the years between 2010 and 2015. **D**

Section/Page 3.13 – 9, Note section at top of the page – This note may no longer be accurate as the City of Turlock has been in negotiations to sell or forward recycled or reclaimed water for use outside of the City and used by either or both the Turlock Irrigation District and the Del Puerto Irrigation District. Any information on the status of the use of a purple pipe system for use in the City of Turlock should be included. **E**

Section/Page 3.13 – 10, Last paragraph – The proposal to "lowering the elevation of pumps within their casings to maintain current pumping rates" appears to address a lowering water table for the project; however, it does not address how adjacent private water wells will be affected. Any information relating to the groundwater elevations along with the elevation of adjacent water pumps should be evaluated to determine whether the proposed pumping of ground water for the project will have any impacts on adjacent private water wells and their access to ground water levels. **F**

The environmental assessment of impacts associated with Hydrology and Public Services should be readdressed accordingly.

Additionally, as previously requested by the Stanislaus County Hazardous Materials Division, please complete a Phase I and Phase II study to determine if mitigations measures are necessary. **G**

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Delilah Vasquez
Management Consultant
Environmental Review Committee

DV:ss

cc: ERC Members

### *Letter 13 Department of Toxic Substances Control*

**Comment 13A:** The commenter recommends that additional research be conducted to determine whether pesticides were used on the project site when agricultural operation were occurring and whether contamination exists.

**Response 13A:** Please refer to Response 2A.

**Comment 13B:** The commenter recommends that tests be conducted to determine the presence of environmentally persistent pesticides in the soil.

**Response 13B:** Please refer to Response 2A.

**LETTER 13**

Department of Toxic Substances Control

*Matthew Rodriquez*
Secretary for
Environmental Protection

Miriam Barcellona Ingenito
Acting Director
8800 Cal Center Drive
Sacramento, California 95826-3200

*Edmund G. Brown Jr.*
Governor



January 5, 2015

Ms. Katie Quintero
City of Turlock
Morgan Ranch Master Plan Draft EIR
156 S Broadway, Suite 120
Turlock, California 95380

NOTICE OF PREPARATION AND INITIAL STUDY FOR THE PROJECT DRAFT MASTER ENVIRONMENTAL IMPACT REPORT

Dear Ms. Quintero:

The Department of Toxic Substances Control (DTSC) has reviewed the document described above that proposes rezoning some agricultural properties to residential and building residential housing on the land. DTSC recommends that additional research be conducted to determine whether pesticides were used on the proposed development sites. The sites should be evaluated to determine if and where storage, mixing, rinsing and disposal of pesticides may have occurred and whether contamination exists. **A**

In addition, although DTSC does not regulate pesticides legally applied to crops, they have historically been used on some agricultural properties. We strongly recommend that these areas be tested for environmentally persistent pesticides such as organic pesticides and metals prior to development. The results of any testing should be evaluated to determine if concentrations present in soils will be protective of residents and workers. **B**

Please contact me by email at dick.jones@dtsc.ca.gov or by telephone at (916) 255-3953 if you have any questions.

Sincerely,

Dick Jones

Dick Jones
Environmental Scientist
San Joaquin Branch

cc. State Clearinghouse
Office of Planning and Research
1400 10th Street, Room 121
Sacramento, California 95814-0613
*state.clearinghouse@opr.ca.gov*

### *Letter 14 Stanislaus County Airport Land Use Commission*

**Comment 14A:** The commenter notes that the Airport Land Use Commission (ALUC) Plan was adopted on August 3, 1978 and was last amended May 20, 2004, and that ALUC staff reviews proposed projects for potential land use conflicts in light of compatibility listings and plan policies.

**Response 14A:** The comment is acknowledged.

**Comment 14B:** The commenter notes that the proposed master plan site is 350 feet northeast of the Turlock Airpark, within the Airport Land Use Planning Boundary of the airpark. The airpark has been operating as a private-use facility intermittently during its lifetime. According to Caltrans, the owners of the airpark presently have a permit to operate as a private-use airport.

**Response 14B:** The comment is acknowledged. The Hazards and Hazardous Materials section of the EIR at Impact #3.8.4 will be revised to reflect this information.

**Comment 14C:** The commenter notes that ALUC compatibility plans and policies are only applicable to public-use airports.

**Response 14C:** The comment is acknowledged. The Hazards and Hazardous Materials section of the EIR at Impact #3.8.4 will be revised to reflect this information.

**Comment 14D:** The commenter notes that the ALUC Plan is in the process of being updated and that the Turlock Airpark is not proposed to be included in the updated plan, since it is not a public-use airport.

**Response 14D:** The comment is acknowledged. The Hazards and Hazardous Materials section of the EIR at Impact #3.8.4 will be revised to reflect this information.

**Comment 14E:** The commenter notes that the ALUC compatibility maps identify the master plan site in both Area 3 (Approach and transition Surfaces) and Area 4 (Other Land within the Planning Area). The compatibility listing prohibits residential and institution urban uses in Area 3 and finds these uses compatible in Area 4, with schools conditionally permitted in Area 4. The commenter notes that the project would be inconsistent with the ALUC plan if Turlock Airpark were a public-use airport.

**Response 14E:** The comment is acknowledged. The Hazards and Hazardous Materials section of the EIR at Impact #3.8.4 will be revised to reflect this information.

**Comment 14F:** The commenter observes that ALUC staff has been unable to make contact with airpark property owner, and continued airpark operation or activity is uncertain at this time. The commenter urges the City to establish contact with the airpark owner in order to ascertain future plans and to closely consider the approval of land use plans that will put populated areas within safety zones associated within private airport operations.

**Response 14F:** The comment is acknowledged. The Hazards and Hazardous Materials section of the EIR at Impact #3.8.4 will be revised to reflect this information.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
Phone: 209.525.6330 Fax: 209.525.5911

**LETTER 14**

February 3, 2015

Katie Quintero, Associate Planner
Planning Division, Development Services Department
City of Turlock
156 S. Broadway, Suite 120
Turlock, CA 95380

Subject: Environmental Referral – City of Turlock – Morgan Ranch Master Plan – Draft Environmental Impact Report (EIR) (SCH # 2012022039)

Ms. Quintero,

Stanislaus County Airport Land Use Commission staff is in receipt of your agency's project referral dated November 14, 2014, for the project referenced above.

Project Description

The proposed project is located in the incorporated jurisdictional boundary of the City of Turlock in Stanislaus County on approximately 170 acres located at the southwest corner of Glenwood Avenue and Golf Road. The project site is bounded to the south by State Route 99, Lander Avenue to the west, Glenwood Avenue to the north and Golf Road to the east.

The proposed project consists of the adoption and implementation of the Morgan Ranch Master Plan. The Morgan Ranch Master Plan would modify the project's zoning and establish development standards for approximately: 170 acres, consisting of approximately 120 acres of Medium Density Residential (875 dwelling units); 15 acres of High Density Residential (450 dwelling units); 8.9 acres of Community Commercial; 1.5 acres of office; 8.7 acres of park; 4.4 aces of detention basin and 11.1 acres of public school (300 students).

Stanislaus County Airport Land Use Commission Comments

Stanislaus County adopted the Airport Land Use Commission (ALUC) Plan on August 3, 1978, and the Plan was last amended on May 20, 2004. Airport Land Use Commission staff review proposed projects for land use conflicts within established Airport Land Use Commission Planning Areas by reviewing a land use compatibility listing, plan policies, and providing comments on land use compatibility and potential conflict matters. The comments are as follows: **A**

1) The project site is located approximately 350 feet northeast of the Turlock Airpark (9CLO), within the Airport Land Use Planning Boundary of the Airpark facility located at 521 East Greenway Avenue, Turlock. The Turlock airpark facility has been operated as a private-use airpark facility intermittently during its lifetime. According to Dan Haug of Caltrans, the owners of the Turlock Airpark (9CLO) presently have a permit to operate as a private-use airport. **B**

2) The Stanislaus County Airport Land Use Compatibility Plans and policies are only applicable only to public-use airports. **C**

3) The Stanislaus County Airport Land Use Commission Plan (ALUCP) is in the process of being updated. The Turlock Airpark is not proposed to be included in the updated ALUCP as it is not classified as a public-use airport. **D**

4) The current Airport Land Use Compatibility Map identifies the project site as located in both Area 3 (Approach and Transition Surfaces) and in Area 4 (Other Land within the Planning Area) of the Airport Land Use Compatibility Map of the Turlock Airpark, refer to attached map (page 20 of the ALUC Plan). The Airport Land Use Compatibility Listing prohibits residential and institutional urban uses in Area 3 and finds these uses as compatible in Area 4, with schools conditionally permitted in Area 4 (refer to attachment plan excerpts). The project as proposed is inconsistent with the ALUCP, if it were a public-use airport. However, ALUC Plan policies are only applicable to public-use air facilities and are not applicable to the Turlock Airpark facility. **E**

5) Notwithstanding the current adopted Airport Land Use Commission Plan, and the proposed update to the Plan, ALUC staff has not been able to make contact with the property owner and continued airpark operation or activity is uncertain at this time. The applicant proponents are encouraged to make contact with the owners to ascertain air field activity as it may relate to the project. The applicant is encouraged to closely consider the location of populated areas within safety zones associated with operations of a private airport. **F**

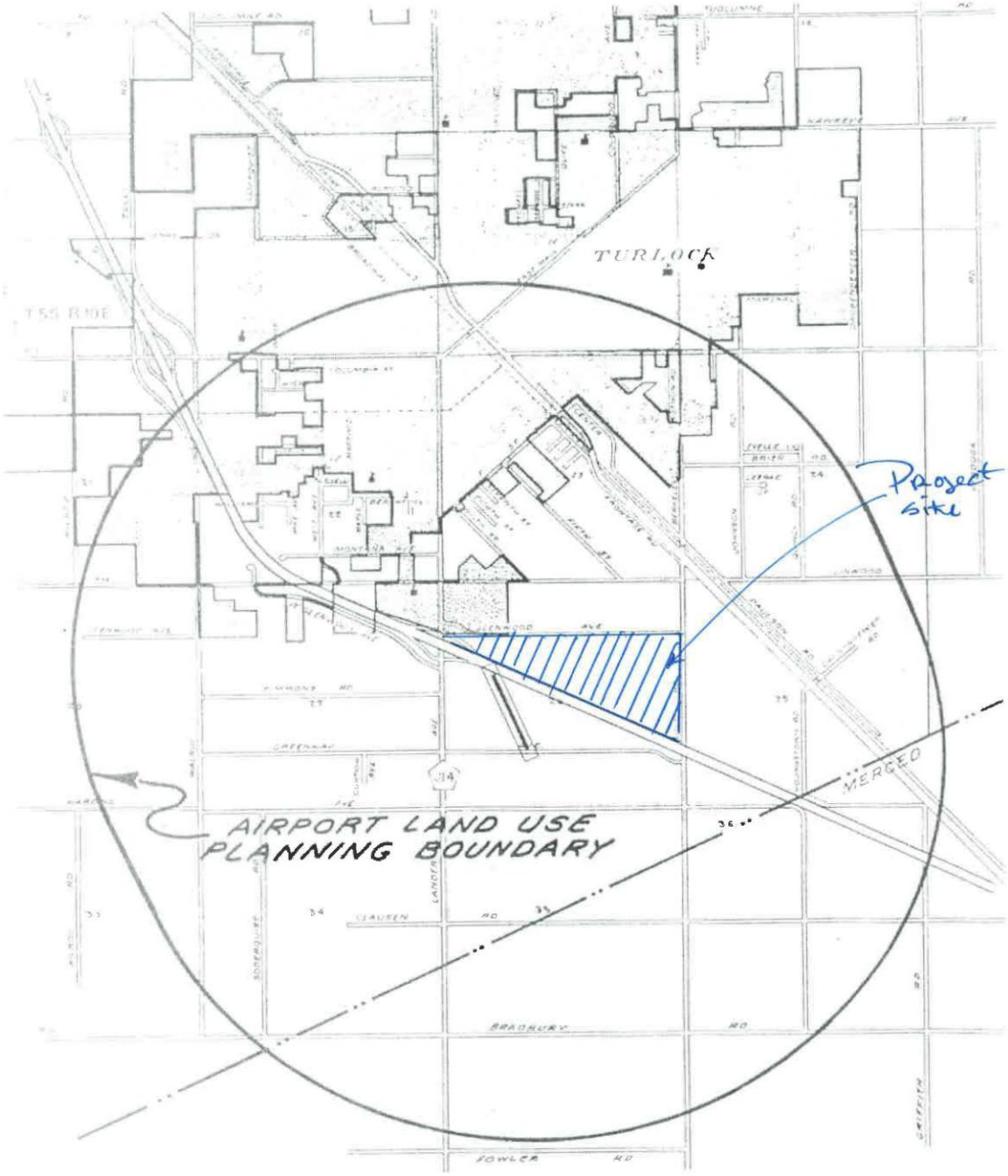
These comments are advisory. Please feel free to contact me if you desire additional clarification. I can be reached by e-mail at galvezm@stancounty.com or by telephone at (209) 525-6330.

Respectfully,

Miguel A. Galvez,
Senior Planner
Stanislaus County Airport Land Use Commission

Attachments:

1. Turlock Airport Land Use Planning Area Boundary (Plan page 7)
2. Turlock Airport Land Use Compatibility Map (Plan page 20)
3. Airport Land Use Compatibility Listing (Plan pages 12 - 14)
4. Conditions Areas 3 and 4 (Plan Page 26 - 28)
5. Policies Plan (Plan page 29)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Project site
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CLAUSEN RD
BRADBURY RD
FOWLER RD

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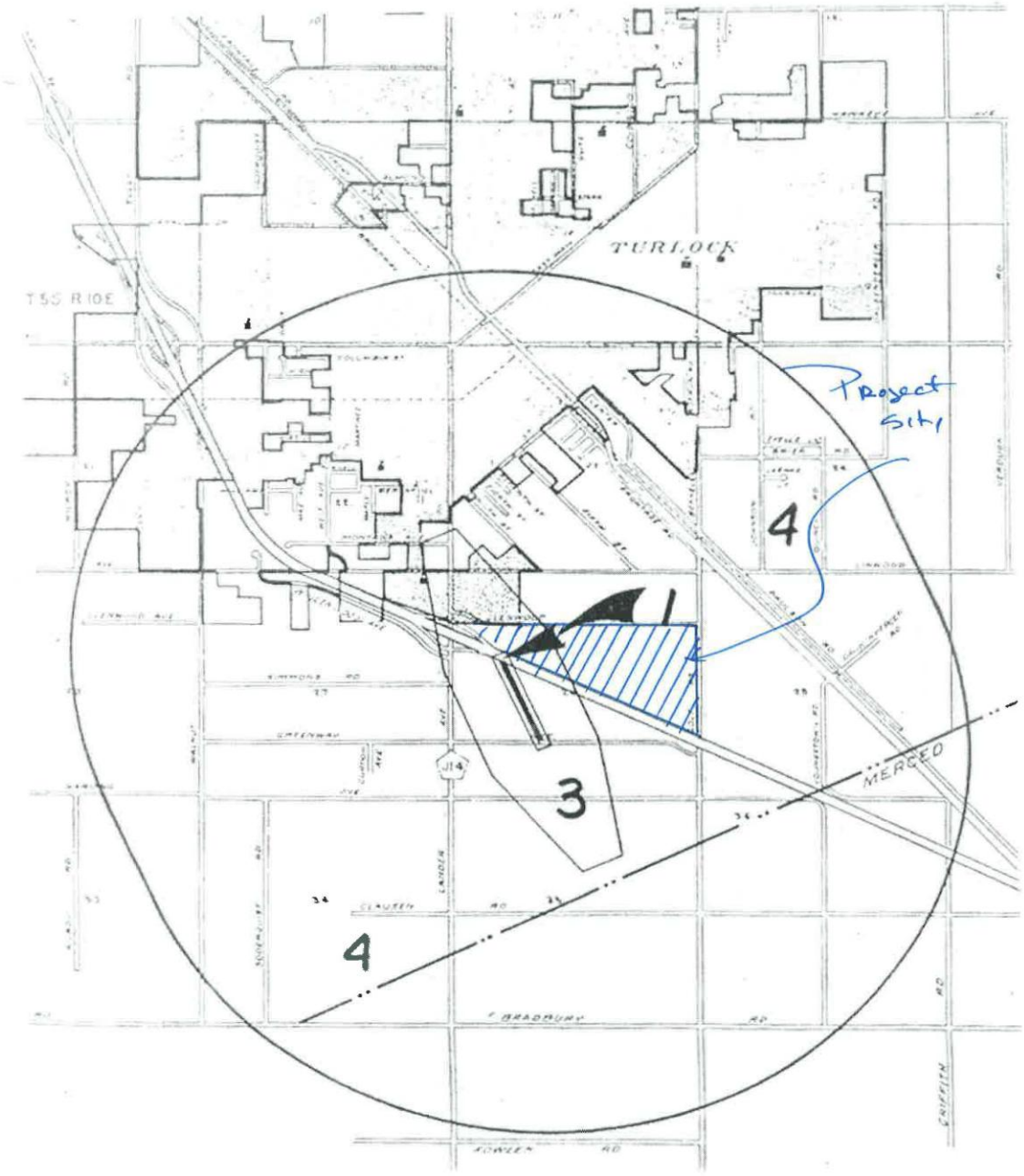
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and zoning.

In some areas, such as approach and climb-out extensions, noise and hazard were the primary conditions. In other areas only noise was considered to be a relevant factor. This Airport Land Use Compatibility listing divides the planning area into four separate categories:

1. Airport Building Areas - includes the terminal area, fixed base operator buildings, hangers, tie-down areas, parking areas and areas planned for such future uses.

2. Other Airport Property - land owned by the airport but not in use nor planned for use as building areas.

3. Approach and Transitional Surfaces - that area under the approach and take-off extensions and transitional surfaces as defined by the flight paths in use at the airport and Federal regulations. This area is primarily concerned with safety, but, by virtue of its location, noise can be a consideration.

4. Other Land Within the Planning Area - lands within the planning areas with possible height and or noise problems envisioned in the future.

The following Airport Land Use Compatibility Listing, for land use areas on the Airport Land Use Compatibility Maps (found on pages 15 through 21) designates uses which are considered: (1) incompatible in a particular area (marked with an X); (2) compatible in a particular area (marked with an O); or, (3) conditionally compatible (marked with a C); where land could, with some conditions attached, be made a compatible land use. Where a C designation is given to a land use, the condition will be found on pages 24 through 29.

## AIRPORT LAND USE COMPATIBILITY LISTING

| USES | AREAS | 1. AIRPORT BUILDING AREA | 2. OTHER AIRPORT PROPERTY | 3. APPROACH AND TRANSITIONAL SURFACES | 4. OTHER LANDS WITHIN AIRPORT PLANNING BOUNDARY |
|---|---|---|---|---|---|
| **AGRICULTURAL USES** | | | | | |
| Truck and Specialty Crops | | O | O | O | O |
| Field Crops | | O | O | O | O |
| Pasture and Rangeland | | O | O | O | O |
| Orchard and Vineyards | | X | X | O | O |
| Dry Farm and Grain | | O | O | O | O |
| Tree Farms, Landscape Nurseries and Greenhouses | | O | O | C | O |
| Fish Farms | | X | X | O | O |
| Feed Lots and Stockyards | | X | X | O | O |
| Poultry Farms | | X | X | C | O |
| Dairy Farms | | X | X | C | O |
| **NATURAL USES** | | | | | |
| Fish and Game Reserves | | X | X | O | O |
| Land Reserves and Open Space | | O | O | O | O |
| Flood and Geological Hazard Areas | | O | O | O | O |
| Waterways: Rivers, Creeks, Canals, Swamps, Bays, Lakes | | O | O | O | O |
| **RESIDENTIAL & INSTITUTIONAL** | | | | | |
| Rural Residential - 10 acres or more | | X | X | C | O |
| Suburban Residential - 20,000 sq. ft. to 10 acre lots | | X | X | X | O |
| Urban Single Family - under 20,000 sq. ft. lots | | X | X | X | O |
| Multi Family | | X | X | X | O |
| Mobile Home Parks | | X | X | X | O |
| Schools, Colleges and Universities | | X | X | X | C |
| Hospitals | | C | C | X | O |
| Churches | | X | X | X | O |
| **RECREATIONAL** | | | | | |
| Golf Course | | O | O | O | O |
| Parks | | O | O | O | O |
| Playgrounds and Picnic Areas | | O | O | O | O |
| Athletic Fields | | X | X | X | O |
| Riding Stables and Trails | | X | X | O | O |
| Marinas | | O | O | O | O |
| Tennis Courts | | O | O | O | O |

O = COMPATIBLE X = PROHIBITED C = CONDITIONALLY APPROVABLE

13

| USES | AREAS | 1. AIRPORT BUILDING AREA | 2. OTHER AIRPORT PROPERTY | 3. APPROACH AND TRANSITIONAL SURFACES | 4. OTHER LANDS WITHIN AIRPORT PLANNING BOUNDARY |
|---|---|---|---|---|---|
| Outdoor Theaters | | X | X | X | O |
| Swimming Pools | | O | O | O | O |
| Fairgrounds and Race Tracks | | X | X | X | O |
| **COMMERCIAL USES** | | | | | |
| Aircraft Sales and Repairs | | O | O | O | O |
| Flying Schools | | C | C | C | O |
| Hotels and Motels | | C | C | X | O |
| Shopping Centers | | C | C | X | O |
| Banks | | C | C | X | O |
| Gas Stations | | C | C | X | O |
| Auto Storage and Parking | | O | O | O | O |
| Office Buildings | | C | C | C | O |
| Theaters and Auditoriums | | X | X | X | O |
| Public Buildings | | C | C | C | O |
| Taxi, Bus and Terminals | | O | O | X | O |
| Memorial Parks | | X | X | X | O |
| Pet Cemeteries | | X | X | X | O |
| Restaurants and Food Take-Outs | | C | C | C | O |
| Retail Stores | | C | C | C | O |
| Truck Terminals | | O | O | O | O |
| Other Service Uses | | C | C | C | O |
| **INDUSTRIAL** | | | | | |
| Research Laboratories | | C | C | C | O |
| Warehouses | | O | O | O | O |
| Aircraft Factories | | O | O | C | O |
| Air Freight Terminals | | O | O | O | O |
| Non-air Related Manufacturing | | C | C | C | O |
| Rail Sidings | | O | O | O | O |
| Other Transportation Parks | | O | O | O | O |
| Petroleum and Chemical Products Bulk Storage | | C | C | C | O |
| **UTILITIES** | | | | | |
| Reservoirs | | C | C | O | O |
| Water Treatment | | C | C | O | O |
| Sewage Disposal | | C | C | O | O |
| Petroleum and Chemical Products Bulk Storage | | C | C | C | O |
| Electrical Plants | | C | C | C | O |
| Power Lines | | C | C | C | O |

O = COMPATIBLE X = PROHIBITED C = CONDITIONALLY APPROVABLE

14

**CONDITIONS AREA 3 (APPROACH AND CLIMB-OUT EXTENSIONS)**

**GENERAL STATEMENT:**

1. Usage should be compatible with airport location.
2. Soundproofing where appropriate to reduce noise to acceptable level according to State guidelines.
3. No electromagnetic transmissions which would interfere with operation of aircraft.
4. All bulk storage of volatile or flammable liquid be underground.
5. An avigational easement shall be required for uses.
6. Lights for any purpose shall be constructed and used in such a manner as not to create a hazard for pilots or air traffic control.

