

ATTACHMENT S-1
August 2014 | Preliminary Final Environmental Impact Report

GENERAL PLAN AND DEVELOPMENT CODE UPDATE

for City of Clovis

Prepared for:

City of Clovis

Contact: Dwight Kroll, Director of Planning and Development Services
1033 Fifth Street
Clovis, California 93612
559.324.2343

Prepared by:

PlaceWorks

Contact: JoAnn Hadfield, Principal, Environmental Services
3 MacArthur Place, Suite 1100
Santa Ana, California 92707
714.966.9220
jhadfield@placeworks.com
www.placeworks.com



Table of Contents

Section	Page
1. INTRODUCTION.....	1-1
1.1 INTRODUCTION.....	1-1
1.2 FORMAT OF THE FEIR.....	1-1
1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES	1-2
2. RESPONSE TO COMMENTS	2-1
3. REVISIONS TO THE DRAFT PEIR.....	3-1
3.1 INTRODUCTION.....	3-1
3.2 DRAFT PEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS.....	3-1

Table of Contents

This page intentionally left blank.

1. Introduction

1.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and CEQA Guidelines (California Administrative Code Section 15000 et seq.).

According to CEQA Guidelines, Section 15132, the FEIR shall consist of:

- (a) The Draft Environmental Impact Report (DEIR) or a revision of the Draft;
- (b) Comments and recommendations received on the DEIR either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies comments on the DEIR;
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- (e) Any other information added by the Lead Agency.

This document contains responses to comments received on the Draft Program EIR (Draft PEIR) for the Clovis General Plan and Development Code Update during the public review period, which began June 24, 2014, and closed August 8, 2014. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Lead Agency. This document and the circulated DEIR comprise the FEIR, in accordance with CEQA Guidelines, Section 15132.

1.2 FORMAT OF THE FEIR

This document is organized as follows:

Section 1: Introduction. This section describes CEQA requirements and content of this FEIR.

Section 2: Response to Comments. This section provides a list of agencies and interested persons commenting on the Draft PEIR; copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a number (A-1 through A-4 for letters received from agencies, O-1 through O-4 for letters received from organizations, and I-1 through I-2 for letters received from individuals). Individual comments have been numbered for each letter and the letter is followed by responses with references to the corresponding comment number.

1. Introduction

Section 3: Revisions to the Draft PEIR. This section contains revisions to the Draft PEIR text and figures as a result of the comments received by agencies and interested persons as described in Section 2, and/or errors and omissions discovered subsequent to release of the Draft PEIR for public review.

The responses to comments contain material and revisions that will be added to the text of the FEIR. City of Clovis staff has reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the Draft PEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the Draft PEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments, and reminds persons and public agencies that the focus of review and comment of DEIRs should be “on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. ...CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the environmental impact report. The responses will be forwarded with copies of this FEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.

2. Response to Comments

Section 15088 of the CEQA Guidelines requires the Lead Agency (City of Clovis) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the Draft PEIR and prepare written responses.

This section provides all written responses received on the Draft PEIR and the City of Clovis' responses to each comment.

Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the Draft PEIR are excerpted in this document, the sections are shown indented. Changes to the Draft PEIR text are shown in underlined text for additions and ~~strikeout~~ for deletions.

The following is a list of agencies and persons that submitted comments on the Draft PEIR during the public review period.

Number Reference	Commenting Person/Agency	Date of Comment	Page No.
Agencies & Organizations			
A1	California Department of Transportation (Caltrans)	8/6/14	2-3
A2	Fresno Irrigation District	8/7/14	2-13
A3	County of Fresno Department of Public Health	8/7/14	2-31
A4	Fresno Local Agency Formation Commission (LAFCo)	8/8/14	2-35
Organizations			
O1	Building Industry Association of Fresno/Madera Counties, Inc.	7/30/14	2-43
O2	Brookwood Group, Inc.	8/5/14	2-49
O3	P-R Farms	8/8/14	2-59
O4	Wilson Homes	8/8/14	2-63
Individuals			
I1	Joe and Carol Cusumano	8/7/14	2-73
I2	Dirk Poeschel	8/8/14	2-81

2. Response to Comments

This page intentionally left blank.

2. Response to Comments

LETTER A1 – California Department of Transportation (Caltrans) (5 pages)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY
EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 6
 1352 WEST OLIVE AVENUE
 P.O. BOX 12616
 FRESNO, CA 93778-2616
 PHONE (559) 444-2493
 FAX (559) 445-5875
 TTY 711
 www.dot.ca.gov



*Serious drought.
Help save water!*

August 6, 2014

06-FRE-168-GEN
 General Plan Update
 Draft Environmental Impact Report

Mr. George Gonzalez, Associate Planner
 City of Clovis, Planning Division
 Department of Planning and Development Services
 1033 Fifth Street
 Clovis, California 93612

Dear Mr. Gonzalez:

We have completed our review of the draft transportation impact study (TIS) for the City of Clovis General Plan Update Draft Environmental Impact Report (DEIR). The TIS analyzes the transportation effects related to the proposed City of Clovis General Plan Update. The impact analysis examines the roadway, transit, bicycle and pedestrian components of the transportation system in the City of Clovis and adjacent jurisdictions. The TIS includes existing conditions of the transportation system, 2035 plus proposed General Plan conditions, full build out of proposed General Plan and impact assessment. The TIS has analyzed State Route (SR) 168 roadway segment from SR 180 to east of Shepherd Avenue. The roadway segment operation analysis uses the peak hour traffic volume thresholds shown in Table 4 page L-16 to determine the level-of-service (LOS). These thresholds are based on the planning level methodologies identified in the *2000 Highway Capacity Manual* and were developed using inputs to match the typical roadway conditions seen in Clovis. The TIS states that the traffic counts for SR 168 were accumulated from a combination of data obtained from Caltrans staff and from Caltrans Performance Measurement System (PeMS).

DEIR – TIS review:

Appendix A provides the morning and evening peak hour roadway volumes and LOS for all roadway segments under existing conditions and 2035 plus proposed General Plan conditions. The existing conditions for the roadway segments analyzed along SR 168 appear to operate at a satisfactory LOS. The following roadway segments have been shown to operate at unsatisfactory results for the 2035 plus proposed General Plan conditions and shown in Table 1:

Table – 1, SR 168 Segments – Non Mitigated

Eastbound Direction	LOS
McKinley to Shields Avenues	E
Shields to Ashlan Avenues	E
Herndon to Fowler Avenues	E
Temperance to Owens Mountain Parkway	F
Westbound Direction	LOS
Temperance to Fowler Avenues	E
Fowler to Herndon Avenues	F
Ashlan to Shields Avenues	E

“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”

Intro

A1-1

2. Response to Comments

Mr. George Gonzalez
August 6, 2014
Page 2

The TIS is proposing the following mitigation measures to address the above impacts as shown in Table 2:

Table – 2, SR 168 Segment – Proposed Mitigation Measures

Eastbound	
McKinley to Shields Avenues	Widen to 4 lanes
Shields to Ashlan Avenues	Add an auxiliary lane
Herndon to Fowler Avenues	Add an auxiliary lane
Temperance to Owens Mountain Parkway	Improve to 4 lanes plus interchange
Westbound	
Temperance to Fowler Avenues	Add an auxiliary lane
Fowler to Herndon Avenues	Widen to 3 lanes
Ashlan to Shields Avenues	Add an auxiliary lane

The TIS states that these improvements would require action on the part of Caltrans. It also considers this impact to remain significant and unavoidable due to the fact that these mitigation measures are not included in the Fresno County Council of Government's Regional Transportation Plan (RTP) or any other funding program and are not within the City's jurisdiction to implement. The impacts to these segments along SR 168 are created from the planned growth within the City of Clovis' General Plan Update, thus establishing a nexus between the new trips and the identified impacts. Therefore the City of Clovis would be responsible for mitigating any of its impacts created by the General Plan update to the point of less significance in order to satisfy CEQA Guidelines for cumulative and indirect impacts. The absence of the identified impacts to the State facilities in the TIS from the RTP or another funding program does not alleviate the City from mitigating any of its transportation related impacts.

Build-out of the proposed General Plan would likely increase the traffic demand on SR 168. The TIS is recommending the following changes to SR 168 due to the build-out of the General Plan and as shown in Table 3:

Table – 3, SR 168 Segment – Proposed Mitigation Measures

Herndon Ave to Temperance Ave	Widen from 4 to 6 lanes
Temperance Ave to Shepherd Ave	Widen from 4 to 6 lanes and a new interchange at Owens Parkway and Shepherd Avenue
Shepherd Ave to Dockery Ave	Widen from 2 to 4 lanes and a new interchange at Dockery Avenue
East of Dockery Ave to east of Indianola Ave	Widen from 2 lanes to 4 lanes

The TIS also states that Caltrans has long-term plans to potentially construct an extension of SR 65 from Tulare County to Madera County. Figure 8 of the TIS shows a potential alignment of SR 65 through the northeastern section of the Clovis Planning Area.

Caltrans has the following comments:

Caltrans Transportation Concept Report (TCR), dated October 2005 indicates that the SR 168 is ultimately planned to be an eight lane freeway from SR 180 to Temperance Avenue, a four lane freeway from Temperance Avenue to Shepherd Avenue and a four lane expressway from Shepherd Avenue to Sample Road. The widening recommendations by the TIS appear to be

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

A1-1
cont'd

A1-2

A1-3

2. Response to Comments

Mr. George Gonzalez
August 6, 2014
Page 3

inconsistent with the TCR for SR 168; however the TCR was completed in 2005 and would likely need to be updated based on the current and proposed growth. The proposed interchange at Dockery Avenue would require additional analysis to insure satisfactory operating conditions.

A1-3
cont'd

The proposed auxiliary lanes are conceptually acceptable however, because this TIS is done on a planning level additional analysis needs to be done to insure a beneficial lane weaving configuration.

A1-4

Traffic studies from previous developments have identified the need for the following various improvements to the SR 168 highway system in order to accommodate existing and future demand as shown in Table 4:

Table – 4, SR 168 Improvements:

Location	Proposed Improvements
SR 168 EB off-ramp to Shaw Ave	Additional turn lane
SR 168 EB off-ramp to Bullard Ave	Additional turn lane
SR 168 at Herndon Ave	Additional EB through lane under SR 168 overcrossing
SR 168 EB off-ramp to Temperance Ave	2 additional turn lanes

A1-5

EB=Eastbound

Given development trends in the City of Clovis, Caltrans projects that the SR 168 eastbound off-ramp to Ashlan Avenue will require an additional turn lane in order to accommodate future demand. Caltrans also projects the need for an additional turn lane from eastbound Herndon Avenue to the SR 168 westbound on-ramp. This on-ramp would also likely require a two-lane entrance. It is also projected that a right-turn lane will be required from southbound Fowler Avenue to the SR 168 westbound on-ramp. It is expected that this Fowler Avenue interchange will eventually also require a loop on-ramp.

Funding for Developer-Driven Impacts to State Facilities

It should be understood that with the passage of Senate Bill 45, which gave 75% control of the State Transportation Improvement Program (STIP) to the locals and 25% control to the State, SR 168 is primarily funded with monies that are under local control (i.e Cities of Clovis, Fresno, County of Fresno, Fresno COG, etc). SR 168 is not designated as High Emphasis Focus Route in the Interregional Transportation Strategic Plan thus making it ineligible for funding from the State's share of STIP. Types of funding that could be used for capacity enhancing improvements for SR 168 would include but not limited to: Measure C, RTMF, RIP, Developer mitigation, etc. In today's funding world, infrastructure improvements often require various funding sources to deliver "needed" projects. Responsibility for land use planning lies with the City of Clovis for development proposed within its city limits and the within its own Sphere of Influence (SOI), therefore the City of Clovis must mitigate as the General Plan Update is creating the need for the improvements.

A1-6

It is recommended that any proposed new developments within the City of Clovis which would impact SR 168 mitigate their impacts by contributing their responsible fair-share towards maintaining and improving the State facilities due to the absence of an all inclusive fee program. Caltrans should be involved in the review process of the proposed developments.

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

2. Response to Comments

Mr. George Gonzalez
August 6, 2014
Page 4

It is also recommended that new development also pay into the Regional Transportation Mitigation Fee (RTMF) which is an important part of the Measure "C" Extension approved by Fresno County voters in 2006. The RTMF is intended to ensure that future development contributes to its fair share towards the cost of infrastructure to mitigate the cumulative, indirect regional transportation impacts of new growth. The fees will help fund improvements needed to maintain the target level of service in the face of higher traffic volumes brought on by new developments. Projects that are fully funded by the RTMF would not be subject to a fairshare contribution.

Finally, the City of Clovis should provide a funding source for the following proposed mitigation measures for SR 168 segments and interchanges:

1. McKinley Ave to Shields Ave - Widen to 4 lanes;
2. Shields Ave to Ashlan Ave - Add an auxiliary lane;
3. Herndon Ave to Fowler Ave - Add an auxiliary lane;
4. Temperance Ave to Owens Mountain Pkwy - Improve to 4 lanes plus interchange;
5. Temperance Ave to Fowler Ave - Add an auxiliary lane;
6. Fowler Ave to Herndon Ave - Widen to 3 lanes;
7. Ashlan Ave to Shields Ave - Add an auxiliary lane;
8. Herndon Ave to Temperance Ave - Widen from 4 to 6 lanes;
9. Temperance Ave to Shepherd Ave - Widen from 4 to 6 lanes and a new interchange at Owens Pkwy and Shepherd Avenue;
10. Shepherd Ave to Dockery Ave - Widen from 2 to 4 lanes and a new interchange at Shepherd Ave; and
11. East of Dockery Ave to east of Indianola Ave - Widen from 2 lanes to 4 lanes.

A transportation funding matrix should be provided to determine possible funding sources for potential projects based on the project type. After identifying a funding source, a review of project eligibility, funding availability, and funding schedule should be done by Caltrans.

General Comments:

It should be noted that the *Highway Capacity Manual 2000* was used in the TIS. However, *Highway Capacity Manual 2010* should have been used.

California's transportation system cannot meet the State's needs with just highways and supports guidelines meant to improve Caltrans' design of bicycle facilities. The guidelines were developed by the *American Association of State Highway Transportation Officials* and the *National Association of City Transportation Officials*. These guidelines promote a network of Class 1 bicycle facilities that connect major origins and destinations linked with a network of Class 2 facilities on all possible streets. A Class 1 bicycle facility is situated on a separate right-of-way or with some sort of physical barrier placed on the street between the bicycle and motor vehicle, while a Class 2 facility shares the travel way with motor vehicles separated by striping. These standards should be considered in all transportation system developments so as not to preclude future design options.

A1-6
cont'd

A1-7

A1-8

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

2. Response to Comments

Mr. George Gonzalez
August 6, 2014
Page 5

If you have any further questions, please contact me at (559) 444-2493.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Padilla", with a large, stylized initial "D" and a long horizontal flourish extending to the right.

DAVID PADILLA
Transportation Planner

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

2. Response to Comments

This page intentionally left blank.

2. Response to Comments

A1. Response to Comments from Caltrans, David Padilla, Transportation Planner, dated August 6, 2014.

A1-1 As noted in the commenter's letter, the Draft PEIR states that traffic generated by the planned growth within the City of Clovis General Plan Update would impact traffic operations on SR-168 (see Impact 5.16-1). To address this impact, Section 5.16.7, *Mitigation Measures*, of the Draft PEIR identifies specific improvements that would improve the level of service on SR-168 and reduce the impact to less than significant.

This section of the Draft PEIR also identifies potential sources of funding for the City to contribute to these improvements, including development fees collected under the City of Clovis Municipal Code Section 7.7.07 and the Regional Transportation Mitigation Fee (RTMF) managed by Fresno Council of Governments (COG) through the Fresno County Transportation Authority.

Since the impacts to SR-168 affect roadways outside the City of Clovis's jurisdiction, the Draft PEIR refers to General Plan Update Policy 2.5, "Regional and State Roadway Funding," which states that the City would need to coordinate with the County of Fresno, City of Fresno, Fresno COG, and Caltrans to fund roadway improvements adjacent to and within the City's planning area.

The Draft PEIR also cites that the City of Clovis is in the process of adopting traffic impact study guidelines, which would include specific thresholds to evaluate development project impacts to the roadway system and identify locations where that project would be responsible to provide mitigation or contribute to fair share fees to mitigate its impacts. Furthermore, Policy 2.3, "Fair Share Costs," requires new development to pay its fair share of the cost for circulation improvements.

The identification of improvements to SR-168, potential funding sources for these improvements, and applicable policies the City would implement as part of the General Plan Update demonstrate the City of Clovis's efforts to mitigate this impact consistent with CEQA Guidelines.

However, as the Draft PEIR notes, the City cannot guarantee that the funding sources and policies would be sufficient to implement all the necessary improvements. Therefore, per CEQA Guidelines, the Draft PEIR finds this impact significant and unavoidable.

A1-2 The widening recommendations on page L-51 are conceptual improvements to SR-168 that may be necessary to support long-term traffic growth and are based on the forecast traffic growth associated with buildout of the General Plan Update. As the commenter notes, the differences between these recommended widenings and the ultimate transportation concept (UTC) facility identified in the TCR may result from different growth assumptions, particularly related to growth anticipated in the northeastern

2. Response to Comments

section of the Clovis Planning Area. As the commenter identifies, the SR-168 TCR may need to be updated.

A1-3 As an access point to a state facility, the proposed interchange at “Dockery Avenue” would be subject to Caltrans project design and review process. Policies in the General Plan Update support this effort, including Policy 2.3, “Fair Share Costs,” which requires new development to pay its fair share of the cost for circulation improvements, and Policy 2.5, “Regional and State Roadway Funding,” which states that the City would need to coordinate with the County of Fresno, City of Fresno, Fresno COG, and Caltrans to fund roadway improvements adjacent to and within the City’s Planning Area.

Furthermore, the Draft PEIR cites that the City of Clovis is in the process of adopting traffic impact study guidelines, which would include specific thresholds to evaluate development project impacts to the roadway system and identify locations where that project would be responsible to provide mitigation or contribute to fair share fees to mitigate its impacts. For development that would access SR-168 at the future Dockery Avenue alignment, Caltrans would be a reviewing agency and have the ability to ensure satisfactory operating conditions.

A1-4 For a program-level EIR, the traffic analysis is conducted at a planning level, as acknowledged by the commenter. The planning level analysis is sufficient to identify conceptual improvements and implementation steps that mitigate the project’s impacts.

Additional project-level analysis of the auxiliary lane improvements would be ensured through Policy 2.3, “Fair Share Costs,” and through traffic impact studies, as noted in Responses A1-1 and A1-3.

A1-5 As the commenter states, the list of conceptual improvements are based on project-level traffic studies. For a program-level EIR, the planning level traffic analysis is sufficient to identify conceptual improvements and implementation steps that mitigate the project’s impacts (see Response A1-4). Specific improvements to add turn lanes at off-ramps and on-ramps would be implemented through traffic impact studies, as ensured through Policy 2.3, “Fair Share Costs,” in the General Plan Update.

A1-6 The Draft PEIR identifies several sources of funding for the proposed mitigation measures for SR-168 segments and interchanges, including the fee program in its Municipal Code, the RTMF, and implementation of Policies 2.3 and 2.5, as noted in Response A1-1.

A1-7 The traffic analysis methodology for the General Plan Update was established before the development of analysis applications consistent with HCM 2010. Furthermore, the HCM 2010 methodology would result in similar values as the HCM 2000 methodology. Therefore, the impacts and mitigation improvements would be the same under both methodologies.

2. Response to Comments

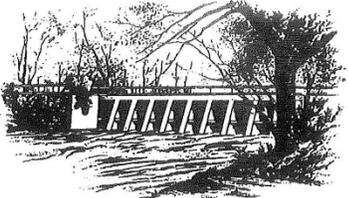
- A1-8 The General Plan Update identifies a comprehensive bicycle network to support bicycle travel in the City of Clovis as well as policies to support bicycle travel. Policies 1.1 to 1.8 provide for efficient and safe travel to all users. Policies 3.11 and 3.12 encourage street designs that encourage nonmotorized transportation. The Draft PEIR specifically identifies these policies to support bicycle improvements under Impact 5.16-3.

2. Response to Comments

This page intentionally left blank.

2. Response to Comments

LETTER A2 – Fresno Irrigation District (13 pages)



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF

FRESNO IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2208

August 7, 2014

Dwight Kroll, AICP, Director of Planning and Development Services
City of Clovis
1033 Fifth Street
Clovis, CA 93612

RE: City of Clovis Draft Program Environmental Impact Report
General Plan and Development Code Update
FID Facilities: Various

Dear Mr. Kroll:

The Fresno Irrigation District (FID) has received and reviewed the Draft Program Environmental Impact Report for the City of Clovis General Plan and Development Code Update (Project). The Plan Area includes the City of Clovis, its sphere of influence (SOI), and specific areas beyond the City and its SOI. At the local level, the Plan Area is generally bound by Copper Avenue on the north, Willow Avenue on the west, Academy Avenue on the east, and Shields Avenue on the south. The Project is an update to the City of Clovis General Plan and Development Code. The Clovis General Plan Update is intended to shape development within the Plan Area through 2035 and beyond, and the update to the Development Code is intended to consolidate and compile amendments adopted since the 1970s into a reorganized and reformatted document that also reflects changes to the General Plan. We appreciate the opportunity to review and comment on the subject documents for the proposed project. Your proposed project is a significant development and requires thorough and careful consideration of all of the potential impacts. Our comments are as follows:

Intro

Impacted Facilities

1. FID has many canals within the Project Area as shown on the attached FID exhibit map. The major facilities include: Enterprise No. 109, Gould No. 97, Big Dry Creek no. 150, Redbanks No. 388, Jefferson No. 112, and Helm 101. FID's canals range from smaller diameter pipelines to large open canals. In many cases, the existing facilities will need to be relocated to accommodate new urban developments which will require new pipelines and new exclusive easements. FID anticipates it will impose the same conditions on future projects as it would with any other project located within the common boundary of the City of Clovis and FID. FID will require that it review and approve all maps and plans which impact FID canals and easements. A2-1
2. FID's facilities that are within the Plan Area carry irrigation water for FID users, recharge water for the Cities of Clovis and Fresno, and flood waters during the winter months. In addition to FID's facilities, private facilities also traverse the Plan Area. A2-2

BOARD OF DIRECTORS President RYAN JACOBSEN, Vice-President STEVEN BALLS
GEORGE PORTER, GREGORY BEBERIAN, JERRY PRIETO JR. General Manager GARY R. SERRATO

2. Response to Comments

Mr. Dwight Kroll
Re: Clovis Draft PEIR
August 7, 2014
Page 2 of 6

Water Supply Impact

3. The majority of the northeast portion of the Plan Area is located within a portion of the County of Fresno that is outside of the FID service area with a small portion being located inside of the FID service area. See the attached FID water service area maps as reference. Surface water is not allocated to those areas outside of the FID service area by FID for the City's use. The City's Urban Water Management Plan was updated in 2010 and calls for the City to balance its water usage by 2035. It was not clear whether the Urban Water Management Plan accounted for high water consumption by development projects like the ones proposed within the Plan Area. If not, a balanced water supply will be more difficult to achieve and the potential impacts must be evaluated. A2-3
4. The potential for increase in water consumption by the project will result in additional groundwater overdraft. There is a significant cone of depression beneath the Cities of Fresno and Clovis. Since the Urban Water Management Plan states that the City will have a balanced water supply by 2035, it is assumed that other areas within the City, including those within FID, are willing to use less water in order for this project to proceed. Is that truly the case? If not, FID is concerned that the increased water demand due to a change in land use will have a significant impact to the groundwater quantity and/or quality underneath the City of Clovis, FID and the Kings Groundwater Sub-basin. The Draft PEIR should analyze these impacts further. A2-4
5. According to the City's Urban Water Management Plan, the City of Clovis is currently in the process of planning projects which will enable increased use of available surface water supplies and recycled water, and eliminate groundwater overdraft. It is projected that total water supplies and demands will be balanced by the year 2035. FID would like to see the City keep progressing with this goal, but FID is concerned that future projects will inhibit the City's progress to balancing the water usage, if the necessary offsets for the increased water demands are not provided. A2-5
6. The Draft PEIR should consider whether the Developer should be responsible to increase the groundwater recharge capabilities in the area and/or purchase of additional water supplies to offset the additional demand. The Draft PEIR may consider making improvements to nearby FMFCD basins where surface water could be used to recharge the groundwater table. There are several improvements that could provide the necessary mitigation including constructing a new recharge basin in the nearby area, recycling more water, acquiring additional water supplies, and increasing the capacity of a nearby FMFCD basin. A2-6
7. It is difficult to determine how the total water supply was determined for the dry year scenario. While groundwater will be used to makeup as much of the difference as possible for reduced surface water supplies, it is possible that not all demands may be met. As noted in Impact 5.17-1, water supply impact may be significant and unavoidable. A2-7

Agricultural Land Conversion Impact

8. The proposed General Plan would convert a total of 4,610 acres of designated Farmland under the existing General Plan to other land use designation. FID assumes the water A2-8

G:\Agencies\Clovis\EIR\Clovis General Plan EIR.doc

2. Response to Comments

Mr. Dwight Kroll
Re: Clovis Draft PEIR
August 7, 2014
Page 3 of 6

rights belonging to the agricultural land within FID boundary will remain intact and that the parcels be converted onto City water rates.

