

FINAL

PROGRAM ENVIRONMENTAL IMPACT REPORT

REEDLEY GENERAL PLAN 2030

SCH #2010031106

PREPARED FOR

City of Reedley

February 18, 2014

REEDLEY GENERAL PLAN 2030

FINAL EIR

SCH #2010031106

PREPARED FOR
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City of Reedley Community Development Department
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February 18, 2014

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1.0

INTRODUCTION

The City of Reedley, acting as the lead agency, determined that the proposed *Draft City of Reedley General Plan 2030* (City of Reedley 2012) (hereinafter “proposed project”, “proposed GPU”, or “GPU”) may result in significant adverse environmental effects, as defined by the California Environmental Quality Act (CEQA) Guidelines section 15064. Therefore, the City had a draft environmental impact report (Draft EIR) prepared to evaluate the potentially significant adverse environmental impacts of the project.

The Draft EIR has been prepared as a program EIR pursuant to CEQA Guidelines, Section 15168. A program EIR is the appropriate type of EIR for projects that consist of a series of actions that can be characterized as one large project, are related geographically, and act as logical parts in the chain of contemplated actions in connection with issuance of rules, regulations or plans. A program EIR allows for a more exhaustive consideration of effects and alternatives than would be practical in individual EIRs prepared for separate individual actions, and ensures consideration of cumulative impacts that might be slighted on a case-by-case basis. The Draft EIR provides a first tier analysis of the environmental effects of the proposed project and can be used to streamline the environmental review of future specific development projects proposed within the City, its existing SOI and the proposed SOI. The streamlining value of a program EIR is identified in Section 15152 of the CEQA Guidelines that addresses “tiering.” This process helps to avoid duplication of environmental analysis and may reduce the time and costs associated with preparing EIRs on more narrowly-defined projects. This programmatic level EIR will also inform future City determinations on the appropriate environmental review process for future specific development projects within the City and the proposed SOI.

The Draft EIR was circulated for public review from January 17, 2013 to March 4, 2013 and public comment was received. CEQA Guidelines section 15200 indicates that the purposes of the public review process include sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals.

Based on comments received from the Consolidated Irrigation District (CID) on the Draft EIR, the City elected to retain an expert in water and hydrology to prepare a report entitled *Groundwater Pumping, Recharge, and Consumptive Use in the Proposed City of Reedley Sphere of Influence* and to utilize additional information contained in the City's *2010 Draft Urban Water Management Plan*; modify the proposed GPU by incorporating additional text, policies, and graphics; modify specific sections of the Draft EIR that include the Summary, Section 2.2 - Agriculture and Forest Resources, Section 2.9 - Hydrology and Water Quality, Section 3.0 - Cumulative Impacts, and Section 4.0 - Alternatives, to incorporate new information and analysis; and recirculate these modified sections as a recirculated Draft EIR (RDEIR). The RDEIR was circulated for public review from October 11, 2013 to November 25, 2013 and additional public comments were received.

This final environmental impact report (Final EIR) has been prepared to address comments received during the public review periods for both the Draft EIR and the RDEIR.

ORGANIZATION OF THE FINAL EIR

CEQA Guidelines Section 15088.5(f)(2) describes the methodology and limits for responding to public comments received when both a draft EIR is prepared and when on portions of that draft EIR have been revised and recirculated:

(2) When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

Pursuant to these guidelines, the City included a request in the RDEIR that the public limit the scope of its comments on the RDEIR to the revisions to the Draft EIR. As part of this Final EIR, the City is; therefore, responding to comments on sections of the Draft EIR that were not recirculated for public review, and responding to comments on the sections of the EIR that were recirculated as part of the RDEIR. Given this methodology, the Final EIR is organized into the following sections:

- Section 1 contains an introduction to the Final EIR.
- Section 2 contains written comments on the Draft EIR and responses to comments on sections of the Draft EIR that were not recirculated as part of the RDEIR.
- Section 3 contains written comments on the RDEIR and responses to comments on the sections of the Draft EIR that were recirculated as part of the RDEIR.
- Section 4 contains changes to the Draft EIR summary text and to the RDEIR summary text resulting from comments on this respective section of each document.
- Section 5 contains the revisions to the text of the Draft EIR and to the text of the RDEIR resulting from comments on each document. Note that the sections included in the RDEIR replace the same sections found in the Draft EIR.
- Section 6 contains a summary of administrative corrections and clarifications within the Draft EIR and RDEIR that do not affect the technical analyses or conclusions contained in either document.

This FEIR contains two appendices. [Appendix A](#) contains modifications to goals and policies of the proposed GPU. These modifications are in addition to those dated October 2013 contained in Appendix A of the RDEIR. [Appendix B](#) contains additional information on the status of Williamson Act contracts for properties in the Reedley planning area.

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RESPONSES TO COMMENTS ON THE DRAFT EIR

CEQA REQUIREMENTS

CEQA Guidelines section 15132(c) requires that the Final EIR contain a list of persons, organizations, and public agencies that have commented on the Draft EIR. A list of the correspondence received during the public review period is presented below.

CEQA Guidelines sections 15132(b) and 15132(d) require that the Final EIR contain the comments and recommendations received on the draft EIR either verbatim or in summary that raise significant environmental points in the review and consultation process, and written response by the lead agency to those comments. A copy of each correspondence received during the public review period for the Draft EIR is presented on the following pages. Numbers along the margin of each comment letter identify individual comments to which a response is provided. Responses are presented starting on the page which immediately follows each letter. Where required, revisions have been made to the text of the Draft EIR based on the responses to comments. These revisions are included in Section 4.0, Changes to the Draft EIR and Recirculated Draft Summary, and in Section 5.0, Changes to the Draft EIR and RDEIR.

COMMENTS ON THE DRAFT EIR AND LEAD AGENCY RESPONSES TO COMMENTS

The following correspondence was received during the 45-day public review period on the Draft EIR:

1. Central Valley Flood Protection Board (CVFPB) (February 14, 2013)
2. Alta Irrigation District (February 22, 2013)
3. O'Neill Vintners & Distributors (February 26, 2013)
4. San Joaquin Valley Air Pollution Control District (SJVAPCD) (February 28, 2013)
5. California Department of Transportation (Caltrans) (March 1, 2013)
6. Consolidated Irrigation District (CID) (March 4, 2013)

Table 1 below summarizes the general topics of comments on significant environmental issues addressed in the Draft EIR included in each comment letter.

Table 1 Agencies/Persons Commenting on the Draft EIR and Environmental Issues Addressed

	Aesthetics	Agriculture ¹	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality & Supply ¹	Mineral Resources	Noise	Traffic/Circulation	Utilities/Service Systems	Cumulative Impacts ¹	Alternatives ¹
CVFPB									X						
Alta Irrigation District									X				X		
O'Neill Vintners															X
SJVAPCD			X												
Caltrans												X			
CID		X							X					X	X

Source: EMC Planning Group 2013

Notes: ¹Denotes sections of the Draft EIR that were revised and recirculated in the RDER.

Scope of Responses to Comments

As described in Section 1.0, Introduction, responses provided in this section of the Final EIR are limited to comments received during the Draft EIR circulation period that relate to chapters or portions of the Draft EIR that were not revised and recirculated. Responses to comments on the portions of the Draft EIR that were recirculated as part of the RDEIR are provided in Section 3.0, Responses to Comments on the Recirculated Draft EIR.

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
 SACRAMENTO, CA 95821
 (916) 574-0609 FAX: (916) 574-0682
 PERMITS: (916) 574-2380 FAX: (916) 574-0682



February 14, 2013

Mr. Kevin Fabino
 City of Reedley
 1733 9th Street
 Reedley, California 93654



Subject: Reedley General Plan
SCH Number: 2010031106
Document Type: Draft EIR

Dear Mr. Fabino:

Staff of the Central Valley Flood Protection Board (Board) has reviewed the subject document and provides the following comments:

1. The proposed project is located adjacent to or within the Kings River which is under the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance, and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be utilized within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection, and flood fight procedures (CCR Section 131).

Mr. Kevin Fabino
February 14, 2013
Page 2 of 2

Vegetation requirements in accordance with Title 23, Section 131 (c) states "Vegetation must not interfere with the integrity of the adopted plan of flood control, or interfere with maintenance, inspection, and flood fight procedures."

The accumulation and establishment of woody vegetation that is not managed has a negative impact on channel capacity and increases the potential for levee over-topping. When a channel develops vegetation that then becomes habitat for wildlife, maintenance to initial baseline conditions becomes more difficult as the removal of vegetative growth is subject to federal and State agency requirements for on-site mitigation within the floodway.

Hydraulic Impacts - Hydraulic impacts due to encroachments could impede flood flows, reroute flood flows, and/or increase sediment accumulation. The project should include mitigation measures for channel and levee improvements and maintenance to prevent and/or reduce hydraulic impacts. Off-site mitigation outside of the State Plan of Flood Control should be used when mitigating for vegetation removed within the project location.

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvfpb.ca.gov/>. Contact your local, federal and State agencies, as other permits may apply.

The Board's jurisdiction, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways can be viewed on the Central Valley Flood Protection Board's website at <http://gis.bam.water.ca.gov/bam/>.

If you have any questions, please contact me by phone at (916) 574-0651, or via email at jherota@water.ca.gov.

Sincerely,



James Herota
Staff Environmental Scientist
Projects and Environmental Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, California 95814

1. Responses to Comments from the Central Valley Flood Protection Board

- 1-1. The City acknowledges the CVFPB's jurisdiction over the construction, maintenance, and protection of adopted flood control plans that protect public lands from floods, including floods on the Sacramento River, the San Joaquin River, and the Kings River.

The Draft EIR takes into account a series of actions that are usually characterized as one larger project in connection with the issuances of rules, regulations, and plans as stated in CEQA Guidelines section 15168. The proposed GPU provides direction for decision-making on development proposals and day-to-day actions of the City's elected officials and staff, including projects that propose actions which affect resources and issues within the CVFPB's jurisdiction. Should such a development project be submitted to the City, the City would request early consultation with and input from the CVFPB as part of the project level development review and CEQA processes, pursuant to Section 21080.3. The input would be used to consider and/or require conditions of project approval to ensure consistency with CVFPB standards.

At this time, there are no project specific entitlement applications associated with the proposed GPU, or on file with the City for which consultation with the CVFPB is necessary.



ALTA IRRIGATION DISTRICT

BOARD OF DIRECTORS

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CONTROLLER/TREASURER

February 22, 2013

Kevin Fabino
Community Development Department
City Hall
1733 Ninth Street
Reedley, CA 93654



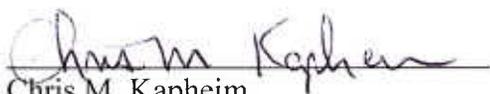
Re: City of Reedley General Plan 2030

Alta Irrigation District did review the City of Reedley General Plan 2030 and would offer the following comments:

1. Under OTHER LAND USE Policies, Page 44, LU 2.7.70, please eliminate the words canal and canal banks from the text. The resulting sentence should read "Pipeline easements shall be investigated for use as public open space features, with landscaped pathways with the easement."
2. In Chapter Five Safety Element, Section 5.0 INTRODUCTION Goals, add SE 5.0D, stating "Prevent and minimize personal injury and loss of life and thereby reducing liability issues relating to open canals in urban areas by requiring such open canals to be pipelined subject to urban development projects."

Sincerely,

ALTA IRRIGATION DISTRICT


Chris M. Kapheim,
General Manager

2. Responses to Comments from the Alta Irrigation District

- 2-1. The City has considered the Alta Irrigation District's recommended change to proposed GPU policy LU 2.7.70 to delete reference to "canals and banks", and its recommendation to add a new goal statement to the Safety Element of the proposed GPU that addresses public safety/liability associated with open canals in urban areas. These recommendations were discussed directly with the Alta Irrigation District in February 2013. The City concurs with the Alta Irrigation District recommendations.

GPU policy LU 2.7.70 has been modified consistent with the recommended change. In addition, a new Goal statement (Goal SE 5.0E) has been added to address liability issues raised by the Alta Irrigation District regarding open canals in newly developing urban areas. Refer to [Appendix A](#) of this Final EIR which contains modifications to proposed GPU goals and policies, including these noted modifications. These modifications will be considered by the City Council as part of its deliberations to certify the Final EIR and approve the proposed GPU.



February 26, 2013

City of Reedley – Community Development Department
Attn: Mr. Kevin E. Fabino
City Hall – 1733 Ninth Street
Reedley, CA 93654

Re: Proposed Land Use Additions and Changes

Dear Mr. Fabino:

Upon review of the **2030 General Plan Update** for the City of Reedley, it has come to our attention that the map of *Proposed Land use Additions and Changes* includes our winery facility, located at 8418 S. Lac Jac Ave., within the City’s proposed Sphere of Influence (SOI).

1. Due to the nature of our operations, we believe it’s in the best interest of O’Neill Beverages Co. LLC that the winery facility and the agricultural land east of the winery facility remain outside the city’s SOI. We are also requesting a clarification on the current SOI to determine the exact boundary in relation to the Kings River.
2. Given the potential impacts to our business, we support and respectfully request the City of Reedley adopt, the *Alternative – Proposed Land Use Additions and Changes*. The alternative reduces the potentially significant and applicable impacts to our business and the agricultural properties adjacent to our facility.
3. I appreciate the opportunity to comment on the proposed General Plan Update and related SOI change. I look forward to being involved in the hearing process. If you have any questions, please feel free to contact me.

Sincerely,

Matthew S. Towers
Chief Operating Officer

Cc: Jeffrey B. O’Neill

3. Responses to Comments from O’Neill Vintners & Distillers

- 3-1. The City hosted a series of public informational meetings to develop the general policy framework for the proposed GPU. During that time, the City received numerous letters from land owners, including one from O’Neill Vintners & Distillers, who requested that their land be removed from the proposed Sphere of Influence (SOI).

As part of the CEQA process to identify alternatives to the proposed GPU, the City carefully reviewed and considered the previous request letters. Due to an administrative error the subject property was not initially removed from the proposed SOI prior to the completion of the Draft EIR. City staff contacted O’Neill Vintners’ representative to discuss the request to remove the subject property from the SOI. The request was subsequently verified in writing by the representative. The Proposed SOI and Land Use Changes alternative included in Draft EIR Section 4.0, Alternatives, show that the subject property has been removed from the future SOI. The decision to adopt the proposed GPU or amend the proposed GPU consistent with the Proposed SOI and Land Use Changes alternative rests with the City Council and will be made as part of its deliberations to certify the Final EIR and approve a GPU.

- 3-2. The Kings River is under the authority of the State of California, even though the underlying land owner’s property may actually encroach into the river. The Assessor’s Parcel Map for the property indicates that the property line is coterminous with the centerline of the river. The City’s proposed SOI boundary follows that centerline. The City is not intending to encroach onto any private property.
- 3-3. The landowner will be notified of public hearings where certification of the Final EIR and approval of the proposed GPU will be considered.



February 28, 2013

Kevin Fabino
 City of Reedley
 Planning Department
 1733 Ninth Street
 Reedley, CA 93654



Project: Draft EIR for the Reedley General Plan 2030
District Reference No: 20130050

Dear Mr. Fabino:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the subject project and offers the following comments:

Compliance with AB 170

1. The Air Quality Element includes the following discussions: (1) a description of local air quality conditions, attainment status, and state and federal air quality plans; (2) a summary of local, district, state, and federal policies, programs, and regulations to improve air quality; (3) a comprehensive set of goals, policies, and objectives to improve air quality; and (4) feasible implementation measures designed to achieve these goals. As such, the Air Quality Element includes the discussion of the San Joaquin Valley's air quality status and strategies to improve air quality as required by AB 170 (Reyes).

Consultation with the District

2. The General Plan contains policies and implementation programs requiring the City to accurately assess impacts on air quality using District resources and programs and to coordinate with the District to minimize air impacts from projects subject to CEQA review. The District appreciates the City's ongoing commitment to working with the District and appreciates the opportunity to aid the City in identifying and mitigating impacts on air quality through the CEQA review.

Seyed Sadredin
 Executive Director/Air Pollution Control Officer

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 Modesto, CA 95356-8718
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 Fresno, CA 93726-0244
 Tel: (559) 230-6000 FAX: (559) 230-6061

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

1. cont.

process. To aid the City in determining a project's potential impacts, the District recommends that CEQA referral documents submitted to the District include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources. CEQA referral documents should be submitted to the District's CEQA Division located at the District's Central Office. To minimize paper consumption and help expedite project review, the District recommends that CEQA referrals be submitted via e-mail at CEQA@valleyair.org.

Future Development

3. The Sphere of Influence expansion to 2,983 acres itself will not have an impact on air quality. However, future development within the area will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. New development may require further environmental review and mitigation. The District makes the following recommendations regarding future development:
 - A. Accurate quantification of health risks and operational emissions requires detailed site specific information, e.g. type of emission source, proximity of the source to sensitive receptors, and trip generation information. The required level of detail is typically not available until project specific approvals are being granted. Thus, the District recommends that potential health risks be further reviewed when approving future projects, including those that would be exempt from CEQA requirements. Specific consideration should be given when approving projects that could expose sensitive receptors to toxic air contaminants (TACs). If the analysis indicates that TACs are a concern, the District recommends that a Health Risk Assessment (HRA) be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. If there are questions regarding health risk assessments, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at hramodeler@valleyair.org. Additional information on TACs can be found online by visiting the District's website at http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.
 - B. Construction Emissions – The EIR concludes that construction emissions will have a less than significant impact on air quality with compliance to policies contained in GPU Sections 4.4 and 4.6, in addition to compliance with air district requirements. In order to conclude that the construction exhaust emissions would be less than significant, mitigation measures reducing construction exhaust emissions must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines §15126.4, subd.(a)(2)). Feasible mitigation of construction exhaust emission includes use of construction equipment powered by engines meeting, at a minimum, Tier II emission standards, as set forth in

§2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends incorporating, as a condition of project approval, a requirement that off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier II emissions standard of 4.8 NO_x g/hp-hr. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.

- C. As stated in the EIR, future projects may be subject to District Rule 9510 (Indirect Source Review). The District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit for each project phase including payment of all applicable fees, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.
- D. Individual development projects may also be subject to the following District rules: Regulation VIII, (Fugitive PM₁₀ Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- E. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

Education

- 5. The District appreciates the City's support and continued efforts to educate the public on the air quality (COSP4.4.13-15). The District agrees that education is a key component of improving air quality in the San Joaquin Valley.
 - A. The District has developed a school program for those schools wishing to add air quality education to their curriculum. The program includes District speakers, student workbooks and teaching aids. More information on the District's school curriculum can be found on the District website at: <http://www.valleyair.org/kids/KidsElemCurr.htm>.

- B. The District has developed an air quality flag program in which various colored flags serve as a visual communicator of daily air quality indicators and health descriptors of the Air Quality Index. More information on the District's flag program can be found on the District website at:
http://www.valleyair.org/Programs/FlagProgram/AirQualityFlagProgram_idx.htm.
- C. The District has a variety of publications available to the public, including compliance assistance bulletins and brochures on the District's grant and incentive and Healthy Air Living programs. For more information on District publications and the availability of reference materials, please contact the District's Outreach and Communication Department staff by phone at (559) 230-6000 or e-mail at public.education@valleyair.org.
- D. The District has developed a Real-Time Air Advisory Network (RAAN), which is a free, state of the art system specifically designed to inform the Valley residents about local air quality based on the following tools:
- Online, 24/7 access to the most up-to-date hourly air quality information the area
 - Automated email or text notification whenever air quality is poor in the area
 - Specific health guidelines for outdoor exercise based on 5 different air quality levels
- For more information the District's RAAN, please visit the following website:
http://www.valleyair.org/Programs/RAAN/raan_landing.htm

Additional Comments:

2. 6. The California Air Resources Board (ARB) approved the District's 2012 PM2.5 Plan at a public hearing on January 24, 2013. The plan, approved by the District Governing Board on December 20, 2012, will bring the Valley into attainment of EPA's 2006 PM2.5 standard by the 2019 deadline, with most areas seeing attainment well before then. As a result, the District recommends including the 2012 PM2.5 Plan into the EIR and the City of Reedley, 2030 General Plan. More information on the 2012 PM2.5 Plan can be found at:
http://www.valleyair.org/Air_Quality_Plans/PM25Plans2012.htm
3. 7. At the Federal level, the District is designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM10 and CO, and nonattainment for PM2.5. At the State level, the District is designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 standards. The federal 1-hour ozone was revoked in 2005. The District recommends the discussions in the EIR (page 2-39) and City of Reedley, 2030 General Plan (page 80 and Appendix A page 118) are amended to reflect the current attainment status. More information on the District's current attainment status can be found on the District's website at:
<http://www.valleyair.org/airinfo/attainment.htm>.

4. 8. In the Impact AQ-1 section of the EIR, the District recommends clarifying the following statement because there seems to be a word missing:

“The City’s implementation of the proposed GPU conservation, Open Space, and Parks and Recreation policies identified earlier in this analysis would air emissions for which the air basin is in non-attainment and for which the air quality management plans have been developed.”

If you have any questions or require further information, please call Angel Lor at (559) 230-5808.

Sincerely,

Dave Warner
Director of Permit Services



For: Arnaud Marjollet
Permit Services Manager

DW:al

4. Responses to Comments from SJVAPCD

- 4-1. The SJVAPCD acknowledges that the required elements of air quality planning and mitigation are included in the proposed GPU consistent with requirements of Assembly Bill 170. The SJVAPCD also describes air quality analysis methodologies, project review processes, and air quality rules and regulations to be considered for future individual projects as development proceeds consistent with the proposed GPU. The City recognizes that future individual development projects proposed within the City must comply with all rules and regulations promulgated by the SJVAPCD.

The City will facilitate compliance as part of its development review and CEQA review processes conducted for future individual development projects through early and frequent consultation, pursuant to CEQA section 21080.3. This fact is demonstrated through a variety of policies contained in the proposed GPU. Examples include policy COSP 4.4.1, which requires evaluation of project air quality impacts using analysis methodologies and thresholds recommended by the SJVAPCD, and policy COSP 4.4.2, which commits the City to reducing the cumulative contribution of individual projects to cumulative air quality impacts.

- 4.2 In response to the SJVAPCD's recommendation to include reference to its 2012 PM_{2.5} Plan in the proposed GPU, the City included the new information in Appendix A of the proposed GPU that was circulated for public review along with the RDEIR. Page 2-28 of the Draft EIR has been modified to include this information as described in Section 5.0, Changes to the Draft EIR and Recirculated Draft EIR. These changes were incorporated into the revised GPU, dated February 18, 2014.
- 4.3 The SJVAPCD's proposed changes to page 2-36 of the Draft EIR to reflect the attainment status for federal and state ozone, PM₁₀ and CO are accepted and are reflected in Section 5.0, Changes to the Draft EIR and Recirculated Draft EIR.
- 4.4 The omission of a word in the discussion of Impact AQ-1 on page 2-49 of the Draft EIR has been rectified with a text change shown in this Final EIR in Section 5.0, Changes to the Draft EIR and Recirculated Draft EIR.

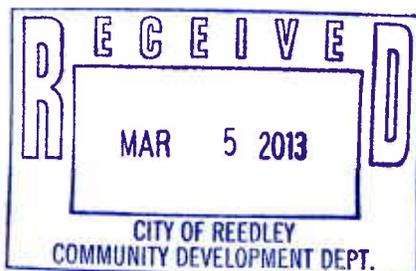
DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
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March 1, 2013



2131-IGR/CEQA
 6-FRE-GEN
 NOP DRAFT EIR
 REEDLEY GPU
 SCH 2010031106

Mr. Kevin Fabino
 Community Development Director
 City of Reedley
 1733 Ninth Street
 Reedley, CA 93654

Dear Mr. Fabino:

We have completed our review of the Draft Environmental Impact Report (EIR) for the City of Reedley's General Plan 2030. A Transportation Impact Analysis Report (TIA) has been prepared to evaluate the transportation impacts of implementing the proposed General Plan. Caltrans has the following comments:

1. The TIA summarizes the City of Reedley's existing transportation facilities and circulation system in the context of a regional setting. The report also presents existing and projected future levels-of-service (LOS) on critical City facilities. Even though State facilities were not included in the report, Caltrans concurs with previous staff's comments that individual project-generated trips are expected to have impacts to the State Route (SR) 99 interchange at Manning Avenue. Therefore a Traffic Impact Study (TIS) could be needed to assess impacts and appropriate mitigation measures for particular projects in the future.

Based upon Caltrans review of previous traffic studies, Caltrans has indicated the need for the following future improvements:

- Northbound off-ramp to Manning Avenue – Add signal.
- Southbound off-ramp to Manning Avenue – Add signal.
- Manning Avenue over cross – Widen the over cross and add westbound left-turn lane at the northbound on-ramp.

If you have any questions, please call me at (559) 488-7307.

Sincerely,

JENNIFER BRYAN-SANCHEZ
 Office of Transportation Planning
 District 06

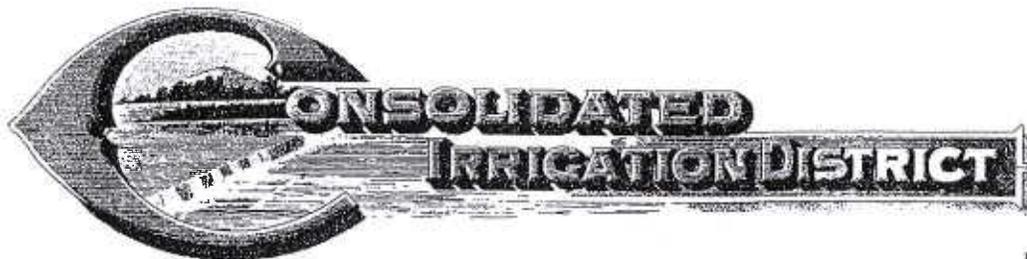
C: SCH

5. Responses to Comments from Caltrans

- 5-1. The City acknowledges Caltrans's comment that traffic impact studies for individual future projects proposed within the City may be necessary to determine the incremental contributions of such projects to cumulative traffic volumes at the State Route 99/Manning Avenue interchange. This issue was discussed with Caltrans staff during the Draft EIR preparation process.

Policy CIR 3.2.28 in the proposed GPU requires that traffic impact studies be prepared for projects whose trip volumes exceed quantified trip generation thresholds described in the policy. The mechanism for requiring traffic impact studies is specified in the GPU. Projects whose traffic generation exceeds any one of the three thresholds would likely trigger CEQA review. Through the CEQA review process, the City would initiate early consultation with Caltrans regarding potential project impacts on and mitigation for circulation facilities for which Caltrans has jurisdiction.

Proposed GPU policy CIR 3.2.29 specifies that the City will continue to seek and secure financing for all components of the transportation system through the use of special taxes, assessment districts, developer dedications, and fees, or other appropriate mechanisms. As described in Section 2.12, Transportation and Traffic in the Draft EIR, the Fresno Council of Government's 2010 Regional Transportation Plan identifies regional transportation network improvements that are needed to mitigate the impacts of cumulative development, including development within the City of Reedley, on the regional road and highway network. As a condition of approval, the City would require that developers pay regional traffic impact fees as may be required to implement the improvements defined in Regional Transportation Plan. Pursuant to CEQA Guidelines section 15130(a)(3), payment of a fair share of fees to be used to alleviate a cumulative impact to which a project contributes is considered adequate mitigation, under certain circumstances, for the project contribution to that cumulative impact.



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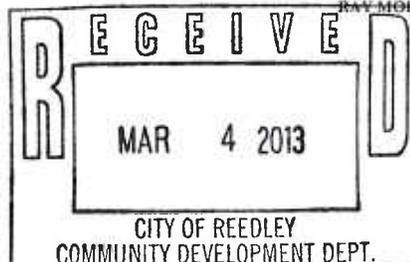
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March 4, 2013

Kevin Fabino, Director of Community Development
 City of Reedley, Community Development Dept., City Hall
 1733 Ninth Street
 Reedley, CA 93654



*4.45 P.M.
 JW*

Re: Comments on Reedley General Plan 2030 Draft Environmental Impact Report (GP Amendment Application No. 2012-002 & SCH # 2010031106)

Dear Mr. Fabino:

Thank you for the opportunity to submit the following comments on the above referenced project. CID is concerned about this project because a portion of the sphere is located within the boundaries of CID and because the project will substantially contribute to the depletion of the Upper Kings River Aquifer which CID's farmers depend upon for their water. We do not believe we were given notice of the NOP for this EIR so this is our first opportunity to present to you our concerns about this project and EIR.

For a variety of reasons, the Draft EIR ("DEIR") for the City of Reedley General Plan 2030 update ("GPU") falls short of compliance with the California Environmental Quality Act ("CEQA").¹ As described in greater detail below, the DEIR fails to adequately analyze and mitigate for impacts to agriculture, air quality and water supply. The pervasive flaws in the document demand that the DEIR be substantially modified and recirculated for review and comment by the public and public agencies.

I. General Comments

A. The Record of Proceedings for this Project

CID has experienced severe problems obtaining an adequate record for previous CEQA suits. While one can hope that the City will consider our comments carefully and render a lawsuit unnecessary, nevertheless prudence dictates that we take steps to insure an adequate record here. The City Council must make its decision based on the "whole of the record". The record is defined by PRC§21167.6(e). Therefore we request that the City preserve in full, as required by law, all recordings of meetings in which the GPU is discussed, all emails and internal correspondence and all materials relied upon by city staff, consultants and subconsultants in the preparation of the EIR, whether in hard copy or electronic form. This includes all emails by and

¹ Public Resources Code § 21000 *et seq.*

to consultants and subconsultants in connection with the preparation of the EIR and draft documents.

B. The EIR Improperly Attempts To Avoid Analysis And Mitigation Of GPU Impacts By Concluding That They Are Significant And Unavoidable

Where all available feasible mitigation measures have been proposed but are inadequate to reduce an environmental impact to a less-than-significant level, an EIR may conclude that the impact is significant and unavoidable, and if supported by substantial evidence, the lead agency may make findings of overriding considerations and approve the project anyway. (See CEQA Guidelines §§ 15091, 15093 and 15126.2.) Crucially, however, the lead agency may not simply throw up its hands, conclude that an impact is significant and unavoidable, and move on. A conclusion of residual significance does not excuse the agency from (1) performing a thorough evaluation and description of the impact and its severity before and after mitigation, and (2) proposing *all* feasible mitigation to “substantially lessen the significant environmental effect.” (CEQA Guidelines § 15091(a)(1); see also § 15126.2(b) [requiring an EIR to discuss “any significant impacts, *including those which can be mitigated but not reduced to a level of insignificance*”], emphasis added.) “A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely.” (Stephen Kostka & Michael Zischke, *Practice Under the California Environmental Quality Act*, § 14.6 (2d ed. 2008).)