**AGRICULTURAL USES**

Greenhouses, poultry farms, dairy farms:

1. Non-reflective materials to be used in buildings and signs where reflection would cause a flying hazard.

**COMMERCIAL USES**

Office buildings, public buildings, restaurants and food take-outs, retail stores and other service uses:

1. Should have a viable reason for location (i.e., serve other uses in the area of the traveling public) and be constructed in such a way as to not create a hazard or nuisance.
2. Should locate flashing and animated signs or lights in such a manner as to not create a hazard for approaching pilots.

**INDUSTRIAL**

Research laboratories, aircraft factories, non-air manufacturing, petroleum and chemical products bulk storage:

1. All bulk storage of volatile or flammable liquids of substances to be underground.
2. Avoid orienting lights or paved area in such a manner as to appear to be an aircraft landing area.

**UTILITIES**

Petroleum and chemical products bulk storage, electrical plants and power lines:

1. All bulk storage of volatile or flammable liquids or substances to be underground.

2. Power lines should be undergrounded if of sufficient height and placement as to cause a hazard to aircraft.

**CONDITIONS AREA 4 (OTHER LAND IN THE PLANNING AREA)**

**GENERAL STATEMENT:**

1. Usage should be airport oriented or be compatible with airport location.
2. Non-reflective materials to be used in buildings and signs where reflection would cause a flying hazard.
3. Soundproofing where appropriate to reduce noise to acceptable level according to State guidelines.
4. No electromagnetic transmissions which would interfere with operation of aircraft.
5. All bulk storage of volatile or flammable liquid be underground.
6. Lights for any purpose shall be constructed and used in such a manner as not to create a hazard for pilots or air traffic control.

**RESIDENTIAL AND INSTITUTIONAL**

Schools, Colleges and Universities:

1. Located out of flight areas.
2. Location to be approved by the State Board of Education.
3. Soundproofing where appropriate to reduce noise to acceptable level according to State guidelines.
4. No electromagnetic transmissions which would interfere with operation of aircraft.

**POLICIES PLAN**

It shall be the policy of the Stanislaus County Airport Land Use Commission to:

1. Encourage local jurisdictions to develop land use plans in the vicinity of airports which provide for compatible land uses and promote air commerce.

2. Encourage all affected jurisdictions to develop and adopt height restrictions within the ALUC planning area.

3. Encourage owners and operators of airports to develop plans for designating minimum clear widths and for controlling approach air space.

4. Discourage owners and operators of airports and governmental jurisdictions from locating new uses that concentrate large numbers of people (i.e., schools, hospitals, shopping centers, high intensity recreational uses, etc.) and commercial and industrial uses that involve the handling of corrosive, explosive or flammable materials under Federal Aviation Regulation Part 77 approach surfaces and extended approach surfaces within the planning area.

5. Encourage owners and operators of airports and governmental jurisdictions to implement a plan for relocating existing uses which fall into the categories cited above. If this cannot be accomplished, the Commission shall encourage the airport operators to design flight patterns which will bypass the conflicting uses.

6. Advise against the establishment of any use within the planning area which will:
   - Create electrical interference with navigational signals or radio communications between the aircraft and airport;
   - Make it difficult for pilots to distinguish between airport lights and others;
   - Result in glare in the eyes of pilots using the airport;
   - Impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, take-off, or maneuvering of aircraft intending to use the airport; or,
   - Permit structures or trees to a height in excess of established height limitations.

7. Encourage all affected jurisdictions to develop and adopt a noise attenuation plan for noise impacted areas within the ALUC planning area.

8. Encourage owners and operators of airports with less than the minimum length runway as recommended by the State Division of Aeronautics to expedite plans to lengthen runways to the recommended length.

9. Encourage jurisdiction to make sure that when a land use changes, it would change from an incompatible use to a compatible one.

10. In the interim to a comprehensive update of the ALUC Plan, local jurisdictions are encouraged to develop land use plans consistent with criteria outlined in the California Department of Transportation Division of Aeronautics Airport Land Use Planning Handbook. Plans, policies, and projects developed and approved by a public entity which are determined to be consistent with criteria outlined in the Handbook will be considered consistent with the adopted Stanislaus County Airport Land Use Commission Plan.

# SECTION FOUR

# ERRATA

# SECTION FOUR
# ERRATA

This section contains the corrections that have been made to the Draft EIR based on comments received on the Draft EIR and updated information that has become available. The corrections on the following pages are formatted as follows: deletions to the text are shown in ~~strikethrough~~ text and additions to the text are <u>underlined</u>.

At the southeast corner of Lander Avenue and Glenwood Avenue is the existing, operating Lander Mini Mart with a Chevron gas station with 10 pumps. Directly east of the Mini Mart is the existing, operating Fast Track Car Wash, which has five self-service vehicle washing bays, one automatic vehicle washing bay, and self-service vacuums for interior vehicle cleaning.

There is ~~an~~ a combination pipeline and open ditch running roughly parallel to SR 99. Another underground irrigation pipeline runs north/south about ~~500~~ 675 feet west of Golf Road. This pipeline serves agricultural parcels north of the project area on the northwest corner of Golf Road and Glenwood Avenue. There are above ground electrical power lines running along Glenwood Avenue on the south side of the street. There is a small drainage basin within the project area that is owned by Caltrans and is used for drainage run-off coming from the highway right-of-way.

Photographs of the project site are provided in Photoplate 1.

***Existing Circulation***

There are no public streets or roadways in the interior of the project area. Golf Road, Glenwood Avenue, and Lander Avenue surround the project area.

SR 99 is located south of the project area and is a four-lane divided highway oriented roughly northwest to southeast. SR 99 connects the City of Turlock with the cities of Modesto, Stockton, and Sacramento to the north, and with the cities of Merced, Fresno, and Bakersfield to the south. There is a diamond interchange at Lander Avenue directly southwest of the project area, with the highway crossing over Lander Avenue, and the entrance and exit ramps staying at grade.

Lander Avenue is a four-lane divided arterial roadway running north-south. Lander Avenue connects SR 99 with downtown Turlock. The intersections of Lander Avenue/southbound highway ramps, Lander Avenue/northbound highway ramps, and Lander Avenue/Glenwood Avenue are all signalized. Lander Avenue is built out curb to curb with a median and has sidewalks and landscaping on both sides. Lander Avenue is designated as State Route 165 (SR 165) south of SR 99, but is not designated as a highway north of its entrance/exit ramps.

Glenwood Avenue is a two-lane local street running east-west that currently acts as a collector street between Lander Avenue and Golf Road. Between Lander Avenue and Golf Road there are seven three-way intersections with Glenwood Avenue. All of the intersections are one-way stop intersections with Glenwood Avenue being the through movement. In front of the commercial uses near Lander Avenue, Glenwood Avenue is built curb to curb with sidewalk and landscaping on both sides. East of this Glenwood Avenue has curb/gutter only on the north side of the street from Lander Avenue to just east of Willert Drive. East of Willert Drive the sidewalk on the north side of Glenwood Avenue is intermittent. There are above ground electrical power lines running along Glenwood Avenue on the south side of the street.

Golf Road is a two-lane undivided arterial roadway running north-south. Golf Road connects to the eastern part of Turlock to the north, and to the Turlock Golf and Country Club to the south approximately 1.5 miles south of the project area. Along the project area, Golf Road has no curb, gutter, sidewalks, or landscaping. The roadway is elevated to pass over SR 99 at the southwest corner of the project area. The east right-of-way line is coterminous with the current Turlock city limits line.

***Existing Utilities***

**SEWER COLLECTION AND DISPOSAL**

There are 8-inch sewer lines in the portions of Glenwood Avenue where there are residences fronting the street. These lines are to service existing residences only. The nearest sewer trunk line is a 24-inch line in Linwood Avenue, which runs east-west approximately ¼ mile north of the Plan Area. That sewer trunk line currently terminates approximately 700 feet west of the Linwood Avenue / Golf Road intersection.

**DOMESTIC WATER**

There is a 12-inch water line in Lander Avenue. There is a 10-inch water line in Glenwood Avenue from Lander Avenue to approximately 400 feet east of 5th Street. There are fire hydrants on the north side of Glenwood Avenue from Lander Avenue to 5th Street near each street intersection.

**STORM DRAINAGE**

Storm drainage facilities are maintained by the City of Turlock. The gas station site drains to the existing storm drainage facilities in Lander Avenue. The north side of Glenwood Avenue drains to drop inlets that carry stormwater to existing basins located in the existing neighborhoods north of the project area. None of the other portions of the project area have existing drainage infrastructure.

**IRRIGATION WATER**

The Turlock Irrigation District (TID) provides irrigation water to the region through a system of open ditches, pipelines, and pumps. There are two irrigation lines that currently run through the site. District 34A, known as the Casey, runs south to north from under SR 99 and continues in a northwesterly direction until eventually crossing under Glenwood Avenue. The pipeline continues from there to serve other downstream parcels. Within the Plan Area, the facility is comprised of 42-inch diameter cast-in-place pipe and ~~an~~ a concrete-lined open ditch.

District 247B, known as the Goldberry-Conyers, runs south to north from under SR 99 for approximately ~~400~~ 1,750 feet before turning east to continue for about 350 feet. From there, the pipeline runs north~~easterly~~ for roughly ~~400~~ 650 feet before ~~turning north to~~ crossing under Glenwood Avenue. Within the project area, the facility is comprised of a 36-inch diameter cast-in-place pipe and appurtenances.

TID also operates a drainage pump and well known as Pump 112 approximately ~~600~~ 700 feet west of Golf Road, on the south side of Glenwood Avenue. The pump discharges into a structure box located to the east on the Goldberry-Conyers pipeline, for the purpose of controlling groundwater elevations in the area.

**DRY UTILITIES**

Electricity service in Turlock is provided by the TID. There are existing aerial power lines along the south side of Glenwood Avenue and along the west side of Golf Road.

Natural gas is provided by Pacific Gas & Electric (PG&E). There is a 6-inch gas main in Lander Avenue. There are 3-inch gas mains in Glenwood Avenue and in Golf Road.

AT&T has existing underground facilities starting south of SR 99 along Golf Road and continuing briefly north until converting to overhead lines. The aerial facilities continue north on Golf Road and turn westward along the south side of Glenwood Avenue before going underground just east of 5th Street on Glenwood Avenue The underground line continues west on Glenwood Avenue, turning to continue north and south along Lander Avenue.

Charter Communication has existing underground cable located on the north side of Glenwood Avenue running just behind the sidewalk from Lander Avenue to Golf Road. There is also existing aerial cable on the electrical poles located on the south side of Glendale Avenue from Lander Avenue to Golf Road.

### 2.1.3 SURROUNDING LAND USES

Representative photos of the surrounding land uses are provided in Photoplate 2.

***West***

The western boundary of the project area is Lander Avenue. On the west side of Lander Avenue is an existing, operating fast food restaurant with a drive-thru and the gas station with mini mart and automatic car wash.

***North***

Glenwood Avenue is the northern boundary of the project area. There is an existing, operating gas station with a mini mart on the northeast corner of Glenwood Avenue and Lander Avenue. There are approximately 40 occupied single-family residences along the north side of Glenwood Avenue; some homes have direct access to Glenwood Avenue, some are side-facing on Glenwood Avenue, and some are rear-facing with a block wall along the boundary. At the northwest corner of Glenwood Avenue and Golf Road are three rural residential lots, each with occupied rural residential homes and various outbuildings.

***East***

Golf Road is the eastern boundary of the project area. The east right-of-way line of Golf Road is the current City limits, so properties on the east side of Golf Road are in the unincorporated portion of Stanislaus County. There are twelve rural residential homes on rural lots on the east side of Golf Road; all of them have direct access to Golf Road. Golf Road crosses over SR 99 with a raised highway overpass at the southeast corner of the project area; there is no interchange at Golf Road.

***South***

SR 99 is a four-lane divided highway directly adjacent to the southern boundary of the project area. The highway is at grade for its entire length where it is adjacent to the project area. A wire fence with metal posts separates the highway right-of-way from the project. There is a highway interchange at Lander Avenue with the highway crossing over Lander Avenue. On the south side of SR 99 is a private airstrip, occupied rural residences, and agricultural land with mostly row crops and some orchards.

### 2.1.4 LAND USE DESIGNATIONS

The Turlock General Plan currently designates the project site as Commercial (CC), Office (O), High Density Residential (HDR), Medium Density Residential (MDR) Public/Semi Public (Pub), and Park (P). (Figure 2-6). The Turlock Zoning Ordinance zones the project site Heavy Commercial (H-C), High Density Residential (R-H), Low and Medium Density Residential (R-L 4.5), and Low Density Residential (R-L) (Figure 2-7).

## *2.1 Project Characteristics*

### 2.2.1 PROPOSED PROJECT

The proposed project consists of the adoption and implementation of the Morgan Ranch Master Plan. The Morgan Ranch Master Plan would modify the General Plan designations and zoning for approximately 170 acres. The Master Plan would designate the land uses for Community Commercial (CC), Office (O), High Density Residential (HDR), Medium Density Residential (MDR), Park (P), and Public/Semi-Public (PUB). (Figure 2-8). The Master Plan would zone the land uses for Community Commercial (CC), Commercial Office (CO), High Density Residential (RH), Medium Density Residential (RM), and Public/Semi-Public (PS) (Figure 2-9). Table 2-2 provides a summary of the proposed land uses. As indicated in Table 2-2, the Master Plan provides for the development of 1,325 dwellings. However, the General Plan sets a cap of 1,066 residential units within the Master Plan area. As such, the Draft EIR analyzes a "worse-case" development scenario in which 1,325 dwellings are constructed. An amendment to the General Plan would be required to achieve 1,325 dwellings within the Master Plan.

**Table 2-2**
**Land Use Summary**

| Land Use Designation | Approximate Acreage | Number of Units | Density | Allowed Density |
|---|---|---|---|---|
| Medium Density Residential | 120.2* | 875 DU | 9 DU/acre | 7.5-9 DU/acre |
| High Density Residential | 15.0 | 450 DU | 30 DU/acre | 17-30 DU/acre |
| Community Commercial | 8.9 | 96.9 KSF | 25% FAR | 25% FAR |
| Office | 1.5 | ~~16.3~~22.9 KSF | 25% FAR | 35% FAR |
| Park | 8.7 | - | - | - |
| Detention Basin | 4.4 | - | - | - |
| Public (School) | ~~11.1~~12.0 | 300 students | - | - |

Source: City of Turlock, Morgan Ranch Master Plan, 2014
Notes: DU = dwelling units, KSF = 1,000 square feet, FAR = Floor Area Ratio
*Excludes 23.1 acres devoted to stormwater detention.

The Master Plan provides development standards and design guidelines to ensure consistency in the quality and character of the project area neighborhoods as the Plan is implemented. The Master Plan is intended to facilitate development by providing a framework that ensures, over time, the built environment of the project area will be cohesive and consistent with the overall vision of the City. The Master Plan will be used in the review and approval process of precise development proposals such as tentative subdivision maps, site plans, and improvement plans proposed for the project area. Responsibility for interpretation of these development standards and design guidelines will reside with the City of Turlock Planning Division.

### 2.2.2 PROJECT PHASING

There are no current development proposals included as part of the project; therefore, a precise phasing plan is not available. In order to provide a program-level analysis of environmental impacts phasing assumptions were developed and are shown in Table 2-3.

**Table 2-3**
**Phasing Assumptions**

| Land Use Designation | 2014 | 2016 | 2018 | 2020 |
|---|---|---|---|---|
| Medium Density Residential | 30.05 acres<br>218 du | 30.05 acres<br>219 du | 30.05 acres<br>219 du | 30.05 acres<br>219 du |
| High Density Residential | 7.5 acres<br>225 du | 7.5 acres<br>225 du | - | - |
| Community Commercial | - | 4.45<br>48.461 KSF | 4.45<br>48.460 KSF | - |
| Office | - | 1.5<br>16.335 KSF | | |
| Park | - | 4.35 acres | 4.35 acres | - |
| Detention Basin | 4.4 acres | | | |
| Public (School) | ~~11.1~~12.0 acres<br>~~300~~830-1,000 students | - | - | - |

Source: Quad Knopf, 2014
Notes: DU = dwelling units, KSF = 1,000 square feet, FAR = Floor Area Ratio

A conceptual site plan has been prepared for the project area and is shown in Figure 2-10.

**DOMESTIC WATER**

A water supply system of 10-inch and 12-inch lines will be constructed and looped into the City's existing water system and four connection points. A new City water well will be drilled within the project area at the northwest corner of SR 99 and Golf Road, near the overpass.

**STORM DRAINAGE**

The majority of the project area will drain to the new park/pond basin located on the southerly side of the project area adjacent to SR 99. The exceptions are the existing gas station and car wash sites that currently drain to existing storm drain lines in Lander Avenue, and the north side of Glenwood Avenue, which drains to drop inlets with lines that carry storm water to existing basins in the existing neighborhoods north of the project area.

There will be a 30-inch overflow line that runs from the outfall structure at the new basin to an existing 42-inch storm drainage line in Lander Avenue.

**IRRIGATION WATER**

The Turlock Irrigation District (TID) provides irrigation water for agricultural purposes within the project site and to other nearby properties. There two irrigation lines that currently run through the project site. Improvement District 34A, known as the Casey, runs south to north from under SR 99 and continues in a northwesterly direction until eventually crossing under Glenwood Avenue. Within the project site, the facility is comprised of a ~~36~~42-inch diameter cast-in-place pipe and concrete-lined ditch and appurtenances. The second line, ID 247B, known as the Goldberry-Conyers, crosses SR99 approximately 675 feet west of Golf Road and continues in a northerly direction before crossing Glenwood Avenue. The facility is comprised of a 36-inch cast-in-place pipe and appurtenances.

TID also operates a drainage pump and well known as Pump 112 approximately 600 feet west of Golf Road, on the south side of Glenwood Avenue. The pump discharges into a structure box located to the east on the Goldberry-Conyers pipeline, for the purpose of controlling groundwater elevations in the area.

The irrigation lines provide water not only to the project site but also to properties beyond the project site. Therefore, a plan is needed to maintain service even as the project site develops. The Casey and Goldberry-Conyers lines will need to be relocated as development occurs.

**DRY UTILITIES**

Electricity service in Turlock is provided by the Turlock Irrigation District (TID). There are existing 69 KV overhead power lines along the west side of Golf Road. There are also existing 12 KV overhead power lines along the south side of Glenwood Avenue. Turlock Irrigation District is expected to abandon the 69 KV overhead lines prior to implementation of the Master Plan; however, the Glenwood Avenue overhead lines and power poles will need to be relocated and undergrounded to accommodate road widening.

Natural gas is provided by Pacific Gas & Electric (PG&E). There is a six-inch gas main in Lander Avenue. There are three-inch gas mains in Glenwood Avenue and in Golf Road. As the

may be involved in coordinating project implementation. These agencies may include, but are not limited to, the following.

- United States Fish and Wildlife Service (USFWS)
- California Department of Fish and Wildlife (CDFW)
- California Department of Transportation (Caltrans)
- Central Valley Regional Water Quality Control Board (RWQCB)
- San Joaquin Valley Air Pollution Control District
- Turlock Irrigation District (TID)
- Turlock Unified School District

Actions that are necessary to implement the project that must be taken by other agencies include:

- Obtain coverage under General Stormwater Permit – State Water Resources Control Board Central Valley RWQCB. A Storm Water Pollution Prevent Plan must be submitted in order to obtain such coverage; and

- Relocation of existing TID irrigation lines.

- Relocation and undergrounding of TID electrical ~~transmission~~ distribution lines.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Refer to Chapter 7, Effects Found Not To Be Significant)

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

### 3.1.6 IMPACT ANALYSIS

**Impact #3.1.1 - Substantially degrade the existing visual character or quality of the site and its surroundings.**

The evaluation of aesthetic and visual impacts is by nature a subjective exercise due to widely varying personal perceptions. The proposed project is located within an area that contains existing residential development and agricultural land uses, and which has been contemplated for future urban development as reflected in the City's General Plan. Implementation of the proposed project would result in the development of 170 acres and would alter the rural character of the project site. More specifically, the proposed project would develop the site into a master-planned development consisting of ~~1,322~~875 Medium Density residential dwelling units, ~~338~~ 450 High Density residential dwelling units, 96,900 square feet of community commercial uses, ~~16,300~~ 22,900 square feet of office uses, 8.7 acre park, 4.4 acre detention basin, and ~~an 11.~~a ~~1~~ 12.0-acre elementary school. The proposed project would also introduce other site improvements such as new roads, parking areas, walkways, and night-time lighting. The loss of the agricultural/rural residential land and the development of the proposed project would change the existing visual character of the project site and its surroundings.

The visual features of the proposed project would include residential, commercial, office, and school buildings and structures, ancillary structures and facilities, surface parking areas, and other roadway improvements (e.g., curb, gutter, sidewalk and street paving). New development within the project site would be in accordance with development standards and design guidelines outlined in Chapter 3, Land Use and Development Standards of the Morgan Ranch Master Plan. Compliance with these standards and guidelines would ensure that buildings and structures proposed within the project site would be developed to be sensitive to and compatible with existing and future surrounding land uses, while providing high-quality architecture and design.

Examples of how the design guidelines from the Master Plan minimize the visual impact on existing and future surrounding land uses are provided in Table 3.1-1.

indicate that the City has contemplated the conversion of this agricultural land to urban uses over the planning horizon of the General Plan and, therefore, does not view the project area as a preferred location for permanent agricultural uses. The City of Turlock General Plan Environmental Impact Report (EIR) found that buildout of the General Plan would convert substantial amounts of Important Farmland to non-agricultural use and would result in a significant and unavoidable impact.

Although conversion of the project site to urban use would reflect the land use assumptions contained in the City of Turlock General Plan, farmland is an important resource to the region, and direct conversion of Important Farmland to urban land uses would be considered a significant impact under LESA methodology.

