



City of Patterson

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August 11, 2008

Keith Boggs, Deputy Executive Officer – Economic Development
Stanislaus County
1010 10th Street
Modesto, CA 95354

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report for the West Park Specific Plan Project (SCH # 2008062066)

Thank you for the opportunity to comment on the Notice of Preparation (“Notice”) and Addendum for the West Park project (“project”). The project will have obvious and significant impacts to the City of Patterson, especially as they relate to traffic, noise, water supply, air quality, and public safety, among others. More importantly, since Patterson is the closest city where the full range of municipal services are provided, employees and visitors to the West Park project will significantly increase the demand for these services provided by the City. The City’s current General Plan and infrastructure plans do not accommodate this increased population. Since the West Park project provides no housing or other complimentary land uses to serve the day to day needs of its employees, they will seek these amenities in Patterson. Thus, the City will be following the CEQA compliance process with great interest.

Project Description Provided With the Notice

According to the Notice, the project consists of 4,800 acres to be developed with a variety of uses that include “industrial”, “business park”, “distribution”, and “general aviation”. Table 1 provides a distribution of proposed land uses by acres through each of four phases. With regard to the project description, the Addendum states the following:

“The project also consists of a proposed General Plan amendment and rezoning on all 4,800 acres changing the existing general plan designation from “Agriculture” to “Specific Plan” and modifying the zoning district from “A-2-40 (General Agriculture)” to “Specific Plan”. A Specific Plan will be developed for the entire 4,800 acres and will include all appropriate contents as required by California Government Code. The Specific Plan will be provided as part of the EIR project description. The final proposed Specific Plan is not currently available, but is expected to be ready for public review at the same time that the Draft EIR is available for public review.”

The Notice also states that the project could support as many as 37,000 new jobs.

According to Section 15082(a)(1) of the State Guidelines:

“The notice of preparation shall provide the responsible and trustee agencies and the Office of Planning and Research with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response.”

As stated above, the project description provided in the Addendum states that a Specific Plan will be provided as part of the EIR project description; no further description or summary of the Specific Plan is provided beyond the statement that it will address all of the items required by the Government Code which are:

65451. (a) A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:

(1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.

(2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

(3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

(4) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

(b) The specific plan shall include a statement of the relationship of the specific plan to the general plan.

Items (a) (1) through (4) certainly have the potential to result in significant environmental affects, or to avoid or lessen potential environmental effects. For example, the proposed plan for infrastructure and essential public utilities required under item (2) would be particularly useful for responsible and trustee agencies to assess the extent to which the project may (or may not) adversely affect regional resources, such as water. The standards of development required under item (3) would be useful in helping respondents to the Notice understand the scale, height, and character of development allowed by the Specific Plan and whether or not it would result in potentially significant impacts.

In the absence of a description of these aspects of the Plan, responsible and trustee agencies have no way of knowing how it may create or mitigate potentially significant effects. For these reasons, the project descriptions provided in the Notice and Addendum fail to meet the standard articulated by Guidelines §15082(a)(1). Accordingly, the Notice should be withdrawn and re-circulated with a description of the Draft Specific Plan. consistent with the requirements of Section 15082.

Technical Studies

The June 25th Addendum to the Notice states that the project also includes previously published information provided on the web site www.crowsbizpark.com which includes the following:

1. Short Haul Rail/Inland Port Master Plan - prepared by DMJM Harris, HDR Engineering and Tioga Group (August 2007) and third party review prepared by Global Insight March 2008.
2. Economic Impact Analysis - prepared by Goodwin Consulting Group (April 2008).
3. Fiscal impact and Financial Feasibility Analysis - prepared by Goodwin Consulting Group (April 2008).
4. Preliminary Traffic Circulation Master Plan - prepared by TJKM (October 2007)
5. Air Quality Analysis Northern California Inland Port/ Short-haul Rail Project - prepared by EDAW (January 2008).
6. Treated Effluent Disposal/ Sewer Master Plan/ Storm Drainage Water Quality Master Plan/ Water System Master Plan - prepared by Stantec (November 2007).
7. Dry Utilities Master Plan - prepared by Stantec (August 2007).
8. Preliminary Environmental Site Assessment - prepared by Wallace Kuhl (November 2007)

The Addendum states:

“The technical studies, as listed below, helped inform and shape the various elements of the currently proposed developments described in the “Project Description” section of this NOP...”