2. | The EIR finds six important areas of significant and unavoidable impacts. In numerous instances, the EIR fails to thoroughly assess impacts deemed to be significant and unavoidable or to identify all feasible mitigation measures to reduce the severity of the impacts. For example, the DEIR finds that the GPU will conflict with the air quality management plans of the San Joaquin Valley Air Basin and that the GPU will significantly increase emissions of criteria pollutants, and finds these impacts significant and unavoidable. As for mitigation, the DEIR concludes that there is “None required.” The DEIR also finds significant and unavoidable impacts to climate change, but defers development of a climate action plan to an undetermined point in the future.

3. | Of greatest concern to Consolidated Irrigation District (“CID”) is the DIER’s conclusion that the GPU will result in an increased demand for groundwater and will worsen overdraft conditions, resulting in significant and unavoidable impacts (HYD-1), and then deferring analysis and mitigation by stating that “[t]he City will prepare a water supply plan to identify alternative sources of water supply to substantially reduce impacts of increased demand on groundwater overdraft in the Kings basin.” (*Id.*) This refusal to adequately analyze and mitigate for these significant impacts to water supply may not be excused by finding the impacts significant and unavoidable.

C. Merely Hortatory General Plan Policies Are Inadequate As Mitigation For CEQA Purposes

Mitigation measures proposed in an EIR must be “fully enforceable” through permit conditions, agreements or other legally binding instruments. (Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).) Many of the GPU policies and programs relied on to “mitigate” impacts are vague, optional, directory, or otherwise unenforceable. A few examples – out of numerous instances – include the following:

- LU 2.5.1: Within areas outside the city limits, the City should *encourage* Fresno County to: (a) Maintain an exclusive agricultural zone district. (b) Maintain a minimum permitted lot size for agricultural land which assures that the land can be used for agricultural purposes.
- LU 2.5.5 *Consider evaluating and adopting* an agricultural land mitigation policy.
- LU 2.5.11: The Plan *should foster the establishment* of a concentrated urban development pattern, with land outside the planned urban area being designated exclusively for Agriculture.
- Policy CIR 3.10.4: *Support efforts* to expand surface water supply and storage that benefits the City. These efforts should include water banking and treatment.
- Policy CIR 3.10.7: *Cooperate* with surrounding water management and irrigation districts in a comprehensive water management and recharge program with the long-term goal of stabilizing the groundwater basin.
- Policy CIR 3.10.9: *Encourage* private sector use of alternative water sources to achieve a water balance, including reclaimed water for irrigation and landscaping purposes.

4. A general plan's goals and policies are necessarily somewhat vague and aspirational. However, the City may rely on such policies to mitigate environmental impacts under CEQA only if they are proposed to be implemented through specific implementation programs that represent a firm, enforceable commitment to mitigate. (See *Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 358, citing *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 377.) CEQA requires that mitigation measures actually be implemented – not merely adopted and then disregarded. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186-87; *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) By contrast, the GPU's vague and noncommittal policies and programs (and policies for which no implementation programs are identified) allow the City to decide to take no action and thus fail to mitigate the impacts.

As a result, the EIR cannot ensure that the policies relied on will in fact be implemented

5. **D. Unsupported Population Projections**

One of the most fundamental factual premises of the proposed General Plan and DEIR is that the City's population will increase at a rate of 3% per year. (DEIR, p. 1-34.) If this level of growth occurs, the population of Reedley will increase to 47,369 by 2030. However, there is little justification in the report for selection of the 3% growth figure. Just using the figures in the GPU and DEIR for the last 20 years from 1992 (17,183) to Department of Finance 2012 estimate (24,622), the average growth rate has been 2.16%. This is nearly a 1/3rd reduction from the chosen projection 3% rate. Using the 20 year average (which is most appropriate for a roughly 20 year plan life) the projected population more realistically will be 35,284.

The DEIR acknowledges that the GPU creates a "holding capacity" for the City at full buildout of 71,159 people. (*Id.*) The DEIR states that full buildout is assumed for purposes of analyzing impacts, but there is no explanation anywhere in the DEIR as to why the GPU provides

5. cont. for development that would accommodate population growth that is double what can be realistically expected using the past 20 years growth.

There is no substantial evidence cited anywhere in the GPU or DEIR to support this arbitrary determination of land for urban development where it has been acknowledged that much of it is unnecessary. Yet it is this determination that is used to justify proposed conversion of hundreds of additional acres of prime and important agricultural land around the City.

An unsupported and excessive growth rate and desire for additional "holding capacity" results in the unnecessary identification of farmland and open space for conversion to urban uses. This is an abuse of discretion and a violation of the State Planning Laws and of CEQA.

II. Specific CEQA violations

A. Impacts to agriculture

The DEIR finds that the Project will result in conversion of approximately 2,440 acres of Prime Farmland; 1,662 acres of Farmland of Statewide Importance; and 78 acres of Unique Farmland for a total of 4,180 acres of Important Farmland into other land uses, and concludes that this is a "significant and unavoidable" impact. (DEIR, p. 2-14.) The DEIR discusses some policies, many of which are advisory, and states that additional mitigation will be: "None." (DEIR, p. 2-20.)

Upon finding a significant environmental effect, CEQA mandates mitigation unless no possible measures exist. (Pub. Res. Code § 21002.) Mitigation is divided into operative categories. (CEQA Guidelines §15370.) In general, mitigation includes avoiding or altering the causative action (§15370(a), (b)), attacking the resultant impact through restoration, rehabilitation or preservation (§15370(c), (d)) or compensating for impact through resource replacement or substitution (§15370(e)). The Legislature has found that conservation easements, which fall into the later category, may be used to mitigate impacts associated with conversion of unique land types. (Pub. Res. Code § 21083.4 (b) [Conversion of oak woodlands may be mitigated through direct purchase of oak woodland conservation easements or contribution of funds to a conservation easement acquisition program].)²

6. The EIR for the Project, however, does not include any specific measures to mitigate the adverse environmental impact of eliminating Prime and Important Farmland.

This is an example of an area of impact where the EIR concludes that the impact will be significant and unavoidable, and then improperly abandons the development and adoption of mitigation measures. The requirement that mitigation measures be adopted depends upon the economic and technical feasibility and practicality of the measures, and whether they will

² Cases recognize the efficacy and legality of conservation easements as mitigation for conversion of unique land forms to development. See e.g., *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1409 (species); *A Local and Regional Monitor v. City of Los Angeles* (1993) 12 Cal.App.4th 1773, 1783 (developer was required to pay a fee to support open space in the area to be developed).

6. cont. | substantially lessen the significant environmental effects of the project. (Pub. Res. Code §§ 21002, 21081(a)(3); *A Local & Regional Monitor v. City of Los Angeles* (1993) 12 Cal.App.4th 1773, 1790.)

The protection of prime farmland in California occupies a central position in numerous state laws and CEQA itself. Mitigation may include “[c]ompensating for the impact by replacing or providing substitute resources or environments.” (CEQA Guidelines § 15370(e).) Conservation easements are an appropriate and desirable means of protecting agricultural lands against conversion to urban use. (Pub. Res. Code §§ 10201-10202.) The Legislature has determined that the preservation of the limited supply of agricultural land is necessary for the maintenance of California’s agricultural economy and the state’s economy. (Govt. Code § 51220.) In 1979, the Legislature provided for the enforceability of conservation easements. (See Civ. Code §§ 815-816.) The Legislature found and declared that “the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California.” (Civ. Code § 815.) The Agricultural Land Stewardship Program Act of 1995 establishes a state program to promote the establishment of agricultural easements. (Pub. Res. Code § 10200 *et seq.*)

The Legislature also declared the intent, among other things, to “(c) Encourage long-term conservation of productive agricultural lands in order to protect the agricultural economy of rural communities, as well as that of the state, for future generations of Californians. [¶] (d) Encourage local land use planning for orderly and efficient urban growth and conservation of agricultural land. [¶] (e) Encourage local land use planning decisions that are consistent with the state’s policies with regard to agricultural land conservation...” (Pub. Res. Code § 10202.)

The EIR concludes that the Project will result in a loss of over 4,000 acres of prime and important farmland. The effects on the environment consist of both direct and indirect impacts. (CEQA Guidelines § 15358.) The direct effects of conversion include the loss of the land converted. The indirect effects of the instant Project, among others, include the resultant increased development pressures on remaining farmland. (*DeVita v. County of Napa* (1995) 9 Cal.4th 763, 791.)

7. | The EIR fails to evaluate feasible, enforceable mitigation measures as required by CEQA, and ensure that the measures are effective and enforceable. There are several obvious and normally feasible mitigation measures that the DEIR fails to consider: 1) reduce the area of the proposed City Sphere and Planning Area to that which can serve the realistically expected population and 2) require farmland conservation easements for farmland converted.

8. | The City proposes an artificial and excessive growth projection and then adds an arbitrary “holding capacity” on top of that. Reduction of the Sphere and Planning Area to an area more consistent with past growth projections would allow significant reductions in the acreage of farmland to be converted. Such a mitigation measure would be particularly necessary in this EIR because that is almost certainly a mitigation to be considered by Fresno LAFCo when the City proposes this Sphere for its approval. As the Court indicated in *Habitat and Watershed Caretakers v. City of Santa Cruz* (6th District, Feb. 19, 2013) an EIR must not only consider the mitigation measures that the lead agency can impose but must also consider the mitigation measures that responsible agencies may impose. Here the Cortese Knox Hertzberg Act, Section 56377 requires Local Agency Formation Commissions to discourage premature conversion of

8. cont. | prime farmland in setting spheres of influence and this requirement is echoed in Fresno LAFCo policies. This proposal is virtually a “poster child” of the kind of excessive and unnecessary sphere expansion and resulting premature conversion of prime agricultural that Legislature intended to discourage.

9. | The use of conservation easements as compensatory mitigation must also be analyzed in the EIR. There is abundant evidence that such mitigation requirements are effective and feasible in California.

The City improperly avoids and defers this issue by including the following policy: “LU 2.5.5 Consider evaluating and adopting an agricultural land mitigation policy.” Merely making a vague commitment to “consider” the adoption of a mitigation policy at some unspecified future time does not meet CEQA’s requirements.

Many jurisdictions require purchase of conservation easements as mitigation for the conversion of agricultural lands to urban uses. The following are references to policies from the general plans and agricultural mitigation programs showing that agricultural mitigation is feasible and widely accepted as effective. These documents are encoded in law and publically available:

1. City of Brentwood Municipal Code Chapter 17.730
<http://www.brentwoodca.gov/boards/aarg/enterprise/ord683.cfm>
2. City of Davis Municipal Code Chapter 40A.03.0 . <http://qcode.us/codes/davis/>
3. City of Gilroy Agricultural Mitigation Policy
http://www.cityofgilroy.org/cityofgilroy_files/city_hall/community_development/planning/policy_handouts/AgPolicy505.pdf
4. Santa Clara County Local Agency Formation Council Agricultural Mitigation Policies
5. City of Winters Habitat Mitigation Policy
<http://www.cityofwinters.org/pdf/putahcreek/42208/Winters%20Habitat%20Mit%20Program%20FINAL%202May06.pdf>
6. Yolo County Code (excerpts of Title 8: Land Development and Zoning, Chapter 2: Zoning, Article 24: General Provisions)
7. Yolo County Local Agency Formation Commission Agricultural Conservation Policy
8. Stanislaus County Agricultural Element <http://www.co.stanislaus.ca.us/planning/pl/gp/gp-ag-element-b.pdf>.
9. Stanislaus County Agricultural Mitigation Program Guidelines
<http://www.co.stanislaus.ca.us/planning/pl/gp/gp-ag-element-b.pdf>.
10. South Livermore Valley Area Plan
11. Napa County General Plan
12. Solano County General Plan
13. City of Stockton Public Facilities Fee Program
http://qcode.us/codes/stockton/view.php?topic=16-3-16_72-16_72_260&frames=on

The EIR should also consider the report prepared by Fresno COG entitled “Model Farmland Conservation Program for Fresno County” which is located at http://www.fresnocog.org/files/FarmlandConservation/Fresno%20County%20Report_01-06-09.pdf (which document is requested to be included in the record of this project.) That report details the problem of agricultural land conversion in Fresno County and provides a model set of mitigation measures that could easily and feasibly be applied here to make this mitigation

measure actually work. As it stands, the City's current mitigation measures are so vague that it does not provide reasonable assurance that effective mitigation will actually occur.

B. Water supply

1. Technical documents

CID incorporates by reference the following studies regarding groundwater impacts in its comments and asked that they be included in the record. The first five are being provided on the attached Compact Disk. The remaining papers may be downloaded as PDF files direct from the website URL's provided below. Please advise and we will provide you with copies of any referenced document that you have difficulty obtaining.

- 1) Consolidated Irrigation District Groundwater Management Plan, GEI Consultants Inc., March 2009
- 2) Consolidated Irrigation District Urban Impacts Study, Summers Engineering Inc., July 2007
- 3) Technical Memorandum on the potential regional and local groundwater effects of urban growth in the CID service area, WRIME Inc., July 2007
- 4) Consolidated Irrigation District Urban Impacts White Paper, Summers Engineering Inc., November 2007
- 5) Upper Kings Basin Integrated Regional Water Management Plan, October 2012 (available at Kings River Conservation District website www.krcd.org at http://www.krcd.org/water/ukbirwma/docs_rept.html)
- 6) Kings Basin Integrated Groundwater Surface Water Model, WRIME Inc., November 2007 (available at Kings River Conservation District website www.krcd.org at http://www.krcd.org/water/ukbirwma/docs_rept.html)
- 7) Professional Paper 1766, Groundwater Availability of the Central Valley Aquifer, California, U.S. Geological Survey, 2009 (available at <http://pubs.usgs.gov/pp/1766/>.)
- 8) Professional Paper "Groundwater depletion and sustainability of irrigation in the US High Plains and Central Valley" Bridget R Scanlon, et,al, 2012 available at <http://ca.water.usgs.gov/pubs/ScanlonEtAl.pdf>
- 9) Decision of the Court of Appeals in *CID v Selma* 204 Cal.App.4th 187.
- 10) Cooperative Agreement between CID and the City of Kingsburg

2. Inadequate Project Description

Under CEQA, the inclusion in the EIR of a clear and comprehensive description of the proposed project is critical to accurate analysis of impacts and meaningful public review.

(County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 193 (“Inyo II”). The court in *Inyo II* explained why a thorough project description is necessary:

A curtailed or distorted project description may stultify the objections of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the “no project” alternative) and weigh other alternatives in the balance. (71 Cal.App.3d at 192-193.)

“A curtailed, enigmatic or unstable project description draws a red herring across the path of public input.” (Id. at 197-198; see also *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th at 655-657 [invalidating an EIR for misleading project description].)

10. | Initially the project description misleadingly identifies the City as only “within the boundary of the Alta Irrigation District” (DEIR p 2-129). While most if not all of the existing City is within Alta, a portion of the proposed sphere extends into the territory of CID. More importantly, the Kings River Aquifer is a single interconnected aquifer. Reedley’s consumption groundwater from that aquifer at the boundary of CID directly impacts groundwater users within CID and impedes its mission to restore the aquifer.

Where a city proposes expansion of its SOI, the EIR must inform decision-makers and the public of the intended sources of water for the project, and the environmental impacts of exploiting those sources. (*Habitat and Watershed Caretakers v. City of Santa Cruz* (6th District, Feb. 19, 2013) Lexis; and *Vineyard Area Citizens for Responsible Growth, Inc. v. Rancho Cordova* (2007) 40 Cal.4th 412, 431, citing *Stanislaus Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 206.) Such analysis cannot be deferred. (*Ibid.*)

11. | The DEIR in its “project description” does not make any attempt to quantify the amount of water needed to supply the anticipated growth that will be accommodated by the GPU. Nor does it place this additional demand amount in context of overall quantity of available water within the Kings River Aquifer. This is a fundamental error. Without any concept of how much water is needed relative to the supply, how can the decision-makers and the public have any basis to understand the discussion of the impacts and mitigations?

12. | It is not rocket science to calculate the projected water consumption. The information to do so is already easily available from the City Urban Water Management plan, and other public documents. So too is the water capacity of the Kings River aquifer. While the EIR acknowledges the existence of the problem and the City’s contribution to the problem, to describe it only in generalities when the information is available to quantify the problem amounts to failure to provide an adequate project description.

3. Inadequate Water Supply Mitigation

13. | After failing to quantify the city’s water needs, the DEIR leaps to the conclusion that sufficient water is not available to meet the demands of the City and that new sources of surface water will need to be developed. (DEIR, 2-141.)

14. The City then purports to “mitigate” this problem by claiming that the GPU includes various policies that “will serve to reduce the City’s demand for groundwater resources and enhance groundwater replenishment/recharge.” (DEIR, p. 2-139.) The policies are generally vague and unenforceable. Various efforts, with no description of the time for implementation, are described in the policies, including development of “ponding basins,” the “periodic” review of water infrastructure fees, “support of efforts” to expand surface water supply and “cooperation” with other agencies. Many of the policies “encourage” or “promote.” One of the policies, CIR 3.10.5, seems at first glance to “require” mitigation of impacts to groundwater, but it is ineffective as written. Under this policy, the City would “[r]equire that necessary water supply infrastructure and storage facilities are in place coincident with new development, and approve development plans only when a dependable and adequate water supply to serve the development is assured.” This policy does *not* require that a developer show a firm “surface” water supply, but simply that adequate supply and infrastructure be shown. What this means is that new development is not precluded from pursuing groundwater as a supply. There is nothing in any of the policies that would require, or even strongly encourage, the use of surface water supplies for new development.
15. The policies relied upon are even less effective when considered in conjunction with the “Required Mitigation” identified in the DEIR. (DEIR, p. 2-141.) This section states that “the City would be required to find alternative sources of water supply to meet water demand from new development within the expanded SOI.” The passive language itself is intentionally vague - - “would be required” does not identify who precise would require such a new source of water for development but it implies that it must be some party outside the city itself. Yet under the facts here, such a requirement is not self-executing. There is no third party in a position to stop the City from just pumping more water out of the aquifer for new development. There is no enforcement mechanism in the mitigation measure requiring the City to do this. Consequently, there is no basis for the DEIR’s conclusion that implementation of the “mitigation measure would reduce impacts of the proposed GPU on cumulative groundwater overdraft to *less than significant*.” (DEIR, p. 2-141, emphasis added.)
16. Furthermore this conclusion directly contradicts other statements in the DEIR that impacts to groundwater will be significant and unavoidable. Such internal inconsistency alone is a fatal flaw in the EIR.
17. The measure, HYD-1, says that the City “will” update its Urban Water Management Plan or prepare a separate water supply plan to identify how the City will avoid or substantially reduce the impacts. Yet the mitigations proposed for the plan (a)-(e) actually consist only of information gathering activities. None of them propose any specific enforceable restrictions. In fact HYD-1 really is just a good list of the information that should been gathered and put into this DEIR that would then provide the City with a basis for proposing real mitigation measures. The measure then admits that it is entirely uncertain whether or not the City will be able to identify alternative water sources. Such complete deferral of the analysis and development of mitigation measures fundamental to the decision on this project is wholly improper and violates the EIR’s role as an informational document.

The mitigation "strategy" described is deeply flawed, and violates CEQA. The City's Urban Water Management Plan was required to be updated in 2005 and also in 2010.³ The last update was in 2000, and not only does this violate the Urban Water Management Planning Act, but it does not provide an adequate basis for the City or the LAFCo to approve the changes to the boundary and SOI.

18. The City does not really attempt to mitigate the impacts, but claims reliance on GPU goals and policies that do not address the use of groundwater versus surface water at all, and defers all other analysis of the key questions surrounding this issue to the future. This approach is insufficient.

19. There is no discussion at all in the DEIR regarding any possible surface water supplies. In fact, in the "Policy and Regulatory Setting" section of the Hydrology and Water Quality chapter, the DEIR acknowledges that the City is required to update its Urban Water Management Plan ("UWMP") every five years. The purpose of UWMPs is to ensure that urban water suppliers have adequate water supplies for existing and future demands. Plans must identify and discuss various factors affecting current and projected water supplies and demand, and must identify steps being taken to ensure the availability and reliability of future supplies. The DEIR mentions this requirement, and then ignores it. In fact, under the "City of Reedley Plans and Regulations" section, the DEIR fails to list the 2000 Urban Water Management Plan for the City of Reedley. It is woefully out of date, and not compliant with the law, but it is the only UWMP the City has. The 2000 UWMP discusses only groundwater as a source of supply.

The California Supreme Court has identified four "principles for analytical adequacy under CEQA." (*Vineyard*, at p. 430.) First, an EIR is inadequate if it "simply ignores or assumes a solution to the problem of supplying water to a proposed land use project. Decision makers must, under the law, be presented with sufficient facts to 'evaluate the pros and cons of supplying the amount of water that the [project] will need.'" (*Vineyard*, at pp. 430-431.) Second, "future water sources for a large land use project and the impacts of exploiting those sources are not the type of information that can be deferred for future analysis. "Third, the future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations ('paper water') are insufficient bases for decision making under CEQA. [Citation.] An EIR for a land use project must address the impacts of *likely* future water sources, and the EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability. [Citation.]" (*Vineyard*, at p. 432.) "Finally, where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies. . . ." (*Id.*)

20. The DEIR fails each of the tests set forth by the California Supreme Court. Additionally, where a DEIR acknowledges that insufficient water is available to meet the demands of the City and that new sources of surface water will need to be developed (DEIR, 2-141), the DEIR must consider and discuss alternatives that would reduce water consumption. (*Habitat and Watershed*

³ California Water code section 10621(a): "Each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero."

Caretakers v. City of Santa Cruz (6th District, Feb. 19, 2013).

21. | The DEIR's analysis of impacts to groundwater and water supply is inadequate on many levels. The City is not in compliance with the Urban Water Management Act, the analysis in the DEIR does not include any discussion of the 2000 UWMP, nor does it disclose the quantity of water that will be necessary to supply the growth accommodated by the GPU. Much work must be done to gather the necessary data, update the UWMP, analyze the information and develop a legitimate mitigation strategy. Once this required information is in the DEIR, it must be recirculated for public review and comment.
22. | CID has provided the City of Reedley a feasible groundwater mitigation plan in the Cooperative Agreement with the City of Kingsburg. This is the result of hundreds of hours of development through a mediation sponsored by Fresno LAFCo. It provides for a carefully thought out program of funding to provide more groundwater recharge. It calls for a modest increase in water rates and development fees to fund the construction of additional retention basins and pay for acquisition by CID of additional surface water to put in them. This feasible mitigation plan should be addressed in the DEIR and by the City Council. Such a plan can truly mitigate the problem on a programmatic basis rather than trying to address it piece-meal on a project by project basis.

Kevin Fabino, Director of Community Development
City of Reedley, Community Development Dept., City Hall
March 4, 2013
Page 12 of 12

Conclusion

Because of the issues raised above, we believe that the DEIR fails to meet the requirements of the California Environmental Quality Act and should be substantially revised and recirculated. We would be happy to work with the City on revisions if allowed to consult as a public agency affected by the Project. We do not believe the City should stop growing, only that it commit to properly identifying and truly mitigating the impacts of that growth.

Sincerely,



Phillip G. Desatoff
General Manager

PGD: mm

enclosure

6. Responses to Comments from CID

As described in Section 1.0, Introduction, new information related to agriculture and forest resources, hydrology and water quality, cumulative impacts, and alternatives was obtained and utilized to address CID comments on the Draft EIR. The City prepared the RDEIR to disclose this new information and address how it, and revisions to the proposed GPU that were also made in response to CID comments, modify or support the impact analyses and mitigation measures in the Draft EIR. Responses to CID comments on the Draft EIR that triggered preparation of the RDEIR are included in Section 3.0, Responses to Comments on the Recirculated Draft EIR. Responses to the remaining comments are provided below. Note that the appendices to CID's Draft EIR comments can be found on the City's website and are included in the administrative record for the project.

- 6-1. According to City records the City conducted numerous public hearings in preparation of the proposed GPU. City records also show that CID was sent the Notice of Preparation as part of the general mailing, to which numerous other public agencies provided a response.

As the City does appreciate interest in the proposed GPU, CID's comments about the adequacy of the Draft EIR were carefully reviewed and resulted in the City choosing to do additional analysis and include additional policies to address the programmatic level environmental impacts.

The City refers CID to the City's RDEIR (October 10, 2013) and the Final EIR, Section 3.0, Responses to Comments on the Recirculated Draft EIR, for CID comments on the RDEIR dated November 26, 2013 (Letter 9), and the responses to those comments.

- 6-2. The City reviewed the revised General Plan Farmland Preservation Program (policy COSP 4.3.3), Storm Water Management Plan (policy CIR 3.10.18), and Groundwater Management and Recharge Program (policy CIR 3.10.19A) policies and has modified some of these policies to address the concerns raised by this comment.

The City refers CID to the City's RDEIR (October 10, 2013) and the Final EIR, Section 3.0, Responses to Comments on the Recirculated Draft EIR, for CID comments on the RDEIR dated November 26, 2013 (Letter 9), and the responses to those comments.

- 6-3. The City took a comprehensive view of analyzing and reducing groundwater impacts, in part by commissioning the report entitled, *Groundwater Pumping, Recharge, and Consumptive Use in the Proposed City of Reedley Sphere of Influence*. The 2010 *Urban Water Management Plan 2010* was under development long before the issuance of the Draft EIR and was prepared and presented to the City Council in accordance with State Law. According to the *Draft*

2010 Urban Water Management Plan, “The recent implementation of metering and use of commodity rates resulted in a significant reduction in per capita use, from approximately 249 gpcd in 2006 to 165 gpcd in 2011.” This reduction in water demand exceeds the State mandated 20 percent reduction by 2020, pursuant to the Water Conservation Bill 2009. Similarly, with regard to potential impacts related to use of groundwater, the proposed GPU includes various enforceable policies to reduce City per capita use of groundwater and increase and optimize recharge efforts. These policies are CIR 3.10.1 through CIR 3.10.10B, CIR 3.10.17, CIR 3.10.18, and CIR 3.10.19A.

The City refers CID to the City’s RDEIR (October 10, 2013) and the Final EIR, Section 3.0, Responses to Comments on the Recirculated Draft EIR, for CID comments on the RDEIR dated November 26, 2013 (Letter 9), and the responses 9-1, 9-3, 9-4, 9-38, 9-39, 9-40, 9-45.

- 6-4. Generally, the City believes that all of the policies, as modified, provide enforceable assurance that the programs will actually be adopted and that mitigation will actually occur. Specifically, policies LU 2.5.18, COSP 4.3.3 and COSP 4.3.4 commit the City to adoption and implementation of a Farmland Preservation Plan and program by a deadline reasonably established to ensure the mitigation of impacts associated with the conversion of significant farmland long before the occurrence of these impacts from future development.

The City refers CID to the City’s RDEIR (October 10, 2013) and the Final EIR, Section 3.0, Responses to Comments on the Recirculated Draft EIR, for CID comments on the RDEIR dated November 26, 2013 (Letter 9), and responses 9-3, 9-5, 9-6, 9-32, 9-36, 9-37, 9-41, and 9-42.

- 6-5. The City refers CID to the City’s RDEIR (October 10, 2013) and the Final EIR, Section 3.0, Responses to Comments on the Recirculated Draft EIR, for CID comments on the RDEIR dated November 26, 2013 (Letter 9), and responses 9-7 through 9-12, 9-17, 9-20, through 9-23, 9-25 through 9-28, and 9-30.

- 6-6. The City refers CID to the City’s RDEIR (October 10, 2013) and the Final EIR, Section 3.0, Responses to Comments on the Recirculated Draft EIR, for CID comments on the RDEIR dated November 26, 2013 (Letter 9), and responses 9-3, 9-12, 9-14 through 9-19, 9-22, 9-23, 9-29, 9-30, 9-31, 9-32, 9-33, and 9-35.

- 6-7. The City refers CID to the City’s RDEIR (October 10, 2013) and the Final EIR, Section 3.0, Responses to Comments on the Recirculated Draft EIR, for CID comments on the RDEIR dated November 26, 2013 (Letter 9), and responses 9-3, 9-5, 9-6, 9-11, 9-12, 9-13, 9-15, 9-16, 9-25, 9-26, 9-27, 9-29, 9-32, 9-36, 9-37, 9-41, and 9-42.

- 6-8. The City provided an explanation of the selected methodology for its population growth estimate in Chapter 2 of the proposed GPU on page 18. To summarize, it states that the 3.0 percent projected growth rate is based upon an average growth rate between 2000 and 2010 of 2.54 percent and an average growth rate between 2006 and 2010 of 3.59 percent. Based upon these numbers, the City selected 3.0 percent as an appropriate average growth rate through 2030.

The City refers CID to the City’s RDEIR (October 10, 2013) and the Final EIR, Section 3.0, Responses to Comments on the Recirculated Draft EIR, for CID comments on the RDEIR dated November 26, 2013 (Letter 9), responses 9-7 through 9-12, 9-17, 9-20, 9-21, 9-22, 9-23, 9-25, 9-26, 9-27, 9-28, and 9-30.

- 6-9. CEQA does not require a specific methodology to reduce environmental impacts. The City directs CID to proposed GPU policies COSP 4.3.3 and COSP 4.3.4.
- 6-10. The City acknowledges the jurisdictional boundaries of CID. As stated in the RDEIR on page 2-19,

“The City is located within the boundary of two different irrigation districts. Approximately 2,919 acres of the 3,133 acres within the exiting city limits are within the boundary of the Alta Irrigation District (“irrigation district” on AID), and the remaining approximately 214 acres, located in the western portion of the City, are within the boundary of the CID. Within the approximately 4,930-acre existing SOI, about 4,498 acres are within the AID boundary and 432 acres within the CID boundary. Within the proposed SOI boundary, approximately 6,260 acres are within the AID and 831 acres within the CID. Each of these irrigation districts manages surface and groundwater resources in a portion of the Kings Basin. They are two of the many irrigation districts that extract groundwater from the Kings Basin.