This project is consistent with the General Plan as shown in Section 3.10 of the EIR and would be developed in accordance with the policies contained in the General Plan. The General Plan reflects a policy determination to allow a certain amount of growth to occur in the Study Area, which necessitates conversion of farmland to urban uses. The General Plan includes growth management policies to prevent the premature conversion of farmland, by encouraging infill development, by requiring new development to be built at considerably higher densities than Turlock has traditionally seen, and by phasing of new master planned growth areas. These policies are intended to offset the impact to agricultural land conversion to the greatest degree possible. There are no project-specific feasible mitigation measures to reduce the impact from conversion of agricultural lands to non-agricultural use based on the following:

Courts have opined that conservation easements or agricultural impact fees do not completely mitigate agricultural impacts because they do not create additional, offsetting agricultural lands. They simply ensure the longer-term operation of existing agricultural operations and the loss of agricultural lands is not reduced.

**Conclusion:** Because prime and important agricultural lands are a non-renewable environmental resource, this impact is ***significant.***.

**Mitigation Measure #3.2.1a:** General Plan Implementing Policy 7.2-e states that the City will promote compact development at densities higher than typical in recent years in order to limit conversion of agricultural land and minimize the urban/agricultural interface. Mitigation Measure 3.2.1a requires that the project achieve a minimum average density of 8.0 dwelling units per acre- a density that is roughly 74% higher than the historic average density in the City of 4.6 dwelling units to the acre. This measure would result in a quantitative and verifiable reduction in the amount of farmland converted to urban use within the vicinity of the project area.

**Mitigation Measure #3.2.1b:** General Plan Implementing Policy 7.2-h states that the City will allow agricultural uses to continue until urban development occurs. Mitigation Measure 3.2.1b requires the agricultural uses be allowed to continue on these properties until such time that urban development occurs. This measure will ensure that agricultural land continues to be used for farming purposes until such time that urban development becomes viable on the subject property.

**Mitigation Measure #3.2.1c**: General Plan Implementing Policy 7.2-j states that the City will support the implementation of the Stanislaus County Agricultural Element and the Right-to-Farm ordinance. Mitigation Measure 3.2.1c requires the final subdivision maps within the project area to include a notice that all future buyers should be prepared to accept inconveniences associated with agricultural operations, such as noise, odors, flies, dust or fumes, and that the City of Turlock has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards. This measure ensures that existing and future farming operations adjacent to the project area will be able to continue operating when urban development does occur.

**Effectiveness of Mitigation:** Even with mitigation, the impact remains ***significant and unavoidable.***

**Impact #3.2.2 - Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.**

Most of the land that lies on the fringe of existing development within the City of Turlock has been or is currently under agricultural use. Urban uses located adjacent to agricultural land typically have the potential to create conflicts with adjacent agricultural practices. These conflicts result in operational inefficiencies such as restrictions on the use of agricultural chemicals, complaints regarding noise, dust and odors, trespassing and vandalism that can cause property owners to consider converting their land to an urban use.

The Master Plan area is surrounded by residential uses to the north, commercial uses to the west and agricultural uses to the east and south. Although the land to the south and east is currently used for agriculture, it is designated for urban uses and it will eventually be developed. The

SJVAPCD Rule 4102 – Nuisance. The purpose of this rule is to protect the health and safety of the public, and applies to any source operation that emits or may emit air contaminants or other materials;

SJVAPCD Rule 4601 – Architectural Coatings. The purpose of this rule is to limit Volatile Organic Compounds (VOC) emissions from architectural coatings. Emissions are reduced by limits on VOC content and providing requirements on coatings storage, cleanup, and labeling;

SJVAPCD Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. The purpose of this rule is to limit VOC emissions from asphalt paving and maintenance operations. If asphalt paving will be used, then the paving operations will be subject to Rule 4641;

SJVAPCD Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters. This rule would apply to the residential component of the project;

SJVAPCD Regulation VIII – Fugitive PM10 Prohibitions. Rule 8011-8081 are designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and trackout, etc.;

SJVAPCD Rule 9410 – Employer Based Trip Reduction. The purpose of this rule is reduce vehicle miles traveled (VMT) from private vehicles used by employees to commute to and from their worksites to reduce emissions of NOx, VOC and PM. The rule would require larger employers (those with 100 or more eligible employees) to establish employee trip reduction programs to reduce VMT, reducing emissions associated with work commutes. The rule uses a menu-based Employer Trip Reduction Implementation Plan and periodic reporting requirements to evaluate performance on a phased-in compliance schedule; and

SJVAPCD Rule 9510 – Indirect Source Review. This rule reduces the impact of NOx and PM10 emissions from growth on the Air Basin. The rule places application and emission reduction requirements on development projects meeting applicability criteria in order to reduce emissions through onsite mitigation, offsite SJVAPCD-administered projects, or a combination of the two. This rule applies to new developments seeking a final discretionary approval that are over a certain threshold size. Any project exceeding the applicability thresholds listed below, which are identified in Section 2.0 of District Rule 9510, are required to submit an Air Impact Assessment (AIA) application prior to seeking final discretionary approval regardless of whether the proposed project's mitigated emissions are below two tons per year NOx and PM10: ~~Any of the following projects require an application to be submitted unless the projects have mitigated emissions of less than two tons per year each of NOx and PM10. Projects that are at least:~~

- 50 residential units;
- 2,000 square feet of commercial space;
- 9,000 square feet of educational space;
- 10,000 square feet of government space;
- 20,000 square feet of medical or recreational space;

- 25,000 square feet of light industrial space;
- 39,000 square feet of general office space;
- 100,000 square feet of heavy industrial space; and
- Or, 9,000 square feet of any land use not identified above.

Compliance with SJVAPCD Rule 9510 reduces the emissions impact of the project through incorporation of onsite measures as well as payment of an offsite fee that funds emission reduction projects in the Air Basin. The emissions analysis for Rule 9510 is highly detailed and is dependent on the exact project design that is expected to be constructed or installed. Compliance with Rule 9510 is separate from the CEQA process, though the control measures used to comply with Rule 9510 may be used to mitigate CEQA impacts. Minor changes to project components between the CEQA analysis and project construction often occur. An example of such a change is a change in construction year, operational year, etc. The amounts of emission reductions required by Rule 9510 are:

| | |
|---|---|
| Construction Exhaust: | 20 percent of the total NOx emissions; and<br>45 percent of the total PM10 emissions. |
| Operational Emissions: | 33 percent of NOx emissions over the first 10 years; and<br>50 percent of the PM10 emissions over the first 10 years. |

In addition to the following Rules, the SJVAPCD has found a Voluntary Emissions Reduction Agreement (VERA) to be a feasible mitigation measure to mitigate emissions to less-than-significant levels. The VERA is an instrument by which the project proponent provides monies to the District, which is used by the District to fund emissions reduction projects that achieve the reductions required by the lead agency. District staff is available to meet with project proponents to discuss a VERA for specific projects. For more information, or questions concerning this topic, District staff can be contacted at (559) 230-6000.

~~Rule 9510 requires the submission of an Air Impact Assessment application to the SJVAPCD no later than applying for the final discretionary permit. The proposed project will comply with this requirement at the time final discretionary permits are sought.~~

**STANISLAUS COUNCIL OF GOVERNMENTS/REGIONAL TRANSPORTATION PLAN**

Stanislaus Council of Governments (StanCOG) is the Metropolitan Planning Organization (MPO) for the Stanislaus Region, as designated by the federal government, and the Regional Transportation Planning Agency (RTPA) as designated by the State of California. A MPO/RTPA is a public organization that works with local governments and citizens in its region by dealing with issues and needs that cross city and county boundaries.

StanCOG is a council of city and county governments comprised of the cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford, and the County of Stanislaus, that was established in 1971 by a Joint Powers Agreement to address regional transportation issues. It is responsible for developing and updating a variety of transportation

plans and for allocating the federal and State funds to implement them. While regional transportation planning is its primary role, StanCOG is also involved in other issues that affect the entire region, such as air quality.

**2011 REGIONAL TRANSPORTATION PLAN**

The 2011 Regional Transportation Plan (RTP) is the blueprint used to address the many challenges facing the transportation system. This long range plan contains an integrated set of goals, objectives, and actions to maintain, manage, and improve the transportation system in Stanislaus County through the year 2035.

**Table 3.3-5**
**Summary of Project Buildout**

| Land Use Designation | 2014 | 2016 | 2018 | 2020 | Total Acres | Total Dwelling Units (du) |
|---|---|---|---|---|---|---|
| Medium Density Residential | 30.05 acres 218 du | 30.05acres 218 du | 30.05acres 218 du | 30.05acres 219 du | 120.2 | 1,322 |
| High Density Residential | 7.5 acres 225 du | 7.5 acres 225 du | - | - | 15.0 | 338 |
| Community Commercial | - | 4.45 acres 48,461 ~~KSF~~sq ft | 4.45 acres 48,460 ~~KSF~~sq ft | - | 8.9 | - |
| Office | - | 1.5 acres ~~16,335~~22,900 ~~KSF~~sq ft | | | 1.5 | - |
| Park | - | 4.35 acres | 4.35 acres | - | 8.7 | - |
| Detention Basin | 4.4 acres | | | | 4.4 | - |
| Public (School) | ~~11.0~~ 12.0 acres | - | - | - | 11.1 | - |

Source: City of Turlock, 2013.
Notes: DU = dwelling units, ~~KSF = 1,000~~sq ft = square feet, FAR = Floor Area Ratio.

Significance of construction emissions is on a tons per year basis. Therefore, to present a worst-case scenario, it is assumed that heavy construction would occur within one to two years per phase. More specific phasing information will occur during the approval process of precise development proposals, including tentative maps, site plans, and improvement plans, which will serve as the final discretionary approval and require compliance with Rule 9510. The analysis herein takes into account an aggressive development schedule that in some cases may overstate project impacts. This methodology was undertaken so as to not understate potential project impacts. Assumptions were based on the estimated number of dwelling units and commercial square footage for operational years included in the traffic analysis and represents the majority of project emissions. Construction phasing assumptions are shown in Table 3.3-6.

**Table 3.3-6**
**Construction Phasing Assumptions for Morgan Ranch Master Plan Project**

| Phase | Year | Phase Duration | Construction Phase Assumptions |
|---|---|---|---|
| Phase 1 (Refer to Section 2.2.2) | 2014 | 30 days | Site Preparation of 53.5 acres (grubbing and land clearing)<br>Equipment:<br>Bulldozer (9)<br>Tractors/Loaders/Backhoes (12) |
| | 2014 | 60 days | Site Grading of 53.5 acres.<br>Equipment:<br>Excavators (5)<br>Graders (3)<br>Rubber Tired Dozers (4)<br>Scrapers (2)<br>Tractors/Loaders/Backhoes (11) |

innovative measures and a "dual path" strategy, assures expeditious attainment of the federal 8-hour ozone standard for all Air Basin residents. The ARB approved the plan on June 14, 2007.

In December 2005, the SJVAPCD adopted the ISR and the accompanying administrative fee rule (Rule 3180). The ISR requires certain development projects within the San Joaquin Valley Air Basin to reduce emissions by specified amounts either through on-site measures or through the payment of air quality impact fees to the SJVAPCD to obtain emission reductions off-site. The emission reduction requirements are designed to reduce PM10 and NOx by amounts needed to meet the commitments of the 2003 PM10 Plan necessary to achieve attainment on schedule. Emission reduction projects envisioned by the ISR include retrofitting heavy-duty engines, replacing agricultural machinery and pumps, paving unpaved roads and road shoulders, trading out combustion-based lawn and agricultural equipment for electrical and other equipment, as well as a host of other projects that result in quantifiable emission reductions of PM10 and NOx. Compliance with Rule 9510 is incorporated into Mitigation Measure 3.32~~1~~k.

Compliance with the ISR, however, does not achieve full and complete mitigation of a project's air quality impacts on nonattainment pollutants. This is because the rule requires projects to reduce their construction emissions by 20 percent for NOx and 45 percent for PM10 and operational emissions by 33 percent for NOx and 50 percent for PM10. Mitigation Measures #3.3.2~~1~~o and #3.3.2~~1~~p would require the project applicant to consult with the SJVAPCD to develop and implement a Feasible Implementation Plan with the goal of reducing operational emissions to below annual thresholds of ROG, NOx, and PM10.

***Consistency with the City of Turlock's General Plan Air Quality Element***

The City of Turlock General Plan Air Quality and Greenhouse Gases Element includes several policies with the objective of improving air quality and assisting with the attainment or maintenance of air quality standards. Table 3.3-7 analyzes the project's consistency with applicable air quality-related policies of the Turlock General Plan.

**Table 3.3-7**
**Turlock Air Quality Element Policies**

| Chapter/ Element | Policy No. | Policy Text | Consistency Determination |
|---|---|---|---|
| Chapter 8. Air Quality and Greenhouse Gases | Policy 8.1-a | Prioritize Air Quality in Local Planning. Continue efforts to improve air quality in Turlock by integrating air quality analysis and mitigation in land use and transportation planning, environmental review, public facilities and operations, and special programs. | Consistent. The proposed project would mitigate its air quality impacts, although not to less than significant and assist in the implementation of the Air District air quality attainment plans. |
| | Policy 8.1-b | Participate in Regional Efforts. Cooperate with the San Joaquin Valley Air Pollution Control District and Stanislaus Council of Governments in developing and implementing | Consistent. The Air District will be able to review and comment on the Draft EIR and will |

| Chapter/ Element | Policy No. | Policy Text | Consistency Determination |
|---|---|---|---|
| | | air quality regulations and incentives. | work with the City to develop a Feasible Implementation Plan. |
| | Policy 8.1-c | Coordination with Other Agencies. Work with neighboring jurisdictions and affected agencies to address cross-jurisdictional and regional transportation and air quality issues. | Consistent. The City of Turlock collaborated and worked with StanCOG, the SJVAPCD, and other neighboring jurisdictions during the initial phases of the project. These agencies with be able to review and comment on the Draft EIR. |
| | Policy 8.1-d | Transportation and Residential Density. Designate residential land uses to be higher density than in the past in order to meet population demand and reduce total vehicle miles travelled. | Consistent. The proposed project includes medium and high density residential units that will help to meet the growing needs that are addressed in the newly adopted general plan. |
| | Policy 8.1-e | Establish Land Use Pattern That Supports Trip Reduction. Establish land use pattern that enables alternatives to automobile use and reduces trip lengths, including transit oriented, mixed use development and neighborhood commercial areas. | Consistent. The project will incorporate pedestrian and bicycle infrastructure as outlined in Mitigation Measure #3.3.2~~1~~j. |
| | Policy 8.1-f | Plant and Maintain Trees in Streets and Parks. Adopt a comprehensive tree-planting and maintenance program that recognizes the effect of air pollutants on trees and the role trees can play in removing particulate matter and gaseous pollutants. Provide a viable financing program, particularly in older neighborhoods that are not in a landscape and lighting assessment district.<br><br>*See also policies in Sections 5.2: Roadway Network, Standards and Improvements and 6.3: Street Design and Connectivity relating to street trees. Studies have shown that immediately adjacent to arterial streets, the lead content of air can be about 15 times as high as "normal." Hardy trees, or those adapted to such conditions, are likely to do much better over time with less care than trees that are unsuited. Rows of trees planted close together and selected and spaced to provide a buffer between the streets and the surrounding* | Consistent. The proposed project includes landscaping and shade canopy requirements to reduce the urban heat island as outlined in Mitigation Measures #3.3.2~~1~~k and ##.3.~~11~~3.21. Tree planting will comply with the City of Turlock's Design Guidelines for planting trees, as well as the City's general plan and zoning ordinance requirements. |

| Chapter/ Element | Policy No. | Policy Text | Consistency Determination |
|---|---|---|---|
| | | *areas (such as by a combination of low and high branching trees planted in alternate rows) can be effective in filtering fumes and particulate matter.*<br><br>*The update of the street tree ordinance should also consider reducing existing spacing standards between trees. Spacing standards vary from 40 to 60 feet for all streets on the list; in older areas, such as along Sycamore Street, tall trees are planted as close as 20 feet apart. Shade trees also reduce radiation heating (the "heat island effect,") helping to cool the urban environment and reduce peak energy use, and consequently reduce both ozone formation and greenhouse gas production.* | |

| Chapter/ Element | Policy No. | Policy Text | Consistency Determination |
|---|---|---|---|
| | | projects may be eligible:<br>▪ Public transportation and commuter vanpool passenger subsidies;<br>▪ Telecommunications, including videoconferencing, distance learning, and internet based business transactions;<br>▪ Bike path construction;<br>▪ Alternative-fuel mechanic training. | The project will incorporate pedestrian and bicycle infrastructure as outlined in Mitigation Measure #3.3.2~~1~~j. |
| | Policy 8.1-u | Support Employer-Based Trip Reduction. Support the Air District's requirement that companies and organizations with 100 or more employees establish ride-sharing programs, and provide incentives to companies with 25 to 100 employees that do the same. Ridesharing programs may include market-based incentives such as cash for ridesharing, preferential parking for carpools, transit subsidies, cash allowances in lieu of parking spaces, telecommuting and flexible work schedules. | Consistent: SJVAPCD will be able to review and comment on the Draft EIR and will work with the City to develop a Feasible Implementation Plan. |

Source of Policies: Turlock General Plan, 2012.
Source of Consistency Determination: Quad Knopf, Inc.

In certifying the Draft EIR (DEIR) for the Turlock General Plan, the City of Turlock adopted mitigation measures that would be applied on both a city-wide and project-level basis through the implementation of the General Plan. The project is consistency with applicable mitigation measures from the DEIR.

**Conclusion**: While the project would be consistent with applicable air quality policies of the Turlock General Plan, it would be inconsistent with certain policies of the SJVAPCD. Even with incorporation of Mitigation Measures #3.3.2~~1~~a through #3.3.2~~1~~l, listed under Impact #3.3.2, impacts would remain ***potentially significant***.

**Mitigation Measures**: Implement Mitigation Measures #3.3.2~~1~~a through #3.3.2~~1~~l.

**Effectiveness of Mitigation**: With the implementation of the above mitigation measures, the impact remains ***significant***.

**Impact #3.3.2 – Violate any air quality standard or contribute substantially to an existing or projected air quality violation. [Evaluation Criteria (b)]**

The SJVAPCD indicates that all control measures in Regulation VIII: Fugitive Dust Prohibitions are required for all construction sites by regulation. The SJVAPCD's GAMAQI lists additional measures that may be required because of sheer project size or proximity of the project to sensitive receptors. If all appropriate "enhanced control measures" in the GAMAQI are not implemented for these very large or sensitive projects, then construction impacts would be considered significant (unless the Lead Agency provides a satisfactory detailed explanation as to

| | | | | | |
|---|---|---|---|---|---|
| | ***Total*** | 12.53 | 41.76 | 8.79 | 2.8 |
| | Significance Threshold | 10 | 10 | 15 | 15 |
| | Exceed Significance Threshold? | **Yes** | **Yes** | No | No |
| 2017 | **Phase 2 - Construction** | 10.25 | 11.11 | 0.86 | 0.72 |
| | **Phase 1 - Operation** | 9.06 | 17.46 | 6.13 | 0.88 |
| | ***Total*** | 19.31 | 28.57 | 6.99 | 1.6 |
| | Significance Threshold | 10 | 10 | 15 | 15 |
| | Exceed Significance Threshold? | **Yes** | **Yes** | No | No |
| 2018 | **Phase 3 - Construction** | 1.82 | 12.41 | 0.65 | 0.90 |
| | **Phase 1 and 2 Operation** | 18.31 | 33.04 | 12.24 | 1.69 |
| | ***Total*** | 20.13 | 45.45 | 12.89 | 2.59 |
| | Significance Threshold | 10 | 10 | 15 | 15 |
| | Exceed Significance Threshold? | **Yes** | **Yes** | No | No |
| 2019 | **Phase 3 - Construction** | 7.52 | 6.17 | 0.45 | 0.37 |
| | **Phase 1 and 2 Operation** | 18.31 | 33.04 | 12.24 | 1.69 |
| | ***Total*** | 25.83 | 39.21 | 12.69 | 2.06 |
| | Significance Threshold | 10 | 10 | 15 | 15 |
| | Exceed Significance Threshold? | **Yes** | **Yes** | No | No |
| 2020 | **Phase 4 - Construction** | 6.06 | 3.20 | 0.33 | 0.21 |
| | **Phase 1, 2, and 3 – Operation** | 25.2 | 44.18 | 17.4 | 2.17 |
| | ***Total*** | 31.26 | 47.38 | 17.73 | 2.38 |
| | Significance Threshold | 10 | 10 | 15 | 15 |
| | Exceed Significance Threshold? | **Yes** | **Yes** | **Yes** | No |
| 2021 | Phase 1 – 4 -Operation | 31.13 | 54.11 | 22.5 | 2.61 |
| | Significance Threshold | 10 | 10 | 15 | 15 |
| | Exceed Significance Threshold? | **Yes** | **Yes** | **Yes** | No |
| 2025 | Phases 1 -4 - Operation | 26.16 | 37.70 | 21.87 | 1.79 |
| | Significance Threshold | 10 | 10 | 15 | 15 |
| | Exceed Significance Threshold? | **Yes** | **Yes** | **Yes** | No |
| 2030 | Phases 1 -4 - Operation | 24.55 | 33.65 | 21.76 | 1.69 |
| | Significance Threshold | 10 | 10 | 15 | 15 |
| | Exceed Significance Threshold? | **Yes** | **Yes** | **Yes** | No |

Source: City of Turlock, 2013.
Note: CalEEMod results (Appendix C).

Accordingly, mitigation is proposed to reduce project-related emissions. Mitigation Measure #3.3.2~~1~~a through #3.3.2~~1~~l would reduce emissions from ROG, NOx, and PM10. The potential reductions from Mitigation Measures #3.3.2~~1~~a through #3.3.2~~1~~l are not calculated because the mitigation would not be enough to reduce pollutants below the significance thresholds because the emissions are so high. Mitigation Measure #3.3.2~~1~~k requires that each development plan comply with Rule 9510, which would reduce 20 percent of the construction-related NOx emissions and 45 percent of the construction PM10 (exhaust) emissions, 33 percent of operational NOx over the first 10 years, and 50 percent of the operational PM10 emissions over the first 10 years. However, ROG emissions are not reduced through the rule, and reductions would not be sufficient to reduce combined emissions to less than significance thresholds.

The SJVAPCD has recommended that large projects whose emissions exceed the thresholds of significance consult with the Air District to develop and implement a Feasible Implementation Plan (FIP) with the goal of reducing project specific impacts on air quality to a less than significant level. This recommendation has been incorporated into the project as Mitigation Measures #3.3.2~~1~~l.

