

---

# GENERAL PLAN UPDATE 2035 FINAL ENVIRONMENTAL IMPACT REPORT

## CITY OF SELMA SCH #2008081082



July 2010



Quad Knopf

# General Plan Update 2035

## **FINAL ENVIRONMENTAL IMPACT REPORT**

City of Selma  
SCH #2008081082

### **Lead Agency:**



City of Selma  
1710 Tucker Street  
Selma, CA 93662  
Contact Person: Bryant Hemby, Assistant Planner  
Phone: (559) 891-2200  
Fax: (559) 889-1068

### **Consultant:**



Quad Knopf  
P.O. Box 3699  
Visalia, CA 93278  
Contact Person: Josh McDonnell, AICP, Project Manager  
Phone: (559) 733-0440  
Fax: (559) 627-2336

**July 2010**

# TABLE OF CONTENTS

## ***Section One – Introduction***

1.1	Purpose of Final Environmental Impact Report .....	1-1
1.2	Public Review and Consultation Process.....	1-1

## ***Section Two – Summary of Draft Environmental Impact Report***

2.1	Project Location .....	2-1
2.2	Project Objectives .....	2-1
2.3	Project Description.....	2-4
2.4	General Plan Update Elements .....	2-9
2.5	Intended Uses of the Program EIR .....	2-13
2.6	Potential Areas of Concern and Issues to be Resolved.....	2-14
2.7	Alternatives to the Proposed Project.....	2-14
2.8	Summary of Impacts and Mitigation Measures .....	2-15

## ***Section Three – Comments and Responses***

3.1	List of Commentors .....	3-1
3.2	Written Comment Letters .....	3-2
3.3	Responses to Comments .....	3-2

## ***Section Four – Errata***

## ***Appendices***

Appendix A	Comment Letters Received during Draft EIR Public Review
Appendix B	Groundwater Conditions in the City of Selma General Plan 2035 Area, Kenneth D. Schmidt and Associates, February 2010
Appendix C	Letter to Consolidated Irrigation District (CID) from City of Selma, March 3, 2009

## LIST OF TABLES

<b>Table No.</b>	<b>Title</b>	<b>Page No.</b>
2-1	Existing General Plan Land Use (in Acres) City Limits and SOI .....	2-4
2-2	Existing & Proposed General Plan Land Use Comparison Within City Limits, SOI, and Planning Areas (Acres) .....	2-8
2-3	Summary of Potential Impacts, Proposed Mitigation Measures and Level of Significance .....	2-16

## LIST OF FIGURES

<b>Figure No.</b>	<b>Title</b>	<b>Page No.</b>
2-1	Regional Location.....	2-2
2-2	Selma City Limits, SOI and Planning Area .....	2-3
2-3	Existing General Plan Land Use Designations .....	2-5
2-4	Proposed Land Use and Circulation Diagram .....	2-7



SECTION ONE

INTRODUCTION

## **SECTION ONE – INTRODUCTION**

### **1.1 Purpose of the Final Environmental Impact Report**

This Final Environmental Impact Report (FEIR) has been prepared to respond to agency and public comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the City of Selma General Plan Update 2035 (SCH# 2008081082). The City of Selma (City), as the Lead Agency under the California Environmental Quality Act (CEQA), is required to prepare a Final EIR that responds to all environmental comments received on the Draft EIR.

Responses to comments are directed to the disposition of significant environmental issues that are raised in the comments, as set forth in Section 15088 of the State Guidelines. When reviewing the comments and in developing responses thereto, every effort was made to compare the comment to the information contained in the Draft EIR. In most instances, responses are not provided to comments on non-environmental aspects of the proposed project. For comments not directed to significant environmental issues, the responses indicate that the comment has been “noted.”

CEQA requires that a Final EIR be prepared, certified and independently considered by the decision-making body of the City prior to taking action on the project. The Final EIR provides the City with an opportunity to respond to comments on the Draft EIR and to incorporate any changes necessary to clarify and/or amplify information contained in the Draft EIR. This Final EIR will be available to all commentors for at least ten (10) days prior to its certification.

The Final EIR consists of (1) the separately bound Draft EIR and its Appendices incorporated herein by this reference; (2) a summary of the Draft EIR; (3) comments on the Draft EIR and responses to comments; and (4) revisions/modifications to the Draft EIR.

### **1.2 Public Review and Consultation Process**

On August 25, 2008, the City distributed to public agencies and interested citizens a Notice of Preparation (NOP) for the City’s General Plan Update 2035. The NOP informed these agencies of the City’s intent to prepare a Draft EIR. The 30-day review period for the NOP started on August 25, 2008 and ended on September 24, 2008.

A notice was published in the Selma Enterprise on September 9, 2009, notifying the public of the availability of the Draft EIR and soliciting comments thereon. The Draft EIR was delivered to the State Clearinghouse and mailed to agencies, organizations and interested individuals on September 14, 2009 for a 45-day review period. The public review period was subsequently extended to provide adequate opportunity for entities and individuals to review and/or provide comment on the Draft EIR. An additional notice was published in the Selma Enterprise notifying the public that the end of the review period had been extended from October 26, 2009 to October 30, 2009 providing a total of 52 days for comment on the Draft EIR.

## SECTION TWO

---

# SUMMARY OF DRAFT ENVIRONMENTAL IMPACT REPORT

## **SECTION TWO – SUMMARY OF DRAFT ENVIRONMENTAL IMPACT REPORT**

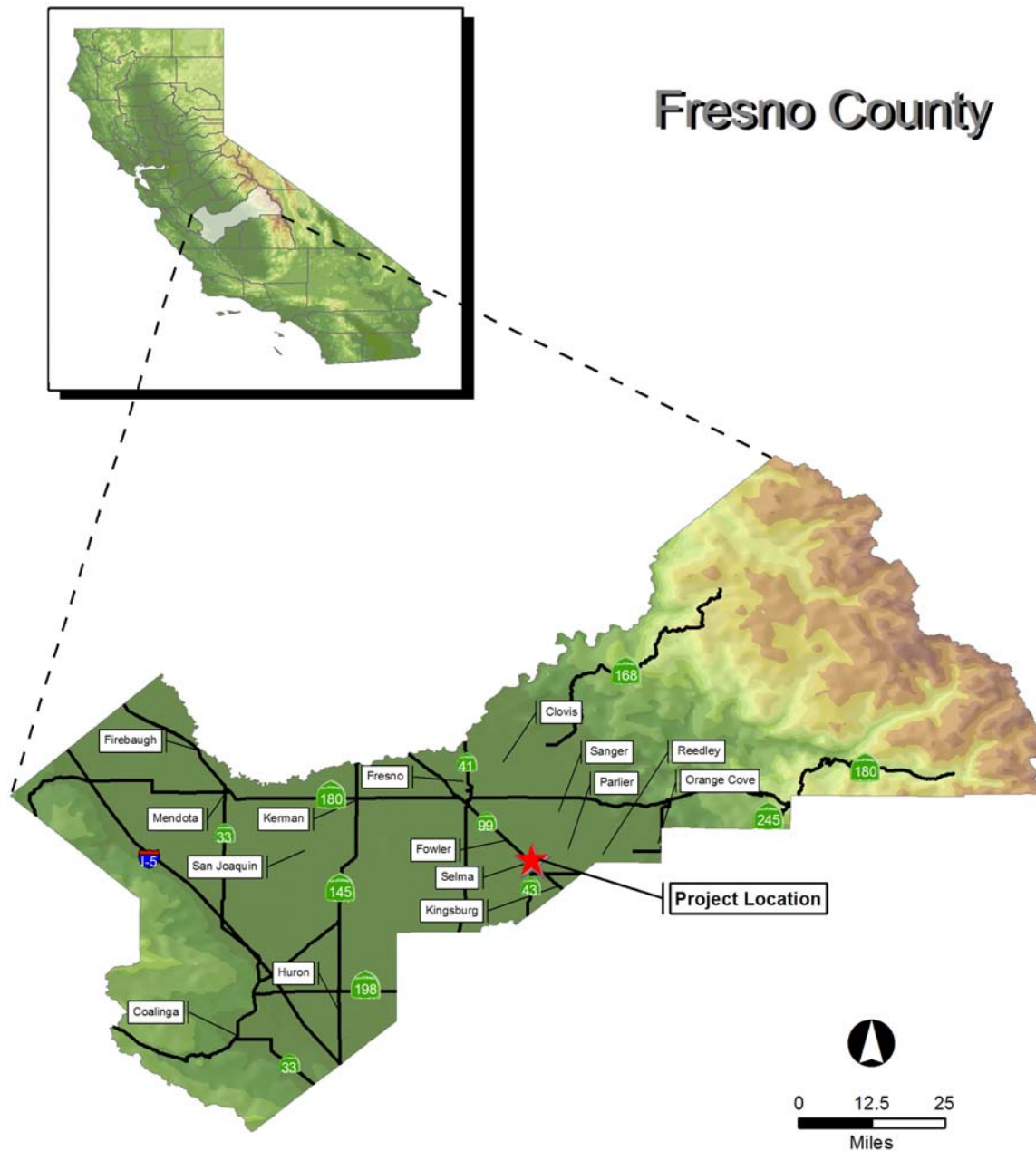
### **2.1 Project Location**

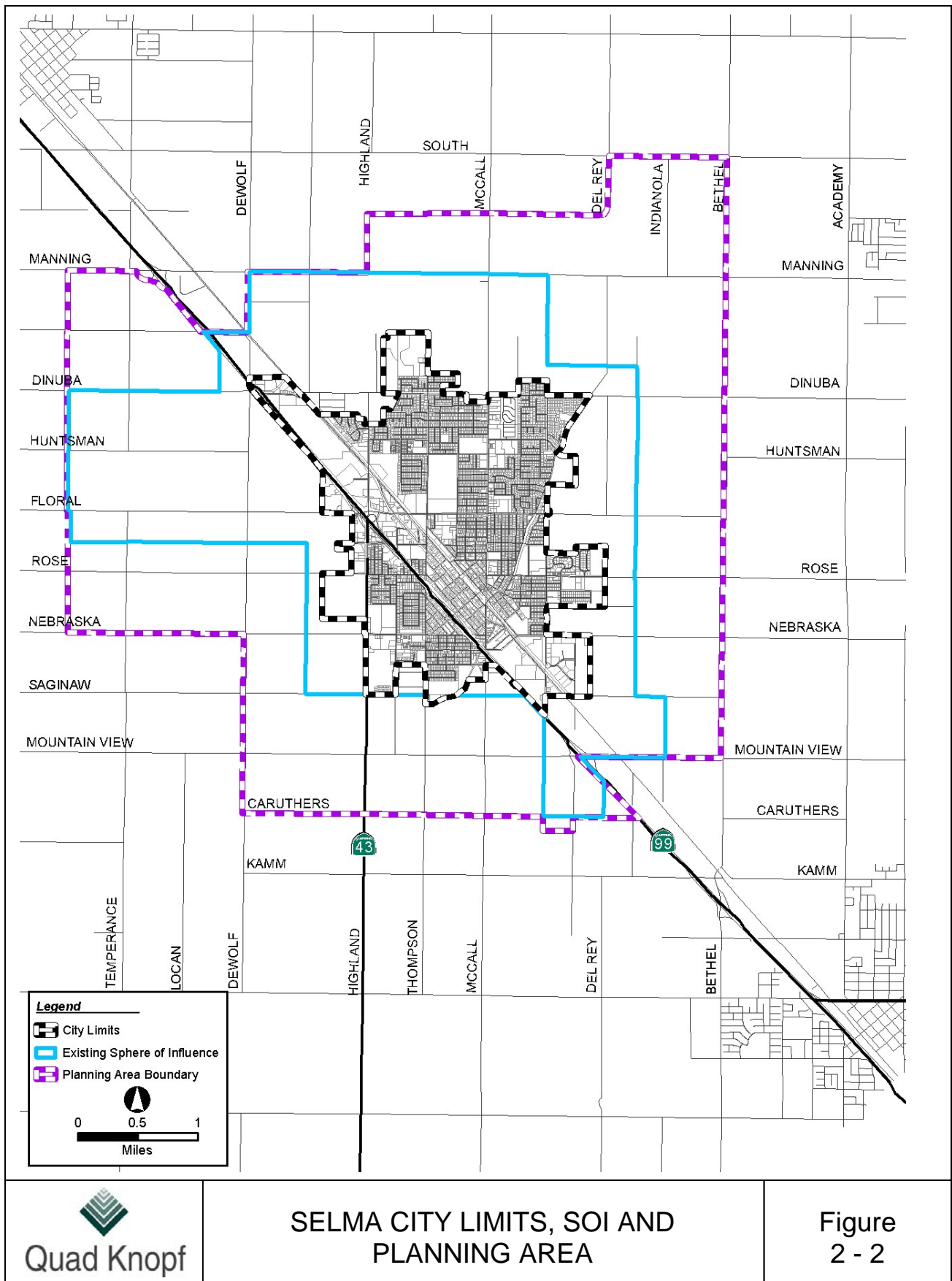
The City of Selma is located in south-central Fresno County, approximately 16 miles southeast of the City of Fresno and approximately 175 miles southeast of San Francisco. As shown in [Figure 2-1](#), Selma is situated between the cities of Fowler to the north and Kingsburg to the south. State Route 99 and the Southern Pacific Railroad tracks pass through the center of the City in a northwest-southeast direction. State Route 43 terminates at Floral Avenue in Selma. Surrounding land uses primarily consist of agricultural uses and rural residential homes. [Figure 2-2](#) shows Selma's existing City limits, Sphere of Influence ("SOI") and the Planning Area used in the General Plan Update.

### **2.2 Project Objectives**

The overall objective of the City of Selma General Plan Update ("Plan Update") is to provide direction for future development within the City throughout the planning period (2009-2035). The Plan Update will allow the City to comply with State general plan law, which requires a jurisdiction to periodically update its general plan to reflect current and projected development conditions, and to accommodate growth in a manner that is consistent with city policies and preferences. Specific project objectives for the Plan Update include the following:

1. Achievement of the General Plan goals, objectives and policies, as noted in each element thereof.
2. Moderate, planned growth, which is in conformance with community objectives.
3. A compact and contiguous form of development.
4. A set of internally consistent development policies.
5. Development of additional employment opportunities and a diversification of the local economy.
6. Provision of high quality City services and delivery that is responsive to the needs of Selma residents.
7. Development of Selma as a regional retail hub for Fresno County.
8. Provision of a wide variety of housing types to meet the needs of all Selma residents, and to promote local retail growth.
9. Development of adequate fiscal resources to meet community needs and reduce the tax burden on local residents.





## 2.3 Project Description

This General Plan Update is intended to provide guidelines for future development of the City that meet the objectives stated in Section 2.2 and meet the needs of the increasing population. Selma's population, according to the Department of Finance (DOF), is 23,301 persons as of January 1, 2009. Selma could reach approximately 64,600 persons by 2035 based on an average of 4% growth per year, or 50,250 persons at a 3% annual growth rate. This General Plan Update would accommodate up to 94,237 persons, based on all residential land uses within the Proposed General Plan's Plan Area Boundary, and prescribes policies for the sequential development of the community from its current population level to that allowed by the Plan Update.

The current City limits contain 5.1 square miles (3,294 acres), of which approximately 1,900 acres is urbanized. The existing SOI encompasses 12.9 square miles (8,299 acres) and the Planning Area encompasses 23.7 square miles (15,183 acres). Neither the SOI nor Planning Area boundary is proposed to be immediately changed; however, it may become necessary to amend the SOI in the future as a result of Plan implementation. [Table 2-1](#) shows the existing General Plan Land Use designations (by acreage) within the City and SOI. [Figure 2-3](#) shows the existing General Plan Land Use map. As with most cities in the San Joaquin Valley, the single family home is the predominant residential unit in Selma.

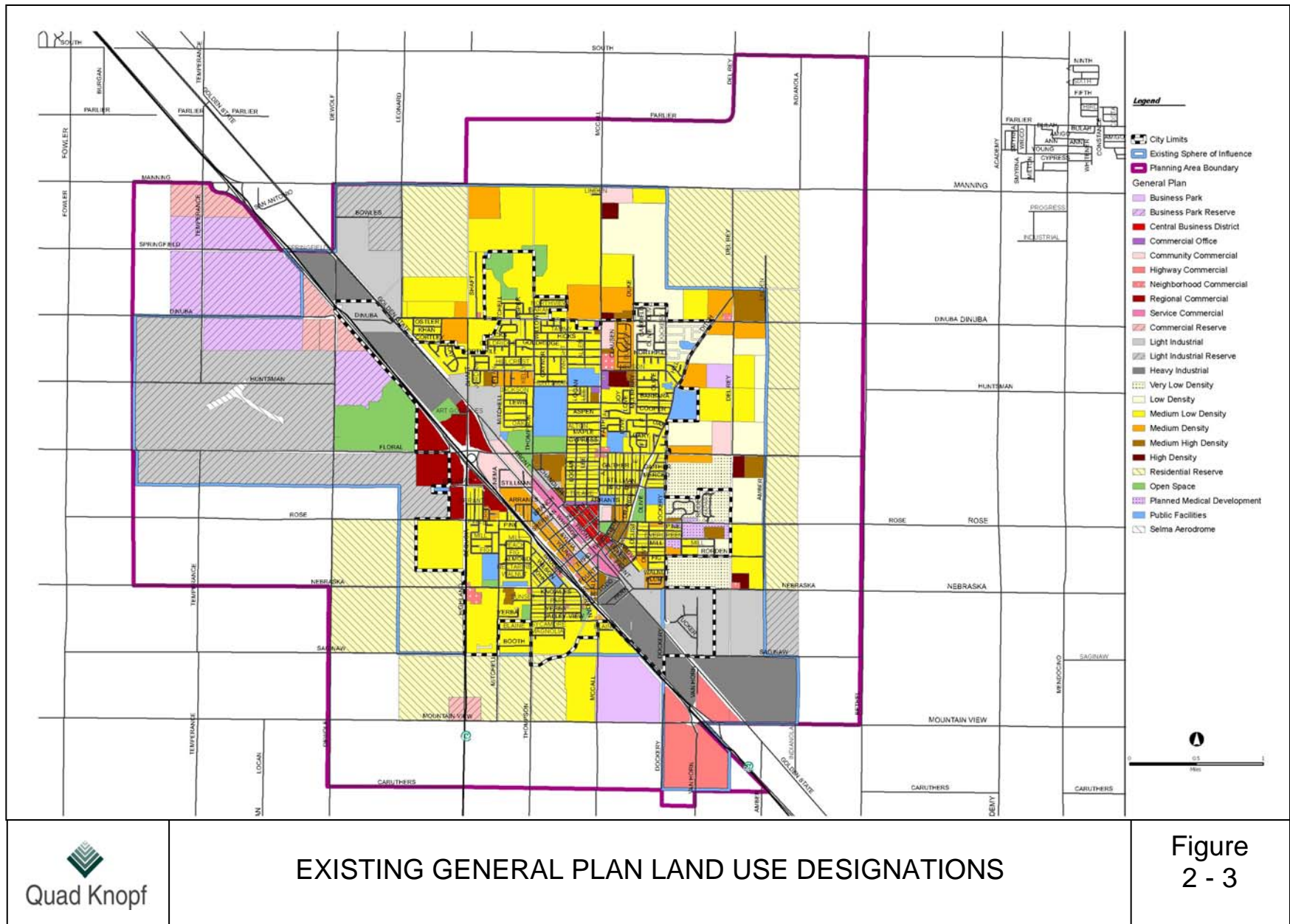
**Table 2-1**  
**Existing General Plan Land Use Designations (in Acres)**  
**City Limits and SOI**

<b>General Plan Land Use Category</b>	<b>City Limits</b>	<b>SOI</b>
Residential-Very Low Density	52	201
Residential – Low Density	90	490
Residential – Medium Low Density	1,091	2,017
Residential – Medium Density	137	370
Residential – Medium High Density	78	135
Residential – High Density	11	45
Residential Reserve	6	442
<b>Subtotal Residential</b>	<b>1,465</b>	<b>3,700</b>
Business Park	1	236
Highway Commercial	5	201
Commercial – Central Business District	19	19
Commercial – Community	87	127
Commercial – Regional	116	155
Service Commercial	39	39
Commercial – Neighborhood	22	27
Commercial Office	10	11
Commercial Reserve	0	89
<b>Subtotal Commercial</b>	<b>299</b>	<b>904</b>
Light Industrial	240	481
Light Industrial Reserve	1	1,356
Heavy Industrial	205	496
Planned Medical Development	24	24
Selma Aerodome	0	22
Public Facilities	174	176
Open Space	112	283
<b>Total (All Land Uses)</b>	<b>2,520</b>	<b>7,442</b>

Source: Quad Knopf, Fresno County GIS.

Note: Right-of-way not included in land use totals.



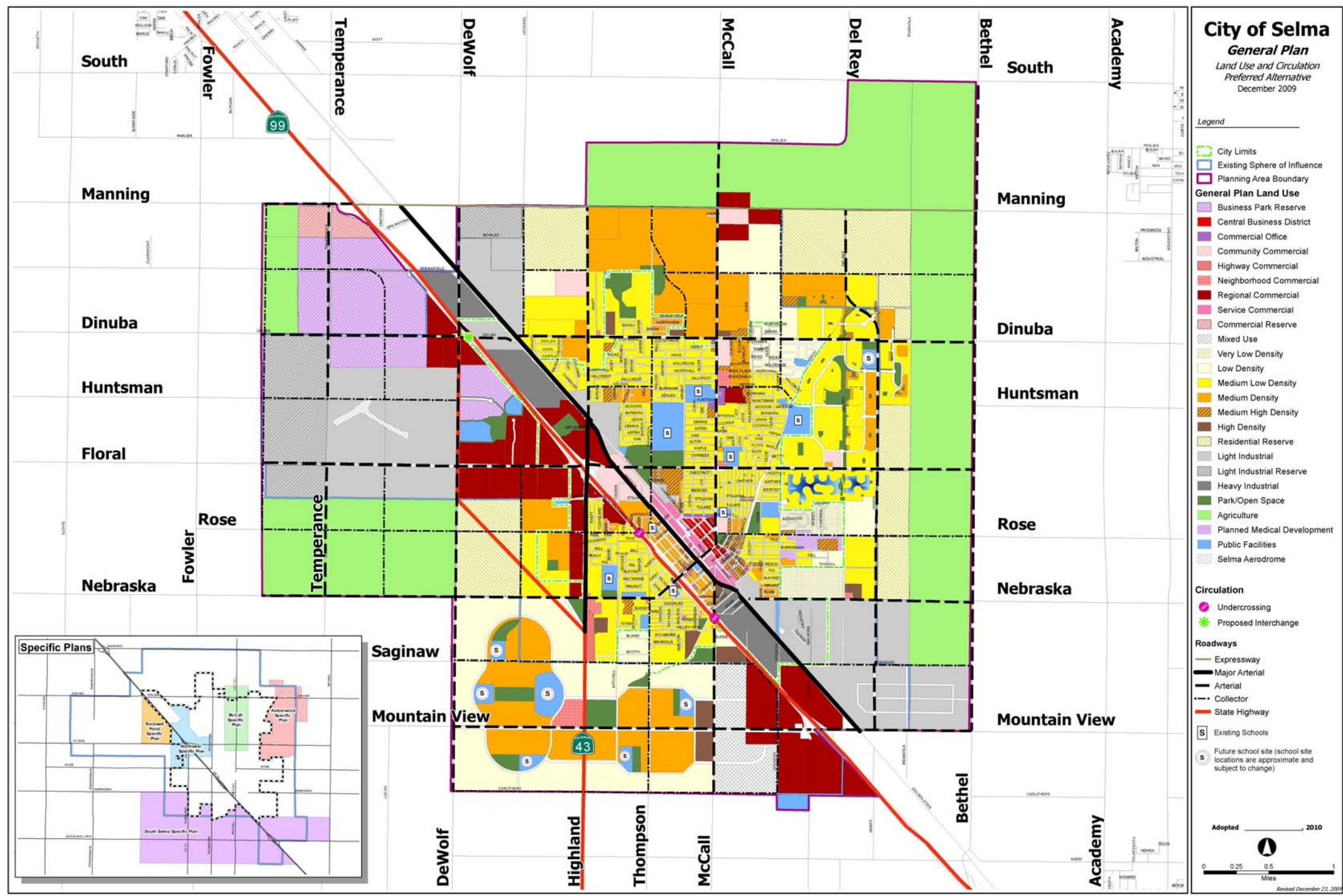




The Plan Update includes Noise; Safety; Open Space, Conservation and Recreation; Circulation; Land Use; Public Services and Facilities; and Housing Elements. The existing Housing Element is reformatted only for the Plan Update. The elements contain the written policies, objectives and standards and any associated diagrams. The Plan Update's maps and diagrams are graphic representations of those policies and standards.

[Figure 2-4](#) shows the proposed Land Use and Circulation Diagram for the Plan Update. The expansion of urban land use designations, contained within the City's proposed SOI and Planning Area, define the limits for extending City services and infrastructure to accommodate new development anticipated within the 2007-2035 timeframe. Policies in the proposed Plan update limit leap-frog development and provide for an orderly transition from rural to urban land uses.

As shown in [Table 2-2](#), the Plan Update results in a significant reallocation of urban land use designations, but a modest (4.9%) increase in total area of urban General Plan land use designations. Significant additional commercial land is being added to capitalize on Selma's regional retail location, but residential reserve and industrial reserve designations are now being shifted to non-reserve status. A major thrust of the Plan Update is the integration of existing adopted and proposed Specific Plans in the community.



PROPOSED LAND USE AND CIRCULATION DIAGRAM

Figure 2 - 4

**Table 2-2**  
**Existing & Proposed General Plan Land Use Comparison**  
**Within City Limits, SOI and Planning Areas (Acres)**

General Plan Land Use Category	Existing City Limits	Proposed City Limits	Existing SOI	Proposed SOI	Existing Planning Area	Proposed Planning Area
Community Commercial	87	87	126	143	126	143
Neighborhood Commercial	22	21	27	23	27	49
Regional Commercial	116	177	155	774	155	901
Service Commercial	39	39	39	39	39	39
Highway Commercial	5	19	201	19	201	19
Central Business District	19	19	19	19	19	19
Commercial Office	10	10	11	11	11	11
Commercial Reserve	0	0	89	0	184	69
Planned Medical Development	24	24	24	24	24	24
Mixed Use <sup>1</sup>	0	0	0	1	0	193
<b>Subtotal Commercial</b>	<b>322</b>	<b>396</b>	<b>691</b>	<b>1,053</b>	<b>786</b>	<b>1,467</b>
High Density	11	31	45	64	45	101
Medium High Density	78	75	135	89	135	95
Medium Density	137	179	370	839	370	1,381
Medium Low Density	1,005	976	2,017	1,727	2,094	1,811
Low Density	90	97	490	481	490	1,072
Very Low Density	51	52	200	129	200	129
Residential Reserve	5	0	442	152	1,919	992
<b>Subtotal Residential</b>	<b>1,377</b>	<b>1,410</b>	<b>3,699</b>	<b>3,481</b>	<b>5,253</b>	<b>5,581</b>
Heavy Industrial	205	183	496	252	496	252
Light Industrial	240	241	481	1,286	481	1,502
Light Industrial Reserve	1	0	1,355	565	1,433	565
Business Park	0	0	23	0	167	0
Business Park Reserve	1	2	212	208	623	620
<b>Subtotal Industrial</b>	<b>447</b>	<b>426</b>	<b>2,567</b>	<b>2,311</b>	<b>3,200</b>	<b>2,939</b>
Public Facilities	173	178	175	253	175	382
Selma Aerodrome	0	0	22	22	22	22
Park/Open Space <sup>2</sup>	112	112	283	229	283	339
Agriculture <sup>1</sup>	0	0	0	1	0	3,205
<b>Total</b>	<b>2,431</b>	<b>2,522</b>	<b>7,437</b>	<b>7,349</b>	<b>9,719</b>	<b>13,935</b>
Right-of-Way	863	796	862	949	1026	1248
<b>Total With ROW</b>	<b>3,294</b>	<b>3,294</b>	<b>8,299</b>	<b>8,299</b>	<b>10,745</b>	<b>15,183</b>

Source: Quad Knopf, Fresno County GIS

Note: Totals may be off due to rounding. <sup>1</sup>The Agriculture and Mixed Use land use designations are new to the Plan Update.