- 6-11. The City refers CID to the City’s RDEIR (October 10, 2013) Chapter 2.9, Hydrology and Water Quality, and Appendix B for analysis of water demand. Final EIR in Section 3.0, Responses to Comments on the Recirculated Draft EIR, includes related responses to CID comments on the RDEIR dated November 26, 2013 (Letter 9), responses 9-7 through 9-12, 9-17, 9-20, 9-21, 9-22, 9-23, 9-25, 9-26, 9-27, 9-28, and 9-30.
- 6-12. The City refers CID to the City’s RDEIR (October 10, 2013) Chapter 2.9, Hydrology and Water Quality, and Appendix B for analysis of water demand. Final EIR Section 3.0, Responses to Comments on the Recirculated Draft EIR, includes related responses to CID comments on the RDEIR dated November 26, 2013 (Letter 9), responses 9-4, 9-38 through 9-43, and 9-45.

6-13. The City refers CID to the City's RDEIR (October 10, 2013), Section 2.9, Hydrology and Water Quality, and Appendix B. Final EIR Section 3.0, Responses to Comments on the Recirculated Draft EIR, includes related responses to CID comments on the RDEIR dated November 26, 2013 (Letter 9), responses 9-7 through 9-12, 9-17, 9-20 through 9-23, 9-25 through 9-28, and 9-30.

6-14. The City has reviewed the revised GPU policies related to the Storm Water Management Plan (policy CIR 3.10.18) and the Groundwater Management and Recharge Program (policy CIR 3.10.19A) and has modified several of these policies to address the concerns raised by this comment.

The City refers CID to the City's RDEIR (October 10, 2013) and the Final EIR, Section 3.0, Responses to Comments on the Recirculated Draft EIR, for CID comments on the RDEIR dated November 26, 2013 (Letter 9), responses 9-3, 9-4, 9-5, 9-6, and 9-36 through 9-45.

6-15. The City refers CID to the City's RDEIR (October 10, 2013) and the Final EIR, Section 3.0, Responses to Comments on the Recirculated Draft EIR, for CID comments on the RDEIR dated November 26, 2013 (Letter 9), responses 9-3, 9-4, 9-5, 9-6, 9-15, 9-16, 9-20, 9-21, 9-22, and 9-36 through 9-45.

6-16. The City refers CID to the City's RDEIR (October 10, 2013) and the Final EIR, Section 3.0, Responses to Comments on the Recirculated Draft EIR, for CID comments on the RDEIR dated November 26, 2013 (Letter 9), responses 9-3, 9-4, 9-5, 9-6, 9-15, 9-16, 9-20, 9-21, 9-22, and 9-36 through 9-45.

6-17. The City refers CID to the City's RDEIR (October 10, 2013) Chapter 2.9 Hydrology and Water Quality, and Appendix B. Final EIR Section 3.0, Responses to Comments on the Recirculated Draft EIR, includes related responses to CID comments on the RDEIR dated November 26, 2013 (Letter 9), responses 9-4, 9-5, 9-6, 9-9, 9-15, 9-20, and 9-36 through 9-45.

6-18. The City refers CID to the City's RDEIR (October 10, 2013) and the Final EIR, Section 3.0, Responses to Comments on the Recirculated Draft EIR, for CID comments on the RDEIR dated November 26, 2013 (Letter 9), responses 9-3, 9-4, 9-5, 9-6, and 9-36 through 9-45.

6-19. The City refers CID to the City's RDEIR (October 10, 2013) and the Final EIR, Section 3.0, Responses to Comments on the Recirculated Draft EIR, for CID comments on the RDEIR dated November 26, 2013 (Letter 9), responses 9-3, 9-4, 9-5, 9-6, 9-15, 9-16, 9-20, 9-21, 9-22, and 9-36 through 9-45.

- 6-20. The City refers CID to the City's RDEIR (October 10, 2013) Chapter 2.9, Hydrology and Water Quality, and Appendix B. Final EIR Section 3.0, Responses to Comments on Recirculated Draft EIR, includes related responses to CID comments on the RDEIR dated November 26, 2013 (Letter 9), responses 9-3, 9-4, 9-5, 9-6, 9-15, 9-16, 9-20, 9-21, and 9-36 through 9-45.
- 6-21. The City refers CID to the City's RDEIR (October 10, 2013) Chapter 2.9 Hydrology and Water Quality and Appendix B. Final EIR Section 3.0, Responses to Comments on the Recirculated Draft EIR, includes related responses to CID comments on the RDEIR dated November 26, 2013 (Letter 9), responses 9-3, 9-4, 9-5, 9-6, 9-15, 9-16, 9-20, 9-21, and 9-36 through 9-45.
- 6-22. The City refers CID to the City's RDEIR (October 10, 2013) Chapter 2.9, Hydrology and Water Quality, and Appendix B. Final EIR Section 3.0, Responses to Comments on the Recirculated Draft EIR, includes related responses to CID comments on the RDEIR dated November 26, 2013 (Letter 9), responses 9-40 through 9-45.

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3.0

RESPONSES TO COMMENTS ON THE RECIRCULATED DRAFT EIR

CEQA REQUIREMENTS

CEQA Guidelines section 15132(c) requires that the Final EIR contain a list of persons, organizations, and public agencies that have commented on the Draft EIR. A list of the correspondence received during the public review period is presented below.

CEQA Guidelines sections 15132(b) and 15132(d) require that the Final EIR contain the comments and recommendations received on the Draft EIR either verbatim or in summary that raise significant environmental points in the review and consultation process, and written response by the Lead agency to those comments. A copy of each correspondence received during the public review period for the RDEIR is presented on the following pages. Numbers along the margin of each comment letter identify individual comments to which a response is provided. Responses are presented starting on the page which immediately follows each letter. Where required, revisions have been made to the text of the RDEIR based on the responses to comments. These revisions are included in Section 4.0, Changes to the Draft EIR and Recirculated Draft EIR Summary, and in Section 5.0, Changes to the Draft EIR and the Recirculated Draft EIR.

COMMENTS ON THE RECIRCULATED DRAFT EIR AND LEAD AGENCY RESPONSES TO COMMENTS

The following correspondence was received during the 45-day public review period on the Recirculated Draft EIR:

1. Immanuel Schools (October 16, 2013)
2. Fresno County Local Agency Formation Commission (LAFCO) (November 6, 2013)
3. California Department of Transportation (Caltrans) (November 14, 2013)
4. California Public Utilities Commission (PUC) (November 20, 2013)
5. Jim Ishimaru (November 21, 2013)
6. California Department of Fish and Wildlife (CDFW) (November 22, 2013)
7. Richard Kangas (November 24, 2013)
8. San Joaquin Valley Air Pollution Control District (SJVAPCD) (November 25, 2013)
9. Consolidated Irrigation District (CID) (November 26, 2013)

Table 2 below summarizes the general topics of comments on significant environmental issues addressed in the RDEIR that were included in each comment letter.

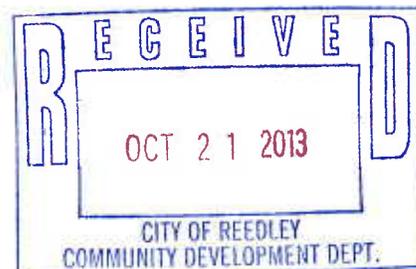
Table 2 Agencies/Persons Commenting on RDEIR and Environmental Issues Addressed

	Aesthetics	Agriculture	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality & Supply	Mineral Resources	Noise	Traffic/Circulation	Utilities/Service Systems	Cumulative Impacts	Alternatives
Immanuel Schools	No environmental issues addressed														
Fresno County LAFCO	No environmental issues addressed														
Caltrans												X			
California PUC												X			
Jim Ishimaru															X
CDFW				X											
Richard Kangas															X
SJVAPCD			X												
CID		X							X					X	X

Source: EMC Planning Group 2013

Scope of Responses to Comments

As described in Section 1.0, Introduction, responses provided in this section of the Final EIR are limited to comments received during the RDEIR circulation period that relate to sections of the Draft EIR that were recirculated in the RDEIR. Responses to comments on the portions of the Draft EIR that were not recirculated are provided in Section 2.0, Responses to Comments on the Draft EIR.



*IMMANUEL SCHOOLS
1128 South Reed Avenue
Reedley, California 93654*

October 16, 2013

**Mr. Kevin Fabino
Director
City of Reedley
Community Development Department
Reedley City Hall
1733 Ninth Street
Reedley, CA 93654**

Dear Mr. Fabino:

1. **Immanuel Schools has received and reviewed the NOTICE OF AVAILABILITY OF A RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT (Reedley General Plan Update 2030 – SCH #2010031106).**

Immanuel Schools is in support of the REPORT and does not have any concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Wood".

**Ryan Wood
Superintendent/Principal
Immanuel Schools**

1. Responses to Comments from Immanuel Schools

- 1-1. Immanuel Schools comments that it supports the RDEIR. No response is necessary



Fresno Local Agency Formation Commission

November 6, 2013



Mr. Kevin Fabino, Director
 Community Development Department
 City of Reedley
 1733 Ninth Street
 Reedley, CA 93654

Dear Mr. Fabino:

SUBJECT: City Of Reedley's Draft Environmental Impact Report for the 2030 General Plan Update

Thank you for the opportunity to review the draft EIR for the General Plan Update.

The Fresno Local Agency Formation Commission (LAFCo) regulates, through approval or denial, the boundary changes proposed by other public agencies or individuals. 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.

LAFCo is identified in the DEIR as a Responsible Agency under CEQA whose role is to consider changes of organizations and spheres of influence. As a Responsible Agency, the Commission may use the EIR as part of its CEQA review when considering the potential impacts of future requests from the City for approval of boundary changes. A Responsible Agency complies with CEQA by considering the environmental analysis prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve a project. The Commission may then make a finding that it independently reviewed and considered the information in the environmental document and that the environmental document is sufficient to support a determination on a proposed reorganization or sphere amendment.

Mr. Kevin Fabino
November 6, 2013
Page 2

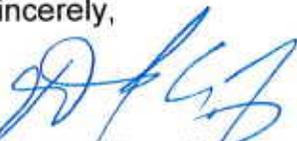
Under CEQA, there are limited circumstances that would allow a Responsible Agency to prepare additional environmental review beyond a Lead Agency's EIR such as where a project or the circumstances surrounding a project have substantially changed since a Lead Agency certified the EIR. In this case, the LAFCo is required to adopt feasible mitigation measures within the agency's jurisdiction even if not recommended in the environmental document. LAFCo may even deny approval in order to avoid significant adverse environmental impacts.

1. You have reviewed and incorporated the Commission's policies and standards in the DEIR and as we recommend that they be incorporated by reference in all future applications and materials submitted to LAFCo. However, the Commission recently updated their Policies on September 11, 2013, not on August 8, 2012, the date referenced in the EIR.¹

Please be advised that extraneous conditions of rezoning ordinance bills can impair the Commission's ability to approve projects and it is recommended they be added as conditions of other land use approvals such as plan amendments, tentative maps, site plans, conditional use permits, and so forth.

Thank you for the opportunity to comment on this project. If you have any questions or comments please contact the office at 559 600-0604.

Sincerely,



David E. Fey, AICP
Executive Officer

\\Pacific\4370\LAFCO WORKING FILES\CEQA\Responses\Mendota River Ranch SP

¹ <http://fresnolafco.org/documents/POLICIES%20STANDARDS%20%20PROCEDURES.pdf>

2. Responses to Comments from the Fresno County Local Agency Formation Commission

- 2-1. LAFCO's discussion of its objectives and its use of CEQA documentation prepared for the proposed GPU are acknowledged, as are its recommendations for applying conditions of approval for new development projects to discretionary actions other than rezoning ordinance bills, where possible.

LAFCO's note that its policies were updated September 11, 2013 is acknowledged. LAFCO policies referenced in the Draft EIR were current as of August 8, 2012. The updated 2013 policy document was reviewed to determine if the changes materially affect the discussion of the consistency of the proposed GPU with LAFCO policies that is found in Draft EIR Section 1.4, Consistency with Local and Regional Plans. The update does not affect the conclusions of the discussion in Section 1.4, and the policies referenced in Draft EIR Appendix B, LAFCO Organization/Reorganization Policies, are substantially the same as is included in the 2013 update. Therefore, no change to the Draft EIR is deemed necessary as a result of the LAFCO policies update.

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
 P.O. BOX 12616
 FRESNO, CA 93778-2616
 PHONE (559) 488-7307
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 www.dot.ca.gov



*Flex your power!
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November 14, 2013



2131-IGR/CEQA
 6-FRE-GEN
 NOP DRAFT EIR
 REEDLEY GPU
 SCH 2010031106

Mr. Kevin Fabino
 Community Development Director
 City of Reedley
 1733 Ninth Street
 Reedley, CA 93654

Dear Mr. Fabino:

1. We have completed our review of the Re-circulated Draft Environmental Impact Report (EIR) for the City of Reedley's General Plan 2030 with new technical information focused primarily on groundwater supply. Caltrans has the following comments:

Caltrans' previous comment letter, dated March 1, 2013 (copy enclosed) still applies.

Should you have any questions or concerns, please feel free to call me at (559) 488-7307 or email me at Jennifer.bryan-sanchez@dot.ca.gov.

Sincerely,

JENNIFER BRYAN-SANCHEZ
 Office of Transportation Planning
 District 06

C: SCH

3. Responses to Comments from Caltrans

- 3-1. Caltrans notes that its previous comments on the Draft EIR dated March 1, 2013 still apply. Please refer back to Caltrans' comments and the responses to those comments found in this Final EIR in Section 2.0, Responses to Comments on the Draft EIR. No new issues are raised in Caltrans' comments on the RDEIR. No further response is necessary.

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013
(213) 576-7083



November 20, 2013

Kevin Fabino
City of Reedley
1733 9th Street
Reedley, CA 93654



Dear Mr. Fabino:

Re: SCH 2010031106 Reedley General Plan 2030 – DEIR

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Section (RCES) is in receipt of the draft *Environmental Impact Report (DEIR)* for the proposed City of Reedley (City) General Plan 2030 project.

1. The project area includes active railroad tracks. RCES recommends that the City add language to the General Plan so that any future development adjacent to or near the railroad/light rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian/bike circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

If you have any questions in this matter, please contact me at (213) 576-7076, ykc@cpuc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Chiang".

Ken Chiang, P.E.
Utilities Engineer
Rail Crossings Engineering Section
Safety and Enforcement Division

C: State Clearinghouse

4. Responses to Comments from the California Public Utilities Commission

- 4-1. The PUC recommends that the City add language to the proposed GPU that addresses safety adjacent to or at the railroad right-of-way, with a focus on railroad crossings. The PUC provided comments in response to the Notice of Preparation for the Draft EIR that addressed the same issue. The Notice of Preparation comments can be found in Appendix A of the Draft EIR.

In response to the PUC's comments on the Notice of Preparation, the City addressed the potential for increased safety impacts at railroad crossings on pages 2-198 and 2-199 of the Draft EIR. The potential for increased impacts would arise due to a significant increase in vehicle, bicycle, and pedestrian crossings of the railroad right-of-way as population in the City increases over time. Mitigation measure CIR-1 was included in the Draft EIR specifically to reduce potential related safety impacts. The mitigation measure calls for the City to work with the PUC to identify and develop feasible measures to reduce potential safety impacts at railroad crossings. The mitigation measure requires the development of a "plan" which incorporates established deadlines and clear performance standards to guide development and when incorporated would satisfy the mitigation measure. As proposed, the proposed GPU and associated mitigation measures are for consideration by the City Council as part of its deliberations to certify the Final EIR and approve the proposed GPU.

JIM H. ISHIMARU

5139 Jim Savage Road
 Reedley, CA 93654
 559.638.3082 jim_ish@yahoo.com

November 21, 2013

Kevin Fabino
 Director, Community Development Department
 City Hall, 1733 Ninth Street
 Reedley, CA 93654



Subj: Review Comments to the
 Recirculated Draft Environmental Impact Report
 Reedley General Plan Update 2030.

Dear Mr. Fabino:

I represent 4 families who together own 193 acres of land bordered by the Kings River to the West, Reedley College to the South, and Wahtoke Creek to the East. Our property contains one of the few large natural sandy beaches along the east side of the river, and has a substantial length of natural riparian Kings river and Wahtoke Creek edges. Our property is within the Sphere of Influence described by the proposed General Plan Update, but is proposed to be removed from the Sphere of Influence as **Area 6** under Alternatives 2 & 3 to the proposed General Plan.

Please be advised that none of us received notice of the availability of the initial Draft EIR for the General Plan Update 2030. I am thankful we did get Notice of the Recirculated Draft EIR which affects our property, and allows this response.

1. We are opposed to the removal of **Area 6** under Alternatives 2 & 3 for the following reasons:

1) **LOSS OF ADDITIONAL PASSIVE AND ACTIVE OUTDOOR RECREATIONAL FACILITIES.**

2. In 2007, A Reedley City Council person and the Director of Community Development informed me of their interest in the future extension of community resident access along the edges of the Kings River and Wahtoke Creek with trails, bikeways, parks and open space. This is a Park and Recreation Policy contained in Article 4.18 of the General Plan Update 2030. The specific Goals are listed in COSP 4.18A thru 4.18E of the proposed GPU.

Alternatives 2 & 3, proposes the removal of Area 6 from the sphere of influence. The removal of Area 6 results in the loss of substantial future additional community trails, bikeways, sandy beach access, parks and open space.

Kevin Fabino, Director of Community Development
 City of Reedley, CA

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2. cont.

The Kings River runs thru the City of Reedley. This is the singular land feature which makes Reedley unique as a valley farm community. But so far, Reedley residents can only access this unique land feature at Reedley beach, or by floating the river from access points upstream. They are legally not allowed to set foot upon the shoreline which is owned privately. Kelly's beach can only be used by those willing to pay to enter. Our property provides the City with a once in a lifetime opportunity to provide residents with more access to the river's edge, by including the property within the sphere of influence, and eventually within the city limits.

3. The Recirculated Draft highlights the lessening of impacts, but is silent on the loss of the City's Open Space, Park and Recreation Goals and Policies. Thus, the Recirculated Draft EIR is incorrect in stating "The Proposed SOI and Land Use Changes Alternative would meet all of the objectives included in the proposed GPU".

2) **LOSS OF CITY'S FUTURE ABILITY TO EXTEND CONTROL OVER THE RIVER & CREEK EDGES.**

4. If our property is not included in the sphere of influence, we may enter into a non-revocable agricultural trust agreement which would remove the river and creek edges from future City control and use forever.

Properties across the river from our property are now in the process of selling future development rights to a Trust, forever removing the City's access to the River's edge on the west side of the river.

3) **WILLIAMSON ACT**

5. On Sept 30, 2005 non renewal of the Williamson Act was filed and recorded for our properties. The Williamson Act will terminate on our properties on Sept 30, 2015, which is less than 2 years from this date.

The Recirculated Draft EIR states that Alternative 2 & 3 would address questions about "unnecessary conversion of agricultural land currently under the Williamson Act contract". This statement is misleading, since approximately 200 acres of the 641 acres of land (a substantial 31%) under Alternative 2 will no longer be under the Williamson Act on Sept 30, 2015.

4) **ATTRACTING SUCCESSFUL AND WELL TO DO FAMILIES TO REEDLEY.**

6. Reedley currently has 9.61 acres of Suburban Residential zoning (one to four dwelling units per acre) within its city limits, and none within its current sphere of influence. This is 5% of the total residential acreage within the current City limit, and 3% of the total residential acreage within both the existing city limit plus the

6. cont.

existing SOI. The upper end homes on these 9.61 acres are all occupied, leaving no homesites of this density available to those who can afford it and desire to live in Reedley.

If Area 6 (which is proposed to be Suburban Residential) is eliminated from the expanded SOI under Alternatives 2 & 3 there will be fewer Suburban Residential homesite choices for those who desire this type of homesite in Reedley. If Area 6 remains within the SOI, the total Suburban Residential acreage will still only be 4% of the total acreage within the city limits and expanded SOI.

If Reedley wants to attract successful and well to do families to live & do business in Reedley, it must provide additional higher end desirable housing site choices for that purpose. In Reedley, there can be no better attractant for this purpose than view sites overlooking the Kings River, adjacent to a natural sandy beach.

5) **COST & FEASIBILITY OF EXTENDING WATER, SANITARY SEWER, AND STORM DRAINAGE INFRASTRUCTURE.**

7.

The Recirculated Draft Program EIR, under Alternative 2 & 3, states “The City considered reducing acreage within the proposed expanded SOI by modifying the boundary in large part to address questions about the cost and feasibility of extending water, sanitary sewer, storm drainage infrastructure, “

We believe the cost feasibility of extending utilities is one for a future developer to make, since they will be asked to pay for the extensions. Cost feasibility is a complex calculation involving the expense of extensions against the income from future sales and is not reasonable to conclude at this time. Income from sales for these homesite would be much higher than typical sales. Storm drainage for these homesites would be much less expensive due to their proximity to the Kings River and Wahtoke Creek.

8.

Community decisions regarding the future of the City needs to be made not just on engineering issues, but with consideration of all impacts, both good and bad with the emphasis on the City’s responsibility of implementing a vision to improve the quality of life for all residents of the City. The City needs to seriously consider the benefits of attracting successful families who want to do business in and live in Reedley. Desirable lower density homesites for them is just as important as the quality of the schools for their children.

Successful families with businesses in Reedley, and living in Reedley will make a positive impact on the total city, which will benefit the total community. Keeping this property within the sphere of influence is a major step toward attracting success and a higher quality of life to Reedley.

9. **6) WATER CONSERVATION**

Recent studies have shown that low density housing of 4 units or less per acre, when properly designed, results in much less water usage than agricultural tree and vine farming.

If Area 6, under Alternates 2 & 3 is retained within the SOI and becomes “Suburban Residential zoning, it will result in much less water usage, not more.

10. **7) USABLE FARM ACREAGE**

The usable farm acreage located within Area 6 under Alternates 2 & 3 is much less than is suggested by the total acreage. This is because the property lines extend to the center line of the Kings River, and there are sloping bluffs similar to those found at Reedley College thru the entire length of the property which are less farmable. The actual farmable acreage is roughly 80% of the total acreage, resulting in approximately 150 acres of farmland converted to non-agricultural use, instead of the total acreage listed at 193 acres.

11. **8) DAMAGES TO THE OWNERS RESULTING FROM THE REMOVAL OF AREA 6 FROM THE SPHERE OF INFLUENCE.**

In 2007, when City of Reedley representatives asked us to consider including our property within the sphere of influence, we responded with our goals of limiting any future development to a high end, very low density project to preserve most of the beautiful natural features of the property. We did not want to see a high density housing project inconsistent with the natural beauty of the bluff land and river’s edge. We also expressed a desire to have the river’s edge be controlled & preserved under the City’s control, rather than a future owner, whether it be housing or farming.

The City responded by including our property within the sphere of influence as a Suburban Residential (1-4 du/ac) designation and we responded by putting all property and farming decisions on hold pending the City’s formalization of their intent. No farming improvements necessary to remain competitive have been made since 2007.

We were told the General Plan Update would take 3 years. It has now been 6 years, going into the 7th year, without a new General Plan.

If Area 6 under Alternatives 2 & 3 is now removed from the sphere of influence, the owners will have put all farming decisions on hold for over 6 years pending the City’s formalization of the GPU, resulting in damages due to the suspension of properly timed farming decisions and improvements.

Thank you for the opportunity to review and respond to the Recirculated Draft Program EIR. It is our desire that you find these comments informative, and useful toward implementing the City's goals and policies toward a higher quality of life for its residents and businesses.

Respectfully submitted,

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5139 Jim Savage Road
Reedley, CA 93654



By: Jim H Ishimaru

5. Responses to Comments from Jim Ishimaru

- 5-1. CEQA Guidelines Section 15126.6(a) requires a description of reasonable alternatives to a proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project. An EIR is not required to evaluate every possible alternative, but must consider a reasonable range of potentially feasible alternatives. Alternatives that were considered, but not evaluated in detail should also be identified.

Alternatives considered to avoid or substantially lessen impacts of an individual development project most commonly include a reduced scale project, modified project design, and/or an alternative project location. In the case of a plan level project such as a general plan update, a specific individual development project is not being proposed. Rather, the proposed GPU provides guidance for implementation of the numerous future individual development projects that may be developed to implement the proposed GPU. Consequently, a modified project design is not an applicable alternative. Likewise, an alternative project location is not an applicable alternative because none of the City's objectives for updating its general plan would be met and the City has no control over the development decisions of other jurisdictions into which growth projected for the City might conceivably be redistributed. A reduced project scale alternative is feasible and; therefore, is the alternative project type considered in both the Draft EIR and the RDEIR.

A reduced scale alternative typically involves reducing the intensity of proposed development or the potential development capacity that would result from implementing a project. In either case, the goal is often to reduce the amount of development (e.g. number of housing units or square footage of commercial development), which in turn results in reduced land consumption, reduced unnecessary conversion of agricultural land, a greater ability to provide various public utilities and/or reduced population. Many of the significant environmental impacts of implementing a program level project are commonly tied to agricultural land consumption, development of land for urban use and the effects of urban uses on natural resources, public utilities and/or to population growth.

Alternative 2 in the Draft EIR and Alternative 3 in the RDEIR are reduced scale alternatives whose purposes are to lessen the impacts of development as envisioned in the proposed GPU. This is achieved primarily by reducing the scale of the proposed project by reducing the acreage of land to be converted to developed uses and by reducing the total population growth that would result from implementation of the proposed GPU. Impacts that would be lessened are described starting on page 4-12 of the RDEIR.

The areas removed from the proposed SOI in Alternatives 2 and 3 were selected for several reasons that included consistency with compact growth principles, potential rate of demand for new residential development, and infrastructure development and maintenance costs. As described starting on page 1-23 of the Draft EIR, the proposed GPU was crafted in part based on smart growth principles embodied in the San Joaquin Valley Blueprint. These include promoting compact growth through increasing residential densities and employing growth management techniques that minimize growth at the periphery of the City unless specific conditions are met. The areas removed from the proposed SOI (including Area 6) as part of Alternatives 2 and 3, are similarly situated at the periphery of the proposed SOI. Their exclusion from the SOI is logical in terms of promoting compact growth while lessening significant environmental impacts of the proposed project.

The majority of land removed from the SOI is proposed for residential use. The City defined the proposed SOI in part based on its projection of future population growth that in turn would result in demand for new residential development. In examining potential reduced scale project alternatives, the City determined that removal of residentially designated land from the SOI is logical. This decision was based on the fact that residential use is the dominant land use within the proposed expanded SOI and on the assumption that if projected population growth rates do not materialize within the 20-year proposed GPU planning horizon, future demand for residential development could be lower than projected. As the City grows, the properties removed from the proposed SOI in Alternatives 2 and 3 would be the last to develop owing to their location at the periphery of the SOI and are among the properties for which there is potential that development demand may not materialize. In tandem with the proposed GPU, the City has been updating its utility master plans for water, wastewater, and storm drainage. The purpose is to comprehensively plan for infrastructure improvements and system expansions to meet existing deficiencies and to meet demand of new growth as envisioned in the proposed GPU. City staff determined that for this particular parcel to develop in an orderly manner, approximately 544 acres of intervening lands would have to be developed. This would mean that the City's boundaries, public services and infrastructure would first have to be extended to include/service these intervening properties.

The subject property is approximately one mile away from current City boundaries. To provide service to the subject property, new public utility infrastructure would have to be constructed and connected to the existing sewer (12-inch), the storm drain hookup (42-inch) and water line (8-inch) in Reed Avenue. Additionally, the City does not have the available resources to extend the required infrastructure or legal authority to extend such service to lands that cannot be readily available for annexation into the City.

Evaluation of the costs of constructing and maintaining infrastructure and determination of costs that can feasibly be sustained by the City over the long-term is another critical component of this process. The areas at the periphery of the proposed SOI that were removed in Alternatives 2 and 3, including Area 6, represent lands where the City's costs to extend and maintain public infrastructure were not financially feasible. The City also considered the large number of intervening parcels that would need to be developed to enable orderly growth towards the subject property. With both a significant number of intervening parcels and over one mile to the nearest water, sewer and storm drain connections, the City could not achieve its goals nor would current LAFCO policies support extension of services and infrastructure to the property.

At this time, the City has no reliable information regarding current or reasonably anticipated future projects that would support annexation of the property based upon its ability to provide infrastructure to the site. Upon further review of the historical development pattern along Manning Avenue west of the Kings River City staff determined that viable development would not extend to the subject property during the proposed GPU planning horizon. Consequently, removal of this area from the proposed GPU as part of the reduced scale project alternatives made logical and practical sense to the City.

LAFCO policies for the logical extension of infrastructure and services also served as an important guide. The policies include managing growth commensurate with the ability to logically and cost effectively extend, develop, and maintain public infrastructure and public services such as parks and recreational facilities.

- 5-2. Comment acknowledged. The City recognizes the removal of Area 6 from the proposed SOI could reduce the potential to capture future Kings River-related recreational access opportunities. Currently, the City does not anticipate having the funding capacity to build and maintain public recreation uses/facilities at this location during the proposed GPU planning horizon.
- 5.3. Removal of Area 6 from the proposed SOI contributes to the lessening of environmental impacts identified for the proposed GPU. A reduction in possible future public recreational opportunities resulting from removal of Area 6 is not an environmental impact, but rather a policy issue to be considered by the City Council as part of its decision making process to certify the Final EIR and adopt either the proposed GPU or an alternative to the proposed GPU as described in Alternatives 2 and 3.

The City has planned for park facilities and implemented a development impact fee to support that plan. Area 6 is not part of those planning efforts and if included would place an additional burden on the capital improvement program and the ability to entice future development if development impact fees had to be significantly increased to address such a large development of public open space.

The statement “The Proposed SOI and Land Use Changes Alternative would meet all of the objectives included in the proposed GPU” is found on page 4-16 of the Draft EIR. The objectives of the proposed GPU are listed starting on page 4-3 of the Draft EIR and page 4-4 of the RDEIR. At a general plan update level, the project objectives are broad statements of the City’s intent and purpose. None of the objectives specifically address the intent to expand recreational resources on a site specific level or at a specific property or to include a specific property within the proposed SOI. Expanding open space and recreation opportunities on a city-wide basis would be achieved with implementation of either Alternative 2 or Alternative 3.