To fulfill the requirements of Section 15082, the Notice should clearly state whether these studies are included as part of the project description, or simply provided as reference information. If part of the project description, responsible and trustee agencies (and other interested parties) will treat them accordingly, which in turn will be reflected in comments on the scope of the forthcoming Draft EIR.

Contents of the Draft EIR

The Draft EIR should address all of the topics required by State CEQA Guidelines (Title 14 of the California Code) and in particular Sections 15120 through 15132, inclusive. Mitigation measures recommended by the Draft EIR should be identified for each phase of the project and fully documented as to their feasibility and supported by substantial evidence in the record.

Aesthetics/Visual Resources

The DEIR should fully assess (using simulations and other tools as necessary) potentially significant project-specific and cumulative impacts associated with aesthetic and visual resources for each phase of development. In particular, the DEIR should address at least the following:

- Project impacts on views from Interstate 5, a designated scenic highway for its entire length through Stanislaus County.
- The project's potential to degrade the visual and aesthetic character of the project site and surrounding area from one of rural agriculture to one of industrial and other urban uses.
- The project's potential to produce significant new sources of light and glare that would adversely impact day and nighttime views in the area.

Agricultural Resources

The DEIR should assess the project's individual and cumulative impacts on agricultural resources and the agricultural economy both locally and regionally, consistent with the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation. In particular, the DEIR should assess the following:

- Impacts associated with the permanent conversion of important farmlands as mapped by the Farmland Mapping and Monitoring Program of the California Resources Agency.
- Potential conflicts with ongoing agricultural operations in the area, and the potential for land use compatibility impacts between the proposed urban development and surrounding agricultural operations.
- Potential impacts associated with the cancellation of existing Williamson Act contracts and consistency with the requirements of the State Department of Conservation regarding the cancellation of such contracts.
- The potential for this project to induce or hasten the cancellation of Williamson Act contracts on lands in the project vicinity.

In all cases potentially significant impacts should be quantified. Mitigation measures recommended for the permanent loss of productive agricultural lands should be fully documented and supported by substantial evidence in the record.

Air Quality

The DEIR should quantify project-related and cumulative impacts to air quality consistent with the requirements of the San Joaquin Unified Air Pollution Control District, including construction and operational impacts. The assessment should address impacts from all forms of motorized vehicles associated with the project, including on-road motor vehicles (cars and trucks), railroad operations, and air traffic.

Materials cited by the Notice of Preparation claim that one of the benefits of the project is that a certain number of truck trips “...will be eliminated...” because of the use of short haul rail between the Port and Crows Landing. The DEIR should document and verify if this is in fact the case. It seems likely that these trips will not be “eliminated” but simply be re-directed from Oakland to Crows Landing. Moreover, if the project turns out to be successful, many more truck trips will be originating and terminating in the San Joaquin Valley than would otherwise be the case if the Port were to remain in Oakland. All of the assumptions used to quantify potential air quality impacts and the resulting conclusions should be fully documented by evidence in the record.

The DEIR should also quantify the potentially significant increase in air pollution associated with home-to-work trips generated by employees of future tenants of the project.

In addition, the DEIR should address the following:

- Project consistency with the adopted Clean Air Plans for ozone, carbon monoxide and particulate matter.
- The potential for the project to result in the exceedence of one or more State or federal air quality standard.
- Potential project impacts with respect to greenhouse gas emissions.
- Potential for the project to expose sensitive receptors to substantial air pollution concentrations, especially along the proposed short-haul rail route and truck routes to and from the project as they pass through the City of Patterson and other urban areas.

- The potential for the project and associated motor vehicle use (including cars, trucks, rail and air) to result in objectionable odors to future occupants of the project and to residents of Crows Landing, the surrounding agricultural areas, and the City of Patterson.

Biological Resources

The project should provide a complete and independent assessment of potential project impacts to biological resources as they relate to the following:

- The direct or indirect modification of habitat for special status plant and animal species identified by the California Department of Fish and Game and the US Fish and Wildlife Service.
- Potential impacts on riparian habitat and other sensitive biological communities.
- Potential direct and indirect impacts to federally protected wetlands as defined by Section 404 of the Clean Water Act.
- Project impacts on the movement of any native resident or migratory wildlife species or with an established wildlife corridor or nursery areas.
- The potential for the project to conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved conservation plan.