<sup>2</sup>The Open Space designation has been changed to Park/Open Space for the Plan Update. ROW is estimated based on the total acreage of each boundary subtracted from the land use acreage totals (See Section 3.14 for a discussion on Park facilities).

## **2.4 General Plan Update Elements**

The Plan Update consists of comprehensive updates to each of the seven state-mandated elements--land use, circulation, housing, conservation, open space, safety, and noise--, as well as updates to the optional elements -- public services and facilities element and recreation. While the Housing Element is being updated separately, it is an integral part of the Plan Update.

Each element contains a set of goals, policies and standards. The goals provide a statement of purpose for achieving the community's future form and character while the policies and standards provide more specific, incremental direction for how the community's goals are to be achieved. The Plan Update also includes standards associated with many of the policies that define specific actions needed to implement policies. Each of the Plan Update elements is briefly described below.

### **LAND USE ELEMENT**

The Land Use Element describes future land use in the City, SOI, and Planning Area and includes goals, policies and standards that will guide such development. Along with the Circulation Element, the Land Use Element is the heart of the Plan Update. The Land Use Diagram is a visual summary of the proposed location, extent and intensity of land uses. The proposed Land Use Diagram is illustrated in Figure 2-4. The following residential land use categories are proposed:

- **Very Low Density** (0-2.0 dwelling units per gross acre). This category is characterized by larger lot sizes ranging from a minimum of 12,000 square feet to a more typical 20,000 square feet. Typical zoning would be R-1-12.
- **Low Density** (1.0 to 4.0 dwelling units per gross acre). The intent of this classification is to provide locations for the construction of single-family homes. Zoning classifications under this Designation include R-1-9 and R-1-12 with 9,000 and 12,000 square foot lot minimums respectively.
- **Medium Low Density** (3.0 to 5.5 dwelling units per gross acre). This Designation allows for a transition of housing types between higher density development and conventional single-family developments. Typical zoning would be R-1-7 or R-1-9. This land use designation is representative of most existing single-family developments within the City. Minimum lot size is 7,000 square feet.
- **Medium Density** (4.5 to 9.0 dwelling units per gross acre). Small-lot, clustered development and low density multiple family development would be acceptable in this designation. To accommodate these types of development, typical zoning would be R-2, having a minimum lot size of 6,000 square feet with an additional 4,000 square feet for each additional unit on the same lot.
- **Medium High Density** (8.0 to 14.0 dwelling units per gross acre). This classification provides for lower intensity multiple family developments. Typical zoning would be R-3 with a minimum lot size of 20,000 square feet.

- **High Density** (13.0 to 19.0 dwelling units per gross acre). Notable apartment developments are provided within this designation. A new zone district, R-4, will be required to be developed in the zoning ordinance. R-4 zoning will have a minimum lot size of 30,000 square feet.

The following commercial and office land use designations are proposed:

- **Neighborhood Commercial:** 40% Lot Coverage. This designation includes convenience commercial and neighborhood shopping centers providing a range of necessary day-to-day retail goods and services serving a market area generally less than ½ mile around the site. Neighborhood commercial areas should be on a 1-5 acre site.
- **Commercial Office:** 40% Lot Coverage. This designation is intended for the exclusive development of non-retail business and professional offices. New sites should be a minimum of one acre or larger.
- **Community Commercial:** 60% Lot Coverage. This designation includes a variety of uses that serve the community and occasionally nearby rural areas and small cities. New Community Commercial development usually includes multiple anchor tenants such as grocery-drugstore combinations, as well as, smaller retail and service businesses. New Community Commercial designations should occupy sites ranging in size from 5-25 acres and be located at arterial intersections. Existing Community Commercial sites in the downtown or surrounding area could be as small as 6,000 square feet. However, new sites should require a minimum of five acres and a depth of 500 feet.
- **Central Business District:** 100% Lot Coverage. The Central Business District represents the historical business center of Selma. It is currently developed with a variety of retail stores, offices and parking lots. The Central Business District designation is designed to provide flexibility in the development of new uses within the downtown area, while maintaining the ambience of the area.
- **Planned Medical Development:** 40% Lot Coverage. The Planned Medical Development designation is designed to provide development opportunities for medical oriented offices and businesses in close proximity to the existing hospital. The clustering of medical related professional services will provide convenient access to the public and to the professionals who provide the services.
- **Regional Commercial:** 60% Lot Coverage. This designation is designed to provide development opportunities for those uses that attract customers from well outside the City of Selma. To fulfill the role as a regional commercial provider, such development must be close to major transportation links and contain sufficient area to provide adequate facilities and parking. Regional uses have anchor tenants with market areas generally covering at least a 15-mile radius such as larger durable good retail stores and vehicle sales.
- **Highway Commercial:** 70% Lot Coverage. This designation includes several types of uses distinguishable because of their service orientation to the highway traveler. Uses include hotels and motels, restaurants, service stations, truck stops, and associated uses. Highway

Commercial designations are limited to the areas surrounding the interchanges with Highway 99.

- **Service Commercial:** 75% Lot Coverage. This designation includes a broad range of commercial activities that can include businesses with both retail and service components. Among these uses are: auto repair, service stations, building materials, warehousing, contractors, equipment yards and similar uses. Uses within this designation would usually be conducted entirely within a building, with outside storage screened from public view.
- **Mixed Use:** This designation will accommodate a wide variety of uses including: restaurants, commercial, medical offices/clinics, government, inns/hotels, and high density residential (10-20 du/ac). It may also include parks, recreational, and public facilities. This is a new land use designation for this Plan Update.

The following industrial and business parkland use designations are proposed:

- **Light Industrial:** 80% Lot Coverage. The Light Industrial designation provides development opportunities for those industrial uses that would not typically utilize major manufacturing processes. Lower intensity assembly, fabrication and food processing may be consistent with the land use designation.
- **Heavy Industrial:** 90% Lot Coverage. The heavy industrial designation is intended to allow for the development of facilities and businesses engaged in intense manufacturing and fabrication. Heavy industrial uses typically require large properties and may require access to rail and highway transportation for the receipt and shipment of materials.
- **Business Park:** 75% Lot Coverage. The Business Park designation is intended to provide for the development of campus type office developments that would utilize substantial landscaping and innovative architectural designs. Parking areas would typically be screened from the street and the sites would provide amenities for employees. Some commercial uses, such as restaurants and daycare, should be permitted to serve the employees.

The Public Facilities designation applies to all publicly owned facilities and those private facilities operated to serve the general public, except for parks and recreation facilities, which have their own land use designation. Public and private schools, city offices, cemetery, parking facilities, hospitals, museums, and library are the main uses within this category.

The Agriculture designation includes agricultural areas. The Park/Open Space designation includes parkland and other open space areas. The Selma Aerodrome designation includes the Selma Aerodrome and the land immediately surrounding the airport facility. The Plan Update also includes the following Reserve land use designations: Business Park Reserve, Commercial Reserve, Residential Reserve, and Light Industrial Reserve.

## **CIRCULATION ELEMENT**

The transportation system affects the growth patterns, environment, and quality of life in Selma. Transportation planning is therefore a critical component of the Plan Update. This element contains direction for improving the operation of the City's circulation system in order to



accommodate new growth in areas where public services are already available, and to reduce existing and projected traffic congestion and parking problems without relying on major, costly infrastructure projects. The proposed Circulation Element includes an integrated grid of arterials, collectors and minor collectors with connectivity throughout the City. The Circulation Element also includes policies for traffic calming and pedestrian/bike transportation. Smart Growth principles for transit- and pedestrian-oriented development are utilized to encourage mixed-use neighborhoods.

Additional features of the Plan Update which are to be included in the Circulation Element are street cross sections for major arterial, arterial, collector, minor collector/local roadways (reference Figure 2-1 in the Draft Policies document in Appendix A of Appendix A of this Draft EIR). The Element also includes a city-wide bike plan and designated truck routes. A proposed interchange is planned at Dinuba Avenue and SR 99 to provide access to the highway in the northern portion of Selma. Amber Avenue has been planned as an arterial rather than Del Rey, from Mountain View to just north of Dinuba Avenue. The SR 43 bypass from Highland Avenue to DeWolf Avenue has also been planned for and is shown in Figure 2-4.

## **OPEN SPACE, CONSERVATION AND RECREATION ELEMENT**

The Open Space, Conservation and Recreation Element provides direction regarding the conservation, development, and utilization of natural resources. It focuses on water supply, water quality, air quality, flora and fauna, energy conservation and future parkland and open spaces. The element prescribes standards for neighborhood and community parks. Conservation, open space and recreation resources are also addressed in several other Plan Update elements because they have important linkages to community design, safety, and land use. An Air Quality section is in this Element and encourages alternative modes of transportation, energy conservation, appropriate mitigation in new development, and coordination with the San Joaquin Valley Air Pollution Control District. This air quality section complies with AB 170 that requires General Plans in the Central Valley to contain air quality policies.

## **NOISE ELEMENT**

The Noise Element includes policies and standards to control and abate noise exposure, as required under the State of California's General Plan Guidelines. The fundamental goals of the Noise Element are: to provide sufficient information concerning the City so that noise may be effectively considered in the land use planning process; to develop strategies for abating excessive noise exposure through cost effective mitigation measures in combination with zoning, as appropriate to avoid incompatible land uses; to protect those existing areas where the noise environment is deemed acceptable and also those locations throughout the community deemed "noise sensitive"; to utilize the definition of the community noise environment in the form of CNEL or  $L_{dn}$  noise contours to help determine local compliance with the State Noise Insulation Standards; and to protect the quality of life in Selma by limiting intrusive noise.

## **SAFETY ELEMENT**

The purpose of the Safety Element is to identify and describe the nature of potential hazards within the Planning Area, and to streamline the environmental review process by guiding new development in a manner that avoids hazards. Policies address seismic, flood, fire, hazardous materials, criminal, transportation, and emergency preparedness issues.

## **PUBLIC SERVICES AND FACILITIES ELEMENT**

The purpose of the Public Services and Facilities Element is to ensure that sufficient levels of public services are provided as Selma develops. Working in conjunction with the Land Use Element; the Public Services and Facilities Element plans for the expansion and funding of public services and infrastructure to coincide with new development.

### **2.5 *Intended Uses of the Program EIR***

This programmatic EIR serves two primary purposes. First, it evaluates potential impacts of implementing the Plan Update and proposes mitigation measures, typically in the form of new or modified policies that reduce impacts to a less than significant level where possible. By integrating mitigation measures as Plan policies, where possible, the implementation of CEQA becomes part of the General Plan's implementation. This evaluation is needed to ensure compliance with CEQA. The City may choose to incorporate new mitigation measures proposed in this EIR into the draft Plan Update document to ensure that it is "self-mitigating."

Second, this EIR is intended to streamline the environmental review of new development projects in conformance with Section 15064 of the CEQA Guidelines. New projects will be evaluated for their consistency with this EIR. Where projects are consistent, further environmental review may be eliminated or streamlined. Projects found inconsistent may require additional environmental review. The most common types of projects for which this EIR will be used include development applications such as use permits, subdivision (tentative) maps, SOI amendments, annexation and rezoning, variances, rezoning, and/or public infrastructure or service improvements or programs.

Public agencies other than the City, including Responsible and Trustee Agencies (as defined under CEQA) may use this EIR during their review of the Plan Update. Although the City of Selma has primary project approval authority for the project, Responsible Agencies may also have some discretion over portions of the project and/or over projects proposed by public agencies or private interests that implement the Plan Update. The discretionary approval may include issuance of a permit or other required action. The following is a list of potential agencies that might use this EIR for such purposes.

- County of Fresno
- California Department of Transportation
- California Department of Fish and Game
- California Department of Conservation
- United States Army Corps of Engineers
- United States Fish and Wildlife Service



- California Regional Water Quality Control Board
- California Regional Water Pollution Control Agency
- San Joaquin Valley Air Pollution Control District

## **2.6 Potential Areas of Concern and Issues to be Resolved**

Based on the Initial Study and comments received during the scoping process from public agencies, community organizations, and interested individuals, the following were identified as potential areas of concern:

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>▪ Aesthetics</li> <li>▪ Agriculture</li> <li>▪ Air Quality</li> <li>▪ Biological Resources</li> <li>▪ Cultural Resources</li> <li>▪ Geology/Soils</li> <li>▪ Hazards and Hazardous Materials</li> <li>▪ Hydrology/Water Quality</li> <li>▪ Land Use and Planning</li> </ul> | <ul style="list-style-type: none"> <li>▪ Mineral Resources</li> <li>▪ Noise</li> <li>▪ Population and Housing</li> <li>▪ Public Services</li> <li>▪ Recreation</li> <li>▪ Transportation/Traffic</li> <li>▪ Utilities/Service Systems</li> <li>▪ Global Climate Change</li> </ul> |
|--|---|

## **2.7 Alternatives to the Proposed Project**

Section 15126.6 of the State CEQA Guidelines requires the EIR to describe a reasonable range of alternatives to the project or to the location of the project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the project, and to evaluate the comparative merits of the alternatives. Alternatives that would reduce or avoid significant impacts represent environmentally superior alternatives to the proposed project. However, if the environmentally superior alternative is the “no project” alternative, the EIR must also identify an environmentally superior alternative among the other alternatives.

The EIR evaluates the following alternatives:

- **Existing General Plan Alternative (No Project)** – Under this alternative, the 2035 General Plan would not be adopted, and the existing 1997 City of Selma General Plan would remain in effect.
- **Reduced Growth Alternative** – Under this alternative, slightly less new development would be allowed in comparison with the General Plan Update and growth would be restricted to a slightly smaller area within the Planning Area boundary. This alternative was considered feasible because the City could grow at a slower pace than expected.
- **Concentrated Growth Alternative** – The Concentrated Growth Alternative assumes the same number of residential units in 2035 as the proposed Plan Update, as well as the same goals, objectives, and policies. However, under the Concentrated Growth Alternative, the density of residential development would increase to reduce the amount of land needed to provide the same growth capacity proposed by the Plan Update. Under the Concentrated

Growth Alternative some Low and Medium Low Density Residential areas in the city limits and SOI would be designated as High and Medium High Density Residential. Additional High and Medium High Density Residential uses would be focused around the intersections of Dinuba and McCall, Dinuba and Highland, and just east of the hospital south of Rose. As a result, more of the land in the Planning Area would be left in “Reserve” land use designation or in agricultural use.

It was determined that the Reduced Growth Alternative has the least environmental impact and is therefore the environmentally superior alternative.

## **UNAVOIDABLE SIGNIFICANT IMPACTS**

Section 15126.2(b) of the CEQA guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. Significant unavoidable impacts were identified in the areas of agricultural resources, air quality, hydrology/water quality, public services and utilities/service systems. These impacts are identified in Table 2-3 as “Significant and Unavoidable” in the “Level of Significance after Mitigation” column.

## **2.8 Summary of Impacts and Mitigation Measures**

Section 15123(b)(1) of the *CEQA Guidelines* provides that this summary shall identify each significant effect with proposed mitigation measures that would reduce or avoid that effect. This information is summarized in [Table 2-3](#), “Summary of Potential Impacts, Proposed Mitigation Measures and Level of Significance.” With the exception of agriculture, air quality, public services (uncertainties of electricity and natural gas), and utilities/service systems (adequate wastewater treatment capacity), and global climate change, all identified impacts are either less than significant in relation to identified significance threshold levels, can be mitigated to a less than significant level through recommended mitigation measures, or will require second-tier environmental analysis when a specific project is proposed.

The Draft EIR has analyzed cumulative impacts and found that there will be significant cumulative impacts on agricultural resources, air quality, public services (uncertainty of electricity and natural gas), transportation/traffic, utilities and service systems (wastewater), and global climate change regardless of implementation of feasible mitigation measures.

**Table 2-3**  
**Summary of Potential Impacts, Proposed Mitigation Measures, and Level of Significance**

<b>Impact Number</b>	<b>Impact</b>	<b>Level of Significance Before Mitigation</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance After Mitigation</b>
<b>3.1 Aesthetics</b>					
3.1.3.1	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	Less Than Significant	3.1.3.1	<p>Modify Policy 1.33c as follows:</p> <p>Exterior lighting for projects shall be shielded to prevent line of sight visibility of the light source from abutting property planned for single-family residential. The City Site Plan Review process shall require development projects to ensure that no more than 0.25 footcandles of errant light impacts adjacent properties. The Planning Official shall require a photometric analysis of projects where necessary to demonstrate compliance with this requirement.</p>	Less Than Significant
<b>3.2 Agriculture</b>					
3.2.3.1	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use	Significant and Unavoidable	3.2.3.1	<p>The City will encourage property owners outside the City limits but within the SOI to maintain their land in agricultural production until the land is converted to urban uses through the following means.</p> <ol style="list-style-type: none"> <li>The City will work cooperatively with land trusts and other non-profit organizations to preserve agricultural land outside of the SOI and not planned for urbanization in the General Plan through the use of Conservation Easements.</li> <li>The City will use its urban boundaries and growth phasing policies to delay the conversion of agricultural lands.</li> <li>The City will encourage the use of Williamson Act contracts in the area outside of the SOI.</li> <li>The City will provide adequate buffering for agricultural land uses to minimize the operational impacts to farmers.</li> </ol>	Significant and Unavoidable

<b>Impact Number</b>	<b>Impact</b>	<b>Level of Significance Before Mitigation</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance After Mitigation</b>
				The City will encourage infill projects and those that are substantially contiguous to existing development.	
3.2.3.2	Conflict with existing zoning for agricultural use, or a Williamson Act contract	Significant and Unavoidable	3.2.3.2	<p>When Williamson Act Contract cancellations are proposed outside of the city limits, the City shall encourage one of the following means to provide agricultural protection to other farmland to offset the loss of farmland protected by Williamson Act Contracts:</p> <p>a) Acquisition of conservation easements shall be encouraged through a “1240 Land Exchange” Ag Conservation Easement program pursuant to Government Code 51282 and Public Resources Code 10251 as a component of the proposed Agricultural Preserve Cancellation; or</p> <p>b) The City shall encourage the contribution of a mitigation fee to a regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The amount of the contribution shall be sufficient to provide protection to an equivalent area of land.</p>	Significant and Unavoidable
3.2.3.3	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use	Potentially Significant		No mitigations are available to reduce this impact to a less than significant level. This impact would remain a significant and unavoidable.	Significant and Unavoidable
<b>3.3 Air Quality</b>					
3.3.3.1	Conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is	Significant and Cumulative	3.3.3.1	<p>The following BACT (Best Available Control Technology) measures are recommended for all new development as a result of the Plan Update (when applicable):</p> <ul style="list-style-type: none"> <li>▪ Trees shall be carefully selected and located to protect building(s) from energy consuming environmental</li> </ul>	Significant, Cumulative, and Unavoidable

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
	non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors):			<p>conditions, and to shade paved areas. Trees should be selected to shade at least 50% of the paved area within 10 years of planting.</p> <ul style="list-style-type: none"> <li>▪ If transit service is available to a project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, easements should be reserved to provide for future improvements such as bus turnouts, loading areas, route signs and shade structures.</li> <li>▪ Sidewalks and bikeways should be installed throughout as much of any project as possible and should be connected to any nearby existing and planned open space areas, parks, schools, residential areas, commercial areas, etc., to encourage walking and bicycling.</li> <li>▪ Projects should use LEED recommended energy features to the extent practicable and feasible. Examples include (but are not limited to): <ul style="list-style-type: none"> <li>– Increased energy efficiency (above California Title 24 Requirements)</li> <li>– Energy efficient windows (double pane and/or Low-E)</li> <li>– Use Low and No-VOC coatings and paints.</li> <li>– High-albedo (reflecting) roofing material.</li> <li>– Cool Paving. “Heat islands” created by this and similar projects contribute to the reduced air quality in the valley by heating ozone precursors.</li> </ul> </li> </ul>	

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<ul style="list-style-type: none"> <li>- Radiant heat barrier.</li> <li>- Energy efficient lighting, appliances, heating and cooling systems.</li> <li>- Install solar water-heating system(s)</li> <li>- Install photovoltaic cells</li> <li>- Install geothermal heat pump system(s)</li> <li>- Programmable thermostat(s) for all heating and cooling systems</li> <li>- Awnings or other shading mechanism for windows</li> <li>- Porch, patio and walkway overhangs</li> <li>- Ceiling fans, whole house fans</li> <li>- Utilize passive solar cooling and heating designs (e.g. natural convection, thermal flywheels)</li> <li>- Utilize daylighting (natural lighting) systems such as skylights, light shelves, interior transom windows etc.</li> <li>- Electrical outlets around the exterior of the unit(s) to encourage use of electric landscape maintenance equipment</li> <li>- Bicycle parking facilities for patrons and employees in a covered secure area. Bike storage should be located within 50' of the project's entrance. Construct paths to connect the development to nearby bikeways or</li> </ul>	

<b>Impact Number</b>	<b>Impact</b>	<b>Level of Significance Before Mitigation</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance After Mitigation</b>
				sidewalks. <ul style="list-style-type: none"> <li>- On-site employee cafeterias or eating areas.</li> <li>- Low or non-polluting landscape maintenance equipment (e.g. electric lawn mowers, reel mowers, leaf vacuums, electric trimmers and edger's, etc.)</li> <li>- Pre-wire the unit(s) with high speed modem connections/DSL and extra phone lines</li> <li>- Natural gas fireplaces (instead of wood-burning fireplaces or heaters)</li> <li>- Natural gas lines (if available) and electrical outlets in backyard or patio areas to encourage the use of gas and/or electric barbecues</li> <li>- Low or non-polluting incentives items should be provided with each residential unit (such items could include electric lawn mowers, reel mowers, leaf vacuums, gas or electric barbecues, etc.)</li> <li>- Exits to adjoining streets should be designed to reduce time to re-enter traffic from the project site</li> </ul>	
3.3.3.2	Expose sensitive receptors to substantial pollutant concentrations	Potentially Significant	3.3.3.2	The City shall require a CO "hot spot" analysis for any roadways or intersections that are projected to exceed the thresholds in the GAMAQI.	Less Than Significant
3.3.3.3	Violate any air quality standard or contribute substantially to an existing or projected air quality violation	Significant	3.3.3.3a	For any phase of construction in which an area greater than 22 acres will be disturbed on any one day, the project developer(s) shall implement the following measures: <ol style="list-style-type: none"> <li>1. Install sandbags or other erosion control measures to</li> </ol>	Less Than Significant

<b>Impact Number</b>	<b>Impact</b>	<b>Level of Significance Before Mitigation</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance After Mitigation</b>
				<p>prevent silt runoff to public roadways from sites with a slope greater than one percent.</p> <p>2. Traffic speeds on unpaved roads shall be no greater than 15 mph.</p> <p>3. Install wind breaks at windward side(s) of construction areas.</p>	
		Significant	3.3.3.3b	<p>To reduce emissions and thus reduce cumulative impacts, the following measures shall be implemented:</p> <p>1. Basic fugitive dust control measures are required for all construction sites by SJVAPCD Regulation VIII.</p> <p>2. The idling time of all construction equipment used in the plan area shall not exceed ten minutes (when applicable).</p> <p>3. The hours of operation of heavy-duty equipment shall be minimized (when applicable).</p> <p>4. All equipment shall be properly tuned and maintained in accord with manufacturer's specifications (when applicable).</p> <p>5. When feasible, alternative fueled or electrical construction equipment shall be used at the project site.</p> <p>6. The minimum practical engine size for construction equipment shall be used (when applicable).</p> <p>7. When feasible, electric carts or other smaller equipment shall be used at the project site.</p> <p>8. Gasoline-powered equipment shall be equipped with catalytic converters (when applicable).</p>	Less Than Significant



Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
3.3.3.4	Create objectionable odors affecting a substantial number of people	Less Than Significant		No mitigation measures are required.	
<b>3.4 Biological Resources</b>					
3.4.3.1	Potential Project Impacts To Protected Special-Status Plant Species:	Potentially Significant	3.4.3.1	<p><b>Mitigation for Protected Special-Status Plant Species:</b> Surveys for sensitive plant habitat shall be conducted prior to construction activities or, for annually emerging plants, during the preceding flowering season. If appropriate habitat for sensitive plants is absent from the project site then no further mitigation is needed. If appropriate habitat for sensitive plants exists in the project area then surveys for sensitive plants shall be conducted within 14 to 30 days before vegetation removal or, for annually emerging plants, during the preceding flowering season, site grading, or the start of construction in fallow agricultural areas, riparian areas, designated wetlands and along irrigation ditches and canals. Surveys and avoidance are only needed in areas adjacent to construction activities to avoid existing resources that might otherwise be subject to unnecessary removal or degradation. Avoidance buffer areas of 50 feet will be established around special status plants. This 50-foot distance may be reduced if avoidance of a 50-foot area is not possible and if a monitoring biologist so agrees. Avoidance buffers will be maintained until construction activities have been completed, and then will be removed.</p> <p>Each proposed project will be designed to avoid impacts to populations of protected special-status plant species. Impacts to protected special-status plant species will be avoided wherever possible. Populations of special-status plant species found during surveys will be protected by a conservation easement as open space. Prior to the issuance of a grading permit that would result in activities affecting special-status plant species populations in development areas of the site, the on-site open space will be placed under conservation easement to be held by a non-profit land trust, and the designated open space will be</p>	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<p>managed to preserve in perpetuity these populations of protected special-status plant species. Management will include the protection of the population from human foot traffic and off road vehicles.</p> <p>Where avoidance is not possible, the project applicant will purchase protected special-status plant species credits from a Conservation Bank. The project applicant will pay the market rate for protected special-status plant species credits at a ratio to be determined after consultation with the California Department of Fish and Game and the United States Fish and Wildlife Service from a conservation bank whose service area includes Fresno and/or Madera County.</p>	
3.4.3.2	Potential Project Impacts To Vernal Pool, Vernal Pool Tadpole And Conservancy Fairy Shrimp:	Potentially Significant	3.4.3.2a	<p>Surveys to locate wetlands and ephemeral pools shall be conducted prior to the initiation of construction related activities within 150 feet of a wetland or its upland tributary. If no wetlands or ephemeral pools are located on a construction site, no additional mitigation is warranted. If wetlands or ephemeral pools are located on a project site, then additional specific surveys for fairy shrimp must be conducted. Surveys methods shall follow those outlined in the <i>Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act for Listed Vernal Pool Branchiopods</i> (USFWS 1996).</p>	Less Than Significant
		Potentially Significant	3.4.3.2b	<p>Proposed projects shall be setback to avoid impacts to populations of vernal pool and conservancy fairy shrimp species by avoidance of all wetlands, ephemeral pools, and buffer areas consisting of 100 feet from the edges of wetlands and ephemeral pools. Populations of vernal pool and conservancy fairy shrimp species avoided will be protected by a conservation easement as open space. The on-site open space will be placed under conservation easement to be held by a non-profit land trust, and the designated open space will be managed to preserve these populations in perpetuity. The area of vernal pool fairy shrimp</p>	Less Than Significant