- 5-4. Comment noted. No response is necessary.
- 5.5. That notices of non-renewal of Williamson Act contracts may have been filed for contracts on agricultural lands that are included in the proposed SOI is acknowledged on page 2-9 of the RDEIR. Alternatives 2 and 3 would remove agricultural land from the proposed SOI, some of which is under Williamson Act contract. The fact that properties other than land included in Area 6 could remain under Williamson Act contract for the foreseeable future remains valid. Therefore, the statement made in the RDEIR that “unnecessary conversion of agricultural land currently under Williamson Act contract” could be avoided with implementation of Alternatives 2 or 3 also remain valid.
- 5-6. Comment acknowledged. The City Council will consider the elimination of land designated for Suburban Residential from the proposed SOI use (and the opinion in the comment that such land is needed to attract successful families to Reedley) as part of its deliberations to adopt the proposed GPU or to adopt an alternative to the proposed GPU as defined in Alternatives 2 and 3.
- 5-7. Please see response 5-1 above.

The City’s ability to feasibly sustain the costs of extending and maintaining public infrastructure is a basic decision making variable for all new development proposals that come before it. It is acknowledged that determining cost feasibility of expanding and maintaining infrastructure at a city-wide level both for existing conditions and future conditions under the proposed GPU is complex. It is for this reason that the City has retained consulting expertise to assist the City with its infrastructure master planning process. As noted in response 5-1, the costs of extending and maintaining infrastructure at the margin of the proposed SOI is one of the factors that was used as a basis to remove land from the proposed SOI as part of Alternatives 2 and 3.

- 5-8. Please see response 5-6 above.

- 5-9. It is not uncommon for conversion of land from agricultural use to urban use to result in reduced water demand, assuming no other variables are involved. Statements in the Draft EIR and the RDEIR regarding reduced water demand from implementation of Alternatives 2 or 3 are based on changes in total demand city-wide, not on changes in demand at an individual property level. It is acknowledged that if Area 6 remains in the County and in agricultural use, water demand to sustain that use could be higher than if the property were developed with urban uses.
- 5-10. Comment acknowledged. The fact that 150 acres versus 190 acres of land within Area 6 is useable as agricultural land does not change the fact that development of Area 6 would result in conversion of agricultural land to non-agricultural use with implementation of the proposed GPU. The reduced useable agricultural land in Area 6 does not mitigate the conversion of agricultural land to less than significant. Conversion of agricultural land cumulatively and without Area 6 still remains a significant and unavoidable impact of the project.
- 5-11. Comment acknowledged. The proposed GPU is a guide for the long-term (20-year) planning decisions of the City Council. Even if the proposed GPU had already been adopted, the City would make no representation that its adoption would provide the landowner with short-term development opportunities. “Leapfrog” development and creation of non-contiguous “islands” of incorporated land is discouraged by LAFCO. Given the location of the subject property at the periphery of the proposed SOI, it is possible that annexation of the subject property to the City, if it were to occur at all, would not occur for many years, or at least until such time as most if not all properties located between the existing city limits and the subject property are already annexed. Further, competing proposals for annexation of land in other areas of the proposed SOI and the rate at which the City would need to annex new lands to meet demand for development would also significantly influence if and when the subject property would be considered for annexation.

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

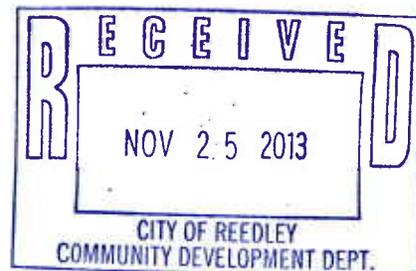


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November 22, 2013

Kevin Fabino
Director
Community Development Department
City of Reedley
1733 Ninth Street
Reedley, California 93654



SUBJECT: REEDLEY GENERAL PLAN 2030 RECIRCULATED DRAFT PROGRAM
ENVIRONMENTAL IMPACT REPORT
SCH#: 2010031106

Dear Mr. Fabino:

The California Department of Fish and Wildlife (Department) has reviewed the Reedley General Plan 2030 Recirculated Draft Environmental Impact Report (EIR), hereafter referred to as the Project, submitted by the City of Reedley Community Development Department. The Project proposes to update the City of Reedley General Plan 2012 and expand the City's existing sphere of influence. The Project focuses on updates to the Land Use, Circulation, Conservation and Open Space, Noise, and Safety Elements of the General Plan 2012. The general plan update is also designed to incorporate the goals and policies of the various adopted specific plans including the Reedley Specific Plan, Rail Corridor Master Plan and the Southeast Reedley Industrial Area Specific Plan. If adopted, the Project would be the principal policy document for guiding development of the City through the year 2030, while also providing overall direction for decision-making on development proposals and day-to-day actions of the City's elected officials and staff. The proposed Project site includes the existing City of Reedley sphere of influence (4,930 acres) and expands outward to total 7,276 acres.

1. The Project does not appear to address potential impacts to the Kings River and other waterways. The Department is also concerned with the potential impacts to nesting birds; the State threatened Swainson's hawk (*Buteo swainsoni*); the State listed endangered and fully protected bald eagle (*Haliaeetus leucocephalus*); the State fully protected golden eagle (*Aquila chrysaetos*) and white tailed kite (*Elanus leucurus*); and the Species of Special Concern burrowing owl (*Athene cunicularia*). The Department recommends focused
2. biological surveys be conducted by a qualified wildlife biologist during the appropriate survey period(s) and prior to any Project-related activities to determine if Swainson's hawk or other special status species are present and if they could be impacted. Survey results can then be used to identify any mitigation, minimization, and avoidance measures necessary to reduce potential impacts to special status biological resources to less than significant. The Department advises these be included as enforceable measures in the

Conserving California's Wildlife Since 1870

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Environmental Impact Report (EIR) prepared for this Project, as well as to any future tiered project, so as to inform any potential permitting needs. Our comments follow.

Department Jurisdiction

Trustee Agency Authority: The Department is a Trustee Agency with responsibility under California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 [commencing with Section 21000] of the Public Resources Code).

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit (ITP) for the Project.

The Department also has regulatory authority with regard to activities occurring in streams and/or lakes along with riparian habitat associated with and supported by watercourses, that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code sections 1600 *et seq.* The Kings River and multiple unnamed watercourses occur within the Project Area. If a Project could substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or deposit or dispose of debris, waste, sediment, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, notification of Lake or Streambed Alteration to the Department is required. We recommend that Project proponents consult with the Department before ground-breaking activities or submit a Lake and Stream Alteration Notification to determine if the features are within the Department's jurisdiction and an Lake and Streambed Alteration Agreement (LSAA) is required for the proposed activities. As such the Department recommends that the EIR inform Project proponents of this responsibility. It is important to note that the Department is required to comply with CEQA in the issuance or the renewal of an LSAA. For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593.

Bird Protection: The Department has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful "take," possession or needless destruction of the nest or eggs of any

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bird), 3503.5 (regarding the "take," possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory nongame bird).

Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures this Project could result in pollution of a "Waters of the State" the Kings River, unnamed watercourses, and wetlands present within the Project Area. These waters could be impacted by sediment from ground disturbing activities, or pesticides and nutrients carried in stormwater associated with future development projects. The Regional Water Quality Control Board (RWQCB) and U.S. Army Corps of Engineers (USACE) also has jurisdiction regarding discharge and pollution to "Waters of the State."

Fully Protected Species: The Department has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. "Take" of any fully protected species is prohibited and the Department cannot authorize their "take" for development. The white-tailed kite, bald and golden eagles are fully protected species that could nest or forage near, or within the Project Area. If these species are detected during pre-construction surveys then appropriate species-specific avoidance and minimization measures should be applied.

Potential Project Impacts and Recommendations

Riparian Habitat and Wetlands: Riparian habitat is of extreme importance to a wide variety of plant and wildlife species. The Kings River and various un-named waterways are within to the Project site. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, the Department recommends impacts to wetlands are compensated for with the creation of new habitat, preferably on-site, on a minimum of an acre-for-acre basis. Consideration for potential impacts to special status resources posed by wetland creation is advised. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy.

The Department provides the following recommendations: a minimum 200-foot no-disturbance buffer be delineated from the high water mark of a water body or waterway, or from the outside edge of the riparian vegetation whichever is greater, is recommended for areas with riparian vegetation; a minimum 100-foot no-disturbance buffer around the high water mark of a water body or waterway that has no riparian vegetation. Larger buffers may be warranted to avoid impacts.

For all tiered projects that could impact riparian and/or wetlands resources, the Department advises that a formal wetland delineation be conducted by a qualified biologist to determine the location and extent of wetland habitat on site, including riparian habitat. Please note that, while there is overlap, the state and federal definitions of wetlands differ; delineation

and identification of both state and federal wetlands on the project site is advised. Fish & Game Code Section 2785 (g) defines wetlands; further Section 1600 applies to any area within the bed, channel, or bank of any river, stream, or lake. It is important to note that while accurate delineations by qualified individuals have resulted in a quicker review and response from the US Army Corps of Engineers (ACOE) and the Department, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants due to insufficient, incomplete, or conflicting data. The Department recommend wetlands be designated on a site map and included in the final environmental document, and the size of the buffers be clearly delineated on both the map and in the text of the mitigation measures.

The RWQCB has jurisdiction over wetlands not claimed by the USACE. The Department recommends that the RWQCB be consulted prior to initiating any Project-related activities that have the potential to impact these non-USACE jurisdictional wetlands.

Nesting Birds: The trees, shrubs, and grasses within and in the vicinity of the Project area likely provide nesting habitat for songbirds and raptors. The Department encourages Project implementation to occur during the non-nesting bird season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in any violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above. Prior to work commencing, the Department recommends surveys for active nests be conducted by a qualified wildlife biologist no more than 10 days prior to the start of the of the Project and that the surveys be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. Identified nests should be continuously surveyed for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences, all nests should be continuously monitored to detect any behavioral changes as a result of the Project. If behavioral changes are observed, the work causing that change should cease and the Department consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, the Department also recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around the nests of unlisted raptors until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and it is recommended the Department be notified in advance of implementation of a no disturbance buffer variance.

Swainson's Hawk (SWHA): This State threatened species has the potential to nest in trees along the Kings River and the various un-named waterways within the Project site. To

evaluate potential Project-related impacts, the Department recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to Project implementation.

If ground-disturbing Project activities are to take place during the normal bird breeding season (February 1 through September 15), the Department recommends that additional pre-construction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction. A minimum no-disturbance buffer of 0.5 miles is advised and be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If implementation of the 0.5 mile no disturbance buffer is not feasible, consultation with the Department is advised and the acquisition of an Incidental Take Permit pursuant to Fish and Game Code Section 2081(b) may be warranted prior to initiating any ground disturbing activities.

In addition, the removal of mature trees is a potentially significant impact to nesting raptors that is recommended to be mitigated. The Department considers removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA, and, in the case of Swainson's hawk, it could also result in "take" under CESA. This is especially true with species such as Swainson's hawk that exhibit high site fidelity to their nest and nest trees year after year. Regardless of nesting status, trees that must be removed are advised to be replaced with an appropriate native tree species planting at a ratio of 3:1 in an area that will be protected in perpetuity. This mitigation is needed to offset potential impacts to the loss of potential nesting habitat.

Fully Protected Raptors: The State fully protected white tailed kite, State fully protected golden eagle, and the State endangered and fully protected bald eagle are known to nest and forage in the vicinity of the Site. Projects within occupied territories have the potential to significantly impact the species. The Department recommends that focused surveys be conducted by experienced biologists prior to Project implementation. To avoid impact to the species, surveys should be conducted following survey methodology developed by the Department (CDFG, 2010). In the event that the species is found within ½-mile of the Site, implementation of avoidance measures are warranted. The Department recommends that a qualified wildlife biologist be on-Site during all ground disturbing/construction related activities and that a 0.5 mile no disturbance buffer be put into effect. If the 0.5 mile no disturbance buffer cannot feasibly be implemented, the Department should be contacted to assist with providing and implementing additional avoidance measures. Mitigation measures for fully protected raptor species should be fully addressed in the CEQA document prepared for the Project.

Burrowing Owl: Burrowing owl have the potential to occur within the Project area. If any ground-disturbing activities will occur during the burrowing owl nesting season (approximately April 1 through August 15), implementation of avoidance measures is required. In the event that burrowing owls are found, the Department's Staff Report on Burrowing Owl Mitigation (CDFG 2012) recommends that impacts to occupied burrows be

Kevin Fabino, Director
City of Reedley
November 22, 2013
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avoided in accordance with the following table unless a qualified biologist approved by the Department verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Failure to implement this buffer zone could cause adult burrowing owls to abandon the nest, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure, in violation of Fish and Game Code and the Migratory Bird Treaty Act.

More information on survey and monitoring protocols for sensitive species can be found at the Department's website (www.dfg.ca.gov/wildlife/nongame/survey_monitor.html). If you have any questions on these issues, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 254, or by electronic mail at Jim.Vang@wildlife.ca.gov.

Sincerely,



Jeffrey R. Single, Ph.D.
Regional Manager

cc: Regional Water Quality Control Board
Central Valley Region
1685 "E" Street
Fresno, California 93706-2020

United State Army Corps of Engineers
1325 "J" Street, Suite #1350
Sacramento, California 95814-2928

Kevin Fabino, Director
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Literature Cited

CDFG, 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California. California Department of Fish and Game.

CDFG, 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game.

SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

6. Responses to Comments from the California Department of Fish and Wildlife

- 6-1. The received no comments from the California Department of Fish and Wildlife (CDFW) when the Draft EIR was circulated. Notwithstanding, the City has prepared below a comprehensive response to comments provided by the CDFW.

As discussed in RDEIR Section 1.0, Introduction, the purpose of the RDEIR is to disclose new information generated by the City in response to comments on the Draft EIR that were submitted by CID. None of the comments submitted by CID raised significant environmental concerns related to biological resources. The RDEIR addresses only those sections of the Draft EIR that were recirculated to provide new information. Consequently, the RDEIR does not address biological resources impacts.

Impacts of implementing the proposed GPU are fully discussed in Section 2.4, Biological Resources, in the Draft EIR. City records indicate that the CDFW was notified of the availability of the Draft EIR for review and comment at the commencement of the forty-five (45) day comment period related to the Draft EIR. However, CDFW did not provide comments on the Draft EIR. Section 2.4 directly addresses potential project impacts on wetlands and riparian areas associated with the Kings River, as well as its value as habitat for special-status species and as potential wildlife migration corridor. Potential impacts on the Kings River are mitigated through implementation of a number of proposed GPU policies. For example, policy COSP 4.14.11 addresses impacts on wetlands and the need to provide sufficient buffers from wetlands in consultation with state and federal resource agencies. Policy COSP 4.14.2 requires that the Kings River corridor be designated and protected as open space. Policy COSP 4.14.3 requires a 200-foot open space buffer between the Kings River and new urban development.

Potential impacts on special-status species and protected nesting birds are also fully evaluated in Section 2.4 of the Draft EIR. Mitigation measures BIO-1, BIO-2, and BIO-3 are included to address special-status plant and animal species known to exist within the proposed expanded SOI and to address specific mitigation for nesting birds, respectively. Implementation of a combination of proposed GPU policies that address biological resources either directly or indirectly, and the proposed mitigation measures, would reduce potential impacts to less than significant. Please refer to Draft EIR Section 2.4 for more information.

- 6-2. The Draft EIR and RDEIR address the impacts of implementing the proposed GPU at a programmatic level, commensurate with the program level character of the proposed

projects. Focused biological surveys would be conducted to assess the potential impacts of individual projects and actions that implement the proposed GPU at the time such projects are proposed. Proposed GPU policy 4.14.4 requires preparation of project specific biological studies as part of the CEQA process for individual projects. Such studies would identify the need to conduct focused surveys for special-status species and to identify mitigation measures. Similarly, mitigation measures BIO-2 and BIO-3 on page 2-74 of the Draft EIR require surveys for specific special-status plants and animals, respectively, which are known to occur within the proposed SOI.

The City recognizes the jurisdiction of CDFW as a responsible/trustee agency for managing and protecting biological resources as is outlined in discussion of CDFW jurisdiction starting on page 2 of the comment letter. The City also recognizes that CDFW protocols and methodologies for evaluating impacts and mitigation impacts on special-status species and protected natural resources will be adhered to in the analysis of impacts of specific projects on biological resources. GPU policy 4.14.4 specifically references the City's need to consult with CDFW on issues related to biological impacts within its area of jurisdiction. Similarly, mitigation measures BIO-1 and BIO-2 also reference consultation with CDFW regarding potential impacts to special-status species plants and animals.

Richard E. Kangas
2701 A Street
Selma, CA 93662
November 24, 2013

Mr. Kevin Fabino
Director
Community Development Department
City Hall
1733 Ninth Street
Reedley, CA 93654



RE: Comments on RDEIR and Reedley General Plan

Dear Mr. Fabino,

I thank you for the opportunity to comment on the current subject planning.

I am the trustee for the William & Edna Kangas Living Trust (Trust). In that capacity I have concern for our property values and how the subject planning might affect those values. Our property at 17106 E. Manning Avenue (east side of Lac Jac) is within your Study Area.

Comments

While I find the RDEIR accurate, complete, informative and in almost all respects readable, I have the following concerns.

Sphere of Influence Concerns

1. As I understand your documents, the Reedley City sphere of influence (SOI) was originally planned to extend to Lac Jac Avenue, while now under the RDEIR it will extend only to Rio Vista Avenue. While various factors concerning that SOI change from the original planning are elaborated on in the RDEIR, the exact motivation for that SOI change is not included. I would like to see explanation of what motivated the necessity for this change. Perhaps that can be realized by studying original DEIR comment letters. Those comments should be included online with the other documents.
2. I do not know which western boundary (Rio Vista or Lac Jac) would be best for the interests of our Trust or for the community at large. At some time in the future those acres will certainly be added. Perhaps it would be more valuable to have the SOI to Lac Jac so that the City of Reedley would more carefully watch over activities that could have effects on that future part of Reedley. With those acres outside the SOI as suggested in the current RDEIR, the City is not likely to watch over it as closely. Perhaps it would be better to have the SOI extend all the way to Lac Jac since Riverview School (Kings Canyon Unified School District, but not in the City) is right there on Lac Jac next to the winery.
3. On the other hand, allowing that acreage to remain outside the SOI in its current County status with agricultural zoning would encourage innovative agritourism opportunities. The rural aspects west on Manning might then be enhanced and perpetuated far into the future, even after that acreage is annexed into the City.

RDEIR Edit Concerns

4. | 1) The RDEIR document as posted at
http://www.reedley.ca.gov/departments/community_development/Major_Projects/
is not word searchable. Please provide that document in a word searchable format.
5. | 2) The graphs in Appendix B are not readable. Labels for horizontal and vertical
coordinates are not visible online. Please correct those graphs.

Yours truly,

Richard E. Kangas
Rkangas02@comcast.net
559-896-5337

7. Responses to Comments from Richard Kangas

- 7-1. Mr. Kangas represents the owners of property located within the most western portion of the proposed SOI along East Manning Avenue. This area was omitted from the proposed SOI as part of Alternative 3, as described in RDEIR Section 4.0 Alternatives. This alternative was included in the RDEIR to meet CEQA requirements to evaluate alternatives to the proposed GPU that would avoid or substantially lessen environmental impacts of implementing the proposed GPU.

As a point of clarification, Mr. Kangas assumes that the SOI boundary will extend only to Rio Vista Avenue as described in RDER Section 4.0, Alternatives. The proposed project, which is the subject of the Draft EIR, currently proposes that the SOI would extend to Lac Jac Avenue as noted in the comment. Alternative 3 in the RDEIR, which shows the SOI extending only to Rio Vista Avenue, is an alternative to the proposed project that may be considered by the City Council as part of its deliberations to certify the Final EIR and approve a general plan update; Alternative 3 is not *the* proposed project.

Please refer back to response comment 5-1 above from Jim Ishimaru for review of the factors the City considered in excluding specific areas from the proposed SOI as part of Alternative 3. These factors included consideration of compact growth principles on which the proposed GPU was crafted, potential for areas at the margins of the proposed SOI to actually develop during the proposed GPU 20-year planning horizon, and the feasibility of the City's ability to sustain costs to construct and maintain public infrastructure needed to support development at the margins of the proposed SOI.

- 7-2. The comment letters on the Draft EIR are included in Section 2.0, Responses to Comments, of this Final EIR.
- 7-3. The comment expressing opinions about factors to consider in establishing an SOI boundary in the areas of the subject property is acknowledged. No response is necessary.
- 7-4. The City has posted a searchable version of the RDEIR on the City's website.
- 7-5. A revised version of Appendix B to the RDEIR has been posted on the City's website.



November 25, 2013

Kevin Fabino
City of Reedley
Planning Department
1733 Ninth Street
Reedley, CA 93654



Project: Notice of Availability of a Recirculated Draft EIR City of Reedley General Plan 2030

District CEQA Reference No: 20130892

Dear Mr. Fabino:

- 1. The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of the recirculated Draft EIR for the City of Reedley General Plan 2030. The District has previously commented on this project and has no additional comments at this time.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Debbie Johnson at (559) 230-5817.

Sincerely,

David Warner
Director of Permit Services

For
Arnaud Marjollet
Permit Services Manager

DW:dj

cc: File

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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4800 Enterprise Way
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Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
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Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

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

8. Responses to Comments from the San Joaquin Valley Air Pollution Control District

- 8-1. The comment notes only that the SJVAPCD has previously commented on the proposed and has no additional comments on the RDEIR. Please refer to Section 2.0, Responses to Comments on the Draft EIR, for responses to SJVAPCD comments on the Draft EIR. No further response is necessary.

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November 26, 2013

Kevin Fabino, Director of Community Development
City of Reedley, Community Devel. Dept., City Hall
1733 Ninth Street
Reedley, CA 93654

VIA Fax and Email to
(559) 637-2257
kevin.fabino@reedley.ca.gov

Re: Comments on Reedley General Plan 2030 Recirculated Draft Environmental Impact Report and October 2013 Revised General Plan (GP Amendment Application No. 2012-002 & SCH # 2010031106)

Dear Mr. Fabino:

Thank you for the opportunity to submit the following comments on the above referenced project. CID appreciates your courtesy in granting us a brief extension to submit them.

1. CID is concerned about this project because a portion of the sphere is located within the boundaries of CID and because the project will substantially contribute to the depletion of the Upper Kings River Aquifer which CID's farmers depend upon for their water.
2. The Revised Draft EIR (RDEIR) concedes that it was revised as a result of CID's comments on the prior version of the EIR. CID appreciates that the City recognized the serious nature of CID's concerns and is making a substantial effort to address those concerns. This demonstrates that CEQA is working as intended to motivate public agencies to address significant environmental issues with respect to their discretionary decisions.
3. While much improved, the RDEIR and the revised General Plan polices proposed with it still have serious flaws that need further work. The Revised DEIR and GP policies largely defer mitigation of the impacts on agriculture, stormwater and groundwater to the future development of a Farmland Preservation Program for agriculture, a stormwater management plan for stormwater and a comprehensive groundwater management and recharge program to reduce impacts on groundwater. As the policies are written, they do not provide any enforceable assurance that the programs will actually be adopted and that mitigation will actually occur.
4. The RDEIR relies substantially on a new 2010 Urban Water Management Plan (2010 UWMP). The plan was apparently developed and adopted after CID pointed out that the City had failed to update its UWMP as required by state law. While the 2010 plan appears to be an improvement over the

CID Comments on Reedley Gen. Plan 2030 Recirculated Draft Environmental Impact Report

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4. | previous water management plan it is very disappointing that the City chose not to notify and involve
cont. | CID in the development of the plan as state law Water Code Section 10641 recommends. It is exactly
| this continued refusal to involve other affected agencies that has heightened CID's concern about
| Reedley's development plans. It undermines confidence in the City's commitment to work with CID
| and other agencies to develop comprehensive solutions to the environmental impacts identified in the
| EIR.

5. | As we indicated in our previous comment letter, mitigation measures proposed in an EIR must be
| "fully enforceable" through permit conditions, agreements or other legally binding instruments. (Pub.
| Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).) The City may rely on General Plan policies
| to mitigate environmental impacts under CEQA only if they contain specific implementation programs
| that represent a firm, enforceable commitment to mitigate. (See *Napa Citizens for Honest Gov't v. Napa*
| *County Board of Supervisors* (2001) 91 Cal.App.4th 342, 358, citing *Rio Vista Farm Bureau Center v.*
| *County of Solano* (1992) 5 Cal.App.4th 351, 377.) CEQA requires that mitigation measures actually be
| implemented – not merely adopted and then disregarded. (*Anderson First Coalition v. City of Anderson*
| (2005) 130 Cal.App.4th 1173, 1186-87; *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*
6. | (2000) 83 Cal.App.4th 1252, 1261.) By contrast, the GPU's vague and noncommittal policies and
| programs (and policies for which no implementation programs are identified) allow the City to decide to
| take no action and thus fail to mitigate the impacts.

1. THE RDEIR AND REVISED GENERAL PLAN'S DISCUSSION OF GROWTH PROJECTIONS IS UNCLEAR AND FLAWED

7. | A fundamental point made in CID's prior comments was to question the growth projection of 3%
| used as the basis for determining the sphere of influence for the City. We questioned the projection
| because our analysis of the growth indicated a historic growth pattern much closer to 2% than 3%.

8. | CID's analysis used the January 1, 1992 population of 17,183 from Table 2-1 at pg. 18 in the
| October 2013 Revised General Plan and the stated 2012 population of 24,622 in the DEIR taken from
| the Department of Finance (DEIR pg. 1-20). Those numbers indicate that the City's population increase
| over that 20 year period averaged 2.16% per year. The General Plan Update Table 2-1 however claims
| to show that the population of Reedley was 26,227 in 2010 and based on that, asserts that there was a
| 2.73 average growth rate from 1990-2010. (pg. 18). No citation is given to any source for this
9. | population information. There is clearly a conflict between the figures in this table and the substantially
| lower number determined for 2012 by the Department of Finance (DOF) cited in the DEIR. It is also in
| conflict with the population number cited in the recently completed 2010 Urban Water Management
| Plan which is part of the new information upon which the RDEIR is based. That UWMP asserts that the
| City population in 2010 was 24,194 based on DOF numbers not the 26,277 cited in the GP. (UWMD,
| pg. 2.5) This difference of almost 10% in the City's population in 2010 is significant and skews the
| average growth calculations.

10. | The City needs to accurately portray the actual historic growth of the City. It is the fundamental
| basis for projecting future growth and determining and justifying the size of the sphere of influence

10. cont. needed. Normally this is done with Census data and Department of Finance annual estimates between the censuses. The City apparently chose in Table 2.1 a different course. If so it needs to fully disclose its source data and methodology to determine whether its analysis of historic growth and future growth are correct. If its numbers are correct, then it needs to go back and redo those sections of the EIR and Urban Water Management Plan that are based on the different DOF numbers. If not, the relevant tables and all further analysis based on those faulty numbers needs to be reevaluated.

11. What are the correct historic city population growth figures effects all of the revisions done in the RDEIR and the 3% growth projection used as the justification for the SOI expansion.

2. NEW INFORMATION IN THE RDEIR DEMONSTRATES THE LACK OF NEED FOR THE PROPOSED EXPANSION OF THE CITY SPHERE

12. In addition to the serious questions regarding the historic population figures used as justification for projected growth, the City's own new information in Table RDEIR 1 further demonstrates the lack of evidence to support the need for an expanded SOI. Table RDEIR 1 at pg. 18 of the RDEIR, shows the historical acreage of the city boundaries, the SOI, and agricultural land that has been converted in 1977, 1992 and 2013. It also shows the projected acreage for those same components projected for the year 2030 based on application of the historical growth pattern to the planning horizon of 2030.

13. This table projects the City boundaries as increasing from 3,133 acres in 2013 to 3,797 acres in 2030 based on the historical growth pattern. This is an increase of 664 acres. While this does indeed support the argument made in that section that actual impact on agricultural lands is likely to be less than projected, it also clearly demonstrates the complete lack of evidence for the need to expand the City's sphere by an additional 40%. Even the current sphere at 5,353 acres is far in excess of what the City is likely to actually need.

14. In its 2009 Model Farmland Conservation Program for Fresno County, Fresno COG identified overly ambitious city spheres as a major driver of premature farmland conversion. It stated:

"Behind the loss of farmland is a gap between the well-intended plans of local governments and their actual performance in living up to them. Nearly all city general plans call for avoiding the best farmland and developing land efficiently. But these plans are being frustrated by, among other things, a combination of fiscal pressure to promote development imposed by state law—the fiscalization of land use; the establishment of city spheres of influence that are expansive enough to accommodate decades of new development (the average of the small cities is 41 years) even at today's inefficient rates; the failure of cities to measure how much of the best farmland is being developed in comparison to what is necessary to meet their needs; and ultimately, by the lack of a compelling, alternative vision of, and fiscal model for, how cities in the San Joaquin Valley should grow." [Emphasis added] (2009 COG Model, pp. 1-2)

15. Reedley is doing exactly what the COG identified as the problem. It includes in its General Plan many policies calling for avoiding conversion of farmland but at the same time proposes an SOI that is

15. cont. | vastly larger than can be supported by any historical growth data. By including this excess land in the sphere, the City is sending a signal to the landowners and the real estate market and to all other planning agencies that these lands will not remain in agriculture and are slated for urban development. In addition, through express policies such as GP Policy 2.5.3, the City is encouraging farmers within the expanded sphere cancel Williamson Act contracts and discouraging new farmland conservation restrictions on such lands.

16. | All of this directly results in premature conversion of farmland to an extent that no set of farmland preservation policies can mitigate. The only effective and rational mitigation is to reduce the SOI to what is actually needed based upon historical growth patterns. As further discussed below, this issue must be squarely addressed in the RDEIR by inclusion of a realistic Alternative with a proposed SOI based on actual historic growth patterns rather than political aspirations.