A2-8
cont'd

9. Conversion of agricultural land for urban use should be done in a manner to minimize the impacts to agriculture and agricultural resources.

A2-9

Trail Impact

10. According to the City of Clovis General Plan, the City has a proposed trail project that will cross the Redbanks Canal No. 388 northwest of Ashlan and Thompson avenues. (See Trail Exhibit Map) For informational purposes, FID's standard requirements for a trail along a canal are as follows:

- a. FID will not allow the trail easement to be in common use with FID owned property or easements.
- b. FID requires all trail improvements be placed outside of FID owned properties and easements.
- c. FID will not allow any portion of a tree canopy to encroach within its properties or easements.
- d. FID's canals will not accept any drainage from the trail or the canal bank.
- e. FID may require some improvements be made to the canal depending on the existing canal condition, the proposed trail and the adjacent development.
- f. FID requires its right-of-way be graded to provide a smooth uniform drive surface and cleared of all encroachments including but not limited to; trees, bushes, brush, pipes, stand pipes, wells, miscellaneous debris, etc.

A2-10

Road Improvement Impact

11. The following canals will be impacted if the roads, as mentioned in the EIR, will be improved to meet 2035 traffic demands. Below is a table which should help the City understand the canal and pipeline crossings and potential impacts.

Location of Potential Impact	Facility Name	Size	Material
1. Minnewawa – Shaw to Ashlan avenues	Helm No. 101 Gould No. 97	60" Ø Pipe Unknown	RCP-M Box Culvert
2. Minnewawa – Behymer to Copper avenues	Enterprise No. 109 Woodward No. 377	Unknown 18" Ø Pipe	Unknown NRCP
3. De Wolf – Herndon to Bullard avenues	Enterprise No. 109 Reyburn No. 380	Unknown 30" Ø Pipe	Unknown CIP-MCP
4. McCall – Herndon and Shaw avenues	Enterprise No. 109	Triple Bay 6.5'x8'	Box Culvert
5. State Route 168 – McKinley to Ashlan	Gould Extension No. 151	6'x12'	Box Bridge
6. State Route 168 – Temperance to Owens Mountain Parkway	Enterprise No. 109	Dual 6'x10'	Box Bridge

A2-11

G:\Agencies\Clovis\EIR\Clovis General Plan EIR.doc

2. Response to Comments

Mr. Dwight Kroll
Re: Clovis Draft PEIR
August 7, 2014
Page 4 of 6

12. History and Prior Rights – FID was formed in 1920 as a successor to the privately owned Fresno Canal and Irrigation Company. The assets of the company consisted of over 600 miles of canals and distribution works, which were constructed between the years 1860 and 1900, as well as extensive water rights on the Kings River. In most cases, FID canals pre-date all roads, highways, and railroads.

A2-12

13. Small/Medium Canal Crossing Requirements – The majority of the proposed crossings will impact existing pipelines and small open channel canals. Requirements for the pipelines will include:

a. Pipeline Requirements:

i. FID will require all open channels and existing pipelines to be replaced with ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP). Although many of FID's facilities that lie within the proposed Plan Area are pipelines, the majority of these pipelines do not meet FID's urban specifications which would include road or highway crossings. The majority of the existing pipelines are monolithic cast-in-place concrete pipe (CPCP), low head/thin wall PVC, and non-reinforced mortar jointed concrete pipeline. These pipelines were designed for a rural environment and will fail if they are not replaced as part of the proposed project.

ii. FID typically requires a minimum of three feet of cover over pipelines. FID tries to eliminate siphons wherever possible due to sedimentation, plugging, and trash removal issues. Most utilities can be moved above and below FID's pipelines and because FID typically pre-dates everyone else, FID should be placed in its desired location.

A2-13

iii. FID is also concerned with its pipelines, which fall outside of the Road ROW, being damaged. FID anticipates the use of large, heavy equipment during construction that could easily damage FID's older pipelines, especially where there is shallow cover and/or non-reinforced concrete pipe.

b. The two conditions that the proposed crossings will likely fall under are:

i. Canal Crossings within a New or Realigned Road or Highway ROW –The Road Maintaining Agency (City, County or State) is responsible for maintaining the canal facilities under the Road ROW and they will most likely require the canal crossing to be upgraded to the requirements mentioned above.

ii. Canal Realigned outside of the Road ROW – there may be existing conditions or proposed plans to realign a FID canal outside of the Road ROW as part of future road improvements. FID will require that the City obtain an exclusive pipeline easement on FID's behalf. The width will vary between 15 to 40 feet depending on the pipeline diameter and site conditions.

14. Large Canal Crossing Requirements – There are several large canal crossings that will not be able to be contained within a pipeline such as the Enterprise, Gould, and Big Dry Creek canals. The design shall protect the canal's integrity for an urban setting. The proposed canal crossing must be designed to convey the water in a safe and efficient manner without altering the existing conditions in a negative manner in regards to FID's operations and maintenance. Additional requirements will include:

A2-14

G:\Agencies\Clovis\EIR\Clovis General Plan EIR.doc

2. Response to Comments

Mr. Dwight Kroll
Re: Clovis Draft PEIR
August 7, 2014
Page 5 of 6

- a. Freeboard of Bridge – FID requires a minimum freeboard of 2.0 feet through the canal crossing, where possible. The freeboard is needed to pass floating debris and trash through the structure. All of the large open canals are used to convey stormwater from the Fresno/Clovis metropolitan area along with the water coming from the rural creeks in eastern Fresno County. Trash will include both large and small items including, but not limited to: shopping carts, couches, refrigerators, tree branches, plastic bags, lawn clippings, leaves, aquatic weeds, and all other trash that one could expect from both urban and rural areas.
 - b. Bridge/Culvert Type – FID prefers that all bridges to be freestanding, no piers, etc. FID understands that a multiple bay box culvert is more desirable because it is less expensive, however, it may end up being more expensive with additional costs going towards additional improvements mentioned below. Also, there is increased liability to both FID and the City, due to the possibility of trash accumulating at dividing walls causing the water levels to raise upstream and potential breach and flood nearby homes and businesses.
 - c. Trash/Debris – If a multiple bay culvert or a bridge with pilings design is selected, trash and debris will collect on the piers and culvert walls. Access must be provided to remove the trash in a safe and efficient manner. Additional property or easement may be required if it is determined that more trash will collect due to the canal crossing. Maintenance accessibility for trash removal needs to be evaluated based on channel size, amount of trash collected at location in question and accessibility.
 - d. Equipment Access – In order to access the maintenance road with our larger equipment, FID requires a larger drive approach. FID's minimum access requirement off major roadways is 50 feet from edge of right-of-way narrowing to 20 feet wide drive banks (See attached "Drive Approach in Urban Areas" Detail No. 62). The 50 foot width is defined as starting from the end portion of the bridge/railing outward (away from the bridge). In certain circumstances, a minimum 35 foot setback, to allow safe and adequate access has been accepted. Every road and canal intersection is different and therefore each access will be different. The major factors affecting the proposed width will be the angle of the road intersecting the Canal, grade of canal bank vs. City road, median vs. no median, etc.
15. Water Routings and Construction Window – The FID construction window will vary from year-to-year based on the length of the irrigation season, flood routings, recharge deliveries, maintenance projects and projects funded by others. FID's typical irrigation season begins on March 1, with FID opening the headgates to fill the canals/pipelines approximately 8 days prior (approximately February 21). An average irrigation season lasts 6 months, therefore the season will typically end on August 31. In very wet years, such as this current year, the irrigation season may go through mid-November.
16. Discharges into FID Canals – FID will not allow any discharges into the canals for numerous reasons, including but not limited to, it is a violation Federal/ State/Local regulations, FID's Rules and Regulations and negative impact it will have during the Operations and Maintenance Seasons. All existing discharges from the proposed project into canals must be re-routed to FMFCD storm drain facilities.

A2-14
cont'd

A2-15

A2-16

G:\Agencies\Clovis\EIR\Clovis General Plan EIR.doc

2. Response to Comments

Mr. Dwight Kroll
Re: Clovis Draft PEIR
August 7, 2014
Page 6 of 6

Thank you for making available to us the Draft Program Environmental Impact Report for the City of Clovis General Plan and Development Code Update for our review and allowing us the opportunity to provide comments. We appreciate the opportunity to review and comment on the subject documents for this project. While it is difficult to envision all of the potential impacts without all of the improvement details, we attempted to provide you as much information as possible. We reserve the right to provide additional comments when more detailed information becomes available. If you have any questions please feel free to contact me at 233-7161 extension 7103 or LKimura@fresnoirrigation.com.

Sincerely,

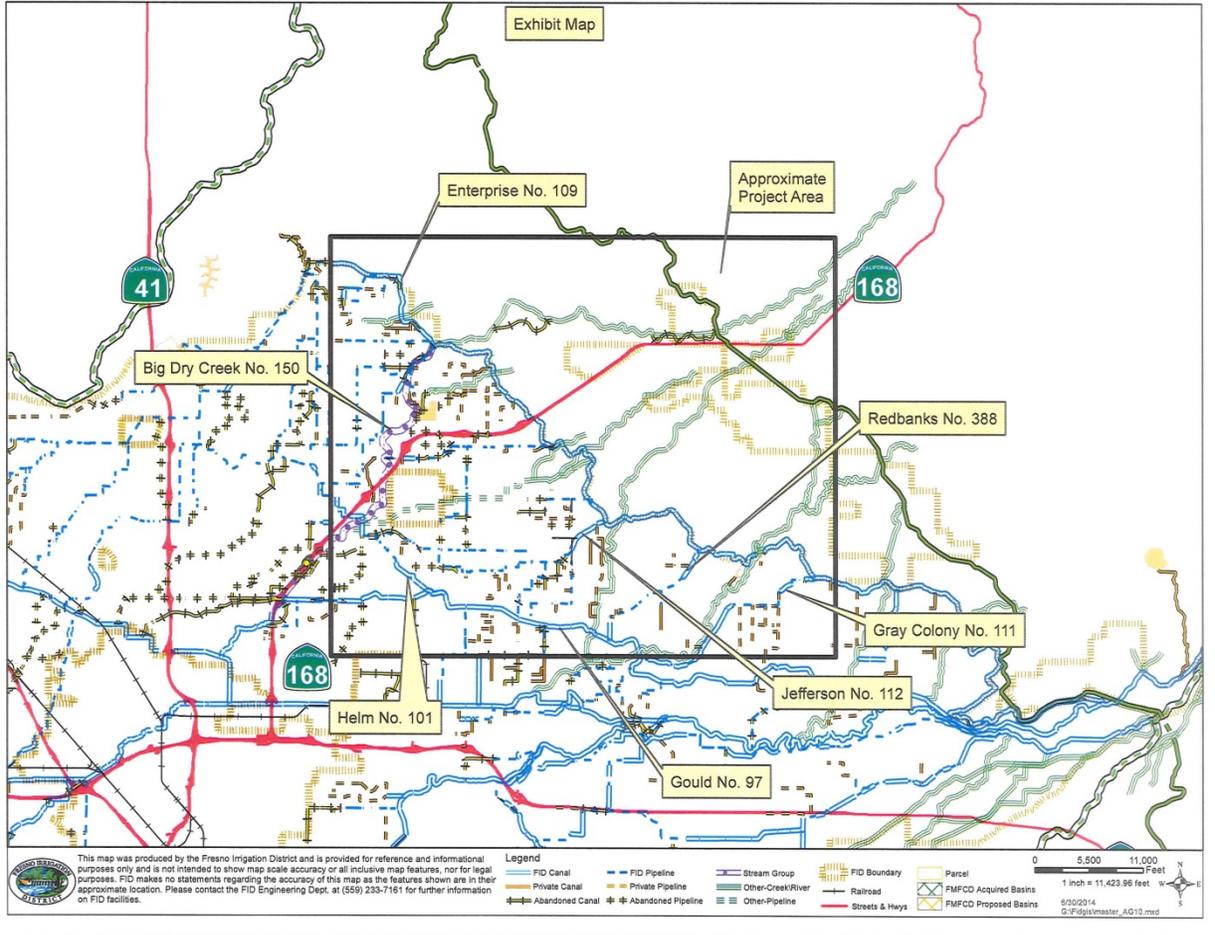


Laurence Kimura, P.E.
Chief Engineer – Special Projects

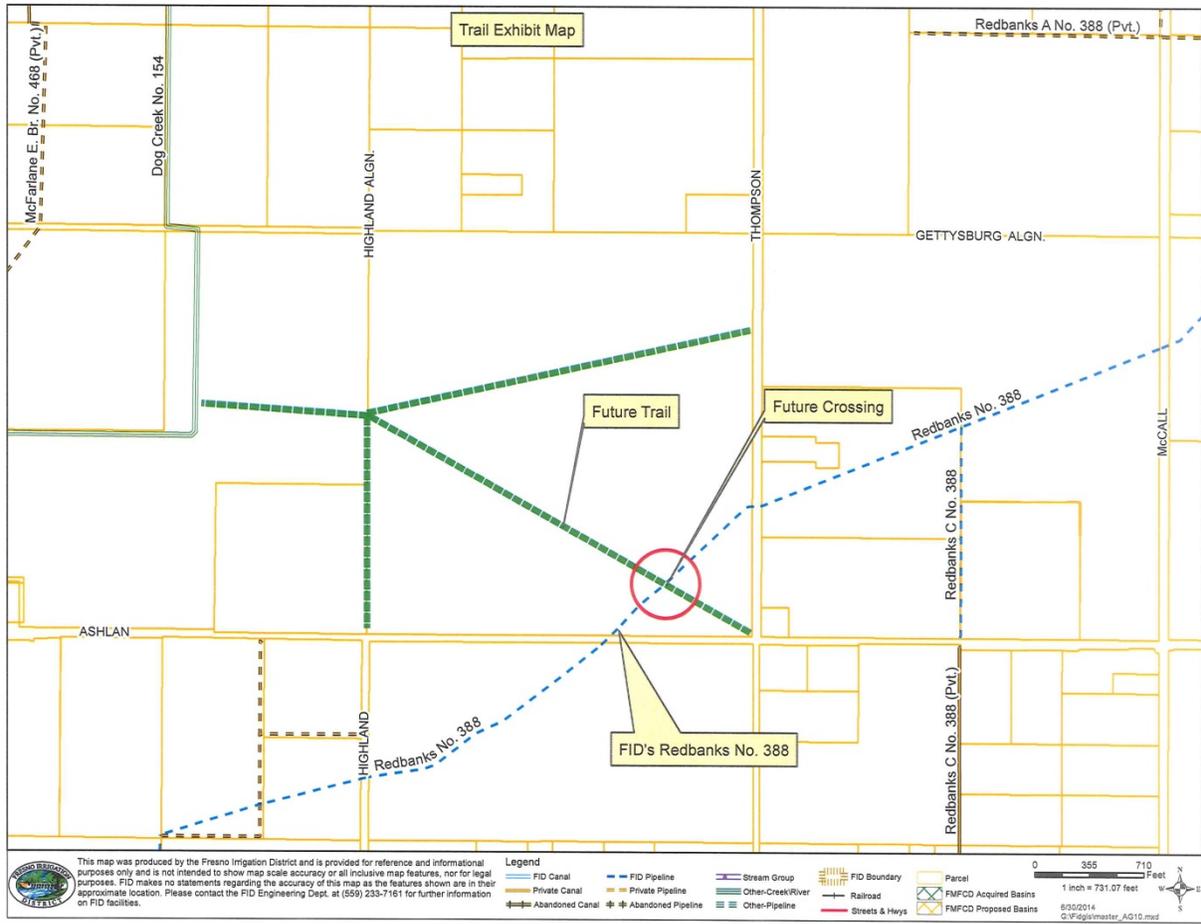
Attachments

G:\Agencies\Clovis\EIR\Clovis General Plan EIR.doc

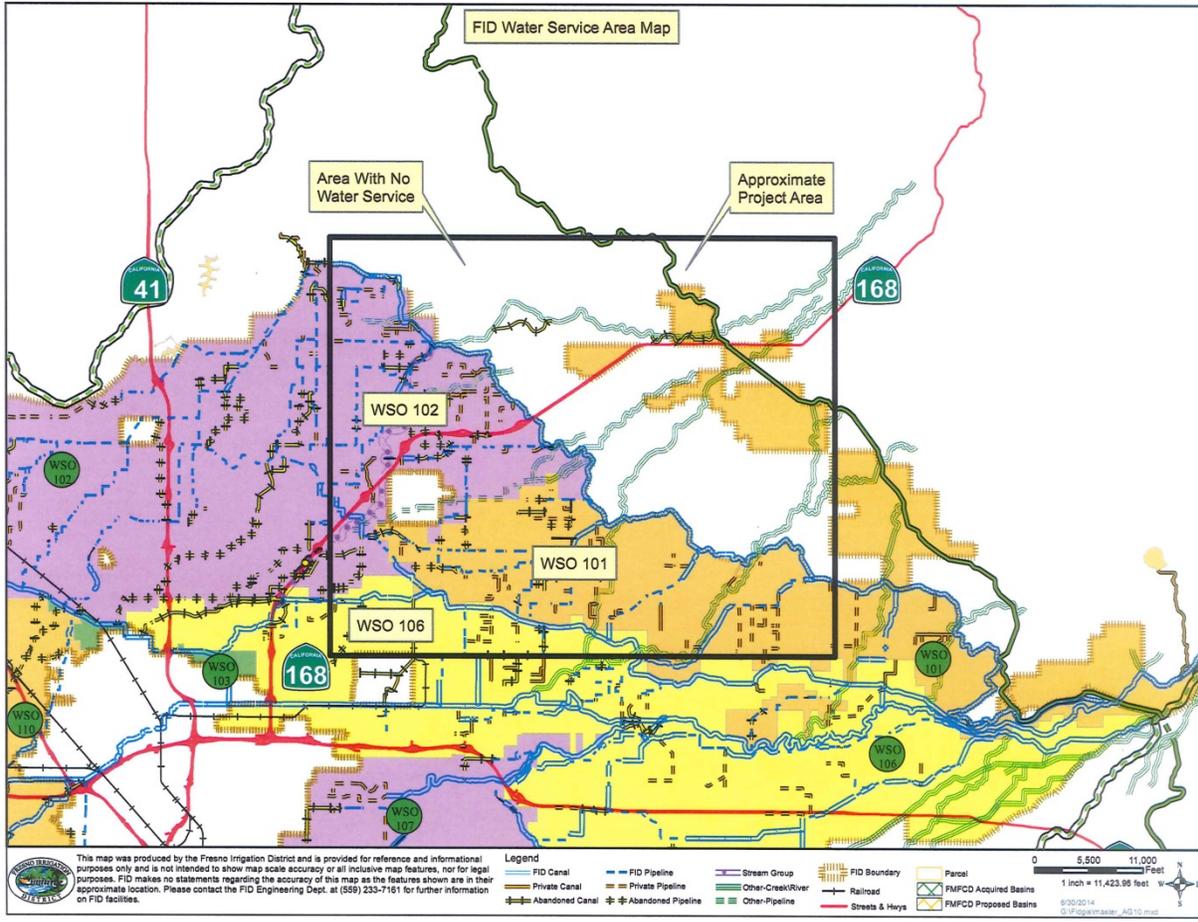
2. Response to Comments



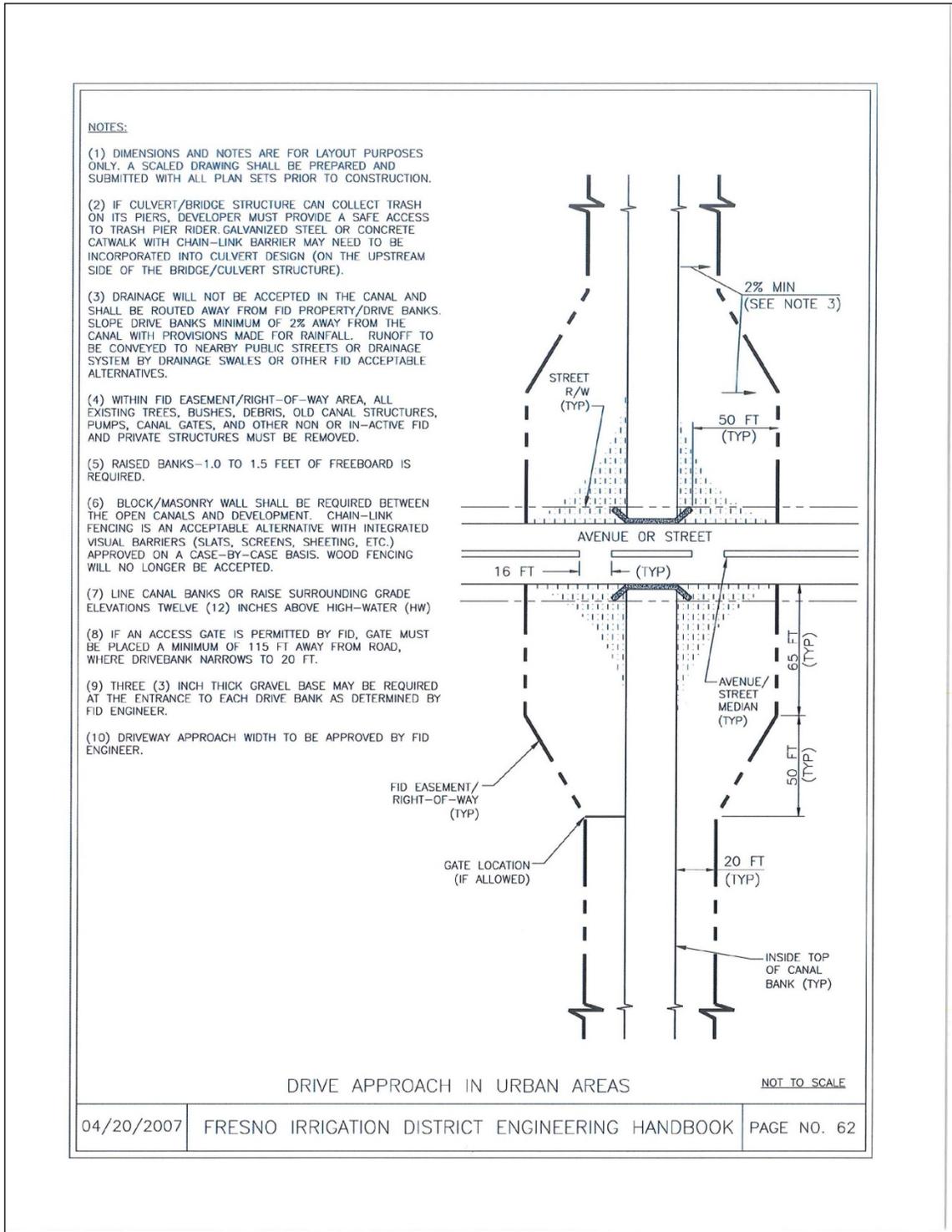
2. Response to Comments



2. Response to Comments



2. Response to Comments



2. Response to Comments



NOTICE OF COMPLETION & AVAILABILITY OF DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH # 2012061069) FOR THE CITY OF CLOVIS GENERAL PLAN AND DEVELOPMENT CODE UPDATE