**Mitigation Measure #3.3.21a**: ~~Prior to issuance of grading permits for each development within the Morgan Ranch Master Plan project site, the project applicant shall provide information to the City of Turlock describing the methods by which the following measures will be complied with:~~

- ~~Off-road equipment used onsite shall achieve a fleet average emissions equal to or less than the Tier II emissions standard of 4.9 grams of NOx per horsepower hour. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards. Tier II emission standards are set forth in Section 2423 of Title 13 of the California Code of Regulations and Part 89 of Title 40 Code of Federal Regulations;~~

- ~~Construction equipment shall be properly maintained at an offsite location; maintenance shall include proper tuning and timing of engines. Equipment maintenance records and data sheets of equipment design specifications shall be kept on site during construction;~~

- ~~Onsite construction equipment shall not idle for more than 5 minutes in any one hour;~~

- ~~During the building phase, onsite electrical hook ups shall be provided for electric construction tools including saws, drills and compressors, to eliminate the need for diesel powered electric generators; and~~

- ~~Construction workers shall be encouraged to carpool to and from the construction site. Workers shall be informed in writing and a letter shall be placed on file in the Turlock Development Services office documenting efforts to carpool~~Builders shall comply with SJVAPCD regulations.

**Mitigation Measure #3.3.21b**: Builders shall comply with SJVAPCD regulations. ~~Construction contracts shall include a provision that requires all architectural coatings to be zero volatile organic compound (VOC) paints (assumes no more than 100 grams/liter of VOC) and coatings. All paints shall be applied using either high volume low pressure (HVLP) spray equipment or by hand application.~~ For a list of low-VOC paints, see www.aqmd.gov/prdas/brochures/paintguide.html.

**Mitigation Measure #3.3.21c**: Prior to issuance of grading permits, the project proponent will provide the City of Turlock with a traffic control plan that describes in detail safe detours around the project construction site, provides temporary traffic control (i.e., flag person) during construction-related truck-hauling activities, and minimizes traffic flow interference from construction activities. The plan may include:

- Advance public notice of alternative routes;

- Use of public transportation and satellite parking areas with a shuttle service for construction personnel;

- Schedule operations that affect traffic for off-peak hours;

- Minimize obstruction of through-traffic lanes; and
- Provide a flag person to guide traffic properly and ensure safety at construction sites.

**Mitigation Measure #3.3.2~~1~~d:** Construction staging and queuing areas shall not be located within 500 feet of sensitive receptors.

**Mitigation Measure #3.3.2~~1~~e**: Construction plans shall provide for the installation of automated lighting and thermal controls in all non-residential facilities. The City of Turlock will verify compliance during review of construction plans.

**Mitigation Measure #3.3.2~~1~~f**: Construction plans shall include one or more of the following roofing technologies to reduce energy consumption:

- EPA "Energy Star" approved roofing materials and
- "Green Roof" Technology.

**Mitigation Measure #3.3.2~~1~~g**: Construction plans shall address passive energy conservation through building orientation, use of natural ventilation and shading in a way that does not compromise the thermal integrity of the building or the implementation of Mitigation Measure #3.3.1i. The City of Turlock will verify compliance during review of construction plans.

**Mitigation Measure #3.3.2~~1~~h**: Each development project within the Morgan Ranch Master Plan project site shall be designed to achieve a minimum 20 percent energy efficiency above 2008 Title 24 standards. Prior to issuance of building permits, the project applicant shall provide a third-party verification to the City of Turlock demonstrating that the project achieves this energy efficiency goal.

**Mitigation Measure #3.3.2~~1~~i**: Prior to issuance of building permits, a landscape plan shall be prepared and submitted to the City of Turlock for review and approval pursuant to the City's normal planning process that provide shade trees and foliage to reduce building and surface lot heating/cooling needs, and conform to landscape standards established by the City of Turlock. The landscape plan shall comply with the State-mandated Water Efficient Landscape Ordinance and shall have the following components:

1. At least 50 percent of installed trees and shrubs shall be low-ozone forming potential (Low-OFP) and drought-tolerant species; and
2. The landscape plan shall be designed to shade 50 percent of paved surfaces within 10 years of buildout.

**Mitigation Measure #3.3.2~~1~~j**: Prior to approval of the final site plan for the non-residential uses that would receive five or more truck deliveries per week, the project applicant shall demonstrate that the following anti-idling measures would be implemented:

- Provide available electricity hookups for trucks in the loading dock areas;
- Signs shall be posted in dock areas advising drivers that idling shall not occur for more than 3 minutes; and
- Telephone numbers of the building facilities manager and the California Air Resources Board shall be posted on signs at truck entrances to report idling violations.

**Mitigation Measure #3.3.2~~1~~k**: ~~Prior to issuance of grading permits, the project~~Project applicants ~~will~~ shall work with the SJVAPCD to determine project emissions based on a more refined construction schedule and proposed construction equipment to determine if construction emissions exceed the Air District thresholds of significance after compliance with the Indirect Source Review Rule. If construction emissions exceed the Air District thresholds of significance, the applicant shall consult with the SJVAPCD to develop and implement a Feasible Implementation Plan with a goal of reducing construction emissions to below annual thresholds of 10 tons per year of ROG, 10 tons per year of NOx, and 15 tons per year of PM10. The Feasible Implementation Plan as identified above shall identify offsite mitigation measures proposed to be implemented by the applicant and agreed upon by the SJVAPCD to be appropriate and effective to reduce emissions. Alternatively, the Feasible Implementation Plan shall identify the mitigation fee required to be paid by the applicant based on the amount of emission reductions needed to bring the project's construction impacts below the annual thresholds. The project applicant shall provide this funding prior to the start of construction to help facilitate emission offsets that are as real-time as possible. The SJVAPCD will use the funds to purchase the required emission reductions through offsite mitigation strategies. The emissions reduction agreement must be implemented in addition to the required measure to reduce construction-related diesel equipment exhaust emissions listed in Mitigation Measure #3.3.2~~1~~a. Development and implementation of the emissions reduction agreement shall be fully funded by the project applicant. Preference shall be given to offsite emission reduction projects that are located in or in close proximity to Turlock. The applicant shall submit documentation to the City of Turlock verifying that this has been successfully completed.

**Mitigation Measure #3.3.2~~1~~l**: ~~Prior to issuance of building permits, the project~~Project applicants ~~will~~ shall work with the SJVAPCD to determine if the project's operational emissions exceed the Air District thresholds of significance based on the incorporation of onsite mitigation measures and detailed project information. If the operational emissions exceed the Air District's thresholds of significance, the applicant shall consult with the SJVAPCD to develop and implement a Feasible Implementation Plan with a goal of reducing operational emissions to below annual thresholds of 10 tons per year of ROG, 10 tons per year of NOx, and 15 tons per year of PM10. The Feasible Implementation Plan shall identify offsite mitigation measures proposed to be implemented by the applicant and agreed upon by the SJVAPCD to be appropriate and effective to reduce emissions. Alternatively, the Feasible Implementation Plan shall identify the mitigation fee required to be paid by the applicant based on the amount of emission reductions needed to bring the project impacts below the annual thresholds. The SJVAPCD will use the funds to purchase the required emission reductions through offsite mitigation strategies. Payment of offsite fees shall be prior to issuance of occupancy permits. The Feasible Implementation Plan

requires the SJVAPCD approval and verification of payment prior to receiving final occupancy permits from the City of Turlock.

**Mitigation Measure # 3.3.2m**: ~~Prior to issuance of building permits, project~~Project applicants shall pay all District Rule 9510 fees.

Individual development projects may also be subject to the following District Rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

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

~~**Mitigation Measure # 3.3.2n**: During the permitting application process, future applicants shall be provided information on the District's recommended design standards that reduce vehicle miles traveled. Recommended design elements can be found on the District's website at: http://www.valleyair.org/ISR/ISROnSite Measures.htm.~~

**Effectiveness of Measures**: With the implementation of the above measures, the project would still violate air quality standards and contribute substantially to existing or projected air quality violations. The impact would be ***significant and unavoidable***.

**Impact #3.3.3 – Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable national or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). [Evaluation Criteria (c)]**

The Air Basin is in nonattainment for ozone, PM10, and PM2.5, which are discussed individually. Each pollutant is addressed individually in the following analysis.

***Ozone***

As discussed in Impact 3.3.1, project emissions emitted within the Air Basin would exceed the significance thresholds for ROG and NOx. Therefore, project emissions could cumulatively combine with other sources in the Air Basin and could cause a future violation of the ozone standards. This impact is ***potentially significant***.

The project has incorporated Mitigation Measures #3.3.2~~1~~a through #3.3.2~~1~~l that would reduce the project's emissions. Specifically, Mitigation Measures #3.3.2~~1~~k and #3.3.2~~1~~l would require the applicant to enter into a voluntary agreement with the Air District to reduce project emissions of ROG and NOx to less than the thresholds of significance. According to the Guide for Assessing and Mitigating Air Quality Impacts, the Air District based the ozone precursor

thresholds' "significant contribution" definition on the California Clean Air Act's offset requirements for ROG and NOx. The ROG and NOx offset thresholds are described in SJVAPCD Rule 2201 (New and Modified Stationary Source Review). Accordingly, if the project reduces its emissions below the thresholds of significance, it would not result in cumulatively considerable net increase of ROG and NOx and would therefore have a less than significant impact. Such reduction, however, assumes the ability to fully mitigated impacts through the Feasible Implementation Plan. The impact must therefore be considered ***significant***.

***Particulate Matter***

As discussed in Impact 3.3.1, emissions during construction and operation would exceed the PM10 significance threshold, primarily due to paved road dust from project related motor vehicles and trucks traveling throughout the State. A smaller proportion of these emissions is from the motor vehicle and truck exhaust. Much of the road dust would settle out near the road. However, some of it could extend up into the air, cumulatively combining with other sources, and cause a violation of the PM10 ambient air quality standards. This is a potentially significant impact.

The project has incorporated Mitigation Measures #3.3.2~~1~~a through #3.3.2~~1~~l that would reduce the project's emissions. Specifically, Mitigation Measures #3.3.2~~1~~k would require the applicant to enter into a voluntary agreement with the Air District to reduce project emissions of PM10 to less than the thresholds of significance. If the project reduces its emissions below the thresholds of significance it would not result in cumulatively considerable net increase of PM10 and would therefore have a less than significant impact. Such reduction, however, assumes the ability to fully mitigated impacts through the Feasible Implementation Plan. The impact must therefore be considered ***significant***.

***Air Quality Plan***

Section 15130(b) of the CEQA Guidelines states the following:

The following elements are necessary to an adequate discussion of significant cumulative impacts: 1) Either: (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or (B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact.

In accordance with CEQA Guidelines 15130(b), this analysis of cumulative impacts is based on a summary of projections analysis. This analysis considers the current CEQA Guidelines, which includes the recent amendments approved by the Natural Resources Agency and effective on March 18, 2010. Under the amended CEQA Guidelines, cumulative impacts may be analyzed using other plans that evaluate relevant cumulative effects. The air quality attainment plans describe and evaluate the future projected emissions sources in the Air Basin and sets forth a strategy to meet both state and federal Clean Air Act planning requirements and federal ambient air quality standards. Therefore, the plans are relevant plans for a CEQA cumulative impacts analysis. As discussed in Impact 3.3.3, the project is not consistent with the air quality attainment

plans. Therefore, this is a potentially significant impact. However, with the incorporation of Mitigation Measures #3.3.2~~1~~a through #3.3.2l, the project would be consistent with the air quality attainment plans. Such reduction, however, assumes the ability to fully mitigated impacts through the Feasible Implementation Plan. The impact must therefore be considered ***significant***.

**Conclusion**: Impacts would be ***significant***.

**Mitigation Measures**: Implement Mitigation Measures #3.3.2~~1~~a through #3.3.2l.

**Effectiveness of Mitigation**: Despite the implementation of the above mitigation measures, the impact would be ***significant and unavoidable.***

**Impact #3.3.4 – Expose sensitive receptors to substantial pollutant concentrations. [Evaluation Criteria (d)]**

The SJVAPCD has adopted the following significance thresholds for Toxic Air Contaminants:

- Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million; or
- Ground-level concentrations of non-carcinogenic toxic air contaminants would result in a Hazard Index greater than 1 for the MEI.

The three air quality issues of concern as they relate to sensitive receptors are toxic air contaminants, valley fever, and naturally occurring asbestos. Each is issue is discussed separately.

***Construction: Toxic Air Contaminants***

Health-related risks associated with diesel exhaust emissions are primarily associated with long-term exposure and associated risk of contracting cancer. The estimation of cancer risk associated with exposure to toxic air contaminants is typically calculated based on a 70-year period of exposure. The use of diesel-powered construction equipment for the project, however, would be temporary (approximately 7 years in duration) and episodic and would occur over a relatively large area. For this reason, diesel-exhaust generated by construction, in and of itself, would not be expected to create conditions where the probability of contracting cancer over a 70-year lifetime of exposure is greater than 10 in 1 million for nearby receptors.

*Operation: Toxic Air Contaminants*

The ARB Air Quality and Land Use Handbook contains recommendations that will "help keep California's children and other vulnerable populations out of harm's way with respect to nearby sources of air pollution", including recommendations for distances between sensitive receptors and certain land uses. These recommendations are assessed as follows:

- Heavily traveled roads: The ARB recommends avoiding new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles per day, or rural roads with 50,000

vehicles per day. Epidemiological studies indicate that the distance from the roadway and truck traffic densities were key factors in the correlation of health effects, particularly in children. Roads assessed in the traffic study do not exceed a volume of 100,000 vehicles per day;

- Distribution centers: The ARB also recommends avoiding siting new sensitive land uses within 1,000 feet of a distribution center. There are no distribution centers within the vicinity of the project site;

- Fueling stations: The ARB recommends avoiding new sensitive land uses within 300 feet of a large fueling station (a facility with a throughput of 3.6 million gallons per year or greater). A 50-foot separation is recommended for typical gas dispensing facilities; and

- Dry cleaning operations: The ARB recommends avoiding siting new sensitive land uses within 300 feet of any dry cleaning operation that uses perchloroethylene. For operations with two or more machines, ARB recommends a buffer of 500 feet. For operations with three or more machines, ARB recommends consultation with the local air district. (California Air Resource Board 2005).

Accurate quantification of health risks and operational emissions requires detailed site specific information, for example, the type of emissions source, proximity of the source to sensitive receptors, and trip generation information. The required level of detail is typically not available until project specific approvals are being granted. Thus, the SJVAPCD recommends that potential health risks be further reviewed when approving future projects, including those that would be exempt from CEQA requirements. Specific consideration should be given when approving projects that could expose sensitive receptors to toxic air contaminants (TACs).

Prior to approval of future projects under the Morgan Ranch Master Plan, builders may conduct an analysis when sensitive receptors could be exposed to TACs. If the analysis indicates that TACs are a concern, then a Health Risk Assessment (HRA) could be performed under supervision from the SJVAPCD for modeling guidance. If there are questions regarding HRAs, they should be addressed to Mr. Leland Villalvazo, Supervising Air Quality Specialist, at hramodeler@valleyair.org.

Additional information on TACs can be found online by visiting the SJVAPCD's website at: http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

~~The project would include commercial uses (approximately 96,922 square feet) that may have service and delivery vehicles that generate diesel particulate matter (DPM) or may generate polycyclic aromatic hydrocarbons (PAHs), both toxic air contaminants. It is unknown what type of commercial uses will ultimately occur within the project site; however, in order to provide an estimate of potential impacts the following assumptions were included in a health risk screening. The SJVAPCD has a screening tool to determine if project impacts exceed the SJVAPCD threshold of 10 in one million probability of contracting cancer for the Maximally Exposed Individual (MEI). The screening tool requires information on the anticipated number of heavy-heavy duty diesel trucks (HHDT) and Truck Refrigeration Units (TRUs) servicing the proposed~~

~~land uses and the estimated amount of gasoline dispensed by the facility. In order to provide an estimate, the following assumptions were included in the modeling:~~

- ~~5 HHDT trips per day, 5 days per week, 52 weeks per year;~~
- ~~4 TRU trips per day, 5 days per week, 52 weeks per year;~~
- ~~2 Restaurants; and~~
- ~~Idling time of five minutes (The ARB's Airborne Toxic Control Measure (ATCM) limits diesel truck idling to five minutes).~~

~~For comparative purposes, a national large big box retailer has on average two to three TRUs per day and five to six truck trips per day for projects of 200,000 square feet of regional retail uses. The proposed project would include neighborhood and community commercial uses and would be expected to have lower truck trips per day (Trip Generation, Fourth Edition, Institute of Transportation Engineers).~~

**Conclusion:** Impacts would be *less than significant.* Mitigation Measure #3.3.4a is recommended to address potential TAC impacts on a project-specific basis as projects are proposed within the Master Plan.

~~**Mitigation Measures #3.3-4a:** Prior to approval of future projects under the Morgan Ranch Master Plan, an analysis shall be completed when sensitive receptors could be exposed to TACs. If the analysis indicates that TACs are a concern, then a Health Risk Assessment (HRA) shall be performed under supervision from the SJVAPCD for modeling guidance. If there are questions regarding HRAs, they should be addressed to Mr. Leland Villalvazo, Supervising Air Quality Specialist, at hramodeler@valleyair.org.~~

~~Additional information on TACs can be found online by visiting the SJVAPCD's website at: http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.~~

~~No mitigation is necessary.~~

**Effectiveness of Measures**: With the implementation of the above measure, the project would reduce impacts that may result from exposure of TACs to sensitive receptors. This impact would therefore be *less than significant.*

**Impact #3.3.5 – Exposure of a substantial number of people to sources of objectionable odors. [Evaluation Criteria (e)]**

If the proposed project were to result in a sensitive odor receptor being located in the vicinity of an undesirable odor generator, the impact would be considered significant. The SJVAPCD regulates odor sources through its nuisance rule, Rule 4102, but has no quantitative standards for odors. The SJVAPCD presents a list of project screening trigger levels for potential odor sources in its GAMAQI, which is displayed in Table 3.3-10. If the project were to result in sensitive receptors being located closer to an odor generator in the list in Table 3.3-10 than the recommended distances, a more detailed analysis including a review of SJVAPCD odor complaint records is recommended.

Significant odor problems are defined as:

- More than one confirmed complaint per year averaged over a three year period; or
- Three unconfirmed complaints per year averaged over a three-year period.

Prior to or During Ground Disturbance shall be followed. The measures that are listed below have been excerpted from those guidelines and will protect San Joaquin kit foxes from direct mortality and from destruction of active dens and natal or pupping dens. The City of Turlock shall determine the applicability of the following measures depending on specific construction activities and shall implement such measures when required. The measures below will also serve to protect American badger. The following measures apply only during the construction period.

1. Pre-construction surveys shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any project activity likely to impact the San Joaquin kit fox or American badger. Exclusion zones shall be placed in accordance with USFWS Recommendations using the following:

| | |
|---|---|
| Potential Den | 50 foot radius |
| Known Den | 100 foot radius |
| Natal/Pupping Den (Occupied and Unoccupied) | Contact U.S. Fish and Wildlife Service for guidance |
| Atypical Den | 50 foot radius |

2. If dens must be removed, they must be appropriately monitored and excavated by a trained wildlife biologist. Replacement dens will be required. Destruction of natal dens and other "known" kit fox dens must not occur until authorized by USFWS.

3. Project-related vehicles shall observe a 20 miles per hour speed limit in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Nighttime construction shall be avoided, unless the construction area is appropriately fenced to exclude kit foxes. The area within any such fence must be determined to be uninhabited by San Joaquin Kit foxes prior to initiation of construction. Off-road traffic outside of designated project areas shall be prohibited.

4. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under numbers 9 and 10 of this section must be followed.

5. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe

may be moved once to remove it from the path of construction activity, until the fox has escaped.

6. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or project site.

7. ~~No firearms shall be allowed on the project site.~~Use of firearms on the Master Plan site shall conform to U.S. Fish and Wildlife Service protocols.

8. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets shall be permitted on the project sites.

9. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox, or who finds a dead, injured or entrapped individual. The representative's name and telephone number shall be provided to the USFWS and CDFW.

10. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS and CDFW should be contacted for advice.

11. Any contractor, employee(s), or military or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.

12. The Sacramento Fish and Wildlife Office and CDFW will be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825-1846, and (916) 414-6620. The CDFW contact is Mr. Scott Osborn at 1416 9th Street, Sacramento, CA 95814, (916) 324-3564.

**Mitigation Measure #3.4.1c:** Standard measures for the protection of burrowing owls provided in Burrowing Owl Consortium's April 1995 Burrowing Owl Survey Protocol and Mitigation Guidelines and the CDFW's October 17, 1995 Staff Report on Burrowing Owl Mitigation shall be implemented. Active burrows will be avoided by 250 feet, compensation will be provided for the displacement of burrowing owls, and habitat acquisition and the creation of artificial dens for any burrowing owls removed from construction areas will be provided.

1. Pre-construction surveys for burrowing owls shall be conducted. Pre-construction surveys of construction areas and a 500 foot buffer shall be conducted no more than 30 days prior to ground disturbing activities. If more than 30 days lapse between the time of the preconstruction survey and the start of ground-disturbing activities, another preconstruction survey must be completed.

The Turlock Barrel Inn located at 2219 Lander Avenue, Turlock, California, approximately 650 feet south of the Master Plan's western boundary was the location of another LUST cleanup site. Corrective action was taken to address the groundwater contaminants from petroleum releases. The case was closed on September 28, 2011. No further action related to the petroleum release at the site is required. The Turlock Barrel Inn also has a permitted UST through the Stanislaus County Department of Environmental Resources (DER), Hazardous Materials Division.

***Agricultural Chemicals***

Based on the current and historic use of the Master Plan area as cultivated farmland, agricultural chemicals such as pesticides, herbicides and fertilizer would historically have been used on the site.

***Aviation***

The proposed Project is immediately north to northeast of the Turlock Airpark. The Airpark is a private airport, with a single runway that is 2,075 feet long and 60 feet wide with a load bearing capacity of 4,000 pounds for single wheel aircraft. ~~The Airpark averages fewer than 10 aircraft operations per week and has 3 single engine aircraft based on the field.~~ The runway is oriented north-northwest to south-southeast. The majority of flights take off and land from south to north, with flight traffic patterns to the north, south and west of the airport. According to Stanislaus County Airport Land Use Commission (ALUC) staff, the Airpark has been operating intermittently during its lifetime.