3. THE RDEIR DOES NOT ADEQUATELY EVALUATE OR MITIGATE THE IMPACTS ON AGRICULTURE

17. | Here, the revised DEIR recognizes that the urban growth facilitated by the new General Plan will irrevocably convert thousands of acres of prime agricultural lands. The revised DEIR relies upon General Plan policies to mitigate the impacts of the city's growth upon prime farmland. These proposed new policies are a significant improvement over the previous policies but many are still framed as aspirational rather than as firm commitments. There are still serious deficiencies in the agricultural impact discussion in the RDEIR.

a. The RDEIR Fails to Adequately Analyze and Evaluate the Impacts of the GP and Sphere on Williamson Act lands

18. | The RDEIR concedes that the proposed expanded City sphere and General plan development would include "a large number of Williamson Act properties". While a figure graphically showing the Williamson Act parcels was included in the original DEIR, (Fig 7) nowhere in the RDEIR's discussion of impacts on Williamson Act farmlands is the acreage quantified or presented as a percentage of the lands within the proposed SOI. Nor is there information on the status of each contract, such as whether the City protested at the time the contract was entered into, and whether there has been notice of non-renewal by the landowner. This is a serious deficiency in the document and impairs its adequacy as an informational tool in assessing the significance of the impacts on Williamson Act lands.

19. | A further serious deficiency in this section is the failure to comprehensively discuss the regulations governing conversion of Williamson Act lands. The DEIR does include the stringent finding needed for the County or City to cancel a Williamson Act contract. It also discusses in a very general fashion the LAFCo sphere policies and includes them in Appendix B. However neither the DEIR nor RDEIR discusses the other statutory and policy provisions limiting Fresno LAFCo from approving annexations of Williamson Act lands. As a result the single most critical regulation affecting the City's sphere decision is not addressed in the RDEIR.

Fresno LAFCo acts in the role of a responsible agency under CEQA in ultimately being the

CID Comments on Reedley Gen. Plan 2030 Recirculated Draft Environmental Impact Report

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20. approving agency for the sphere of influence for the City of Reedley. LAFCo is the actual final decisionmaker on whether and when the City will grow. It will rely upon this EIR as the environmental document upon which it bases its decision on the sphere. As such, the EIR must adequately address the environmental and policy issues faced by LAFCo as well as those of the City. If it does not do so, the document is legally inadequate. (*Habitat and Watershed Caretakers v. City of Santa Cruz* 6th District, Feb. 19, 2013).

21. LAFCo is governed by its own statutory scheme contained in the Cortese Knox Hertzberg Act located at §56000 *et seq.* of the Government Code. One of the primary missions of LAFCo is to discourage urban sprawl and protect prime farmland. (§56001). In approving city spheres and annexations that contain prime farmland, LAFCo is governed by several specific statutes. Section 56377 requires LAFCo to encourage infill development within city boundaries and existing sphere and discourage expansion into prime farmlands.

22. With respect to Williamson Act contracts, the Legislature has placed express constraints on LAFCo approval of changes to city spheres which propose to bring Williamson Act lands into the sphere. Section 56426.6 of the Government Code states:

56426.6. (a) The commission shall not approve a change to the sphere of influence of a local government agency of territory that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1) if that local government agency provides, or would provide, facilities or services related to sewers, nonagricultural water, or streets and roads to the territory, unless these facilities or services benefit land uses that are allowed under the contract and the landowner consents to the change to the sphere of influence.

(b)(1) Notwithstanding subdivision (a), the commission may nevertheless approve a change for that territory if it finds either of the following:

(A) That the change would facilitate planned, orderly, and efficient patterns of land use or provision of services, and the public interest in the change substantially outweighs the public interest in the current continuation of the contract beyond its current expiration date.

(B) That the change is not likely to adversely affect the continuation of the contract beyond its current expiration date.

(2) In making a determination pursuant to this subdivision, the commission shall consider all of the following:

(A) The policies and implementation measures adopted by the city or county that would administer the contract both before and after any ultimate annexation, relative to the continuation of agriculture or other uses allowable under the contract.

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22. cont. (B) *The infrastructure plans of the annexing agency.*
(C) *Other factors that the commission deems relevant.*
(c) *This section shall not apply to any of the following:*
(1) *Territory that is subject to a contract for which a notice of nonrenewal has been served pursuant to Section 51245.*
(2) *Territory that is subject to a contract for which a tentative cancellation has been approved pursuant to Section 51282.*
(3) *Territory for which the governing body of the county or city administering the contract has given its written approval to the change and the landowner consents to the change.*
23. This statute only permits LAFCo to approve expansion of the sphere into Williamson Act lands if it can make a specific finding that the public interest in facilitating orderly and efficient development “substantially outweighs the public interest in the current continuation of the [Williamson Act] contract beyond its current expiration date.” It is not enough that the interest in orderly development outweighs the interest in preserving farmland; the Commission must find that it “*substantially*” outweighs the interest in preserving farmland.
24. Here the DEIR and RDEIR fail to discuss this critical statute and provide the information on the status of each contract that is essential for LAFCo’s consideration of the sphere under 56426.6. The document fails to address the needs of LAFCo and is therefore inadequate.
25. Perhaps the decision was made not to address this because the EIR contain factual evidence that demonstrate that much of this additional Williamson Act land is not needed to accommodate growth needs of the City. As was pointed out in our previous comments, the basis upon which the City claims that a 3% annual growth projection is reasonable appears to unsupported. As discussed above, using DOF numbers, the historical growth pattern is of a 2.16% growth rate. Therefore, the City’s population in 2030 is likely to be only 35,284, not the 47,369 projected in the General Plan. Yet the proposed SOI would accommodate a build-out population of 71,159 (DEIR 1-34), twice the realistic expected population! This lack of need is further documented in the Table RDEIR 1 which projects the city boundaries in 2030 using historical growth patterns as containing 3,797 acres, only 664 acres bigger than the 2012 city boundaries, while the remaining undeveloped sphere is nearly double that at 7,091 acres. (pg.2.8)
26. The RDEIR implicitly recognizes the excessive reach of the proposed SOI into Williamson Act and prime farmlands by including a new alternative 3 proposing a reduction in the sphere by 826 acres. The RDEIR, in discussing this alternative, admits that “The Additional SOI Acreage Reduction Alternative 3 would achieve all of the City’s goals and objectives in proposing an update to its existing 2012 General Plan.” (RDEIR 4-28). This is a tacit admission that the City can accommodate reasonable growth with a substantially smaller sphere.
27. The RDEIR gives no explanation as to why this particular amount of land--826 acres--was selected for Alternative 3 as not necessary to meet the GP objectives. It begs the further question why Alternative 3 was not crafted to actually address the point of our previous comments that the sphere

28. actually only needs to accommodate a 2.16% growth rate or 35,000 population. Using the RDEIR's own figures, Table 2.1's projection of the city limits in 2030 as encompassing 3,797 acres—a reasonable sphere would actually not need to be any bigger than the projected actual boundaries in 2030 plus a reasonable margin of say 25%. This would suggest that a reasonable sphere for the City would be 4,746 acres, which is somewhat less than the current sphere at 5,343 acres. Even at that it would provide an additional 25% of acreage to allow more than adequate margin for unexpected growth.

29. Such an alternative would result in a much more reasonable sphere, excluding thousands of additional acres of prime farmland and Williamson Act lands. Being based in historic trends rather than political desires, it would provide the factually more supportable alternative needed for LAFCo to be able to use the document to comply with its statutory and policy requirements to minimize impact on Williamson Act and prime farmlands.

b. The RDEIR and Revised General Plan Contain Measures that Will Have Significant Impacts on Agriculture That Are Not Addressed

30. The Revised General Plan circulated with the RDEIR contains policies some of which are likely to significantly increase the severity of the impacts on farmland.

- LU 2.5.3 in the Revised GP now provides that the City will oppose new land conservation contracts “adjacent to city boundaries” and “work with owners of land within the SOI who wish to file for non-renewal of Williamson Act contracts”.
- The original GP Policy L.U. 2.5.8 provided only for annexation of residential property when 80% of the residentially designated land within the City had been developed. That policy language has been replaced in the revised GP with a policy that “the City shall not support annexation” until 65% of the residential land in the city limits is developed.

The first policy 2.5.3 is clearly an effort to discourage further agricultural conservation within the area of the City's sphere of influence. Not only will the city actively oppose new Williamson Act contracts or other farmland conservation measures within its proposed sphere, it will actively encourage farmers to terminate existing Williamson Act contracts.

31. Such a policy might be reasonable were the proposed City sphere was limited to land that the City actually is likely to need orderly development in the foreseeable future. However, as discussed above, the propose sphere is nearly twice as big as likely needed by 2030, and therefore includes 3500 acres more farmland than is needed. In that context, implementation of Policy 2.5.3 is likely to result in the City working as a destructive force to promote cancellation of contracts and discouragement of farmland preservation on thousands of acres that otherwise would never develop.

32. Curiously the policy is left in the document, even though it appears to directly conflict with other policies in the new Farmland Preservation Plan (FPP), specifically Policy c) and d) and implementation measures b). General Plans are required by law to be internally consistent so this inconsistency needs to

32. | be resolved for the plan and EIR to be legally adequate.
cont.

33. | The RDEIR either needs to drop this policy due to the inconsistency with the FPP or the RDEIR needs to specifically evaluate the likely significant adverse impact of this policy. Eliminating it is certainly a feasible mitigation measure or at least limiting it to farmlands that are contiguous with city boundaries (not just the vague term “adjacent”) as is done in FPP policy c). If limited to lands close to the city boundaries, the impact would be lessened and only apply where the need is convert is clearer.

34. | The second policy, 2.5.8 includes an undiscussed change from the prior version of the policy. The reduction in the percentage of residential development required to allow further annexation from 80% to 65% is a significant loosening of the restriction. The RDEIR needs to specifically analyze the impacts of this change. It can certainly be reasonably anticipated to allow more residential subdivision annexations while there is still a very large amount of undeveloped infill land already in the City. This will promote the premature conversion of prime farmland and conflicts with many of the City’s other policies and those of LAFCo. Why was the reduction in percentage made? How can that be consistent with the City’s policy to encourage infill development? Such a “stealth” loosening of an important mitigation measure is an important change in the General Plan and must be fully analyzed in the EIR and feasible mitigation measures considered.
35. |

c. The Agricultural Mitigation Measures Largely Defer Mitigation and Do No Assure that the Impacts Will Actually be Mitigated

36. | The RDEIR relies upon new policies in the October 2013 Revised GP that propose substantial new measures to create future programs intended to protect farmland and mitigate the impacts of the farmland that is converted. This is a classic case of deferral of mitigation. Such deferral is permitted under the caselaw, but only if there are clear binding and enforceable performance standards to assure the later developed plan will actually achieve the intended mitigation. Here the General Plan policies do not create such assurance. The delayed timing proposed for the implementation of the most important mitigations effectively closes the barn door long after the horse has left. In addition, many of these measures are written in such a vague, aspirational language (as opposed to operational language) as to blunt their effectiveness.

37. | Exhibit A hereto contains a policy by policy discussion demonstrating how the language chosen makes it uncertain whether they will ever be implemented and unclear how they will be implemented. Where possible, suggested alternate language is proposed to show how easily and feasibly the mitigation measure can be redrafted meet the requirements of CEQA for permitted deferral to a future plan through enforceable mitigation.

4. THE RDEIR’S DISCUSSION OF GROUNDWATER IMPACTS

38. | The RDEIR is substantially revised from the original DEIR, and includes a new study of City groundwater impacts prepared by Ken Schmidt as well as references to a recently adopted UWMP. The
√ Schmidt study basically confirms the previous comments made by CID that the City’s proposed growth

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38. | and increased groundwater consumption will have major adverse impacts on the Kings River aquifer
cont. | relied upon by CID's farmers. While CID believes there are some technical errors in the Schmidt
| document, it provides a broadly sufficient characterization of the problem.

39. | CID's comments this time will therefore focus on the measures proposed in the RDEIR to
| mitigate the impacts on groundwater. Basically, as with mitigation of agricultural impacts, the RDEIR
| proposes the future development of various programs to mitigate the impacts on groundwater. CIR
| 3.10.7 proposes that a comprehensive water management and recharge program be developed in
| cooperation with surrounding water management authorities that includes transfer of "excess WWTP
| effluent recycled water" for use by districts. CIR 3.10.10A proposes the preparation of a "Performance
| Based Water Conservation Program ("WCP").

40. | It is instructive to compare the proposed WCP with the mitigation measure proposed for
| groundwater. The WCP contains detailed performance measures and timelines, driven by the statutory
| requirements of the UWMP law. In contrast, the Groundwater mitigation measure has no schedule, no
| performance measures and no requirement for any specific action at any specific time. As a result, while
| sounding all the right notes, the groundwater mitigation measure actually places no enforceable
| requirements on the City to mitigate the impacts on groundwater.

41. | Attached hereto as Exhibit B, is the Cooperative Agreement between CID and City of Kingsburg
| developed with facilitation by Fresno LAFCo to address and mitigate the impacts on groundwater
| resulting from the groundwater use by the City of Kingsburg. It is a ready-made and perfectly feasible
| mitigation program that could be adopted by Reedley to mitigate its impacts on groundwater. It is a
| mitigation program already adopted by three of the cities within CID's territory. It calls for payments by
| the City into a fund jointly controlled by CID and the City for CID to develop additional groundwater
| recharge facilities. Given the large percentage of the City that is within Alta Irrigation District, the
| agreement probably should be modified to include Alta Irrigation District as a participant but otherwise
| it provides an effective program to mitigate the impacts of the City's consumption of groundwater.

42. | To make the groundwater mitigation measure enforceable, CID suggests that it be revised to read
| as follows:

CIR 3.10.7 The City shall within one year from date of adoption of the GPU, enter into a cooperative agreement with Alta Irrigation District and Consolidated Irrigation District to fund construction of recharge facilities to mitigate the groundwater consumption by the City. The agreement shall be substantially similar to that agreement between CID and the City of Kingsburg provided to the City. Such agreement may also provide for the transfer of excess WWTP effluent recycled water for use by the districts for recharge or use by their constituents, where feasible.

√ This proposed language provides an enforceable General Plan policy that would provide reasonable assurance that the City's impacts on groundwater will actually be mitigated. That similar agreements have been entered into with other small cities within CID's territory is indicative that the program is not overly burdensome and is feasible for the City of Reedley.

42. cont. | If the City chooses not to adopt such a real enforceable and feasible mitigation program, it will not have complied with CEQA's obligation to adopt all feasible mitigation measures. At a minimum, the City must explain based on factual evidence, why this proposed mitigation measure is infeasible.

Conclusion

43. | The Revised Draft EIR and associated studies represent a substantial improvement over the prior version of the EIR. Unfortunately, while the RDEIR is much better at accurately and fully evaluating the impacts, particularly as to groundwater, it continues to fall far short in proposing feasible, enforceable and effective mitigation measures as required by CEQA. There is much less actually there than meets the eye. As a consequence, the RDEIR remains a flawed document that fails to adopt feasible mitigation measures or consider reasonable alternatives.

44. | This failure to mitigate is not just a technical flaw. Real consequences for the environment will flow from the City's actions. If the City does not reduce the size of its sphere to what is actually needed and improve its proposed mitigation measures, hundreds if not thousands of acres of some of the best agricultural land in the world are likely to be irretrievably lost that could have been preserved through a realistic sphere and proper Farmland Preservation Plan. The groundwater levels in the Kings River Basin will continue to sink deeper as Reedley's increased pumping increases the depletion of the aquifer.

45. | One only has to read in the Modesto Bee about the significant land subsidence just to the north in Merced County due to overpumping to recognize that this is an unsustainable practice.¹ It is time for the City to replace nostrums with real remedies.

Sincerely,

LAW OFFICES OF P. SCOTT BROWNE



P. Scott Browne

Special Counsel to Consolidated Irrigation District

cc: Clients

¹ A copy of the relevant article from the Fresno and Modesto Bee is attached as Exhibit C to these comments.

9. Responses to Comments from the Consolidated Irrigation District

As described in Section 1.0, Introduction, new information related to agriculture and forest resources, hydrology and water quality, cumulative impacts, and alternatives was obtained and utilized to address specific comments on the Draft EIR provided by CID. The City prepared the RDEIR to disclose this new information and address how it, and revisions to the proposed GPU that were also made in response to CID comments, would modify or support the impact analyses and mitigation measures identified in the Draft EIR. Responses to CID comments on topics contained in the Draft EIR that are not addressed in the RDEIR are included in Section 2.0, Responses to Comments on the Draft EIR.

It should be noted that CID did not submit its comments within the established comment period as published in the Notice of Availability. However, the City extended its professional courtesy to CID and addressed its comments in this Final EIR.

Responses to CID's comments on the RDEIR are provided below.

- 9-1. CID is concerned about this project because a portion of the proposed SOI is located within the boundaries of CID and because buildout of the proposed GPU will substantially contribute to the depletion of the Upper Kings River aquifer which CID's farmers depend upon for their water.

The RDEIR acknowledges that buildout under the proposed GPU will result in increased demand for groundwater extracted from the overdrafted Kings Basin aquifer which will worsen overdraft conditions. Accordingly, the RDEIR has identified this impact as significant and unavoidable. In reaching this conclusion, the RDEIR estimates that on average the City currently overdrafts the aquifer by 1,150 acre feet per year which is predicted to increase to 2,550 acre feet per year by 2030 with buildout per the proposed GPU, assuming the City takes no further actions to reduce per capita water consumption or increase groundwater recharge.

However, the City disputes CID's claim that the proposed GPU will "substantially contribute" to the depletion of the Kings Basin aquifer. In fact, this statement appears inconsistent with the conclusions contained in CID's Groundwater Management Plan, dated March 2009, as it identifies urban consumption by CID cities, of which Reedley is not included, as a significant source of overdraft in the CID district boundaries. According to CID's Groundwater Management Plan, over the last 40 years, the average annual overdraft within CID's boundaries was approximately 24,000 acre feet. During that same time frame, the Kings River Basin was overdrafted by 160,000 acre feet annually. As such, currently the City's contribution toward the total Kings Basin aquifer overdraft condition is

approximately 0.7 percent while the land within CID's boundaries accounts for approximately 15 percent of the annual overdraft of the Kings Basin aquifer.

If the annual overdraft of the Kings Basin aquifer through 2030 continues at a rate of 160,000 acre feet, even if the City failed to implement any new measures or programs to reduce water consumption or increase groundwater recharge, the City's contribution toward the overdraft would increase to approximately 1.5 percent. If the annual overdraft is reduced to an average of 122,000 acre feet per year by 2030, then if the City took no actions to reduce water consumption or increase groundwater recharge then the City's annual contribution toward the overdraft would approximate two percent. As such, the City's contribution toward the overdraft of the Kings Basin aquifer is relatively small.

As CID has noted, a small portion of the City's SOI is located within the boundaries of the CID. However, CID's Groundwater Management Plan does not identify the City of Reedley as a significant source of demand for groundwater. CID has provided no substantial evidence regarding either the direct or indirect effects of the City's consumptive use on the CID or its water users. The CID did provide with their previous comment letter dated March 4, 2013, several analytical documents and studies which provided further evidence of an overdraft condition. The City was not identified as the focus of CID's studies.

- 9-2. CID acknowledges that the RDEIR was prepared as a result of its comments on the Draft EIR and acknowledges the City's recognition of the serious nature of CID's concerns and is making a substantial effort to address those concerns. This demonstrates that CEQA is working as intended to motivate public agencies to address significant environmental issues with respect to their discretionary decisions.

The City acknowledges and appreciates the positive comments regarding the additional analysis included in the RDEIR with regard to potential impacts associated with consumption of agricultural land and water. It should be noted that this additional information and analysis did not change the ultimate conclusion contained in the Draft EIR with regard to the significant impacts in these impact categories.

- 9-3. CID states that while much improved, the RDEIR and the revised GPU policies still have serious flaws, and that mitigation of the impacts on agriculture, storm water and groundwater is largely deferred to the future development of a Farmland Preservation Program, a Storm Water Management Plan, and a comprehensive Groundwater Management and Recharge Program. CID also feels the policies are not enforceable and there is not assurance that mitigation programs will actually be adopted and implemented.

The City reviewed the revised proposed GPU policies related to the adoption of a Farmland Preservation Program (policy COSP 4.3.3), a Storm Water Management Plan (policy CIR 3.10.18) and a Groundwater Management and Recharge Program (policy CIR 3.10.19A) and has refined several of these policies in light of the concerns raised by CID in this and following comments. Please refer to [Appendix A](#) of this Final EIR for reference to the policies that have been modified. Generally, the City believes that the policies, as refined, provide enforceable assurance that the programs will actually be adopted and that mitigation will actually occur. Specifically, policies LU 2.5.18, COSP 4.3.3 and COSP 4.3.4 commit the City to adoption and implementation of a Farmland Preservation Program prior to potential new farmland conversion impacts that would be created with implementation of the proposed GPU. This plan and program include enforceable performance measures and standards for the City to follow with regard to the creation of agricultural buffer zones, determining whether to protest the extension of Williamson Act contracts, and the implementation of a program requiring conservation easements when an applicant seeks to annex significant farmland into the City for conversion to urban uses. The implementation of this plan and program along with the adherence to proposed policy LU 2.5.8 will ensure that the City converts significant farmland to urban uses only when it is absolutely necessary to allow for the orderly development of the City.

Similarly, with regard to potential impacts related to use of groundwater, the proposed GPU includes enforceable policies to reduce City per capita use of groundwater and increase and optimize recharge efforts. These policies are CIR 3.10.1 through CIR 3.10.10B, CIR 3.10.17, CIR 3.10.18 and CIR 3.10.19A. Though not all of these policies would meet CEQA requirements for mitigation, the policies mandating the adoption of a Storm Water Management Plan, a Groundwater Management and Recharge Program, and a Water Conservation Plan have clear deadlines by which they are to be adopted, include clear measureable performance goals and standards to be achieved, and provide a non-exclusive menu of implementation measures to achieve those performance goals and standards.

- 9-4. CID notes that the RDEIR relies substantially on a new 2010 Urban Water Management Plan. CID states that the plan was apparently developed and adopted after CID pointed out that the City had failed to update its UWMP as required by state law. CID notes that the 2010 plan appears to be an improvement over the previous water management plan, but that the City chose not to notify and involve CID in the plan as state law Water Code Section 10641 recommends.

The City responds that though this comment does not raise a specific environmental issue to which the City, as lead agency, is required to respond, pursuant to CEQA Guidelines, section 15088(a), the City feels compelled to respond to this comment to correct the

record. The City's 2010 Urban Water Management Plan was under development long before the Draft EIR was circulated for public review in December 2012 and was prepared and presented to the City Council in accordance with State Law. According to the Draft 2010 Urban Water Management Plan, "The recent implementation of metering and use of commodity rates resulted in a significant reduction in per capita use, from approximately 249 gpcd in 2006 to 165 gpcd in 2011." This reduction in water demand exceeds the State mandated 20 percent reduction by 2020, pursuant to the Water Conservation Bill 2009.

According to City records, a Proof of Service by Mail was prepared and included the mailing list and Notice of Public Hearing. The Notice of Public Hearing sent to CID included the date the City Council would be considering the matter. An electronic copy of the *Urban Water Management Plan 2013* was also posted on the front page of the City's website at least 15 days prior to the City Council meeting at which the City Council considered adoption of the Urban Water Management Plan.

It is also noted that CID did request to be placed on the City Council agenda electronic distribution list. The City also has in its records electronic distribution to CID of the City Council agenda, dated August 13, 2013, whereby the City Council considered the matter in a public hearing.

- 9-5. CID notes that mitigation measures proposed in an EIR must be "fully enforceable" through permit conditions, agreements or other legally binding instruments (Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2)) and that City may rely on general plan policies to mitigate environmental impacts under CEQA only if they contain specific implementation programs that represent a firm, enforceable commitment to mitigate. CID references a number of legal cases supporting this position.

The City acknowledges the summary of legal principals associated with mitigation measures and as stated response 9-3 above, believes that the cited proposed GPU policies comply with these requirements.

- 9-6. CID comments that the GPU's vague and noncommittal policies and programs (and policies for which no implementation programs are identified) allow the City to decide to take no action and thus fail to mitigate the impacts.

The City refers CID to response 9-3 above. As stated previously, proposed GPU policies mandating the adoption of the Farmland Preservation Plan and Program, Storm Water Management Plan, the Groundwater Management and Recharge Program, and the Water Conservation Plan have clear deadlines by which they are to be adopted, include clear measureable goals to be achieved and provide non-exclusive menus of implementation measures to achieve those goals. It should be noted that a general plan EIR is a program EIR, not a project level EIR. As such, it is legally permissible for the City to defer defining

the specifics of mitigation measures if it commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan.

- 9-7. CID comments that it questions the growth projection of 3.0 percent used as the basis for determining the proposed SOI as described in the proposed GPU based on its belief that the historic growth rate is closer to two percent.

The City provided an explanation of the selected methodology for the population estimate in Chapter 2 of the proposed GPU on page 18. To summarize, the 3.0 percent projected growth rate is based upon an average growth rate between 2000 and 2010 of 2.54 percent and an average growth rate between 2006 and 2010 of 3.59 percent. Based upon these numbers, the City selected 3.0 percent as an appropriate average growth rate through 2030. The population figures upon which the City relied were found at the Fresno Council of Government's website (<http://fresnocog.org/population-and-housing>). This information was reportedly obtained from the California Department of Finance and the U.S. Census Bureau. The City believes that its predicted growth rate is reasonable based upon its historic growth rate as reported in the sources referenced. Furthermore, it should be noted that even if the City's population grows at an average annual growth rate of less than 3.0 percent through 2030, use of the 3.0 percent growth rate will have been appropriate so as to ensure that the City has considered all of the potential environmental effects of an annual population growth rate up to 3.0 percent.

- 9-8. CID expresses concern that the data used to assert that there was a 2.73 percent average growth rate from 1990-2010 is not sourced so cannot be validated.

The City refers CID to the City's response 9-7 above which provides the basis for the City's determination that a 3.0 percent projected population growth rate is appropriate, as well as for the citations to the sources of the information used for this projection.

- 9-9. CID comments that there are conflicts between population estimates used in the proposed GPU with Department of Finance 2012 estimates cited in the Draft EIR and with population numbers cited in the 2010 Urban Water Management Plan upon which information in the RDEIR is based. CID states there is a difference of almost 10 percent that significantly skews the average growth calculations.

The City refers CID to response 9-7 above, which provides the basis for the City's determination that a 3.0 percent projected population growth rate is appropriate, as well as for the citations to the sources of the information used for this projection.

- 9-10. CID comments that the City needs to accurately portray the actual historic growth of the City given its fundamental basis for projecting future growth and determining and justifying the size of the sphere of influence needed. The City needs to fully disclose its

source data and methodology to determine whether its analysis of historic growth and future growth are correct.

The City refers CID to response 9-7 above, which provides the basis for the City's determination that a 3.0 percent projected population growth rate is appropriate, as well as for the citations to the sources of the information used for this projection. It should be noted that in establishing the 3.0 percent growth projection, the City actually followed CID's suggested approach.

- 9-11. CID asks for the correct historic city population growth figures and states that they affect all of the revisions done in the RDEIR and the 3.0 percent growth projection used as the justification for the proposed SOI expansion.

The City refers CID to response 9-7 above, which provides the basis for the City's determination that a 3.0 percent projected population growth rate is appropriate, as well as for the citations to the sources of the information used for this projection.

- 9-12. CID comments that the City's own new information in Table RDEIR 1 further demonstrates the lack of evidence to support the need for an expanded SOI. Table RDEIR 1 shows the historical acreage of the City boundaries, the SOI, and agricultural land that has been converted in 1977, 1992 and 2013. It also shows the projected acreage for those same components projected for the year 2030 based on application of the historical growth pattern to the planning horizon of 2030.

The City refers CID to response 9-7 above.

- 9-13. CID states that RDEIR Table 1 does indeed support the argument made in that section that actual impact on agricultural lands is likely to be less than projected; it also clearly demonstrates the complete lack of evidence for the need to expand the City's SOI by an additional 40 percent. Even the current sphere at 5,353 acres is far in excess of what the City is likely to actually need.

The City believes this comment does not raise a specific environmental issue to which the City, as lead agency, is required to respond, pursuant to CEQA Guidelines, section 15088(a). Instead, this comment is directed to the policy issue of whether the City has a basis for seeking to expand its SOI proposed in the GPU. The RDEIR has evaluated the potential impacts associated with the proposed SOI expansion as described in the proposed GPU.

- 9-14. CID states that in its 2009 Model Farmland Conservation Program for Fresno County, Fresno Council of Governments identified overly ambitious city spheres as a major driver of premature farmland conversion.

The City believes this comment does not raise a specific environmental issue to which the City, as lead agency, is required to respond, pursuant to CEQA Guidelines, section 15088(a). Instead, this comment is directed to the policy issue of whether the City has a basis for seeking to expand its SOI as identified in the proposed GPU. The RDEIR has evaluated the potential impacts associated with the expansion of the City's SOI as proposed.

- 9-15. CID feels that the City is including excess land in its proposed SOI, which is what COG identified as the problem. By including this excess land in the sphere, CID feels the City is sending a signal to the landowners and the real estate market and to all other planning agencies that these lands will not remain in agriculture and are slated for urban development.

The City believes this comment does not raise a specific environmental issue to which the City, as lead agency, is required to respond, pursuant to CEQA Guidelines, section 15088(a). Instead, this comment is directed to the policy issue of whether the City has a basis for seeking to expand its SOI as identified in the proposed GPU. The RDEIR has evaluated the potential impacts associated with the expansion of the City's SOI as proposed. CID's comments should be focused on the sufficiency of the document in identifying and analyzing the possible impacts on the environment caused by developed consistent with the proposed GPU and ways in which the significant effects of the project might be avoided or mitigated pursuant to CEQA Guidelines, section 15204. In addition, the City refers CID to response 9-3 above which addresses the adequacy of the City's proposed mitigation related to consumption of farmland.

- 9-16. CID comments that the proposed GPU will result in premature conversion of farmland to an extent that no set of farmland preservation policies can mitigate, and that the proposed SOI should be reduced to reflect historical growth patterns. CID feels this issue must be squarely addressed in the RDEIR by inclusion of a realistic project alternative with a proposed SOI based on actual historic growth patterns rather than political aspirations.