NOTICE OF SCHEDULE FOR PLANNING COMMISSION AND COUNCIL CONSIDERATION OF CLOVIS GENERAL PLAN AND DEVELOPMENT CODE UPDATE

TO: Reviewing Agencies and Other Interested Parties

SUBJECT: Notice of Completion and Availability of the Draft Program Environmental Impact Report (SCH# 2012061069) for the City of Clovis General Plan and Development Code Update

LEAD AGENCY: City of Clovis
1033 Fifth Street
Clovis, CA 93612

CONTACT: Dwight Kroll, AICP, Director of Planning and Development Services

DRAFT PEIR REVIEW PERIOD: June 24, 2014, to August 8, 2014

SCHEDULE: July 31, 2014: Planning Commission Study Session
August 14, 2014: Planning Commission Public Hearing
August 25, 2014: City Council Public Hearing (Tentative)

Pursuant to the State of California Public Resources Code Section 21165 and the "Guidelines for Implementation of the California Environmental Quality Act" as amended to date, the City of Clovis, as lead agency, is circulating for public review a Draft Program Environmental Impact Report (PEIR) for the proposed City of Clovis General Plan and Development Code Update.

Project Title: City of Clovis General Plan and Development Code Update

Project Location: The City is in the central portion of Fresno County, approximately 6.5 miles northeast of the City of Fresno downtown area. The City is surrounded by portions of unincorporated Fresno County to the north, east, and south and by the City of Fresno to the west and southwest. The City, its sphere of influence (SOI), and specific areas beyond the City and its SOI are defined and referred to herein as the Plan Area. At the local level, the Plan Area is generally bound by Copper Avenue on the north, Willow Avenue on the west, Academy Avenue on the east, and Shields Avenue on the south. State Route 168 (SR-168) bisects the City from the southwest to the northeast. These boundaries are roughly the same as in the current General Plan, which was adopted in 1993.

Project Description: The proposed project is an update to the City of Clovis General Plan and Development Code. The Clovis General Plan Update is intended to shape development within the Plan Area through 2035 and beyond, and the update to the Development Code is intended to consolidate and

2. Response to Comments

compile amendments adopted since the 1970s into a reorganized and reformatted document that also reflects changes to the General Plan.

General Plan Update

The General Plan Update entails a revision to the land use map and all elements, except Housing, and adds a new Economic Development Element. The General Plan Update would consist of the following elements: Land Use, Circulation, Community Facilities (previously Public Facilities), Open Space/Conservation, Safety, Noise, Air Quality, and Economic Development.

Development Code Update

The Development Code Update would reflect the changes to the General Plan and the revised land use and zoning designations. The update would also compile existing information and past code amendments in an easy-to-reference manner; provide a procedures guide; update land uses to contemporary standards; and propose limited land use and development standard policy modifications.

The Draft PEIR indicates there may be significant unavoidable adverse environmental impacts associated with the following environmental categories: agriculture resources, air quality, cultural resources (historic resources), greenhouse gas emissions, hydrology and water quality (groundwater use), noise, population and housing (population growth), transportation and traffic, and utilities and service systems (water supply). Upon compliance with regulatory requirements and recommended mitigation measures (as appropriate), all other environmental impacts were found to be less than significant.

Notice of Completion and Availability: The Draft PEIR will be available for a 45-day public review period beginning on **Tuesday, June 24, 2014, and ending on Friday August 8, 2014**. All interested parties are invited to submit written comments on the Draft PEIR for consideration by the Planning Commission and City Council. Due to the time limits mandated by state law, comments on the Draft PEIR are required to be received during the 45-day review period, from **June 24, 2014 through August 8, 2014**. Agencies should provide the name of a contact person with their response.

Copies of the document are available for review at the City of Clovis Planning Division, 1033 Fifth Street, Clovis, CA 93612. The document can also be accessed online at: www.clovisgeneralplan.com. Additionally, a copy of the document is available for review at the following public library:

Clovis Regional Library
1155 Fifth Street
Clovis, CA 93612

All comments and responses to this notice should be submitted in writing to:

Dwight Kroll, AICP, Director of Planning and Development Services
City of Clovis
1033 Fifth Street
Clovis, CA 93612

The City will also accept responses to this **Notice of Completion and Availability** submitted via email received through the close of business on **August 8, 2014**. Email responses to this notice may be sent to dwrightk@cityofclovis.com. For additional information, please contact Mr. Kroll at (559) 324-2340 or by email.

2. Response to Comments

NOTICE OF SCHEDULE FOR CONSIDERATION NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that on **Thursday, July 31, 2014, at 6:00 p.m.**, the Clovis Planning Commission will conduct a study session to review the Draft General Plan and Draft Development Code Update documents, along with the Draft PEIR. The study session will be held in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612.

On **Thursday, August 14, 2014, at 6:00 p.m.**, the Clovis Planning Commission will hold a public hearing to consider the Draft General Plan and Draft Development Code Update, along with the associated Draft PEIR and Final PEIR, if available. The public hearing will be in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612. At the conclusion of the public hearing, the Planning Commission will make recommendations to the City Council regarding certification of the PEIR and adoption of the General Plan and Development Code Update.

On **Monday August 25, 2014, at 6:00 p.m.**, the Clovis City Council is tentatively scheduled to hold a public hearing to consider the Draft General Plan and Draft Development Code Update, the associated Draft PEIR and Final PEIR, and the Planning Commission's recommendation thereon. The public hearing will be in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612. Further notice of this hearing will be provided after the Planning Commission's public hearing.

All interested parties are invited to comment in writing to the Planning Division by no later than 3:00 p.m. on the dates scheduled for the study session and public hearings and/or to appear at the study session and hearings described above to present testimony in regard to the above-listed project. Questions regarding this project should be directed to Dwight Kroll, Director of Planning and Development Services at (559) 324-2340.

NOTE: If you challenge a project in court, you may be limited to raising only those issues you or someone else raised at the study session and public hearings described in this notice, or in written correspondence delivered to the City at, or prior to, the study session and public hearings.

If you would like to view the Planning Commission and City Council Agendas and Staff Reports, please visit the City of Clovis website at www.cityofclovis.com.

2. Response to Comments

This page intentionally left blank.

2. Response to Comments

A2. **Response to Comments from the Fresno Irrigation District, Laurence Kimura, P.E., Chief Engineer – Special Projects, dated August 7, 2014.**

A2-1 Comment acknowledged. The City of Clovis recognizes the Fresno Irrigation District (FID) as a responsible agency under CEQA and understands that some future development in accordance with the General Plan Update would require relocation of FID facilities. The City will continue to coordinate with FID to ensure the District's opportunity to review and approve maps and plans that could impact FID canals and easements. Also note that the Draft PEIR has been modified to specifically identify FID as a responsible agency under CEQA for the General Plan Update (see Section 3.2, *Draft PEIR Revisions in Response to Written Comments*).

A2-2 Comment acknowledged.

A2-3 The 2010 Urban Water Management Plan (UWMP) was based on the land uses as approved in the 1993 General Land Use Plan and a projected 2035 service population of 188,224. The 2010 UWMP estimated water demands in 2035 based on the City's goals of an overall usage of 199 gallons per capita per day. The 1993 General Plan does include the three urban centers as shown in Draft PEIR Figure 3-4, *Current General Plan Land Use Plan*. The allowed densities, however, were lower in comparison to the currently proposed General Plan Update.

As detailed in the Draft PEIR, the projected population for the 2035 Scenario is 184,100 persons and, for analytical purposes, includes a portion of the development in each of the urban centers (see Draft PEIR, page 3-20). A substantial increase in population is projected for the full buildout of the General Plan Update (294,300 persons). This is not anticipated to occur for 70+ years. The UWMP does not address projections beyond the 25-year horizon, and therefore does not ensure a balanced water supply for the full General Plan Update buildout. The Draft PEIR provides a comparison of projected water demands for General Plan Update buildout and the 2035 UWMP water supply projections.

A2-4 As described in Response A2-3, the analysis for 2035 is based on the 2010 UWMP. The analysis in the UWMP, however, assumes compliance with the Water Conservation Bill of 2009 requiring a 20 percent reduction in per capita water use by 2020 in comparison to baseline water use in 2005. This will depend on existing customers reducing demands, the use of recycled water to offset existing demands, and lower water use from new customers.

The development of property outside the Fresno Irrigation District is intended to be supplied with banked surface water from the Boswell Banking Facility in addition to a sustainable amount of groundwater. All development outside of the FID boundaries, as well as development within FID's boundaries that is expected to use more water than allocated by FID, is assessed an impact fee to pay for the groundwater banking facility.

2. Response to Comments

This will limit the amount of development that can occur outside the FID unless additional projects to develop water are constructed.

Even though the analysis in the UWMP would imply that adequate water supplies would be available for the projected 2035 Scenario, the Draft PEIR identifies the impact on groundwater for both 2035 projected development and Full Buildout as significant and unavoidable (see Impact 5.9-2). The Draft PEIR also identifies the impact on water service (inadequate water supply) as a significant impact for both 2035 and Full Buildout. The Draft PEIR cites the uncertainty of water availability, particularly given the current drought.

A2-5 The UWMP, 2010 Update (November 2011), does not reflect the 2013–14 drought or related emergency measures. The UWMP must be updated every five years, and the 2015 plan is under preparation.

The City concurs with the goals to balance water supply and demand and to eliminate groundwater overdraft. Therefore, the General Plan Update includes numerous policies to support these goals in the Public Facilities and Service Element and Open Space and Conservation Element (see Draft PEIR, pages 5.17-17 through 18), including the following:

- **Policy 1.7 Groundwater** – Stabilize groundwater levels by requiring that new development water demands not exceed the sustainable groundwater supply.
- **Policy 3.3 Well water** – Prohibit the use of new private wells in new development.

A2-6 The City recently initiated preparation of their Water Master Plan Update to service the municipal service planning requirements under the 2014 General Plan Update and to meet other federal, state, and local requirements. The Master Plan will include an assessment of necessary water infrastructure, cost estimates, and a recommended capital improvement program. The potential measures identified in this comment (new recharge basin, increased recycling, acquisition of additional water supplies, and FMFCD basin capacity expansion) will all be considered in preparation, review, and approval of the Water Master Plan Update. Consistent with the following proposed General Plan Update policy, the Master Plan’s capital improvement program will consider development impact fees as one potential funding source for necessary water infrastructure improvements

- **Policy 1.4 Development-funded facilities** - the City may require development to install onsite or offsite facilities that are in excess of development’s fair share. However, the City shall establish a funding mechanism for future development to reimburse the original development for the amount in excess of the fair share costs.

2. Response to Comments

- A2-7 The dry year scenario information in the Draft PEIR is based on the 2010 UWMP, which was based on the most extreme drought prior to 2010. During future droughts it is possible that all normal demands may not be met. This impact has been identified as significant and unavoidable in the Draft PEIR.
- A2-8 The District's assumption regarding FID water rights and City water rates applicability to converted agricultural lands is correct.
- A2-9 The City concurs that conversion of agricultural land to urban uses should be done in a manner to minimize impacts to agricultural resources. This goal is supported through the proposed General Plan policies (see Draft PEIR pages 5.2-28 through 29) and Mitigation Measure 2-1.
- A2-10 Comment acknowledged. As noted in response A2-1, the City will continue to coordinate with FID to ensure the District's opportunity to review and approve maps and plans that could impact FID canals and easements.
- A2-11 Comment acknowledged.
- A2-12 Comment acknowledged.
- A2-13 Comment acknowledged. As noted in response A2-1, the City will continue to coordinate with FID to ensure the District's opportunity to review and approve maps and plans that could impact FID canals and easements.
- A2-14 Comment acknowledged. As noted in response A2-1, the City will continue to coordinate with FID to ensure the District's opportunity to review and approve maps and plans that could impact FID canals and easements.
- A2-15 Comment acknowledged.
- A2-16 Comment acknowledged.

2. Response to Comments

This page intentionally left blank.

2. Response to Comments

LETTER A3– County of Fresno Department of Public Health (1 page)



August 7, 2014

County of Fresno

DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, DIRECTOR

LU0017714
2600

Dwight Kroll, AICP, Director of Planning and Development Services
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Kroll:

SUBJECT: Notice of Completion and Availability of the Draft Program Environmental Impact Report (SCH# 2012061069) for the City of Clovis General Plan and development Code Update

Thank you for the opportunity to review the above project. The Fresno County Department of Public Health, Environmental Health Division concurs with the probable environmental effects outlined in the Draft Program Environmental Impact Report (SCH# 2012061069) and have no additional comments to offer at this time. However, we request to be included in the future routing of the Final Environmental Impact Report.

A3-1

If I can be of further assistance, please contact me at (559) 600-3271.

Sincerely,

Kevin Tsuda

Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o=Fresno County
Department of Public Health,
ou=Environmental Health Division,
email=ktusudagco@fresno.ca.us, c=US
Date: 2014.08.07 15:48:17 -0700

Kevin Tsuda, R.E.H.S.
Environmental Health Specialist II
Environmental Health Division

kt

Promotion, preservation and protection of the community's health
1221 Fulton Mall / P.O. Box 11867 / Fresno, California 93775 / Phone (559) 600-3271 / FAX (559) 455-4646
Email: EnvironmentalHealth@co.fresno.ca.us ❖ www.co.fresno.ca.us ❖ www.fcdph.org
Equal Employment Opportunity ❖ Affirmative Action ❖ Disabled Employer

2. Response to Comments

This page intentionally left blank.

2. Response to Comments

A3. Response to Comments from the County of Fresno Department of Public Health, Kevin Tsuda, R.E.H.S., Environmental Health Specialist II, dated August 7, 2014.

A3-1 Comment acknowledged. The County of Fresno Department of Public Health will be included in the distribution list for the Final EIR.

2. Response to Comments

This page intentionally left blank.

2. Response to Comments

LETTER A4 – Fresno Local Agency Formation Commission (4 pages)



Fresno Local Agency Formation Commission

August 8, 2014

Dwight Kroll, AICP, Director
Planning and Development Services Department
City of Clovis
1033 5th Street
Clovis, California 93612

Dear Mr. Kroll,

SUBJECT: City Of Clovis General Plan Update and Development Code Update PEIR
Notice of Completion

The Fresno Local Agency Formation Commission (LAFCo) regulates the boundary changes of local agencies through approval, approval with conditions, or denial. LAFCo's objectives are to:

- Encourage orderly formation and development of agencies;
- Encourage consistency with spheres of influence and recommended reorganization of agencies;
- Encourage orderly urban development and preservation of open space patterns;
- Encourage conservation of prime agricultural lands and open space areas; and
- Identify and address disadvantaged unincorporated communities.

A4-1

Because the Commission will regulate the growth of the City of Clovis, it is to the City's benefit that its long-range planning takes the Commission's objectives and policies into consideration. Annexation requests by the City, and amendments to the Clovis sphere of influence, will be evaluated by the Commission based on the request's consistency with CGC 56000 et seq., and the Commission's Policies, Standards and Procedures. You are encouraged to review these documents and incorporate their requirements and standards into the Project to facilitate future applications to the Commission. Links to these documents are provided below in footnotes.^{1, 2}

Consistent with LAFCo's interest in orderly growth and preservation of agricultural lands, Clovis' draft General Plan land use policies appear to be an effective balance of urban growth and preservation of prime farmland. The General Plan complements

A4-2

¹ <http://fresnolaftco.org/documents/cortese%20knox%20act.pdf>.
² <http://fresnolaftco.org/documents/POLICIES%20STANDARDS%20%20PROCEDURES.pdf>.

LAFCo Office: 2607 Fresno Street, Suite B, Fresno, CA 93721
Phone: (559) 600-0604 • Fax: (559) 495-0655 E-mail: cfleming@co.fresno.ca.us

2. Response to Comments

Dwight Kroll
August 8, 2014
Page 2

increased residential density with urban design policies to enhance livability of a smart growth community. The City's land use planning policies are clearly influenced by the formative "A Landscape of Choice," and the Valley wide Blueprint, two public policy documents that were intended to balance urban growth with protection of farmland. The City should be commended for achieving the densities for new residential recommended by the Valley wide Blueprint. The Blueprint's smart growth goals depicted in Land Use Element (LUE) policy 6.2 reinforce the City's commitment to growth that eases pressure on the urban fringe.

A4-2
cont'd

Finally, I note that the union of the Cities of Clovis' and Fresno's draft land use diagrams were instrumental in the successful RTP/SCS modeling and assisted the County in achieving its SB 375 GHG targets set by the ARB.

LAFCo Policies and the City's Growth

The LUE "establishes policies to guide land use (and) development," and maintains "Clovis' tradition of responsible planning and well-managed growth," and it is appropriate to consider how annexation policies may fit into this policy document. For example, Land Use Element Goal 3 addresses a variety of Urban Center implementation issues except how these areas will be annexed to the City. The Dry Creek Preserve is depicted as focus area 7 with no reference to how this area--composed of dozens of rural and developable parcels--may annex.

Clovis is not alone among cities in the County in its approach to annexation in that it largely relies on the market to implement its General Plan land uses. While this is practical from a city's perspective, given LAFCo's function to oversee the logical formation and modification of local agencies' boundaries, this approach alone is not a 'program' as anticipated by LAFCo policy.

LAFCo's work plan for FY 14-15 includes development of a model annexation program in conformance with LAFCo policy 102-01.³ The model annexation program will explain the sequence or process related to how the city intends to annex lands (order); describe how this process implements the city's general plan (logic); and determine how this process contributes to efficient growth and provision of urban services (efficiency). Since much of this narrative is already considered by the city during its internal analysis of a project, the annexation program optimally will employ most or all of a city's current annexation practice by aligning it with LAFCo policy. Ultimately, annexation planning will benefit the city's economic development efforts. Business retention and attraction will benefit from the city's orderly, phased annexation program when the city's response to an opportunity is met with a thoughtfully-prepared program rather than an ad hoc effort.

A4-3

³ "Within the sphere of influence each agency should implement an orderly, phased annexation program. A proposal should not be approved solely because the area falls within the sphere of influence of an agency. The sphere of influence is one factor among several considered in reviewing proposals."

2. Response to Comments

Dwight Kroll
August 8, 2014
Page 3

One aspect of an orderly, phased annexation program is to anticipate the effects of the city's growth on the special districts that will be affected by the implementation of the General Plan. The scope of the potential effects ranges from agencies that will be detached upon annexation (such as the Fresno County Fire Protection District and the Kings River Conservation District) to other agencies that will likely experience increased demand for services such as the Clovis Memorial District, Clovis Cemetery District, School District, etc.

A4-3
cont'd

The general plan includes LUE Goal 4, "orderly development outside of the City boundary" which addresses the City's concern about County discretionary land use approvals outside of the City limit but within the sphere of influence. To the extent that territory lies within the Clovis SOI, prior to the City's application to LAFCo for an amended SOI, CGC section 56425 (b) requires that the City and County meet "to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere." With this in mind, there are at least two draft policies that could be addressed through the MOU negotiation process with Fresno County to facilitate their implementation:

A4-4

- Circulation Element (CE) goal 2, policy 2.4, right of way dedication, "the City shall request the County of Fresno to apply the same requirements in the Clovis planning area; and.
- Public Facilities Element policy 2.6 regarding encroachment by incompatible land uses that may be allowed through discretionary land use permits or changes in land use or zoning designations.

LAFCo and the EIR

LAFCo should be identified in the EIR as a Responsible Agency under CEQA whose role is to consider changes of organizations, reorganizations, and spheres of influence. As a Responsible Agency, the Commission is required to review and consider the City's CEQA documentation prior to taking action on an annexation or SOI amendment.

Under section 3.4 INTENDED USES OF THE EIR, Page 3-34, the correct name of this agency is "Fresno Local Agency Formation Commission (LAFCo)." The Fresno LAFCo is not a county department and should be identified as a responsible agency, not a lead agency. I recommend that the "Action" column be revised as follows:

A4-5

- For reorganizations (annexations to the city and detachments from the Fresno County Fire Protection District and the Kings River Conservation District; and
- For amendments to the Sphere of Influence.