<b>Impact Number</b>	<b>Impact</b>	<b>Level of Significance Before Mitigation</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance After Mitigation</b>
				habitat to be protected within designated on-site open space will be at a ratio of 5 acres of protected vernal pool habitat for each acre of such habitat directly or permanently disturbed by grading and construction associated with the development of the project. Management will include the protection of the population from human foot traffic and off road vehicles.	
		Potentially Significant	3.4.3.2c	The designated open space will provide buffers to foot and off-road vehicle traffic between developed areas of the project site and ephemeral pools of 100 to 450 feet.	Less Than Significant
		Potentially Significant	3.4.3.2d	Prior to issuance of a grading permit for the development area, a management plan will be prepared for the undisturbed open space of the site. Elements of this management plan will include the following: 1) the Project will be designed to ensure that winter stormwater runoff into open space areas of the development area will mimic pre-project conditions. Upon project completion, surface and subsurface flows of runoff to preserved vernal pools will be roughly equivalent to pre-project conditions; 2) all runoff originating in developed areas of the site will pass through retention basins, bio-filtration swales, or both, which will act together as stormwater filters such that water quality will not be significantly reduced from pre-project conditions; 3) irrigation runoff from landscaped areas will be routed away from vernal pool habitats during the summer and fall to ensure that the hydrology of these habitats mimics pre-project conditions; 4) a management plan will be developed and implemented to control the proliferation of non-native annuals in grassland and vernal pool habitats of the on-site open space areas, and to control the build-up of flammable thatch; 5) access to the open space areas will be controlled in order to minimize impact to vernal pools and other habitats, and to ensure that cattle are confined to the open space areas when grazing is permitted. This management plan will be submitted to the USFWS for review and approval.	Less Than Significant

<b>Impact Number</b>	<b>Impact</b>	<b>Level of Significance Before Mitigation</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance After Mitigation</b>
		Potentially Significant	3.4.3.2e	<p>Prior to the issuance of a grading permit the project applicant will compensate for the loss of vernal pool habitat through the creation/restoration of additional vernal pool habitat at a ratio of one acre of creation/restoration for each acre of such habitat directly and permanently disturbed by grading and construction associated with the project development. Creation/restoration of vernal pool habitat will be accomplished by one or a combination of the following two mitigation alternatives:</p> <ol style="list-style-type: none"> <li>1. Off-Site Creation/Restoration. The project applicant will conserve through acquisition or conservation easement off-site lands suitable for vernal pool creation/restoration in Fresno or Madera County. Such lands will be located south of the Fresno River, and will consist of the following characteristics: natural undisturbed native wetlands and habitat suitable for threatened and endangered plant and animal species will be absent (i.e., these lands will have been previously disturbed by farming, or some other intensive human use); vernal pools once occurred on these lands naturally; the underlying hardpan layer is still intact; and the natural topography has not been eliminated through land leveling. Topographic depressions will be created/restored on these lands according to a “mitigation and monitoring plan” prepared by a qualified biologist. The depressions will hold water for approximately three months of every year. When full, the depth of the filled pools will vary from 6 to 18 inches. The depressions will be revegetated with vernal pool species native to the area; soil collected from existing pools in the region will be distributed on the bottoms of the constructed pools in order to enhance the prospects for establishing vernal pool fairy shrimp populations. Efforts to establish fairy shrimp populations in the constructed pools will only occur after receiving formal authorization to do so from the USFWS, as required by law. The components of this mitigation and monitoring plan will be consistent with standard USACE</li> </ol>	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation								
				<p>guidelines.</p> <p>2. Purchase of Vernal Pool Creation/Restoration Credits from a Conservation Bank._ The project applicant will pay the market rate for Vernal Pool Creation/Restoration Credits at the stipulated 1:1 ratio from a Conservation Bank whose service area includes Fresno and or Merced County.</p>									
3.4.3.3	Potential Project Impacts to the San Joaquin Kit Fox	Potentially Significant	3.4.3.3	<p><b>Mitigation for the San Joaquin Kit Fox:</b> Because San Joaquin kit foxes could be transient foragers in the Planning Area and may den on the project sites designated for development, the <i>Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or during Ground Disturbance</i> (USFWS 1999) shall be followed in fallow agricultural and urban areas and along the banks of canals and irrigation ditches. The measures that are listed below have been excerpted from those guidelines and will protect San Joaquin kit foxes.</p> <ul style="list-style-type: none"> <li>Pre-construction surveys should be conducted in development zones no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any project activity likely to impact the San Joaquin kit fox. Exclusion zones should be placed in accordance with USFWS Recommendations using the following:</li> </ul> <table> <tr> <td>Potential Den</td> <td>50 foot radius</td> </tr> <tr> <td>Known Den</td> <td>100 foot radius</td> </tr> <tr> <td>Natal Den</td> <td>Contact U.S. Fish and Wildlife Service for guidance</td> </tr> <tr> <td>Atypical</td> <td>50 foot radius</td> </tr> </table>	Potential Den	50 foot radius	Known Den	100 foot radius	Natal Den	Contact U.S. Fish and Wildlife Service for guidance	Atypical	50 foot radius	Less Than Significant
Potential Den	50 foot radius												
Known Den	100 foot radius												
Natal Den	Contact U.S. Fish and Wildlife Service for guidance												
Atypical	50 foot radius												

<b>Impact Number</b>	<b>Impact</b>	<b>Level of Significance Before Mitigation</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance After Mitigation</b>
				<ul style="list-style-type: none"> <li>▪ If dens must be removed, they should be appropriately monitored and excavated by a trained wildlife biologist. Replacement dens would be required. Destruction of natal dens and other “known” kit fox dens should not occur until authorized by USFWS.</li> <li>▪ Project-related vehicles should observe an appropriate speed limit in all project areas, except on county roads and State and Federal highways; this is particularly important at night when San Joaquin kit foxes are most active. Nighttime construction should be avoided, unless the construction area is appropriately fenced to exclude San Joaquin kit foxes. The area within any such fence should be determined to be uninhabited by San Joaquin kit foxes prior to initiation of construction. Off-road traffic outside of designated project areas should be prohibited.</li> <li>▪ To prevent inadvertent entrapment of San Joaquin kit foxes or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2 feet deep should be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals.</li> <li>▪ San Joaquin kit foxes are attracted to den-like structures such as pipes and may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for San Joaquin kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary,</li> </ul>	

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<p>and under the direct supervision of a biologist, the pipe may be moved once to remove it from the path of construction activity, until the animal has escaped.</p> <ul style="list-style-type: none"> <li>▪ All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in closed containers and removed at least once a week from the construction or project site.</li> <li>▪ No firearms should be allowed on the project site.</li> <li>▪ To prevent harassment, mortality of San Joaquin kit foxes, or destruction of dens by dogs or cats, no pets should be permitted on the project site.</li> <li>▪ A representative should be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox, or who finds a dead, injured or entrapped individual. The representative's name and telephone number should be provided to the USFWS and CDFG.</li> <li>▪ In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS and CDFG should be contacted for advice.</li> <li>▪ Any contractor, employee(s), or military or agency personnel who inadvertently kills or injures a San Joaquin kit fox should immediately report the incident to their representative. This representative should contact the CDFG immediately in the case of a dead, injured or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.</li> </ul>	

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<ul style="list-style-type: none"> <li>The Sacramento Fish and Wildlife Office and CDFG should be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification should include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825-1846, and (916) 414-6620. The CDFG contact is Mr. Ron Schlorff at 1416 9th Street, Sacramento, CA 95814, (916) 654-4262.</li> </ul>	
3.4.3.4	Potential Project Impacts to the California Tiger Salamander and the Western Spadefoot	Potentially Significant	3.4.3.4a	Surveys for potential breeding habitat of California tiger salamanders and western spadefoot toads shall be conducted in fallow agricultural fields, vacant lots, along roadsides and within other areas that contain disturbed grassland habitats. Breeding habitat for California tiger salamanders and western spadefoot toads consists of ephemeral pools, roadside ditches and other temporary water pools that lack predators (e.g. mosquito fish). Surveys for suitable breeding pools are best conducted during the wet season, October through April. If suitable breeding pools are not found, no other mitigation measures are warranted.	Less Than Significant
		Potentially Significant	3.4.3.4b	If suitable ephemeral pools are found to occur on a project site, then specific surveys for California tiger salamanders and western spadefoot toads will be conducted. Survey methods will follow standard guidelines ( <i>Interim guidance on Site Assessment and field surveys for determining presence or a negative finding of the California tiger salamander</i> , 2003). If surveys determine that no California tiger salamanders or spadefoot toads are present, then no additional mitigation measures are warranted. If presence is confirmed, then those pools and a buffer area around those pools shall be protected. The avoidance areas will be protected by a conservation easement as open space. The area of habitat to be avoided and	Less Than Significant



<b>Impact Number</b>	<b>Impact</b>	<b>Level of Significance Before Mitigation</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance After Mitigation</b>
				protected will be a minimum of 5 acres in size, will include all pools present on the site, and will include a buffer area of a minimum of 1,000 feet from the edge of the vernal pool. Habitat within the protected site, including the buffer area will be managed and restored. Prior to the issuance of a grading permit that would result in activities affecting California tiger salamanders and western spadefoot populations in development areas of the site, the on-site open space will be placed under conservation easement to be held by a non-profit land trust, and the designated open space will be managed to preserve these populations in perpetuity. Management will include the protection of the population from human foot traffic and off road vehicles.	
		Potentially Significant	3.4.3.4c	If avoidance, conservation, and management are not practical, then off-site habitat acquisition or purchase of conservation credits will suffice. Off site acquisition will be at a ratio of 5 acres purchased for each acre impacted. Prior to issuance of a grading permit for all or any portion of the project site, the project applicant will preserve grassland habitats suitable for California tiger salamander (CTS) aestivation under conservation easement at a minimum ratio of five acres of habitat preservation for every acre of such habitat directly or permanently disturbed by project grading and construction. Preservation of off-site habitat will be in Fresno and/or Madera Counties, or at a conservation bank which includes the project site within its area of influence. Additionally, appropriate permits for take of the CTS must be obtained from the United States Fish and Wildlife Service.	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
3.4.3.5	Potential Project Impacts to Swainson's Hawks	Potentially Significant	3.4.3.5	<p>The California Department of Fish and Game has prepared guidelines for conducting surveys for Swainson's hawk entitled: <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i> (CDFG 2000). These survey recommendations were developed by the Swainson's Hawk Technical Advisory Committee (TAC) to maximize the potential for locating nesting Swainson's hawks, and thus reduce the potential for nest failures as a result of project activities and/or disturbances. To meet the California Department of Fish and Game's recommendations for mitigation and protection of Swainson's hawks, surveys shall be conducted for a half-mile radius around all project activities within riparian and agricultural areas, and shall be completed for at least the two survey periods immediately prior to a project's initiation (defined as the time a grading permit is issued). The guidelines provide specific recommendations regarding the number of surveys based on when the project is scheduled to begin and the time of year the surveys are conducted.</p> <p>If Swainson's hawks are found to be nesting on or in the immediate vicinity of a project site, consultation with the California Department of Fish and Game and compensation for the loss of foraging habitat will be required. At that time, the necessity of acquiring a Fish and Game Section 2081 management authorization shall be determined. The California Department of Fish and Game has prepared a <i>Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California</i> (CDFG 1994) (hereinafter referred to as the Mitigation Guidelines) that prescribes avoidance and mitigation for impacts to Swainson's hawk nesting and foraging habitats. The Mitigation Guidelines require applicants to replace any impacted Swainson's hawk nesting and/or foraging habitat with other suitable Swainson's hawk nesting/foraging habitat. Mitigation required would include a 1:1 impact to replacement ratio.</p>	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				The Mitigation Guidelines state that acceptable mitigation to offset impacts to Swainson's hawk foraging habitat can be met by Fee Title acquisition of Swainson's hawk habitat, or by acquisition of the right to record a conservation easement over lands that can be managed for this hawk species. Any land acquired through Fee Title would have to be donated to a suitable conservation organization for management. In addition to providing Habitat Management Lands, the applicant would be assessed a management fee for the long-term management of the Habitat Management Lands by a suitable conservation organization.	
3.4.3.6	Potential Project Impacts to Burrowing Owls	Potentially Significant	3.4.3.6a	<p>A survey shall be conducted for ground nesting raptors, including burrowing owls for each project site that occurs within potential habitat. The survey shall be conducted in accordance with the survey requirements detailed in the California Department of Fish and Game's October 17, 1995 <i>Staff Report on Burrowing Owl Mitigation</i> in fallow agricultural areas, raised agricultural berms, canals, irrigation ditches and roadside berms.</p> <p>Preconstruction surveys of the development area shall be conducted no more than 30 days prior to ground disturbing activities. If more than 30 days lapse between the time of the preconstruction survey and the start of ground-disturbing activities, another preconstruction survey must be completed. This process should be repeated until the habitat is converted to non-habitat (e.g., graded and developed).</p>	Less Than Significant
		Potentially Significant	3.4.3.6b	If burrowing owls are identified onsite or within the area of influence of the project site (within 1,000 feet of the project site), an upland mitigation area for burrowing owls shall be established either on or offsite. The mitigation site must be determined to be suitable by a qualified biologist. The size of the required mitigation site will be based on the number of	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				burrowing owls observed on the project site, with a minimum of 6.5 acres preserved per pair of owls or single owl observed using the site. The number of owls for which mitigation is required shall be based on the combined results of the protocol-level survey and the preconstruction surveys (i.e., if two pairs of owls are observed on the project site during the protocol-level survey, the mitigation requirement shall be $2 \times 6.5 = 13$ acres provided that no more than two pairs of owls are observed during the preconstruction survey; if three pairs of owls are observed during the preconstruction survey, then the mitigation requirement shall be $3 \times 6.5 = 19.5$ acres). Two natural or artificial nest burrows will be provided on the mitigation site for each burrow in the project area that will be rendered biologically unstable. Monitoring will occur on a weekly basis to prevent re-colonization in construction areas of the project site. This plan must be approved by the California Department of Fish and Game.	
		Potentially Significant	3.4.3.6c	If burrowing owls are present in the development area during the breeding season (peak of the breeding season is April 15 through July 15), and appear to be engaged in nesting behavior, a fenced 500-foot buffer would be required between the nest site(s) (i.e., the active burrow(s)) and any earth-moving activity or other disturbance in the development area. This 500-foot buffer could be removed once it is determined by a qualified biologist that the young have fledged. Typically, the young fledge by August 31st. This date may be earlier than August 31st, or later, and would have to be determined by a qualified biologist. If burrowing owls are present in the non-breeding season and must be passively relocated from the project site, as approved by the California Department of Fish and Game, passive relocation shall not commence until October 1 <sup>st</sup> and must be completed by February 1 <sup>st</sup> . After passive relocation, the project site and vicinity will be monitored by a qualified biologist daily for one week and once per week for an additional two weeks to document where the relocated owls move and to	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				ensure that the owls are not reoccupying the development area. A report detailing the results of the relocation and subsequent monitoring will be submitted to the California Department of Fish and Game within two months of the relocation.	
		Potentially Significant	3.4.3.6d	If an upland mitigation site is designated for burrowing owls, it shall be approved as a suitable burrowing owl mitigation property by the California Department of Fish and Game. The preserved area shall be preserved in perpetuity as wildlife habitat via recordation of a conservation easement that designates the California Department of Fish and Game, or any other qualified conservation organization as the Grantee of the easement.	Less Than Significant
		Potentially Significant	3.4.3.6e	If a conservation easement is established over burrowing owl habitat, an endowment to cover the management of the mitigation area and implementation of the mitigation and monitoring plan shall be provided by the project applicant to the Grantee of the Conservation Easement within six months of breaking ground on the project site.	Less Than Significant
3.4.3.7	Potential Project Impacts to Valley Elderberry Longhorn Beetles	Potentially Significant	3.4.3.7	<p><b>Mitigation to Protect Valley Elderberry Longhorn Beetles:</b> To protect potential elderberry longhorn beetle habitat, the following will be implemented:</p> <ul style="list-style-type: none"> <li>▪ Prior to ground disturbance at a project site, a survey of the project site shall be conducted for elderberry bushes. Surveys shall be conducted according to the <i>Guidelines for the Valley Elderberry Longhorn Beetle</i> (USFWS 1999).</li> <li>▪ Each elderberry bush that has stems 1 inch or greater in diameter and that is within 100 feet of any proposed construction activity will be inspected for Valley elderberry longhorn beetles prior to initiation of construction.</li> </ul>	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<ul style="list-style-type: none"> <li>▪ For those bushes in which the beetle does not occur, construction within the 100 foot buffer area will be allowed, provided that: <ul style="list-style-type: none"> <li>- A letter of concurrence is obtained from the United States Fish and Wildlife Service authorizing construction within the buffer area.</li> <li>- A biologist is present on-site during construction within the 100-foot buffer area to monitor construction activities and ensure that there are no impacts to the elderberry bushes.</li> <li>- Restoration of habitat within the 100-foot buffer area will occur once construction is complete, except in those instances where permanent facilities are constructed. The applicant must provide a written description to the USFWS of how the buffer areas are to be restored, protected, and maintained after construction is completed. Mowing of grasses/ground cover may occur from July through April to reduce fire hazard. No mowing shall occur within five (5) feet of elderberry plant stems. Mowing must be done in a manner that avoids damaging plants (e.g., stripping away bark through careless use of mowing/trimming equipment).</li> <li>- All areas to be avoided during construction activities shall be fenced and flagged. In areas where encroachment on the 100-foot buffer has been approved by the Service, providing a minimum setback of at least 20 feet from the dripline of each elderberry plant is required.</li> <li>- Erect signs every 50 feet along the edge of the avoidance area with the following information: "This</li> </ul> </li> </ul>	

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<p>area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.</p> <ul style="list-style-type: none"> <li>- A qualified biologist shall conduct a training program for all construction contractors that will be working on the project to inform workers of the need to avoid damaging elderberry plants and the possible penalties for not complying with these requirements. The training program must include information on the status of the beetle and the need to protect its elderberry host plant.</li> <li>- No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant shall be used in the buffer areas, or within 100 feet of any elderberry plant.</li> </ul> <ul style="list-style-type: none"> <li>▪ For each bush in which the Valley elderberry longhorn beetle is found, the 100-foot buffer area shall be observed during the activity period of the Valley elderberry longhorn beetle (from April to July). Construction activities may occur within the 100 foot buffer area during other periods provided the mitigation measures outlined above are implemented and restoration within the buffer area is completed by beetle emergence (April).</li> <li>▪ If a construction project will result in the elimination of one or more elderberry bushes, consultation with the United States Fish and Wildlife Service shall be initiated and appropriate approvals for take of elderberry bushes will be</li> </ul>	

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				obtained. Approvals for the take of elderberry bushes may require compensation for the loss of elderberry bushes through the purchase of conservation credits in an approved conservation bank or the establishment of a conservation area and the transplant of elderberry bushes, the planting of additional elderberry bush seedlings, and the planting of additional native species. Monitoring and management of the conservation area may also be required.	
3.4.3.8	Potential Project Impacts to Nesting Raptors (Evaluation Criteria A and provisions of the CDFG Code)	Potentially Significant	3.4.3.8	<p><b>Mitigation to Protect Nesting Raptors:</b> The typical breeding period for raptors is March 1 to September 1. If construction commences between March 1 and September 1, surveys will be conducted 30 days prior to the start of construction for the project. If construction begins from September 2 to February 28 nest surveys will not be required because this is outside the typical breeding period of raptors. The raptor nesting surveys shall include examination of all trees and shrubs on the project site and within a 1,000-foot area of influence surrounding the site.</p> <p>If nesting raptors are identified during the surveys on the project site, a 300-foot radius buffer around the nest tree or shrub must be fenced with bright orange construction fencing. This 300-foot buffer may be reduced in size if a qualified biologist determines through monitoring that the nesting raptors are acclimated to people and disturbance, and otherwise would not be adversely affected by construction activities. Under no circumstances shall the buffer be reduced to less than a radius of 200 feet. If the nest site is on an adjacent property, the portion of the buffer that occurs on the project site shall be fenced with orange construction fencing. When construction buffers are reduced in size, the biologist shall monitor distress levels of the nesting birds while the birds nest and construction persists. If at any time the nesting raptors show levels of distress that could cause nest failure or abandonment, the biologist shall have the right to re-implement the full 300-foot buffer.</p>	Less Than Significant



Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				No construction or earth-moving activity shall occur within a non-disturbance buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by early July. Regardless, the resource agencies consider 1 September to be the end of the nesting period unless otherwise determined by a qualified biologist. Once raptors have completed nesting, and young have fledged, disturbance buffers will no longer be needed and can be removed, and monitoring can be terminated.	
3.4.3.9	Potential Project Impacts to Migratory Birds (Evaluation Criteria A and the Migratory Bird Treaty Act)	Potentially Significant	3.4.3.9	<p><b>Mitigation for Migratory Birds:</b> To avoid impacts to common and special-status nesting birds protected pursuant to the Migratory Bird Treat Act and California Department of Fish and Game Codes §3503, §3503.5, and §3800, a survey for nesting birds shall be conducted prior to commencing with construction work if construction work would commence between March 15<sup>th</sup> and August 31<sup>st</sup>. If special-status birds are identified nesting on the project site or within a 150-foot area of influence, then a 150-foot non-disturbance radius around the nest must be fenced and avoided by construction activities. This fencing requirement shall not replace or be constructed in lieu of fencing discussed above for impacts to nesting raptors. No construction or earth-moving activity shall occur within this 150-foot buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by July 1<sup>st</sup>. This date may be earlier or later, and would have to be determined by a qualified biologist. Similarly, the qualified biologist could modify the size of the buffer based upon site conditions and the bird's apparent acclimation to human activities.</p> <p>If common (non-special-status) passerine birds (perching birds such as northern mockingbirds) are identified nesting in any tree</p>	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				or shrub proposed for removal, tree removal shall be postponed until it is determined by a qualified biologist that the young have fledged and have attained sufficient flight skills to leave the project site. Typically, most passerine birds can be expected to complete nesting by July 1 <sup>st</sup> , with young attaining sufficient flight skills by this date that are sufficient for young to avoid project construction zones. Unless otherwise prescribed for special-status bird species, upon completion of nesting no further protection or mitigation measures would be warranted for nesting birds. The mitigation measure shall be implemented by the project applicant and the construction contractor.	
3.4.3.10	Impacts to Riparian Habitat or Other Sensitive Natural Communities (Evaluation Criteria B and the Oak Woodland Protection Act)	Potentially Significant	3.4.3.10	<b>Mitigation for Riparian Habitat or Other Sensitive Natural Communities:</b> Each project site with the potential to contain Great Valley Mixed Riparian Forest or Northern Claypan Vernal Pools (those sites adjacent to irrigation canals or other wetlands and those that include fallow agricultural lands, agricultural lands that have not been deep-ripped, or those which include disturbance to the shoulder of a paved roadway) shall be inspected for the presence of these natural communities. If these communities are absent from the project site, no mitigation is warranted. If however, one or more of these communities are present, then the natural community shall be avoided. If avoidance is not possible, then compensation for their loss shall be mitigated at a ratio of 2 acres for each 1 acre of disturbance. Compensation shall be through the purchase of conservation credits from an existing conservation or mitigation bank that contains the project site within its service area. Alternatively, conservation may be accomplished through the protection and restoration of habitat at off site locations where a conservation agreement has been established and a long-term monitoring and restoration plan that has been approved by the California Department of Fish and Game has been placed in effect. Compensation/restoration within conserved lands shall be at a ratio of 2:1.	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				The removal or severe trimming of oak trees will be avoided to the greatest extent possible. If the removal of oak trees is necessary, then oak trees shall be replanted at a ratio of two trees replanted for every oak removed or killed. The replacement oaks shall be planted within an area in the Planning Area that has been designated as open space or within an area where a conservation easement exists. Planted oaks shall be monitored for a period of 5 years to monitor their survival. If an oak tree does not survive that period, a replacement shall be planted, which shall also be monitored for a period of 5 years. Alternatively, compensation for the loss of oaks may be accomplished through contributions of funds to the Oak Woodlands Conservation Fund (See Section 1363 of the Fish and Game Code).	
3.4.3.11	Impacts to Federally Protected Wetlands and Jurisdictional Waters (Evaluation Criteria C and the California State Porter-Cologne Act)	Potentially Significant	3.4.3.11	<p><b>Mitigation for Federally Protected Wetlands:</b> Prior to the issuance of a grading permit, each project site shall be inspected for the presence of wetlands by a qualified wetlands delineator. If wetlands do not occur on the site, no additional mitigation measures are warranted. However, if wetlands are present, then a wetland delineation will be conducted and a wetland delineation report will be prepared and submitted to the US Army Corps of Engineers (ACOE) and the State Water Quality Control Board for verification. If the wetlands that are present on the site fall within the jurisdiction of the ACOE or the State Water Quality Control Board, then those wetlands shall be avoided by construction activities. If the wetlands cannot be avoided, Compensation shall be provided by one of the following two alternatives:</p> <ol style="list-style-type: none"> <li>1. Off-Site Creation/Restoration. The Project applicant will conserve through acquisition or conservation easement, off-site lands suitable for the creation/restoration of wetlands and other water bodies in Fresno or Madera County. Such lands will be located south of the Fresno River, and will have the following characteristics: natural undisturbed</li> </ol>	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<p>native wetlands and habitat suitable for threatened and endangered plant and animal species will be absent (i.e., these lands will have been previously disturbed by farming, or some other intensive human use); native wetlands and/or other water bodies once occurred on these lands naturally; the soils and hydrology of these lands are suitable for the creation of naturally occurring wetlands and other water bodies; and the natural topography has not been eliminated through land leveling. Topographic depressions, swales and naturalistic drainage channels will be created/restored on these lands according to a “mitigation and monitoring plan” prepared by a qualified biologist. These engineered features must be inundated and/or experience soil saturation for a duration sufficient to naturally support hydrophytic vegetation native to wetlands of the region. All engineered wetlands and other water bodies will be revegetated with native hydrophytic species. The wetland creation/restoration plan prepared by the biologist will provide for long-term management of the mitigation site, mitigation objectives by which the success of the mitigation can be measured, and a monitoring plan for determining the success of the mitigation. The components of this mitigation and monitoring plan will be consistent with standard USACE guidelines.</p> <p>2. Purchase of Wetland Creation Credits from a Conservation Bank. The Project applicant will pay the market rate for Wetland Creation Credits at a 1:1 ratio from a Conservation Bank whose service area includes Fresno and/or Madera County.</p>	
3.4.3.12	Impacts to Fish or Wildlife Movement, Wildlife Corridors and Nursery Sites (Evaluation Criteria D)	Potentially Significant	3.4.3.12	<b>Mitigation for Impacts to Fish or Wildlife Movement, Wildlife Corridors, and Nursery Sites:</b> To protect breeding birds and active birds’ nests, Mitigation Measures #3.4.3.8 and #3.4.3.9 will be implemented. No additional mitigation measures are warranted.	Less Than Significant

<b>Impact Number</b>	<b>Impact</b>	<b>Level of Significance Before Mitigation</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance After Mitigation</b>
3.4.3.13	Project Consistency with Local Policies or Ordinances Protecting Biological Resources (Evaluation Criteria E)	Less Than Significant		No mitigation measures are required.	
3.4.3.14	Impacts to Habitat Conservation Plans or Other Plan Conflict (Evaluation Criteria F)	Less Than Significant		No mitigation measures are required.	
<b>3.5 Cultural Resources</b>					
3.5.3.1	Cause a substantial adverse change in the significance of a historical resource as defined in, or pursuant to, §15064.5, directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or disturb any human remains, including those interred	Potentially Significant	3.5.3.1a	<p>All projects (as defined by CEQA Guidelines Section 15378(a) and Public Resources Code Section 21065) shall implement the following measures for cultural resources discovered during project implementation activities:</p> <ol style="list-style-type: none"> <li>1. In the event that cultural or paleontological resources are encountered during project construction, all earth-moving activity within 50 feet of the find shall cease until the applicant retains the services of a qualified archaeologist or paleontologist. The archaeologist or paleontologist shall examine the findings, assess their significance, and offer recommendations for procedures deemed appropriate to either further investigate or mitigate adverse impacts on those cultural, paleontological or archaeological resources that have been encountered (e.g., excavate the significant resource) prior to re-commencement of construction in the affected area.</li> <li>2. If human bone or bone of unknown origin is found during project construction, all work shall stop within 50 feet of the find and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission. The Native American Heritage Commission shall notify the person considered to be the</li> </ol>	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<p>most likely descendant. The most likely descendant will work with the project applicant to develop a program for the re-interment of the human remains and any associated artifacts. No additional work shall take place within the immediate vicinity of the find until the identified appropriate actions have been completed.</p> <p>3. Project personnel shall not collect or retain artifacts found at the site. Prehistoric resources may include, but would not be limited to: chert or obsidian flakes; projectile points; mortars and pestles; and dark friable soils containing shell, fragmentary bone, dietary debris, scorched rock, or human remains. Historic resources may include, but would not be limited to, stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits, including those in old wells and privies.</p> <p>4. If development and/or modification of the historic structures reported by the Center for Archeological Research at CSU, Bakersfield is proposed, a historic analysis of such modification shall be made, including consultation with the State Historic Preservation Office. Historic features or elements that are considered to be significant shall be preserved. If such preservation is not feasible, mitigation shall include:</p> <ul style="list-style-type: none"> <li>▪ Relocation of the structure to a location that is historically suitable; or</li> <li>▪ Recordation of feature through archival photography and donation of artifacts to the local museum.</li> </ul>	