The City responds that it has presented an alternative that reduces the size of the proposed SOI. As stated previously, the City believes that the proposed SOI is reasonable in light of the City's projected population growth rate as well as the goals and policies set forth in the proposed GPU, including those to promote economic development and employment opportunities. Furthermore, the City believes that the goals and policies set forth in the proposed GPU related to the preservation of farmland address the concerns raised by CID. The City refers CID to response 9-3 above, which addresses the adequacy of the City's proposed mitigation related to consumption of farmland.

- 9-17. CID comments that the RDEIR recognizes that the urban growth facilitated by the proposed GPU will irrevocably convert thousands of acres of prime agricultural lands.

CID also believes that RDEIR relies upon significantly improved GPU policies to mitigate the impacts of the City's growth upon prime farmland, but many of the revised/new policies are still framed as aspirational rather than as firm commitments.

The City refers CID to response 9-3 above.

- 9-18. CID comments that nowhere in the RDEIR discussion of impacts on Williamson Act farmlands is information presented on the acreage or percentage of contracted land within the proposed SOI, status of each contract identified, City protest of new contracts, or whether notices of non-renewal have been filed by the landowners. This is a serious deficiency.

The City disagrees with CID's assertions regarding serious deficiencies with regard to how the RDEIR identifies the parcels currently subject to a Williamson Act contract. As CID has acknowledged, the City has provided a figure that identifies the parcels subject to a Williamson Act contract. The CEQA Guidelines do not require that the acreage be quantified or presented as a percentage of the lands within the proposed SOI. In the RDEIR, the City has adequately described the existing physical and regulatory setting related to properties subject to Williamson Act contracts and has been conservative in presenting the potential environmental impacts associated with the conversion of these lands to urban uses. Because the status of Williamson Act contracts is dynamic, including such information in the RDEIR has limited value. However, though the City does not believe such information is legally required, the City has included a new figure in [Appendix B](#) of the Final EIR entitled "Status of Williamson Act Contracts", which includes much of the information that CID suggests is needed.

- 9-19. CID comments that the RDEIR fails to comprehensively discuss the regulations governing conversion of Williamson Act lands; neither the Draft EIR, nor RDEIR discuss statutory or policy provisions limiting Fresno County LAFCO from approving annexations of Williamson Act lands. As a result, the single most critical regulation affecting the City's proposed SOI decision is not adequately addressed.

The City disagrees with CID comment. As CID acknowledges in its full comment, the RDEIR includes the stringent finding needed for the County or City to cancel a Williamson Act contract and discusses the LAFCO sphere policies and includes them in [Appendix B](#) of that document. Neither CEQA nor the CEQA Guidelines require that an EIR "comprehensively discuss" the regulations governing conversion of Williamson Act Lands. Such a requirement would be contrary to the CEQA Guidelines guidance regarding the length of Environmental Impact Reports (See CEQA Guidelines, section 15141).

- 9-20. CID comments that Fresno County LAFCO will rely upon the EIR as the environmental document upon which it bases its decision about future changes to the City’s SOI and as such, the EIR must adequately address the environmental and policy issues faced by LAFCO as well as those of the City and is legally inadequate if it fails to do so (*Habitat and Watershed Caretakers v. City of Santa Cruz*, 6th District, Feb. 19, 2013).

The City acknowledges that Fresno LAFCO would act in the capacity of a Responsible Agency when it considers the City’s applications for annexation and expansion of its SOI. CEQA Guidelines, section 15096 sets forth the responsibilities and duties of a Responsible Agency. Depending upon the circumstances at the time Fresno LAFCO considers a City application to expand the SOI, it may or may not rely upon the Final EIR certified for the proposed GPU. It should be noted that Fresno LAFCO has submitted a letter commenting upon the RDEIR which does not claim any deficiencies in the document as suggested in the CID comment. The City has reviewed the holdings in *Habitat and Watershed Caretakers v. City of Santa Cruz* and is unclear as to what CID is referring when it states that an EIR must adequately address “policy” issues.

- 9-21. CID comments that in approving city spheres and annexations that contain prime farmland, LAFCO is governed by several specific statutes and that LAFCO is required to encourage infill development within city boundaries and existing sphere and discourage expansion into prime farmlands.

This comment does not raise a specific environmental issue to which the City, as lead agency, is required to respond, pursuant to CEQA Guidelines, section 15088(a). Instead, this comment is directed to regulations that govern LAFCO’s decisions. The RDEIR has evaluated the potential impacts associated with the expansion of the City’s proposed SOI.

- 9-22. CID comments on a range of Government Code sections that provide direction for LAFCO actions with regards to SOI changes where such changes propose to bring Williamson Act lands into the sphere.

The comment does not raise a specific environmental issue to which the City, as lead agency, is required to respond, pursuant to CEQA Guidelines, section 15088(a). Instead, this comment is directed to regulations that govern LAFCO’s decisions. The RDEIR has evaluated the potential impacts associated with the expansion of the City’s SOI.

The cited statutory provisions speak for themselves.

- 9-23. CID comments that Government Code statute only permits LAFCO to approve expansion of a sphere into Williamson Act lands if it can make a specific finding that the public interest in facilitating orderly and efficient development "substantially outweighs the public interest in the current continuation of the Williamson Act contract beyond its current expiration date."

The comment does not raise a specific environmental issue to which the City, as lead agency, is required to respond, pursuant to CEQA Guidelines, section 15088(a). Instead, this comment is directed to regulations that govern LAFCO's decisions. The RDEIR has evaluated the potential impacts associated with the expansion of the City's SOI. The cited statutory provisions speak for themselves.

- 9-24. CID notes that the Draft EIR and RDEIR fail to discuss critical statutes and provide the information on the status of each Williamson Act contract that is essential for LAFCO's consideration of the proposed SOI sphere under Government Code section 56426.6.

The City disagrees that CEQA requires the information regarding the status of each Williamson Act contract be included in a Draft EIR. The City has identified all of the land that is within the boundaries of the City's current and proposed SOI. That information is more than sufficient in order to evaluate whether the proposed GPU would conflict with existing zoning for agricultural use, or a Williamson Act contract. The status of each Williamson Act contract may change by the time LAFCO considers a City request to expand its SOI. As such, the appropriate time to provide information regarding the status of each potentially affected Williamson Act contract is at the time the City submits an application to expand its SOI.

- 9-25. CID notes that important Williamson Act contract information was not included because the EIR contains factual evidence that demonstrate that much of this additional Williamson Act land is not needed, based on historical growth rates, to accommodate growth needs of the City.

As set forth in the City's response 9-7 above, the City has provided substantial evidence to support its estimate for average annual population growth through the year 2030. Neither the CID, nor its legal counsel has submitted any evidence of their expertise in urban planning. CID's opinions regarding the adequacy of a proposed SOI to accommodate future population growth and economic development do not constitute substantial evidence.

- 9-26. CID suggests that the RDEIR Alternative 3 discussion stating that "The Additional SOI Acreage Reduction Alternative 3 would achieve all of the City's goals and objectives in proposing an update to its existing 2012 General Plan" (RDEIR 4-28) is a tacit admission that the City can accommodate reasonable growth with a substantially smaller sphere.

The City included the new Alternative 3, out of an abundance of caution, to ensure that it complies with the requirements of CEQA to describe and evaluate a range of reasonable alternatives to the project (CEQA Guidelines, section 15126.6). Ultimately, it will be the City Council which will determine whether Alternative 3 feasibly attains most of the basic

objectives of the project while avoiding or substantially lessening any of the significant effects of the project.

- 9-27. CID states that the RDEIR gives no explanation as to why 826 acres was selected for Alternative 3 as not necessary to meet the proposed GPU objectives. It begs the further question why Alternative 3 was not crafted to actually address the point of its previous comments that the proposed SOI actually only needs to accommodate a 2.1 percent growth rate or 35,000 population.

The City refers CID to the previous response 9-7, which adequately addresses the factual basis for the City’s determination of the annual average growth projection of 3.0 percent.

- 9-28. CID suggests that using information in the RDEIR, the Table 2.1 projection of the city limits in 2030 as encompassing 3,797 acres, a reasonable sphere would actually not need to be any bigger than the projected actual boundaries in 2030 plus a reasonable margin of 25 percent, or a total of 4,746 acres.

Neither CID, nor its legal counsel has submitted any evidence of their expertise in urban planning. The opinions regarding the adequacy of a proposed SOI to accommodate future population growth and economic development do not constitute substantial evidence. In the proposed GPU, the City has set forth the goals and objectives it seeks to accomplish through implementation of the proposed GPU. Based upon those goals and objectives, the City has identified what it believes is an appropriate boundary for the City. The City’s future applications to Fresno County LAFCO to expand its SOI will be influenced by the actual growth and opportunities for economic development the City experiences. The City understands that Fresno County LAFCO will then evaluate the City’s applications based upon applicable rules and regulations and based upon the physical and regulatory circumstances at the time of the City’s applications.

- 9-29. CID states that an alternative with fewer acres within the proposed SOI would be more reasonable and provide LAFCO with an EIR adequate to meet its statutory and policy requirements to minimize impact on Williamson Act contracted land and prime farmlands.

The City refers CID to response 9-28 above.

- 9-30. CID comments that the revised proposed GPU circulated with the RDEIR contains policies LU 2.5.3 and policy L.U. 2.5.8 that are likely to significantly increase the severity of the impacts on farmland.

The City strongly disagrees with CID’s assertion that the quoted policies will likely significantly increase the severity of the impacts on farmland. With regard to policy LU 2.5.3, the CID has misconstrued a portion of the policy. The second sentence of the policy states, “The shall also work with owners within the SOI who wish to file for non-renewal

of Williamson Act contracts in advance of urban development.” Nothing in this sentence states that the City shall actively encourage farmers to terminate existing Williamson Act contracts. Furthermore, this will help to facilitate Goal LU 2.5C to, “Facilitate orderly transition from rural/agricultural uses to urban land uses.” Recognizing that at some point the City will have to annex portions of its proposed SOI to accommodate orderly growth, ensuring that land that is adjacent to City limits is not under a Williamson Act contract will help to facilitate orderly and compact growth. Not having this policy could result in leap frog development or the development of peninsulas of growth because the economics associated with the pre-mature cancellation of a Williamson Act contract would discourage the development of land adjacent to the City’s boundaries. These types of disorderly growth have the potential to render it impracticable and economically infeasible to continue to farm adjacent farmland. Nothing in this policy states or even implies that the City should actively encourage farmers to terminate or cancel existing Williamson Act contracts. Furthermore, it should be noted that the City has a long history of protesting new Williamson Act contracts for properties within one-mile of the city limits pursuant to the requirements of Government Code section 51243.5.

With regard to the purported modification to policy LU 2.5.8, the change was made in error. The City appreciates the CID catching this error. This policy has been revised back to reference 80 percent to reflect correction of the error. Refer to [Appendix A](#) for the modification to the policy made in response to this comment.

- 9-31. CID comments that policy LU 2.5.3 might be reasonable were the proposed SOI limited to land that the City actually is likely to need orderly development in the foreseeable future, rather than including a proposed SOI that is nearly twice as large as likely needed. CID believes that implementation of policy LU 2.5.3 is likely to result in the City working as a destructive force to promote cancellation of contracts and discouragement of farmland preservation on thousands of acres that otherwise would never develop.

See the response 9-7 above regarding the substantial evidence that supports the City’s estimate of projected population growth, response 7-29 regarding CID’s unsubstantiated opinion regarding the appropriateness of the City’s proposed expanded SOI, and response 9-30 regarding CID’s mischaracterization of policy LU 2.5.3.

- 9-32. CID comments that policy LU 2.5.3 is left in the proposed GPU even though it appears to directly conflict with other policies in the new Farmland Preservation Plan (FPP), specifically policy c) and d) and implementation measure b). General plans are required by law to be internally consistent so this inconsistency needs to be resolved for the plan and EIR to be legally adequate.

The City refers CID to the response 9-30, which establishes that the cited policies do not promote or encourage the premature conversion of farmland to urban uses. In addition, the City has reviewed the proposed policies and implementation measure in the Farmland Preservation Plan and has not found any inconsistency between these policies and the policies cited in CID comment 30. For example, policy LU 2.5.3 states, “The City shall oppose formation of new land conservation contracts on land adjacent to the City’s boundaries.” Proposed policy “c” in the Farmland Preservation Plan (See policy COSP 4.3.3) states, “The City shall not protest the renewal of Williamson Act contracts with regard to land located within the City’s SOI, but not adjacent or in close proximity to the City’s current boundary . . .” As such, these policies are wholly consistent with one another. According to the Webster’s Dictionary, synonyms for “adjacent” include: abutting, adjoining, bordering, conterminous, contiguous, flanking, flush, fringing, joining, juxtaposed, neighboring, skirting, touching or verging.

CID has not taken into account all of the proposed GPU policies that address the topic of preservation of farmland. For instance, CID does not acknowledge that policy COSP 4.3.4 was developed to utilize a California Department of Conservation tool to identify the real value of the agricultural land at the time of the proposed conversion. Nor has CID acknowledged policy COSP 4.3.4(c) which includes a fee program requiring an applicant seeking to annex farmland within the City’s SOI to pay a fee to the City to fund efforts to acquire farmland conservation easements.

- 9-33. CID states that the RDEIR either needs to drop this policy due to the inconsistency with the Farmland Preservation Plan or the RDEIR needs to specifically evaluate the likely significant adverse impact of this policy.

The City refers CID to responses to 9-30, 9-31 and 9-32 above. As noted in response 9-32, the term “adjacent” is a synonym of “contiguous.”

- 9-34. CID comments that policy 2.5.8 includes an undiscussed change from the prior version of the policy. “The reduction in the percentage of residential development required to allow further annexation from 80 percent to 65 percent is a significant loosening of the restriction. The RDEIR needs to specifically analyze the impacts of this change.

The City refers CID to response 9-30 above, which fully addresses this comment.

- 9-35. CID comments that policy 2.5.8 will promote the premature conversion of prime farmland and conflicts with many of the City's other policies and those of LAFCO and questions why was the reduction in percentage as made.

The City refers CID to response 9-30 above, which fully addresses this comment.

- 9-36. CID states that the RDEIR relies upon new policies in the October 2013 Revised GPU that propose substantial new measures to create future programs intended to protect farmland and mitigate the impacts of the farmland that is converted. This is a classic case of deferral of mitigation. Such deferral is permitted under the case law, but only if there are clear binding and enforceable performance standards to assure the later developed plan will actually achieve the intended mitigation. The policies do not create such assurance. The delayed timing proposed for the implementation of the most important mitigations effectively closes the barn door long after the horses have left. In addition, many of these measures are written in such a vague, aspirational language (as opposed to operational language) as to blunt their effectiveness.

The City refers CID to response 9-3 above regarding CID concern about deferral of mitigation. In addition to that response, it should be noted that the City identified and analyzed the impacts upon farmland associated with the City's expansion of the SOI to its existing boundary in the EIR certified for the City's 2012 General Plan. Currently, approximately 1,797 acres are within the City's SOI, but not within the City's boundaries. If the City were to continue to develop under the 2012 General Plan it would conceivably not be required to provide any additional mitigation to address the conversion of these 1,797 acres from farmland to urban uses. However, because the City understands the importance of preserving prime and important farmland, through proposed policy COSP 4.3.4, the City has committed itself to develop and adopt a Farmland Preservation Program such that it is in effect before the City will "support the annexation of lands in excess of a total of 500 acres within the City's existing SOI..." As such, this Farmland Preservation Program will be in place long before the City proposes to annex any lands within the proposed expanded SOI as described in the proposed GPU. The deadlines set forth in the proposed GPU for the other proposed mitigation programs are equally as stringent.

- 9-37. CID comments that Exhibit A of the proposed GPU contains a policy by policy discussion demonstrating how the language chosen makes it uncertain whether they will ever be implemented and unclear how they will be implemented. Where possible, CID suggests alternate language to show how easily and feasibly the mitigation measure can be redrafted to meet the requirements of CEQA for permitted deferral to a future plan through enforceable mitigation.

The City has reviewed CID's proposed changes to various policies and has accepted the changes proposed for policies LU 2.5.2, LU 2.5.4, LU 2.5.7, 4.3.3(A), 4.3.3(B), and 4.3.3 Implementation Measures C and D. Refer to [Appendix A](#) for a list of modifications made to these policies. The City does not believe there is any need to modify policy LU 2.5.5 or LU 2.5.6. Policy 2.5.8 has been corrected to reflect the original "80 percent" language, as

stated in the City's response 9-30. With regard to the proposed changes to Policies LU 2.5.18 and COSP 4.3.4, the City believes that it has gone beyond what CEQA requires in establishing the deadline for implementation of the Farmland Preservation Program. However, the City is willing to consider a modest reduction in the acreage to be annexed prior to the adoption and implementation of the Farmland Preservation Program, understanding the development and implementation of such a program will require extensive outreach to stakeholders both in the agricultural and development communities, in addition to community at large.

With regard to policy COSP 4.3.4(a), the City believes that it is appropriate to use the criterion established by the California Department of Conservation for such definitions and determination of agricultural land designations, and sanctioned by the Office of Planning and Research (See CEQA Guidelines, Appendix G, Section II). This City is concerned that the County of Fresno does not have the resources to regularly update designations and maps so that they remain current. The reference proposed by CID is already five years old and the City has no knowledge of the County's intent to update or keep current.

- 9-38. CID notes that the RDEIR is substantially revised from the original DEIR, and includes a new study of City groundwater impacts prepared by Ken Schmidt as well as references to a recently adopted UWMP. CID states that the Schmidt study basically confirms the previous comments made by CID that the City's proposed growth and increased groundwater consumption will have major adverse impacts on the Kings River aquifer relied upon by CID's farmers. CID believes there are some technical errors in the Schmidt document, but that it provides a broadly sufficient characterization of the problem.

The City's position is that the technical study prepared by Mr. Schmidt speaks for itself and its conclusions are well documented. The City disputes that Mr. Schmidt's report concludes that the City's proposed growth and increased groundwater consumption have major adverse impacts on the Kings River aquifer. The City refers CID to the City's response 9-1 above which places the City's contribution toward the overall overdraft of the Kings River aquifer in context.

- 9-39. CID's comments that, as with mitigation of agricultural impacts, the RDEIR proposes the future development of various programs to mitigate the impacts on groundwater such as policy CIR 3.10.7 that proposes a comprehensive water management and recharge program be developed in cooperation with surrounding water management authorities, and policy CIR 3.10.10A that proposes the preparation of a "Performance Based Water Conservation Program (WCP).

This CID comment merely identifies various policies contained in the proposed GPU related to water conservation and groundwater recharge and does not require a specific response.

- 9-40. CID comments that the WCP contains detailed performance measures and timelines, driven by the statutory requirements of the UWMP law, but that the groundwater mitigation measure has no schedule, no performance measures and no requirement for any specific action at any specific time; it places no enforceable requirements on the City to mitigate the impacts on groundwater.

The City recognizes CID concurrence that the WCP constitutes legally adequate mitigation. However, CID then focuses on policy CIR 3.10.7, and ignores Goal CIR 3.10D which states, “The City shall reduce by 15% its consumptive water use by 2030”. This sets forth a clear performance standard that involves both increasing water conservation efforts and also groundwater recharging efforts to achieve this goal by 2030. To achieve this goal, policy CIR 3.10.19A requires the City to adopt a comprehensive set of policies that shall set performance standard for sustainable management of Reedley’s use of groundwater and promote efforts to increase groundwater recharge efforts in order to achieve the overall goal of a 15 percent reduction in total consumptive use by 2030. Clear deadlines have been identified for the adoption of these policies. Furthermore, these policies will work in conjunction with policies CIR 3.10.1 through CIR 3.10.10B, CIR 3.10.17, and CIR 3.10.18 to accomplish Goal CIR 3.10D. Collectively these policies will reduce the need for water production through conservation, which will help to reduce the impact to the basin. However, these policies will not reduce the impact to a less than significant effect; therefore, the City has determined that the impact is significant and unavoidable.

- 9-41. CID comments that Exhibit B, Cooperative Agreement between CID and City of Kingsburg, submitted with its RDEIR comments, is a ready-made and perfectly feasible mitigation program that could be adopted by Reedley to mitigate its impacts on groundwater.

The City recognizes that CEQA requires the City to implement feasible mitigation measures. The City does not believe that entering into such an agreement constitutes adequate or feasible mitigation for the following reasons: 1) it will hinder the City in its efforts to implement groundwater recharge programs within the City by diverting funds from such efforts and adding a new layer of bureaucracy and regulation that will inhibit the City in its efforts; 2) the Alta Irrigation District has made it abundantly clear that it has no interest in entering into such an agreement; the City is primarily within the boundaries of the Alta Irrigation District and the agreement would not be contractually binding as a result; 3) nothing in the proposed agreement establishes goals or performance standards

associated with groundwater recharge that must be completed by set deadlines and as such, it does not meet CEQA requirements for legally adequate mitigation; and 4) the agreement represents an inappropriate intrusion CID into the operational affairs of the City.

- 9-42. To make the groundwater mitigation measure enforceable, CID suggests that it be revised to read as follows, “CIR 3.10.7 The City shall within one year from date of adoption of the GPU, enter into a cooperative agreement with Alta Irrigation District and Consolidated Irrigation District to fund construction of recharge facilities to mitigate the groundwater consumption by the City. The agreement shall be substantially similar to that agreement between CID and the City of Kingsburg provided to the City. Such agreement may also provide for the transfer of excess WWTP effluent recycled water for use by the districts for recharge or use by their constituents, where feasible.” At a minimum, the City must explain based on factual evidence, why this proposed mitigation measure is infeasible.

The City refers CID to response 9-41 above.

- 9-43. CID comments that the RDEIR and associated studies represent a substantial improvement over the prior version of the EIR and are much better at accurately and fully evaluating the impacts, but that they continues to fall far short in proposing feasible, enforceable and effective mitigation measures as required by CEQA for impacts on groundwater; the RDEIR remains a flawed document that fails to adopt feasible mitigation measures or consider reasonable alternatives.

The City has completed extensive analysis and added substantial evidence into the administrative record to support its conclusions. The City refers CID to responses 9-3, 9-5, 9-6, 9-37, and 9-40 above, which address the adequacy of various proposed GPU policies as mitigation.

- 9-44. CID comments that failure to mitigate has consequences for the environment, that failure to reduce the size of its sphere and improve its proposed mitigation measures will result in hundreds if not thousands of acres of some of the best agricultural land in the world being irretrievably lost and groundwater levels in the Kings River Basin continuing to sink deeper.

The City CID to responses 9-3, 9-5, 9-6, 9-37, and 9-40, which responds to the claims made in this comment.

- 9-45. CID provides a comment from the Modesto Bee about the significant land subsidence just to the north in Merced County due to over pumping to recognize that this is an unsustainable practice that requires the City to replace nostrums with real remedies.

3.0 RESPONSES TO COMMENTS ON THE RECIRCULATED DRAFT EIR

As previously stated, the City believes that as set forth in the proposed GPU, the Draft EIR, and the RDEIR, the City has made and will continue to make significant strides to reduce its reliance on groundwater through water conservation and increased recharging of the groundwater.

4.0

CHANGES TO THE DRAFT EIR AND RECIRCULATED DRAFT EIR SUMMARY

The sections of the summary from the Draft EIR and Recirculated Draft EIR shown on the following page have been revised based on administrative changes identified in Section 6.0, Administrative Changes to the Draft EIR and Recirculated Draft EIR. Additions to the text are shown with underlines and deletions are shown with ~~striketroughs~~.

Impact	Proposed GPU Goals and Policies or other Actions that Avoid or Reduce Potential Impacts
CR-2: Disturb human remains	Goal COSP 4.13A Policies 4.13.1 <u>and 4.13.4</u> to 4.14.5
GEO-1: Expose people or structures to substantial risk of loss or injury involving fault rupture, seismic shaking, ground failure or landslides	Goals SE <u>5.24A</u> and 5.4B Policies SE 5.2.1, 5.2.2, 5.4.1, 5.4.2, 5.4.3 Policies COSP 4.14.2 and 4.14.3
<u>G</u> CC-1: Generate GHGs that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation adopted to reduce GHG emissions	The proposed GPU contains a multitude of goals and policies that would reduce GHG emissions. The goals and policies are identified in the proposed GPU in Appendix D, GHG Reduction Policies.

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5.0

CHANGES TO THE DRAFT EIR AND THE RECIRCULATED DRAFT EIR

This section shows changes to the text, tables, and/or graphics from the Draft EIR and the RDERI that have resulted from responses to comments on the Draft EIR as described in Section 2.0, Responses to Comments on the Draft EIR, and to responses to comments on the RDEIR as described in Section 3.0, Responses to Comments on the RDEIR. Additions to the text are shown with underlines and deletions are shown with ~~striketroughs~~.

Changes to the text of policies contained in the proposed GPU resulting from responses to comments on the Draft EIR and RDEIR are found in [Appendix A](#).

Changes to Section 2.0, Environmental Setting, Impacts, and Mitigation Measures

The text on page 2-26 of the Draft EIR has been modified as follows:

The City is located with the San Joaquin Valley Air Basin (“air basin”) and is subject to the regulatory jurisdiction of the SJVAPCD. The air basin as a whole, does not meet ambient air quality standards set at the state and federal levels. According to the air district, the U.S. EPA classified the air basin as “Extreme Nonattainment” ~~in 2010~~ for the 8-hour ground level ozone standard, “Attainment” for PM₁₀ and CO, and “Nonattainment” for PM_{2.5}. ~~under the federal 8-hour standards.~~ Under the California Clean Air Act, the region is designated as “Severe Nonattainment” for the 8-hour ozone, PM₁₀, and PM_{2.5} standards. ~~ground level ozone under both 1-hour and 8-hour standards and also is in “Nonattainment” for PM₁₀ and PM_{2.5}.~~ The area

is considered either “Unclassified” or as “Attainment” for all other air pollutants regulated by the State or the U.S. EPA (San Joaquin Valley Air Pollution Control District 2012).

The text on page 2-28 of the Draft EIR has been modified as follows:

PM_{2.5} Plan. The U.S. EPA set its first PM_{2.5} standards in 1997, and strengthened the 24-hour standard in 2006. Building upon the strategy used in the 2007 Ozone Plan, the air district agreed to additional control measures to reduce directly produced PM_{2.5}. ~~The air district then adopted the 2008 PM_{2.5} Plan in 2008 which incorporates the additional measures. CARB approved the 2008 Plan on May 22, 2008. The 2008 plan estimates that the air basin will reach the PM_{2.5} standard by 2014. U.S. EPA approved most provisions of the 2008 PM_{2.5} Plan effective January 9, 2012. CARB approved the SJVAPCD’s 2012 PM_{2.5} Plan on January 24, 2013. The plan will bring the San Joaquin Valley into attainment of EPA’s 2006 PM_{2.5} standard by the 2019 deadline, with most areas seeing attainment well before that time.~~

The text on page 2-49 of the Draft EIR has been modified as follows:

The City’s implementation of the proposed GPU Conservation, Open Space, and Parks and Recreation policies identified earlier in this analysis would reduce air emissions for which the air basin is in non-attainment and for which the air quality management plans have been developed.

The text on page 2-153 of the Draft EIR has been modified as follows:

Discussion – Roadway/Traffic Noise Impacts. Traffic noise modeling assumptions for future conditions (2030 without the proposed GPU and 2030 with implementation of the proposed GPU) are summarized in the Environmental Noise Assessment. The model used traffic volume inputs from the traffic impact analysis prepared for the proposed GPU as described in Section 2.12, Traffic and Transportation. [Table 16, Generalized Traffic Noise Exposure Reedley 2020 2030 General Plan Update Future Conditions](#), shows existing noise levels along existing roads and projected noise levels in 2030 at buildout of the proposed GPU.

6.0

ADMINISTRATIVE CHANGES

ADMINISTRATIVE CORRECTIONS TO THE SUMMARY OF THE DRAFT EIR AND RECIRCULATED DRAFT EIR

As part of the City's review of the Draft EIR, the need for several corrections to the Draft EIR Summary section were identified. These are as follows:

1. Inconsistencies between the text of Table S-1, Significant Impacts and Mitigation Measure Summary, under Impact CR-2 and the referenced proposed GPU goals and policies have been rectified;
2. Impact "CC-1" in Table S-1, Significant Impacts and Mitigation Measure Summary, has been corrected to read "GCC-1"; and
3. A correction has been made in Table S-1, Significant Impacts and Mitigation Measure Summary, under impact GEO-1; the goal referenced should be 5.4A.

These corrections are shown in Section 4.0, Changes to the Draft EIR and Recirculated Draft EIR Summary.

ADMINISTRATIVE CORRECTIONS TO THE TEXT OF THE DRAFT EIR AND RECIRCULATED DRAFT EIR

As part of the City's review of the Draft EIR, the need for the following correction to the Draft EIR was identified:

1. The references on pages 2-153 and 2-162 to the year "2020" in the title of Table 16, have been changed to "2030".

These corrections are shown in Section 5.0, Changes to the Draft EIR and Recirculated Draft EIR.

APPENDIX A

REEDLEY GENERAL PLAN UPDATE 2030 –
GOAL AND POLICY MODIFICATIONS

The City of
REEDLEY
California



General Plan 2030

Goal and Policy Modifications
January 30, 2014

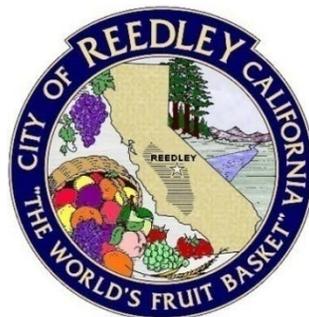


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Introduction

Over the past several months the City has diligently and comprehensively addressed the comments received during the public comment period for the General Plan Update ("GPU"), Draft Environmental Report. Based on the feedback received during the comment periods of both the Draft Programmatic EIR and the Recirculated Draft Programmatic EIR, the proposed changes to the General Plan 2030 have been incorporated into the following text. These proposed changes are in addition to the proposed changes shown in Appendix A of the City of Reedley Recirculated Draft Programmatic EIR (SCH # 2010031106), titled *City of Reedley General Plan 2030 Recirculated Sections*, dated September 2013. Some of the policies that were modified or added in the Recirculated Sections document appear in their most updated form in this document. In addition to the comment letters, meetings with both the County of Fresno and the Sequoia Riverlands Trust brought to light additional revisions to the document. Upon further review of the document, formatting issues and typos were identified and corrected. The existing text is crossed out and the proposed text changes are underlined.