An "interested agency" is defined by CGC Section 56047.5 as "each local agency which provides facilities or services in the affected territory." In the event that a project envisioned or facilitated by the GP/PEIR would require the approval of an interested

2. Response to Comments

Dwight Kroll
August 8, 2014
Page 4

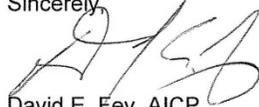
agency, I suggest that the PEIR include the following as responsible agencies under CEQA:

- City of Fresno;
- County of Fresno;
- Clovis Cemetery District;
- Clovis Memorial District;
- Clovis Unified School District;
- County Service Areas 10, 10A, 44, and 51;
- County Waterworks District No. 42;
- Fresno Metropolitan Flood Control District;
- Fresno irrigation District;
- Garfield Water District; and
- International Water District.

A4-5
cont'd

Thank you for the opportunity to review and comment on the draft General Plan/Development Code update and the associated EIR. Please feel free to contact this office with any questions or comments.

Sincerely,



David E. Fey, AICP
Executive Officer

G:\LAFCO WORKING FILES\CEQA\Responses\Clovis GPU PEIR NOC 062614.docx

2. Response to Comments

A4. **Response to Comments from the Fresno Local Agency Formation Commission, David E. Fey, AICP, Executive Officer, dated August 8, 2014.**

A4-1 This comment encourages the City to incorporate the requirements and standards of the Cortese-Knox-Hertzberg Local Government Reorganization Act Of 2000 (CGC 56000 et. seq.) and of LAFCo's Policies, Standards, and Procedures, relevant to future annexations and amendments to the City's sphere of influence, into the Project.

During the General Plan Update process , there was much discussion about the orderly planning and development of the General Plan area beyond the City's current boundary, including those areas within and outside of the City's current sphere of influence. While many of requirements and standards of the Act and of LAFCo were not directly included in the General Plan Update, the City is aware of these requirements and standards for future annexations and sphere of influence amendments. In no way are future projects exempted from the legislative requirements of the Act nor from LAFCo's Policies, Standards, and Procedures.

Relative to future sphere of influence amendments and/or annexations, General Plan Update Land Use Element includes the following goal and policies:

Goal 3: Orderly and sustainable outward growth into three Urban Centers with neighborhoods that provide a balanced mix of land uses and development types to support a community lifestyle and small town character.

- **Policy 3.3 Completion of Loma Vista** - The City prioritizes the completion of Loma Vista while allowing growth to proceed elsewhere in the Clovis Planning Area in accordance with agreements with the County of Fresno and LAFCo policies.
- **Policy 3.4 Infrastructure investment** - The City may invest in infrastructure in the Northeast and Northwest Urban Centers if and when the City is satisfied that the investment is fiscally neutral or beneficial and that there will be adequate funding to provide public services.
- **Policy 3.5 Fiscal sustainability** - The City shall require establishment of community facility districts, lighting and landscaping maintenance districts, special districts, and other special funding or financing tools in conjunction with or as a condition of development, building or permit approval, or annexation or sphere of influence amendments when necessary to ensure that new development is fiscally neutral or beneficial.
- **Policy 3.8 Land use compatibility** - Within Urban Centers, new development that is immediately adjacent to properties designated for rural residential and agricultural uses shall bear the major responsibility of achieving land use compatibility and buffering.

2. Response to Comments

- **Policy 3.9 Connected development** - New development in Urban Centers must fully improve roadway, pedestrian, and bicycle systems within and adjacent to the proposed project and connect to existing urbanized development.

As noted in the Draft PEIR, a slightly different definition of prime farmland is used for the General Plan Update impact analysis. This difference is noted in Footnote 2 in Section 5.2 *Agriculture and Forestry Resources*:

A comment letter on the Notice of Preparation from the Fresno County Local Agency Formation Commission requested that the DEIR consider the definition of Prime Agricultural Land per Government Code Section 56064. That definition closely resembles the definition of Prime Agricultural Lands per Government Code Section 51201, provided in Table 5.2-2. The analysis in this section is based on the CEQA-required definitions of Important Farmlands. Conversion of Prime Agricultural Land according to the latter definition is addressed in Impact 5.2-3 below.

The City recognizes that future annexation and sphere of influence amendment cases before LAFCo will have to utilize the prime farmland definition from Government Code Section 56064 rather than the definition from Government Code Section 51201, upon which the Draft PEIR is based.

A4-2 Comment acknowledged

A4-3 This comment suggests that the City consider how annexation policies may fit into the proposed General Plan Update. The Comment further explains LAFCo's upcoming work on a model annexation program.

The proposed General Plan Update is silent on the issue of phasing future annexations and sphere of influence amendments, an issue that is central to LAFCo's mission. The implicit policy is that the City will approach such future actions on a case-by-case basis, reflecting then current market conditions, the City's ability to provide public facilities and services, and the Land Use Element's policies under Goal 3, noted above. In all cases, however, future annexations and sphere of influence amendments will comply with the standards and requirements of the Act and LAFCo's Policies, Standards, and Procedures.

The City appreciates LAFCo's efforts to refine the annexation process in Fresno County and looks forward to the application of an improved annexation process, which will contribute to more efficient growth and provision of urban services as well as aid in regional economic development.

A4-4 This comment identifies two specific proposed General Plan Update policies that would be relevant to the city-county negotiation required for sphere of influence amendments. The City appreciates this advice and will consider it in such future negotiations.

2. Response to Comments

- A4-5 The Comment identifies several suggested additions/modifications the list of responsible and interested agencies. These changes have been made and are included in this Final EIR, Section 3.2, *Draft PEIR Revisions in Response to Written Comments*.

2. Response to Comments

This page intentionally left blank.

2. Response to Comments

LETTER O1 – Building Industry Association of Fresno/Madera Counties, Inc. (3 pages)



BIA
Building Industry Association
of Fresno/Madera Counties, Inc.

Chairman of the Board
Leo Wilson
Wilson Homes

**Vice Chairman
Secretary/Treasurer**
Brent McCaffrey
McCaffrey Homes

Directors

John Bonadelle
Bonadelle Neighborhoods

Mitch Covington
R. M. Covington Homes

Rod DeLuca
Rod DeLuca Development

David Dick
Donald P. Dick Air Conditioning

Ed Dunkel, Jr.
Precision Civil Engineering

Terry Fletcher
Richard's Plumbing

Dennis Gaab
Unlon Community Partners

Gary Giannetta
Gary G. Giannetta,
Consulting Civil Engineer

Stan Harbour
Harbour & Associates

Jeff Harris
Wilson Homes

John Kashian
Lance-Kashian & Company

Gary McDonald
Gary McDonald Homes

Mike Miller
Lennar

Sarah Oliveira
Wathen Family Builders

Brian Peart
Telchert Construction

Don Pickett
Don Pickett & Associates

Greg Sanders
Nossaman

Tom Walker
Housing Capital Company

Bill Walls
Lennar

Ron Wathen
Quad Knopf

July 30, 2014

Dwight Kroll, Director
Planning and Development Services
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Re: General Plan Update

Dear Mr. Kroll:

The BIA members have been participating in the development of the 2035 General Plan and its policies. We have reviewed the General Plan Public Review Draft and have the following comments:

LAND USE

Policy 6.1 - Amendment Criteria – The Council may approve amendments to the General Plan when the City Council is satisfied that that following conditions are met:

Comment – The policy restricts the decisions of future Councils. We believe it is unenforceable and should be deleted or modified to make it discretionary.

Table LU-2 – High Density – 15.1-25.0 du/ac - Townhouses, multifamily apartments, stacked flats, and other building types with 4 or more units.

Comment – Is this providing for a minimum of 4 units per lot? If so, this would eliminate high density detached residential. If this is not the case, the Description should be clarified.

Table LU-2 – Very High Density – 25.1-43.0 du/ac – Multifamily apartments, stacked flats, and other building types with 10 or more units.

Comment – Is this providing for a minimum of 10 units per lot? If so, this would limit the design of projects with multiple lots. If this is not the case, the Description should be clarified.

1530 E. Shaw Ave., Ste. 113 • Fresno, California 93710
(559) 226-5900 • FAX (559) 226-5903 • www.biafm.org

O1-1

2. Response to Comments

Dwight Kroll, Director
Planning and Development Services
General Plan Update
July 30, 2014

Calculating Density and Intensity of Development

Residential projects – For a project containing only residential uses, divide the total number of dwelling units by the acreage of land, excluding major street ROW.

Comment – For years that City of Clovis has been flexible in finding a balance for calculating density for a particular project to achieve the best possible outcome for the City, the community and the homebuilder. The method being proposed changes that and instead imposes a rigid standard. The BIA is concerned that this will have unintended consequences on project design and project types depending on which density classification within which the project is being planned. We recommend that this issue be referred to the staff to work with the industry to resolve this issue.

Table LU-3 – High Density – High Density Multi-Family (R-3, R-3A), Multi-Family Very High Density (R-4), Urban Center (U-C)

Comment – The High Density should include Single-Family Planned Residential Development (R-1-PRD), the same as provided in Medium High Density, to allow for single-family detached homes in this Designation.

ECONOMIC DEVELOPMENT

Policy 5.1 - Decision Making. Incorporate the full short-term and long-term economic and fiscal implications of proposed actions into decision making.

Comment- Is this to be required on all development, regardless of size or use? Who is to provide the information? How extensive does the information have to be? What, if any, credentials will be required for anyone providing information? This should only be required if a significant change to the General Plan is proposed.

CIRCULATION

Goal 1 - A context-sensitive and “Complete Streets” transportation network that prioritizes effective connectivity and accommodates a comprehensive range of mobility options.

Comment – What does the term “complete streets” mean and what will the standard be? This needs to be clearly defined and the phrase “in conformance with design guidelines” should be added.

Policy 1.8 - Network completion. New development shall complete the extension of stub streets planned to connect to adjacent streets.

O1-1
cont'd

2. Response to Comments

Dwight Kroll, Director
Planning and Development Services
General Plan Update
July 30, 2014

Comment – The word “shall” does not provide flexibility for phased developments, property ownership or physical conditions of adjoining property. The words “where appropriate” should be added.

Policy 5.1 - Complete street amenities. Upgrade existing streets and design new streets to include complete street amenities, prioritizing improvements to bicycle and pedestrian connectivity or safety (consistent with the Bicycle Transportation Master Plan and other master plans).

Comment - The policy needs to be changed to add the words “when and where feasible.”

O1-1
cont'd

OPEN SPACE AND CONSERVATION

Policy 1.1 - Parkland standard. Provide a minimum of 4 acres of public parkland for every 1,000 residents.

Comment - Given the inability of the City to maintain the current level of parkland, the minimum should be changed to 3 acres with of goal of 4 acres.

If you have any questions regarding these comments, please let me know.

Sincerely,



Michael Prandini
President & CEO

2. Response to Comments

This page intentionally left blank.

2. Response to Comments

O1. Response to Comments from Building Industry Association of Fresno/Madera Counties, Inc., Michael Prandini, President & CEO, dated July 30, 2014.

O1-1 This letter does not reference the General Plan Update Program EIR (PEIR) or related analysis. Since, however, it was received during the public review period for the Draft PEIR, it has been included in this Final EIR. The comment recommends changes to the project and these recommendations will be forwarded to decision-makers for consideration.

2. Response to Comments

This page intentionally left blank.

2. Response to Comments

LETTER O2 – Brookwood Group, Inc. (8 pages)

Brookwood Group

Strategic Advisory Services • Development & Construction Program Management • Planning & Design Consultant Services

SAN FRANCISCO / LOS ANGELES / ATLANTA

August 5, 2014

Mr. Dwight Kroll
Planning and Development Services Director
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Re: Focus Area 10, General Plan Update
Properties: APN: 556-010-26 & APN: 556-010-27

Dear Dwight,

On behalf of Donna Fontaine and Gary Steinhauer, we appreciate the opportunity to present our comments to the Planning Commission / City Council and the request for an adjustment to the proposed City of Clovis General Plan Update.

The Steinhauer family has owned property for 65 years at the southeast corner of Willow and Behymer (comprising the majority of land in Focus Area 10). The 38+ acres have been farmed since being purchased in 1949 and used as the family homestead.

With the growth of the metropolitan area and the development of Clovis into a dynamic city, the Steinhauer property and nearby properties along the Willow Avenue corridor represent a wonderful opportunity for creative smart growth and expansion of the City.

In this context, the owner's vision for the land has evolved from a pasture and cropland into the potential for a vibrant mixed-use environment that includes a true variety of office, commercial, and residential uses. This vision matches the City's goal of orderly and sustainable growth with a balanced mix of land uses and similar treatment in the NW Urban Center for all the Focus Areas from Shepherd north to Copper along Willow Avenue.

In fact, the adjacent Focus Areas (#9, #11, and #12) have received an MU-V designation that permits those landowners to achieve this vision. However, Focus Area 10 has received an MU-BC designation that is contrary to this vision, devalues the owners' property, and limits the tax ratables and benefits that can accrue to the City of Clovis in a timely fashion.

Thus, in keeping with the City's vision and stated goals, the Steinhauers are petitioning the Planning Commission and City Council to:

- Change Focus Area 10 from MU-BC to an MU-V designation
- Change the Additional Uses Allowed in the Focus Area from Medium Density Residential to High Density Residential.

O2-1

2. Response to Comments

Page 2 of 4

Attached are four exhibits highlighting the Steinhauer property:

- Exhibit 1: Excerpt of Figure LU-4 showing the location of the Steinhauer property and Focus Area #10 compared to the other Focus Areas along Willow Avenue.
- Exhibit 2: Excerpt of Figure LU-2 showing the Steinhauer property with an MU-BC designation in contrast to the MU-V designation for nearly all the other parcels located along the Willow Avenue Corridor.
- Exhibit 3: Excerpt of Figure LU-3 showing the central location of the Steinhauer property along the Willow Avenue Corridor and within the NW Urban Center.
- Exhibit 4: Excerpt of Figure LU-2 highlighting the Density of the proposed land uses.

It is quite clear from these maps that the Steinhauer property (along with the adjacent property currently owned by Derrel Ridenour) has been singled out for a different use - in effect spot zoning - despite the identical overall land use and planning conditions that currently exist and are desired in the NW Urban Center. Moreover, the adjacent land uses west of Willow Avenue in Fresno and the nearby Willow International Community College Center are similar along the entire Willow Avenue Corridor from Shepherd Avenue northward.

The Steinhauer family is seeking equity and fairness in its ability to use and develop the land in accordance with the vision of a vibrant mixed-use environment – and the vision put forth by the City of Clovis for the NW Urban Center. An adjustment to an MU-V designation for Focus Area 10 accomplishes the following:

- Commonality of planning objectives and proposed uses for all Focus Areas #9 through #12
- Synchronicity with surrounding zoning and proposed uses along the Willow Avenue Corridor
- Allows a more diverse, compatible set of uses that includes all key land uses desired in the NW Urban Center such as office (including incubator spaces), commercial, and residential development
- Complementary uses that support existing and proposed adjacent development and in particular the nearby Willow International Campus
- Ability to create a market responsive plan that recognizes adjacency of all existing uses including Willow International Center
- Ability to create the highest & best uses in a timely manner on the property that will in turn generate the highest future tax rates for Clovis
- A zoning designation that will provide greatest flexibility in order to respond timely to market demands and provide maximum benefits to City of Clovis

Additional reasons to adjust the proposed zoning are outlined on the next page:

O2-1
cont'd

2. Response to Comments

Page 3 of 4

1. Traffic and Road Capacity

Traffic and road capacity is predicated upon existing and proposed uses. With an MU-BC designation, the predominant allowed office use will exacerbate the number and timing of vehicular trips. An MU-V designation with a mix of uses will at the very least disperse the timing and nature of the trips – thus reducing road and development impacts.

In fact, the city's Environmental Analysis of transportation and traffic identifies Behymer Road as needing substantial improvements to an urban collector standard to reach an acceptable level of service (LOS) with the NW Urban Center growth. However, such capacity enhancements are not included in proposed plans or any other funding program.

Given this situation – the current MU-BC designation compels an office space imbalance and exacerbates traffic issues with one predominant use / emphasis. For example, MU-BC would allow over 5,000,000 SF of office and generate over 20,000 vehicles in Focus Area 10. By contrast, an MU-V designation will provide the best possible mix of uses to create a master plan that has the potential for shared parking and vehicular uses – thus reducing traffic impacts and peak use.

(Please note that any concerns about limiting land available in Clovis for office development have been addressed along the Route 168 corridor, as it is the appropriate location for planned and new office development, especially given the ease of access, traffic capacity, and ability for properties to meet the needs of larger users. This corridor is already largely zoned MU-BC to accommodate the market demand and anticipated growth – and Route 168 is the backbone of Clovis' regional transportation network.)

2. Allowed Additional Use - Medium Density Residential

Table LU-4 in the Land Use Element draft shows that Focus Area 10 is permitted an allowed additional use of Medium Density Residential on up to 25% of the focus area acreage. While this appears to provide an opportunity to encourage a mix of uses, this provision actually reduces the area density and is contrary to the overall NW Urban Center plan of increasing density from east to west towards the Willow Avenue Corridor.

A review of the attached Exhibit 4 shows the adjacent parcels directly to the east designated with H – High Density Residential: 15.1-25.0 dwelling units (DU) / acre. Even the parcels diagonally adjacent to the south are designated for MH – Medium High Density Residential: 7.1-15.0 DU / acre. This is substantially higher than the proposed additional M – Medium Density Residential use in Focus Area 10 at 4.1-7.0 DU / acre.

The NW Urban Center shows an increase of overall land use and housing / residential densities from east to west with the highest densities and mix of uses along the Willow Avenue Corridor. In fact, Focus Areas #9, #11, and #12 have an MU-V designation that permits and actually requires a minimum of 15.1 DU / acre. Even the MU-BC definition in Table LU-2 of the Land Use Element draft shows a minimum of 15.1 DU / acre.

O2-2

O2-3

2. Response to Comments

Page 4 of 4

As such, any and all housing densities – whether for additional permitted uses in an MU-BC or an MU-V in Focus Area 10 should be at a minimum of 15.1 DU / acre.

In summary, the Steinhauers are requesting that their property be treated fairly and equitably as other properties in the NW Urban Corridor; that it should be zoned with the same underlying designation of MU-V as the other properties in Focus Areas #9, #11, and #12; and that the specified additional allowed use be H - High Density Residential.

Finally the requested MU-V designation in Focus Area 10 more appropriately complies with and satisfies four of the key goals of the Land Use Element plan:

- **Goal 3:** Orderly and sustainable outward growth into three urban centers with neighborhoods that provide a balanced mix of land uses and development types to support a community lifestyle and small town character.
- **Goal 4:** Orderly development of the General Plan outside of the city boundary.
- **Goal 5:** A city with housing, employment, and lifestyle opportunities for all ages and incomes of residents.
- **Goal 6:** A city that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires few and infrequent amendments to the General Plan.

O2-3
cont'd

Thank you for your time and consideration with this request.

Very best regards,

Brookwood Group, Inc.