The California Division of Aeronautics classifies the Airpark as a private use airport. By definition, private use airports are to be used only by personal aircraft and occasional invited guests (transient aircraft). Because Turlock Airpark is a private use airport and not a public-use airport, it is not ~~required to be~~ included in a county's airport land use plan. ~~However, Stanislaus County has chosen to adopt a compatibility plan for the Airpark.~~

The County ALUC staff has contacted the Turlock Airpark owner in order to find out about current operations and plans, if any, for continued operations. According to ALUC staff, the owner of the Airpark is trying to sell the property. As such, continued operation as a private-use airport is uncertain at this time. ~~The owner of Turlock Airpark has stated that three general aviation, single engine aircraft are based at the Airpark. Transient flights average approximately four operations per month. Additionally, one helicopter used for crop dusting is based at the field and operates when needed, but does not fill up with agricultural spray at the Airpark. No fuel facilities exist on site to service aircraft.~~

~~An ultralight fixed base operator with approximately 20 ultralights is also located at the Airpark. The ultralights average about 12 operations per week and also approach from the south, and depart to the north. The ultralight operation count is not figured into the total count for Airpark. Ultralights are differentiated from traditional aircraft due to the fact that the Federal Aviation Administration (FAA) does not classify ultralights as general aviation aircraft. Ultralights are not subject to federal aircraft certification and maintenance standards. The FAA classifies ultralights in Advisory Circular 103-7 as, "aircraft of simple design and intended exclusively for~~

~~pleasure and personal use. These aircraft (airplanes, gliders, rotorcraft, manned free balloons, etc.) would be unpowered or powered by a single, naturally aspirated engine having a certificated takeoff rating of 200 horsepower or less, would have a maximum weight of 2,500 pounds or less, and would have unpressurized cabins."~~

- California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements

Businesses, such as photographic processing, chrome plating or service stations, which generate small hazardous waste or require underground storage of hazardous materials, require a permit from the department.

*Stanislaus County Office of Emergency Services*

The Office of Emergency Services coordinates with Stanislaus County's nine cities to maintain Emergency Operations Plans (EOP's), and ensuring that they comply with National Incident Management System (NIMS) requirements. The Office also works with community-based groups on preparedness and emergency management.

OES updated the County's Multi-Jurisdictional Hazard Mitigation Plan, in 2010. The Plan identifies disaster risks and identifies strategies for minimizing damage. The Plan aims to be a resource for decision-making and community preparedness. The current Plan was approved by FEMA in 2011

*Stanislaus County Airport Land Use Commission*

Stanislaus County Airport Land Use Commission (ALUC) has created a plan with recommendations for the area immediately surrounding the Airpark. The ALUC Plan was originally created in 1978 and was last revised in 2004. The ALUC Plan is currently being updated. The current ALUC Plan establishes an area, entitled Area 3, which overlaps a larger portion of Morgan Ranch then any of the State Handbook Zones (Figure 2). According to the ALUC Plan, Area 3 is an, "area under the approach and take-off extensions and transitional surfaces as defined by the flight paths in use at the airport and federal regulations. This area is primarily concerned with safety." With the exception of rural residential uses, (10 acres or more) all residential land uses inside Area 3 are prohibited in the ALUC Plan. Area 3 overlaps portions of Phase I of Morgan Ranch where Low Density and High Density Residential land uses have been proposed.

In addition to being restrictive on residential uses within Area 3, the ALUC Plan also limits many commercial uses within the same space. The ALUC breaks down the criteria for Area 3 into types of general commercial uses, not by land use intensity. Many commercial uses are prohibited by the plan, specifically gas stations, hotels, shopping centers, theaters, and other areas that may draw a high concentration of people. Some commercial activities may be conditionally approved based on their function, such as office buildings and retail stores, and other specific uses such as auto parking, aircraft sales and repair, and truck terminals are compatible according to the ALUC Plan.

The ALUC Plan and its policies are only applicable to public-use airports. The ALUC Plan is in the process of being updated. The Turlock Airpark will not be included in the updated ALUC Plan because it is classified as a private-use airport.

in the exposure of persons and environment to hazardous materials: hazardous waste containing building materials, pesticides, abandoned wells, and USTs. Each is discussed below:

**ASBESTOS-CONTAINING MATERIALS**

As the Master Plan is developed, structures onsite will be demolished. Therefore, the project is required to comply with San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4002 (National Emissions Standards for Hazardous Air Pollutants) and Rule 3050 (Asbestos Removal Fees). The applicant is required to determine if the structures are considered "regulated facilities" under National Emissions Standards for Hazardous Air Pollutants (NESHAP) by contacting the SJVAPCD. If there are regulated facilities to be demolished, the facilities must be inspected to determine if any asbestos containing material (ACM) are present. If ACM are present, the project must follow the SJVAPCD requirements and, potentially, Cal OSHA and Cal-EPA regulations.

Based on the age of the structures onsite, there is the likelihood of encountering building materials containing asbestos. Mitigation is proposed requiring that these materials be properly removed and disposed of by a certified contractor prior to demolition activities. The implementation of this mitigation measure would reduce impacts to a level of less than significant.

**LEAD-BASED PAINT**

Based on the age of the structures onsite, it is likely that lead-based paint (LBP) may exist onsite. Mitigation is proposed requiring that these materials be properly removed and disposed of by a certified contractor prior to demolition activities. The implementation of this mitigation measure would reduce impacts to a level of less than significant.

**WELLS/SEPTIC SYSTEMS**

There were no wells or septic systems directly observed on the property, but property access was restricted in some areas. As such, it is assumed that, due to the presence of active agriculture on the project site, there are agricultural wells onsite as well as domestic wells and possible septic systems for the scattered residences onsite. As these wells and septic systems would not be used at a future date with the proposed project, they should be abandoned in accordance with applicable local, state, and federal regulations. In particular, the closure of all onsite wells and septic systems should be required as a condition of approval for the proposed project. TID Well/Pump #112 is not expected to be abandoned and sealed. The abandonment of the existing wells and septic systems in accordance with applicable laws would not pose a health risk. Therefore, impacts would be less than significant for all well closure associated activities.

**PESTICIDES**

The project site was formerly used for agricultural production. While agricultural chemicals were not directly observed on the project site during the site reconnaissance, their uses are assumed due to past and current agricultural practices. It is unknown how recently such

grading activities. The applicant shall submit documentation to the City of Turlock demonstrating that soil testing was performed and any necessary remediation was completed as part of the grading permit application.

**Mitigation Measure #3.8.3c:** Irrigation wells that may be dispersed throughout the project site, and any potential onsite domestic wells, excluding Well/Pump #112 which is not expected to be abandoned, and septic systems shall be properly abandoned or destroyed in compliance with applicable regulations of the Stanislaus County Department of Environmental Resources governing water wells and septic systems. Consultation shall occur with the Department of Environmental Resources regarding well and septic system abandonment and inspections. Documentation of wells and septic systems being abandoned or destroyed shall be submitted to the City of Turlock Planning Division prior to construction of proposed uses.

**Mitigation Measure #3.8.3d:** The applicant shall consult with TID to determine the location of electric power lines and irrigation pipelines within the project boundaries. The locations shall be delineated on all grading/development plans. Development plans shall provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of TID facilities; alternatively, the applicant may relocate the facilities with TID's approval. TID shall be afforded the opportunity to review and approve the grading plans. The applicant shall secure a letter indicating approval of the plans from TID. Prior to issuance of grading permits, the applicant shall provide the City of Turlock with a letter of approval from TID indicating that they have reviewed and approved the proposed grading/development plans.

**Effectiveness of Mitigation:** With the implementation of the above measures, potential hazardous impacts from past and current uses on the project site would be *less than significant*.

**Impact #3.8.4 – For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.**

As noted above, the proposed project is immediately north to northeast of the Turlock Airpark. This impact will evaluate the proposed project's potential to create aviation safety hazards for people residing or working within the Turlock Airpark land use planning boundary.

The California Division of Aeronautics classifies the Turlock Airpark as a private use airport. By definition, private use airports are to be used only by personal aircraft and occasional invited guests (transient aircraft). Because Turlock Airpark is a private use airport, it is not ~~required to be~~ included in a county's ~~airport~~ Airport ~~land~~ Land ~~use~~ Use Compatibility ~~plan~~Plan. ~~However, Stanislaus County has chosen to adopt a compatibility plan for the Airpark.~~ The project, as proposed, would be inconsistent with the ALUC Plan if it were a public-use airport. However, as a private-use airport, the land use restrictions contained in the ALUC Plan are not applicable.

~~***Safety Compatibility Zones***~~

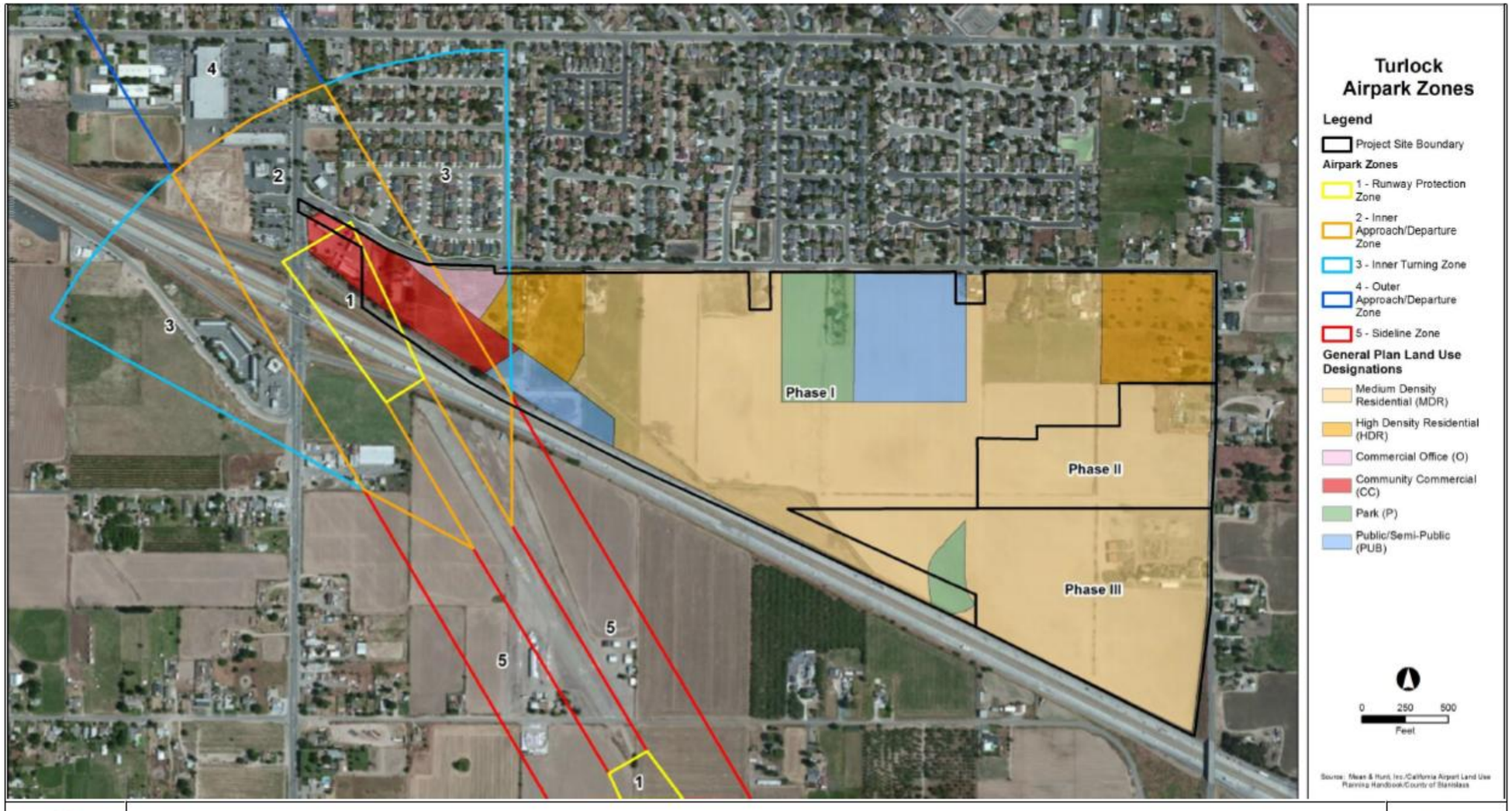
~~For the purposes of safety around an airport, the California Airport Land Use Planning Handbook has suggested different categories of Safety Compatibility Zones. These Zones differ in size depending on the operations of a specific airport. The characteristics of the Turlock Airpark fall within the standards established in the Handbook for a Low Activity General Aviation Runway. These include less than 2,000 takeoffs and landings per year at an individual runway end, a runway length less than 4,000 feet, and a visual only approach. The westerly segment of Morgan Ranch Master Plan breaches three Safety Compatibility Zones for a low-activity general aviation runway.~~

~~The most restrictive area is Zone One, the Runway Protection Zone (RPZ). According to the Handbook, the RPZ is defined in size by the Federal Aviation Administration (FAA) and classified as a very high risk area. Airport ownership of RPZ property is encouraged and new structures along with residential and nonresidential uses are strongly discouraged. The only exception to RPZ land use is a nonresidential use, with very low intensity and is confined to the boundary of the RPZ. The RPZ does not extend into the Morgan Ranch Master Plan Area.~~

~~A portion of Morgan Ranch Master Plan overlaps Zone Two, the Handbook's Inner Approach/Departure Zone. This area extends out and around the sides of the RPZ and contains the area in which 30 to 50 percent of near airport accident sites occur. With the exception of agriculture parcels, residential uses should be prohibited, along with any nonresidential uses which attract more than a few people (shopping malls, schools, eating establishments, labor intensive offices and plants, etc.) in the Inner Approach/Departure Zone. The Master Plan contemplates medium density residential, high density residential, and commercial uses within this area.~~

~~Zone Three of the State Handbook, entitled the Inner Turning Zone, also overlaps the Morgan Ranch project. In Zone Three, aircraft are typically turning onto their approach, or departing aircraft transition are transitioning from takeoff to climb and adjusting their heading in correlation to their destination. Much like in Zone Two, nonresidential uses with medium to high intensities of use, such as shopping malls, restaurants, theatres, and buildings with more than three aboveground habitable floors should be prohibited. Residential uses other then very low densities should be prohibited. The Master Plan contemplates community commercial uses within this area.~~

The primary traffic pattern for the Turlock Airpark runway is left, meaning the majority of flights turn left, away from the Morgan Ranch Master Plan area following departure. When looking at Figure 3.8-1, there are two Inner Turning Zones (Zone 3), one to the east and the other to the west of Zone 2. When the flight pattern is taken into account, Zone 3 of the State Handbook only becomes significant on one side, the west side. The east Inner Turning Zone which overlays Morgan Ranch may be eliminated from discussion along with any restrictions it may propose.




Quad Knopf

**Turlock Airpark Zones**

**Figure 3.8 - 1**

~~***Analysis***~~

~~The ALUC determined that a portion of the Morgan Ranch Project falls within Area 3 of the Plan. Area 3 of the ALUC Plan is an area under approach and take-off extensions. The primary concern within Area 3 is safety. The ALUC also determined that land uses proposed by the Morgan Ranch development which fall beneath Area 3 do not conform to the standards recommended in the ALUC Plan. The proposed land uses are heavy commercial, high density residential, and light and medium density residential. The ALUC concluded that the proposed heavy commercial and residential uses are incompatible with the ALUC Plan in Area 3.~~

~~The ALUC determined that the proposed uses for Morgan Ranch outside of the Plan's Area 3 are acceptable land uses.~~

~~Mead & Hunt assessed whether the proposed Morgan Ranch project is compatible with guidelines established in the California Airport Land Use Planning Handbook and Stanislaus County Airport Land Use Commission (ALUC) Plan (See Appendix F). Mead & Hunt analyzed the State Handbook and the ALUC's Turlock Airpark Plan safety zones, and contacted various representatives of the Airpark, State, and County agencies to determine Airpark operations and development characteristics. Mead & Hunt has concluded that the project's land uses do not fall into the recommended uses set forth in the State Handbook or the ALUC's Plan. However, taking into account the Airpark's specific operations, Mead & Hunt believes that compromise between Morgan Ranch and the ALUC on land uses in disputed safety zones is warranted.~~

~~When evaluated with respect to safety zones in both the California Airport Land Use Planning Handbook and the Stanislaus County ALUCP, conflicts between the proposed Morgan Ranch Master Plan and the Turlock Airpark are evident. However, several characteristics of the airport and its operation minimize this conflict:~~

- ~~The Airpark is a privately owned, personal use facility. As such, an airport land use compatibility plan is not required under State law;~~
- ~~The activity level is very low: fewer than 10 airplane operations per week;~~
- ~~With the normal direction of operations being from south to north, the usual traffic pattern is on the west side of the airport, away from the Morgan Ranch Master Plan area; and~~
- ~~The airport owner has indicated that there are no plans to improve the facilities or expand operations and indeed the airport could be closed within the next several years.~~

**Conclusion:** ~~The~~ If the proposed project were a public-use airport, it would not be ~~proposed project is not~~ compatible with the ALUC~~P and may pose an aviation safety hazard to people residing and working within the Master Plan Area~~ Plan. In this case, because the Airpark is not a public-use facility, it is not subject to ALUC Plan land use requirements. Nonetheless, operation of the facility could pose a slight risk to public safety, particularly for residents of the Master Plan who will be within the take-off flight zone. This is a ***potentially significant*** impact. However, given the above circumstances, a reduction in safety compatibility restrictions is reasonable. This conclusion notwithstanding, certain safety-related limitations on the Morgan

Ranch Master Plan are necessary more as a matter of public safety than for protection of the airport from encroachment by incompatible land uses. As long as Turlock Airpark remains open for operations, the following measures must be implemented:

~~**Mitigation Measure #3.8.4a:** No buildings shall be constructed within Safety Zone 1, the Runway Protection Zone (RPZ). Roads and automobile parking lots are acceptable uses. Landscaping, light fixtures, signs, and other objects must be limited in height so as not to be obstructions to the airport airspace as defined by Part 77 of the Federal Aviation Regulations (FAR).~~

**Mitigation Measure #3.8.~~4b~~4a:** ~~Development within Safety Zone 2 the Inner Approach/Departure Zone as defined by the State Handbook should be limited to low intensity commercial or industrial uses. Specifically, in accordance with Handbook guidance, the usage intensity should be no more than 40 people per acre on average over the 4.9 acre area affected (196 people total) and no more than 80 people in any single 1.0 acre area. The height of all objects must comply with FAR Part 77 criteria.~~ Builders of homes within the Master Plan area shall record a statement on the land title of each sale that alerts buyers to the existence of the Airpark and to the potential for continued flight operations as a private-use facility.

**Effectiveness of Mitigation:** With the implementation of the above measures, potential aviation safety hazards would be *less than significant*.

**Impact #3.8.5 – Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.**

The proposed project will result in new development and population growth, which could affect implementation of adopted emergency response and evacuation plans during disasters.

New development as a result of the proposed project will be designed to be consistent with policies in the City's General Plan Safety Element, which includes requiring new development to be designed and constructed in a manner that minimizes risks from fire, flood, seismic, geologic and noise hazards; and includes requiring adequate emergency access for fire and emergency vehicles.

Additionally, both the City of Turlock Fire Department and Police Department were consulted about the proposed project's impacts on public safety and neither agency indicated that emergency response or evacuation was an issue of concern. (Refer to Section 3.13 for further discussion). Furthermore, the proposed project does include any characteristics (permanent road closures, street narrowing, hairpin turns, etc.) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity.

**Conclusion:** The proposed project would not impair or obstruct emergency response or evacuation. Impacts would be *less than significant*.

**Mitigation Measures:** No mitigation measures are required.

## 3.9 Hydrology/Water Quality

### 3.9.1 INTRODUCTION

This section provides an evaluation of the potential hydrology and water quality impacts that would be caused by implementation of the proposed project. The discussion starts with an overview of regulation that is normally applicable to the hydrology and water quality environmental factor, followed by a description of the physical setting of both the site and surrounding lands. An analysis is then provided to determine whether the impact(s) would be less than significant, significant without mitigation, or significant and unavoidable. If an impact is significant and can be reduced with mitigation, then a description of the mitigation measure(s) is provided.

### 3.9.2 ENVIRONMENTAL SETTING

*Stormwater*

The City currently protects surface water quality by requiring the implementation of Best Management Practices (BMPs) during the construction of new development projects and requires projects to comply with post-construction BMPs, as identified in the City's National Pollutant Discharge Elimination System (NPDES) Phase 2 Storm Water Management Plan. Surface water quality is also protected by complying with the current State of California Construction General Permit Order 2009-0009-DWQ.

The City's existing storm water system includes about 130 miles of storm drain collection/conveyance piping, with sizes ranging from 6 to 60-inches in diameter; 49 pump stations, several detention basins, and use of the TID open channels.

Currently, most of Turlock's stormwater drains to detention basins located throughout the City. Because groundwater levels are close to the ground surface, these basins are relatively shallow and it is necessary to pump runoff into many of the basins during storm events. The City pumps stormwater into the Improvement District 34A pipeline located near the northeast corner of Lander Avenue and Glenwood Avenue. Storm water from the north side of the city is pumped into Lateral 3 which flows to the San Joaquin River. After the storm passes, runoff is drained or pumped back into the trunk storm drain system and flows to the southwest corner of the City to a large stormwater basin near the Turlock Regional Water Quality Control Facility (TRWQCF)~~, where it is either pumped into TID Lateral 4 or the Harding Drain~~. To avoid overloading the trunk storm drains, it is necessary to drain several of the detention basins in the north part of town sequentially, starting with the more downstream basins and progressing to the more upstream basins. This approach of using detention basins with sequential draining of the basins can continue to be used to provide stormwater storage and disposal as the City grows to buildout of the 2030 General Plan.

Part of the eastern area of the City flows directly to Lateral 4 without first being stored in detention basins. Use of the TID laterals for stormwater disposal is allowed through agreements with TID. However, this does not always provide reliable disposal of the stormwater because sometimes the TID laterals are also being used to convey irrigation water or the laterals are out of service for maintenance by TID staff. To eliminate this problem, the runoff from this area should be diverted into a more reliable stormwater disposal system.

barrier should not be considered a practical method of noise control unless large tracts of dense foliage are part of the existing landscape.

Vegetation can be used to acoustically "soften" intervening ground between a noise source and receiver, increasing ground absorption of sound and thus increasing the attenuation of sound with distance. Planting of trees and shrubs is also of aesthetic and psychological value, and may reduce adverse public reaction to a noise source by removing the source from view, even though noise levels will be largely unaffected. It should be noted, however, that trees planted on the top of a noise control berm can actually slightly degrade the acoustical performance of the barrier. This effect can occur when high frequency sounds are diffracted (bent) by foliage and directed downward over a barrier.

In summary, the effects of vegetation upon noise transmission are minor, and are primarily limited to increased absorption of high frequency sounds and to reducing adverse public reaction to the noise by providing aesthetic benefits. Project implementation will result in ***potentially significant*** noise impacts associated with vehicle traffic.