A Preliminary Environmental Site Assessment is part of the materials cited by the Notice Of preparation in support of the project. That study provides (among other things) a discussion of potential impacts to wetlands that exist on the site, as well as a cost for mitigation of habitat loss. The DEIR should either 1) independently verify the methodologies and conclusions of this biological assessment and recommended mitigation, or 2) prepare a completely separate and independent assessment of potential project impacts to biological resources.

The aforementioned Ecological Assessment concludes that the project site “...lies within the San Joaquin Kit Fox historic range” and recommends that a “*habitat assessment*” be completed “...in advance of other permitting...”. Our experience working with both the federal and State endangered species acts suggests that compliance is a lengthy, complicated and expensive proposition that can take years to resolve, especially for a project of this size. The DEIR should document project compliance with the federal and State Endangered Species Acts.

Cultural Resources

The DEIR should fully assess potential project impacts to archaeological, historic, and paleontological resources consistent with Guidelines Sections 15064.5. In addition, the project will be subject to the notification and consultation requirements of Senate Bill 18 which should be documented in the DEIR.

Geology and Soils

The DEIR should provide a complete assessment of potential project related impacts associated with the following:

- The risk to people and property associated with ground shaking, ground failure, landslides or fault rupture.
- Soil erosion and liquefaction, and the potential effects of expansive soils on new development.
- An assessment of the suitability of the soils to accommodate on-site wastewater treatment facilities.

Hazards and Hazardous Materials

The DEIR should provide a complete assessment of project-related direct and indirect hazards to people and property, especially as it relates to the following:

- Hazards to the public, both within the project and in the City of Patterson, associated with the transport, use or disposal of hazardous materials associated with the increased truck, train and air traffic.
- The potential hazard to citizens of Patterson associated with an accident along the proposed short-haul rail route and truck routes serving the project. Of particular concern is the potential hazard to citizens of Patterson associated with an accident at one or more at-grade rail crossings.
- The potential hazard to schools and other sensitive land uses associated with the use, transport and/or disposal of hazardous materials.
- The impacts to emergency response associated with increased rail traffic through the City of Patterson, and impacts to emergency response associated with an accident/hazardous materials spill along the short-haul rail route and truck route serving the project.
- Potential hazards to area residents and workers associated with increased air traffic and aircraft operations. Project consistency with the adopted Airport Land Use Plan for the Crows Landing Airfield.
- Potential hazards to workers and visitors of the project site associated with the historic use of pesticides and fertilizers on the underlying properties.
- Potential risk associated with wildland fires.
- Include a comprehensive analysis in the DEIR of the potential of the project to impair implementation, or to physically interfere with an adopted emergency response plan or emergency evacuation plan. This should necessitate analysis of the potential of a rail car containing toxic, hazardous, flammable or combustible materials that may spill near or within the city of Patterson. As designed, the proposal does not limit the type or quantity of cargo that may be delivered to the project site, nor does it limit the type of manufacturing activities which may be carried out at the project site.

Hydrology and Water Quality

The DEIR should fully assess potential impacts to surface and groundwater quality and groundwater resources that may result from the construction and ongoing operation of the project. In particular, the DEIR should address the following:

- The potential for surface or groundwater quality standards to be violated.
- Potential project-specific and cumulative impacts to groundwater resources in the region, and in particular, potential impacts (in terms of quantity and quality) to groundwater supplies used by the City of Patterson. More specifically, potential impacts to groundwater resources should be modeled to determine:
 - The safe yield of groundwater resources serving the project and the impact of project-related wells would have on existing wells in the vicinity, including those used by the City of Patterson;
 - Water quality of groundwater resources serving the project with samples taken from varying depths;
 - An analysis of the characteristics of the underlying groundwater aquifer to determine its yield during different seasons and the potential for groundwater withdrawals to adversely affect surrounding wells;
- Potential impacts associated with the use of recycled water as a substitute for potable water for irrigation.
- The potential impact of the project on the existing pattern of surface drainage in the area, including the alteration of course of streams in a manner that would result in erosion or siltation on site or off site.
- The potential for the project to create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems.
- Potential hazards from the placement of habitable structures and businesses within a 100-year flood hazard area, and the potential for such structures to impede the flow of runoff.
- Potential drainage impacts to Salado Creek and Little Salado Creek, especially as it relates to the limited downstream capacity of stormwater conveyances constructed by the City of Patterson to serve development within the City, only.