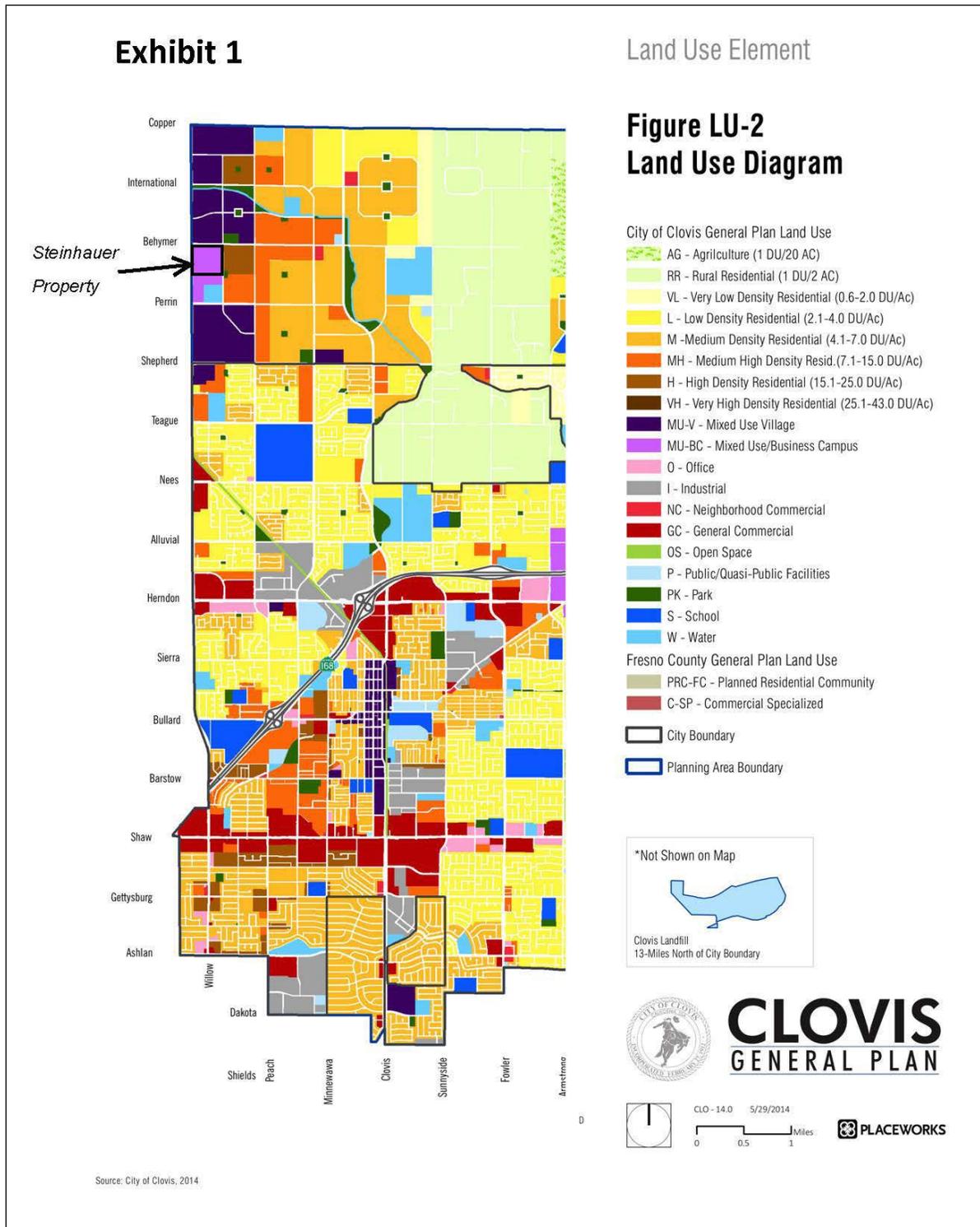
Michael Gion
Senior Vice President



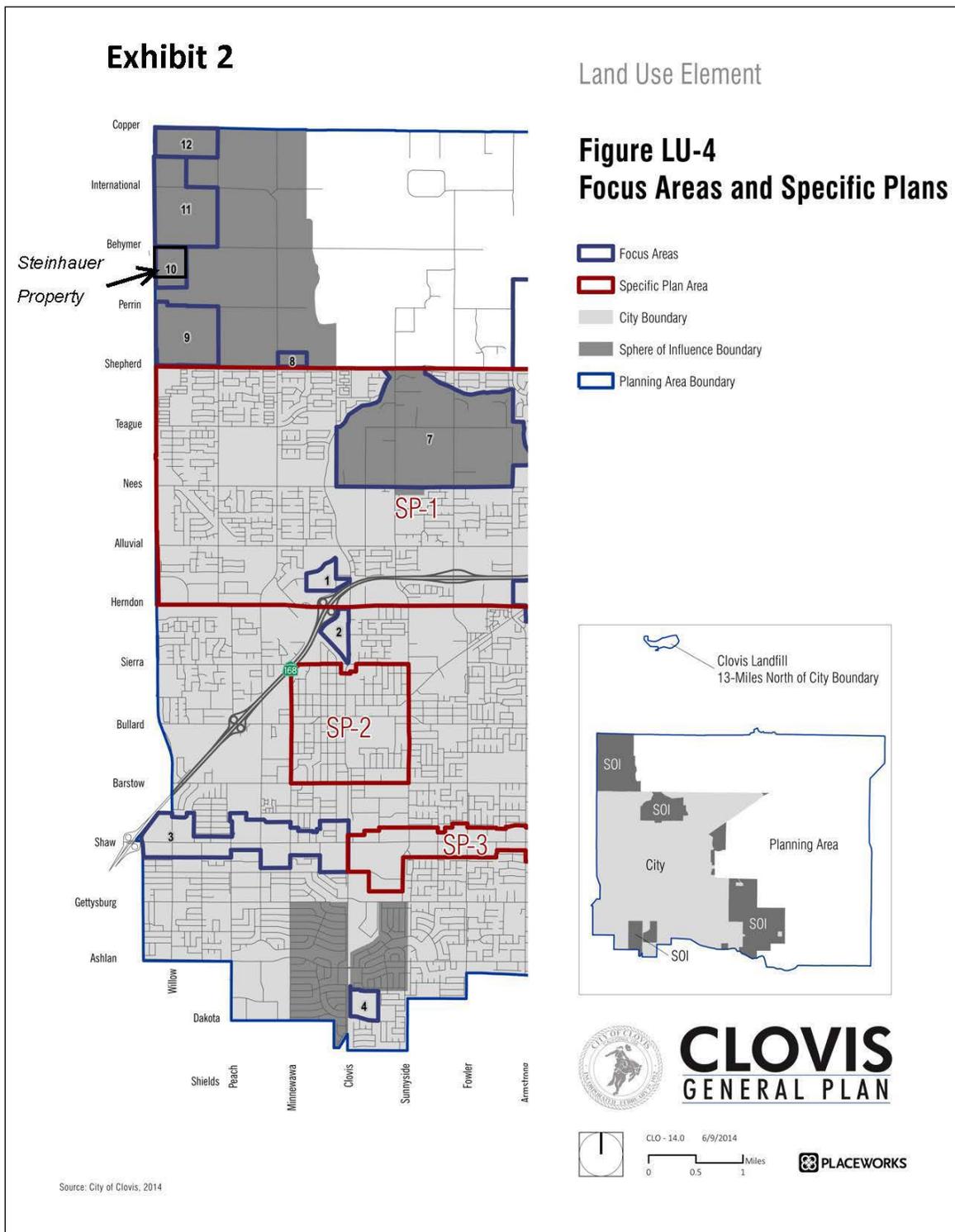
Mark Troen
Senior Vice President

Cc: Donna Fontaine
Gary Steinhauer

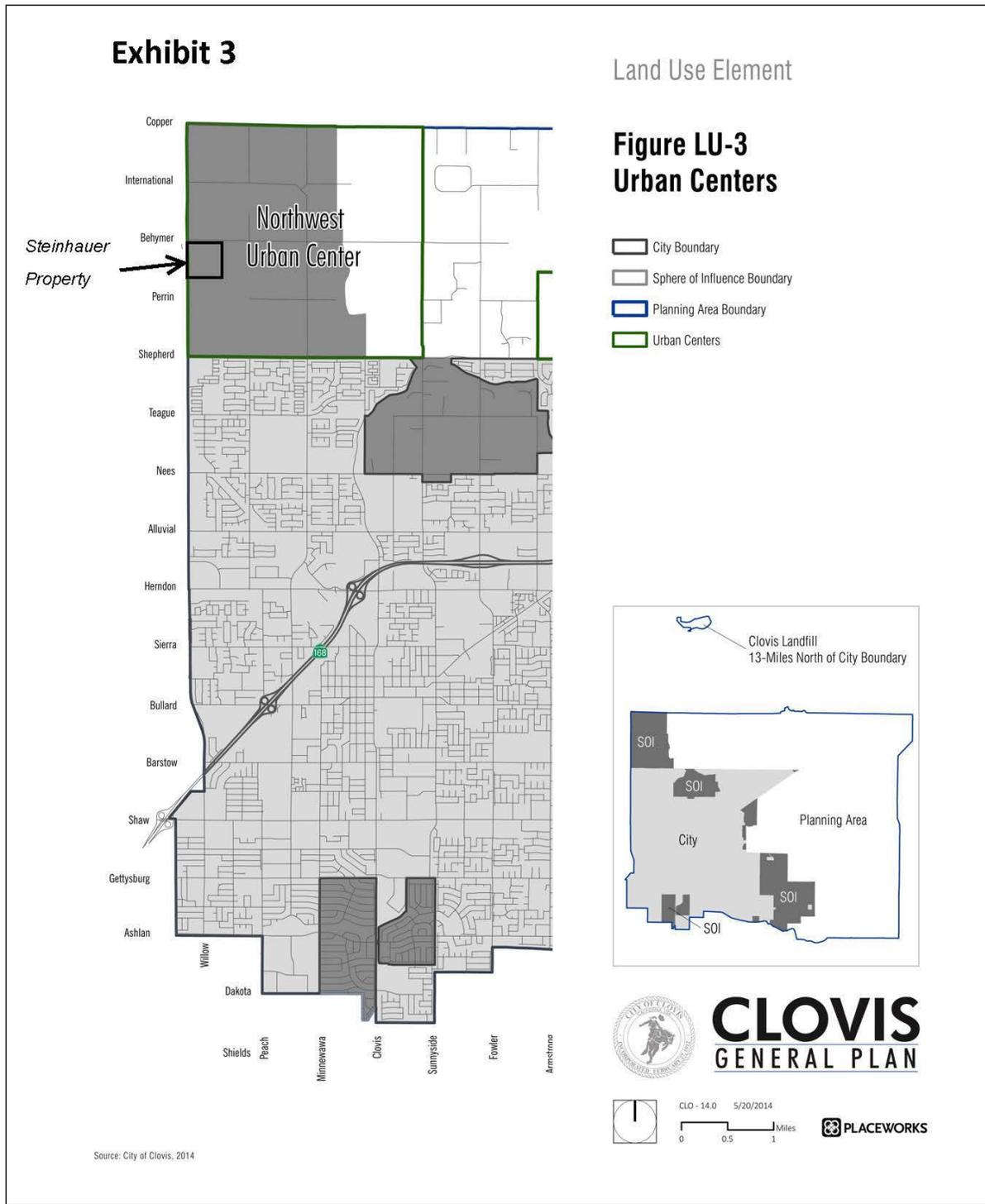
2. Response to Comments



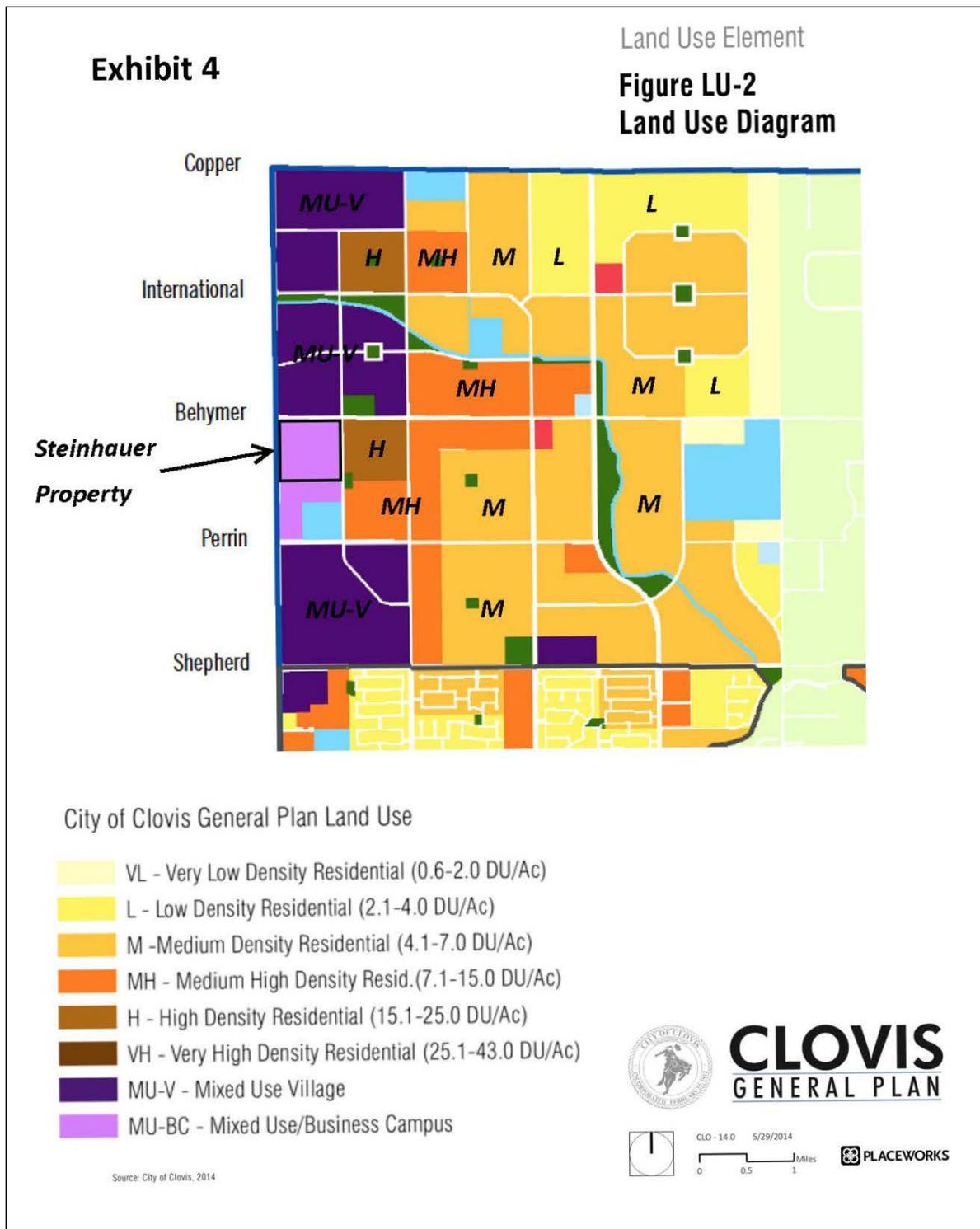
2. Response to Comments



2. Response to Comments



2. Response to Comments



2. Response to Comments

O2. Response to Comments from Brookwood Group, Inc., Michael Gion and Mark Troen, Senior Vice Presidents, dated August 5, 2014.

O2-1 This comment recommends changes to the project, and is not related to the environmental analysis or CEQA requirements for the General Plan and Development Code Update Program EIR. The comment and these recommendations will be forwarded to decision-makers for consideration.

O2-2 The commenter is correct in noting that improvements to Behymer Road would be required for this roadway to operate at an acceptable level of service (LOS) upon implementation of the General Plan Update. As described in the Draft PEIR, however, it is not only funding constraints that preclude these improvements. Although expanding this two-land roadway to an urban collector with two lanes and a two-way left-turn lane would mitigate impacts to an acceptable LOS, there are right-of-way constraints that make such a widening infeasible. Moreover, improving this roadway to urban collector standards would conflict with county standards for local roadways.

The remaining issues identified in this comment relate to recommended changes in the project which are not the purview of the environmental analysis. These comments will be forwarded to decision-makers for their consideration.

O2-3 This comment recommends changes to the project, and is not related to the environmental analysis or CEQA requirements for the General Plan and Development Code Update Program EIR. The comment and these recommendations will be forwarded to decision-makers for consideration.

2. Response to Comments

This page intentionally left blank.

2. Response to Comments

LETTER O3 – P-R Farms (2 pages)



MEMORANDUM

To: Dwight Kroll, Director of Planning and Development Services, City of Clovis
From: P-R Farms Planning Team
Date: August 8, 2014
Subject: Clovis GP Update + EIR Comments

On behalf of the PR Farms planning team, please accept our comments regarding the 2035 Clovis General Plan (GP) Update and related Environmental Impact Report (EIR).

Comments and requests related to the GP Update:

- 1. Requested Change: Revise text in Table LU-4 Mixed Use Focus Area 9 to read “Area to be developed per GP analysis of retail distribution, subject to future updates to that analysis.”**

As presented and discussed at the various GP meetings, the vision for mixed use area 9 (NEC of Shepherd and Willow) is a destination retail center that will provide a wide range of goods and services. Additionally, the current draft GP does not define the difference between “retail space” and “non-retail commercial space” and it is unclear on how those classifications relate to the Clovis Municipal Code. Also, by understanding exactly how the GP retail analysis allocates retail square footage in the Northwest, we can better plan for balancing retail uses in the area.

O3-1

Our driving consideration is to achieve the required critical mass for such a destination center, including an entertainment component, we are requesting the flexibility to develop up to 65 acres as retail under General Commercial (GC), subject to future analysis of retail area distribution. This is consistent with “Exhibit 7: Draft Focus Area Matrix and Map” from the Clovis City Council Report dated February 13, 2012, which specifies 65 acres of commercial uses for that mixed use area.

As required, we will be preparing a master plan for the area, which will provide a more detailed description of the uses within this mixed use area and will address any planning and development issues.

- 2. Confirmation: Allowed uses on southeast corner of Shepherd and Willow**

Based on a previous request, the land uses for the southeast corner of Shepherd and Willow was changed to Mixed Use Village. While the land use map is correct, the area is not described in Table LU-4. Per our conversation regarding this issue, we would like to confirm that we will have the flexibility to develop this area with a mix of land uses. Our understanding is that the only requirement for development of this area is that the project consists of more than one land use.

O3-2

P-R Farms Planning Team

8/8/2014

2. Response to Comments

3. Requested Change: Remove or revise Policy 1.6 New Retail Development.

In previous discussions regarding this proposed policy, it has been pointed out that any property identified for retail should be allowed to develop based on market conditions. The environmental review process for the GP update should adequately support those retail uses. This policy creates additional and unnecessary burdens on future development by requiring an independent market study. Furthermore, it should not be the responsibility of new development to create reuse plans for existing development. Any required mitigation should come out of the environmental review process related to a particular development.

03-3

We request that this policy either be removed or further revised. Revisions should remove the need for a reuse plan, as well as acknowledge that the environmental review process would constitute an acceptable alternative to an independent market study.

Comments and requests related to the GP Environmental Impact Report:

1. Request removal or revision to Mitigation Measure 2-1 related to agriculture and forestry resources, particularly the 1:1 ratio of converted to preserved acreage.

Mitigation Measure 2-1 has the potential to significantly affect the buildout of the Clovis GP. In many cases, the implementation of this mitigation measure would not be feasible, particularly based on simple economics. The 1:1 mitigation ratio would not result in the creation of new farmland in Clovis' planning area. Would this mean that projects would need to acquire land in other areas for the purposes of agricultural land conservation? What are the related requirements and how would a fee mitigation program work? These are questions that must be answered prior to the adoption of any agricultural land mitigation measure.

03-4

It appears that the City of Fresno, which also is updating its General Plan, does not require any type of mitigation for the loss of farmland. Fresno draft EIR states that "no feasible mitigation measures are available" and that the level of significance is "significant and unavoidable." This may be a better approach, given the impact that Mitigation Measure 2-1 will have on the City of Clovis. Additionally, if both plans are adopted as drafted, the City of Fresno will have a clear competitive advantage because of the additional costs associated with meeting this requirement.

A quick review of the Reedley General Plan Update Draft EIR shows a number of policies to reduce potential impacts to farmland, but also no specific mitigation measure such as the 1:1 ratio. Prior to adopting any mitigation, City of Clovis staff and consultants should examine what the impact will be on future growth and determine if the mitigation is actually feasible.

2. Statement regarding section 3.3.3.1 General Plan Buildout Scenarios – allocation of housing units by subarea for the Northwest.

As a follow up to our previous comments regarding the allocation of housing units for the purposes of the 2035, we would like to point out that we believe the scenario projections for the Northwest Urban Village (4,100 housing units) is too low based on historical annexation trends and feedback from the development community. That number significant underestimates the realistic demand for growth in the Northwest area between now and 2035.

03-5

P-R Farms Planning Team

8/8/2014

2. Response to Comments

O3. Response to Comments from P-R Farms Planning Team, dated August 8, 2014.

O3-1 This comment requests clarification regarding the General Plan Update (project description), and is not related to the environmental analysis or CEQA requirements for the General Plan and Development Code Update Program EIR. The comment and these recommendations will be forwarded to decision-makers for consideration.

O3-2 This comment recommends changes to the project, and is not related to the environmental analysis or CEQA requirements for the General Plan and Development Code Update Program EIR. The comment and these recommendations will be forwarded to decision-makers for consideration.

O3-3 The Draft PEIR does support the proposed retail uses. For subsequent projects that are consistent with the General Plan, environmental review will not be required for region- and area-wide impacts including traffic, air quality, greenhouse gases, etc. Future projects, however, will be subject to CEQA review relative to site-specific and project-specific impacts (e.g., local circulation, noise compatibility, site geotechnical and drainage studies, etc.). Assuming compliance with applicable mitigation measures and regulatory standards, these impacts could likely be addressed without a CEQA document. General Plan Policy 1.6 addresses potential development location and phasing issues related to economic objectives of the General Plan Update.

O3-4 The proposed mitigation measure has been revised as shown in ~~strikeout~~/underlined text, to provide an additional option to mitigate the loss of important farmlands.

2-1 Project applicants for properties that include 20 acres or more designated Prime Farmland, Farmland of Statewide Importance, or Unique Farmland shall be required to prepare or fund an agricultural resource evaluation prior to project approval. The resource evaluation shall use generally accepted methodologies (such as the Land Evaluation and Site Assessment Model) to identify the potentially significant impact of the loss of agricultural land as well as the economic viability of future agricultural use of the property. If the conversion is deemed significant, the City shall require mitigation at a 1:1 ratio of converted to preserved acreage, or payment of its valuation equivalent if a fee mitigation program is established. Conservation mitigation could be achieved alternatively through one of the following programs:

- 1) Implementation of, and compliance with, a regional agricultural preservation program, such as the Model Farmland or SJV Greenprint, if adopted by the City and participating agencies.
- 2) Implementation of, and compliance with, a local Farmland Preservation Plan (FPP), if adopted by the City. The local FPP shall be adopted in consultation with the American Farmland Trust, the County of Fresno,

2. Response to Comments

LAFCo, and any other affected agencies. The FPP shall include policies, standards and measures to avoid the unnecessary conversion of agricultural lands and shall include provisions for: (a) minimizing potential detrimental effects caused by urban development; (b) avoiding the premature conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance; (c) preserving farmland, including, if appropriate, development impact fees to fund farmland preservation efforts; (d) integrating identified mitigation measures into the entitlement process; and (e) addressing enforcement through the regulatory environment.

CEQA mandates the implementation of feasible mitigation measures. Agricultural conservation easements (ACE) are recognized by the courts as feasible mitigation for the direct loss of farmland, even though preservation occurs off-site (*Masonite Corporation v. County of Mendocino*, 218 Cal. App. 4th 230 (2013)). While the impacts associated with the direct loss of farmlands are determined to be significant even with Mitigation Measure 2-1, implementation of conservation mitigation locally and through regional efforts is consistent with this approach.

The comments regarding the City of Fresno's proposed mitigation and City of Reedley mitigation approach for agricultural resources are acknowledged. The City of Fresno's General Plan EIR has been distributed for public review and has not been certified. It may be modified as it goes through the approval process. Moreover, the agricultural resources of the City of Fresno, which is highly urbanized, may not be a logical comparison to the resources and appropriate mitigation for the largely rural area encompassed within the Clovis Plan Area boundary.

The comment regarding a potential competitive advantage for developing within the City of Fresno with respect to agricultural mitigation requirements is noted. This, however, is not an environmental issue to be addressed by the EIR. The comment will be forwarded to decision-makers for consideration.

- O3-5 This comment recommends changes to the project, and is not related to the environmental analysis or CEQA requirements for the General Plan and Development Code Update Program EIR. The comment and these recommendations will be forwarded to decision-makers for consideration.

2. Response to Comments

LETTER O4 – Wilson Homes (8 pages)



WILSON HOMES

August 8, 2014

Mr. Dwight Kroll
Director of Planning & Development Services
1033 Fifth Street
Clovis, CA 93612

Re: 2014 General Plan comments

Dear Mr. Kroll: 

Thank you for the opportunity to comment on the City of Clovis Draft General Plan and Environmental Impact Report. Wilson Homes has carefully reviewed proposed land use designations for properties we own or represent and respectfully request the following four land use changes:

1. DeWolf-Harlan Ranch Blvd

Wilson Homes requests re-designation of approximately 31.5 acres at DeWolf Ave and the Harlan Ranch Blvd alignment, APN's # 558-033-10, 15, 16, 19, 20, 33 & 42 (see Exhibit 1), to increase density from Very Low Density Residential (0.6 – 2.0 units/acre) to Low Density Residential (2.1 – 4.0 units/acre). This re-designation provides an important community benefit by creating a much better transition to neighboring Harlan Ranch properties that are currently designated for Mixed Use Development. The re-designation also would be consistent with property located immediately adjacent and contiguous to the south which is currently designated for Low Density Residential Development. The re-designation to increase density on this property will facilitate stated General Plan goals and policies to promote land use compatibility, minimize conversion of agricultural lands to urban uses, increase community density to improve service delivery efficiency and cost effectiveness, create a more walkable community, reduce vehicle trips, and reduce negative air quality impacts.

O4-1

7550 N Palm Suite 102
Fresno
California
93711
T. 559.224.7550
F. 559.224.6625
wilson-homes.com
info@wilson-homes.com

2. Response to Comments

2. Barstow-Leonard

Wilson Homes strongly supports the planned Loma Vista Community Center and has recently acquired an option to develop one of the first parcels in the Community Center. However, Wilson Homes believes it is inappropriate to develop the high densities currently anticipated in the General Plan without thoughtfully designing an adequate transition and buffer for nearby lower density neighborhoods.

Therefore, ***Wilson Homes requests a re-designation to reduce density of approximately 26.5 acres near Barstow Ave and Leonard Ave, APN's # 554-051-13, 14, 16, 17 & 18 (see Exhibit 2) from High Density Residential (15.0 – 25.0 units/acre) to Medium High Density Residential (7.1 – 15 units/acre).***

04-2

This re-designation to slightly reduced density will facilitate General Plan goals and policies to provide innovative housing, provide workforce housing, and provide land use compatibility while creating a more appropriate transition buffer for surrounding properties that are currently designated for Medium Density and Low Density Residential neighborhoods.