The severity of noise impacts, and the necessary mitigation, cannot be accurately characterized until project-specific noise analyses are conducted at the time of tentative subdivision map submittal.

**Mitigation Measure #3.11.1a:** The use of rubberized asphalt or open gap asphalt has been shown to reduce roadway noise levels between 4 and 5 dB. When Golf Road is scheduled to be resurfaced, the road resurfacing should include rubberized asphalt or open gap asphalt from 1st Street to Highway 99.

**Mitigation Measure #3.11.1b:** Based upon the Proposed Project Site Plan, medium and high density residential uses will be located adjacent to Golf Road , ~~and~~ and Glenwood Avenue ~~and S.R. 99~~. A sound wall ~~at least~~ 6-feet in height or higher shall be constructed to reduce traffic noise levels at residential areas adjacent to Golf Road and Glenwood Avenue.

**Mitigation Measure #3.11.1c:** If the anticipated S.R. 99 traffic volumes in the Year 2030 (140,000 ADT), as reported in the Turlock General Plan occur, it may not be practical to achieve the exterior noise level standard of 60 dB Ldn. Barriers in excess of 18 feet may be required to achieve the noise level standard of 60 dB Ldn. As a means of complying with the conditionally acceptable standard of 65 dB Ldn, barrier heights would need to be approximately 12-feet in height, while assuming a setback of approximately 250 to 300 feet from the S.R. 99 centerline.

Since grading plans and tentative maps have not been completed for the project site, a more detailed analysis of required barrier heights would be required when ~~those plans are available~~tentative subdivision maps are submitted.

**Mitigation Measure #3.11.~~1c~~1d:** High Density residential units may also apply the exterior noise level standard of 60 dB Ldn at a common outdoor area such as a club house. In this case, site design shall locate the common outdoor areas away from the roads or shall shield the common outdoor areas with the building facades in order to achieve the noise level standards.

Since grading plans and tentative maps have not been completed for the project site, a more detailed analysis of site design would be required when tentative subdivision maps are submitted. ~~those plans are available.~~

**Mitigation Measure #3.11.~~1d~~1e:** An analysis of projected future interior traffic noise levels indicate that proposed residential uses with direct exposure to State Route 99 would require window assembly and/ or building façade upgrades at the second floor to comply with the City's 45 dB Ldn interior noise level standard. In order to achieve compliance with an interior noise level standard of 45 dB Ldn, residences located within 700 feet of the S.R. 99 centerline would require exterior-to-interior noise level reductions ranging from 30 dB to 35 dB. One of the following window assemblies shall be installed:

- A 30 dB exterior to interior noise level reduction may be achieved through the use of STC 35 rated window assemblies for all second floor windows with a view of SR 99.

- A 35 dB exterior to interior noise level reduction may be achieved through the use of STC 40 to 42 rated window assemblies for all second floor windows with a view of SR 99.

Since grading plans and tentative maps have not been completed for the project site, a more detailed analysis of required barrier heights would be required when tentative subdivision maps are submitted.
~~As an alternative to this requirement, a detailed analysis of interior noise levels can be conducted when building plans are available.~~

**Mitigation Measure #3.11.~~1e~~1f:** As an alternative to Mitigation Measure #3.11.~~1d~~1e, a portion of the site could limit residential uses to single-story units which receive shielding from the noise barriers. Therefore, residential uses located within 700 feet of the S.R. 99 centerline could be restricted to single story units, and residential units located beyond 700 feet from the S.R. 99 centerline could include two-story units and would not require upgraded STC rated windows.

**Mitigation Measure #3.11.~~1f~~1g:** During project review, the Planning Director shall make a determination as to whether or not the proposed use would likely generate noise levels that could adversely affect the adjacent residential areas. If it is determined from this review that proposed uses could generate excessive noise levels at noise-sensitive uses, the applicant shall be required to prepare an acoustical analysis to ensure that all appropriate noise control measures are incorporated into the project design so as to mitigate any noise impacts. Such noise control measures include, but are not limited to, use of noise barriers, site-redesign, silencers, partial or complete enclosures of critical equipment, etc.

**Mitigation Measure #3.11.~~1g~~1h:** Active recreation areas such as neighborhood parks and school playgrounds should be located as far as possible from residential property lines. Park activities should be limited to the hours of 7:00 a.m. to 10:00 p.m. Noise analyses should be conducted for public works areas which contain noise sources which may exceed the City of Turlock noise level standards.

**Mitigation Measure #3.11.~~1h~~1i:** Construction activities should adhere to the requirements of the City of Turlock with respect to hours of operation. In addition, all equipment shall be fitted with factory equipped mufflers, and in good working order.

**Effectiveness of Measures:** With Mitigation Measures #3.11.1a through #3.11.~~1h~~1i incorporated into the proposed project, exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies would be *less than significant*.

**Impact #3.11.2 - Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels.**

**Conclusion:** The primary construction activities associated with the project would occur when the infrastructure such as buildings and utilities are constructed. However, it is expected that they would occur at considerable distances from existing occupied residences and be removed from future on-site uses. Comparing Table 3.11-12 which contains the criteria for acceptable vibration levels to Table 3.11-13, which shows potential vibration impacts, it is not expected that vibration impacts would occur that would cause any structural damage. The potential impact is *less than significant.*

**Mitigation Measures:** No mitigation is required.

**Impact #3.11.3 - A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.**

**Impact #3.11.4 - A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.**

**Conclusion:** Noise levels from future commercial land uses generally range between 45 dB to 65 dB at a distance of 50 feet. However, numerous noise control strategies can be utilized to mitigate noise levels to less than significant levels. Mitigation Measures #3.11.1a through #3.11.1h would reduce impacts to *less than significant*. Noise levels associated with public land uses such as playgrounds at a distance of 50 feet, generally range from 55 to 60 dB Leq, with maximum noise levels ranging from 70 to 75 dB. This is within the City of Turlock's General Plan's thresholds for exterior noise levels as shown in Table 3.11-5. Impact from public land uses would be less than significant. Construction noise would be temporary and have to comply with the City of Turlock's General Plan and Municipal Code for construction activity hours. However equipment could produce excessive levels of noise. The potential impact of temporary and period construction noise is *less than significant* with incorporation of Mitigation Measures #3.11.1a through #3.11.1h.

**Mitigation Measures:** No further mitigation is required.

**Effectiveness of Measure:** The potential impact is *less than significant.*

square feet per person, short of both the current system-wide ratio and the Library's planning standard.

***Potable Water***

The City of Turlock Municipal Services Department distributes potable water within the city limits. The description of potable water supply infrastructure and sources is derived from the Water Supply Assessment prepared for the project and provided in Appendix H. Below are summaries of the relevant findings.

Current and projected water supplies are summarized above in Table 3.13-6. To meet the future water demands, the cities of Turlock, Modesto, and Ceres have been evaluating a Regional Surface Water Supply Project (RSWSP) that will produce potable water from the Tuolumne River. The RSWSP has formally created a Joint Powers Authority (JPA), the Stanislaus Regional Water Authority (SRWA). The SRWA will pursue funding for various phases of the project. Extensive planning work has been performed for the RSWSP, but some additional work is still needed to update some aspects of the environmental review of the RSWSP. By being a member of the JPASRWA, Turlock continues to be committed to the project. The SRWA is negotiating an agreement with TID for the provision of raw water for the project. The RSWSP would initially provide the City with up to 16,800 acre-feet per year (15 mgd) of potable water, but could ultimately provide up to 22,400 acre-feet per year (20 mgd). The RSWSP facilities would include a surface water treatment plant and water transmission mains. The total cost of the RSWSP is estimated to be in the range of $145-154 million. The City's share of this cost is estimated to be about $81-86 million. The City would also have to construct a water storage reservoir (an enclosed water tank), a booster pump station and water transmission mains within the City at a cost of about $20 ~~15~~ million. This potential surface water supply would provide over half of the City's future water needs.

**Table 3.13-6**
**City of Turlock Water Supplies – Current and Projected**

| Water Supply Sources | | 2010 | 2015 | 2020 | 2025 | 2030 | 2035 (Optional) |
|---|---|---|---|---|---|---|---|
| Water Purchased From: | Wholesaler supplied volume (yes/no) | | | | | | |
| Wholesaler: Turlock Irrigation District | yes | 0 | 0 | 5,475 | 5,475 | 5,475 | 5,475 |
| Supplier-produced groundwater | | 7,094 | 8,784 | 4,066 | 5,320 | 6,652 | 8,246 |
| Supplier-produced surface water | | 0 | 0 | 0 | 0 | 0 | 0 |
| Transfers In | | 0 | 0 | 0 | 0 | 0 | 0 |
| Exchanges In | | 0 | 0 | 0 | 0 | 0 | 0 |
| Recycled Water | | 368 | 400 | 400 | 400 | 400 | 400 |
| **Total** | | **7,462** | **9,184** | **9,941** | **11,195** | **12,527** | **14,121** |

Notes: Units: million gallons per year; The Turlock Irrigation District will provide surface water to the Cities of Ceres, Hughson, Modesto, and Turlock through the Turlock Regional Surface Water Supply Project.
Source: City of Turlock, 2010 Urban Water Management Plan, 2011

In May 1992, the City's franchise waste hauler implemented a dramatic new program to reduce Turlock's waste stream. Instead of voluntary separation by the resident, the program provides three separate bins to each home throughout the City. The largest of these is a 90-gallon container reserved exclusively for compostable green waste. Next is a 65-gallon container for all recyclable materials, which are separated by the refuse company after pick-up. Finally, each household is limited to one 32-gallon container for non-recyclable household wastes.

## LANDFILLS

### *Waste Diversion Targets*

Public Resources Code Sections 41000 and 41300 et seq. require each city and county in the State to prepare a Source Reduction and Recycling Element (SRRE) to meet waste diversion reduction goals of 25 percent by 1995 and 50 percent by 2000. Turlock's SRRE was adopted by the City Council in 1994. The SRRE was later reviewed and approved by the California Integrated Waste Management Board (CIWMB) in 1995. The SRRE included source reduction, including recycling and composting activities for solid waste generated within the City. The study also detailed means of reducing commercial and industrial sources of solid waste. Funding and public information components were also included.

Waste diversion in Turlock has been steadily improving. The amount of waste diverted in the City of Turlock was 40 percent in 1997 and 47 percent in 2000. In 2001, the Regional Solid Waste Planning Agency (RSWPA) was formed including Stanislaus County and the eight cities within the county. According to CalRecycle, the RSWPA's current per capita target is 6.3 pounds per person per day and employment target is 21.2 pounds per employee per day. In 2010, the RSWPA achieved 3.9 pounds per person per day and 16.0 pounds per employee per day.

### *Energy*

The Turlock Irrigation District (TID) provides electricity to the City of Turlock. Pacific Gas & Electric (PG&E) provide natural gas service to the City of Turlock. Below is a discussion of each energy source.

## ELECTRICITY

Turlock receives its electricity supply from the Turlock Irrigation District (TID). Established in 1887 as the state's first publicly-owned irrigation district, TID supplies water to farmers and retail power to homes, businesses, and farms in Turlock and the surrounding area. TID was able to offer hydroelectric power beginning in 1923 with the construction of the Don Pedro dam. Approximately ~~40~~ 20 percent of TID's electricity is generated at the Don Pedro Dam and Powerhouse. To supplement power generated at Don Pedro, TID built numerous small hydroelectric plants on its canals, which use the gravity-fed system to generate power during periods of peak demand.

Natural gas power plants represent approximately ~~19~~ 59 percent of TID's power generation capacity. TID operates three such plants: the Walnut Energy Center, the Walnut Power Plant, and the Almond Power Plant. TID also purchases power from numerous sources in northern California and the Pacific Northwest.

TID's electricity supply is split between power that the District generates and that which is purchased from other suppliers. TID ~~generates just over half of its own supply and purchases the remainder. TID estimates that current electricity sources are not adequate to maintain a sufficient level of service over the next 20 years. However, TID is in the process of adding additional resources as part of its normal planning process and expects to be capable of maintaining sufficient service in future years.~~is capable of generating 100 percent of its own supply with the recent addition of three generating units to the existing Almond Power Plant. The District expects to be capable of maintaining sufficient service in future years.

***Renewables***

Currently, ~~6.5 percent of TID's electricity supply comes from renewable energy sources. Seventy percent of their renewable power supply is generated from geothermal energy, and TID also owns some solar, wind, and fuel cell facilities in the Napa area. TID is also investing in a large wind power site in the Columbia River Gorge, which will allow them to meet their state renewable requirement through 2025. Current state requirements are for power suppliers to deliver at least 20 percent renewable energy by 2017 and 33 percent by 2020. TID's goal is to increase their renewable percentage by one to two percent per year in order to meet the requirement. TID is also currently working with the City of Turlock to develop a fuel cell plant in conjunction with the City's new wastewater treatment facility, which would utilize the facility's methane output to create energy.~~24 percent of TID's electricity supply comes from renewable energy sources. Eleven percent of TID's renewable power supply is generated from geothermal energy, 12 percent from eligible hydroelectric, 77 percent from wind, and a small amount from solar. Current State requirements are for power suppliers to deliver at least 20 percent renewable energy by 2017 and 33 percent by 2020. TID continues to explore additional renewable resources to meet those requirements.

**NATURAL GAS**

PG&E provides natural gas to all or part of 39 counties in California, including the project site, comprising most of the northern and central portions of the State. PG&E obtains more than 70 percent of its natural gas supplies from western Canada and the balance from U.S. sources. PG&E operates approximately 48,000 miles of transmission and distribution pipelines.

### 3.13.3 REGULATORY SETTING

*Federal*

**UNIFORM FIRE CODE**

The National Fire Protection Association publishes the Uniform Fire Code with provides standards for fire protection. The nationally recognized standards require that fire departments "have the capability to deploy an initial full alarm assignment within eight (8) minute response time to 90 percent of the incidents." (NFPA 1710)

promote a healthy California economy. The Public Utilities Code, adopted by the legislature, defines the jurisdiction of the CPUC.

**AB 2926 SCHOOL IMPACT FEES**

As of January 1987, State law allows school districts to levy three different levels of development fees directly on new residential, commercial, and industrial development (Government Code Section 65995). ~~Level-one fees cannot exceed $2.97 per square foot of residential construction and $0.47 per square foot of commercial/industrial construction for K-12 facilities.~~ Lead agencies cannot impose mitigation measures that require higher fees than those prescribed by the State of California. Districts set their own fees within this limit based on a nexus study establishing their funding requirements. Since Proposition 1A was passed by the voters and SB 50 was passed by the State Legislature in 1996, school fees generated by new development are deemed legally sufficient mitigation of any impacts based on generation of students on school facilities.

**SB 50**

The Leroy F. Greene School Facilities Act of 1998 (SB 50) and the bond procedures under Proposition 1A of 1998 regulate school facilities financing and mitigation of land use approvals by setting fee caps, removing entitlement application denial authority from lead agencies, and setting the CEQA standard for full and complete mitigation for school facilities. Prior to enactment of the legislation, a city or county had the authority to deny or require full mitigation for projects that required an amendment to a General Plan and/or a zone change. State law now prohibits a local agency from either denying approval of a land use project because of inadequate school facilities, or imposing school impact mitigation measures other than the designated fees provided for in the Government Code. Effective subsequent to 2006, if a statewide bond measure fails, SB 50 would again permit a city or county to deny or refuse to approve a development project that requires a legislative act on the basis of the inadequacy of school facilities. However, the city or county will not be able to require a higher fee than provided for in the original legislation.

**QUIMBY ACT**

Passed in 1975, the Quimby Act (California Government Code Section 66477) authorizes local agencies to establish an ordinance requiring new development to pay an in-lieu fee or dedicate land for park and recreation facilities to serve the subdivision. The required dedication and/or fee is based on the residential density, park land cost and other factors. Public land dedicated and/or fees collected pursuant to the Quimby Act may only be used for the purpose of developing new or rehabilitating existing park or recreational facilities. The dedication and/or fee allowed under State law is equivalent to providing three (3) to five (5) acres maximum of park land per one thousand (1,000) persons.

**Mitigation Measures:** No mitigation measures are required.

**Impact #3.13.3 - Increased Demand on Public Schools.**

This impact assesses whether the proposed project would result in a need for new or expanded school facilities.

The proposed project would include the development of ~~1,660~~ 1,325 dwelling units, which would directly cause population growth and increase enrollment in the Turlock Unified School District (TUSD). The District projects that the Master Plan residences will generate 500 to 600 kindergarten through sixth grade (K-6) students and 330 to 400 seventh through twelfth grade (7-12).

TUSD indicated in its verbal comments at the Scoping Meeting that adequate capacity exists to serve middle school and high school facilities from the project area, but that a new elementary school would be necessary. The Morgan Ranch Master Plan includes an area that is designated for a future ~~11.1~~12.0 acre elementary school site that would serve ~~300~~ 900 students. According to the District, if the school is developed in phases, the first phase would accommodate 650 to 700 students. TUSD indicated that they have been investigating locating a school site in the Morgan Ranch Master Plan area for some time, but has not yet acquired the school site.

The proposed project would mitigate its impact on the need for new school facilities through the payment of school fees in accordance with the latest adopted fee schedule at the time building permits are sought. These fees would be used for capital improvements to school facilities and may be used to fund the construction of the planned elementary and high schools in the project vicinity.

Government Code Section 65995 prohibits a local agency from either denying approval of a land use project because of inadequate school facilities or imposing school impact mitigation measures other than designated fees. Therefore, payment of development fees to TUSD would address the proposed project's impacts on schools.

**Conclusion:** By complying with existing regulations and payment of standard fees the potential impact will be *less than significant*.

**Mitigation Measures:** No mitigation measures are required.

**Impact #3.13.4 - Increased Demand on Library Services.**

This impact assesses whether the proposed project would result in a need for new or expanded library facilities. The proposed project would have a total population of ~~4,953~~ 3,954 persons at buildout (based on DOF's 2.984 persons per household estimate multiplied by ~~1,660~~ 1,325 household units), which would result in increased use of local libraries.

Turlock's public library facility does not currently meet its service standard for City residents. It comprises 10,000 square feet, which translates to 0.12 square feet per person, short of both the

current system-wide ratio and the Library's planning standard. Turlock's library is inadequate to serve the current population, a condition that will worsen as the population grows with new development such as the proposed project. To meet the Stanislaus County Library 2011-15

drain lines in Lander Avenue, and the north side of Glenwood Avenue, which drains to drop inlets with lines that carry storm water to existing basins in the existing neighborhoods north of the project area. There will be a 30-inch overflow line that runs from the outfall structure at the new basin to an existing 42-inch storm drainage line in Lander Avenue.

At the time tentative maps are submitted for approval, the project applicant will be required to prepare and submit a drainage plan that identifies onsite drainage facilities that impound runoff and ensure that it is released at a rate no greater than that of the pre-development condition of the project site.

Construction of new stormwater infrastructure will be in accordance with City policies and regulations. Adherence to these policies and regulations would reduce potential impacts from construction of the new stormwater infrastructure to a less than significant level. Additionally, the project will be required to pay its fair share of impact fees to drainage facilities.

**Conclusion:** Impacts would be *less than significant*.

**Mitigation Measures:** No mitigation measures are required.

**Impact #3.13.8 - Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.**

The Water Supply Assessment's (WSA) water demand projections for the proposed project are summarized in Table 3.13-14. The number of dwelling units assumed at the time the WSA was prepared (1,660 dwellings) is higher than what is currently projected under the Master Plan, as summarized in Table 2-2 of Chapter Two, which provides for the development of 1,325 dwellings. However, the General Plan sets a cap of 1,066 residential units within the Master Plan area. As such, the WSA and the Draft EIR analyze a "worse-case" development scenario in which 1,325 dwellings are constructed. An amendment to the General Plan would be required to achieve 1,325 dwellings within the Master Plan. The water demand estimate is based on the ~~Water Supply Assessment~~WSA contained in Appendix H.

**Table 3.13-14**
**Proposed Project – Water Demand**

| Land Use | Dwelling Units/SF | Acres | Demand Factor ac-ft/yr/acre | Water Demand (ac-ft/year) |
|---|---|---|---|---|
| Medium Density Residential | ~~1,322~~ 875 | 120.2 | 3.98 | 478 |
| High Density Residential | ~~338~~ 450 | 15.0 | 11.76 | 176 |
| Community Commercial | 96, 921 sf | 8.9 | 1.9 | 17 |
| Office | 16,335 sf | 1.5 | 1.9 | 3 |
| Park | -- | 8.7 | 3.29 | 29 |
| Detention Basin | -- | 4.4 | 3.29 | 14 |
| Public (School) | ~~300~~ 830-1,000 students | ~~11.1~~ 12.0 | 1.9 | 21 |
| **Total** | | | | **739** |

Notes: SF = square feet, ac-ft/year = acre-feet per year
Source: City of Turlock General Plan Draft EIR, 201

and require payment of these fees and/or land deduction as a condition of all new residential development. This park land may not be used for dual-use storm drainage basins.

**Policy 4.1-r** **Fees for Non-Residential Development.** Levy a parks and recreation fee on both residential and non-residential development commensurate with expected use of such facilities by residents and employees of non-residential developments.

Consistency with General Plan policies is evaluated in Chapter 3, Section 3.10 Land Use and Planning.

**CITY OF TURLOCK MUNICIPAL CODE**

*Park Standards*

Turlock's Subdivision Regulations (Turlock Municipal Code Sections 11-7-201 et seq.) stipulate that new residential subdivisions must dedicate parkland at a ratio equal to that specified in the latest adopted General Plan, or pay an in-lieu fee. The General Plan established the park acreage standard at 3.5 acres per 1,000 residents, not including storm drainage basins.

### 3.14.4 METHODOLOGY

Quad Knopf reviewed relevant city documents, including the Existing Conditions Report, General Plan, and Park Master Plan to determine applicable regulations. Acres of park land needed for the park standard were calculated by dividing the projected new population at buildout ~~(4,953)~~ by 1,000, multiplying by 3.5 acres, and subtracting the proposed park land within the Master Plan area. An increase in population without progress toward meeting park land standards or identified recreational needs is taken as a significant impact. It is assumed that a significant decrease in the park land ratio would increase park deterioration.

### 3.14.5 IMPACT EVALUATION CRITERIA

The state CEQA Guidelines set forth criteria for the determination of whether a project's effect will significantly impact recreation. A project's effect will normally be considered potentially significant if the following apply:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreation facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

### 3.14.6 IMPACT ANALYSIS

**Impact #3.14.1 - Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.**

As referenced above under the Regulatory Setting, the City of Turlock has established a park standard of 3.5 acres of park land per 1,000 residents. The proposed project would have a total population of ~~4,953~~3,954 persons at buildout (based on DOF's 2.984 persons per household estimate multiplied by 1,~~660~~ 325 household units). This would equate to a need for ~~17.3~~13.8 acres of parkland based on the City's standard.