Land Use/Consistency With Adopted Plans and Policies

The DEIR should assess project consistency with all relevant adopted plans, laws and regulations of federal, state and local agencies, including (but not limited to) the following:

- Policies of the Stanislaus County General Plan
- Policies of the Local Agency Formation Commission
- Policies of the City of Patterson General Plan (see below)
- The federal and State Endangered Species Acts
- The Clean Air Act and locally adopted Air Quality Management Plans
- The Regional Transportation Plan and Congestion Management Plan
- The StanCOG 2008 Regional Housing Needs Assessment

In addition, it should be noted that the City of Patterson is currently undertaking a comprehensive update of its General Plan. Although a draft Plan has not yet been formulated, the City's General Plan Advisory Committee is considering the appropriate land uses to the south of the current General Plan area and north of the Crows Landing Airfield. The City's General Plan update should be treated as a reasonably foreseeable project with respect to cumulative impacts and consistency with adopted plans.

And lastly, the DEIR should fully assess the potential for this project to induce changes to land use in the vicinity and region, and the associated environmental impacts associated with those changes.

Noise

The project should quantify potential noise impacts associated with all sources (including on-road motor vehicles, rail and air traffic) in relation to standards adopted by Stanislaus County and by the City of Patterson. In addition, the DEIR should address the following:

- Impacts associated with the exposure of persons to noise levels in excess of established standards, both for the County and for the City of Patterson.
- Impacts associated with the exposure of people to excessive groundbourne vibration and groundbourne noise, especially relating to increased rail traffic through the City of Patterson.
- Impacts associated with temporary and periodic increases in noise levels, especially those relating to increased rail operations (from train horns, for example) and air traffic.

Population and Housing

According to the project description, the project is estimated to attract as many as 37,000 jobs through buildout. The DEIR should assess the physical changes to environment resulting from the increased demand for housing, schools, parks, recreation, shopping, health care, police and fire protection facilities, these 37,000 new jobs would generate in the vicinity and in the region, especially in regards to the City of Patterson. As stated above under Land Use, the DEIR should assess project consistency with the StanCOG Regional Housing Needs Assessment and the City of Patterson Housing Element in regards to the increased demand for housing.

Public Services

The DEIR should fully assess direct and indirect impacts to public services provided by the County, the School District, Del Puerto Health Care District, and the City of Patterson, among others. In particular, the DEIR should address the following:

- Potential impacts on the City of Patterson Fire Department resulting from the additional rail, truck and motor vehicle traffic passing through the City to the project. The potential for the interruption of emergency response to all parts of the City that may result from a rail accident or from additional railroad operations should be quantified and mitigated. In addition, potential project impacts associated with the increased demand for fire fighting personnel, equipment and facilities should be addressed. Cumulative impacts on the demand for fire protection should be assessed.

- Project impacts on police protection within the City of Patterson. In particular, the DEIR should assess potential impacts to police emergency response to all parts of the City that may be interrupted by a rail accident or by increased rail operations. In addition, potential project impacts associated with the increased demand for police personnel, equipment and facilities should be addressed. Cumulative and regional impacts on the demand for police protection should be assessed.
- The potential impacts to police and fire protection resulting from increased traffic in Patterson generated by the project. In particular, the increase in traffic accidents and motor vehicle-train collisions.
- Potential project impacts to school facilities, and in particular the increased demand for school facilities generated by the 37,000 new employees and their families attracted to the area.
- Potential impacts from the increased demand for public parks and recreation facilities and programs in the vicinity and in the City of Patterson.