3. Leonard-Ashlan

Wilson Homes requests a re-designation of approximately 25 acres on Leonard Ave, south of Ashlan Ave, APN #310-300-37S (see Exhibit 3), to increase density from Low Density Residential (2.1 – 4.0 units/acre) to Medium Density Residential (4.1 – 7.1 units/acre). This re-designation would be more consistent with properties located immediately adjacent and contiguous to the north and west of this property which are already currently designated for Medium Density Residential Development. The re-designation to increase density on this property will facilitate stated General Plan goals to minimize conversion of agricultural lands to urban uses, increase community density to improve service delivery efficiency and cost effectiveness, create a more walkable community, reduce vehicle trips, reduce negative air quality impacts, provide innovative housing, provide workforce housing, and provide land use compatibility.

04-3

4. Highland-Ashlan

To better facilitate implementation of the Loma Vista Eastern Mixed Use/Business Center concept identified in the General Plan, which also includes a nearby School, Church and Community Park at the corner of Thompson Ave and Ashlan Ave, ***Wilson Homes requests a re-designation of approximately 57 acres, APN # 309-021-24 (see Exhibit 4) to increase density from Low Density Residential (2.1 – 4.0 units/acre) to approximately 26 acres of Medium Density Residential (4.1 – 7.1 units/acre) and approximately 31 acres of Medium-High Density Residential (7.1 – 15.0 units/acre).*** Similar to the properties at Thompson Ave and Loma Vista Blvd near

04-4

2. Response to Comments

the Business Center that are already designated for higher intensity land uses, Wilson Homes believes the proposed Community Park, School, Church and Business Center are much better served by a modest increase in density for immediately adjacent properties and it provides a more appropriate transition from nearby low-density neighborhoods to the proposed higher intensity land uses in the Business Center. The re-designation to increase density on these parcels will directly assist stated General Plan goals to provide innovative housing, provide workforce housing, provide land use compatibility, minimize conversion of agricultural lands to urban uses, increase community density to improve service delivery efficiency and cost effectiveness, create a more walkable community, reduce vehicle trips, and reduce negative air quality impacts.

O4.4
cont'd

Again, thank you for the opportunity to comment on proposed land use designations for specific properties.

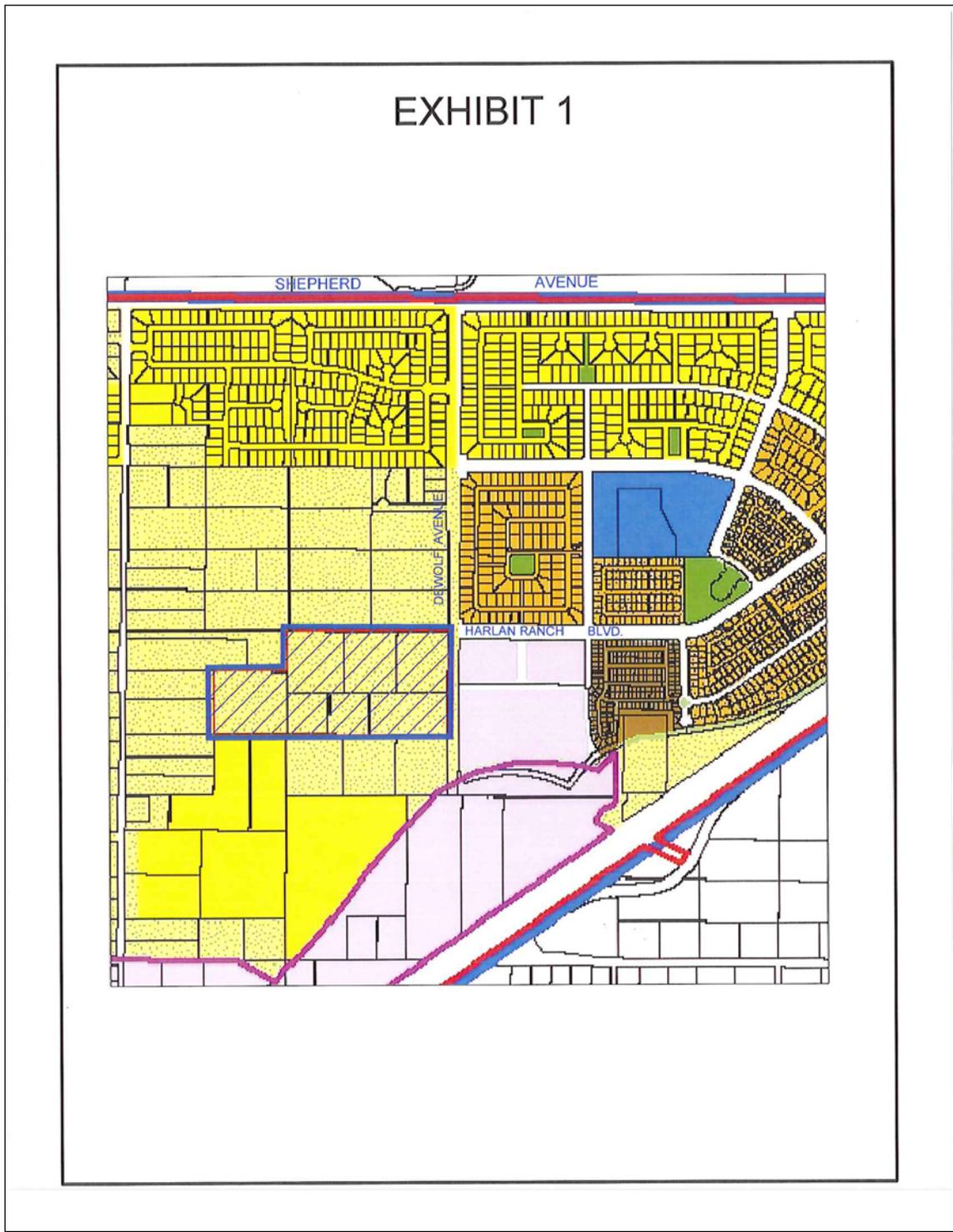
Sincerely,



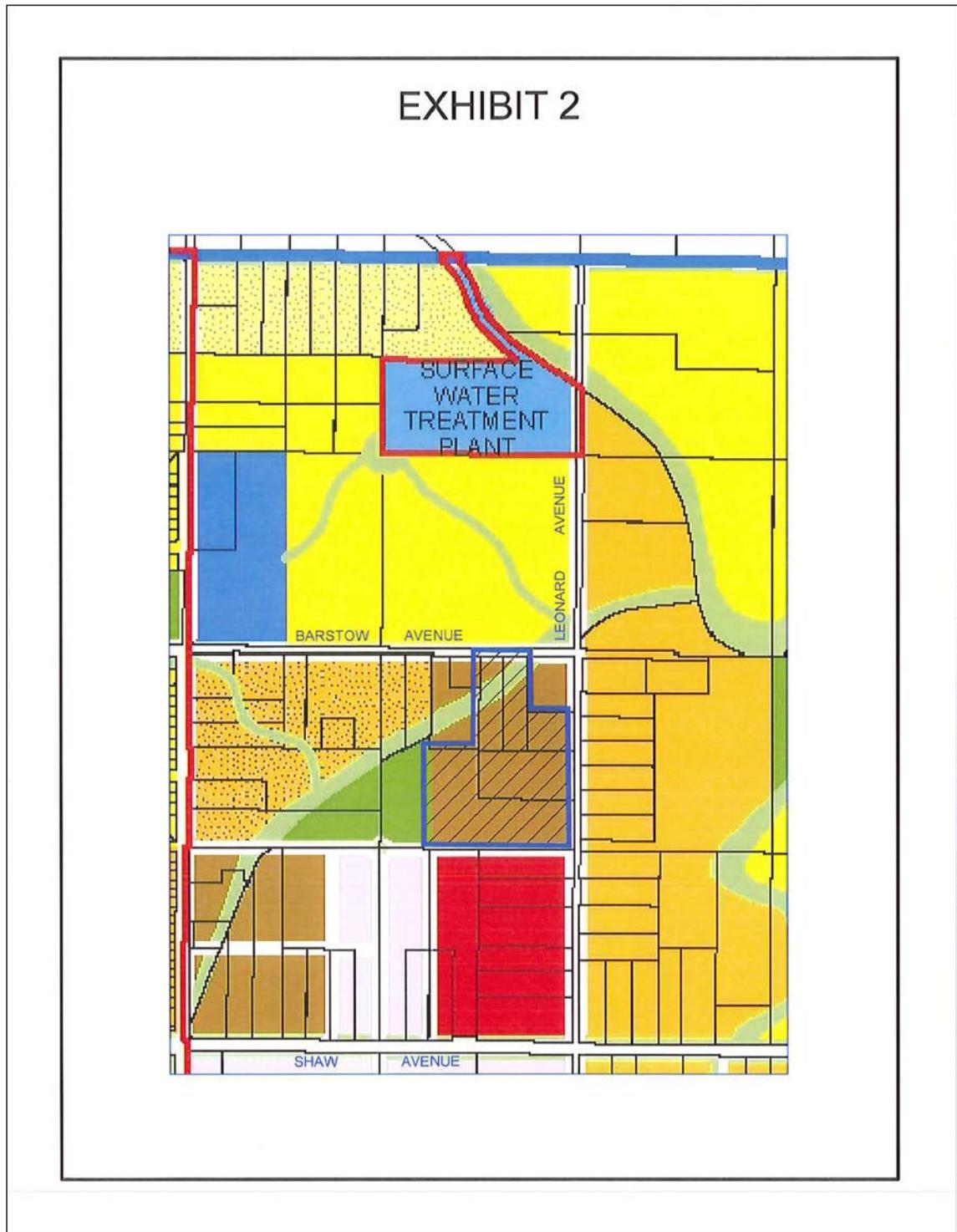
Leo Wilson

President

2. Response to Comments



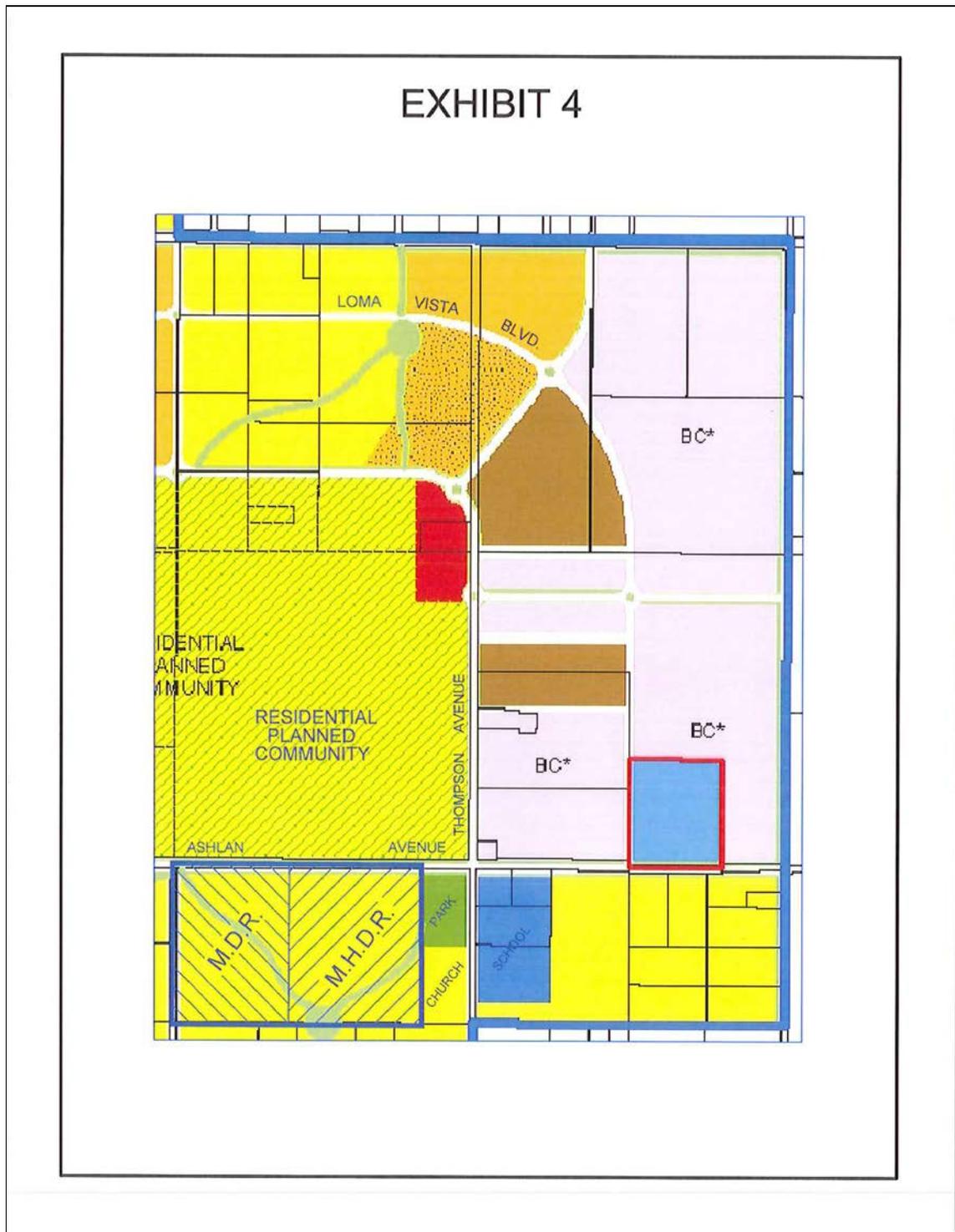
2. Response to Comments



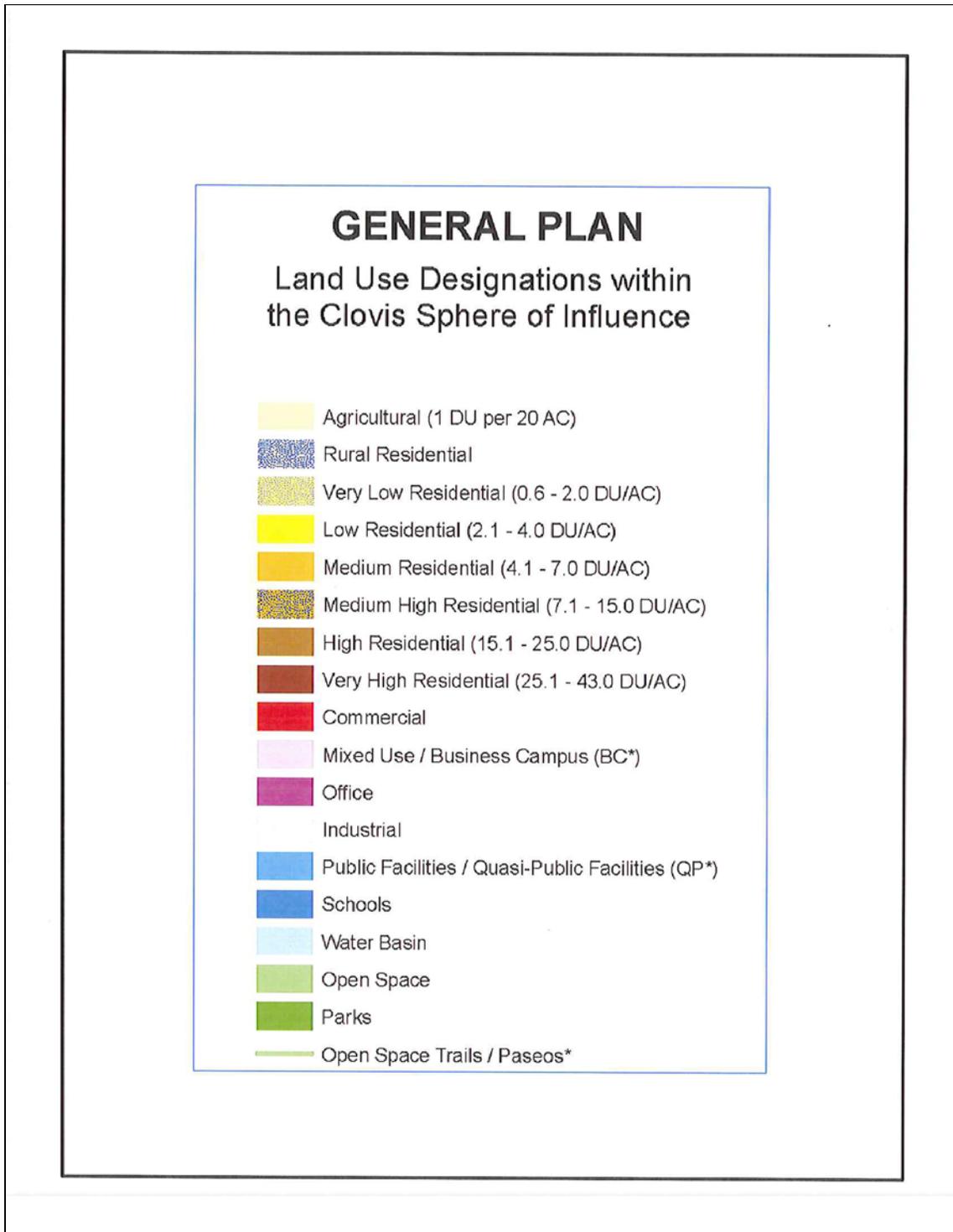
2. Response to Comments



2. Response to Comments



2. Response to Comments



2. Response to Comments

O4. Response to Comments from Wilson Homes, Leo Wilson, President, dated August 8, 2014.

- O4-1 This comment recommends changes to the project and these recommendations will be forwarded to decision-makers for consideration. It also concludes that the recommended changes would result in some beneficial environmental impacts (public services delivery efficient, reduce vehicle trips, and reduce negative air quality). This assertion has not been substantiated, and although high density residential uses, and particularly mixed-use , transit oriented projects, are likely to result reducing vehicle miles traveled and associated air quality impacts; low density residential uses typically would not result in these benefits. An increase from very low density to low density residential would typically increase vehicle trips.
- O4-2 This comment does not reference the General Plan Update Program EIR (PEIR) or related analysis. The comment recommends changes to the project and these recommendations will be forwarded to decision-makers for consideration.
- O4-3 This comment does not reference the General Plan Update Program EIR (PEIR) or related analysis. The comment recommends changes to the project and these recommendations will be forwarded to decision-makers for consideration.
- O4-4 This comment does not reference the General Plan Update Program EIR (PEIR) or related analysis. The comment recommends changes to the project and these recommendations will be forwarded to decision-makers for consideration.

2. Response to Comments

This page intentionally left blank.

2. Response to Comments

LETTER I1 – Joe and Carol Cusumano (3 pages)

Joe and Carol Cusumano
10675 N Minnewawa Avenue
Clovis, CA 93619

August 7, 2014

TO: Dwight Kroll, Director Planning Department

RE: **REVISED DEVELOPMENT CODE & DRAFT EIR**

COMMENTS

REVISED DEVELOPMENT CODE:

Regarding the major changes to the Code as presented on July 31 at the Planning Commission Study Session, concerns were expressed by the Planning commissioners. Considering their responsibilities including the General Plan Draft EIR review, the Planning Commission has the responsibility to evaluate various items that will come before the City Council for approval. This includes protecting the City from legal actions that may cost the city tax payers sizeable amounts of money. The current Development Code is apparently well known and understood by the Planning Commission.

I1-1

We would request that the Planning Commission have sufficient time and resources to analyze these changes to protect the City of Clovis, to include delaying the dates for evaluating the General Plan Draft EIR if needed.

DRAFT EIR:

Thank you for the Study Session concerning the Draft EIR which assisted in a better understanding of the voluminous document. Clarification was made that the Draft EIR addresses the overall Program of development.

In reviewing the EIR **“Table: Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance after Mitigation”** there appear to be several unclear guidelines.

I1-2

Although Water and Transportation/Traffic are of most concern, areas such as Noise and Air Quality need further clarification. Specifically those Impact areas identified as **“Potentially significant”** with **“No feasible mitigation available”**, yet **“Significant and Unavoidable”**.
(Really??)

2. Response to Comments

Page 2 of 3

5.9 HYDROLOGY & WATER QUALITY

5.9.2 - The concern is referenced as the “Plan Update would increase the demand on ground water use”. This item does not have any Mitigation Measures to follow.

Under the General Plan, new developments could not tap into ground water to support project approval, but would need to bring up City water to meet those needs.

During Development and Long Term, how can development proceed without guiding measures? What determines the Impact for current property owners on water wells that could lose water pressure if ground water were taken for new developments? Levels of ground water reduction could financially impact current residents. What security of ground water supply without additional costs? What are the current well levels of property owners now? What were the well levels in 1978 when the wells were initially dug? The EIR study should have included checking current well water levels compared to the EIR study using 2005 and 2010 data only.

11-3

We Have No Other Water Options but our Wells!!

We ask that Specific clear guidelines be provided as Mitigation Measures* so that new developments cannot tap into the ground water for the project, and that the City cannot tap ground water to provide water for any new development project. A more detailed “worst case scenario” should be discussed recognizing the current drought conditions that impact the overall water availability from the reservoirs identified (5.9.5)

11-4

5.16: TRANSPORTATION/TRAFFIC

We have major concerns with the data on this issue.

Why is the Clovis Avenue extension from Shepherd all the way to Copper not included in the initial traffic model and various EIR analyses? Most diagrams and text refer to Clovis Avenue extended to Behymer only, and not up to Copper Avenue until the Final Build out (after 2035).

11-5

In reviewing the General Plan Final Land Use Diagram that was approved by City Council, showed Clovis Avenue extending from Shepherd up to Copper. Clovis Avenue would ultimately meet up with Hwy 65 as initially proposed in the 1993 General Plan. The purpose of this was to bring necessary business to Down Town Clovis rather than routing traffic west toward River Park, etc.

2. Response to Comments

Page 3 of 3

The traffic on Minnewawa (between Copper & Shepherd) is already extremely heavy with commercial traffic (gravel trucks, cement trucks, City of Clovis Disposal trucks, and Allied Waste trucks). The traffic on International (between Minnewawa and Willow, currently not wide enough to have a median stripe dividing the road), is already extremely heavy with School buses and vehicles racing to and from the schools. This traffic has also caused extensive congestion at the intersection of Minnewawa at Shepard because most of these vehicles are traveling to and from areas further east and south of our area. It is noted that on Environmental Analysis, Figure 5.12.2, Noise Monitoring Locations did not include a monitor on Minnewawa or International where 90% of the heavy vehicle traffic noise occurs. Why was this not considered important when it has been a major part of the discussions at the General Plan meetings? Also note the complete extension of Clovis Avenue is not identified on any of these study diagrams, only extending Clovis Avenue to Behymer is shown. Why??