<b>Impact Number</b>	<b>Impact</b>	<b>Level of Significance Before Mitigation</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance After Mitigation</b>
		Potentially Significant	3.5.3.1b	<p>The following policies shall be included in the Open Space, Conservation and Recreation Element of the proposed Plan Update to address cultural resources impacts in conjunction with ultimate build-out of the City in accordance with the General Plan. Inclusion of these draft policies in the General Plan Update would further reduce this impact to a less than significant level.</p> <ul style="list-style-type: none"> <li>▪ The City shall require that discretionary development projects, as part of any required CEQA review, identify and protect important historical, archeological, paleontological, and cultural sites and their contributing environment from damage, destruction, and abuse to the maximum extent feasible. Project-level mitigation shall include accurate site surveys, consideration of project alternatives to preserve archeological and historic resources, and provision for resource recovery and preservation when displacement is unavoidable.</li> <li>▪ The City shall, within the limits of its authority and responsibility, maintain confidentiality regarding the locations of archeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.</li> <li>▪ The City shall solicit the views of the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or sites of cultural importance.</li> <li>▪ The City shall support efforts of other organizations and agencies to preserve and enhance historic resources for educational and cultural purposes through maintenance and development of interpretive services and facilities at City</li> </ul>	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				recreational areas and other sites. <ul style="list-style-type: none"> <li>The City shall develop and promote financial incentive programs for historic preservation efforts.</li> </ul>	
<b>3.6 Geology/Soils</b>					
3.6.3.1	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault or strong seismic ground shaking	Less Than Significant		No mitigation measures are required.	
3.6.3.2	Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property	Less Than Significant		No mitigation measures are required.	
<b>3.7 Hazards and Hazardous Materials</b>					
3.7.3.1	Result in a safety hazard for people living or working in the project area due to proximity to a private or public use airstrip	Less Than Significant		No mitigation measures are required.	
<b>3.8 Hydrology and Water Quality</b>					
3.8.3.1	Water Quality	Less Than Significant		No mitigation measures are required.	
3.8.3.2	Storm Water Drainage and Disposal	Potentially Significant	3.8.3.2	<ul style="list-style-type: none"> <li>The City shall provide storm drainage facilities (retention basins), per the Storm Water Management Plan, with sufficient capacity to protect the public and private property from stormwater damage. The facilities will be implemented in a manner that reduces public safety and/or</li> </ul>	Less Than Significant



Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				environmental impacts associated with the construction, operation, or maintenance of any required drainage improvements (i.e., drainage basins, etc.). It will not allow a net increase in the quantity or water or contaminants currently entering the CID system. Existing City storm drainage entering the CID system will be removed in a phased program. Storm drainage from new development will be retained in City facilities.	
3.8.3.3	Groundwater Depletion	Less Than Significant	3.8.3.3	The City of Selma shall adhere to CID's Groundwater Mitigation and Banking Program as defined in the <i>Upper Kings Basin Integrated Regional Water Management Plan</i> (June 2007), which is available for review at the City of Selma. The CID program includes multiple recharge projects and facilities located on individual properties generally in the area east of SR 99. The program includes acquiring as many as 350 acres of land to develop direct recharge facilities (percolation ponds); development of necessary easements and rights of way; improvements to existing canal facilities and conveyance; development of secondary connector canals, pipelines, and related facilities; installation of measuring equipment; and percolation of Kings River and other waters at the new facilities or existing recharge sites. The CID will develop, own, operate, and maintain the groundwater banking facilities and manage the banked groundwater on behalf of co-sponsors or subscribers in the bank. As an alternative to the above, the City shall develop, own, operate, and maintain groundwater recharge basins in the Planning Area.	Less Than Significant
3.8.3.4	Potential Flooding and Dam Inundation Hazards	Potentially Significant	3.8.3.4a	The City shall revise Policy 4.22 to include the following, "The City shall maintain a list of public agencies with which it cooperates that may be included in the Emergency Services Plan, or may be maintained by the City's Public Works Department, especially those with responsibility for flood protection. This list will include, for each agency, the general responsibility of the agency and when it may be called upon for	Less Than Significant

<b>Impact Number</b>	<b>Impact</b>	<b>Level of Significance Before Mitigation</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance After Mitigation</b>
				assistance.	
		Potentially Significant	3.8.3.4b	The City shall revise Policy 4.16, in compliance with Government Code §65302(g) to read, “The City shall identify areas of potential localized flood hazards using an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA), the National Flood Insurance Program maps published by FEMA, information about flood hazards available from the U.S. Army Corps of Engineers, dam failure inundation maps available from the Office of Emergency Services, Awareness Floodplain Maps and 200-year flood plain maps available from the Department of Water Resources, historical data available from the City, County of Fresno, and any other sources as appropriate.”	Less Than Significant
		Potentially Significant	3.8.3.4c	The City shall revise Policy 4.21 to include the statement, “Essential services, when feasible, shall be located outside of flood hazard zones, or construction methods and other methods to minimize damage from flood hazards identified, so that structural and operational integrity is maintained during flooding.”	Less Than Significant
		Potentially Significant	3.8.3.4d	The City shall revise Policy 4.22 to include, “The emergency plan shall include a means for notifying residents of the need to evacuate because of a potentially severe hazard, such as fire, flooding, or dam inundation. This means of notification is to be implemented as soon as possible after a hazard has been recognized as having the potential to harm or destroy property or human life.”	Less Than Significant
		Potentially Significant	3.8.3.4e	The City shall add a policy, “The City shall develop a program with criteria to determine when construction of essential public facilities and other critical facilities will be permitted in flood hazard zones or areas with other geologic hazards.”	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
		Potentially Significant	3.8.3.4f	The City shall add a policy, “The City Shall develop and maintain relationships with local jurisdictions, water districts, state agencies, and federal agencies for the purposes of 1) providing information for the public, 2) utilizing current data (e.g., National Flood Insurance Program maps), and 3) determining appropriate regulatory requirements for development in high hazard areas. This policy can be fulfilled by maintaining the multi-jurisdictional hazard mitigation plan.”	Less Than Significant
		Potentially Significant	3.8.3.4g	The City shall add a policy, “The County should review the floodplain improvement projects identified in the County Multi-Jurisdictional Hazard Mitigation Plan annually for progress and necessary revisions.	Less Than Significant
		Potentially Significant	3.8.3.4h	The City shall add a flood safety objective to the General Plan Safety Element “Develop and maintain cooperative relationships and mutual aid agreements with jurisdictions and agencies in the region.”	Less Than Significant
		Potentially Significant	3.8.3.4i	The City shall add a flood safety objective to the General Plan Safety Element “Limit future development in areas in areas with high flooding risk to open space, green belts, and other natural areas, recreational use or agricultural use. Maintain public safety and sustainable development in areas prone to risk of flooding.”	Less Than Significant
<b>3.9 Land Use and Planning</b>					
3.9.3.1	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of	Less Than Significant	3.9.3.1	<p>Policy 1.95 should be modified as follows:</p> <p>Policy 1.95 The City shall maintain a 40,000 population and 70,000 population Urban Development Boundary (UDB) that limits development to within those boundaries until the City’s population exceeds the corresponding UDB population threshold. The City shall maintain an adequate supply of zoned</p>	

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
	avoiding or mitigating an environmental effect			residential land to meet 10 years of its Regional Housing Needs Allocation, a 10-year supply of zoned commercial land, and a 20-year supply of industrial land. The City shall amend the SOI, UDBs, annex areas, and redesignate “Reserve” lands within the Planning Area as necessary to maintain such supply.	
3.9.3.2	Conflict with any applicable Habitat or Natural Community Conservation Plan	Less Than Significant		No mitigation measures are required.	
<b>3.10 Mineral Resources (No Impacts)</b>					
<b>3.11 Noise</b>					
3.11.3.1	Result in a substantial permanent, temporary or periodic increase in ambient noise levels in the project vicinity above standards established in the local general plan or noise ordinance, or applicable standards of other agencies	Less Than Significant	3.11.3.1	Policy 3.7 should be modified as follows:  Policy 3.7 New Industrial, commercial or other noise-generating land uses (including roadways, railroads, and airports) shall be discouraged if resulting noise levels will exceed 65 dB DNL (or CNEL) at the boundary areas of planned or zoned noise-sensitive land uses unless effective noise mitigation is incorporated into the design of the new noise producing land use.	
3.11.3.2	Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels	Less Than Significant		No mitigation measures are required.	
3.11.3.3	Construction Noise	Less Than Significant		No mitigation measures are required.	

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
<b>3.12 Population and Housing</b>					
3.12.3.1	Induce substantial population growth in an area, either directly or indirectly	No Impact		No mitigation measures are required.	
3.12.3.2	Employment and Job Growth	Potentially Significant	3.12.3.2	<p>Policy 1.41 shall be amended as follows:</p> <p>Policy 1.41 The City shall monitor the availability of vacant lands for each commercial and industrial land use designation. When the amount of available commercial or office zoned land is less than 10 years supply, or where the supply of industrial zoned land is less than 20 years supply, the City shall initiate necessary applications, such as SOI, UDB, zoning, annexation and other necessary amendments, to ensure an adequate supply of such land for development.</p>	Less Than Significant
<b>3.13 Public Services</b>					
3.13.3.1	Result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives	Significant	3.13.3.1a	The City shall periodically study whether or not current development impact fees are adequate to offset the additional public-service costs of new development. If development fees are found to be inadequate then a development impact fee study should be prepared consistent with AB 1600 to identify appropriate development impact fees.	Less Than Significant
		Significant	3.13.3.1b	The City shall evaluate the fiscal impacts of new development and encourage a pattern of development that attracts targeted businesses and a stable labor force with provision and	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				maintenance of a high level of urban services (including but not limited to water, sewer, fire stations, police stations, transportation, libraries, administrative, parks, community facilities, and utility infrastructure).	
3.13.3.2	Result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives	Significant	3.13.3.2a	<p>Policy 1.97 should be modified as follows:</p> <p>Policy 1.97 The City shall consider the appropriateness of opening up lands designated as Reserve for development based upon the following factors:</p> <ul style="list-style-type: none"> <li>▪ Availability of land for development within the UDB has become limited. This is defined as when the City's population, as measured by the California Department of Finance, exceeds 40,000 individuals, or upon a determination that the supply of residential, commercial or industrial zoned lands is below the recommended level.</li> <li>▪ Proximity of reserve lands to existing developed land (to minimize leapfrog development).</li> <li>▪ Implications for overall community form and relationship to the existing community.</li> <li>▪ Market feasibility of development in this area, including the expected rate of absorption.</li> <li>▪ Infrastructure availability and impact to existing infrastructure and other public services.</li> <li>▪ Consideration of circulation patterns and improvements.</li> </ul>	Less Than Significant

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<ul style="list-style-type: none"> <li>Implications of providing public services, including law enforcement and fire protection services.</li> </ul>	
		Significant	3.13.3.2b	The City shall periodically study whether or not current development impact fees are adequate to offset the additional public-service costs of new development. If development fees are found to be inadequate then a development impact fee study should be prepared consistent with AB 1600 to identify appropriate development impact fees.	Less Than Significant
		Significant	3.13.3.2c	The City shall evaluate the fiscal impacts of new development and encourage a pattern of development that attracts targeted businesses and a stable labor force with provision and maintenance of a high level of urban services (including but not limited to water, sewer, fire stations, police stations, transportation, libraries, administrative, parks, community facilities, and utility infrastructure).	Less Than Significant
3.13.3.3	Result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives	Less Than Significant		No mitigation measures are required.	
3.13.3.4	Result in substantial adverse physical impacts associated with the provision of new or	Less Than Significant		No mitigation measures are required.	

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
	physically altered electrical or natural gas facilities, need for new or physically altered electrical or natural gas facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives				
<b>3.14 Recreation</b>					
3.14.3.1	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated and/or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment	Less Than Significant		No mitigation measures are required.	
<b>3.15 Transportation/Traffic</b>					
3.15.3.1	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system and/or exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways	Significant	3.15.3.1a	Table 3.15-5 through 3.15-7 indicates the recommended number of travel lanes for each of the road segments analyzed to keep traffic levels-of-service at the City's preferred LOS "C" or "D". Implementation of these projects will permit the City to manage its traffic volumes at Level "C" or "D" service.	Significant and Unavoidable



Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
		Significant	3.15.3.1b	<p>The City of Selma shall establish standard lane configurations at intersections, similar to those presented in Figure 3.15-8 through Figure 3.15-10. Dual left-turn lanes shall be considered at the following locations:</p> <ul style="list-style-type: none"> <li>▪ Manning and DeWolf Avenues (westbound and northbound)</li> <li>▪ Manning and McCall Avenues (all approaches)</li> <li>▪ Dinuba and DeWolf Avenues (location depends upon interchange configuration)</li> <li>▪ Dinuba Avenue and Golden State Boulevard (all approaches)</li> <li>▪ Dinuba and McCall Avenues (all approaches)</li> <li>▪ Floral and Highland Avenues (eastbound and westbound)</li> <li>▪ Floral Avenue and Whitson Street (northbound)</li> <li>▪ Nebraska and Highland Avenues (all approaches)</li> <li>▪ Mountain View and Highland Avenues (all approaches)</li> <li>▪ Mountain View and McCall Avenues (all approaches)</li> <li>▪ Mountain View Avenue and Golden State Boulevard (all approaches, or grade separation - see discussion below).</li> </ul> <p>The intersection of Mountain View Avenue and Golden State Boulevard is expected to require special treatment and further study for construction of a grade separation for the existing railroad tracks.</p>	Significant and Unavoidable
		Significant	3.15.3.1c	<p>The City of Selma shall implement the following modifications to the plan as required:</p> <ul style="list-style-type: none"> <li>▪ Floral Avenue between Leonard and Dockery Avenues should be upgraded to a “Major Arterial”;</li> <li>▪ <b>Mountain</b> View Avenue between Dockery and Bethel Avenues should be upgraded to a “Major Arterial”;</li> <li>▪ The <b>alignments</b> of Dinuba Avenue and DeWolf Avenue should be modified adjacent to the proposed Dinuba Avenue interchange in accordance with the conceptual</li> </ul>	Significant and Unavoidable

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				interchange layout drawing presented herein.	
		Significant	3.15.3.1d	<p>The City of Selma shall implement the following freeway interchange improvements:</p> <ul style="list-style-type: none"> <li>▪ <b>Dinuba Avenue and State Route 99.</b> The proposed interchange is a new connection to SR 99 and is spaced approximately 1.3 miles north of the existing Floral Avenue interchange and 1.3 miles south of the existing Manning Avenue interchange. The proposed interchange and the proposed modification of the SR 43 alignment will provide an alternative to the Floral Avenue interchange. It is anticipated that an L-9 interchange configuration will provide acceptable operations. The special considerations in the design of this interchange will include realigning Dinuba Avenue and DeWolf Avenue to minimize the number of bridges that are to be constructed and to maximize the distance between the interchange and adjacent intersections. Also to be considered is the desirability of connecting SR 43 directly to the interchange, rather than connecting it to Dinuba Avenue west of the interchange as presented in the Circulation Plan. A conceptual interchange layout is presented in Figure 3.15-13, Conceptual Interchange Layout, Dinuba Avenue and State Route 99.</li> </ul> <p>The proposed interchange will require a substantial amount of additional study to gain approval from Caltrans and to determine the actual interchange design. More detailed studies are beyond the scope of this study and will require coordination between City staff and Caltrans staff.</p> <ul style="list-style-type: none"> <li>▪ <b>Floral Avenue / Highland Avenue and State Route 99.</b> The Floral Avenue / Highland Avenue interchange with SR 99 was the subject of an interchange analysis report dated July 16, 2008 by Peters Engineering Group. The report</li> </ul>	Significant and Unavoidable

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<p>presented several interchange alternatives to increase capacity and to accommodate development in the vicinity of the interchange. The results were discussed with Caltrans staff and the configuration illustrated in Figure 3.15-14 of the Draft EIR, Conceptual Interchange Layout, Floral Avenue/Highland Avenue and State Route 99, are considered to be a feasible improvement. Additional intersection analyses utilizing the 2035 General Plan traffic volumes are included in Appendix E of Appendix F and indicate that the intersection of Floral Avenue and the southbound SR 99 ramps is expected to operate at substandard LOS. The intersection of Floral and Highland Avenues is also expected to operate at substandard LOS.</p> <p>To operate at acceptable LOS, the interchange would require a major reconstruction that would likely affect access to adjacent properties and may require additional right of way.</p> <ul style="list-style-type: none"> <li>▪ <b>2nd Street and State Route 99.</b> The intersection analyses indicate that the interchange is expected to require signalization to operate at acceptable levels of service. It is not anticipated that significant physical modifications will be required.</li> <li>▪ <b>Mountain View Avenue and State Route 99.</b> The Mountain View Avenue interchange with SR 99 is located adjacent to planned commercial areas and is expected to experience a significant increase in traffic volumes with implementation of the proposed General Plan. Caltrans District 6 staff recently have indicated that full cloverleaf interchanges are not preferable due to weaving issues, and that an L-9 interchange is the most likely to be constructed at this location. A conceptual interchange layout is presented in Figure 3.15-15, Conceptual Interchange Layout, Mountain View Avenue and State Route 99. The</li> </ul>	

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<p>interchange design will need to include consideration of the adjacent intersection of Mountain View Avenue and Golden State Boulevard, including potential grade separations and connector roads.</p> <p>Freeway interchanges in the City of Selma are expected to require upgrades to accommodate the implementation of the General Plan. The proposed interchange will require a substantial amount of additional study to gain approval from Caltrans and to determine the actual interchange design. Conceptual upgrades are discussed above; however, more detailed studies at each location will be required to implement.</p>	
		Significant	3.15.3.1e	<p>Several constrained intersections and road segments are expected to operate at substandard levels of service with implementation of the proposed General Plan, primarily because the intersections and the adjacent properties are already developed. Projects that directly impact these intersections shall incorporate trip and transportation demand reduction techniques to reduce the severity of this impact, including the following:</p> <ul style="list-style-type: none"> <li>▪ Ridesharing programs for employees.</li> <li>▪ Enhanced transit access.</li> <li>▪ Enhanced bikeway access and storage.</li> <li>▪ Employee shift changes that are not in the PM peak hour.</li> </ul> <p>The following locations are considered to be constrained:</p> <ul style="list-style-type: none"> <li>▪ <b>Intersections:</b> <ul style="list-style-type: none"> <li>– Floral Avenue and SR 99 Southbound Ramps (LOS E even with improvements);</li> <li>– Floral and Highland Avenues (LOS F even with improvements);</li> </ul> </li> </ul>	Significant and Unavoidable

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<ul style="list-style-type: none"> <li>- Floral Avenue and Whitson Street (LOS F);</li> <li>- Floral and McCall Avenues (LOS F);</li> <li>- Nebraska and Thompson Avenues (LOS E);</li> <li>- 2<sup>nd</sup> and Whitson Streets (LOS F).</li> </ul> <p>▪ <b>Road Segments:</b></p> <ul style="list-style-type: none"> <li>- Floral Avenue between Leonard and Dockery Avenues (LOS F if constructed as an “Arterial,” not constrained if converted to a “Major Arterial”);</li> <li>- Mountain View Avenue between Dockery and Bethel Avenues (LOS F if constructed as an “Arterial,” not constrained if converted to a “Major Arterial”);</li> <li>- Nebraska Avenue between Highland Avenue and 2nd Street (LOS F);</li> <li>- McCall Avenue between Floral Avenue and Arrants Street (LOS F);</li> <li>- McCall Avenue between Whitson Street and approximately Blaine Avenue (LOS F);</li> <li>- Whitson Street between Thompson and Nebraska Avenues (LOS F);</li> <li>- 2nd Street between Nebraska and McCall Avenues (LOS F).</li> </ul>	
		Significant	3.15.3.1f	The City of Selma shall implement a transportation impact fee to implement the Circulation Element. Impact fees for such facilities have been implemented by communities statewide and are a recognized form of mitigating impacts and fairly apportioning the cost of needed facilities. Overall facility costs	Significant and Unavoidable

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<p>are estimated (and regularly updated), and compared to State, County, local and federal funding sources, with the unfunded balance allocated to new development. Each land use is allocated a share of the costs based on its proportional contribution to traffic generation (e.g., average daily trips or peak hour trips).</p> <p>As an alternative, and in the interim, individual projects shall mitigate such impacts through the dedication of right of way and the construction of facilities needed to support their “opening day” operations, and the cumulative buildout impact in the year 2035.</p>	
		Significant	3.15.3.1g	Traffic studies should be performed to satisfy the requirements of the California Environmental Quality Act (CEQA) for all developments in the City of Selma. Traffic studies should be performed for all proposed General Plan Amendments, proposed specific plans, and projects expected to generate more than 100 PM peak hour trips. Future traffic studies should generally conform to the Caltrans <i>Guide for the Preparation of Traffic Impact Studies</i> and any guidelines established by the City. The studies should be performed to determine opening-day impacts of proposed projects. The studies should address queue lengths and (at a minimum) peak-hour traffic signals warrants in addition to LOS and provide appropriate mitigations. At the discretion of the City Engineer, a complete warrant study in accordance with the most recent edition of the California Manual on Uniform Traffic Control Devices may be required to evaluate the need for traffic signals.	Significant and Unavoidable
<b>3.16 Utilities/Service Systems</b>					
3.16.3.1	Exceed wastewater treatment requirements of the Regional Water Quality Control Board	Less Than Significant		No mitigation measures are required.	

<b>Impact Number</b>	<b>Impact</b>	<b>Level of Significance Before Mitigation</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance After Mitigation</b>
3.16.3.2	Require the construction of new wastewater facilities or expansion of existing facilities, the construction of which would cause significant environmental effects	Significant		No additional feasible mitigation measures are currently available to reduce this impact to a less than significant level.	Significant and Unavoidable
3.16.3.3	Require the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects	Less Than Significant		No mitigation measures are required.	
3.16.3.4	Require new or expanded water entitlements in order to ensure sufficient water supplies	Less Than Significant		No mitigation measures are required.	
3.16.3.5	Require the construction of new water facilities or expansion of existing facilities, the construction of which would cause significant environmental effect	Less Than Significant		No mitigation measures are required.	
<b>3.17 Global Climate Change</b>					
3.17.3.1	Development of the Project could potentially result in a cumulatively considerable incremental contribution to the significant cumulative impact of global climate change	Significant, Cumulatively Considerable and Unavoidable.	3.17.3.1	<p>The City of Selma will require the following</p> <ul style="list-style-type: none"> <li>▪ When approving new development, require truck idling to be restricted during construction.</li> <li>▪ Require new development to implement the following design features, where feasible: <ul style="list-style-type: none"> <li>1. Recycling:</li> </ul> </li> </ul>	Significant, Cumulatively Considerable and Unavoidable.

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<ul style="list-style-type: none"> <li>▪ Design locations for separate waste and recycling receptacles;</li> <li>▪ Reuse and recycle construction and demolition waste;</li> <li>▪ Recover by-product methane to generate electricity; and</li> <li>▪ Provide education and publicity about reducing waste and available recycling services.</li> </ul> <ol style="list-style-type: none"> <li>2. Promote pedestrian, bicycle and transit modes of travel through informational programs and provision of amenities such as transit shelters, secure bicycle parking and attractive pedestrian pathways.</li> <li>3. Large canopy trees should be carefully selected and located to protect building(s) from energy-consuming environmental conditions, and to shade 50% of paved areas within 10 years. Trees near structures act as insulators from weather, thereby decreasing energy requirements. Trees also store carbon.</li> <li>4. Encourage mixed-use and higher-density development to reduce vehicle trips, promote alternatives to vehicle travel and promote efficient delivery of services and goods. Average residential density in new development areas should have a minimum average density of 6.8 dwelling units per acre.</li> <li>5. Address the "urban heat island" effect through such measures as requiring light-colored and reflective roofing materials and paint; light-colored roads and parking lots; shade trees in parking lots, and shade trees on the south and west sides of new or renovated buildings.</li> </ol>	



Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<p>6. Transportation and motor vehicle emissions reduction</p> <ul style="list-style-type: none"> <li>▪ Use low or zero-emission vehicles, including construction vehicles;</li> <li>▪ Create car sharing programs;</li> <li>▪ Create local “light vehicle” networks, such as neighborhood electric vehicle (NEV) systems;</li> <li>▪ Provide shuttle service to public transit;</li> <li>▪ During construction, post signs that restrict truck idling;</li> <li>▪ Set specific limits on idling time for commercial vehicles, including delivery and construction vehicles; and</li> <li>▪ Coordinate controlled intersections so that traffic passes more efficiently through congested areas. Where signals are installed, require the use of Light Emitting Diode (LED) traffic lights.</li> </ul> <p>7. Water Use Efficiency</p> <ul style="list-style-type: none"> <li>▪ Use of both potable and non-potable water to the maximum extent practicable; low flow appliances (i.e., toilets, dishwashers, shower heads, washing machines, etc.); automatic shut off valves for sinks in restrooms; drought resistant landscaping; “Save Water” signs near water faucets;</li> <li>▪ Create water efficient landscapes;</li> <li>▪ Use graywater. (Graywater is untreated household waste water from bathtubs, showers, bathroom wash facilities, and water from washing machines; and</li> <li>▪ Provide education about water conservation and available programs and incentives.</li> </ul> <p>8. Energy Efficiency</p>	

Impact Number	Impact	Level of Significance Before Mitigation	Mitigation Number	Mitigation Measure	Level of Significance After Mitigation
				<ul style="list-style-type: none"> <li>▪ Automated control system for heating/air conditioning and energy efficient appliances;</li> <li>▪ Utilize lighting controls and energy efficient lighting in buildings;</li> <li>▪ Use light colored roof materials to reflect heat;</li> <li>▪ Take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use;</li> <li>▪ Install solar panels on carports and over parking areas;</li> <li>▪ Increase building energy efficiency percent beyond Title 24 requirements. In addition, implement other green building design methods such as natural daylighting and on-site renewable electricity generation; and</li> <li>▪ Require that projects use efficient lighting.</li> </ul> <p>9. Compliance with applicable sections of the 2008 California Green Building Standards Code (Green Building Code). Should any of the measures listed above conflict with the Green Building Code, the standards and regulations of the Green Building Code will prevail.</p>	
3.17.3.2	Climate Change could potentially result in an impact on City of Selma water resources	Less Than Significant		No mitigation measures are required.	

## SECTION THREE

---

### COMMENTS AND RESPONSES

## SECTION THREE – COMMENTS AND RESPONSES

Section 3.1 below, provides a list of all agencies, organizations and individuals that submitted comments on the Draft EIR. The comment letters, and responses to environmental issues raised in those letters, are presented in Section 3.2 and 3.3, respectively. This Final EIR includes responses to all comments received.