Transportation and Traffic

The DEIR should fully assess project impacts to local and regional transportation systems, including on-road motor vehicles, bicycle, transit, rail, air and pedestrian modes of travel. The list of roadway segments and intersections to be analyzed should be determined in consultation with the City of Patterson Department of Public Works and Community Development Department. The Notice of preparation references a Preliminary Traffic Circulation Master Plan which may or may not be incorporated as part of the project description. The DEIR should either 1) provide independent verification and peer review of this analysis, or 2) prepare a completely separate analysis of potential transportation impacts. In addition, the transportation section of the DEIR should address at least the following:

- Quantify the increase in traffic on area roadways and intersections in relation to existing traffic load and the capacity of the street system.
- Assess whether the increased traffic, together with traffic from cumulative development, will exceed a level of service standard adopted by the County Congestion Management Plan and the City of Patterson for designated roadways and intersections in the area and within the City.
- Assess the impacts associated with the change in air traffic patterns resulting from increased/renewed aircraft operations, and the potential safety risks associated with those increased operations.
- Assess potential traffic hazards associated with:
 - Increased traffic in the City of Patterson and on area roadways, and the potential for increased traffic accidents.
 - At-grade railroad crossings in the City of Patterson.
 - Design features of the roadway system (sharp curves, sight distance, conflicts with farm equipment, etc.).
 - Emergency access to all parts of the City that may be interrupted by rail traffic.
- Assess consistency with the City of Patterson Circulation Element, the Congestion Management Plan, and Regional Transportation Plan.
- Assess impacts to public transit providers.
- Fully assess the need for, and the feasibility of, grade separations for roadways in the City of Patterson with the railroad.

Utilities and Service Systems

The DEIR should assess project impacts associated with the provision of wastewater collection, treatment and disposal, water supply, storm drainage, solid waste disposal. Impacts relating to construction and operation should be assessed. In particular, the DEIR should address the following:

- Assess potential impacts associated with the use of a package wastewater treatment plant, as described in the materials referenced by the NOP. Long-term reliability and the potential for environmental impacts associated with plant failure should also be assessed. Impacts relating to odors, sludge disposal and associated truck traffic should be assessed.
- With regard to water supply, the project will be subject to the water supply assessment requirements of Senate Bill 610 (Section 21151.9 of the Public Resources Code). One of the studies referenced by the NOP is a Water System Master Plan. Page 16 of the Water System Master Plan states that “Numerous water supply alternatives for the project are being considered, including: surface water, groundwater, a supply and maintenance agreement with existing water districts, a new community services/water district for the project, and imported water from other areas of the State.” To fully comply with the requirements of Section 21151.9 a stable, reliable water supply must be demonstrated for the project. The DEIR should fully analyze the potential environmental impacts for each option under consideration, along with impacts to other water users in the area, including the City of Patterson, the various water districts, agricultural interests, and other municipalities. Potential impacts associated with the extension of water lines and water production/treatment facilities should be assessed, along with the reliability of each option. The potential for the use of recycled water to reduce water demand should be explored, along with relevant water conservation measures.

Economic and Social Effects

CEQA Guidelines §15131(a) precludes a discussion of economic and social effects associated with a project. However, Guidelines §15131(b) states that economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For purposes of assessing the physical impacts associated with the additional demand for housing, shopping, schools, parks, and other public facilities in the City of Patterson, we would recommend the DEIR start with the potential cost to the City of providing these facilities and services.

Cumulative Impacts

The analysis of cumulative impacts will be especially important for this project and should be undertaken for each of the topics outlined above as required by CEQA. All reasonably foreseeable cumulative projects should be included in the cumulative analysis, especially as it relates to regional impacts associated with traffic, water supply, air quality, habitat protection and the preservation of productive agricultural land. The list of cumulative projects should err on the side of being inclusive, rather than exclusive.

As stated above under Land Use, the City of Patterson is currently undertaking a comprehensive revision of the City’s General Plan. This should be included in the analysis of cumulative impacts.

Growth Inducing Impacts

Since the project essentially results in large-scale urban development in an essentially rural portion of the County, the DEIR should quantify potential growth inducing impacts, and assess the physical impacts to environment associated with this induced urban development.

Alternatives

The alternatives assessed in the Draft EIR should include those that reduce significant environmental effects while meeting most of the basic objectives of the project. In addition to the No Project alternative required by CEQA, we would recommend a significantly scaled-down version of the project that includes just the current airfield property. Also, an alternative should be included that includes rerouting of the rail around the city of Patterson and an alternative project that excludes the rail services from the project and/or locates the intermodal port cargo activity to an existing inland port (such as the Port of Sacramento).

Once again, we thank the County for the opportunity to comment on the Notice of Preparation. If you have any questions or comments about this letter, please feel free to contact the City of Patterson Community Development Department at (209) 895-8020.

Sincerely,

A handwritten signature in cursive script that reads "M. Cleve Morris".

M. Cleve Morris, City Manager