I1-5
cont'd

I1-6

5.16.2 – Considering the short and long term impact of Traffic Congestion, Excessive Noise and Air Quality levels, we have a major concern with the designation of “LOS F” (Levels of Significance) for Minnewawa (Copper to Behymer, AM and PM) discussed in the text of the Environmental Summary, “Significant Unavoidable Adverse Impacts”, pages 6-5, 6-6. LOS F is stated as Unacceptable Levels.

We offer the following remedy for the related “Mitigation Measures” for Traffic, Air Quality and Noise:

I1-7

The extension of Clovis Avenue from Shepherd to Copper Avenue should be the first item addressed in the DRAFT EIR. It would offer a better disbursement of traffic for the City of Clovis with Clovis Avenue and Willow Avenue carrying the major traffic flow. This is what they were originally designed to accomplish. This would favorably address our traffic problems, and Balance the Growth for the NorthWest area.

Otherwise, How can this EIR be acceptable with these issues??

Thank you for your consideration of these concerns, and we look forward to continued dialogue for a more accurate evaluation for manageable growth in the NorthWest area.

Sincerely,

Carol and Joe Cusumano
NorthWest Area Homeowners

2. Response to Comments

This page intentionally left blank.

2. Response to Comments

II. Response to Comments from Joe and Carol Cusumano, dated August 8, 2014.

- I1-1 Comment acknowledged. This comment does not relate to the analysis in the General Plan EIR and will be forwarded to decision-makers.
- I1-2 Table 1-4, Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation, summarizes the conclusions of the environmental analysis in Chapter 5 of the Draft PEIR. To clarify, certain environmental impacts, such as noise and air quality, are identified as potentially significant prior to implementation of feasible mitigation measures. However, if no feasible mitigation is available, the impact would remain significant and unavoidable.
- I1-3 The commenter is correct in noting that the Draft PEIR concludes that the proposed General Plan Update's increase on groundwater demand would constitute a significant environmental impact. The Draft PEIR concludes that: No mitigation measures beyond the long-term facility planning, conservation measures, recycling projects, and existing regulatory measures (e.g., SB 610 and SB 221) have been identified to address the proposed project's significant impact on water supply or potentially significant impact on groundwater depletion and recharge opportunities. No feasible mitigation measures have been identified."

There are, however, General Policies that also serve to mitigate the groundwater impact. All of the applicable policies were not included in this section of the Draft PEIR. To correct this oversight, the additional policies have been added in Section 3.2, of the Final EIR, Revisions to the Draft PEIR in Response to Written Comments. The particularly relevant policies include the following:

Public Facilities and Service Element Policies:

- **Policy 1.2 Water supply** - Require that new development demonstrate contractual and actual sustainable water supplies adequate for the new development's demands.
- **Policy 1.3 Annexation** - Prior to annexation, the city must find that adequate water supply and service and wastewater treatment and disposal capacity can be provided for the proposed annexation. Existing water supplies must remain with the land and be transferred to the City upon annexation approval.
- **Policy 1.4 Development-funded facilities** - The City may require developments to install onsite or offsite facilities that are in excess of a development's fair share. However, the City shall establish a funding mechanism for future development to reimburse the original development for the amount in excess of the fair share costs.

Open Space and Conservation Element:

2. Response to Comments

- **Policy 3.3 Well water** - Prohibit the use of new private wells in new development.

Development projects would be mandated to comply with these General Plan policies. In addition to the General Plan policies, the Clovis Municipal Code Section 6.6.02, *Well drilling prohibition*, prohibits the drilling of any new wells in the City, except by the City or for temporary uses under certain conditions. The Water Utility Master Plan is currently being updated and the City does not currently have any plans to add any new wells to the system.

The recommendation noting that the EIR should have compared current well water levels to 2005 and 2010 is acknowledged. The California Environmental Quality Act (CEQA) requires that environmental analysis be based on a comparison of the proposed project with existing conditions. The Draft PEIR analyzes ground water based on the appropriate, available information.

- I1-4 As discussed in Response I1-3, General Plan Policy 3.3 prohibits new private wells for development and well drilling is also restricted by Municipal Code Section 6.602 which prohibits new well drilling except by City under certain conditions.

The Draft PEIR does provide updated information on drought conditions but it is beyond the scope of the Program EIR to analyze worst-case conditions that could occur in the future. Please also refer to responses to letter A2, *Fresno Irrigation District*, with respect to updates to the Urban Water Management Plan and City's Water Master Plan.

- I1-5 This comment refers to circulation improvements that are shown in the General Plan Update Circulation Diagram (General Plan Update, Figure C1) and Draft PEIR Figure 5.16-4, Full Buildout Circulation System and Roadway Classification but that are not included in Draft PEIR Figure 5.16-3, 2035 Circulation System and Roadway Classification.

The first improvement is the extension of Clovis Avenue from Behymer Avenue north to Copper Avenue. The second is connecting Minnewawa Avenue to International Avenue with a new, curved roadway. With this second improvement, traffic traveling north on Minnewawa from Behymer would have to make a right-hand turn to continue on Minnewawa north of International. Traffic traveling south on Minnewawa from Copper would have to make a left-hand turn to continue on Minnewawa south of International.

At full buildout, with these two improvements, the northern most segment of Minnewawa would operate at a Level of Service (LOS) C. However, in 2035, without these two improvements, this segment would operate at LOS F. The relevant threshold of significance is a LOS D, so as of 2035, the proposed General Plan could have a significant and unavoidable impact, but at buildout, the impact would be less than significant.

2. Response to Comments

As stated in Section 3.3.3.1, *General Plan Buildout Scenarios*, the Draft PEIR analyzes the potential environmental impacts of two scenarios—1) the projected development by 2035, and 2) development at full buildout (anticipated to be many years beyond 2035)—in comparison to existing conditions.

Quantified, meaningful analysis would not be feasible for that time period. For example, technical studies rely on data sets and models driven by growth projections generated by the State of California and the Fresno Council of Governments for the regional transportation plan (RTP) and regional housing needs assessment (RHNA), and are currently set on a 2035 horizon.

The commenter is correct that the 2035 scenario did not include an extension of Clovis Avenue from Behymer Avenue to Copper Avenue and that Minnewawa Avenue is projected to operate at LOS F without this improvement. This, however, is not considered a significant and unavoidable impact in the EIR because the extension of Clovis Avenue is included in the RTP and is planned to be completed by 2025.

The 2035 scenario represents an interim phase of the project developed for analytical purposes. For the purposes of the model, the Draft PEIR assumed a distribution of development expected by 2035 and excluded roadway improvements outside of these areas, such as the extension of Clovis Avenue extension.

However, per Policy 4.3 of the Land Use Element and Policy 7.1 of the Circulation Element, the City will monitor development as it occurs and periodically update its Capital Improvement Program and maintain consistency with the Regional Transportation Plan to determine necessary improvements.

- **Policy 4.3 Future environmental clearance** - The city shall monitor development and plan for additional environmental clearance as development levels approach those evaluated in the General Plan EIR.
- **Policy 7.1 Clovis Avenue extension** - Invest in the extension of Clovis Avenue north to Copper Avenue as funding is available.

There are additional policies in the Circulation Element that guide the City toward completing the extension of Clovis Avenue:

- **Policy 2.3 Fair share costs** - New development shall pay its fair share of the cost for circulation improvements in accordance with the city's traffic fee mitigation program.
- **Policy 2.5 Regional and state roadway funding** - Coordinate with the County of Fresno, City of Fresno, Fresno Council of Governments, and Caltrans to fund roadway improvements adjacent to and within the City's Planning Area.

2. Response to Comments

- **Policy 3.2 Neighborhood Compatibility** - Periodically review and update design standards to ensure that new and redesigned streets are compatible with the context of adjacent neighborhoods.
- **Policy 7.1 Clovis Avenue extension** - Invest in the extension of Clovis Avenue north to Copper Avenue as funding is available.
- **Policy 7.2 Right-of-way for future extensions** - Coordinate with Fresno County, the Fresno Council of Governments, and Caltrans to preserve future right-of-way for extending Clovis Avenue north of Copper Avenue to Auberry Road and future State Route 65.

I1-6 Because it is not feasible to take noise readings at every roadway segment, the locations had to be selected based on the project's relative potential for impacts. The noise measurement locations were chosen by the technical noise team and reviewed by City staff based on the existing and proposed land uses and the location of the busiest roads. A total of 12 locations were monitored to identify the major noise sources at portions of the City and to "calibrate" the noise model. The analysis mostly relies on the traffic noise model, which relies on existing and future traffic volumes on a daily basis. Noise measurements 2 and 11 were taken in the vicinity of the location mentioned by the commenter. This part of the City is also low density residential and the roads mentioned have similar characteristics as the roads where the noise measurement locations were taken. Therefore, noise measurement locations 2 and 11 are representative of the noise conditions in the northwestern portion of the City.

It shall be noted that the long range noise increases (from existing to 2035 conditions) due to traffic on Minnewawa between Copper and Shepherd is estimated to be less than 3 dBA and would be less than significant. Finally, International Avenue is not a major road in the City's Circulation Element and currently ends just east of Minnewawa.

I1-7 See response to Comment I1-5.

2. Response to Comments

LETTER I2 – Dirk Poeschel (8 pages)

Comment Letter I2	
DIRK POESCHEL <i>Land Development Services, Inc.</i>	923 Van Ness Avenue, Suite 200 • Fresno, California 93721 559/445-0374 • Fax: 559/445-0551 • e-mail: dpoeschel@dplds.com
August 8, 2014	
Mr. Dwight Knoll Director of Planning & Development Services City of Clovis Planning Department 1033 Fifth St. Clovis, CA 93612	
SUBJECT: Response to City of Clovis General Plan Update & Related Environmental Impact Report	
Dear Mr. Kroll,	
<p>Reference is made to the City of Clovis General Plan Update hereafter UPDATE and the related request for comments regarding the UPDATE and the Environmental Impact Report prepared for the UPDATE. My firm represents a consortium of property owners who have worked and resided within the area of the proposed general plan update for generations. The principal property owners, composed of Tim and Andrea Indart who own 540 acres, the Harlan Family Ranch that owns about 3,000 acres, Cook Land Company who owns 430 acres and Ms. Della Wathen who owns 152 acres of land within the plan area. Other property owners of various size land holdings also comprise the area commonly referred to as the Northeast planning area.</p>	
<p>By way of background, essentially the same property owners that compose the Northeast planning area participated in the adoption of the City of Clovis 1993 General Plan. They participated in meetings, design charrettes, provided baseline information and provided other services to the City of Clovis and their consultants' effort to develop the aforementioned City of Clovis 1993 General Plan.</p>	
<p>The City of Clovis 1993 General Plan designates the Northeast area as one of three villages to be developed consistent with the plan's village concept to accommodate approximately 50,000 people. The City of Clovis 1993 General Plan established land uses, circulation, and other details appropriate for the urbanization of the Northeast area. Among other things, the intent of the plan was to serve as an appropriate planning document for the urbanization of the Northeast and other areas within the City of Clovis proposed Sphere of Influence. For a variety of reasons, not in control of the Northeast property owners, the proposed Sphere of Influence contemplated in the City of Clovis 1993 General Plan was revised to exclude the Northeast area. Nonetheless, the expectation in the aforementioned city's plan to develop these properties to urban uses was established with the support of the property owners within the Northeast area.</p>	

2. Response to Comments

August 8, 2014
Mr. Dwight Knoll
Page 2

In 2005 the City of Clovis approved a master plan, mixed-use community proposed by Wathen Castanos Inc. and Leo Wilson Homes Inc. on approximately 389 acres of land generally located at the intersection of Shepherd Avenue and State Route 168. The project referred to as the Harlan Ranch Master Planned Community was successfully received by the market. The developers' extra ordinary planning efforts were also recognized by receiving various awards not the least of which was the award of the marketplace making the project successful.

The Harlan Ranch Master Planned Community established an identity for the Northeast area and created a standard of environmental sensitivity coupled with practical master planning techniques proven to provide sustainable communities.

In 2005 Wathen Castanos Inc. and Leo Wilson Homes Inc. created the development entity CVEC for the purpose of master planning and developing approximately 3,500 acres south and east of the aforementioned Harlan Ranch master-planned community. CVEC's efforts were joined by national building company McMillin Homes Inc. hereinafter McMillin who coordinated their efforts to plan approximately 1,000 acres within the Northeast planning area.

Perhaps more importantly than any environmental or infrastructure study conducted on behalf of CVEC McMillin, in 2007 the Northeast property owners undertook a unprecedented step of retaining the real estate consulting firm of Liberty Greenfield to evaluate the suitability and likelihood of a high technology business locating to the greater Clovis community. Among other tasks, Liberty Greenfield interviewed Cisco, Hewlett-Packard, Solectron, Google, Yahoo and Genentech to gain an understanding of their relocation requirements, related decision making process for such relocations or expansions and their attitude towards the greater Clovis area as a potential business location.

12-1
cont'd

In 2007 CVEC McMillin also retained the Davies Public Affairs firm who are public opinion experts to assess the strengths and weaknesses of the Fresno Clovis metropolitan region. Using a specialized questionnaire a wide range of community leaders provided input to their vision of the existing and desired community. With that information, CVEC Mc Millan representatives, including their principals spoke personally to those people selected to respond to the aforementioned questionnaire.

The purpose of the Davies Public Affairs assessment was to understand the community's perception of its strengths and weaknesses and to use this information to master plan a sustainable Northeast urban community. Some of what was learned was clearly beyond the scope of the project master plan such as poor air quality, inadequate labor force and the lack of shopping, housing and entertainment opportunities commensurate with large metropolitan areas that attract to corporate executives and their workforce.

Two significant findings came from the public opinion outreach; the need for high quality housing developments that included amenities consistent with those found in major metropolitan areas and a business park campus that could attract national business

2. Response to Comments

August 8, 2014
Mr. Dwight Knoll
Page 3

entities. With this information, the CVEC McMillin planning effort focused on a delivering an exceptionally well planned master plan community that enhanced job generation in a business campus setting.

The CVEC McMillin Homes effort produced baseline bio botanical studies, locating school sites in coordination with the Clovis Unified School District and initial planning for infrastructure including water development. The CVEC McMillin planning included extensive analyses of appropriate changes to the area's circulation system with a goal of improving inadequate roads developed in the county now carrying urban volumes.

CVEC McMillin had extensive consultation with Caltrans for the ultimate development and realignment of State Route 168 and related intersections to serve this and other properties in Northeast Clovis. Specifically, planning and ultimate financing of the Nees Ave. and Shepherd Avenues intersections at State Route 168 were discussed with Caltrans and Clovis city staff. The aforementioned future intersection improvements would provide connectivity, reduced roadway delays and provide important access to the City of Clovis industrial business park.

The CVEC McMillin planning effort occurred concurrent with the City of Clovis effort to update its general plan so as to produce the subject 2014 general plan update. The product of the comprehensive CVEC McMillin planning effort produced a draft specific plan prepared by the Planning Center of Orange County, California and other CVEC McMillin consultants. The Planning Center was selected due to their involvement in preparing the City of Clovis 1993 General Plan and specifically the development of urban villages so important to the sustainability strategy of the aforementioned plan.

I2-1
cont'd

In 2008 the City of Clovis communicated with CVEC McMillin that a dual planning effort with the CVEC McMillin 6,300 acre specific plan and the City of Clovis General Plan Update was wasteful. In fact, the City of Clovis estimated that the savings to the city in undertaking a combined planning effort would be substantial and require one to two years less processing time. Based on these savings and interest to expedite the development of the CVEC McMillin master plan, CVEC McMillin agreed to fold their planning effort into the city of Clovis general plan update.

While never formalized in writing, this agreement benefited both parties by reducing costs, eliminating duplicative efforts and allowed the City of Clovis to review one document rather than two. Nonetheless, the purpose of both planning efforts was to master plan for urbanization, the lands commonly known as the Northeast area.

In 2008 CVEC McMillin suspended their planning efforts due to dramatic reductions in housing demand experienced on a national level. At approximately the same time as growth and demand for housing fell dramatically, the City of Clovis also suspended their planning efforts for the development of the UPDATE.

In 2009 the City of Clovis reinitiated planning efforts of the UPDATE and among other things, established a General Plan Update Committee, hereinafter referred to as GPAC.

2. Response to Comments

August 8, 2014
Mr. Dwight Knoll
Page 4

Among other things, the purpose of GPAC was to develop appropriate strategies, goals, policies and directives for the preparation of the subject UPDATE. The Planning Center of Orange County was retained by the city to provide land planning services for the renewed UPDATE effort.

Soon thereafter, the consortium of Northeast group property owners reinitiated their own planning effort and retained consultants to modify the previous planning documents undertaken by CVEC McMillin. Those modifications included a more defined and likely route for the future extension of State Route 168, design and policy development for roadway circulation to protect existing rural residential neighborhoods and a variety of other measures to enhance land use compatibility and sustainability.

Extensive conversations took place between the City of Clovis and the Northeast area property owners and their consultants. At the city's direction, the reinitiated planning effort for the Northeast area was to facilitate a substantial opportunity for quality job growth. The basis of this directive was to provide short, medium and long-term stability to the City of Clovis modifying its traditional role as a bedroom community to the City of Fresno. In addition, the city's financial consultants had prepared fiscal models that indicated that the City of Clovis could not continue simply developing residential subdivisions without a substantial commitment to also generating jobs. Commonly referred to as the "jobs housing balance" such balance is promoted in state planning law because, among other things, substantial environmental benefits such as shortened automobile travel distances, air-quality benefits, public health and welfare all occur with a strong jobs housing balance.

I2-1
cont'd

The Northeast area property owners committed to the city to modify their land-use plan to add more land dedicated for industrial job generating uses. The owners then held a variety of meetings with its consultants to appropriately plan the kind, diversity and location of appropriate industrial, commercial uses within the Northeast planning area. Other meetings and outreach was conducted in specific areas of potential concern where proposed urbanization would meet existing rural residential or agricultural uses. City of Clovis staff attended many of these meetings and facilitated the creation of details consistent with neighborhood plan development.

The aforementioned planning efforts by the Northeast area owners produced an improved plan over that which was produced by CVEC. The revised plan reduced development costs, improved sub regional circulation, created more practical urban, agriculture and rural residential interfaces and demonstrated a superior jobs housing balance in comparison to other planning areas.

Members of the Northeast area participated in the aforementioned GPAC meetings that occurred from 2010 to 2014. At various times, representatives of the Northeast area presented information on their planning efforts at great detail to the GPAC and at the same time had ongoing interaction with City of Clovis staff regarding the Northeast area planning efforts.

2. Response to Comments

August 8, 2014
Mr. Dwight Knoll
Page 5

At no time did either the GPAC or city of Clovis staff suggest such planning efforts were inappropriate as being deficient in design, intensity, location or timing. In fact, after holding the aforementioned years of planning efforts and meetings and taking extensive testimony from neighbors and community leaders, the GPAC voted to support two critical components of the UPDATE. The GPAC recommended to the Clovis City Council that the Northeast and the Northwest areas be allowed to urbanize as the market dictated and that phasing of development should not occur in either area as part of the UPDATE policies.

I2-1
cont'd

On January 30, 2014 Clovis Planning Commission heard testimony from the city's consultants specifically about "importance of the plan to include economic fundamentals" so the city can "build a city we can afford." The city's consultants went on to say that the primary driver of the plan should be to "deliver a revenue base that created a substantial and sustainable jobs housing balance."

The Environmental Impact Report Section 5.14 entitled PUBLIC SERVICES summarized the conclusion of the city's consultant and their related presentations to the GPAC that "an essential consideration with respect to a proposed project impact on public services, in particular for a general plan is the lead agencies capability to adequately fund required capital and operating expenses." That statement is consistent with the report made to the Clovis City Council in March 3, 2014 by, among others, Ms. Tina Sumner Economic Development Director.

At that council meeting, Ms. Sumner stated that there was "a need for a well-rounded community of job generation, which must increase by 40% to have a balanced budget." She illustrated on the land use map the "pretty small" areas of the proposed plan that would actually generate the aforementioned jobs. She also stated that the industrial, commercial land uses were "strategically placed "so as to attain economic stability for the City of Clovis.

I2-2

Environmental Impact Report Section 5.14 entitled PUBLIC SERVICES summarizes the aforementioned presentation of City Council presentation of March 3, 2014. The Environmental Impact Report states that three essential scenarios are available for Council consideration and were evaluated by the city's economic consultants.

1. The first scenario referred to as the "Pessimistic Scenario" would generate a 25% general fund deficit. Current development patterns would continue under the existing 1993 plan. The consequences of that action indicate the City of Clovis remains a bedroom community generating more housing growth and job growth.
2. The second scenario referred to as the "Primary Scenario" would generate 12% general fund deficit if the city implements the proposed general plan, which assumes that the proposed development policies minimize the creation of new public safety hotspots, and the city continues to invest in economic development. Economic growth would generate 40% more jobs.
3. The third scenario referred to as the "Optimistic Scenario" would also require the generation of 40% more jobs and require substantial reductions in the service

2. Response to Comments

August 8, 2014
Mr. Dwight Knoll
Page 6

delivery costs and other funding and financing mechanism changes necessary to ensure sufficient revenues are generated to avoid a deficit.

The city's consultants produced a graph entitled Buildout Projections (estimates as of 2011/12) that was used at various presentations on economic sustainability. The Buildout Projections graph indicated in 2035 the Northeast Area is estimated to generate approximately 6,100 jobs approximately or twice as many jobs as the 2035 projections for the Loma Vista Village (2,900) and twice as many jobs as estimated for the Northwest Village (3,100) in the 2035 scenario.

12-2
cont'd

It should also be noted that according to the aforementioned Buildout Projections in 2035 the Northeast area produces the aforementioned jobs at a lower population ratio than the other two villages. For example, in 2035 the Loma Vista Village has an estimated population of 24,900 and generates 2,900 jobs. For the same 2035 period, the Northeast Village has an estimated population of 10,800 and generates 6,100 jobs.

Environmental Impact Report Section 5 entitled AGRICULTURAL RESOURCES provides a brief summary of the water availability and corresponding discussion of drought conditions facing the City of Clovis and the Central Valley of California. The assessment describes "the delivery of zero water in 2014 from Millerton Lake reservoir to the San Joaquin River and groundwater depletion in the Central Valley between 2003 and 2010 is estimated at over 16,000,000 acre-feet." The assessment goes on to conclude "continued agricultural production in Fresno County is expected to further deplete groundwater" and that "the water supply is expected to be a constraint on agricultural production.

It is reasonable to conclude that most of the agricultural land located within the Northeast area is currently under immense pressure to discontinue agricultural production due to lack of water. These lands are predominantly Class IV and Class V soils simply not viable productive agricultural units for grazing or tree crops without traditional rainfall and corresponding replenishment of the groundwater. Increased international competition, labor issues and the adverse business climate of the State of California, agriculture at the relatively small-scale that occurs within the plan area are increasingly less economically viable.