### 3.1 *List of Commentors*

The following agencies, organizations and individuals provided oral and written comments on the Draft EIR:

- |   |  |
|---|--|
| 1. Scott Morgan,<br>State Clearinghouse Acting Director | Governor's Office of Planning & Research<br>State Clearinghouse<br>1400 Tenth Street<br>Sacramento, CA 95814 |
| 2. William R. Stretch, P.E.<br>Chief Engineer           | Fresno Irrigation District<br>2907 S. Maple Avenue<br>Fresno, CA 93725-2218                                  |
| 3. Jeffrey S. Kestly<br>Fire Chief                      | Selma Fire Department<br>2861 A Street<br>Selma, CA 93662  |
| 4. Jeanette L. Jurkovich                                | Jeanette L. Jurkovich<br>1130 W. Roberts<br>Fresno, CA 93711   |
| 5. Jeanette L. Jurkovich                                | Jeanette L. Jurkovich<br>1130 W. Roberts<br>Fresno, CA 93711   |
| 6. Rosemary Smith<br>Tribal Chairwoman                  | The Choinumni Tribe of Yokuts Indians<br>P.O. Box 3523<br>Clovis, CA 93613-3523                              |
| 7. Dirk Poeschel, AICP                                  | Land Development Services, Inc.<br>923 Van Ness Avenue, Suite 200<br>Fresno, CA 93721                        |
| 8. Melvin Kazarian<br>Andrew Kazarian                   | Circle K Ranch<br>8700 S. Leonard Avenue<br>Fowler, CA 93625-9726  |

- |   |   |
|---|---|
| 9. Glenn Allen, REHS, MS<br>Environmental Health Specialist III | County of Fresno Department of Public Health<br>Environmental Health Division<br>1221 Fulton Mall<br>Fresno, CA 93775   |
| 10. Keith A. Larkin<br>Chief<br>Fresno-Kings Unit               | CALFIRE<br>Fresno County Fire Protection District<br>210 South Academy Avenue<br>Sanger, CA 93657   |
| 11. Lee Higgins, PG<br>Environmental Project Manager            | Chevron<br>6111 Bollinger Canyon Road<br>BR1Y/3484<br>San Ramon, CA 94583   |
| 12. James Herota<br>Staff Environmental Scientist               | Central Valley Flood Protection Board<br>Floodway Protection Section<br>3310 El Camino Avenue, Room LL40<br>Sacramento, CA 95821                                |
| 13. William D. Ross<br>Attorney at Law                          | Law Offices of William D. Ross<br>520 South Grand Avenue, Suite 300<br>Los Angeles, CA 90071-2610   |
| 14. David Elias<br>City Manager                                 | City of Fowler<br>1128 South Fifth Street<br>Fowler, CA 93625   |
| 15. Moses Stites<br>Rail Corridor Safety Specialist             | Public Utilities Commission<br>Consumer Protection and Safety Division<br>Rail Transit and Crossings Branch<br>515 L Street, Suite 1119<br>Sacramento, CA 95814 |
| 16. Phillip G. Desatoff<br>General Manager                      | Consolidated Irrigation District<br>2255 Chandler Street<br>Selma, CA 93662   |
| 17. Mikal Kirchner<br>Director                                  | City of Selma Recreation & Community Services<br>2301 Selma Street<br>Selma, CA 93662   |

- |   |  |
|---|--|
| 18. Dan Otis<br>Program Manager   | California Department of Conservation<br>Division of Land Resource Protection<br>Williamson Act Program<br>801 K Street MS 18-01<br>Sacramento, CA 95814 |
| 19. Scott A. Bailey<br>District Manager   | California Water Service Company<br>2014 2 <sup>nd</sup> Street<br>Selma, CA 93662-3741  |
| 20. Bryan Sean White<br>Planner   | County of Fresno<br>Department of Public Works and Planning<br>Development Services Division<br>2220 Tulare Street, Sixth Floor<br>Fresno, CA 93721      |
| 21. Michael Navarro<br>Office of Transportation Planning<br>District 06                             | California Department of Transportation<br>1352 West Olive Avenue<br>Fresno, CA 93778-2616   |
| 22. David Warner<br>Director of Permit Services<br>&<br>Arnaud Marjollet<br>Permit Services Manager | San Joaquin Valley Air Pollution Control District<br>Central Region<br>1990 E. Gettysburg Avenue<br>Fresno, CA 93726-0244                                |

### **3.2 Written Comment Letters**

Letters received during the public review period and during the hearing on the Draft EIR are included as Appendix A to this document.

### **3.3 Responses to Comments**

This section restates each of the comments received on the Draft EIR during the review period. Following each comment is a response intended to either supplement, clarify, or amend information provided in the Draft EIR, or refer the commentor to the appropriate place in the Draft EIR and Final EIR where the requested information is found. Each letter and corresponding response is numbered for reference. Comments not directed to significant environmental issues are included in this section; responses thereto indicate that the comment has been noted and that no detailed response is necessary. Information stricken from the Draft EIR is indicated by a ~~striketrough~~ of the deleted text, and information added to the Draft EIR is indicated with underlining of the new text.

### **Commenting Agency #1**

Governor's Office of Planning & Research  
State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814

**Comment 1.1:** *The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 30, 2009, and the comments from the responding agency(ies) is are enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.*

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

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

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

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

**Response 1.1:** Comment noted. The comment letters forwarded by the State Clearinghouse are addressed in the responses to Comments letters 12, 18 and 21.

### **Commenting Agency #2**

Fresno Irrigation District  
2907 S. Maple Avenue  
Fresno, CA 93725-2218

**Comment 2.1:** *The Project is not located within the boundaries of the Fresno Irrigation District.*

**Response 2.1:** Comment noted.

**Comment 2.2:** *FID expects no adverse impacts from the approval of the subject proposal.*

**Response 2.2:** Comment noted.

**Commenting Agency #3**

Selma Fire Department  
2861 A Street  
Selma, CA 93662

**Comment 3.1:** *The Fresno County Multi-Jurisdiction Multi-Hazard Mitigation Plan needs to be referenced in the new general plan (see below).*

*Email from Wayne Fox, Fresno County dated Friday, January 16, 2009:*

*Greetings all,*

*FEMA has just sent OES the “Approval Pending Adoption” letter for the Fresno County Multi-Jurisdiction Multi-Hazard Mitigation Plan. This means that FEMA has reviewed our plan and has approved it. The next step is to present the plan to the participating jurisdictions governing bodies to do the same. The plan needs to be adopted and incorporated into the safety elements of each jurisdictions' General/City Plan. Once the plan has been adopted by all of the jurisdictions that participated in the LHMP, that documentation is sent to FEMA and the LHMP is approved. We have one year from the date of the approval letter to complete the adoption process for all LHMP participants.*

*I will provide each participating jurisdiction with a copy of the FEMA approved plan in the next few weeks so that they can start the adoption process. Call me if you have any questions and thank you for your hard work. Wayne*

**Response 3.1:** The text of the Draft EIR (page 3-107) has been supplemented as follows:

The Plan Update contains a number of policies that apply to geologic and soils impacts in conjunction with ultimate build-out of the City in accordance with the proposed General Plan Update. The Fresno County Multi-Jurisdictional Multi-Hazards Mitigation Plan recently received the “Approval Pending Adoption” letter by FEMA. The Plan will be presented to the City for adoption. Once it has been adopted by the City, it will be referenced and utilized in conjunction with the General Plan Safety Element. Adoption by the City will occur within one year of the date of the approval letter. The specific policies listed below contained in the Safety and Open Space, Conservation and Recreation Elements are designed to ensure that geologic and soils related impacts are minimized as development occurs.



#### **Commenting Individual #4**

Jeanette L. Jurkovich  
1130 W. Roberts  
Fresno, CA 93711

**Comment 4.1:** *A “PV” Zone was previously adopted for the 14.42 acre parcel of land known as Pioneer Village Historic Park. The DEIR should include this existing special zoning. In the alternative, if the “PV” zoning has been intentionally removed from the General Plan Policy Statements, the DEIR should disclose this change in zoning and identify the historic resource impacts that might occur as a result of this zoning change. Feasible mitigation measures should be adopted to mitigate these historic resource impacts caused by the potential zoning change.*

**Response 4.1:** As noted on page 1-3 of the Land Use Element, while the Land Use Element includes land use determinations (e.g., commercial, residential, parks, or quasi-public), “the Zoning Ordinance of the Selma Municipal Code regulates lot size, parking requirements and other development standards. Under a given land use designation, different zone districts may be appropriate. Consideration of different development requirements within a land use designation is accomplished under the Planned Development provisions of the Zoning Ordinance.”

The General Plan includes Pioneer Village in the designation as “Parks/Open Space.” For instance within the “Parks/Open Space” designation, land may be zoned as cemetery, park, PV, greenbelt, or another zone. The City’s Municipal Code includes the PV Zone for the Pioneer Village Historic Park. The zone has not been eliminated or modified.

**Comment 4.2:** *The DEIR should describe and assess the total park space that is required to serve Selma’s current population and the increases in park/open space that will be necessary to accommodate Selma’s anticipated growth. Please identify any environmental impacts and the necessary mitigation measures that become evident from this analysis.*

**Response 4.2:** As described in Impact #3.14.3.1 of the Draft EIR, based on the projected 2035 population of approximately 64,600 persons (assumes four percent annual growth per year), there would be a need to provide an additional 207 acres of parkland. The City’s policies regarding park space are based, in part, upon the Quimby Act (Government Code §66477, see page 3-205), which authorizes cities and counties to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements (rehabilitation) if a park exists in the parcel to be developed, redeveloped, or rehabilitated. Revenues generated through the Quimby Act cannot be used for the operation and maintenance of park facilities.

The City’s Municipal Code, Chapter 6, 9-6-9.02 Park and Recreation Fees, states that the public interest, convenience, health, welfare and safety require that five (5) acres of property be required for each one thousand (1,000) persons for public park and recreational purposes. The Municipal Code also requires that, “All dedicated park space must be fully landscaped and shall include adequate irrigation,” with a note stating, “The children’s play area shall include play equipment...” If no land is designated in the Conservation, Open Space and Recreation element to be located in the new subdivision or development, a fee made be paid in-lieu of park land, to

be used to acquire land. If a park exists in the area, up to 25 percent of the fees may be used to upgrade the park to meet the needs of new residents. Policies consistent with the Municipal Code, such as Policy 5.25, are included in the General Plan.

**Comment 4.3:** *The Draft EIR should analyze impacts to historic resources in addition to its analysis of “cultural resource” impacts. Historic resources are considered part of the environment for purposes of CEQA.*

**Response 4.3:** Typically, historic resources are considered to be “cultural resources” under CEQA. “Historic resources” in the California Register Section 15064.5, includes “any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” that the lead agency’s determination can support. The term “cultural resource” is not defined, per se, under CEQA, and therefore includes “historic resources” as well as any other culturally significant object, site, etc. that does not qualify as an “historic resource.”

**Comment 4.4:** *The DEIR should include a listing of those specific historic resources which have already been designated on the Fresno County Landmarks Register. A listing of the Landmarks contained within the City of Selma’s sphere of influence can be obtained from the California History Room in the Main Fresno County Library, Fresno, CA. The inclusion of this list of resources within the DEIR will improve the informational quality of the General Plan and allow decision makers and members of the public to readily identify potential historic resource impacts to these recognized important resources. Please specifically identify the individual historic resource impacts that may occur to these designated historic resources as a result of this Plan and identify adequate feasible mitigation measures.*

*It should be noted that the designated County Landmark 1904 Vincent House and the designated County Landmark St. Ansgar’s Danish Lutheran Church are only two of the Landmarks contained within the General Plan area. These two designated Landmarks are contained within Pioneer Village. Other historic buildings contained in the Park include the 1887 Selma Depot, the National Register eligible Section Buildings, the 1901 Lincoln school house and the 1906 Rasmussen Barn.*

**Response 4.4:** The text of the Draft EIR (page 3-102) has been supplemented as follows:

Historic Resources included on the Fresno County Landmarks Register include:

- 1887 Selma Depot
- 1904 Vincent House, located in Pioneer Village
- St. Ansgar’s Danish Lutheran Church, located in Pioneer Village
- 1901 Lincoln school house
- 1906 Rasmussen Barn

**Comment 4.5:** *Selma has a significant volume of housing stock that is in excess of 50 years old. Selma also contains many neighborhoods which may meet the criteria to qualify as County, State*

*or National Register historic districts. As stated correctly in the Initial Study, historic resources are not limited to only those resources designated (listed) on a County, State, or National inventory (discussed in #4, above). The City of Selma has not conducted comprehensive historic resource surveys within its jurisdiction to identify the existence of “non-listed” historic resources, however. Therefore, absent these comprehensive surveys, it does not appear that adequate substantial evidence is available to adequately assess individual or cumulative historic resource impacts within this DEIR. Thus, mitigation measures should be adopted to insure future planning processes recognize, identify and mitigate potential historic resource impacts that may result from subsequent project approvals.*

*In addition to environmental, “green” and educational benefits, historic preservation efforts have been shown to provide positive economic and job creation benefits for communities across the state.*

**Response 4.5:** Analysis pursuant to the FEIR is done at a programmatic level with acknowledgement that future projects may be subject to site-specific environmental review. It is possible that later actions to implement the General Plan could have direct and indirect adverse effects to historic resources; therefore future surveys may be required. A case-by-case review of future projects will be needed to ensure that existing cultural resources are preserved, that those new projects do not create significant impacts, and that the projects are consistent with the County’s General Plan goals, objectives and policies. Mitigation measures to reduce or eliminate impacts to historic resources are included in the General Plan, and will be referenced for future projects that may potentially impact historic resources located within a proposed project area, or that might otherwise be impacted by a specific project.

**Comment 4.6:** *Please describe Selma’s existing parks, including Pioneer Village, and their intended long term uses in the General Plan. At least two parks, Lincoln and Pioneer Village, include historic resources. I propose the addition of General Plan Policy Goals and Policies within the Conservation and Open Space element that would serve to emphasize the City’s intent to identify, apply and acquire state park funding, bond measures and grants for use in these two parks. State park funds/bonds and other grants could be utilized for the restoration and enhancement of the historic structures within both parks and would serve to improve the educational opportunities available within these locations. To date, state bond/park funding opportunities have been overlooked, however both parks have benefited from significant amounts of private donations. Classrooms have begun to visit Pioneer Village to learn about the settlement of the County and Selma history. The identification of purposeful goals that would serve to improve access to available public funds so these parks could be continually enhanced and restored would be proactive, positive step for residents of Selma and its children.*

**Response 4.6:** Please see page 8-1 of the General Plan Update Background Report for a description of Pioneer Village and Lincoln Park. The City recognizes the importance of its parks and the historic resources located in them. The City policies include a policy in its Open Space Element to seek funding in support of preservation and education concerning these historic resources through Policy 5.31. Also, please see response to Comment 5.71.

**Comment 4.7:** *It is noted that Pioneer Village Historical Park is completely surrounded by Regional Commercial Zoning and the freeway. Please identify and analyze the environmental impacts that may occur to the historic park as a result of the regional commercial development in the area. Additionally, please analyze how the application of the proposed 20 foot setback requirement for a regional commercial project adjacent to Pioneer Village Historical Park could result in significant impacts to historic resources and park land. Finally, a project design that would permit loading docks, trash facilities, etc. to be sited along the PV perimeter could result in significant historic resource, aesthetic and noise impacts. The General Plan Policies propose to protect the freeway from views of the less desirable components of regional commercial developments. Selma's parks and historic landmarks deserve no less. Please identify appropriate mitigation measures to mitigate all potential direct and indirect significant aesthetic, historic, traffic, glare and noise impacts as the land surrounding the park are developed for regional commercial uses.*

**Response 4.7:** Analysis pursuant to the FEIR is done at a programmatic level with acknowledgement that future projects may be subject to site-specific environmental review. It is possible that future projects could have direct and indirect adverse effects to historic resources; however, an analysis of project designs cannot occur until a project is proposed. Therefore, a case-by-case review of future projects will be needed to ensure that existing cultural resources are preserved, that those new projects do not create significant impacts, and that the projects are consistent with the County's General Plan goals, objectives and policies. CEQA requirements insure that future development projects in the City will include actions to identify historic resources that may be located within an area proposed for a project. Mitigation measures to reduce or eliminate impacts to historic resources are included in the General Plan, and will be referenced for future projects that may potentially impact historic resources located within a proposed project area, or that might otherwise be impacted by a specific project.

#### **Commenting Individual #5**

Jeanette L. Jurkovich  
1130 W. Roberts  
Fresno, CA 93711

**Comment 5.1:** *Thank you for the opportunity to comment on the DEIR for the General Plan Update (GP). The following comments will primarily focus on the identification of potential significant impacts, mitigation measures and alternatives related to historic resources, park/open space, and the important historic resources contained within Pioneer Village Historical Park.*

*Thank you for clarifying the City's written comment deadline for this DEIR was extended to Friday, 10/30/09, and because of City's work furlough, you would be providing written responses to comment letters submitted by Monday, November 2, 2009. I look forward to receiving your responses to the following comments.*

**Response 5.1:** Comment noted.

**Comment 5.2:** *Overview: To analyze whether a proposed project may result in direct or cumulative significant impacts to “historic resources,” it is first necessary to identify which of the resources contained within a given project area meet CEQA’s definition of “historic resources.” Once the potential “historic resources” are identified, the lead agency can then analyze whether the proposed project may result in significant impacts to the identified “historic resources.” If the lead agency determines there is a fair argument based on the whole record that significant impacts to historic resources may result from the project, mitigation measures must be identified and adopted to mitigate all significant impacts to a level of insignificance. If feasible mitigation measures are not available to lessen significant impacts to a level of insignificance, the lead agency must prepare an EIR.*

A. *“Historic Resources” for purposes of CEQA: With the above in mind, the DEIR (Page 3-99) discusses the state’s regulatory setting for historic resources and describes California’s “key regulation” for historical and archeological resources as Public Resources Code (PRC) 5024.1. This is the portion of PRC which establishes the California Register of Historic Resources. (The CEQA statute begins at Public Resources Code Section 21000 et seq.)*

*As presented, the information provided about PRC 5024.1 (pg. 3-99) might easily create the incorrect assumption that CEQA’s definition of “historic resources” (and hence the CEQA protections afforded to “historic resources”) might be limited to only those “historic resources” already listed in the California Register. Of course, this conclusion would be incorrect.*

*Therefore, to provide for orderly analysis by lead agencies, the CEQA Guidelines 15064.5 provides the criteria established to identify historic resources and potential significant impacts to historic and archeological resources. This Guidelines section should be included and discussed in the DEIR so the lead agency’s analysis of subsequent projects conforms to the requirements of CEQA.*

*CEQA defines “historic resources,” in Public Resources Code (PRC) Section 21084.1 and Guidelines 15064.5.*

**Response 5.2:** Comment noted. See response to Comment 5.3, below.

**Comment 5.3:**

1. *Please revise the state regulatory section of Section 3.5 to clarify the purpose of the DEIR’s discussion of PRC 5024.1. (Please respond to this comment.)*

**Response 5.3:** The DEIR, on page 3-99, describes federal and state regulations intended to protect historic and/or prehistoric resources. Included in this description is the California Register of Historic Resources, specifically Public Resource Code (PCR) Section 5024.1. The DEIR states, “The California Register of Historical Resources establishes a list of those properties which are to be protected from substantial adverse change (Public Resources Code Section 5024.1).”

The text of the Draft EIR (page 3-99) has been supplemented as follows:

Historic resources protected under CEQA include not only those listed on the California Register of Historic Resources, but also those eligible for listing by the State Historical Resources Commission. (also see Initial Study, page 3-15).

**Comment 5.4:**

2. *Please include information regarding the existing local regulatory policies in the area, including the existence of the Fresno County Landmarks Register, a local historic register. (Historic resources designated on a local register are presumed historic resources for purposes of CEQA.).*

**Response 5.4:** Please see response to Comment 4.4, above. Also:

The text of the Draft EIR (page 3-102) has been supplemented as follows:

The County of Fresno recognizes the Fresno County Landmarks and Records Commission as the organization responsible for reviewing applications and records to designate local, historic resources of importance. Once an application has been reviewed by the Fresno County Landmarks and Records Commission, and approved by the Fresno County Board of Supervisors, an historic resource is added to the Fresno County Landmarks Register. Historical resources on this Register are recognized by CEQA, as they are “included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code” as “presumed to be historically or cultural significant.”

**Comment 5.5:**

3. *Please revise the DEIR to include the definition of “historic resources,” contained within Guidelines 15064.5. This Guidelines section provides the criteria to use in determining whether a project may result in significant impacts to historic resources. (Please respond to this comment).*

**Response 5.5:** The DEIR has been supplemented as follows (page 3-102):

Government Code §15064.5 states,” (a) For purposes of this section, the term “historical resources” shall include the following”

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CFR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the

Public Resources Code, shall be presumed to be historical or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CFR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resource Code), or identified in an historical resources survey, (meeting the criteria of section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code 5020.1(j) or 5024.1.

**Comment 5.6:**

4. *Please revise the DEIR's legal citations to provide complete citation information to enable members of the public and agency staff to independently locate and access the information referenced in the DEIR. (Please respond to this comment).*

**Response 5.6:** Please refer to Appendix F of the Draft EIR (Cultural Resources Records Search), which provides a list of databases used and specific references cited.

**Comment 5.7:**

5. *Please revise the DEIR to include the CEQA definition of “archaeological resources,” (Please respond to this comment).*

**Response 5.7:** CEQA does not define an “archaeological resource,” except to state that, “If an archaeological resource is neither a unique archaeological nor an historical resource (as defined in (a)), the effects of the project on those resources shall not be considered a significant effect on the environment” (Section 15064.5(c)(4)). Section 15064.5(c)(1) states that an archaeological *site* must be an historical resource, as defined in subdivision (a), while Section 15064.5(a)(3) states that, “Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (PRC Section 5024.1, Title 14 CCR, Section 4852) including the following: (D) Has yielded, or may be likely to yield, information important in prehistory or history.” Therefore, an archaeological resource could be an historic resource that is prehistoric in age. Because archaeological resources are included in the definition of historic resources, it is not necessary to include a definition in the DEIR for the purpose of identifying or protecting this resource.

**Comment 5.8:**

- B. *To aid in the DEIR’s recognition of previously identified historic and archaeological resources, the Quad Knopf company solicited a cultural resources records search from the Center for Archaeological research (CSUB) (Appendix F) and the California Historical Resources Information System (CHRIS) (DEIR 3-101). (It should be noted these information resources focus primarily on archeological resources.)*

*The CSUB search reviewed only 13,000 acres of the 15,183 acres within the plan area<sup>1</sup>. Additionally, both the CHRIS and the CSUB searches omitted any review of the historic resources listed (designated) on the local Fresno County Historic Landmarks Register. The historic resources listed on a local historic register are presumed historic resources for purposes of CEQA. Therefore, a complete listing of the County Landmarks historic resources contained within Selma’s proposed 15,183 acre planning area should be acquired and clearly called out in the EIR to facilitate and streamline future identification purposes during subsequent project reviews. (Historic resources continue to be added to this County Register. The DEIR should also remind document users to regularly check with the County for new listings. Currently, this information can be retrieved by contacting the California History Room in the Main County Library.)*

**Response 5.8:** Comment noted. See responses to Comments 5.9 and 5.10.

**Comment 5.9:**

1. *Please revise the DEIR and include a listing of all the historic resources contained within the 15,183 acre plan area that are designated on the Fresno County Historic Landmarks Register. (Please respond to this comment).*



**Response 5.9:** As noted under Response 4.4, the historic resources listed on the Fresno County Landmark Register will be added to the DEIR.

**Comment 5.10:**

2. *Please have the CSUB and CHRIS revise their records search for archeological resources to include the entire 15,183 plan area. (Please respond to this comment).*

**Response 5.10:** When CSUB and CHRIS were requested to perform searches, approximately 13,000 acres of land were located within the City limits and Sphere of Influence, an area that includes 4,700 acres inside of the current SOI. As suggested in the letter from CSUB, records searches and/or surveys are recommended for all areas outside the current Sphere of Influence as projects are proposed.

**Comment 5.11:**

3. *Please include information in the DEIR instructing users of the document to consult the County Landmarks Register during project review to check for new designations. (Please respond to this comment).*

**Response 5.11:** The text of the Draft EIR (page 3-102) has been supplemented as follows:

Resources may be updated at any time: current lists should be consulted when used during project review.

**Comment 5.12:**

4. *Please correct the DEIR to add the following two historic resources, already known to be designated on the Fresno County Historic Landmarks Register, to the listing of historic resources contained in the DEIR. (These historic resources had already been called out for inclusion in my NOP comment letter but were inadvertently missed during preparation of the DEIR.) These 2 historic resources are located in Pioneer Village at 1880 Art Gonzales Parkway, Selma, CA. (Book 348, Page 19, Parcel 86) :*

*The St. Ansgar's Church(c. 1884)<sup>i</sup>  
The Vincent House (c. 1904)<sup>ii</sup>*

*(Please respond to this comment.)*

**Response 5.12:** See Response 5.9.

**Comment 5.13:**

- C. *Two railroad Section Buildings were determined to eligible for listing in the National Register by the State Office of Historic Preservation, prior to their move to Pioneer Village. These two section buildings were relocated to Pioneer Village using Community*

*Development Block Grant Funds as a result of Section 106 consultations and the execution of a Memorandum of Agreement between the County of Fresno, City of Selma, Advisory Council on Historic Places and the State Office of Historic Preservation.*

*The relocation of these buildings took place to lessen (not avoid) the direct significant effects/impacts that would result from a federally funded housing project. These structures are now located near Selma's 1887 Combination #17 SPRR Depot.*

*The Section Bunk House and Section House were used to house Chinese railroad workers and the Section Master and his family on the railroad reservation located at Front Street between 2<sup>nd</sup> and 3<sup>rd</sup> streets. The bunk house and section house are believed to be the oldest surviving section buildings of their type in the State of California. Research suggests the structures predate SPRR's use of standardized railroad buildings in California. The bunk house structure was constructed to allow it to be split in two for the purpose of facilitating relocation by the RR.*

*A recent Historic Structures Report (HSR), funded in part by the California Cultural and Historic Endowment (Proposition 40), has also found these two structures to be eligible for the National Register of Historic Places (Criteria A, C ). This HSR was completed by Architectural Historian, Lauren MacDonald. A copy of this report is available in the City of Selma's Recreation and Community Services Office.*

**Response 5.13:** Please see Response 5.14.

**Comment 5.14:**

1. *Please include in the DEIR's listing of historic resources the following two railroad structures, located at Pioneer Village, 1880 Art Gonzales Parkway, Selma, CA (Book 348, Page 19, Parcel 86).:*
  - SPRR Section House (c. 1872)*
  - SPRR Section Bunk House (c. 1872)**(Please respond to this comment.)*

**Response 5.14:** The text of the Draft EIR (page 3-102) has been supplemented as follows under the listing of historic resources:

- 1887 Selma Depot
- 1904 Vincent House, located in Pioneer Village
- St. Ansgar's Danish Lutheran Church, located in Pioneer Village
- 1901 Lincoln School House
- 1906 Rasmussen Barn
- SPRR Section House (c. 1872), located in Pioneer Village
- RR Section Bunk House (c. 1872), located in Pioneer Village

**Comment 5.15:**

2. *Please correct the DEIR's description of the location for Pioneer Village. The Pioneer Village Historic Park is not located at Highland and Art Gonzales Parkway. Pioneer Village is located at 1880 Art Gonzales Parkway. The parcel is identified as Book 348, Page 19, Parcel 86, and does not front Highland. A parcel map is provided as Attachment A to this letter. (Please respond to this comment.)*

**Response 5.15:** The text of the Draft EIR (page 3-212) was revised as follows:

- **Pioneer Village** is a 14.4-acre historical, recreational and cultural facility located ~~on Highland Avenue~~ at 1880 Art Gonzales Parkway.