Policy 4.1-q establishes park fees to enable purchase of acreage and provision of off-site park improvements for 3.5 acres of parkland per 1,000 residents added and requires payment of these fees and/or land deduction as a condition of all new residential development. Policy 4.1-r levies a parks and recreation fee on both residential and non-residential development commensurate with expected use of such facilities by residents and employees of non-residential developments.

The proposed project will provide 8.7 acres of park land within the Master Plan area, thus requiring the need to provide fees or land dedication to provide an additional ~~8.6~~5.1 acres of park land. Pursuant to City General Plan policies, the proposed project will construct parkland and/or pay park impact fees for the acquisition and development of parks and recreation facilities to meet the project's needs. In accordance with City of Turlock -requirements the applicant will pay all park-related development fees at the time building permits are sought. The payment of these fees and adherence to the City of Turlock General Plan policies with regard to parks and recreation facilities will result in the provision of adequate park and recreational facilities. Accordingly, the project would not adversely impact existing parks and recreational facilities through increased use.

**Conclusion:** The impact will be *less than significant*.

**Mitigation Measures:** No mitigation measures are required.

**Impact #3.14.2 - Does the project include recreation facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.**

As described under Impact 3.14.1, up to ~~4,953~~3,954 new residents are anticipated to reside within the Morgan Ranch Master Plan area upon buildout. The proposed project would develop 8.7 acres of park land within the Morgan Ranch Master Plan area. The proposed project would also provide 4.4 acres of a dual-use detention basin, which is not counted towards the parkland total.

The General Plan specifically identified a new neighborhood-serving city park within Southeast 1 Master Plan Area (project site). Development of the parks within the Morgan Ranch Master Plan area will be in accordance with General Plan policies and standards, which address appropriate park sizes, park service areas, and park amenities. These policies and standards are

**Table 3.15-14**
**Existing Plus Project Conditions: Roadway Levels of Service**

| Roadway Segment | Capacity Configuration | Target LOS | Average Daily Traffic (ADT) | LOS |
|---|---|---|---|---|
| Lander Avenue, from SR 99 to E. Glenwood Avenue | Four-Lane Divided Arterial | D | 25,900 | C |
| Lander Avenue, from E. Glenwood Avenue to Linwood Avenue | Four-Lane Divided Arterial | D | 24,100 | B |
| E. Glenwood Ave., from Lander Ave. to Morgan Ranch Arterial | Two-Lane Collector | D | 12,900 | F |
| E. Glenwood Avenue, from Morgan Ranch Arterial to Golf Road | Two-Lane Collector | D | 3,500 | A |
| Golf Road, from E. Glenwood Avenue to Linwood Avenue | Two-Lane Collector | D | 9,800 | D |
| Golf Road, from E. Glenwood Avenue to SR 99 Overcrossing | Two-Lane ~~Collector~~Arterial | D | 8,300 | C |
| Morgan Ranch Arterial, from E. Glenwood Ave. to Golf Rd. | Two-Lane Divided Arterial | D | 10,300 | A |

Source: OMNI-MEANS, Ltd. Engineers and Planners, 2014.

As indicated in Table 3.15-14, the East Glenwood roadway segment, between Lander and Morgan Ranch Arterial is forecast to operate with unacceptable LOS. The Morgan Ranch Arterial is forecast to divert approximately 10,000 daily trips from East Glenwood Avenue, which should alleviate traffic impacts for residents occupying the existing residential units fronting on East Glenwood Avenue. All other study roadway segments are estimated to operate at an acceptable LOS under *Existing Plus Project* Conditions. A summary of the mitigated roadway LOS is presented in Table 3.15-15.

**Table 3.15-15**
**Existing Plus Project: Mitigated Roadway Levels of Service**

| Roadway Segment | Capacity Configuration | Target LOS | Average Daily Traffic (ADT) | LOS |
|---|---|---|---|---|
| Lander Avenue, from SR 99 to E. Glenwood Avenue | Four-Lane Divided Arterial | - | - | - |
| Lander Avenue, from E. Glenwood Avenue to Linwood Avenue | Four-Lane Divided Arterial | - | - | - |
| E. Glenwood Ave., from Lander Ave. to Morgan Ranch Arterial | Two-Lane Divided Arterial | D | 12,900 | C |
| E. Glenwood Avenue, from Morgan Ranch Arterial to Golf Road | Two-Lane Collector | - | - | - |
| Golf Road, from E. Glenwood Avenue to Linwood Avenue | Two-Lane Collector | - | - | - |
| Golf Road, from E. Glenwood Avenue to SR 99 Overcrossing | Two-Lane Arterial~~Collector~~ | - | - | - |
| Morgan Ranch Arterial, from E. Glenwood Ave. to Golf Rd. | Two-Lane Divided Arterial | - | - | - |

Source: OMNI-MEANS, Ltd. Engineers and Planners, 2014.

***Cumulative General Plan Build-Out Conditions***

*Cumulative General Plan Build-Out* conditions refer to analysis scenarios at a future planning horizon year, typically assumed to be approximately 20 years in the future. This time frame is consistent with the recently adopted 2030 General Plan. Within this analysis, the *Cumulative General Plan Build-Out* condition is a year 2030 scenario that analyzes the build-out of the 2030 General Plan that includes full development of the proposed Morgan Ranch site and all other land uses inside the General Plan study area boundary. In the 2030 General Plan, the Morgan Ranch project site is identified as "Southeast 1" Master Plan area. The long-term future year traffic forecasts for this study have been developed using the City of Turlock's traffic model (last major update in 2008). The project area was modeled with improvements to the transportation network consistent with the City of Turlock's 2030 General Plan and Circulation Element. Figure 9 of the TIS shows future roadway facilities from the City's General Plan Update while Figure 10 of the TIS shows future lane geometrics and control at the study intersections. The circulation improvements near the project area include the following:

- Construct a grade separated interchange at Youngstown Road and SR 99 (will not have a connection to City of Turlock streets north of SR 99).
- Connect East Linwood Ave across Golden State Blvd via a grade separated overcrossing. Reconstruct the East Linwood Ave / Golf Road intersection and Golf Road alignment to match the new facility.
- Improve East Linwood Ave between 5th St and Verduga Road to a four-lane divided Arterial.
- Improve East Glenwood Avenue between Lander Avenue and the East Glenwood Avenue / Morgan Ranch Arterial intersection to a four-lane divided arterial.
- Improve Golf Road between East Glenwood Avenue and Golden State Blvd to a four-lane divided arterial.
- Construct a signalized intersection and at-grade railroad crossing at Golden State Blvd /Berkeley Ave. Reconstruct the 1st St / Berkeley Ave intersection to match the new facility.
- Construct roundabout at East Glenwood Avenue / Golf Road and at Morgan Ranch Arterial / Golf Road.
- Improve SR 99/Lander Avenue interchange.

***Cumulative Conditions: Intersection Levels of Service***

*Cumulative General Plan Build-Out* AM and PM peak hour intersection traffic operations were quantified utilizing the *Cumulative General Plan Build-Out* peak hour intersection traffic volumes shown on Figure 11 of the TIS and cumulative year network lane geometrics and control (Figure 10 of the TIS) at the study intersections. Table 3.15-16 contains a summary of the resulting intersection LOS conditions.

**Effectiveness of Mitigation**: The mitigation measures that have been identified would improve all of the unacceptable operations to acceptable levels. For these constrained intersections, the impact would be *less than significant* with mitigation. The impact would be reduced to a less-than-significant level by attaining acceptable LOS for roadway segments with completion of Mitigation Measures #3.15.1a through #3.15.1c. The payment of traffic fees as outlined in Mitigation Measure #3.15.1d is an accepted form of mitigation for traffic impacts under CEQA. Though the applicant will pay its fair share fee for the identified improvements, the City of Turlock cannot ensure that the improvements will be fully funded sufficient to facilitate construction prior to the project's contribution to the impact. If a proposed improvement is not fully funded and constructed before completion of the project, significant impacts to the intersection or roadway could occur until the City completes the improvements. Therefore, in accordance with the legal principles that underpin CEQA, the residual significance of this impact is *significant and unavoidable.*

**Impact #3.15.2: Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. [Evaluation Criteria (c)]**

~~Currently, the airport owner has indicated that there are no plans to improve the facilities or expand operations, and the airport could be closed within the next several years. Although there is no guarantee, by definition private use airports are to be used only by personal aircraft and occasional invited guests (transient aircraft). Additionally, the airpark is not large enough to accommodate commercial-sized aircraft which would result in increased traffic levels.~~

~~In regards to substantial safety risks, as discussed in Chapter 3, Section 3.8 of this EIR, a portion of Morgan Ranch Master Plan overlaps Zone Two (Inner Approach/Departure Zone) of the Turlock Airpark. This area extends out and around the sides of the Runway Protection Zone (RPZ) and contains the area in which 30 to 50 percent of near airport accident sites occur. With exception of agriculture parcels, residential uses should be prohibited, along with any nonresidential uses which attract more than a few people (e.g., shopping malls, schools, eating establishments, labor intensive offices and plants, etc.) in the Inner Approach/Departure Zone. The Master Plan contemplates medium density residential, high density residential and commercial uses within this area. The following safety related limitations on the Morgan Ranch Master Plan are necessary more as a matter of public safety than for protection of the airport from encroachment by incompatible land uses. As long as Turlock Airpark remains open for operations, Mitigation Measures #3.8.4a and #3.8.4b listed in Chapter 3, Section 3.8 of this report would reduce impacts~~Refer to Section 3.8 Hazards and Hazardous Materials for a discussion of the Turlock Airpark and its potential safety impacts.

**Conclusion:** Although an increase in population will occur from the proposed project, the Turlock Airpark is privately owned and can only accommodate personal or occasional transient aircraft. There would not be an increase in traffic levels. ~~However, because a portion of the Morgan Ranch Master Plan overlaps Zone Two there could be substantial safety risks.~~ Without incorporation of Measures #3.8.4a in ~~and #3.8.4b in Chapter 3,~~ Section 3.8 impacts would be *potentially significant*.

**Mitigation Measures:** See Section 3.8, Mitigation Measures #3.8.4a ~~and #3.8.4b~~.

**Effectiveness of Mitigation:** ~~Substantial safety risks resulting from the proposed project's location, which overlaps Zone Two (Inner Approach/Departure Zone),~~With Mitigation Measure #3.8.4a potential impacts will also be reduced to *less than significant*. ~~with mitigation incorporated.~~

**Impact #3.15.3: Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). [Evaluation Criteria (d)]**

All roadways and access points would be designed according to current City of Turlock's roadway improvement standards and to the satisfaction of the City's Public Works Department.

Agricultural uses exist on all sides of the proposed project site, except for the southeast to northwest property line which fronts SR 99. Farm equipment could use the roads in the project's vicinity. During improvements, flagmen would be utilized to direct traffic as required by the City of Turlock. After the improvements are completed, farm equipment could safely travel on the shoulder of both roadways unless otherwise prohibited. This would ensure that the proposed project would not create safety hazards associated with incompatible uses. Therefore, impacts related to design features or incompatible uses would be *less than significant.*

**Conclusion:** The impact is *less than significant*.

**Mitigation Measures:** No mitigation is required.

**Impact #3.15.4: Result in inadequate emergency access. [Evaluation Criteria (e)]**

The proposed project has the potential to result in inadequate emergency access. However, construction activities would have to comply with the City of Turlock's regulations. Currently, there are no development proposals included as part of the proposed project. At the time of development however, construction equipment and supplies would hauled in and located in staging areas on the project site. Therefore, emergency access would not be blocked by equipment using public roads on a daily basis. Also, as mentioned previously, during construction flagmen would be used to direct traffic where required by the City. Workers entering the sites would have to comply with California Vehicle Code (CVC) section pertaining to emergency vehicles responding Code 3, Section 21806(a) (1) CVC:

- When approached by an emergency vehicle, which is sounding a siren and displaying a forward facing red-light (Code 3), all vehicular traffic shall yield the right-of-way and drive to the right side of the roadway and stop until the emergency vehicle has passed.

Workers would also utilize the staging area to park their vehicles.

**Conclusion:** Emergency access would not be blocked by construction equipment as staging areas will be setup during construction. Flagmen will be used to direct traffic. Workers will be required to yield the right-of-way and drive to the right side of the roadway and stop for emergency vehicles. As is standard practice, proposed project site plans will be required to be

### 5.5.2 CRITICAL OTHER-SITE CHARACTERISTICS

Any other project location for the project must:

a. Fully or partially achieve the project objectives;

b. Be served by adequate wastewater collection facilities;

c. Not be encumbered by Williamson Act contracts;

d. Be located within the City of Turlock's urban growth boundary; and

e. Not be surrounded or abutted by areas of lower-cost or otherwise incompatible development which would adversely affect developed project salability.

### 5.5.3 OTHER-SITE ANALYSES

A review of available sites within the City of Turlock or its urban development boundary which conceivably possess all these attributes and none of the critical listed constraints, and can otherwise achieve or partially achieve the project objectives, disclosed no feasible alternative locations. The essential site attributes considered in this determination included site size, availability of infrastructure, and location within the City's Sphere of Influence. ~~The project proponent has no ownership of or access to any alternative site.~~None of the other sites described in the General Plan are likely to result in reduced environmental impacts. There was no evidence that even were such a site found its usage would avoid or significantly lessen any of the significant impacts of the project.

It should also be noted that the alternatives analysis does not include consideration of a combination of smaller projects - residential and commercial - at diverse sites within the City's sphere of influence. The project is a unit composed of these land uses. None of the project objectives would be achieved by such a disintegrated combination of land uses.

## *5.6 Alternatives Selected for Analysis*

The following alternatives have been determined to represent a reasonable range of alternatives (plus the No Project/ No Build alternatives) that have the potential to feasibly or partially attain objectives of the project but avoid or substantially lessen any of the significant effects of the project. These alternatives are analyzed in detail in following sections:

1. No Project/ No Build;
2. Reduced Intensity; and
3. Increased Intensity.

After alternatives are summarized and compared with the proposed project, the chapter concludes with an analysis of the comparative environmental superiority of the various alternatives, as required by CEQA, and the identification of the environmentally superior alternative. The threshold criteria used in Chapter Three (Appendix G of the CEQA Guidelines)

The No Project/ No Build alternative for this project considers one potential scenario that could occur in lieu of the proposed project: (1) No Build/No Project - continuation of existing conditions (agricultural uses) within the proposed project site (CEQA Guidelines, Section 15126.6(e)(3)(B)).

### 5.6.3 NO PROJECT/ NO BUILD – CONTINUATION OF EXISTING CONDITIONS WITHIN THE PROPOSED PROJECT SITE

The proposed project site consists of approximately 170 acres, bounded by Golf Road, Glenwood Avenue, and Lander Avenue. If the proposed project site were to remain in its present condition (agricultural, residential, and commercial uses), none of the significant impacts, after mitigation, attributable to the project would occur. Few additional impacts attributable to the No Project/ No Build alternative would occur; the existing onsite environment would remain unchanged (Section 4.3.3.2).

#### *5.6.3.1 Impact Analyses*

In confirmation of these conclusions the following analyses are presented:

**AESTHETICS**

Currently, the majority of the site includes agricultural land that consists of row crops and orchards. The remainder of land includes rural residential homes scattered around the edges of the property, as well as a gas station and car wash. State Route 99 is located south of the project area and is a four-lane divided highway oriented roughly northwest to southeast. Although agricultural land may not be inherently aesthetic, particularly if weed growth is not controlled, it does not modify the general agricultural vista of the site or its surroundings. The existing site has some lighting from the houses, commercial uses, and SR 99, but vistas will be unchanged. Therefore, when compared to the proposed project, the No Project/ No Build alternative would ~~be considered environmentally superior.~~have less impacts.

**AGRICULTURAL RESOURCES**

Under the No Project/ No Build alternative the project site would continue to be utilized for the same uses which include agriculture. In comparison to the proposed project, which would eventually develop the entire project site and preclude future agricultural use of the property, this alternative ~~is considered environmentally superior.~~would have less impacts than the proposed project.

**AIR QUALITY**

The No Project/ No Build alternative would result in eliminating both construction and operational related criteria air pollutant impacts from ~~approximately: 1,322~~ medium density homes, ~~338~~ high density homes, ~~96,921 sq. ft. of~~ community commercial space, ~~16,335 sq. ft. of~~ office space, two ~~4.35 acre~~ parks, ~~11.1 acre~~ a school, and a ~~4.4 acre~~ detention pond. Currently, uses at the site which contribute to air pollutants include agricultural equipment, a small amount

of motor vehicles, and commercial activities (gas station and car wash). Compared to ~~air emissions from the proposed project, this alternative is considered environmentally superior.~~the proposed project, this alternative would have less impacts.

**BIOLOGICAL RESOURCES**

Agricultural activities and other disturbances would continue to occur under the No Project/ No Build alternative. There is a potential for special status wildlife to enter the project site and be subject to take under this alternative. However, wildlife species are often found in and around agricultural fields where they feed and nest. Under the proposed project all agricultural land would be converted into medium and high density homes, community and office space, and two parks and a school. ~~Significantly fewer disturbances would occur with this alternative and therefore, it is environmentally superior.~~This alternative would have less impacts than the proposed project.

**CULTURAL RESOURCES**

Disturbance beyond what is currently allowed would not occur under the No Project/ No Build alternative. However, the site would continue to be disturbed with agricultural activities and therefore, uncovering a cultural resource could occur. For example, during agricultural activities an artifact may be uncovered in the same area of the property as during grading for the proposed project. ~~There is no environmentally superior alternative.~~The impacts to cultural resources are similar to that of the proposed project.

**GEOLOGY AND SOILS**

Grading and excavation of the site would not occur under the No Project/ No Build alternative. No additional human occupied structures would be introduced to the potential seismic related hazards associated with ground shaking. Geologic impacts for this alternative, therefore, would be reduced in comparison to the proposed project. Ground shaking could occur with both this alternative and the proposed project. However, more structures and people increase the likelihood of damage even with mitigation measures applied. As such, this alternative ~~is environmentally superior.~~would have less impacts than the proposed project

**GREENHOUSE GAS EMISSIONS**

The site would continue producing GHG emissions generated from agricultural activities and a small number of houses under the No Project/ No Build alternative. Compared to the proposed project which would add ~~1,322~~ medium density residents, ~~338~~ high density residents, ~~96,921 sq. ft. of~~ community commercial, ~~16,335 sq. ft.~~ office, two ~~4.35 acre~~ parks, ~~11.1 acre~~a school, and ~~4.4 acre~~a detention pond, the existing production of GHG emissions is considerably less with this alternative ~~and is therefore environmentally superior.~~, compared to the proposed project.

**HAZARDS AND HAZARDOUS MATERIALS**

The No Project/ No Build alternative would include construction and operational activities which are sometimes associated with hazards or hazardous materials. However, this alternative may introduce new potential hazards associated with recurrence of agricultural activities. Nevertheless, potential hazard and hazardous material related impacts would be less under this alternative than compared to the proposed project. ~~This alternative is therefore environmentally superior.~~

**HYDROLOGY/ WATER QUALITY**

With the No Project/ No Build alternative, the entire project site would remain permeable surface, where rain and irrigation water would be able to percolate into the soil. In the proposed project, the majority of the site would be developed with impermeable surfaces such as buildings, parking lots, and hardscape. Therefore, the volume of stormwater from the project site would be reduced in this alternative compared with the proposed project. However, under this alternative, resumption of farming might introduce pesticides and nitrates to the groundwater. Therefore, impacts to water quality may be substantially different under this alternative than under the proposed project. Impacts regarding hydrology and water quality may be potentially lessened compared to the proposed project. They cannot be numerically compared.

Although the EIR identified no significant impacts to hydrology/ water quality from the proposed project after mitigation, ~~the less-than-significant project impacts of this category would be slightly less under this alternative.~~this alternative would have slightly less impacts than the proposed project.

**LAND USE AND PLANNING**

The project site would remain in its present condition under the No Project/ No Build alternative, and would not develop the mix of uses envisioned by the City's Cumulative General Plan Build-Out scenario that includes Morgan Ranch Specific Plan as "Southeast 1". Therefore, as the City's General Plan designated goals and objectives would not be met, this alternative ~~is less environmentally superior.~~would have greater impacts than the proposed project.

**NOISE**

Because the No Project/ No Build alternative would eliminate construction activities, there would be no impact from noise and vibration to nearby sensitive receptors. In addition, sensitive receptors would not be affected by traffic noise generated from State Route 99 and the addition of ~~19,264~~ vehicles added to the area from the proposed project. With this alternative, no stationary noise would be generated beyond those associated with the existing uses at the project site. Therefore this alternative would avoid any additional short-term and long-term noise impacts and ~~is environmentally superior.~~has less impacts than the proposed project.

**POPULATION AND HOUSING**

No incremental population would be introduced and no new housing would be eliminated by the No Project/ No Build alternative. Under this alternative, the City's Cumulative General Plan Build-Out scenario which includes the Morgan Ranch Specific Plan as "Southeast 1" would not be realized. The proposed project will provide housing in accord with the Turlock General Plan and Municipal Code and displaces no existing housing. ~~The impacts of this~~This alternative would ~~be considered less environmentally superior~~have greater impacts compared to the proposed project.

**PUBLIC SERVICES AND UTILITIES**

Under the No Project/ No Build alternative, there would be no increase in demand for fire and emergency protection services, schools and library services, and facilities. Public service impacts would therefore be considered environmentally superior than those of the proposed project.

The total usage of water required for farming, about three acre feet per acre, or 1,380 acre feet, may be slightly less than that of the project (although a presumption of alfalfa crop production would require about 3 $^{1}/_{2}$ acre feet per acre, 1,600 acre feet per year, essentially the same as that of the project).

Under the No Project/ No Build alternative, no additional demand would be generated for area utilities and service systems. In comparison to the proposed project at buildout, it would eliminate wastewater collection and treatment loadings, potable water demand, as well as the need for offsite service system improvements to water distribution and sewer collection systems. Although the proposed project is expected to have no significant unmitigatable impacts to utilities, this alternative ~~is environmentally superior.~~would have less impacts compared to the proposed project.

**RECREATION**

The No Project/ No Build alternative would not result in increased population and thereby trigger the need for additional recreation facilities. The City's General Plan requires 3.5 acres of parkland per 1,000 residents. Currently, the City meets its parkland needs with 249 acres of parkland. The proposed project would include two parks and comply with the City's General Plan which will require that park fees be paid. As a result of the proposed project, ~~more than 2~~two new parks will be added to the City. Parks within the Morgan Ranch Specific Plan area will be used by residents and nearby neighbors. Because the parks would be new, they would have a lifespan that would surpass some of the City's existing parks. Therefore, ~~impacts to recreation would be less under the proposed project as compared to this alternative which is less environmentally superior.~~this alternative would have greater impacts than the proposed project.