SUMMARY OF PROPOSED CHANGES

Chapter Two - Land Use Element

- LU 2.5.2: ~~New development opportunities in the City shall be sequential and contiguous to existing development to ensure the orderly extension of municipal services and unnecessary conversion of agricultural land. Development standards shall incorporate measures to protect and preserve agricultural land.~~ New development will only be approved in sequential fashion contiguous to existing development to ensure orderly extension of municipal services and unnecessary conversion of agricultural lands. Development standards shall incorporate measures to preserve and protect agricultural land as set forth in Policies LU 2.5.1 through LU 2.5.18 and COSP 4.3.1 through 4.3.4.
- LU 2.5.4: Within one year of the adoption of the GPU, the City shall ~~consider adoption of~~ adopt a right-to-farm ordinance which will require purchasers of residential, industrial and/or commercial properties within close proximity to existing agricultural uses to acknowledge that their land borders, or is in close proximity to, agricultural land and will endure the potential impacts of that interface. The goal of this proposed ordinance is to promote and protect existing agriculture operations, allowing farmers/ranchers to conduct operations when urban land uses extend into natural resource areas or are side-by-side, and, address the subject of frequent nuisance complaints. This Ordinance shall be implemented through a right-to-farm covenant to be recorded against the dominant and subordinate properties.
- LU 2.5.7: Require contiguous development within the SOI unless it can be demonstrated that the development of contiguous property is infeasible. ~~An analysis of the fiscal, public utilities, surface transportation and service impacts shall be required as part~~

~~of the application to annex new territory into the City. An analysis of the fiscal impacts on public utilities including water, surface transportation, and service shall be required as part of the application to annex new territory into the City.~~

LU 2.5.8: The City shall not support annexing land for residential development until at least ~~sixty-five (65)~~ eighty (80) percent of the existing residentially designated land inside the city limits is developed.

LU 2.7.70 ~~Canal pipeline easements and canal banks~~ Pipeline easements shall be investigated for use as public open space features, with landscaped pathways within the easement.

Chapter Four - Conservation, Open Space, Parks and Recreation Element

COSP 4.3.3 a) The City shall ~~strive to~~ protect agriculturally designated areas, and direct urban growth away from productive agricultural lands into urbanized or underdeveloped portions of the City.

b) The City shall ~~strive to~~ collaborate with the Fresno County Local Area Formation Commission (LAFCo). Fresno County and land owners to encourage minimum parcel sizes of 20 acres or more for land designated for agriculture and/or evidence of commercial agricultural use prior to entering into new Williamson Act contracts.

FPP implementation measures

c) ~~The identification of various amendments to the Reedley Municipal Code that would be adopted within twelve (12) months of the adoption of the FPP, such as the following: Amend the Reedley Municipal Code within 12 months of adoption of the GPU to provide at least for the following:~~

d) ~~Provisions to ensure that the City manages the extension of sewer lines, water lines, or other urban infrastructure into areas designated for agricultural use to avoid premature farmland conversion and as necessary to protect public health, safety, and welfare. The City shall manage extension of public utilities and infrastructure to avoid extending them into agricultural areas before those areas are committed to conversion of urban uses.~~

COSP 4.3.4 c) Fee Program: The City shall develop and adopt a fee program consistent with the requirements of the Mitigation Fee Act that will require applicants seeking to annex Farmland within the City's SOI to pay a fee to the City of Reedley equivalent to the cost of preserving Important Farmland on a 1 to 1 basis with land converted to urban uses. The City shall use the fees to fund an irrevocable instrument (e.g. ~~deed restriction or an~~ easement) to permanently preserve farmlands via a Trust for Farmland Funds Disbursements.

d) Alternative to Payment of Fee: As an alternative to the payment of the fee described in subsection (c), applicant shall provide documentation

satisfactory to the City that demonstrates that applicant has entered into a binding agreement with one or more property owners or a third-party organization acceptable to the City of Reedley (e.g. ~~Fresno County Farm Bureau or the American Farmland Trust~~ the Sequoia Riverlands Trust) to permanently preserve farmland equivalent in acreage to the Farmland proposed for annexation into the City. The agreement shall identify an irrevocable instrument that will be recorded against the preserved property.

COSP4.11.2 The City will establish a Climate Action Plan² which will include measures to reduce GHG emissions from municipal, business and community activities by at least 15% by 2020 compared to “business as usual” (including any reductions required by ARB under AB 32)- by July 2015.

Chapter Five - Safety Element

SE 5.0A - Prevent and minimize personal injury and loss of life due to natural and man-made hazards.

SE 5.0B - Prevent and minimize the potential for property damage.

SE 5.0C - Protect the City and its residents from avoidable loss resulting from improper development in hazardous areas.

SE 5.0D - Safeguard public safety and property by educating and involving the public in all the tenets of community-oriented policing and problem solving, thereby, reducing crime.

SE 5.0E - Prevent and minimize personal injury and loss of life and thereby reducing liability issues relating to open canals in urban areas by requiring such open canals to be pipelined subject to urban development projects.

The sections with text changes are shown in their entirety on the following pages.

Chapter Two

Land Use Element

2.5 URBAN GROWTH MANAGEMENT

This General Plan Update (GPU) anticipates future population and economic growth in the City's Sphere of Influence (SOI) which will necessitate some demand for potential conversion or re-use of agricultural land to a more urbanized use. The City's strategy for growth management can best be described as the prudent location and timing of new development to maximize the efficient use of urban facilities and services, while recognizing the important contributions provided by our agricultural community. The City also recognizes the management of urban growth and the ensuing conversion of individual agricultural properties has a potential to cause adjoining parcels to be converted to non-agricultural uses because of various economic conditions such as rising land values, conflicts with other land uses, and the inhibiting effect of increased numbers of people on normal agricultural operations. Therefore, the policies in this Section seek to ensure an orderly growth pattern when extending urbanized areas, while minimizing the premature and unplanned conversion of agriculture.

The City of Reedley is committed to managing its urban growth pattern. Through three General Plans (1964, 1977 and 2012), the City has successfully implemented a strategy whereby the SOI was the primary tool to direct compact growth inward and away from prime agricultural lands. This strategy has been effective when looking at how compact the City has grown over several decades. Development has not leap-frogged, sprawled or created peninsulas. Over this very long planning period the actual number of Prime, Unique, and Farmland of Statewide Importance converted to urban use was 691 acres. In 2013, the City's incorporated area represents approximately sixty-two percent (62%) of land within the existing SOI. Again, containing and managing the urban growth pattern has effectively reduced the premature conversion of the surrounding agricultural landscape.

If the historical growth pattern were applied to the end of this planning horizon (2030), seventy-five percent (75%) of the SOI would be incorporated. Table 2-1, Land Availability, illustrates the City's growth since 1977 and the resulting conversion of agricultural lands.

Table 2-3, Historical and Future Effects of SOI Expansion and Annexations on Agricultural Lands

Land Availability – Incorporated/Unincorporated Land Acreage				
	1977*	1992**	2012***	2030****
City Boundaries	1,836acres	2,469acres	3,133acres	3,797acres
Sphere of Influence	4,763acres	5,053acres	5,343acres*	7,091acres*
Remaining Ag Land	@2,927acres	@691acres	@2,210acres	@1,512acres

Sources:

* Reedley General Plan, 1977

** City of Reedley, General Plan 1992

*** City of Reedley, General Plan 2012

**** City of Reedley, Proposed Land Use Additions and Changes (Alternative II)

The GPU goals and policies represent the official City position regarding the desirable nature, disposition and quality of development within the community, but also an assessment of the type, quantity and timing of future development. To effectively manage urban growth in the future, this

2030 General Plan Update includes numerous goals and policies promoting compact development, in-fill development, and significant increases to residential and commercial density ranges. By design, these tools are to ensure a managed, controlled and orderly growth pattern over the entire planning horizon. Implementation of all of the growth management related policies will not wholly mitigate the loss of, or potential for the conversion of, agricultural lands. These measures will significantly reduce the impact by a rational approach that affects the City of Reedley on various levels.

Goals

LU 2.5A - Support agricultural industries within and surrounding the City by establishing urban growth management policies which seek to minimize the premature conversion of productive agricultural land to more urbanized uses.

LU 2.5B - Minimize leap-frogging, low density, automobile dependent development beyond the edge of service and employment areas, or the creation of peninsula development greater than ¼ mile from existing urban uses.

LU 2.5C - Facilitate orderly transition from rural/agricultural uses to urban land uses.

LU 2.5D - Designate growth areas that can be served by existing and planned infrastructure.

LU 2.5E - Encourage a concentrated urban land use pattern that prioritizes development of in-fill and by-passed parcels, provides for the economically efficient provision of urban services, and maintains Downtown as the core of the City.

Policies

LU 2.5.1: In areas outside the city limits, the City shall encourage Fresno County to:

- a) Maintain an exclusive agricultural zone district.
- b) Maintain a minimum permitted lot size for agricultural land which ensures that the land can be used for commercial agricultural purposes.

LU 2.5.2: ~~New development opportunities in the City shall be sequential and contiguous to existing development to ensure the orderly extension of municipal services and unnecessary conversion of agricultural land. Development standards shall incorporate measures to protect and preserve agricultural land.~~ New development will only be approved in sequential fashion contiguous to existing development to ensure orderly extension of municipal services and unnecessary conversion of agricultural lands. Development standards shall incorporate measures to preserve and protect agricultural land as set forth in Policies LU 2.5.1 through LU 2.5.18 and COSP 4.3.1 through 4.3.4.

LU 2.5.3: The City shall oppose formation of new land conservation contracts on land adjacent to the City's boundaries. The City shall also work with owners of land within the SOI who wish to file for non-renewal of Williamson Act contracts in advance of urban development.

LU 2.5.4: Within one year of the adoption of the GPU, the City shall ~~consider adoption of~~ adopt a right-to-farm ordinance which will require purchasers of residential, industrial and/or commercial properties within close proximity to existing agricultural uses to acknowledge that their land borders, or is in close proximity

to, agricultural land and will endure the potential impacts of that interface. The goal of this proposed ordinance is to promote and protect existing agriculture operations, allowing farmers/ranchers to conduct operations when urban land uses extend into natural resource areas or are side-by-side, and, address the subject of frequent nuisance complaints. This Ordinance shall be implemented through a right-to-farm covenant to be recorded against the dominant and subordinate properties.

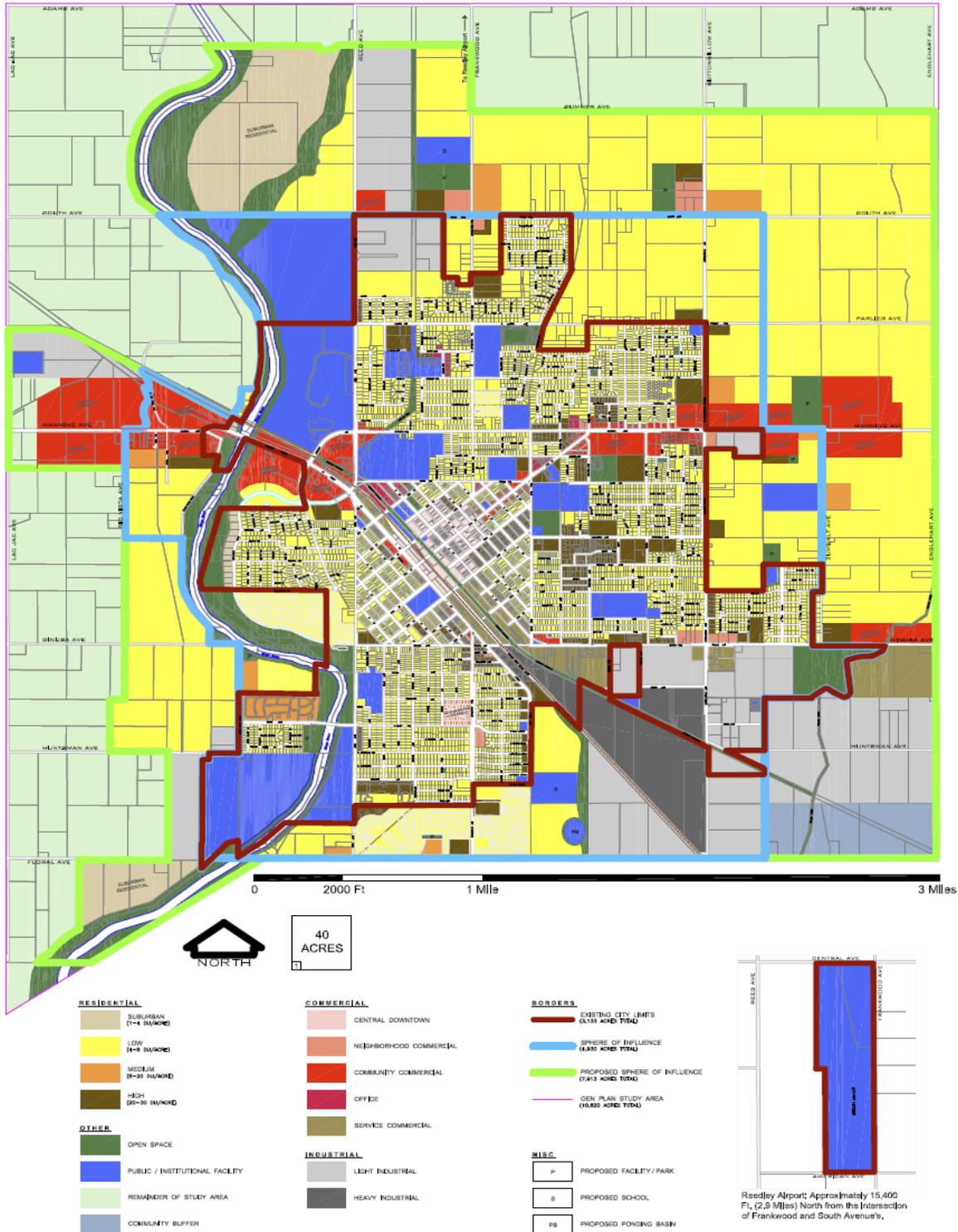
- LU 2.5.5: The City shall discourage the development of peninsulas of urban development into agricultural lands.
- LU 2.5.6: In cooperation with Fresno County, Fresno Local Agency Formation Commission (LAFCO), community and agricultural industry stakeholders, the City shall adopt and maintain a SOI consistent with the goals and policies of this GPU. The sphere of influence shall serve the mutual interest of the County and City by preserving agricultural uses from incompatible or unplanned urban uses.
- LU 2.5.7: Require contiguous development within the SOI unless it can be demonstrated that the development of contiguous property is infeasible. ~~An analysis of the fiscal, public utilities, surface transportation and service impacts shall be required as part of the application to annex new territory into the City.~~ An analysis of the fiscal impacts on public utilities including water, surface transportation, and service shall be required as part of the application to annex new territory into the City.
- LU 2.5.8: The City shall not support annexing land for residential development until at least ~~sixty-five (65)~~ eighty (80) percent of the existing residentially designated land inside the city limits is developed.
- LU 2.5.9: Work with Fresno County and Fresno LAFCO to maintain agricultural designations in areas outside the Reedley SOI.
- LU 2.5.10: Continue to maintain a Memorandum of Understanding (MOU) with Fresno County which clearly sets forth the following:
- a) The County shall not approve any discretionary development permit for new urban development within the City's SOI unless that development has first been referred to the City.
 - b) That the development is orderly.
 - c) County shall require development standards of the City of Reedley, when development is within the existing SOI.
 - d) The City application for the annexation of any new territory be consistent with the Cortese-Knox Act.
 - e) City initiated annexation shall have development eminent, with at least fifty (50) percent of the proposed area having an approved site plan and/or tentative map.

- LU 2.5.11: The Plan should foster the establishment of a concentrated urban development pattern, with land outside the planned urban area being designated exclusively for Agriculture.
- LU 2.5.12: New urban development should occur in an orderly manner with initial development occurring on the available undeveloped properties within the City's limits which would be considered in-fill, by-passed parcels or in parcels in close proximity to the urban core, places of employment and established neighborhoods.
- LU 2.5.13: The City should promote and provide urban services to development within the City as a means of controlling and directing growth.
- LU 2.5.14: Initial development shall incorporate the necessary infrastructure to accommodate future development for the surrounding area consistent with the goals and objectives of the GPU. Reimbursement agreements or other mechanisms may be provided to the developer as a means to share the equitable burden of costs.
- LU 2.5.15: Provide transitional design between land use types and high quality urban uses.
- LU 2.5.16: The City shall encourage in-fill projects that incorporate pedestrian-oriented design.
- LU 2.5.17: The City shall propose plan areas and zone districts that can accommodate mixed use planning that will provide a combination of residential, commercial services and employment opportunities all within close proximity.
- LU 2.5.18: From the adoption date of this GPU, the City shall annex a maximum of five hundred(500) acres from within the existing SOI (@1,797-acres). Only when a Farmland Preservation Program is adopted for implementation shall the City propose additional lands for orderly annexation. The Farmland Preservation Program is discussed in great detail in Section 4.3 Agriculture.

2.7 LAND USE DESIGNATIONS

Planned land use designations typically fall into one of four categories; residential, commercial, industrial and other (e.g. public facility, open space). The planned land use designation is an illustrative representation on the land use map (Figure 2.5 – Proposed Land Use Additions and Changes). The particular land use designation is then further described using goals and policies, as described below.

Figure 2.5 –Proposed Land Use Additions and Changes



This 2030 General Plan update includes changes to those designations which have been eliminated since the last update, or to more accurately describe and guide development have been changed. Figure 2.6 – Land Use Category Changes depicts the proposed visual mapping changes and applicable planned land use designation through the planning horizon. Table 2-4 and Table 2-5 provide additional detailed information related to the proposed land uses.

Figure 2.6 - Land Use Category Changes

<u>CURRENT</u> Land Use Category	Current Map Color	Current Description		<u>NEW</u> Land Use Category	New Map Color	New Description
Stand Alone						
Agriculture		Production of crops and livestock		Eliminated	N/A	Consolidated Into Open Space
Urban Reserve		Limited agriculture that will in the future be designated with an urban land use.		Urban Reserve		Limited Agriculture that will in the future be designated with an urban land use.
Residential						
Estate Density Residential		Single Family detached residential development; not to exceed 30,000 sq. ft. lot area (1.5 Dwelling/per acre).		Suburban Residential		Single Family detached residential development; not to exceed a minimum 10,890 sq. ft. to maximum 1-acre lot area (1-4 Dwelling/per acre).
Low Density Residential		Single Family detached residential development; not to exceed 12,000 sq. ft. lot area (3.6 Dwelling/per acre).		Low Density Residential		Single Family detached residential development; not to exceed a minimum 5,445 sq. ft. lot area (4-8 Dwelling/per acre).
Medium Density Residential		Single Family detached residential development; not to exceed 6,000 sq. ft. lot area (7.2 Dwelling/per acre) [3,000 sq. ft. lot area in certain RM-3 zone district (14.5 dwelling/per acre)].		Medium Density Residential		Single Family detached or Multiple –family residential development; not to exceed a minimum 2,904 sq. ft. to maximum 5,445 sq. ft. lot area (8-15 Dwelling/per acre).
High Density Residential		Single Family detached residential development; not to exceed 1,500 sq. ft. lot area (29 Dwelling/per acre).		High Density Residential		Single Family detached residential development; not to exceed 1,500 sq. ft. (15-29 Dwelling/per acre).

Commercial						
Administrative and Office Commercial	N/A	Provide an alternative commercial use in areas adjacent to or in the vicinity of residential uses in areas which might not be conducive to further development but where commercial uses would need to be limited intensity.		Eliminated	N/A	Consolidated with Office Commercial planned land use.
Office Commercial		Development of administrative, business, medical, professional, and general offices; residential uses are also permitted.		Office Commercial		Development of administrative, business, medical, professional, and general offices; residential uses are also permitted.
Downtown Commercial		No description in the General Plan.		Eliminated	N/A	Consolidated into Central Downtown Commercial planned land use.
Neighborhood Commercial		Various intensities of commercial activities serving a local area; not to exceed 5-acres in size.		Neighborhood Commercial		Various intensities of commercial activities serving a local area; not to exceed 5-acres in size.
Community Commercial		Outside the central core, wide range of retail business and compatible services designed to serve the entire community.		Community Commercial		Outside the central core, wide range of retail business and compatible services designed to serve the entire community.
Central Business Commercial		Commercial center, wide range of retail services, professional and governmental offices concentrated in the community's central location.		Central Business Commercial		Commercial center, wide range of retail services, professional and governmental offices concentrated in the community's urban core.
Service Commercial		General commercial uses, which due to space requirements are not located in commercial centers.		Service Commercial		General commercial uses, which due to space requirements are not located in commercial centers.
Recreation Commercial		Commercial recreation that cater to the traveling and tourist public, permitted through a CUP process.		Eliminated	N/A	Consolidated into Community Commercial.
Floating Neighborhood Commercial	N/A	Neighborhood commercial located at a major intersection; not to exceed 20acres in size, available only on one corner of the intersection, permitted by the CUP.		Eliminated	N/A	Consolidated into Neighborhood Commercial.

Industrial					
Limited Industrial		Restrictive, non-intensive manufacturing, processing and storage activities which do not have the potential for detrimental impacts on surrounding properties.		Limited Industrial	Restrictive, non-intensive manufacturing, processing and storage activities which do not have the potential for detrimental impacts on surrounding properties.
General Industrial		Full range of manufacturing, processing and storage facilities.		General Industrial	Full range of manufacturing, processing and storage facilities
Other					
Public Facilities	Notated	Governmental and quasigovernmental facilities and services.		Public Facilities	Governmental and quasigovernmental facilities and services.
Open Space		Land or water areas which are essentially unimproved, except for recreational facilities; Ag uses may also be permitted.		Open Space	Land or water areas which are essentially unimproved, except for recreational facilities. Agricultural uses may also be permitted.
Buffer	N/A	Urban landscaping that will provide for beautification and protection along selected public areas; may serve as a transition into higher density areas.		Buffer	Urban landscaping that will provide for beautification and protection along selected public areas; may serve as a transition into higher density areas.

Table 2-5 - Land Use Designation Descriptions

Land Use Designation	Abbreviation	Minimum Parcel Size	Maximum Parcel Size	Dwelling Units per Gross Acre
RESIDENTIAL				
Suburban Residential	SR		1 ac.	1.0 – 4.0
Low Density Residential	LDR			4.1 – 8.0
Medium Density Residential	MDR			8.1 – 15.0
High Density Residential	HDR	.5 ac.	4 ac.	15.1-29
COMMERCIAL				
Central Downtown	CD	None	None	0.0 – 30.0
Neighborhood Commercial	NC	1	10	0.0 – 20.0
Community Commercial	CC	5	40	
Office Commercial	OC			
Service Commercial	SC			
INDUSTRIAL				
Light Industrial	LI			
Heavy Industrial	HI			
OTHER				

Open Space	OS			
Public/Institutional Facility	PI			
Urban Reserve	UR			
Community Buffer				

Table 2-6 - Land Use Acreages and Percentages of Total

Land Use Designation	Incorporated		Existing Sphere		Total Planning Area	
	Acres	%	Acres	%	Acres	%
Suburban Residential	9.61	.3	0	0	276.07	3.5
Low Density Residential	1680.39	53.6	926.44	51.6	4074.68	51.5
Medium Density Residential	27.4	.9	38.32	2.1	110.95	1.4
High Density Residential	191.91	6.1	36.35	2	250.52	3.2
Central Downtown	40.46	1.3	0	0	40.46	.5
Neighborhood Commercial	22.75	.7	1.47	.1	44.29	.6
Community Commercial	101.64	3.2	109.64	6.1	434.24	5.5
Office Commercial	16.72	.5	0	0	16.72	.2
Service Commercial	88.49	2.8	0	0	140.26	1.8
Industrial Light	190.61	6.1	167.09	9.3	808.94	10.2
Industrial Heavy	54.84	1.8	124.41	6.9	179.25	2.3
Open Space	170.74	5.4	207.44	11.5	635.87	9.5
Public/Institutional Facility	537.44	17.2	185.84	10.3	752.18	8
Urban Reserve	0	0	0	0	0	0
Community Buffer	0	0	0	0	112.36	.05

RESIDENTIAL LAND USE

The City should provide for a wide range of housing types, styles and densities. A city with these characteristics insures that housing opportunities are made available for all socio-economic levels.

Goals

LU 2.7A - Provide for the distribution of varying residential densities throughout the community to ensure that residential development reflects various income and lifestyle options.

LU 2.7B - Residential densities shall be moderately increased to encourage more compact development consistent with smart growth design principles.

LU 2.7C - Preserve existing neighborhoods and create strong new neighborhoods that are well designed and maintained.

LU 2.7D - Promote integration of affordable housing units toward inclusionary development of neighborhoods with mixed income levels.

Policies

LU 2.7.1 Establish the following residential densities:

- (a) Suburban Residential (1-4 dwelling units per gross acre) – The Suburban Residential density designation is intended for single-family detached residential development. The designation is intended to accommodate larger residential parcels, which generally range from 7,500 square feet to one-acre in size.
- (b) Low Density Residential (4.1-8 dwelling units per gross acre) – The Low Density Residential designation is intended for single-family detached residential development, attached single family, and low density multi-family uses. The Low Density Residential designation is the predominant residential designation in the City of Reedley. This land use category accommodates the typical residential subdivision in Reedley.
- (c) Medium Density Residential (8.1-20 dwelling units per gross acre) – The Medium Density Residential designation is intended for single-family or multiple-family development. Medium density development shall be located near or adjacent to collector or arterial intersection and close to shopping and employment opportunities. Multiple family developments may serve as a transition from commercial to single family residential neighborhoods.
- (d) High Density Residential (20.1-30 dwelling units per gross acre) – High Density is intended for multiple-family development including multi-story condominium or apartment developments.

LU 2.7.2 Residential development projects shall achieve the minimum density requirements as designated by the General Plan Land Use Map.

LU 2.7.3 Guide new development into compact neighborhoods around commercial centers, public open space and schools.

LU 2.7.4 Incorporate interface design standards (e.g. setbacks, fencing) into each residential and commercial zone district to ensure compatibility.

LU 2.7.5 Encourage and support within existing neighborhoods in-fill development.

LU 2.7.6 Ensure that residential development occurs in areas that have sufficient infrastructure to accommodate the density of residential development being proposed.

- LU 2.7.7 Residential development shall be designed in a manner so that new development is well connected to the surrounding area and to encourage pedestrian and bicycle transportation.
- LU 2.7.8 Provide incentives for development, such as reduced lot size, setbacks, and narrower street widths for developments, and include amenities such as front porches, increased front yard landscaping, and reduced dominance of the front yard by garages and driveways.
- LU 2.7.9 New subdivisions shall annex into or form a landscape and lighting district to maintain public improvements including but not limited to walls, street trees and lighting.
- LU 2.7.10 Encourage planting of trees on residential lots by providing a brochure outlining the benefit of shade trees, and establish a tree list that maximizes shade and aesthetics and minimizes conflict with sidewalk and curb improvements.
- LU 2.7.11 The City shall use density bonus provisions to provide for density increases in accordance with State Government Code.
- LU 2.7.12 Manufactured housing and modular housing shall be permitted subject to design regulation and existing ordinances.
- LU 2.7.13 Architectural design of medium and high density development shall be compatible with the surrounding character of the residential area.
- LU 2.7.14 Multiple-Family dwelling units may be integrated into single-family residential subdivisions, at specified locations, such as street corners, if entrances are designed to be facing each street.
- LU 2.7.15 Multiple-family developments shall have adequate on-site parking designed to be aesthetically pleasing in a manner that does not distract from the residential character of the area.
- LU 2.7.16 Multiple-family developments shall be designed with the following features:
- (a) Units fronting on streets shall have entryways that face the public street with doorways and windows.
 - (b) Units shall include details that add to the appeal of buildings, such as painted trim, shutters, and arbors.
- LU 2.7.17 High Density residential land uses shall be designed to blend in with the surrounding neighborhood.
- LU 2.7.18 Multiple-family residential projects shall include provisions to ensure the safety and security of residents, the maintenance of buildings and landscaped areas, and effective and responsible management.
- LU 2.7.19 The City shall establish a minimum standard for the provision of open space within new multiple-family projects to meet the needs of both children and adults.

- LU 2.7.20 The City shall require innovative lot and building designs to ensure that affordable single-family housing blends with housing in higher income neighborhoods.
- LU 2.7.21 Mixing of residential uses, densities and lot sizes shall be encouraged, while maintaining traditional neighborhood values and emphasizing concepts for livable, walkable neighborhoods.

Manufactured Housing

Goals

LU 2.7E - Manufactured housing may be permitted in the low and medium residential designations subject to the issuance of a conditional use permit.

LU 2.7F - Accommodate the use of manufactured housing as an alternative residential dwelling type and ensure the compatibility of manufactured housing with surrounding land uses.

Policies

- LU 2.7.22 Manufactured housing parks may be permitted in all residential designations in accordance with the following policies:
- (a) The density of the manufactured housing park shall not exceed the maximum permitted density of the underlying residential designation with any applicable density bonus.
 - (b) Manufactured housing development shall have access to a collector or arterial street.
 - (c) Manufactured housing park development shall incorporate design standards necessary to protect the quality and integrity of surrounding land uses.
 - (d) Manufactured housing park development shall incorporate a comprehensive landscape plan designed to enhance the aesthetic quality of the park and provide buffering necessary to maintain harmony and compatibility with surrounding land uses.

COMMERCIAL LAND USE

Commercial land uses are intended to provide goods, services and employment opportunities for the citizens of Reedley and surrounding areas. General Plan Commercial designations are Central Downtown Commercial, Neighborhood Commercial, Community Commercial, Office and Service Commercial.

Modern commercial development has typically been designed in a fashion that does not particularly respect traditional neighborhood design or the design identity of the community. Large parking lots often dominate the streetscape creating an environment in which most people do not wish to spend time. A goal of the General Plan is to facilitate commercial development that blends neighborhoods, in terms of scale and architectural appearance.