**Comment 5.16:**

- D. *As referred to on page 3-102 of the DEIR, additional structures have been considered important historic structures by the community of Selma. These buildings are referenced but are not specifically identified in the CSUB report found in Appendix F. Specifically these historic resources include Selma's 1887 SPRR Depot (one of less than 4 known surviving SPRR #17 Combination Depots) (Criteria A); the 1906 Rasmussen Barn, donated by the Gene Rasmussen family (an excellent example of the rapidly disappearing early barn structures built to shelter feed, animals and sometimes families, in Fresno County and its colony settlements)(Criteria A,C); and, the 1901 Lincoln School House (the longest used one-room school house in the County)(Criteria A). Together, these buildings have long been recognized for their significance in Selma's history and provide excellent interdisciplinary resources to teach and learn about Fresno County's history, culture and colonies.*

**Response 5.16:** Comment noted.

**Comment 5.17:**

1. *Please specifically add the following structures to the list of historic resources in the DEIR. Three buildings are also located at 1880 Art Gonzales parkway (Book 348, Page 19, Parcel 86); and one structure is located in Lincoln Park*  
*1887 SPRR #17 Combination Depot*  
*1906 Rasmussen Barn*  
*1901 Lincoln School House*  
*Lincoln Community Park Bandstand, Lincoln Park.*

**Response 5.17:** The text of the Draft EIR (page 3-102) has been supplemented as follows under the listing of historic resources:

- 1887 Selma Depot
- 1904 Vincent House, located in Pioneer Village
- St. Ansgar's Danish Lutheran Church, located in Pioneer Village
- 1901 Lincoln School House

- 1906 Rasmussen Barn
- SPRR Section House (c. 1872), located in Pioneer Village
- RR Section Bunk House (c. 1872), located in Pioneer Village
- Lincoln Community Park Bandstand, Lincoln Park

**Comment 5.18:**

- E. *As explained in the CSUB letter (Appendix F), only a small portion of the Selma's Sphere of Influence and the planned areas of expansion have been surveyed for historical or archeological resources. Given the limited coverage and the age of many of the surveys, the CSUB concluded the possibility remains that additional resources exist in the planning area. Additionally, table 3.12-8 in the DEIR indicates approximately 8.2% of Selma's housing (473 units) was built prior to 1940. (Selma has a terrific stock of historic homes and neighborhoods!)*

*Selma is not a Certified Local Government (CLG) and has not adopted a local preservation ordinance.<sup>i</sup> There are substantial areas within Selma's plan boundaries that have not been surveyed to assist in the proactive identification of potential historic resources or archeological or paleontological resources. Therefore, substantial evidence does not exist to allow the lead agency to know the full extent of the potentially significant historic resources contained within the project (plan) area. Thus, it is not possible to assess the extent of direct or cumulative impacts that may result from approval of this project.*

**Response 5.18:** Comment noted. See response to Comment 5.19.

**Comment 5.19:**

1. *There is no substantial evidence available to determine the extent of direct or indirect impacts that may result from the approval of this project. Therefore, please revise the program DEIR to indicate there is "Insufficient information available to identify historic resources or support a full analysis of potential impacts (direct or cumulative) to historic resources." (Please respond to this comment.)*

**Response 5.19:** Analysis pursuant to the FEIR is done at a programmatic level with acknowledgement that future projects may be subject to site-specific environmental review. It is possible that later actions could have direct or indirect adverse effects to historic resources. However, the adoption of such actions would involve a future exercise of discretion by the City Council, and an evaluation of potential impacts would be premature and unduly speculative at this time. Therefore, a case-by-case review of future projects will be needed to ensure that historic resources are preserved, that those new projects do not create significant impacts, and that the projects are consistent with the City's General Plan goals, objectives and policies.

Page 3-103 of the DEIR states in the Conclusion that, "The twenty previous cultural resources studies within the Planning Area have resulted in the discovery of 18 documented historical sites and no archaeological sites. This indicates the potential for discovery of cultural resources during future project-related excavation and construction. A survey of Selma's older buildings

may yield structures that qualify for historic preservation.” The DEIR concludes that it is unlikely that all historical resources have been identified. Mitigation measures must be included, as appropriate, for proposed projects to assure that historical resources, including those not identified in the DEIR will be protected.

**Comment 5.20:**

2. *The CSUB letter recommends archeological resource surveys be performed for all areas outside the current Sphere of Influence as projects are proposed and considered for approval. Please add a mitigation measure that requires an archeological survey to occur before projects are approved. (Archeological resources can otherwise suffer significant impacts if they are first “discovered” during earthmoving or construction activities.)*

**Response 5.20:** The CSUB records search was limited to those lands inside the Selma City Limits and existing Sphere of Influence (SOI) at the time of the request (September 2007). As land around the City is added to its SOI, it will come under the jurisdiction of the City and its General Plan. However, all future development projects, regardless of their location in the city or county, are subject to CEQA requirements, including cultural resource surveys where applicable. CEQA requirements ensure that future development in the City will include actions to identify historic resources that may be located within an area proposed for a project. Mitigation measures to reduce or eliminate impacts to historic resources are included in the General Plan, and will be referenced for future projects that may potentially impact historic resources located within a proposed project area, or that might otherwise be impacted by a specific project.

**Comment 5.21:**

3. *Please provide the name(s) and the applicable qualifications of the specific person(s) who prepared the Cultural Resources Section 3. 5 of the DEIR. Please Respond.*

**Response 5.21:** The DEIR was prepared by Quad Knopf, Inc. in coordination with City of Selma staff. Quad Knopf staff who prepared the document consists of senior-level environmental planners, AICP-certified planners, and principal planners. In addition to the records search prepared by the Center for Archaeological Research at CSU Bakersfield, the Cultural Resources Section of the DEIR relied upon federal, state, and local resources, and references as listed in the document.

**Comment 5.22:**

- A. *Once the lead agency has identified the “historic resource(s)” (as defined by CEQA) a project’s activities can be reviewed to analyze and determine whether the proposed project may result in a significant impact(s) to “historic resource(s).”*

*The DEIR provides very limited information from the Guidelines to aid the reader in understanding the analytical methodology used to determine whether a particular activity*

*may result in significant impacts to historic resources. This impairs the informational quality of the DEIR for decision makers as well as members of the public.*

*The DEIR correctly states a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. However, it is then imperative to understand the criteria set out in the Guidelines to explain what constitutes a substantial adverse change in the significance of a historic structure so that the process of identification of potential significant impacts to a historic resource can occur.*

*Summarized, Guidelines 15064.5(b)(1) defines substantial adverse change in the significance of a historic resource as the physical demolition, destruction, relocation or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. (My emphasis added.)*

*Summarized, the Guidelines further explain at 15064.5(b)(2) that the significance of an historical resource is materially impaired when a project demolishes or materially alters, in an adverse manner, those physical characteristics of a historical resource that convey its historic significance and justify its inclusion in, or eligibility for, inclusion in the California Register, a local register, survey, etc.*

*It follows, then, that significant impacts result when the physical characteristics that convey a resource's historic significance and justify its inclusion (or eligibility) in the California Register, local register, survey, etc., are materially impaired. (To be considered a substantial adverse change/significant impact, the criteria set forth do not require the proposed activity to "destroy" the physical characteristics that convey a resource's significance and justify its inclusion (or eligibility) in the California Register.)*

*Once the criteria defined for significant impact(s) are analyzed against the historic resource(s) involved, the lead agency can determine whether a significant impact to a historic resource may result and turn to the identification of feasible mitigation measures to lessen or avoid the significant impact(s).*

**Response 5.22:** Comment noted. See responses to Comments 5.23 and 5.24.

**Comment 5.23:**

- 1. Please revise the DEIR to include CEQA's definition of significant impacts to historic resources. (Guidelines 15064.5 (b) (1-2). Please respond to this comment.*

**Response 5.23:** Terms utilized in environmental documents prepared under CEQA guidelines will consistently utilize the definition of "significant impact," as provided under 15064.5(b)(1) and (2). Sections 21084.1 and 15064.5 state, "A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a "significant effect on the environment," which is defined (under 21068) as a "substantial, or potentially substantial, adverse change in the environment."

**Comment 5.24:**

2. *Please revise the DEIR to include CEQA's definition of significant impacts to archeological resources contained in PRC 21083.2.*

**Response 5.24:** As archaeological resources are included in the definition of “historic resources,” see response to Comment 5.23 for the definition of significant impacts to archaeological resources.

**Comment 5.25:**

*B. The DEIR's determination of potential significant impacts to “historical resources,” “paleontological resources,” unique geologic feature” and “human remains” that may result from the approval of this project is contained in Section 3.5.3 (page 3-103 ). Summarized it appears the following potential impacts are being analyzed for mitigation in the DEIR:*

- a) redevelopment within the historic downtown or in-fill development in older residential areas could result in the demolition, destruction, relocation or alteration of buildings that are historically significant (my emphasis added);*
- b) Rural buildings located outside the city, but within the SOI, could be impacted as a result of development (my emphasis added);*
- c) Archeological and, paleontological resources, unique geological and human burial sites could be disturbed during grading or onsite excavation activities.*

**Response 5.25:** Comment noted. See response to Comment 5.26.

**Comment 5.26:**

1. *Please respond by indicating whether the above summary of potential significant impacts is a complete and correct representation of the significant impacts the DEIR has identified in section 3.5.3. This will provide the clarification necessary to permit meaningful public participation in the review of the effectiveness of measures proposed to mitigate the identified significant impacts. (Please respond to this comment).*

**Response 5.26:** The impact criteria outlined in section 3.5.2 and discussed in section 3.5.3 is a complete and correct assessment according to CEQA guidelines. However, the DEIR has been revised to better reflect the extent of the resources in the City. The text of the Draft EIR (page 3-103) has been revised as follows:

The City of Selma contains numerous buildings historical resources that are over 45 years of age and may be historically significant. The Cultural Resources records search (Appendix F) for the City of Selma found a number of historical properties and no past evidence of archaeological resources in the project area.

Although the majority of new development under the Plan Update would take place on land without existing structures, redevelopment within the historic downtown or in-fill development in older residential areas could result in the demolition, destruction, relocation or alteration of ~~buildings~~ historical resources that are historically significant and eligible for listing on the California Register of Historical Resources. In addition, there are a number of ~~rural buildings~~ historical resources that are located outside the city, but within the SOI, that may be subjected to substantial adverse change as a result of new development.

The following paragraph states accurately, “Paleontological, unique geological features or known human burial sites have yet to be discovered within the project area. Due to the fact that many cultural resources are buried, *there is the potential for cultural resources of various types to be encountered* when new development is carried out as a result of the Plan Update.

**Comment 5.27:**

2. *If additional significant impacts, other than those summarized in B.(a-c) (directly above) are identified, please propose the appropriate additional mitigation measures to address those impacts and recirculate the DEIR. (Please respond.)*

**Response 5.27:** See response to Comment 5.19.

**Comment 5.28:**

- A. *The CEQA Guidelines provide the regulatory policies for the mitigation of historic resource impacts to a level of insignificance. For the analysis of historical resources, Section 15126.4(b)(1) explains that generally, a project that follows the Secretary of Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings is considered as mitigated to a level of less than a significant impact on the historic resource.*
- B. *CEQA Guidelines 15126.4a)(1)D explains that some mitigation measures can cause one of more significant effects in addition to those that would be caused by the proposed project. With respect to historic resources, relocation is an example of a mitigation measure that results in one or more additional significant impacts. (As discussed above a historic resource is materially impaired when a project materially alters those physical characteristics of a historical resource that convey its historic significance and justify its inclusion (or eligibility) in the California Register, a local register, survey, etc. Relocation can adversely and materially impair (but it does not necessarily destroy) the resource’s aspects of integrity as well as its immediate surroundings. Relocation can also materially impair the physical characteristics that convey its historic significance. Relocation cannot be considered a mitigation measure that will avoid (mitigate to a level of insignificance) impacts to the historic resource. Certainly, the risk of loss or damage during the relocation process is also possible.*



1. *Please consider the comments in A and B above and revise the DEIR as necessary. (Please respond.)*

**Response 5.28:** As noted elsewhere, it is possible that later actions could have indirect adverse effects to historic resources. However, the adoption of such actions would involve a future exercise of discretion by the City Council, and an evaluation of potential impacts would be premature and unduly speculative at this time. Analysis pursuant to the FEIR is done at a programmatic level with acknowledgement that future projects may be subject to site-specific environmental review. Therefore, a case-by-case review of future projects will be needed to ensure that historic resources are preserved, that those new projects do not create significant impacts, and that the projects are consistent with the County's General Plan goals, objectives and policies.

CEQA requires that if a project is proposed that includes an action that may have significant impacts such as the relocation of a structure, the environmental document prepared for that project must address the potential impact to that historic resource.

**Comment 5.29:**

- C. *CEQA Guidelines 15126.4 (3) provides information related to historic resources of an archeological nature and provides the factors that must be considered and included in the discussion in the DEIR.*

1. *Please revise the DEIR to add this required information. (Please Respond.)*

**Response 5.29:** Section 15126.4(b)(3), states, "Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR *for a project involving such an archaeological site*" (italics added). The CSUB letter report states that no archaeological sites were recorded in the area. If a future project is proposed where a survey identifies such as site, or if an archeological site is found to exist during a project, the lead agency responsible for the preparation of the CEQA document for that project will be required to provide appropriate mitigation measures to reduce or eliminate impacts to that site.

**Comment 5.30:**

- D. *The DEIR explains both of the proposed mitigation measures (3.5.3.1a and 3.5.3.1b) would be applied to all projects as defined in CEQA Guidelines Section 15378(a).*

*Guidelines 15378(a), CEQA defines a "project" to include the whole of an action and as such, includes each separate discretionary approval that may be involved in an approved activity.*

*However, when the "whole" of the project includes both ministerial and discretionary components, the project will be deemed to be a discretionary project and thus subject to*

*CEQA (Guidelines 15268(d)). The ministerial components in these circumstances are subject to CEQA review.*

**Response 5.30:** Guidelines 15378(a) in reference to a “project” apply to specific, future projects that may occur within the City of Selma and/or its SOI. As noted elsewhere, this document does not address circumstances that may or may not occur during a specific project, but instead provides policies to address those issues that are most likely to occur on projects in the future.

**Comment 5.31:**

1. *Please add the text of 15268(d) to the discussion at top of page 3-104 to insure appropriate CEQA review occurs and that mitigation measures are appropriately implemented for all significant impacts involved in projects that contain both ministerial and discretionary components. This would assist in the avoidance of an inadvertent segmentation of a project into its ministerial and discretionary activities. ( In particular, a misunderstanding of this important CEQA provision could result in the inadvertent loss of a worthy historic resource without first providing the required CEQA review and mitigation. As an example, this might occur if a lead agency were to approve a ministerial demolition permit separately and without CEQA review even though that action was a component of the foreseeable whole project that also involved discretionary activities associated with the development of the parcel.) This would of course result in the lead agency’s failure to proceed in a manner required by law and would inadvertently deny members of the public of their protected interest in the ability to participate in the CEQA process and identify appropriate feasible mitigation measures to lessen or avoid the significant impact.<sup>iii</sup> (Please respond to this request.)*

**Response 5.31:** The City is required to adhere to CEQA Guidelines which prohibit segmentation of projects. The City will process projects pursuant to CEQA Guidelines.

**Comment 5.32:**

- E. *Mitigation Measure 3.5.3.1a. Certain portions of this proposed mitigation measure lack the clarity necessary to insure that members of the public and the lead agency can monitor the mitigation measure’s proper implementation for subsequent projects over the duration of this GP Update.*
  1. *It is unclear which significant impacts (identified in DEIR section 3.5.3 and also discussed in II.B. of this comment letter, above) the proposed mitigation measure’s components are meant to address. The 3<sup>rd</sup> and 4<sup>th</sup> portions of mitigation measure 3.5.3.1a are the most confusing. Please verify whether the following interpretation is correct:*
    - a. *Mitigation Measure 3.5.3.1a (1) would be implemented to lessen the identified significant impacts to archeological and paleontological resources identified in Section 3.5.3 of the DEIR. (Please respond.)*

- b. *Mitigation Measure 3.5.31a (2) would be implemented to lessen impacts to human burial sites and/or Native American burial sites. (Please respond.)*
- c. *Mitigation Measure 3.5.31a (3) would be implemented to lessen impacts to archeological sites, and “historic resources of an archeological nature.” (PRC 21083.2). (Please respond.)*
- d. *Mitigation Measure 3.5.31a (4) would be implemented to lessen impacts specifically for those “historic structures or artifacts of an archeological nature” that are listed in the 4/13/09 letter from the Center for Archeological Research (CSUB) (Appendix F) (Please respond.)*

**Response 5.32:**

- a) The term “cultural resources” includes recent historic, older historic, and prehistoric (archaeological) resources. Therefore, the mitigation measure is intended to address all cultural resources. The broader term is used so as not to exclude resources that might not otherwise qualify as culturally significant (e.g., not archaeologically unique or not known to be at least 100 years old), so that the determination of significance can be made by an archaeologist or paleontologist.
- b) The mitigation measure is intended to include *all* human bone or unidentified bone, not only those interred in burial sites. The determination of whether bone is of human origin, can be made only by the County Coroner.
- c) The mitigation measure is intended to include both historic and prehistoric artifacts, as noted in the listings (e.g., “structures and remains with square nails” as listed under historic resources).
- d) “Historic structures” is intended to include both historic and prehistoric structures. CEQA defines archaeological resources (e.g., prehistoric resources) as a subset of “historic resources.”

**Comment 5.33:**

- 2. *If any of the articulated interpretations in above items D.1.(a-d) are incorrect, please explain why and make necessary changes to the appropriate mitigation measures to provide clarity of purpose. (It might also be helpful to number, rather than bullet the components of the mitigation measure—unless it is intended that all 4 components are to be applied to each project resulting in archeological impacts. (Please respond to this request.)*

**Response 5.33:** See explanations under responses to Comments 5.23 through 5.32.

**Comment 5.34:**

3. *The above mitigation measures contained in 3.5.3.1a will not effectively mitigate impacts to historic resource and archeological impacts to a level of insignificance. Implementation of any of these measures could still result in the loss of theor [sic] (or the) material impairment of a historic or archeological resource. In addition, the measures do not provide any performance standards to insure significant impacts are avoided (mitigated to a level of insignificance). (Please respond.)*

**Response 5.34:** Analysis pursuant to the FEIR is done at a programmatic level with acknowledgement that future projects may be subject to site-specific environmental review. It is possible that later actions could have direct or indirect adverse effects to historic resources. However, the adoption of such actions would involve a future exercise of discretion by the City Council, and an evaluation of potential impacts would be premature and unduly speculative at this time. Specific future projects may or may not impact cultural resources in ways that cannot be known in the preparation of this document; however, all future projects are required under CEQA to prepare an environmental document that will reduce potential impacts to a less than significant level whenever possible.

**Comment 5.35:**

4. *Please also note that some activities included in the mitigation measure could result in additional significant impacts beyond those resulting in the project. This would not result in mitigation to a level of insignificance. (Please respond.)*

**Response 5.35:** Analysis pursuant to the FEIR is done at a programmatic level with acknowledgement that future projects may be subject to site-specific environmental review. It would be speculative to address potential impacts to cultural resources for future projects, as the impacts will be unknown until a specific project is proposed. Should mitigation measures potentially result in additional significant impacts beyond those resulting in the project, the applicant for that project would be required to address those potential impacts in the CEQA document prepared for that project.

**Comment 5.36:**

5. *Please revise the mitigation measures in 3.5.3.1a to clearly provide a description of the mitigation strategies that will be utilized along with the performance standards that must be fulfilled to ensure the mitigation measures will avoid significant impacts. The mitigation measures should be revised in a manner to insure they are fully enforceable in the manner required by CEQA. (Please respond.)*

**Response 5.36:** As noted elsewhere, this DEIR is prepared in conjunction with the City's General Plan Update. The General Plan provides background information and overreaching policies to guide the use of land and resources within the City of Selma. The DEIR provides CEQA-required information and mitigation measures to assure that implementation of the General Plan will not impact resources. Only when specific projects are proposed are potential

impacts explored and mitigated. Mitigation measures included in the DEIR are intended to be the basic measures that must be included in every project's CEQA document, not the full mitigation plan for that project.

**Comment 5.37:**

*F. Mitigation measures that avoid an historic resource or archeological impacts (mitigation to a level of insignificance) are mitigation measures that avoid an impact by not taking a certain action, or part of an action. For example, the restriction of demolition or alteration of historic structures or cultural sites would avoid significant impacts resulting from the demolition of the resource. Or, the adherence (consistency) to the Department of Interior Standards and Guidelines, described earlier in this letter, is another example. The Standards and Guidelines restrict certain activities in projects involving the rehabilitation, preservation, restoration or reconstruction of historic resources. These restrictions avoid the material impairment of the physical characteristics that convey the resource's significance and justification for listing in the California Register, local register, survey, etc.*

*The mitigation measures proposed in the DEIR for significant historic and archeological impacts might lessen impacts, or provide no reduction of impacts at all. None of the mitigation measures assure the avoidance of significant impacts (mitigation to a level of insignificance.)*

*1. Unless this mitigation measure is revised, the failure of 3.5.3.1a to demonstrate an ability to mitigate historic and archeological impacts to a level of insignificance will require the lead agency to revise its determination of the effectiveness of this mitigation measure and the project's cumulative impacts in the DEIR. Revision of these findings would require recirculation of the DEIR. (Please respond.)*

**Response 5.37:** As noted in Section 15126.4(b)(3), "Public agencies should, *whenever feasible*, seek to avoid damaging effects on any historical resource of an archaeological nature" (italics added). State law recognizes that mitigation cannot always reduce impacts to a less than significant level; however, it is the agency's responsibility to reduce impacts to less than significant whenever feasible. Analysis pursuant to the FEIR is done at a programmatic level with acknowledgement that future projects may be subject to site-specific environmental review. The mitigation measures included in the DEIR Section 3.5 are intended to act as basic mitigation measures, to be included in all future proposed projects. Mitigation measures must include a party that is responsible, to ensure that each measure is enforceable, as required by CEQA.

**Comment 5.38:**

*G. Mitigation Measure 3.5.3.1b. The DEIR considers the policies included in the Open Space and Conservation and Recreation Element to "further" reduce significant impacts to a level of insignificance. (These policies are whole-heartedly welcomed as will be discussed in a later section of this letter.) However, the policies, as drafted, do not function as mitigation measures that will effectively lessen or avoid direct, indirect or cumulative significant historic and archeological resource impacts to a level of insignificance. In other words,*

*each “policy-mitigation measure” could be fully implemented and still not result in any lessening or avoidance of a direct significant impact resulting from a project! Additionally, the cumulative result of adding two or more mitigation measures together (neither of which guarantee the reduction of any significant impacts) won’t act to “further” mitigate impacts to a level of insignificance.*

**Response 5.38:** Comment noted.

**Comment 5.39:**

*By definition, “mitigation measures” must lessen or avoid the direct, indirect (and cumulative) significant environmental impact(s) that may result from a lead agency’s approval of a “project.” The mitigation measures adopted for that project must become project conditions. The mitigation measures must also be fully enforceable through permit conditions, agreements, or other legally binding instruments (Guidelines 15126.4(a)(1)(A), 15126.4a)(2).*

**Response 5.39:** Comment noted.

**Comment 5.40:**

*Using the proposed 3.5.3.1b mitigation measures, the City Council would not be able to certify the FEIR based on substantial evidence because direct and cumulative significant impacts would be significant—and potentially unmitigated.*

**Response 5.40:** Analysis pursuant to the FEIR is done at a programmatic level with acknowledgement that future projects may be subject to site-specific environmental review. It is possible that later actions could have direct or indirect adverse effects to historic resources. However, the adoption of such actions would involve a future exercise of discretion by the City Council, and an evaluation of potential impacts would be premature and unduly speculative at this time. Therefore, a case-by-case review of future projects will be needed to ensure that historic resources are preserved, that those new projects do not create significant impacts, and that the projects are consistent with the County’s General Plan goals, objectives and policies. Mitigation measures included in 3.5.3.1b are intended to reduce potential impacts to cultural and other resources by requiring sites to be surveyed and recorded, records to remain as confidential as possible, and other efforts to preserve and educate others about cultural resources.

**Comment 5.41:**

*It should also be noted the Open Space, Conservation and Recreation Element states (page 5-2) the intent of these “policies and standards” is to serve as guidelines for planning and maintaining the recreational facilities, enhancing the natural amenities of Selma and minimizing [as opposed to avoiding] the environmental impacts of planned development. (My emphasis added.)*

**Response 5.41:** As the Draft General Plan document states, the intent of the goals, objectives and policies of the Open Space, Conservation and Recreation Element is to guide the use of the City's open space, parks, and other recreational areas. The first goal is to "protect the environment" while number seven is "Identify and protect unique cultural and historical features of the community." Guidelines that can be utilized uniformly in the analysis and operation of all future projects, and which serve to support those goals, are included in the General Plan as a baseline that all projects must meet. Also, Government Code regarding CEQA recognizes that not all impacts can be avoided, as stated in 151.26.4(1), "An EIR shall describe feasible measures which could *minimize* significant impacts..."

**Comment 5.42:**

*Without the ability to insure these mitigation measures would achieve the avoidance of impacts, the City Council would be unable to rely upon substantial evidence to support its findings and certify this Program EIR (See DEIR page 5-3 section 5.3.5).*

**Response 5.42:** See responses to Comments 5.35 and 5.41.

**Comment 5.43:**

*Unfortunately, as written, the policy-mitigation measures of 3.5.3.1b are written in a manner that is too vague, does not discuss the mitigation strategies that will be used for subsequent projects, and lacks the performance standards that will ensure that adequate mitigation measures are implemented. Additionally, some of the proposed mitigation measures do not address the significant impacts identified on pages 3-103 of the impact evaluation. The DEIR should not mitigate impacts that have not been identified.*

**Response 5.43:** See response to Comment 5.40.

**Comment 5.44:**

*(For illustration purposes only, the City's development and promotion of financial incentives programs for historic preservation efforts would not avoid the significant impacts that would result from a project's demolition of a historic resource(s) located in historic downtown or older neighborhoods. Alternatively, the City's support of preservation organizations' preservation efforts wouldn't lessen or avoid the significant impacts caused, for example, by a project's demolition of a historic barn to clear land for development in the SOL.)*

**Response 5.44:** Comment noted.

**Comment 5.45:**

*As written, the policy-mitigation measures, as well as all other mitigation measures proposed in this section of the DEIR could be fully implemented without avoiding or lessening any of the identified potential significant impacts, ever. And, cumulative impacts would then be significant yet never analyzed or disclosed before the GP Update Program EIR was certified.*

*This would violate a key purpose of CEQA--to inform decision makers and the public about the environmental consequences of a project before it is approved.*

*The Policies are good policies, it is simply that mitigation measures must insure enforceability, integration as project conditions and performance standards that insure the anticipated outcomes will occur when the mitigation measure is implemented.*

*It should also be noted that the 1<sup>st</sup> bulleted policy-mitigation in 3.5.3.1b closely describes the mandated basic steps of CEQA's EIR process. The mitigation measure describes a process that would identify the historic resources ("include accurate site surveys"); identify the significant impacts ("protect historical, paleontological, and cultural sites from damage, destruction and abuse); develop feasible mitigation measures with a performance standard ("resource recovery and preservation when displacement is unavoidable); and, because the performance standard would not avoid the significant impact that would result--analyze alternatives ("consider project alternatives to preserve archeological and historic resources"). Therefore, this doesn't appear to be a "mitigation measure" for a subsequent project because the process is already required by state law.*

**Response 5.45:** California Planning and Zoning Law, Division 1, Chapter 3, Article 10.5, addresses the Open Space Lands Element. Section 65562 states that the intent of this element is two-fold: 1) To assure that cities and counties recognize that open-space land is a limited and valuable resource which must be conserved whenever possible, and 2) To assure that every city and county will prepare and carry out open-space plans which, along with state and regional open-space plan, will accomplish the objectives of a comprehensive open-space program. The mitigation measures included as 3.5.3.1b support the objectives of the City's open space, conservation, and recreation element. Although they do include some similarity to requirements of state law, they serve to reinforce the law by requiring more specific actions (e.g., "accurate site surveys" is one way to "identify the historic resources" as required by state law.)