**TRANSPORTATION/TRAFFIC**

No additional traffic trips above those that currently are generated from agricultural operations and residents living in the area would occur under the No Project/ No Build alternative. The LOS

at intersections would remain at "B" and "C" and at "A" along roadway segments. Also, there would not be an addition of ~~19,264 daily~~ vehicle trips added to the existing roadway, or a need for new roadways to accommodate the project. However, with this alternative the Cumulative General Plan Build-Out scenario which includes the Morgan Ranch Specific Plan as "Southeast 1" would not be recognized. There would be no new roads and/or intersections to accommodate future growth. Therefore, this alternative would ~~be considered less environmentally superior~~have greater impacts compared to the proposed project.

#### *5.6.3.2 Ability to Reduce Environmental Impacts*

In comparison to the proposed project, the No Project/ No Build alternative would reduce impacts to the following environmental resource areas: aesthetics/visual resources, agriculture resources, air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology/–water quality, noise, public services and utilities, and greenhouse gas emissions. Impacts to land use, population and housing, recreation, and transportation and traffic would be less with proposed project. Significant project impacts to agricultural resources and air quality would be eliminated under the No Project/ No Build alternative. Impacts to cultural resources would be the same under both alternatives. This alternative substantially reduces the environmental impacts in comparison to the proposed project and eliminates all significant and unavoidable impacts.

#### *5.6.3.3 Ability to Achieve Project Objectives*

The No Project/ No Build alternative would not achieve any of the objectives of the proposed project.

### 5.6.4 REDUCED INTENSITY ALTERNATIVE

A feasible project alternative would be development of a reduced project size. The reduction would include 50% of the ~~following:~~ residential ~~intensities.~~, commercial and office space, ~~school site acreage~~, and parks shown in the proposed Master Plan. It is assumed for purposes of analysis that with a 50% reduction, the full build-out population would be ~~2,476.5~~1,977 (~~1/2~~one half of ~~4,953~~3,954 persons calculated in Section 3.14.6). Therefore, at full build-out the proposed project would include: ~~661~~ 438 medium density homes, ~~169~~ 225 high density homes, 48,460.5 sq. ft. of commercial space, ~~8,167.5~~11,450 sq. ft. of office space, a 5.55 acre school, one park, and a 4.4 acre detention pond. The detention basin would remain the same size in order to serve potential future development in the basin's drainage contributing area. ~~The project objectives would be partially achieved as shown in the analysis in Section 5.3.5.3. The evaluation of the financial feasibility of this alternative is outside the scope of this environmental evaluation.~~

#### *5.6.4.1 Analysis*

A similar street pattern (not identical because of varying lot sizes) is assumed in this analysis to that of the proposed project.

**AESTHETICS**

With the Reduced Intensity alternative, onsite aesthetics would have a less urbanized appearance compared to the proposed project due to the larger lot sizes and reduced commercial and office uses. In addition, lighting would be reduced as a result of fewer houses, and thereby light pollution would be less than the proposed project. This alternative is ~~environmentally superior to~~would result in less impacts than the proposed project.

**AGRICULTURAL RESOURCES**

Under the Reduced Intensity alternative, the entire project site would be developed and no longer utilized for agricultural activities. Although development would be reduced by 50%, the impacts would still remain significant and unavoidable. ~~There is no environmentally superior alternative.~~This alternative has similar impacts to the proposed project.

**AIR QUALITY**

The Reduced Intensity alternative would result in both construction and operational related criteria air pollutant impacts ~~from approximately: 661 medium density homes, 169 high density homes, 48,460.5 sq. ft. of commercial space, 8,167.5 sq. ft. of office space, a 5.55 acre school, one park, and a 4.4 acre detention pond~~. Compared to the proposed project, this alternative would produce less criteria pollutants ~~and therefore is considered environmentally superior~~. The impacts of this alternative are less than the proposed project.

**BIOLOGICAL RESOURCES**

There is a potential for special status wildlife to enter the project site and be subject to take under the Reduced Intensity alternative. As with the proposed project, mitigation measures would be applied to reduce impacts. ~~However, 50% fewer disturbances would occur than with the proposed project, and therefore this alternative environmentally superior.~~Even with 50% of the residential, commercial, and office uses, this alternative would be expected to have approximately the same impacts as the proposed project.

**CULTURAL RESOURCES**

During construction of the site, the likelihood of uncovering cultural resources is equal under both the Reduced Intensity alternative and the proposed project. For example, during grading an artifact may be uncovered in the same area of the property under this alternative or the proposed project. Therefore, ~~no environmentally superior alternative exists.~~this alternative would have the same impacts as the proposed project.

**GEOLOGY AND SOILS**

Grading and excavation of the site would also occur under the Reduced Intensity alternative. Fewer human occupied structures would be built and subject to the potential seismic related hazards associated with ground shaking. Geologic impacts for this alternative, therefore, would

be reduced in comparison to the proposed project. Ground shaking could occur with both this alternative and the proposed project. However, more structures and people increase the likelihood of damage, even with mitigation measures applied. Therefore, because there would be fewer human occupied structures and people, this alternative is environmentally superior.

**GREENHOUSE GAS EMISSIONS**

The site would continue producing GHG emissions generated at a 50% reduction as compared to the proposed project under the Reduced Intensity alternative. Compared to the proposed project ~~which would add; 1,322 medium density residents, 338 high density residents, 96,921 sq. ft. of community commercial, 16,335 sq. ft. office, two 4.35 acre parks, 11.1 acre school, and 4.4 acre detention pond, the existing~~the production of GHG emissions is considerably less with this alternative ~~and is therefore environmentally superior~~.

**HAZARDS AND HAZARDOUS MATERIALS**

In comparison to the proposed project, the Reduced Intensity alternative would have less potential to result in hazardous materials mishaps associated with construction and increased operational activities. This alternative would require construction equipment for a shorter period of time, and result in a 50% reduction of potential hazardous situations. This alternative ~~is therefore environmentally superior.~~ would have less impacts than the proposed project.

**HYDROLOGY/ WATER QUALITY**

While impervious surfaces would be reduced under this alternative, water quality impacts may be slightly increased by the greater percentage of the project site devoted to lawn and landscaping with their associated fertilization and pest control usage as opposed to impervious surfaces.

Although the proposed project's water quality impacts have been mitigated to less than significant, the impacts ~~in this environmental category are evaluated as~~are less for this alternative than for the proposed project.

**LAND USE AND PLANNING**

Under the Reduced Intensity alternative, the mix of uses envisioned by the City's Cumulative General Plan Build-Out scenario which includes the Morgan Ranch Specific Plan as "Southeast 1", would be realized, but at a smaller scale than the proposed project. Therefore, although the City's General Plan designated goals and objectives would be met, this alternative ~~is less environmentally superior.~~has greater impacts that the proposed project.

**NOISE**

The Reduced Intensity alternative would eliminate construction activities~~,~~. ~~as~~ As such~~,~~, there would be a reduced impact from noise and vibration to nearby sensitive receptors. In addition, effects to sensitive receptors due to traffic noise generated from State Route 99, and the addition

of ~~9,632~~ vehicles added to the project site, would be less than that of the proposed project. Therefore this alternative would result in a ~~50%~~ reduction of short-term and long-term noise impacts, and ~~is environmentally superior.~~ therefore has less impacts than the proposed project.

**POPULATION AND HOUSING**

Housing would be provided in accord with the Turlock General Plan and Municipal Code and no existing housing would be displaced under the Reduced Intensity alternative. With this alternative the City's Cumulative General Plan Build-Out scenario, which includes the Morgan Ranch Specific Plan as "Southeast 1", is realized, but to a lesser degree than the proposed project. The impacts of this alternative would ~~be considered less environmentally superior~~ greater impacts compared to the proposed project.

**PUBLIC SERVICES AND UTILITIES**

Compared to the proposed project, a 50% reduction in demand for fire and emergency protection services, schools and library services, and facilities would be achieved under the Reduced Intensity alternative. This alternative would therefore be considered environmentally superior than those of the proposed project.

Under this alternative, domestic water demand will be reduced by nearly half. Outdoor landscaping water demand ~~will increase somewhat because of reduced impervious surfaces (buildings, driveways, etc.) and increased landscaped area~~ would also be reduced. The net effect of all these changes will be a reduction in impact on the subbasin's aquifer and on water supply requirements.

Under the Reduced Intensity alternative, a 50% reduction in the additional demand would be generated for area utilities and service systems. In comparison to the proposed project at buildout, this alternative would reduce wastewater collection and treatment loadings, potable water demand, and solid waste collection and disposal needs, as well as the need for offsite service system improvements to water distribution and sewer collection systems. This alternative would ~~be environmentally superior.~~ have less impacts compared to the proposed project.

**RECREATION**

The Reduced Intensity alternative would require that one park be built and fees be paid. The City's General Plan requires 3.5 acres of parkland per 1,000 residents. Currently, the City meets its parkland needs with 249 acres of parkland. This alternative would include one park on 8.7 acres with no parkland fees. The proposed project would add more than 2 new parks with a lifespan that would surpass some of the City's existing parks. However, this alternative would not include payment of parkland fees ~~so is environmentally superior~~. As such, it has less impacts than the proposed project.

**TRANSPORTATION/TRAFFIC**

Daily traffic trips would be reduced ~~from 19,264 to 9,632~~ under the Reduced Intensity alternative. The LOS at intersections and along roadway segments would be ~~less than~~improved compared to that of the proposed project. With this alternative the Cumulative General Plan Build-Out scenario, which includes Morgan Ranch Specific Plan as "Southeast 1", would not be recognized. There would be a ~~50%~~ reduction in new roads and/or intersections to accommodate future growth. Therefore this alternative would ~~be considered less environmentally superior~~have greater impacts compared to the proposed project.

*5.6.4.2 Ability to Reduce Environmental Effects*

In comparison to the proposed project, the Reduced Intensity alternative would reduce impacts to the following environmental resource areas: aesthetics, air quality, ~~biological resources,~~ geology and soils, hazards and hazardous materials, hydrology/ water quality, noise, public services and utilities, and greenhouse gas emissions. Impacts to land use, population and housing, recreation, and transportation and traffic would be less with the proposed project. Significant project impacts to agricultural resources and air quality would not be eliminated under the Reduced Intensity alternative. Impacts to agricultural resources, biological resources, and cultural resources would be the same under both alternatives. This alternative substantially reduces the environmental impacts in comparison to the proposed project, but does not eliminate all significant and unavoidable impacts.

*5.6.4.3 Ability to Achieve Project Objectives*

It may not be feasible to meet all the project's objectives with the Reduced Intensity alternative.

### 5.6.5 INCREASED INTENSITY ALTERNATIVE

~~As an example of the comparative environmental effects of a project alternative designed at~~An increased intensity alternative, ~~it is~~ assumeds that ~~the project~~all of the land uses described in the proposed Master Plan would be constructed on the northerly 136 acres (the northerly 80 %) of the project site leaving the southerly 34 acres in periodic agricultural production. This alternative would have the following total land uses listed in Table 5-1. This alternative would have the same number of dwelling units (1,325) and associated population (3,954) as the proposed Master Plan.

**Table 5-1**
**Increased Intensity Land Uses by Acreage**

| Land Use Designation | Approximate Acreage |
|---|---|
| Medium Density Residential | 88.7 |
| High Density Residential | 12.7 |
| Community Commercial | 8.9 |
| Office | 1.5 |
| Park | 8.7 |
| Detention Basin | 4.4 |

| Land Use Designation | Approximate Acreage |
|---|---|
| Public (School) | ~~11.1~~ 12.0 |

Note: Agriculture would include portions of APNs 044-028-007, 044-028-014, 044-028-013, and 044-028-010.
Note: 80% of 170 = 136 acres. 136 acres – 34.6 acres of other uses= 101.4 acres. 12.5% (% same as proposed project) of 101.4 acres=12.7 acres of High Density Residential. Then Medium Density Residential = 88.7.

A similar total population would accommodate ~~5,199~~3,954 persons in approximately ~~1,699~~1,325 units at 3.06 persons per unit. The floor area ratio in the commercial and office areas would remain the same, as would the school, parks, and the detention basin. The increased intensity residential land uses would change to the following units listed in Table 5-2.

**Table 5-2**
**Increased Intensity Residential Units**

| | | |
|---|---|---|
| Medium Density Residential: | 88.7 acres @ 15 DU/acre = | 1330.5 DU |
| High Density Residential: | 15.9 acres @ 23 DU/acre = | 368.3 DU |
| | Total: | 1699 DU(rounded) |

Note: Alternative = 1699 units – proposed project 1660= 39 additional units.

It is evident that a number of residential land use acreages and dwelling unit (DU) intensities within those acreages could be assumed. However, these changes would result in similar comparative environmental effects vis-à-vis the proposed project. All would, of necessity, involve increased ratios of medium high density residential land use to the total residential area.

~~This alternative may not be either desirable from a City land use standpoint or economically feasible. It would, however, partially fulfill the project objectives (Section 5.3.6.3 of this EIR).~~

*5.6.5.1 Analysis*

A similar street pattern (not identical because of varying lot sizes) is assumed in this analysis to that of the proposed project.

**AESTHETICS**

With the Increased Intensity alternative, onsite aesthetics would have a more urbanized appearance compared to the proposed project due to the smaller lot sizes. In addition, lighting would be increased as a result of more houses and thereby would add to light pollutant. This alternative ~~is less environmentally superior to the proposed project.~~has greater impacts than the proposed project.

**AGRICULTURAL RESOURCES**

Impacts from the Increased Intensity alternative would be less than those of the proposed project because 34 acres of agricultural land would be retained. However, the impact would still be significant due to the loss of 136 acres of prime agriculture land. ~~There is no environmentally superior alternative.~~Impacts would be the same as that of the proposed project.

**AIR QUALITY**

The Increased Intensity alternative would result in both construction and operational related criteria air pollutant impacts from ~~approximately: 1331~~ medium density homes, ~~368~~ high density homes, ~~96,921 sq. ft. of~~ community commercial space, ~~16,335 sq. ft. of~~ office space, two ~~4.35 acre~~ parks, a ~~11.1 acre~~ school, and a ~~4.4 acre~~ detention pond. Compared to air emissions from the proposed project, this alternative would produce more criteria pollutants and therefore ~~is considered less environmentally superior.~~ has greater impacts than the proposed project.

**BIOLOGICAL RESOURCES**

Under the Increased Intensity alternative, 136 acres of the project site would be developed and no longer utilized for agricultural activities. This alternative would retain 34 acres of agricultural land where some species may forage or nest. Therefore, this impacts of this alternative would be less than that of the proposed project. ~~would still less than that of the proposed project and would be considered environmentally superior.~~

**CULTURAL RESOURCES**

During construction of the site, the likelihood of uncovering cultural resources is equal under both the Increased Intensity alternative and the proposed project. For example, during grading an artifact may be uncovered in the same area of the property under either this alternative or the proposed project. Therefore, ~~no environmentally superior alternative exists.~~ the impacts of this alternative are similar to that of the proposed project.

**GEOLOGY AND SOILS**

Grading and excavation of the site would also occur under the Increased Intensity alternative. More human occupied structures would be built and subject to the potential seismic related hazards associated with ground shaking. Geologic impacts for this alternative, therefore, would be increased in comparison to the proposed project. Due to the addition of human occupied structures and people, this alternative ~~is less environmentally superior.~~ would have greater impacts than the proposed project.

**HAZARDS AND HAZARDOUS MATERIALS**

The Increased Intensity alternative would have more potential to result in hazardous materials mishaps associated with construction and increased operational activities. This alternative would require construction equipment for a longer period of time, and result in increased potential hazardous situations. This alternative would have greater impacts than the proposed project. ~~is therefore less environmentally superior.~~

**HYDROLOGY/ WATER QUALITY**

Water quality impacts will be slightly, but not appreciably, increased because of the similar population but greater amount of impervious surface area. The impacts in this ~~environmental~~

~~category will thus be less than the less than significant impacts of the project.~~alternative are greater than the proposed project.

**LAND USE AND PLANNING**

Under the Increased Intensity alternative, the mix of uses envisioned by the City's Cumulative General Plan Build-Out scenario that includes Morgan Ranch Specific Plan as "Southeast 1" would not be realized as agricultural land would prevent full build-out. The City's General Plan designated goals and objectives would not be met~~ and therefore, this alternative is less environmentally superior~~. This alternative would have greater impacts than the proposed project.

**NOISE**

Construction generated noise and vibration to nearby sensitive receptors under the Increased Intensity alternative would have a longer impact than the proposed project. In addition, due to traffic noise generated from State Route 99 and the addition of vehicles, operational impact would also be more significant. Consequently, this alternative would result in short-term and long-term noise impacts~~ and is less environmentally superior.~~, resulting in greater impacts than the proposed project.

**POPULATION AND HOUSING**

Housing would be provided in accord with the Turlock General Plan and Municipal Code and no existing houses would be displaced under the Increased Intensity alternative. With this alternative the City's Cumulative General Plan Build-Out scenario, which includes Morgan Ranch Specific Plan as "Southeast 1", is realized. This alternative might also assist the City in meeting General Plan Housing Element goals by enabling it to better achieve affordable-housing objectives with the intensity related likelihood that the number of smaller units to be constructed would facilitate such an objective. The impacts of this alternative would be ~~considered environmentally superior~~less compared to the proposed project.

**PUBLIC SERVICES AND UTILITIES**

Due to the addition of 68 residential units, the demand for fire and emergency protection services, schools and library services, and facilities would be more under the Increased Intensity alternative. This alternative would therefore be considered less environmentally superior than compared to the proposed project.

The lake's water demand will be approximately $^{2}/_{3}$ that of the project's larger lake except that, because of increased rainfall runoff supply due to increased hardscape from more intense residential development, proportional water demand may be slightly reduced. Domestic water demand will be the same; outdoor landscaping water demand will be less. The net effect of these changes will predictably be a reduction in impact on the subbasin's aquifer and on water supply requirements.

An additional demand would be generated from area utilities and service systems with the Increased Intensity alternative. In comparison to the proposed project at buildout, this alternative would increase wastewater collection and treatment loadings, potable water demand, and solid waste collection and disposal needs, as well as the need for offsite service system improvements to water distribution and sewer collection systems. This alternative would ~~be less environmentally superior.~~ have greater impacts than the proposed project.

**RECREATION**

The Increased Intensity alternative would require that additional fees be paid. The City's General Plan requires 3.5 acres of parkland per 1,000 residents. Under this alternative 18.4 acres of parkland would be required. The total acreage devoted to parkland includes 8.7 acres. Substantial parkland fees would therefore be required. Compared to the proposed project, this alternative ~~is less environmentally superior.~~ has greater impacts than the proposed project.

**TRANSPORTATION/TRAFFIC**

Under the Increased Intensity alternative more daily trips would occur than with the proposed project, due to adding an additional 39 residential units (Table 5-2 notes). The LOS at intersections and along roadway segments would be more than that of the proposed project. With this alternative the Cumulative General Plan Build-Out scenario, which includes Morgan Ranch Specific Plan as "Southeast 1", would be not be recognized. Therefore this alternative would ~~be considered less environmentally superior to the proposed project.~~ have greater impacts than the proposed project.

**GREENHOUSE GAS EMISSIONS**

The site would continue producing GHG emissions generated at a higher level than the proposed project. Compared to the proposed project, the Increased Intensity alternative would generate; ~~1,331~~ medium density residents, ~~368~~ high density residents, ~~96,921 sq. ft. of~~ community commercial, ~~16,335 sq. ft.~~ office, two ~~4.35 acre~~ parks, ~~11.1 acre~~a school, and a ~~4.4 acre~~ detention pond. This alternative ~~is therefore less environmentally superior.~~ greater impacts than the proposed project.

*5.6.5.2 Ability to Reduce Environmental Effects*

In comparison to the proposed project, the Increased Intensity alternative would reduce impacts to the following environmental resource areas: population and housing. Impacts to aesthetics, air quality, biological resources, hazards and hazardous materials, hydrology/ water supply/ water quality, land use, noise, population and housing, recreation, and transportation and traffic, public services and utilities, and greenhouse gas emissions would be less with proposed project. Significant project impacts to agricultural resources and air quality would not be eliminated under the Increased Intensity alternative. In addition, the alternative would also result in significant impacts to cultural resources. This alternative does not substantially reduce the environmental impacts in comparison to the proposed project, and does not eliminate significant and unavoidable impacts.

#### *5.6.5.3 Ability to Achieve Project Objectives*

The Increased Intensity alternative does not achieve all of the objectives of the proposed project.

## *5.7 Environmentally Superior Alternative*

CEQA requires a lead agency to identify the "environmentally superior alternative" and, in cases where the "No Project/ No Build" alternative is environmentally superior to the proposed project, the environmentally superior development alternative must be identified. The relative impacts of each project alternative in comparison to the proposed project are summarized in Table 4-1. Since the No Project/ No Build/No Build alternative would eliminate all but one of the significant, unavoidable impacts of the proposed project, it is environmentally superior. Among the two other alternatives analyzed, the Reduced Intensity alternative would be considered an environmentally superior alternative. Accordingly, the superior development alternative is the Reduced Intensity Alternative; it has less environmental effect than either the Proposed Project or the Increased Intensity Alternative (see Table 5-3).

**Table 5-3**
**Proposed Project vs. Project Alternatives**
**Comparison of Environmental Impacts**

| Environmental Impact | Proposed Project | No Project/ No Build - Alternative | Reduced Intensity Alternative | Increased Intensity Alternative |
|---|---|---|---|---|
| Aesthetics | PS | < | < | > |
| Agricultural Resources | S | < | ~~S~~= | ~~S~~= |
| Air Quality | S | < | < | >~~S~~ |
| Biological Resources | PS | < | <= | < |
| Cultural Resources | PS | ~~S~~= | S= | S= |
| Geology and Soils | PS | < | < | > |
| Greenhouse Gas Emissions | LS | < | < | > |
| Hazards and Hazardous Materials | PS | < | < | > |
| Hydrology/ Water Quality | PS | < | < | > |
| Land Use and Planning | LS | >= | <= | >= |
| Noise | PS | < | < | > |
| Population/Housing | LS | > | > | < |
| Public Services and Utilities | PS | < | < | > |
| Recreation | PS | > | <= | > |
| Transportation/Traffic | PS | > | > | > |

< Impacts would be less than those of the proposed project
> Impacts would be greater than those of the proposed project
= Impacts would be similar to the proposed project
LS Less than Significant

PS Potentially Significant
S Significant Impact (> impacts could not be mitigated to less than significant)
* Eliminates a significant impact