12-3

As the Environmental Impact Report concludes, with or without the plan implementation, agricultural productivity within the plan area will continue to decline. Given the significant influence of agribusiness to the local and regional economy, the planned job growth in the plan area and principally the Northeast area is of critical importance for a variety of reasons. First, as anticipated by the UPDATE the focus of these new jobs are in sectors that provide an opportunity for job growth and higher paying wage rates. Second, these jobs are not related to the agricultural sector and therefore are generally less dependent on agricultural productivity.

Reference is made to Environmental Impact Report Section 5.2.7. Mitigation Measures 2.1 that requires among other things, the mitigation at a 1:1 ratio of "converted to

2. Response to Comments

August 8, 2014
Mr. Dwight Knoll
Page 7

preserved acreage or payment of its valuation equivalent if a mitigation program is established.” While the preservation of agricultural land is clearly of importance, the entire plan area includes agricultural land that has the potential for agricultural productivity and in many cases is currently served by water distribution systems that can support agricultural production.

Agriculture also provides an open space social benefit that should not be dismissed in any area of the plan. Lastly, the predominant area of Williamson Act contracts is not located within the Northeast area, which is consistent with state planning law and Williamson Act guidelines to locate protected agricultural lands outside of area anticipated for urbanization.

Such mitigation would also create disincentives to the conversion of agricultural lands to industrial projects that generate the job base so necessary to achieve one of the UPDATE’s stated objectives, which is to “balance residential growth with employment generating development to ensure financial stability”.

Functionally, the proposed mitigation ratio would likely create a 30% to 40% market price disincentive on the conversion of agricultural land for industrial, commercial purposes, making the likelihood of achieving anything near the required number of jobs highly unlikely. The basis for this conclusion is the extreme competition within and out of California, for these types of industrial developments in markets that have lower land and development costs. It should also be noted that the proposed 1 to 1 mitigation for farmland conversion is not consistent with the adopted the *Landscape of Choice* which promoted higher densities and city centered directed growth as the method to reduce the conversion of farmland to urban purposes. Further, said mitigation alternative was never discussed at the GPAC.

It should also be noted that the policy exclusion to allow for a modification to the city’s Sphere of Influence should a project bring 100 jobs or more is of minimal value to real estate development firms seeking to attract high quality and good paying jobs to this region. Strong competition from other communities and states that have existing, properly zoned development land that is immediately available would eliminate properties that would require a Sphere of Influence change and other significant land-use modifications that take time are expensive and have a risk of failure.

In conclusion, the Northeast area is comprised of acreage of which is over 85% owned by the area proponents who facilitate the assemblage of large blocks of land for optimum planning and development. The area includes the Harlan Ranch master planned residential community and Clovis Community hospital that has established a high standard of quality development and area identity. State Route 168 represents a multimillion dollar investment to the planning area providing outstanding connection the Fresno Clovis Metropolitan area and other transportation routes through serving the Central Valley.

I2-3
cont'd

I2-4

2. Response to Comments

August 8, 2014
Mr. Dwight Knoll
Page 8

The Northeast area property owners have invested millions of dollars in substantial environmental planning efforts including bio botanical assessments, utilities and public service infrastructure planning, transportation networking and land planning that optimizes quality growth. The Northeast plan was developed using proven concepts of *Smart Growth* and the *Regional Blueprint* including regional trail, transit connections, village scale elementary schools, parks and playgrounds. Most properties within the Northeast planning area are not hindered by Williamson Act contracts. Lastly and most critically, the jobs housing balance of the entire plan area is dependent upon the jobs created in the Northeast village.

I2-4
cont'd

The Northeast area property owners appreciate the opportunity to comment on the City of Clovis General Plan Update and related Environmental Impact Report. A summary of the Northeast area property owners response is as follows:

- The Northeast concurs with the recommendations of the General Plan Update and the conclusions of the corresponding Environmental Impact Report.
- The Northeast area offers a truly unique opportunity to develop a sustainable community due to its positive regional identity, proximity to excellent access to the metropolitan area and ownership pattern.
- The proposed general plan update is a refinement of the 1993 Clovis General Plan that also concluded growth was appropriate for the Northeast area.
- A substantial, multidiscipline planning analysis has been performed at no cost to the community that provides a solid basis for urbanizing the Northeast area.

I2-5

Critical job generation benefits necessary for City of Clovis to attain economic stability are derived principally from development in the Northeast area.

Thank you for the opportunity to comment on this important document.

Sincerely,



Dirk Poeschel, AICP

cc Mr. Jerry Cook
Mr. & Mrs. Tim Indart
Mr. Floyd Harlan
Mr. Shawn Stevenson
Ms. Della Wathen

g:\wpdocs\north east village group 11-16\correspondence\ne group eir response (autosaved).docx

2. Response to Comments

I2. Response to Comments from Dirk Poeschel, dated August 8, 2014.

I2-1 Comment acknowledged.

I2-2 Comment acknowledged.

I2-3 The commenter asserts that the proposed Draft PEIR agricultural resources mitigation measure would create a market price disincentive on the conversion of agricultural land to job-creating industrial and commercial uses. Although this comment is acknowledged and will be forwarded to decision-makers for consideration, it is not an issue that needs to be addressed pursuant to CEQA for this Final EIR. Economic impacts are not considered environmental issues to be addressed under CEQA unless they directly or indirectly result in physical environmental impacts. Please also refer to Response O3-4 regarding CEQA's requirement to provide feasible mitigation for significant agricultural resource impacts.

I2-4 Comment acknowledged.

I2-5 Comment acknowledged.

2. Response to Comments

This page intentionally left blank.

3. Revisions to the Draft PEIR

3.1 INTRODUCTION

This section contains revisions to the Draft PEIR based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of Draft PEIR publication; and/or (3) typographical errors. This section also includes additional mitigation measures to fully respond to commenter concerns as well as provide additional clarification to mitigation requirements included in the Draft PEIR. The provision of these additional mitigation measures does not alter any impact significance conclusions as disclosed in the Draft PEIR. Changes made to the Draft PEIR are identified here in ~~strikeout text~~ to indicate deletions and in underlined text to signify additions.

3.2 DRAFT PEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS

The following text has been revised in response to comments received on the Draft PEIR.

Page 1-38, Chapter 1, Executive Summary. The following impact statement in Table 1-4, *Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation*, is revised to reflect the edited impact statement for Impact 5.17-1.

5.17 UTILITIES AND SERVICE SYSTEMS			
WATER SERVICE			
2035 Scenario and Full Buildout			
<p>Impact 5.17-1: <u>Although the 2010 Urban Water Management Plan indicates sufficient</u> Projected water supplies supply is inadequate <u>to meet projected water demand for the at both 2035 Scenario, the severity and uncertain duration of California's recent drought conditions makes water supply unreliable. Therefore, water supply impacts are considered potentially significant under both the 2035 Scenario and Full Buildout of the proposed General Plan.</u></p>	Potentially significant	No feasible mitigation is available.	Significant and unavoidable
<p>Impact 5.17-2: Development pursuant to the General Plan Update would require the expansion or construction of surface water treatment facilities and water delivery systems.</p>	Less than significant	No mitigation measures are required.	Less than significant

3. Revisions to the Draft PEIR

Page 3-34, Chapter 3, Project Description. The following revisions are made in response to Comment A4-4, from the Fresno Local Agency Formation Commission.

Lead Agency	Action
<u>Lead Agencies</u>	
City of Clovis City Council	<ul style="list-style-type: none"> • Adoption of the Clovis General Plan and Development Code Update • Certification of PEIR • Adoption of Findings of Fact and Statement of Overriding Considerations (if required) • Adoption of the Mitigation Monitoring Program • Adoption of any ordinances, guidelines, programs, actions, or other mechanisms that implement the Clovis General Plan and Development Code Update
County of Fresno	<ul style="list-style-type: none"> • For review of amendments and other discretionary actions needed to comply with the General Plan Update and the Memorandum of Understanding
<u>Responsible Agencies</u>	
Fresno County Local Agency Formation Commission (LAFCo)	<ul style="list-style-type: none"> • <u>For reorganizations (annexations to the City and detachments from the Fresno County Fire Protection District and the Kings River Conservation District</u> • For amendments to the Sphere of Influence
County of Fresno	<ul style="list-style-type: none"> • <u>For review of amendments and other discretionary actions needed to comply with the General Plan Update and the Memorandum of Understanding</u>
<u>Interested Agencies</u>	
<u>City of Fresno</u>	
<u>Clovis Cemetery District</u>	
<u>Clovis Memorial District</u>	
<u>Clovis Unified School District</u>	
<u>County Service Areas 10, 10A, 44, and 51</u>	
<u>County Waterworks District No. 42</u>	
<u>Fresno Metropolitan Flood Control District</u>	
<u>Fresno Irrigation District</u>	
<u>Garfield Water District</u>	
<u>International Water District</u>	

3. Revisions to the Draft PEIR

Page 5.2-30, Section 5.2, *Agriculture and Forestry Resources*. The following mitigation measure is revised in response to Comment O3-4, from P-R Farms.

- 2-1 Project applicants for properties that include 20 acres or more designated Prime Farmland, Farmland of Statewide Importance, or Unique Farmland shall be required to prepare or fund an agricultural resource evaluation prior to project approval. The resource evaluation shall use generally accepted methodologies (such as the Land Evaluation and Site Assessment Model) to identify the potentially significant impact of the loss of agricultural land as well as the economic viability of future agricultural use of the property. If the conversion is deemed significant, the City shall require mitigation at a 1:1 ratio of converted to preserved acreage, or payment of its valuation equivalent if a fee mitigation program is established. Conservation mitigation could be achieved alternatively through one of the following programs:
- 3) Implementation of, and compliance with, a regional agricultural preservation program, such as the Model Farmland or SJV Greenprint, if adopted by the City and participating agencies.
 - 4) Implementation of, and compliance with, a local Farmland Preservation Plan (FPP), if adopted by the City. The local FPP shall be adopted in consultation with the American Farmland Trust, the County of Fresno, LAFCo, and any other affected agencies. The FPP shall include policies, standards and measures to avoid the unnecessary conversion of agricultural lands and shall include provisions for: (a) minimizing potential detrimental effects caused by urban development; (b) avoiding the premature conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance; (c) preserving farmland, including, if appropriate, development impact fees to fund farmland preservation efforts; (d) integrating identified mitigation measures into the entitlement process; and (e) addressing enforcement through the regulatory environment.

Page 5.3-39, Section 5.3, *Air Quality*. The following mitigation measure is revised to clarify the intent of the measure.

- 3-1 Prior to issuance of any construction permits, development project applicants shall prepare and submit to the City of Clovis Planning Division a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with San Joaquin Valley Air Pollution Control District (SJVAPCD) methodology in assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the SJVAPCD adopted thresholds of significance, as identified in the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), the City of Clovis Planning Division shall require that applicants for new

3. Revisions to the Draft PEIR

development projects incorporate mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds. These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Planning Division. Mitigation measures to reduce construction-related emissions could include, but are not limited to:

- Using construction equipment rated by the United States Environmental Protection Agency as having Tier 3 (model year 2006 or newer) or Tier 4 (model year 2008 or newer) emission limits, applicable for engines between 50 and 750 horsepower. A list of construction equipment by type and model year shall be maintained by the construction contractor onsite, which shall be available for City review upon request.
- Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards.
- Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible.
- Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g., 5-minute maximum).
- Preparation and implementation of a fugitive dust control plan that may include the following measures:
 - Disturbed areas (including storage piles) that are not being actively utilized for construction purposes shall be effectively stabilized using water, chemical stabilizer/suppressant, or covered with a tarp or other suitable cover (e.g., revegetated).
 - Onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized using water or chemical stabilizer/suppressant.
 - Land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled utilizing application of water or by presoaking.
 - Material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained when materials are transported offsite.
 - Operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

3. Revisions to the Draft PEIR

- Following the addition of materials to or the removal of materials from the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.
- Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the project area.
- Adhere to Regulation VIII's 20 percent opacity limitation, as applicable.

Page 5.4-30, Section 5.4, *Biological Resources*. The following analysis is revised to provide clearer analysis for Impact 5.4-6.

Impact 5.4-6: Developments pursuant to the General Plan Update could impact local wildlife movement corridors. [Threshold BIO-4 (part)]

2035 Scenario

Projects built pursuant to the General Plan Update could impact natural drainages in the Plan Area that function as local wildlife movement corridors and may function as regional wildlife movement corridors for some species. However, according to Live Oak Associate's biological evaluation report, the Plan Area does not appear to contain significant "movement corridors" for native wildlife. With the exception of Little Dry Creek through the Clovis landfill area, these features lead to the urban environments of the Fresno/Clovis metropolitan area and therefore do not provide any linkage between significant or necessary habitats for native wildlife species. The Plan Area is used for dispersal movements by a number of species, as described above in Section 5.4.1, *Environmental Setting*. Impacts to drainages may include filling, dredging, and pollution from proposed development or redevelopment of upstream land uses. Implementation of the General Plan Update implementation would not involve development along Little Dry Creek either. Furthermore, a considerable amount of open space land in the Plan Area would continue to be used by native species as long-term and temporary habitat. Thus, impacts to local wildlife movement corridors would be less than significant.

Full Buildout

The analysis of impacts under the 2035 scenario also applies to full buildout impacts.

3. Revisions to the Draft PEIR

Page 5.4-32, Section 5.4, *Biological Resources*. The following mitigation measures are revised to clarify the intent of the measures.

4-1 Biological Assessment & Focused Surveys

The City shall require applicants for future ~~For each~~ development or redevelopment projects that ~~would~~ disturb vegetated, vacant land pursuant to the ~~General Plan Update and subject to CEQA~~ to prepare a biological resources survey. The survey shall be conducted by a ~~a~~ qualified biologist. The biological resources survey shall include, but not be limited to:

- Analysis of available literature and biological databases, such as the California Natural Diversity Database, to determine sensitive biological resources that have been reported historically from the proposed development project vicinity.
 - Review of current land use and land ownership within the proposed development project vicinity.
 - Assessment and mapping of vegetation communities present within the proposed development project vicinity.
 - Evaluation of potential local and regional wildlife movement corridors.
 - General assessment of potential jurisdictional areas, including wetlands and riparian habitats.
- a) If the proposed development project site supports vegetation communities that may provide habitat for special status plant or wildlife species, a focused habitat assessment shall be conducted by a qualified biologist to determine the potential for special status plant and/or animal species to occur within or adjacent to the proposed development project area.
- b) If one or more special status species has the potential to occur within the proposed development project area, focused species surveys shall be conducted to determine the presence/absence of these species to adequately evaluate potential direct and/or indirect impacts to these species.
- c) If construction activities are not initiated immediately after focused surveys have been completed, additional preconstruction special status species surveys may be required, in accordance with the California Endangered Species Act and Federal Endangered Species Act, to assure impacts are avoided or minimized to the extent feasible. If preconstruction activities are required, a qualified biologist will perform these surveys as required for each special status species that is known to occur or has a potential to occur within or adjacent to the proposed development project area.

3. Revisions to the Draft PEIR

The results of the biological survey shall be presented in a biological resources survey letter report (for proposed development projects with no significant impacts) or biological resources technical report (for proposed development projects with significant impacts that require mitigation to reduce the impacts to below a level of significance) and submitted to the City's Planning Director.

~~shall determine the potential for a potentially significant biological resource impact and determine whether a field survey of the project site is warranted. If warranted, a qualified biologist shall conduct a reconnaissance level field survey for the presence and quality of biological resources potentially affected by project development. These resources include, but are not limited to, special status species or their habitat, sensitive habitats such as wetlands or riparian areas, and jurisdictional waters. If sensitive or protected biological resources are absent from the project site and adjacent lands potentially affected by the project, the biologist shall submit a written report substantiating such to the City of Clovis before issuance of a grading permit by the City, and the project may proceed without any further biological investigation. If sensitive or protected biological resources are present on the project site or may be potentially affected by the project, implementation of Mitigation Measure 4-2 shall be required.~~

~~4-2 A qualified biologist shall evaluate impacts to sensitive or protected biological resources from development. The impact assessment may require focused surveys that determine absence or presence and distribution of biological resources on the site. These surveys may include, but are not limited to: 1) focused special status animal surveys if suitable habitat is present; 2) appropriately timed focused special status plant surveys that will maximize detection and accurate identification of target plant species; 3) a delineation of jurisdictional boundaries around potential waters of the United States or State. The results of these surveys will assist in assessing actual project impacts. Alternatively, the project applicant may forgo focused plant and animal surveys and assume presence of special status species in all suitable habitats on the project site. The qualified biologist shall substantiate the impact evaluation or the assumed presence of special status species in all suitable habitats onsite in a written report submitted to the City of Clovis before issuance of a grading permit by the City.~~

4-23 Resource Impact Avoidance/Minimization

~~Project applicants/ponents of projects developed pursuant to the General Plan Update shall avoid potential impacts to sensitive or protected biological resources. Depending on the resources potentially present on the project site, avoidance may include:~~

- ~~■ 4) establishing appropriate no-disturbance buffers around onsite or adjacent resources and/or (consultation with relevant regulatory agencies may be required to establish suitable buffer areas)~~

3. Revisions to the Draft PEIR

- ~~2) initiating construction at a time when special status or protected animal species will not be vulnerable to project-related mortality (e.g. outside the avian nesting season or bat maternal or wintering roosting season). Consultation with relevant regulatory agencies may be required in order to establish suitable buffer areas. If the project avoids all sensitive or protected biological resources, no further action is required. If avoidance of all significant impacts to sensitive or protected biological resources is not feasible, the project shall minimize such impacts as set forth in Mitigation Measure 4-4.~~
- ~~4-4 Proponents of projects developed pursuant to the General Plan Update shall design respective projects to minimize potential impacts to sensitive or protected biological resources in consultation with a qualified biologist and/or appropriate regulatory agency staff.~~
- ~~In addition to an environmentally sensitive project design, other minimizing impact by measures such as ation measures may include:~~
 - ~~1) exclusion and/or silt fencing;~~
 - ~~2) relocation of impacted resources;~~
 - ~~3) construction monitoring by a qualified biologist; and~~
 - ~~4) an informative training program conducted by a qualified biologist for construction personnel on sensitive biological resources that may be impacted by project construction. If minimization of all significant impacts to sensitive or protected biological resources is infeasible, the project shall compensate for such impacts as set forth in Mitigation Measure 4-5.~~

4-34

Compensatory Mitigation

If project-related impacts cannot be avoided or minimized to less than significant in accordance with Mitigation Measure 4-3; feasible, compensatory mitigation shall be developed by a qualified biologist and implemented to reduce impacts to sensitive or protected biological resources. A qualified biologist will develop appropriate mitigations that will reduce project impacts to sensitive or protected biological resources to a less than significant level. The type and amount of mitigation will depend on the resources impacted, the extent of the impacts, and the quality of habitats to be impacted. Mitigations may include, but isare not limited to:

- ~~1) Compensation for lost habitat or waters in the form of preservation or creation of in-kind habitat or waters, either onsite or offsite, protected by conservation easement;~~
- ~~2) Purchase of appropriate credits from an approved mitigation bank servicing the Clovis General Plan Update Area;~~

3. Revisions to the Draft PEIR

- ↷ Payment of in-lieu fees.

4-4 Jurisdictional Wetlands

The City shall require applicants of development projects that have the potential to affect jurisdictional resources, to contract with a qualified biologist to conduct a jurisdictional delineation following the methods outlined in the US Army Corps of Engineers Wetland Delineation Manual to map the extent of wetlands and nonwetland waters, determine jurisdiction, and assess potential impacts. The results of the delineation shall be presented in a wetland delineation letter report and shall be incorporated into the CEQA document(s) required for approval and permitting of the proposed development project.

Applicants of development projects that have the potential to impact jurisdictional features shall obtain permits and authorizations from the US Army Corps of Engineers, California Department of Fish and Wildlife, and/or Central Valley Regional Water Quality Control Board. The agency authorization would include impact avoidance and minimization measures as well as mitigation measures for unavoidable impacts. Specific avoidance, minimization, and mitigation measures for impacts to jurisdictional resources shall be determined through discussions with the regulatory agencies during the proposed development project permitting process and may include monetary contributions to a mitigation bank or habitat creation, restoration, or enhancement.

4-5 Migratory Birds

The City shall require applicants for new development projects to conduct a pre-construction general nesting bird survey within all suitable nesting habitat that may be impacted by active construction during the general avian breeding season (February 1 to August 31). The pre-construction surveys shall be conducted no more than fourteen days prior to initiation of construction. If no active avian nests are identified within the proposed development project area or within a 300-foot buffer of the proposed development project area, no further mitigation is necessary. If active nests of bird species covered by the Migratory Bird Treaty Act are detected within the proposed development project area or within a 300-foot buffer of the proposed development project area, construction shall be halted until the young have fledged, until a qualified biologist has determined the nest is inactive, or until appropriate mitigation measures that respond to the specific situation have been developed and implemented in consultation with the regulatory agencies.

Page 5.9-32, Section 5.9, *Hydrology and Water Quality*. The following proposed General Plan Update policies are added in response to Comment I1-3, from Joe and Carol Cusumano.

Public Facilities and Service Element

- **Policy 1.2 Water supply** - Require that new development demonstrate contractual and actual sustainable water supplies adequate for the new development's demands.

3. Revisions to the Draft PEIR

- **Policy 1.3 Annexation** - Prior to annexation, the city must find that adequate water supply and service and wastewater treatment and disposal capacity can be provided for the proposed annexation. Existing water supplies must remain with the land and be transferred to the City upon annexation approval.
- **Policy 1.4 Development-funded facilities** - The City may require developments to install onsite or offsite facilities that are in excess of a development's fair share. However, the City shall establish a funding mechanism for future development to reimburse the original development for the amount in excess of the fair share costs.

Environmental Safety Element

Goal 1: Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by natural hazards.

- **Policy 1.1 Flood Zone** - Prohibit development within the 100-year flood zone and dam inundation areas unless adequate mitigation is provided against flood hazards. Participate in the National Flood Insurance Program.

Open Space and Conservation Element

Goal 3: A built environment that conserves and protects the use and quality of water and energy resources.

- **Policy 3.1 Stormwater management** - Encourage the use of low impact development techniques that retain or mimic natural features for stormwater management.
- **Policy 3.2 Stormwater pollution** - Minimize the use of non-point source pollutants and stormwater runoff.
- **Policy 3.3 Well water.** Prohibit the use of new private wells in new development.

Page 5.17-14, Section 5.17, *Utilities and Service Systems.* The following impact statement is revised to more accurately reflect the analysis for Impact 5.17-1.

Impact 5.17-1: Although the 2010 Urban Water Management Plan indicates sufficient ~~There are adequate~~ planned water supplies to meet projected demand for the 2035 Scenario, the severity and uncertain duration of California's recent drought conditions makes water supply unreliable. Therefore, ~~Additional~~ water supply impacts are considered potentially significant under both the 2035 Scenario and Full Buildout. ~~would be required to meet the requirements of full General Plan buildout.~~ [Threshold U-4]