**Comment 5.46:**

- 1. Please revise the DEIR's Historic and Archeological Resource mitigation measures to effectively mitigate significant impacts to a level of insignificance or provide for a mitigation program that will insure that outcome. Please insure mitigation measures are fully enforceable in the manner described in CEQA. (Please Respond.)*

**Response 5.46:** See response to Comment 5.40. Analysis pursuant to the FEIR is done at a programmatic level with acknowledgement that future projects may be subject to site-specific environmental review. Mitigation measures included in the DEIR serve as baseline measures to be included in future projects that may impact historic resources. Additional mitigation measures that could further reduce or avoid impacts are included in specific projects as they are proposed. These measures include a responsible party to assure that they are fully enforceable.



**Comment 5.47:**

2. *If the lead agency is unable to draft mitigation measures that will lessen significant impacts to a level of insignificance, the DEIR will require modification to its mitigation measures, findings, and cumulative impact analysis as well as the recirculation of the DEIR for public participation and comment. (Please Respond.)*

**Response 5.47:** See response to Comment 5.40. Analysis pursuant to the FEIR is done at a programmatic level with acknowledgement that future projects may be subject to site-specific environmental review. The DEIR provides CEQA-required information and mitigation measures to assure that implementation of the General Plan will not impact resources. When specific projects are proposed, potential impacts relative to that project are explored and mitigated. Mitigation measures included in the DEIR are intended to be the basic measures that must be included in every project's CEQA document, not the full mitigation plan for that project.

**Comment 5.48:**

3. *Alternative approaches to the above mitigation measures might serve the lead agency's purposes in mitigating the historic and archeological resource impacts to a level of insignificance, and certifying the FEIR based on substantial evidence. The endnote provides one quickly drafted example for purposes of illustration only.<sup>ii</sup>*

**Response 5.48:** Comment noted.

**Comment 5.49:**

H. *Cumulative impacts. Based on the information provided in this letter, the finding of no result in cumulative impacts (Page 5-3) is not supported with substantial evidence.*

1. *Please respond*

**Response 5.49:** The “*Project-specific impact*” included under 5.3.5 of Chapter Five, Cumulative Impacts Chapter of the DEIR defines the impact directly caused by the General Plan Update in relation to potential future activities. Implementation of the General Plan Update does not include any specific action (such as a development project) that could include potential impacts to cultural resources. Therefore, the conclusion in 5.3.5 is correct, “While grading and other construction activities” (e.g., those that could be included in future projects) “have the potential to impact cultural resources in Selma and the Planning Area, Plan Update policies and compliance with federal and State regulations reduce the *Project-specific impact* to a less than significant level.” (*italics added*)

**Comment 5.50:**

**A. General Comments and Questions:**

1. *Page 5-1 of the General Plan update states the Open Space/Conservation/Recreation Element meets the state's requirements defined in Government Code 65301(e). This section of the Government Code could not be found.*

*a. Please provide the citation to the correct section. (Please respond.)*

**Response 5.50:** The reference should have been Government Code, Division 1, Chapter 3, Section 65302(e), not 65301(e).

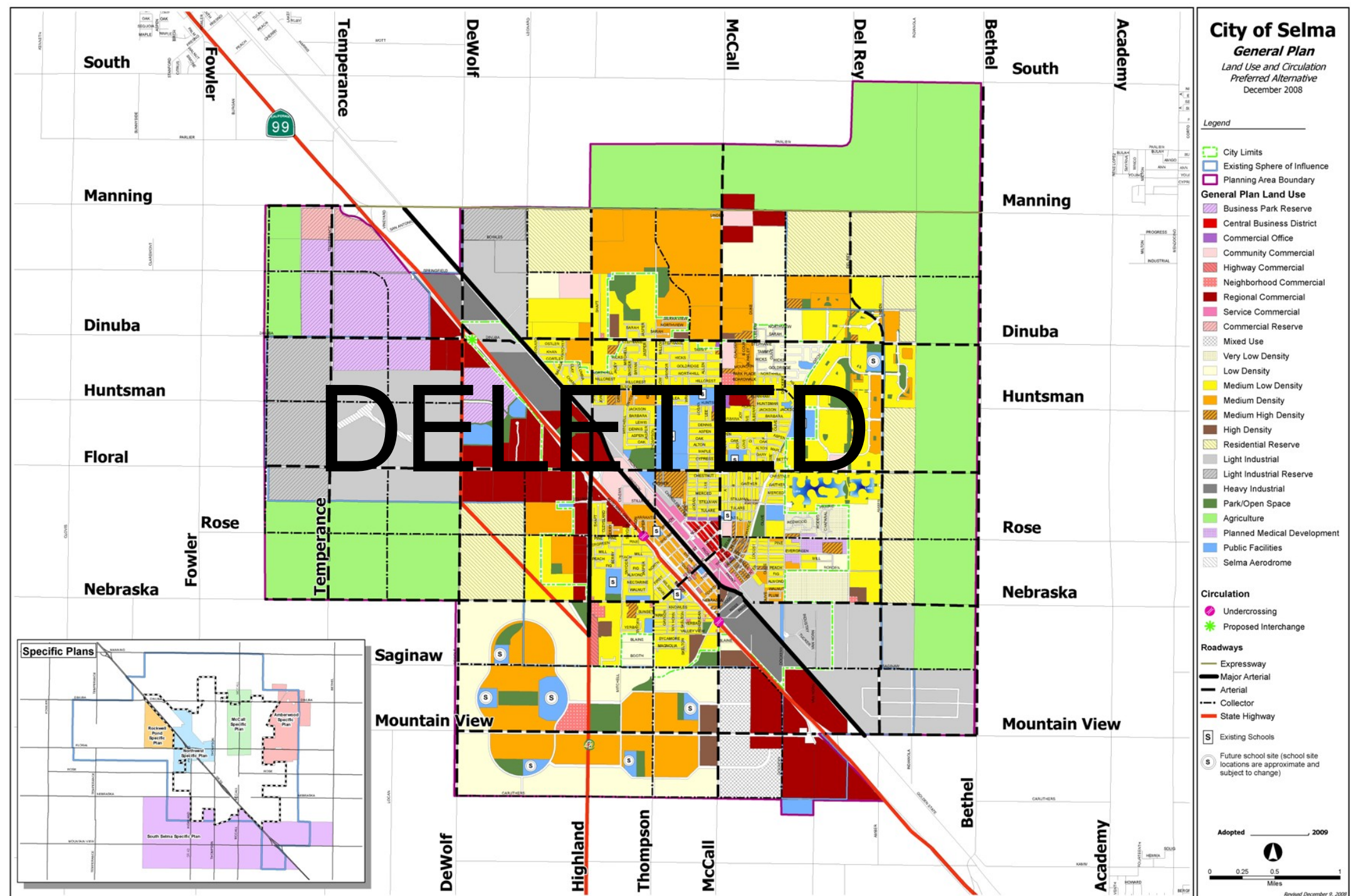
**Comment 5.51:**

2. *General Plan Policy 5.25 provides for a “standard park acreage” of 5 acres per 1000 people, consistent with the prior 1997 GP policy. Standard park acreage includes park-ponds; pocket parks; neighborhood parks; community parks, and community recreational facilities. As noted in the GP Update, visioning workshops were held by the city to identify the important issues expressed by interested citizens, staff and consultants during those meetings. An interest in the need for more recreational opportunities was one of the priorities expressed during the meetings.*

*Per the DEIR, the Department of Finance has estimated the City of Selma's 2008 population at 23,286. Accordingly, the City of Selma should have 116.4 acres of parkland available for the community. Table 2-2 of the DEIR (pg 2-9) indicates park/open space within City limits comprise 112 acres (only 4.4 acres short of policy.) The DEIR also indicates the City owns only 57.41 acres of park and recreational facilities. Therefore, it appears the city owns and maintains only 50.1 percent of its total park and recreation needs.*

**Response 5.51:** Please see responses to Comments 4.2, 5.52, and 5.53. The term *open space* as used in Table 2-2 includes areas not considered “parks.” Therefore, the total of lands designated in the City limits as “Parks/Open Space” includes parks, recreational facilities, cemeteries, and other open spaces, and totals 112 acres within the City. Only those lands owned by the City are included in the table. The data used in Table 2-2 were recalculated to verify that the land designations were correct and that the correct land use boundaries were used in the final document. It was discovered that two parcels, previously designated as “Park/Open Space” had been designated as “Quasi-Public” on Figure 2-4. Once these two parcels were included as “Park/Open Space,” the total acres for that designation returned to 112 acres. The revised Table 2-2, below reflects the correct acreage for the existing “Parks/Open Space” use (112 acres), as well as other existing and proposed land use designations by acre within the City limits.

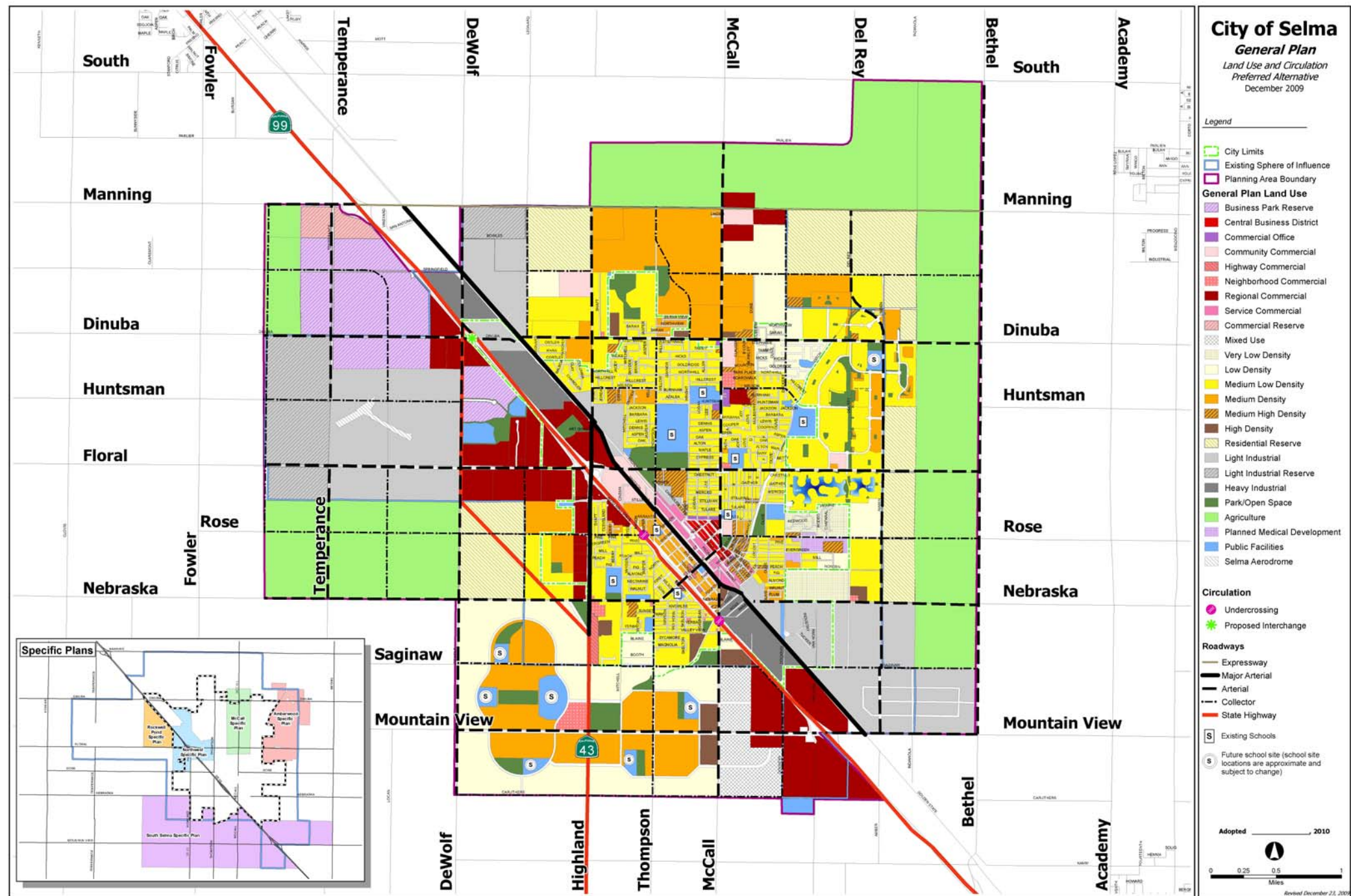
Figure 2-4 and Table 2-2 of the Draft EIR (pages 2-8 and 2-9) have been revised as follows:



PROPOSED LAND USE AND CIRCULATION DIAGRAM

Figure 2 - 4





PROPOSED LAND USE AND CIRCULATION DIAGRAM

Figure 2 - 4

**Table 2-2**  
**Existing & Proposed General Plan Land Use Comparison**  
**Within City Limits, SOI and Planning Areas (Acres)**

General Plan Land Use Category	Existing General Plan City Limits	Proposed General Plan City Limits	Existing General Plan SOI	Proposed General Plan SOI	Existing General Plan Planning Area	Proposed General Plan Planning Area
Community Commercial	87	<u>87</u> 74	<u>126</u> 427	<u>143</u> 443	<u>126</u> 427	<u>143</u> 443
Neighborhood Commercial	22	21	27	<u>23</u> 24	27	<u>49</u> 50
Regional Commercial	116	<u>177</u> 490	155	<u>774</u> 805	155	<u>901</u> 934
Service Commercial	39	39	39	39	39	39
Highway Commercial	5	19	201	19	<u>201</u> 202	19
Central Business District	19	19	19	19	19	19
Commercial Office	10	10	11	11	11	11
Commercial Reserve	<u>0</u> N/A	0	89	0	<u>184</u> 185	69
<u>Planned Medical Development</u>	<u>24</u>	<u>24</u>	<u>24</u>	<u>24</u>	<u>24</u>	<u>24</u>
Mixed Use <sup>1</sup>	<u>0</u> N/A	<u>0</u> N/A	<u>0</u> N/A	1	<u>0</u> N/A	193
<b>Subtotal Commercial</b>	<b><u>322</u> 298</b>	<b><u>396</u> 372</b>	<b><u>691</u> 668</b>	<b><u>1,053</u> 1,031</b>	<b><u>786</u> 765</b>	<b><u>1,467</u> 1,444</b>
High Density	11	31	45	<u>64</u> 62	45	<u>101</u> 400
Medium High Density	78	75	135	<u>89</u> 450	135	<u>95</u> 456
Medium Density	137	179	370	<u>839</u> 358	370	<u>1381</u> 900
Medium Low Density	<u>1,005</u> 1,091	976	2,017	<u>1,727</u> 1,952	2,094	<u>1,811</u> 2,036
Low Density	90	97	490	<u>481</u> 494	<u>490</u> 494	<u>1,072</u> 786
Very Low Density	<u>51</u> 52	52	<u>200</u> 204	<u>129</u> 404	<u>200</u> 204	<u>129</u> 404
Residential Reserve	<u>5</u> 6	0	442	152	<u>1,919</u>	992
<b>Subtotal Residential</b>	<b><u>1,377</u> 1,465</b>	<b>1,410</b>	<b><u>3,699</u> 3,700</b>	<b><u>3,481</u> 2,972</b>	<b><u>5,253</u> 5,256</b>	<b><u>5,581</u> 5,074</b>
Heavy Industrial	205	183	496	252	496	252
Light Industrial	240	<u>241</u> 240	481	1,286	481	<u>1,502</u>
Light Industrial Reserve	1	0	<u>1,355</u> 1,356	565	<u>1,433</u> 1,434	<u>565</u> 566
Business Park	<u>0</u> 4	0	<u>23</u> 24	0	<u>167</u> 469	0
Business Park Reserve	<u>1</u> N/A	2	212	208	623	<u>620</u> 649
<b>Subtotal Industrial</b>	<b>447</b>	<b><u>426</u> 425</b>	<b><u>2,567</u> 2,569</b>	<b>2,311</b>	<b><u>3,200</u> 3,203</b>	<b><u>2,939</u> 2,935</b>
<u>Planned Medical Development</u>	24	24	24	24	24	24
Public Facilities	<u>173</u> 474	<u>178</u> 492	<u>175</u> 476	<u>253</u> 267	<u>175</u> 476	<u>382</u> 367
Selma Aerodrome	0	0	22	22	22	22
Park/Open Space <sup>2</sup>	112	<u>112</u> 99	283	<u>229</u> 245	283	<u>339</u> 344
Agriculture <sup>1</sup>	<u>0</u> N/A	<u>0</u> N/A	<u>0</u> N/A	1	<u>0</u> N/A	<u>3,205</u>
<b>Total</b>	<b>2,431</b> 2,520	<b>2,522</b>	<b><u>7,437</u> 7,442</b>	<b><u>7,349</u> 6,843</b>	<b><u>9,719</u> 9,729</b>	<b><u>13,935</u> 13,416</b>
Right-of-Way	<u>863</u> 774	<u>796</u> 772	<u>862</u> 857	<u>949</u> 1,456	<u>1,026</u> N/A	<u>1,248</u> N/A
<b>Total With ROW</b>	<b>3,294</b>	<b>3,294</b>	<b>8,299</b>	<b>8,299</b>	<b><u>10,745</u> N/A</b>	<b><u>15,183</u> N/A</b>

Source: Quad Knopf, Fresno County GIS

Note: Totals may be off due to rounding. <sup>1</sup>The Agriculture and Mixed Use land use designations are new to the Plan Update.

<sup>2</sup>The Open Space designation has been changed to Park/Open Space for the Plan Update. ROW is estimated based on the total acreage of each boundary subtracted from the land use acreage totals (See Section 3.14 for a discussion on Park facilities).

Additionally, although the Project Setting (page 2-5 of the DEIR), provides the correct information regarding the size of the City, the City's SOI, and the Planning area boundary, the document states that the Planning Area boundary is not "proposed to be immediately changed." In fact, the proposed Planning Area boundary is larger than the existing boundary. The incorrect statement precedes Table 2-2, and may be confusing to the reader. The text of the DEIR has been revised as follows:

~~Neither the SOI nor Planning Area~~ boundary is not proposed to be immediately changed; however, it may become necessary to amend the SOI in the future as a result of Plan implementation.

A related table, Table 3.9-1 (page 3-150) of the Draft EIR describes the existing land uses within the city limits based on a "windshield survey" completed in May of 2007. Although the land use categories vary slightly from those used in Table 2-2, they do provide information concerning actual land use, in contrast to the designations assigned to each parcel in Figure 2-4. For example, according to Table 3.9-1, a total of 108 acres of "Park/Ponding Basin" were found to exist in the City according the on-the-ground windshield survey, while Table 2-2 shows that 112 acres of "Parks/Open Space" were designated within the City. Note that while the text referencing Table 3.9-1 incorrectly states that the windshield survey occurred in the SOI, the table heading shows correctly that the windshield survey occurred within the city limits. The text of the Draft EIR (page 3-150) has been revised as follows:

A land use survey was conducted in May 2007 and included all parcels within the SOI city limits in effect at that time.

**Comment 5.52:**

- a. The above requires clarification in order to identify potential significant impacts. How is the outside ownership and acreages of the 112 acres of park/open space within city limits comprised? (Please respond.)*

**Response 5.52:** The 112 acres of park/open space within the City is land owned and managed by the City of Selma. In addition to parks, the land includes ponding basins, cemeteries and other lands considered "open space" within the City. The total acreage does not include lands owned by the School District, Consolidated Irrigation District, or any other private or public land owners except the City of Selma.

**Comment 5.53:**

- b. How is the open space/park land information in Table 2-2 currently comprised and owned in the General Plan SOI ? (Please respond.)*

**Response 5.53:** See response to Comments 5.51 and 5.52 for information on the lands inside the city limits. Lands outside the city limits, but inside the SOI may be owned by private owners, commercial operators, or public entities. Open space in the SOI includes Rockwell Pond, owned by the Consolidated Irrigation District. Some of the land inside the SOI that has been designated for open space/park land has not yet been developed, but is expected to be developed according to the land use designations shown on Figure 2-4 (page 2-8) of the DEIR.

**Comment 5.54:**

- c. As the above information indicates, does the city rely on outside entities to provide approximately 50% of Selma's standard park land within its city limits? (Please respond.)*

**Response 5.54:** No, as described in responses to Comments 5.51 and 5.52, the City owns the land designated as park and open space within the city limits.

**Comment 5.55:**

- d. If Rockwell Pond comprises some of the land considered standard park acreage, are there other pending or future projects proposed for this land, or other intended uses by CID, which might eliminate the availability of this acreage for use as park land in the next 5, 10 or 20 years? Would these factors result in potential significant recreational impacts to recreation space within the city limits or SOI? (Please respond.)*

**Response 5.55:** Rockwell Pond is outside of the city limits, and is included in the City's SOI. Figure 2-4 of the Draft EIR illustrates that Rockwell Pond (west of Highway 99, between Floral and Dinuba Avenues) is designated as quasi public and park/open space. The City does not anticipate a change of use for this area. The Figure includes other lands inside the SOI that have not yet been developed. These lands include parks/open space, so that the City will continue to increase its parkland in proportion to the anticipated population increase.

**Comment 5.56:**

- e. It is noted the Consolidated Irrigation District (CID) commented on the NOP. In their comment letter dated 9/24/08, CID objected to the City's identification of their facility as "community open space." The objection was related to the District's mounting concerns over property vandalism, trash, a reduction in work efficiencies and reductions in the ability to recharge. How may CID's expressed position result in significant impacts to the supply of open space, the accelerated deterioration of remaining facilities, etc within city limits? Within the SOI? (Please respond.)*

**Response 5.56:** The City appreciates the CID's concern about the use of the open space and potential damage to this resource. The City intends to continue to utilize Rockwell Pond as a resource, and as such, will continue to protect it, as stated in Policy 5.7 (page 3-207).

**Comment 5.57:**

- f. Does the city provide any of its developer fee revenue, state or federal park funds, or grants toward the improvement, maintenance or rent of park acreage owned by outside entities? If so, please provide a breakdown of the amounts and recipients. (Please respond.)*

**Response 5.57:** Development fees as assessed under Ordinance 2003-5,3-17-2003 (see response to Comment 5.54, above), are to be used only for purchase and development of open space and recreational areas owned by the City. In some circumstances, up to 25 percent of the fees can also be used for improvement (but not maintenance) of City-owned recreational facilities only. Further analysis of this issue is beyond the scope of this document.

**Comment 5.58:**

- g. Does the city have any written agreements to insure its will have continued access and utilization to the approx. 58 acres of standard park acreage that is currently provided by outside entities within city limits? (Please respond.)*

**Response 5.58:** As noted previously in the responses to Comments 5.51 and 5.52, the City owns all of the land considered parks and open space within the city limits, and will therefore, continue to have access to those lands. Note that by law the park/open space designation can include School District property which is made available through cooperative agreements, although it is not included in the City of Selma's calculations of "open space." At this time, the City's agreement with the School District is not a written agreement. Although the City is confident that the agreement will continue to exist with the School District, the City acknowledges that "priority should be given to development of property already owned by the City for park programs."

**Comment 5.59:**

- h. If agreements exist to insure access to parklands, please indicate the duration of the agreement(s), any provisions in the agreements that might result in potential significant impacts, and the breakdown of acreage governed by the agreement. (Please respond.)*

**Response 5.59:** See response to Comment 5.58. Further analysis of specific agreements is beyond the scope of this document.

**Comment 5.60:**

- i. Are there potential significant impacts that might result if an outside entity decided to develop its land for other uses; or discontinue the practice of allowing members of the general public to use their facilities for recreational purposes; or demand monetary compensation from the City for use of their land as standard park space? (Please respond.)*



**Response 5.60:** Page 3-205 of the Draft EIR includes a discussion of the 1975 Quimby Act, which allows “municipalities to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements in combination with their projects, or pay fees in lieu thereof.” In addition, the City may “also establish impact fees outside of the authority of the Quimby Act based on its police power, its statutory duty to mitigate environmental impacts under the State Impact Fee statutes.” Also, under the Quimby Act, any open space that the developer utilizes for other purposes, or is not accessible to the public cannot be considered as compliant with the Act or the City’s related ordinances. These provisions discourage developers from using the land for purposes other than park/open space or to discontinue allowing the public access to their facilities. The Quimby Act and others do not apply to the School District, which is not required to maintain its agreement with the City.

**Comment 5.61:**

- j. Will the proposed hotel/auto dealership project impact access or supply of recreational/open space facilities? (Please respond.)*

**Response 5.61:** This comment appears to be in reference to the proposed Phase I and 2 of the Rockwell Pond Commercial Project. Although the proposed project referenced has yet to be approved and cannot be addressed directly, any future development is subject to the City’s ordinances regarding development fees. However, any commercial property without the development of any new residential units would not be required to either set aside lands for parks/open space or pay an “in lieu of fee” that could be used to develop park/open space land elsewhere in the City.

**Comment 5.62:**

- k. Might Selma’s reliance on outside sources for approximately 50% of its open space and park needs result in any other potential significant impacts to the environment, other than those provided as responses to these section IV questions and the initial study? If so, please identify those additional potential environmental impacts. (Please respond.)*

**Response 5.62:** As noted above, the City does not depend on outside sources for any portion of the parks/open space in the city. Specific projects planned in the future may require separate CEQA analysis and documentation to determine potential environmental impacts.

**Comment 5.63:**

- l. If necessary, please identify feasible mitigation measures to address any newly identified potential impacts. (Please respond.)*

**Response 5.63:** See response to Comment 5.62.

**Comment 5.64:**

3. *Table 2-2 on page 2-9 of the DEIR indicates Park/Open Space within city limits will decrease from 112 acres to 99 acres (a 13 acre reduction) as a result of the implementation of the General Plan. This would reduce the city's parkland contained within its city limits to 38.1% of today's existing park needs, with anticipated continued decreases in that percentage of ownership as the population of Selma increases.*
  - a. *Please describe specifically where this 13 acre decrease in park/open space will occur? (Please respond.)*
  - b. *When is this reduction expected to occur and what will be the projected population at that time. (Please respond.)*
  - c. *What potential significant impacts may result in one or more areas of the environment as a result of the reduction of these 13 acres of park/open space within city limits? (Please respond.)*
  - d. *Please identify feasible mitigation measures to lessen or avoid these described potential significant impacts to the environment. (Please respond.)*

**Response 5.64:** Please see response to Comment 5.52. No decrease from 112 to 99 acres will occur as a result of the General Plan Update: the (incorrect) reduction in acres was due to a redesignation of acres from "Parks/Open Space" to "Quasi-Public" on Figure 2-4 and in Table 2-2. This change has been reversed, and Figure 2-4 and Table 2-2 have been replaced in the DEIR to reflect the original designations. The two parcels that were involved were located at the northeast and southwest intersections of Floral Avenue and Thompson.

**Comment 5.65:**

4. *Policy 5.26 references a "Background Report of the General Plan" for information concerning future park and open space developments. I was unable to locate this report in the GP Update information supplied on the CD.*
  - a. *Please provide this "Background Report of the General Plan" to members of the public listed on the GP Update notification list as soon as possible and within the FEIR for members of the public not requesting special notice. If any information related to new significant environmental impacts or mitigation measures is contained within the "Background Report on the GP Update," the DEIR may require recirculation. (Please respond.)*
  - b. *The General Plan Update provides no information concerning the future park and open space improvements that may occur in existing city-owned park and recreation space. If improvements to parks and recreation areas do not occur, significant impacts may result from the substantial physical deterioration that would certainly occur. Please revise the DEIR to include specific information about the*

*improvements planned for each city-owned park or recreational facility anticipated in the next 5, 10, 15, and 20 years. (Please respond.)*

- c. If adequate improvements are not planned for existing facilities to purposefully address deferred and routine maintenance issues, please identify the specific significant impacts that may result and the mitigation measures identified to address those impacts. (Please respond.)*

**Response 5.65:**

a) The Background Report for the City's General Plan is on file at the City Planning Department. It can be requested from Gregory Martin at the City Hall Annex at 1710 Tucker Street in Selma.

b) and c) As this DEIR is a *Programmatic* EIR, rather than a *Project Level* EIR, the DEIR does not include planned use or improvement programs for recreational facilities at this level of detail.