Goals

LU 2.7G - Ensure adequate commercial shopping opportunities and office space to meet anticipated need for economic development.

LU 2.7H - Provide for the timely development of planned commercial areas as determined by community needs and the availability of urban services.

LU 2.7I - Enhance the viability of the downtown area and preserve its role as the urban core.

LU 2.7J - Encourage further efforts to strengthen the downtown core, including linking it with other commercial uses along Manning Avenue and "I" Street.

LU 2.7K - Designate sufficient commercial land to accommodate growth for the entire planning horizon.

LU 2.7L - Provide for the compatibility of commercial land uses with surrounding land uses.

LU 2.7M - Encourage "big box" retail to locate in the community commercial planned land use designation.

Policies

LU 2.7.23 Future commercial development in the planning area shall be well designed to respect neighborhood scale and traditional architectural design. Toward that end, commercial development will be reviewed utilizing the following design standards:

- (a) Parking space requirements shall be minimized for commercial developments. Parking lots should be segmented to minimize the impact of parking on the streetscape. In particular, parking should be located to the rear or to the side of commercial and office buildings.
- (b) Incorporate interface design standards (e.g.; setbacks, fencing) into each residential and commercial zone district to ensure compatibility.
- (c) Commercial development shall be designed to facilitate pedestrian and bicycle access and function, featuring outdoor seating, pedestrian plazas and wide, shade-covered walkways.
- (d) Landscaping, particularly shade trees and drought tolerant plants, shall be maximized in all commercial developments.

LU 2.7.24 Ensure that all commercial land uses are developed and maintained in a manner complementary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment, and to be compatible with public facilities and services. As part of the City's project review process, major emphasis will be given to site and building design in order to ensure and/or preserve functionality and community aesthetics.

- (a) Development projects shall appropriately interface with adjacent properties.
- (b) Shopping Centers shall embrace a unified building, landscaping and signage design.

(c) Building facades with visible sides of buildings shall not develop with featureless, "blank walls".

(d) Adequate screen roof-mounted mechanical equipment, and ensure that such equipment adhere to noise standard set forth in the General Plan Noise Element.

- LU 2.7.25 Off-street parking for commercial areas shall be designed to adequately support surrounding land use pattern. Off-street parking areas shall also include landscaping to provide shading for at least 50 percent of the surfaced area within 10 years from planting.
- LU 2.7.26 Encourage efficient use of land by allowing a percentage of compact car parking spaces.
- LU 2.7.27 Planned unit developments shall be permitted in all commercial designations.
- LU 2.7.28 Encourage continued efforts to improve the appearance of the commercial areas including the commercial corridor along 11th Street.
- LU 2.7.29 Ensure that the City of Reedley has adequate land designated for Community Commercial to accommodate large scale retail development.

Central Downtown Land Use

The Central Downtown land use designation is proposing to continue the focus and sustainability of Reedley's historic downtown area. A mix of retail, financial, professional and government office and housing will assist in the continued vitality of the core of Reedley. Central Downtown shall mean land designated for development of a commercial center where a wide range of retail services and professional and governmental offices is concentrated in a location central to most community residents. This land use shall also accommodate mixed use development where appropriate.

Policies

- LU 2.7.30 Encourage rehabilitation of existing structures to accommodate residential and office uses in second-story spaces.
- LU 2.7.31 Encourage mixed uses in new and existing structures.
- LU 2.7.32 Create a mixed use overlay zone to include design standards that will allow for creative use and design of both new and existing structures.

Neighborhood Commercial Land Use

Neighborhood Commercial Centers will be composed of a mix of retail and service-oriented uses that will serve the immediate neighborhoods and provide a destination for local transit and places for social gathering of neighborhood residents. Future commercial centers will be designed with the pedestrian in mind and provide for connectivity to surrounding areas.

Policies

- LU 2.7.33 New Neighborhood Commercial planned land uses shall be located no closer than ¼ mile from similar commercial uses.
- LU 2.7.34 Neighborhood Commercial uses shall be sited in locations where they can function as “activity nodes” for surrounding neighborhoods.
- LU 2.7.35 Neighborhood Commercial shopping centers shall be designed to facilitate easy pedestrian and bicycle access from surrounding neighborhoods.
- LU 2.7.36 Neighborhood Commercial shopping centers shall be approximately 1 to 10-acres in size.
- LU 2.7.37 Neighborhood Commercial uses shall provide for various intensities of commercial activities. Such activities may range from a single use to a neighborhood shopping center up to ten acres.
- LU 2.7.38 Neighborhood Commercial uses shall be designed to be compatible with adjacent residential uses by addressing scale, height and architectural.
- LU 2.7.39 Locations at an intersection are most appropriate for Neighborhood Commercial uses.

Community Commercial Land Use

The Community Commercial designation supplements the central business commercial, retail, business, and other services by providing a wide range of consolidated shopping opportunities near residential concentrations. Such activities serve the entire community. Where possible, these uses should be concentrated into unified retail centers.

Policies

- LU 2.7.40 Community Commercial designations shall be located primarily at the following locations:
 - (a) Manning Avenue east of Columbia Avenue
 - (b) Manning Avenue west of Reed Avenue
 - (c) Dinuba Avenue east of Zumwalt Avenue
 - (d) Other locations with Arterial/Arterial intersections that provide for major shopping opportunities.
- LU 2.7.41 Community Commercial areas should be concentrated into unified retail centers of five to forty acres in size and shall be comprehensively planned. Visual compatibility with surrounding residential neighborhoods shall be required.
- LU 2.7.42 Community Commercial designations shall be primarily at arterial/arterial or arterial/collector intersections to ensure adequate surface transportation accessibility.

Office Commercial Land Use

Shall mean land designated for development of administrative, business, medical, professional, and general offices.

Policies

- LU 2.7.43 Office commercial development shall primarily be focused around the Downtown area and the area surrounding the hospital.
- LU 2.7.44 Office commercial development shall also be encouraged to be used as a buffer between arterial streets and residential development.
- LU 2.7.45 Office Commercial uses are intended as a transition land use between residential and more intensive commercial uses. Residential development would also be appropriate in this land use designation.

Service Commercial Land Use

Shall mean land designated for general wholesale or heavy commercial uses, which, due to space requirements or the distinctive nature of their operations, are not usually located in other commercial centers. Uses that can be located in Neighborhood and Community Commercial centers should generally be discouraged from locating in Service Commercial areas.

Policies

- LU 2.7.46 Service Commercial designations shall be primarily located along “I” and “G” Streets, adjacent to the Downtown area, and along Dinuba Avenue near the railroad tracks.
- LU 2.7.47 This land use designation would allow repair, rental, retail sales, storage, overnight lodging and other intensive service oriented commercial activities.
- LU 2.7.48 Service Commercial designations should be located along major streets where adequate vehicular access is available and where the uses will not adversely affect surrounding land uses.

INDUSTRIAL LAND USE

Light Industrial

The light industrial planned land use is primarily found around the urban area of the City and are designations for limited industrial uses as defined by the zoning ordinance. This land use must be conveniently accessible to transportation networks available to move raw and manufactured products.

Goals

LU 2.7N - Expand and diversify the industrial economic base.

LU 2.7O - Minimize exposure of the public to toxic air emission and odors from industrial, manufacturing and processing facilities.

LU 2.7P - Maximize the compatibility of planned industrial areas with surrounding non-industrial uses.

LU 2.7Q - Provide adequate sites and acreage for a wide range of industrial development.

Policies

- LU 2.7.49 Shall restrict land designated for non-intensive manufacturing, processing, and storage activities which do not have a detrimental impact on surrounding properties.
- LU 2.7.50 Encourage development of light industrial uses in areas where the proposed use is compatible with the surrounding planned use.
- LU 2.7.51 During the review of development applications for proposed new light industry, the City shall determine whether pretreatment of industrial wastes shall be required.
- LU 2.7.52 The City should permit only light industrial uses within planned industrial areas adjacent to existing or planned non-industrial property.

Heavy Industrial

The heavy industrial planned land use designation is an area identified for more intense industrial uses. This highest intensification of land use is also typically surrounded by light industrial land use designation as a potential buffer to protect commercial and residential areas of the City. This land use must be conveniently accessible to transportation networks available to move raw and manufactured products.

Policies

- LU 2.7.53 Shall mean land designated for the full range of manufacturing, processing, and storage activities.
- LU 2.7.54 During review of development plans for any proposed new heavy industry, the City shall determine whether pretreatment of industrial wastes shall be required.
- LU 2.7.55 The City may establish conditions on new heavy industrial development to ensure compatibility with surrounding land uses.
- LU 2.7.56 Access to industrial areas should be by streets designed to carry heavy industrial traffic in accordance with development standards found in the Circulation Element.
- LU 2.7.57 Planned heavy industrial uses adjacent to roads carrying significant non-industrial traffic should be designed to have landscaping and building setbacks.
- LU 2.7.58 Heavy industrial planned land uses should be clustered based upon compatibility and operational efficiencies to maximize available infrastructure.
- LU 2.7.59 New heavy industrial uses should be encouraged to concentrate in the southeastern portion of the Planning Area where they are downwind from other less intensive uses.

- LU 2.7.60 Heavy Industrial uses shall be planned to minimize health risks to people resulting from toxic or hazardous air pollutant emissions.
- LU 2.7.61 The City shall limit expansion of manufacturing, industrial and processing facilities that creates significant sources of air pollution unless the impacts to adjacent sensitive areas can be mitigated.
- LU 2.7.62 Protect heavy industrial sites from encroachment by residential and other sensitive uses through appropriate zoning and interface standards.
- LU 2.7.63 Planned unit development may be permitted in all industrial land use designations.

OTHER LAND USE

Open Space

Shall mean land space or water course which is an area essentially unimproved except for recreational facilities and designated for an open space uses. Typical areas include wildlife habitats, floodplain land, and other hazard areas and public and private recreational facilities. Agricultural uses may also be permitted in open space areas.

Public and Institutional Land Use

Shall mean land use designated for the location of governmental and quasi-governmental facilities and services which are necessary to the general welfare of the community. Typical uses include the waste water treatment plant, retention basins, schools, and cemeteries.

Goals

LU 2.7R - Provide sites for adequate public facilities to serve projected growth.

LU 2.7S - Provide for the timely and economically efficient development of all public services and facilities necessary for Reedley's planned urban growth.

LU2.7T - Public facilities shall complement and support the creation of livable neighborhoods.

LU 2.7U - Provide transportation and recreation opportunities near schools.

LU 2.7V - Promote schools as a focal point within neighborhoods.

Policies

- LU 2.7.64 Provide in accordance with policies of the Open Space, Conservation, and Recreation Element, park, recreation facilities and open space.
- LU 2.7.65 Encourage the Kings Canyon Unified School District to develop new elementary schools as needed at locations shown on the General Plan Land Use map.
- LU 2.7.66 The planning area shall contain parks, schools, trails, retention basins and other public improvements deemed appropriate.

- LU 2.7.67 Planned unit development may be permitted in areas planned for public or institutional uses.
- LU 2.7.68 The City shall coordinate with other public agencies to facilitate the proper location and design of public improvements.
- LU 2.7.69 Subdivision developments shall provide open space for pocket parks.
- LU 2.7.70 ~~Canal pipeline easements and canal banks~~ Pipeline easements shall be investigated for use as public open space features, with landscaped pathways within the easement.
- LU 2.7.71 Retention basins shall be developed at appropriate locations to help recharge the groundwater basin. If properly designed, retention basins can also function as local parks.
- LU 2.7.72 Update the water, wastewater and storm drainage master plans, and other master plans related to infrastructure development on a periodic basis of no less than five years.
- LU 2.7.73 Maintain adequate facilities to accommodate sewage disposal for both existing residents and future development.
- LU 2.7.74 Maintain adequate facilities for water and storm drain service to service existing residents and future development.
- LU 2.7.75 Plan for the development of an additional fire station in the City of Reedley to ensure maximum service areas and response times for the Reedley Fire Department.
- LU 2.7.76 The City shall coordinate the location of school sites in the community with the Kings Canyon Unified School District and the State Center Community College District. This will provide the coordination necessary for both the City and the Districts to designate optimum sites for future development.
- LU 2.7.77 Work with Reedley Community College to facilitate expansion plans and provide student housing.

Community Buffer

Shall mean land designated for the purpose of urban landscaping that will provide beautification and protection along selected public streets and serve as a transition to high intensity urban uses. Buffers shall be at least 20 to 50 feet in width from face of curb (this includes public right-of-way and 10 to 40 feet of landscaping). Buffers may incorporate trees, ground cover, sidewalks, walls and architectural design features of aesthetic appeal. Buffer strips may be provided on private property or dedicated to the City for maintenance, subject to establishment of a Lighting and Landscape Maintenance District or similar funding mechanism for maintenance. The proposed buffer strip along the west side of Kings River Road shall be landscaped in a manner which is compatible with the Kings River riparian area.

Chapter Four

Conservation, Open Space, Parks and Recreation Element

4.3 AGRICULTURE

Agriculture is a prominent economic segment of the City of Reedley, with a long history reaching back to the turn of the century. Agriculture continues to play a key role in shaping our local economy while Reedley maintains its unique rural characteristics. Undeveloped lands surrounding the existing City boundaries are predominantly agricultural lands, which are more likely to be converted to urban uses as near term development is eminent.

The conservation and preservation of agricultural lands within the Reedley area is in large part a function of protection of existing agricultural uses within the City's Sphere of Influence (SOI) as urban development approaches said land and avoiding the unnecessary or premature conversion of agricultural lands to urban uses. The conservation of agricultural lands within the current SOI has already been studied and mitigated through both the 1977 and 1992 General Plan updates. Those Plans directed growth in such a manner that the built environment reflects a compact development pattern which has not leap-frogged, sprawled or unnecessarily intruded into agricultural areas. Notwithstanding, predictability of development opportunities in today's economic climate is speculative and it is difficult to determine exactly when and how much agricultural land may be converted to urban uses in the near term or during this Plan's planning horizon.

Land contained within the newly proposed expanded sphere of influence is also predominantly agricultural lands. A complete build-out of the proposed GPU whereby all available agricultural lands are converted to urban uses by 2030 is highly unlikely. The conversion of all of the available lands in the proposed SOI shall be environmentally evaluated as a worst case scenario. However, this in no way suggests that future agricultural viability be dismissed or compromised simply for the purpose of urban development.

This GPU continues the long history of goals and policies that promote compact development and encourage development of in-fill and/or by-passed parcels in close proximity to the urban core. This General Plan's Land Use Element promotes increases in residential and commercial density ranges which allows for community expansion, the anticipated growth in population, and minimizes premature agricultural land conversions within the proposed SOI boundary.

The City has constructed a set of policies (Farmland Preservation Plan) focused on addressing development standards and requirements that facilitate farmland preservation. For example, the Right-to-Farm Ordinance, interface standards, updating the Reedley Municipal Code to address the combination of urban and rural uses in less intense zone districts, and support for or opposition to Williamson Act contracts, are policies designed toward directing development, while minimizing and possibly preventing the premature conversion of productive agricultural lands surrounding the City.

The City is also imposing a Farmland Preservation Program which will address the permanent preservation of identified Prime Farmland, Unique Farmland, and Farmland of Statewide Importance that might otherwise be converted to urbanized development. The Program includes an evaluation component and various preservation approaches.

Lastly, the City has also proposed to self-regulate urban growth, which has a direct impact on premature and unnecessary conversion of agricultural lands, by committing to annexing a maximum of five hundred (500) acres from within the existing SOI of 1797-acres (See Policy LU 2.5.18) before implementing the Farmland Preservation Program.

The integrity of the GPU as it relates to the agricultural character of the area is reflected in the rational, logical and reasonable and contiguous extension of land uses and strategies from the previous GPUs and the existing urbanized pattern. The collective Land Use, Urban Growth Management and Agriculture Goals and Policies were specifically designed as a comprehensive set of tools to ensure the avoidance or premature conversion of agricultural land, which will not wholly mitigate the loss of potential agricultural lands, but will significantly reduce the impact.

Goals

COSP 4.3A - To preserve as long as possible the prime farmland, farmland of statewide importance and farmland of local importance within the GPU Sphere of Influence.

COSP 4.3B - To provide a greenbelt around the City's perimeter to maintain the physical separation between the City of Reedley and the Cities of Dinuba and Parlier as well as existing agricultural uses within the County of Fresno but outside the City's Sphere of Influence.

Policies

- COSP4.3.1 Support the efforts of the County of Fresno and agricultural and community stakeholders to preserve and protect farmlands outside the centralized core of the City.
- COSP4.3.2 Maintain a 20-acre minimum parcel size for agriculturally designated parcels to encourage viable agricultural operations and to prevent parcelization into rural residential or ranchette developments.
- COSP4.3.3: The City shall prepare and adopt a Farmland Preservation Plan (FPP). This plan shall include a set of policies, standards and measures to avoid the unnecessary conversion of agricultural lands.

For each policy, standard or measure, the plan shall include a discussion of the following: (1) How the policy would minimize a potential detrimental effect caused by urban development; (2) Whether and how the policy would assist in avoiding the premature conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance; (3) How the policy, standard or measure would be integrated into the entitlement process; and, (4) How the policy, standard or measure would be enforced through the regulatory environment.

The FPP shall include the following policies:

- a) The City shall ~~strive to~~ protect agriculturally designated areas, and direct urban growth away from productive agricultural lands into urbanized or underdeveloped portions of the City.
- b) The City shall ~~strive to~~ collaborate with the Fresno County Local Area Formation Commission (LAFCo), Fresno County and land owners to

encourage minimum parcel sizes of 20 acres or more for land designated for agriculture and/or evidence of commercial agricultural use prior to entering into new Williamson Act contracts.

- c) The City shall not protest the renewal of Williamson Act Contracts with regard to land located within the City's SOI, but not adjacent or in close proximity to the City's current boundary, where the land's minimum parcel size is at least 20 acres and the land owner has provided evidence satisfactory to the City that the land is currently being used for commercial agricultural operations.
- d) The City shall support the efforts of public, private, and non-profit organizations to preserve Prime Farmland, Unique Farmland or Farmland of Statewide Importance located in Fresno County through the dedication of conservation easements and the preservation of range land held as environmental mitigation.
- e) The City shall encourage the installation of solar and wind energy production facilities in agricultural areas so long as they do not result in a tax burden to Fresno County, do not result in permanent water transfers from productive agricultural land, do not hinder agricultural operations on adjacent land, or do not require cancellation of Williamson Act contracts. In addition, these facilities should include dedications of agricultural land and habitat mitigation, measures to control erosion, and assurances for financing decommissioning activities.
- f) The City shall actively collaborate with landowners, cities, state and federal agencies, colleges, universities, stakeholders, and community-based organizations to continue to expand agricultural preservation in the surrounding Fresno County area.
- g) The City shall discourage public agencies from locating facilities, especially schools, in existing agricultural areas.
- h) The City shall encourage the voluntary merger of antiquated subdivision lots that conflict with adjacent agricultural uses.

The FPP shall include the following implementation measures:

- a) A provision designating the Community Development Department as the department responsible for the preparation and implementation of the FPP, once adopted and directing the Department to prepare annual reports to the City Council describing progress made toward the preparation, adoption and implementation of the final FPP.
- b) The creation of a community outreach program to encourage current agricultural land owners' continued participation in programs that preserve farmland, including the Williamson Act, conservation easements, and USDA-funded conservation practices.
- c) ~~The identification of various amendments to the Reedley Municipal Code that would be adopted within twelve (12) months of the adoption of the FPP,~~

such as the following: Amend the Reedley Municipal Code within 12 months of adoption of the GPU to provide at least for the following:

- 1) Amend the zoning ordinance to require a minimum 100-foot buffer between new residential development and existing agricultural operations, and to establish design/maintenance guidelines for developers and property owners. The 100-foot buffer will create an appropriate transitional space between urban and agricultural land uses so as to facilitate continued agricultural operations.
 - 2) Amend Chapter 10-6A, the Residential Estate (RE) District section, which is intended to provide living areas that combine both the urban and rural setting, to add provisions to prevent premature conversion of agricultural land, which could cause incompatible land uses and potential conflicts.
 - 3) Amend the subdivision ordinance to facilitate the voluntary merger of antiquated subdivision lots that conflict with adjacent agricultural uses.
 - 4) Amend the zoning ordinance to include provisions requiring that environmental review expressly analyze the potential for a proposed entitlement or permit to create incompatibilities with agricultural uses through traffic generation, groundwater contamination, storm-water drainage disposal and/or the deterioration of air quality.
- d) ~~Provisions to ensure that the City manages the extension of sewer lines, water lines, or other urban infrastructure into areas designated for agricultural use to avoid premature farmland conversion and as necessary to protect public health, safety, and welfare. The City shall manage extension of public utilities and infrastructure to avoid extending them into agricultural areas before those areas are committed to conversion of urban uses.~~

COSP 4.3.4: In conjunction with the preparation, adoption and implementation of the Farmland Preservation Plan described in Policy COSP 4.3.3, the City shall develop and consider the adoption of a program that shall require new development within the SOI to fund farmland preservation efforts. The goal of this program is to preserve designated Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (together "Farmland") that otherwise runs the risk of being converted to urbanized development. This program shall act as a mitigation program in response to the necessary agricultural land conversion that occurs as a result of the City's expansion into its SOI. The City shall not support the annexation of lands in excess of a total of 500 acres within the City's existing SOI until this program, or a program that accomplishes the same goals, has been adopted and other actions and approvals necessary to the implementation of the program have been completed. Among other provisions, the program shall include the following evaluation and performance requirements:

- a) Program Goal: As Prime Farmland, Unique Farmland, and Farmland of Statewide Importance within the City's SOI is converted to urban uses, secure the permanent preservation of other Prime Farmland, Unique

Farmland, and Farmland of Statewide Importance within Fresno County on a 1 for 1 basis.

- b) Evaluation Process: To accomplish the program goal, as part of the entitlement application process Farmland proposed for conversion will be evaluated using the Land Evaluation and Site Assessment (LESA) model issued by the California Department of Conservation. The LESA model provides an analytical approach for rating the relative quality of land resources based upon specific factors, such as soils, site acreage, water availability, and surrounding land uses. The LESA model worksheets are provided in Appendix A, Evaluation and Site Assessment (LESA) Model, California Department of Conservation.

- c) Fee Program: The City shall develop and adopt a fee program consistent with the requirements of the Mitigation Fee Act that will require applicants seeking to annex Farmland within the City's SOI to pay a fee to the City of Reedley equivalent to the cost of preserving Important Farmland on a 1 to 1 basis with land converted to urban uses. The City shall use the fees to fund an irrevocable instrument (e.g. ~~deed restriction or an~~ easement) to permanently preserve farmlands via a Trust for Farmland Funds Disbursements.

- d) Alternative to Payment of Fee: As an alternative to the payment of the fee described in subsection (c), applicant shall provide documentation satisfactory to the City that demonstrates that applicant has entered into a binding agreement with one or more property owners or a third-party organization acceptable to the City of Reedley (e.g. ~~Fresno County Farm Bureau or the American Farmland Trust~~ the Sequoia Riverlands Trust) to permanently preserve farmland equivalent in acreage to the Farmland proposed for annexation into the City. The agreement shall identify an irrevocable instrument that will be recorded against the preserved property.

- e) This program will also involve the City maintaining a current list of organizations and owners of Farmland that can facilitate the acquisition of conservation easements so as not to unduly delay the annexation of the land into the City and completion of the proposed development.

4.11 GREENHOUSE GAS REDUCTION PLANNING POLICIES

Goals

COSP 4.11A - Reduce GHG emissions from all activities within the City to support the State's efforts under AB 32 and to mitigate the impacts of climate change.

Policies

- COSP4.11.1 By 2020, the City will reduce greenhouse gas emissions from within its boundaries to a level 15% less than the level that would otherwise occur if all activities continued under a "business as usual" scenario.
- COSP4.11.2 The City will establish a Climate Action Plan² which will include measures to reduce GHG emissions from municipal, business and community activities by at least 15% by 2020 compared to "business as usual" (including any reductions required by ARB under AB 32)- by July 2015.
- COSP4.11.3 The City will ensure that local Climate Action, Land Use, Housing, and Transportation Plans support and enhance any regional plans developed consistent with state guidance to achieve reductions in GHG emissions.
- COSP4.11.4 The City will participate in the Sustainable Communities Strategy/Regional Blueprint Planning effort and ensure that local plans are consistent with the Regional Plan.

²*Climate Action Plans provide an overarching policy direction for local governments committed to reducing GHG emissions within their jurisdictions. An effective Climate Action Plan will have several core elements, including an inventory of emissions, a target for reductions, timeframes, milestones, and tracking and accountability mechanisms, and strategies for achieving the reductions.*

Chapter Five

Safety Element

5.0 INTRODUCTION

The Safety Element focuses on topics which ensure a safe environment for our citizenry, while considering and planning for future development in and around the City of Reedley. There is a genuine focus on the protection of the community from identifiable hazards like flooding, natural fires, public safety (police & fire) and other geologic hazards. The Safety Element aims at reducing hazards, risk, death, injuries, property damage, and economic and social dislocation. The General Plan avoids significant changes in planned land use, circulation and other variables which could increase risk resulting from known hazards or a radical change to the environment.

The Safety Element is a primary vehicle for relating to local safety planning. Emergency services for these hazards, including fires and police services, are considered in the Safety Element. Implementation of safety objectives will be incorporated into provisions of the Reedley Municipal Code to include zoning regulations, subdivision requirements and entitlement permit processes as a means to abate or mitigate safety hazards.

Briefly discussed below are existing conditions pertaining to the specific issues relating to safety in the City of Reedley. The issues are flooding, geologic hazards, fire, seismic hazards, police protection, and hazardous land use relationships.

Goals

SE 5.0A - Prevent and minimize personal injury and loss of life due to natural and man-made hazards.

SE 5.0B - Prevent and minimize the potential for property damage.

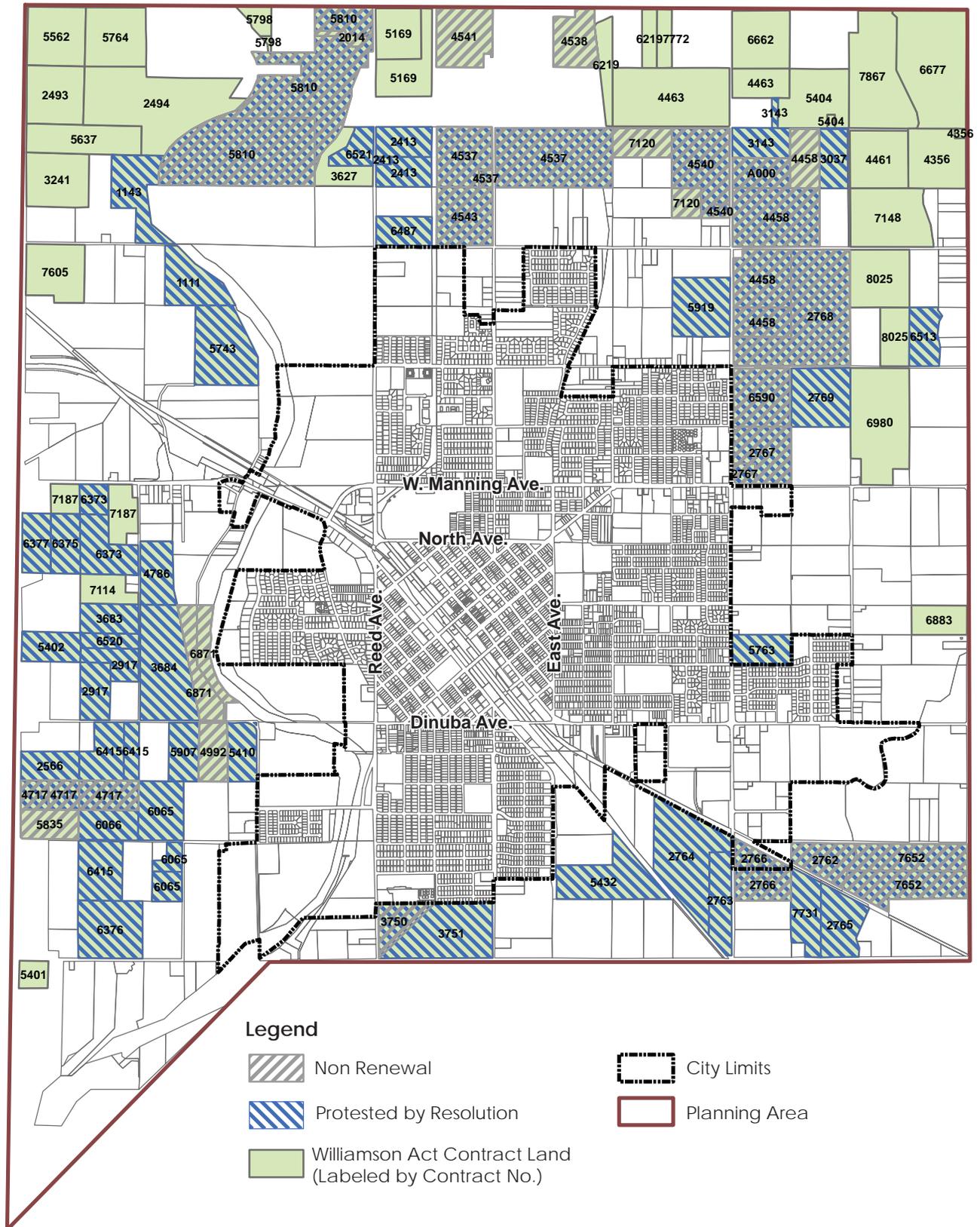
SE 5.0C - Protect the City and its residents from avoidable loss resulting from improper development in hazardous areas.

SE 5.0D - Safeguard public safety and property by educating and involving the public in all the tenets of community-oriented policing and problem solving, thereby, reducing crime.

SE 5.0E - Prevent and minimize personal injury and loss of life and thereby reducing liability issues relating to open canals in urban areas by requiring such open canals to be pipelined subject to urban development projects.

APPENDIX B

STATUS OF WILLIAMSON ACT CONTRACTS



Legend

Non Renewal

Protested by Resolution

Williamson Act Contract Land
(Labeled by Contract No.)

City Limits

Planning Area



0 3,200 feet

Source: City of Reedley 2013



Status of Williamson Act Contracts

City of Reedley General Plan Update EIR