**Comment 5.66:**

- 5. The DEIR and General Plan Update include policies 5.31 which will seek available state and federal funds as well as state grants for "park improvements" and "recreational programs" and "land acquisition."*

**Response 5.66:** Comment noted.

**Comment 5.67:**

- a. The terms used in this policy are not described. Will all city efforts utilized to seek these available funds be applied to all 57.4 acres of city-owned parks and recreational facilities?*

**Response 5.67:** The City's efforts to seek funding from federal, state, and local sources will be in support of the City's goals to "Provide adequate public and private open space for existing and future residents," and "Preserve and protect unique or natural recreation resources," and "Provide adequate and accessible open space and park facilities for active and passive recreation." Funding sources sometimes limit funding to specific uses, and the City will seek funding that will support as many uses of public open space lands as is feasible.

**Comment 5.68:**

- b. If the city is intending to seek the above described funding for some city-owned parks and recreational facilities but not others, please so indicate and describe the potential significant environmental impacts that may result from the policy, including the potential for mounting deferred maintenance in facilities due to the city's discretionary funding policies or practices.*

**Response 5.68:** As noted in response to Comment 5.67, the city will not limit potential funding based on type of facility, but will seek funding from all feasible sources for a wide variety of uses.

**Comment 5.69:**

- c. The DEIR indicates the 1975 Quimby Act (Government Code 66477) authorizes municipalities to pass ordinances requiring that developers set aside land, donate conservation easements or pay fees for park improvements. The DEIR does not describe the content of the City's Ordinance that responds to this act. How are the fees generated from this City Ordinance distributed between its 57.4 acres of owned park and recreational facilities? Please provide a description of the revenue amounts received over the last 5 years and the funds specifically expended on each of the facilities contained within the 57.4 acres.*

**Response 5.69:** See responses to Comments 4.2 and 5.60. The City's Municipal Ordinance 9-6-9.02: Park and Recreation Fees, directly references the Quimby Act and the provisions outlined under that act regarding "dedication of park of land and/or payment of a fee." As noted, development fees paid by developers of residential properties are to be used to develop parks and open spaces for the residents of that new neighborhood. Only under limited circumstances can any development fees be used for improvement to parks and open space, such as those where a park may already exist in the new neighborhood. The Draft EIR does not include detailed information on revenues for particular City programs.

**Comment 5.70:**

- d. Might significant impacts related to recreational facility deterioration result from the adoption of city policies that unevenly apply tax and grant revenues among the city's 57.4 acres of park and recreational facilities? Please describe these potential impacts. (Please respond.)*

**Response 5.70:** As noted in responses to Comments 5.60, 5.68, and 5.69, the use of development fees is limited to specific uses. The City will seek funding for existing recreational facilities and open spaces where appropriate.

**Comment 5.71:**

- 6. Recreational Goals 1, 7, 9, and policy 5.24 and 5.31 are appreciated.*

- a. Please indicate how these goals and policies will be applied to the city's unique recreational open space facility called Pioneer Village.*

**Response 5.71:** These goals, policies and standards will be used to assist the City in developing and maintaining parks and other open spaces throughout the City and its SOI. Goals and policies are written to apply broadly, as the City's parks and open spaces include recreational facilities, cultural resources of historic significance, and open space for use by the public. In addition to

protecting and managing these existing resources, the goals and policies will guide the City in developing new facilities as funding and opportunities become available.

**Comment 5.72:**

*b. The Cultural Resources section of the DEIR (Pg. 3-105) indicates the policies listed below in items 1-6 shall be included in the General Plan Update's Open Space, Conservation and Recreational Element. However, these policies were not carried over or described in the Recreation section of the DEIR. Are the following policies being integrated as policy to the Open Space, Conservation and Recreational Element? (Please respond.):*

- 1. The City shall require that discretionary development projects, as part of any required CEQA review, identify and protect important historical, archeological , paleontological, and cultural sites and their contributing environment from damage, destruction, and abuse to the maximum extent feasible. Project-level mitigation shall include accurate site survey, consideration of project alternatives to preserve archeological and historic resources, and provision for resource recovery and preservation when displacement is unavoidable.*
- 2. The City shall, within the limits of its authority and responsibility, maintain confidentiality regarding the locations of archeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.*
- 3. The city shall solicit the views of the local Native American community in cases where development may result in disturbance to containing evidence of Native American activity and/or sites of cultural importance.*
- 4. The city shall support efforts of other organizations and agencies to preserve and enhance historic resources for educational and cultural purposes through maintenance and development of interpretive services and facilities aat City recreational areas and other sites.*
- 5. The city shall develop and promote financial incentive programs for historic preservation efforts.*

**Response 5.72:** As noted in the comments, these policies are intended as mitigation measures, and will be included in the Open Space, Conservation and Recreation Element once the EIR is adopted by the City.

**Comment 5.73:**

- 6. Would the above 5 policies be applied to all open space and parks owned or not owned by the City of Selma within the city limits or SOI?*

**Response 5.73:** Policy 1 will apply to all discretionary developments, regardless of land ownership, throughout the city limits. Policies 2 and 3 will apply to all existing and future discoveries of archaeological sites throughout the City's jurisdiction, so that lands that are annexed or added to the City's SOI in the future will be subject to this policy at that time. Policies 4 and 5 will apply to all open space and parks within the City's SOI, with a priority on those owned by the City.

**Comment 5.74:**

7. *Are the above policies (if adopted) intended to apply to Pioneer Village, the Pioneer Village Commission and Volunteers, as well as others? (Please Respond.)*

**Response 5.74:** As noted under response to Comment 5.73, policies 1 – 4 will apply to Pioneer Village. The City will continue to support the efforts of Pioneer Village Commission and Volunteers and others in their efforts to preserve, enhance, and educate the public about these important resources.

**Comment 5.75:**

- c. *The DEIR describes each of the park and recreational facilities owned by the City of Selma. These park and recreation resources have similarities and differences in the amenities and benefits they provide to the public. An accurate description of the facilities is necessary to assist in the identification of any significant impacts that might uniquely apply to one or more of these parks and recreational facilities.*

**Response 5.75:** Comment noted. Park and recreational facilities are described in more detail in the Background Report of the City's General Plan.

**Comment 5.76:**

1. *To improve the informational quality of the DEIR, please revise the DEIR document to indicate the Pioneer Village facility is located at 1880 Art Gonzales Parkway. (The facility does not front Highland). Attachment A to this letter provides the parcel map to better describe its vicinity. (Please respond.)*

**Response 5.76:** See response to Comment 5.15

**Comment 5.77:**

2. *The DEIR (pg 3-211, 3-212) calls out important components of each park. However, the improvements contained in Pioneer Village should also call out the large bandstand, the large grassy area and mature shade trees. (These features are in common with those amenities described in the Berry, Brentlinger, and Lincoln Parks) In addition, the County Landmarked c.1884 St. Ansgar's church, the 1901 one-room school house, the 1887 SPRR Depot and other structures are*

*utilized to teach county history to school children and visitors. The facility is also used for large events and cultural activities.*

*The Pioneer Village Commission and volunteers are currently raising funds to preserve the historic structures contained in the recreational facility, repair the irrigation system, expand its educational facilities, maintain the restrooms, pay utilities, etc. In the past, this unique open space recreational facility has not been a recipient of developer fee revenues, or federal or state park funding. In addition, although the facility provides educational programs for low income children, CDBG funds which could be used to improve the facilities used for these educational programs, have been unavailable. Could the continuation of this discretionary funding practice result in deferred maintenance increases, accelerated deterioration and previously unidentified significant impacts to the mature trees, buildings, water supplies and park facilities? (Please respond.)*

**Response 5.77:** The overview concerning Pioneer Park is sufficient for CEQA purposes. As noted in response to Comment 4.6, the City will continue to support funding efforts for all of its parks and open spaces, including Pioneer Village. Typically, funding from specific sources is limited as to its use. For example while some funds can be used only for purchasing land for parks, other funds can be used for maintenance. As noted in response to Comment 5.69, as an existing park Pioneer Village is not eligible to receive funding from development fees. As a cultural area of importance, however, Pioneer Village may be eligible for educational funding that cannot be used at other local recreational facilities or parks. Also, because some funding, such as CDBG (Community Development Block Grant) funds can be utilized for a wide variety of purposes, the amount received by the City is limited to specific projects. In the case of CDBG funding – which is provided through HUD, funds can also be used to provide grants for low-income housing and revitalization of low-income housing. The City of Selma, in an agreement with the County of Fresno and seven other cities in the County, receives a sum of money from CDBG and other HUD fund sources. The County Board of Supervisors allocates the funds to the cities and County based on a listing of priorities. More information on CDBG and other federal sources of grants and loans is available on the County of Fresno website. Although it may appear as a “discretionary funding practice” that can result in deferred maintenance, the City does not prioritize its historic resources and parks as less important than other projects, but works to best utilize the funds they receive within the restraints that come with the funding sources.

The City’s staff involved in Community Development work with the Public Works and other staff to determine the priorities for funding opportunities. Supporters of Pioneer Village and other groups concerned with the City’s historic resources, housing issues, recreational opportunities, and other resources are encouraged to work with the City staff to seek and apply for funding.

**Comment 5.78:**

*I again want to express my appreciation for considering the addition of open space, conservation and recreation policies described on DEIR pages 3-104 - 3-105. These policies will greatly*

*benefit Selma and the continued improvements to and maintenance of Selma's Pioneer Village Historical Park.*

*Pioneer Village Historical Park is located on 14.41 acres of gifted land dedicated by the donor to the establishment of a pioneer village and museum. The donated setting is a unique recreational resource that includes open space, grassy areas, historic buildings, a bandstand, restrooms, a restaurant and abundant shade provided by a variety of mature trees, including a number of oak rarely seen in the central valley. Together this unique recreational and educational facility within its park-like setting provides an opportunity of learning and an area of cultural and historical reflection and insight.*

*Carl and Bernadine Ruegg owned approximately 200 acres in the immediate area and chose to donate their desirable high ground, with freeway frontage, approximately 38 years ago for the edification and enjoyment of future generations. Their donation's intended use was the creation of a pioneer village and included a reversion clause returning the land to Mr. Ruegg's heirs, successors or assigns if the land is used for another purpose. The extensive collection of agricultural and historical artifacts was donated by Art Gonzales for the benefit of future generations.*

*Following the leadership of these three respected citizens, and with knowledge of these gifts' intended legacy through benefit of public hearings, others followed suit and donated their important family artifacts, time, money, a 1906 barn, and a beloved intact historic Danish-American Lutheran Church. These privately owned buildings and collections joined the historic 1904 Vincent Home, the 1887 SPRR Depot, 1901 one-room Lincoln School, Goble Store, etc. In addition to providing space for contextual display of artifacts, the buildings of Pioneer Village, some of which are the county or state's oldest surviving, provide insight into the development of our unique Fresno County history and culture.*

*Mr. Ruegg and Mr. Gonzales understood the interior of Fresno County held an unmatched history of statewide, nationwide and worldwide significance. This significance was created by the local development of a unique colony settlement system at a key position in time when people around the world were seeking respite from the ravages of starvation, invasions, land shortages, exterminations, etc., being experienced in their homelands. They came with the hope of opportunity and the prospect of self destiny to the colonies, facilitated by the newly introduced railroad. The combination of factors instigated a sustainable response from around the world that created our cultural diversity and simultaneously planted the seeds for the areas transformation into the largest, most diverse agricultural economy in the world.*

*The gifts from the Ruegg's, Mr. Gonzales, and members of the community are there to help future generations understand of what they have been made and the opportunities that, like those of that first generation, laid hidden in full sight in the dirt! These stories remind us to look in the unlikely places. They tell us of the reward of hard work. They tell the stories of the contributions this area has made to the state and the union. But, more importantly, together they tell of the important contributions these immigrants from all over the world provided for us. The desert failed to give up its wealth until those of our past found an intriguing solution that in turn provided a promise call to those who needed a new homeland—and in some cases—the quicker*



*the better! Our story is of the strength that came from that diversity and how that diversity built the largest agricultural industry in the world.*

*“How can we not want to know about the people who have made it possible for us to live as we live, to have the freedoms we have, to be citizens of this greatest of countries of all time? It’s not just a birthright, it is something that others struggled for, strived for, often suffered for, often were defeated for and died for, for us, for the next generation.” David McCulloch*

*The buildings, land and artifacts of Pioneer Village are a combined gift comprising a uniquely useable open space of recreation that is pleasing to the senses and the intellect of man. (Not to mention a wonderful space for horse-drawn wagon rides and blacksmithing demonstrations.) It is our privilege and duty to link this remarkable past to the future.*

**Response 5.78:** Comment noted. The City of Selma values and appreciates the commentor’s input.

**Comment 5.79:**

***Conclusion:** The General Plan represents an agreement on the fundamental values and a vision that is shared by the residents and the business community of Selma and the surrounding area of interest. Its purpose is to provide decision makers and City staff with direction for confronting present issues, as an aid in coordinating planning issues with other governmental agencies, and for navigating the future—for our future generations.<sup>iv</sup> The work involved is important and as a community volunteer and person who shares a long family heritage in Selma, I feel privileged to be able to have a voice in the outcome. The very ability to participate in an activity such as this did not come without sacrifice of others.*

*I hope this comment letter is received with the knowledge it is offered in the interest of encouraging the future development of the community of Selma in a manner that continues to always be pleasing to the senses and intellect of man. Please include this letter in the administrative record and notify me of the recirculation of the DEIR or release of the FEIR.*

**Response 5.79:** Comment noted.

**Commenting Agency #6**

The Choinumni Tribe of Yokuts Indians  
P.O. Box 3523  
Clovis, CA 93613-3523

**Comment 6.1:** *I appreciate hearing from you regarding the project, and it is imperative to the Yokuts of the Central Valley that we are kept informed and to know that any disturbance throughout the Central Valley will affect our ancestral boundaries, sacred, and cultural sites,*

*and regardless, of any findings on you reports of rather there are or there aren't any evidence and/or discoveries of any human remains artifacts, plants or historical landmarks of this tribe.*

*After reviewing the data, there is evidence that supports the historical existence of several Yokut bands throughout the Central Valley, including along the San Joaquin and Kings River, adjacent to other Yokut territories within several other counties. And historically, it is a known fact how progress has toyed with our existence a thousand times and more than 500 years dating back 1800's to current.*

*Therefore, it is utmost importance to entertain all concerns and decision in to this matter, and do not hesitate to contact me or the tribal within the general area.*

**Response 6.1:** Comment noted. Future projects may be subject to site-specific environmental review, including cultural records searches, site surveys and further consideration. Also, see response to Comment 5.32 regarding protection of archaeological sites and Native American activities.

#### **Commenting Agency #7**

Land Development Services, Inc.  
923 Van Ness Avenue, Suite 200  
Fresno, CA 93721

**Comment 7.1:** *As you may recall, my firm represents Ms. Barbara Stepanian regarding the subject property. I have received a copy of the City of Selma General Plan Update 2035 DEIR. I understand the public review period ends on October 30, 2009.*

*The subject property is within the planning boundary and the land use designation will be changed from agricultural to industrial. The property is located east of Golden State Blvd and the railroad tracks and north of Mountain View Avenue. The property APN is 393-073-20. Please see the enclosed Proposed Land Use and Circulation Diagram Figure 3.15-1 with the subject property identified.*

*My client is concerned regarding future access to their site. As you know the site has no access from N. Golden State Blvd, and likely with less than 200 ft. of frontage and proximity to the railroad tracts and N. Golden State Boulevard, no access from Mountain View Avenue. The DEIR includes policy and mitigation measures; however there is no policy to insure that a property is not landlocked. My client and I suggest that the document include a policy not to landlock a parcel and to work cooperatively to provide logical access over and across other properties for efficient use of the property. The City of Clovis requires a Quarter Section plan with entitlement applications. The Quarter Section Plan includes lotting patterns and access so that future development of adjacent parcels is not haphazard.*

*Policy 2.55 To preserve the viability of the Golden State Industrial Corridor, uses or activities shall not be permitted to encroach so as to reduce the efficiency of the rail system.*

*Mitigation Measure #3.15.3.lb states, "The intersection of Mountain View Avenue and Golden State Boulevard is expected to require special treatment and further study for construction of a grade separation for the existing railroad tracks."*

*Mitigation Measure #3.15.3.1e states "Several constrained intersections and road segments are expected to operate at substandard levels of service with implementation of the proposed General Plan, primarily because the intersections and the adjacent properties are already developed. Projects that directly impact these intersections shall incorporate trip and transportation demand reduction techniques to reduce the severity of this impact, including the following:*

- *Ridesharing programs for employees.*
- *Enhanced transit access.*
- *Enhanced bikeway access and storage.*
- *Employee shift changes that are not on the PM peak hour.*

*Under Road Segment, the following road segment is considered to be constrained: "Mountain View Avenue between Dockery and Bethel Avenues (LOS F if constructed as an "Arterial," not constrained if converted to a "Major Arterial."*

*Policy 2.3.1~Major Arterial Street Standards states, "Where practical and desirable, driveways should be located on adjacent arterial or collector streets rather than on major arterial streets.*

*Table 3.15-6 North-South Street Designations proposes a 4 lane arterial on Amber Ave. from Nebraska to Mountain View.*

*It appears that this proposed 4 lane arterial would likely provide the only access near to the subject site; however a local road system would be required to actually access the site.*

*My client and I request that the city plan and provide for access to this site in accordance with its proposed industrial use or at minimum include a policy that no parcel will be landlocked.*

**Response 7.1:** Cities are required by the California Map Act (Government Code §66474(g)) to provide access to parcels, and therefore, cannot “landlock” a parcel. If public access exists to the property, that access will be sustained by the City.

### **Commenting Agency #8**

Circle K Ranch  
8700 S. Leonard Avenue  
Fowler, CA 93625-9726

**Comment 8.1:** *We have reviewed the Selma General Plan Update 2035 Draft Environmental Impact Report during this 45 day review period and found that an important modification was*

*not included to expand the sphere boundary to the north side of Manning Avenue, east of Leonard Avenue.*

*We attended a city council meeting in April of 2008 where it was agreed by council to extend the sphere boundary north of Manning Avenue up to the Parlier Avenue alignment between Leonard Avenue and the Highland Avenue alignment (Fowler Switch canal). City staff and planners agreed with Circle K Ranch at the time that it is more desirable for Selma's future to have that 160 acre block instead of the 160 acre block north of Parlier Avenue between Del Rey and Bethel Avenues. This allows the north sphere boundary to be a straight line along the Parlier Avenue alignment from Leonard Avenue all the way to Bethel Avenue.*

*It is in the best interest of the city of Selma to have the desirable Manning Avenue frontage that is across the street from the current sphere of the city of Selma. In the future it will make it available to develop both sides of Manning Avenue together making for a more attractive northwest entrance in to the city of Selma.*

*This Manning Avenue area is the northwest gateway to the City of Selma and is too important to neglect from the Selma General Plan Update 2035. Furthermore, the city council had recognized this fact in the April 2008 vote to have that area included in this General Plan Update.*

**Response 8.1:** The Commenter is correct in stating that the area north of Manning Avenue between Leonard and Highland Avenues, and south of Parlier Avenue was to be included in the Planning Area for this General Plan update, and that the area between Del Rey and Bethel Avenues, north of Parlier and south of South were to be excluded. Because the area directly north of Manning Avenue was not included in the Draft EIR analysis, potential impacts to resources that could occur as a result of the General Plan were not evaluated. The City Council can request, in an action separate from this EIR, that this area directly north of Manning Avenue be analyzed to determine if any impacts to resources may occur.

#### **Commenting Agency #9**

County of Fresno Department of Public Health  
Environmental Health Division  
1221 Fulton Mall  
Fresno, CA 93775

**Comment 9.1:** *The Fresno County Department of Public Health, Environmental Health Division has reviewed the Draft Environmental Impact Report for the above noted project, and concurs with the information contained within and has no comments to offer at this time.*

**Response 9.1:** Comment noted.

### **Commenting Agency #10**

CAL FIRE – Fresno Kings Unit  
Fresno County Fire Protection District  
210 South Academy Avenue  
Sanger, CA 93657

**Comment 10.1:** *The CAL FIRE-Fresno Kings Unit has reviewed the Draft Environmental Impact Report (DEIR) submitted to us for comment and appreciates having the opportunity to do so. As written, we find no existing issues with the plan requiring permitting, approval, or involvement from this department. Please note that this department has regulatory responsibility governing commercial timber operations on private lands under Title 14 of the California Code of Regulations. Commercialization of forest products or conversion of land zoned for timber production into alternative uses does require a significant permitting process. If the potential for either of these activities arises please contact the Fresno Kings Unit for assistance. In the interest of exercising due diligence to the management principles governing this department we have the following recommendations:*

- *Large canopy street trees are installed with adequate space to accommodate future growth to the full extent of projected lifespan.*
- *Installation of trees is considered part of city infrastructure bearing in mind potential benefits.*
- *Inclusion of a City Ordinance governing street trees if one is not already in place.*

**Response 10.1:** Comment noted.

### **Commenting Agency #11**

Chevron  
6111 Bollinger Canyon Road  
BR1Y/3484  
San Ramon, CA 94583

**Comment 11.1:** *Chevron Environmental Management Company (CEMC) recently became aware of the Draft Environmental Impact Report for the Selma General Plan Update 2035. The purpose of this letter is to notify stakeholders of the Selma Planning Division as to the location of a formerly active crude-oil transportation pipeline located within the City of Selma (Figure 1). The intent is that the pipeline location information will be incorporated into future engineering and environmental documents associated with the Selma General Plan update.*

*In the early 1900s, Tidewater Associated Oil Company (TAOC) built a pipeline system to transport heavy crude oil from oilfields in the southern San Joaquin Valley to a refinery in the*

*San Francisco Bay Area. This pipeline system operated until the early 1970s when it was decommissioned. Currently, CEMC manages work associated with this historic pipeline system.*

*Evidence of historic releases associated with the formerly active pipeline is sometimes identified during the course of underground utility work and other subsurface construction activities near the pipeline right of way. Generally, residual weathered crude oil associated with TAOC's historical pipeline operations can be observed visually; however, analytical testing is necessary to confirm that the likely source of the affected material is associated with the former TAOC system. Analytical results from human health risk assessments performed by CEMC at several known historical pipeline release sites confirm that soil affected by the historic release of product from the pipelines is non-hazardous, and does not pose significant health risks.*

*CEMC's experience indicates that the potential exists for subsurface soil along and near the TAOC historical pipeline alignment to be affected by undocumented residual weathered crude oil; however, encountering affected soil from these pipelines should not delay the progress of future City of Selma projects. CEMC requests to remain informed of any planned construction and land development projects in the vicinity of the former TAOC alignment.*

*In addition, to facilitate the identification of City of Selma development and infrastructure projects proposed for construction along the pipeline easements, Chevron requests that Geographic Information System (GIS) regional transportation and land development planning data be provided. At your request, Chevron will provide GIS data that illustrates the location of the former TAOC pipeline within the City of Selma.*

**Response 11.1:** The City appreciates CEMC's providing this information, which could impact development along the former pipeline route. The City will contact CEMC directly to coordinate sharing of GIS data.

### **Commenting Agency #12**

Central Valley Flood Protection Board  
Floodway Protection Section  
3310 El Camino Avenue, Room LL40  
Sacramento, CA 95821

**Comment 12.1:** *Staff for the Central Valley Flood Protection Board has reviewed the subject document and provides the following comments:*

*The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board (Formerly known as The Reclamation 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 and 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).*

**Response 12.1:** The City appreciates the Central Valley Flood Protection Board's efforts to assure compliance with its standards. Applicants for future development, alteration or removal of structures, etc. in the Board's jurisdiction will be referred to the Board.

### **Commenting Agency #13**

Law Offices of William D. Ross  
520 South Grand Avenue, Suite 300  
Los Angeles, CA 90071-2610

**Comment 13.1:** *First, the District [Fresno County Fire Protection District] incorporates its substantive comments on the DEIR for a Project before the City entitled "Rockwell Pond Commercial Project," also filed on this date, CSH No. 007061098.*

**Response 13.1:** Comment noted.

**Comment 13.2:** *As the general plan update contemplates, development outside the current City limits of the City within the Planning Area set forth in DEIR Figure 2-2, much of which is outside the current sphere of influence of the City but all of which it is within the District. The principal concerns of the District are that there is an inadequate Project description as well as consideration of the Project impacts should development (consistent with the proposed general plan) proceed outside the current City limits requiring a change of the City's boundary, which could involve detachment of territory from the District. Should that be the case, then the concerns advanced with respect to the Rockwell Pond DEIR are equally applicable with respect to any development that would proceed in the Planning Area of the Project.*

**Response 13.2:** Comment noted. The fact that ultimate annexation and development of property within the proposed SOI could necessitate detachment from the District with fire protection service being provided by the City of Selma is acknowledged.

If future development were to include an adjustment to city limits requiring a change of the City's boundary, the City would first need to have an annexation or change in SOI approved by

LAFCO. In this event, the City would notify the District of its intent. In addition, the Land Use Element includes policies to support development only in areas with urban services or within a master plan to provide those services (See Policies 1.94 and 1.96, pages 1-24 and 1.25 of Land Use Policy document).

**Comment 13.3:** *Again, although economic impacts of a Project are normally not required to be assessed under CEQA, here, because of the combination of the current economic situation and its impact on the City (as well as other local governments) there will be an impact on public services because of the reduction of available revenue to fund those services and their related acquisition of facilities and equipment.*

*From the District perspective this is particularly critical with respect to the remnant portions of the District should annexation of property (developed under the proposed general plan) occur to the City with detachment of that same territory from the District.*

**Response 13.3:** The City understands the District's concerns regarding potential economic impacts. As noted on page 3-194 of the DEIR, the City and District entered into an automatic aid agreement in 2008, so that either City or District fire personnel will respond to medical and fire calls, depending on which is closer to the event. Although it is beyond the scope of this DEIR to address economic issues, as is noted above, the DEIR does explain that funding for the City's fire department is derived from general fund revenues, ambulance enterprise funds (revenues realized from ambulance patients), Community Facilities Districts, Development Impact Fees, Measure S, a Federal Assistance to Firefighters Grant, and a State Homeland Security Grant. These funds support existing facilities and services, and will be used in the event that expanded services become necessary. Also, please see response to Comment 13.2.

#### **Commenting Agency #14**

City of Fowler  
1128 South Fifth Street  
Fowler, CA 93625

**Comment 14.1:** *Thank you for the opportunity to review and comment on the Draft EIR for the proposed update of the Selma General Plan. The proposed project is an update of the Selma's General Plan to the year 2035. Selma's current population is 23,300 and the City could reach approximately 64,600 persons by 2035 based on an average of 4% growth per year, or 50,250 persons at a 3% annual growth rate. This Plan Update would accommodate up to 94,237 persons.*

*Fowler has several concerns which are summarized below.*

- 1. The 4.0% average annual growth rate appears unreasonable, especially given the County's expected growth rate of about 2% and Selma's past growth rate between 1980 and 2000 of about 2.5%. Growth rates used in a General Plan must be realistic so that excess lands are*



*not designated for urbanization and so other agencies such as the City of Fowler, Fresno County, SKF, Caltrans, COG, and LAFCO can adequately plan for the future.*

**Response 14.1:** According to the 2007 Council of Fresno County Governments (Fresno COG), the City of Selma increased by 15.2 percent between 2000 and 2006. In comparison the City of Fowler increased by 16.7 percent, while nearby Reedley increased by 18.83 percent. These numbers indicate that there is much variation in population increase rates among the cities in Fresno County. Annual growth rates continue to be highly variable. Growth rates in Selma varied from .25 percent to 5.4 percent per annum between 1997 and 2004, and 4 percent was determined to be the reasonable average during that time. As stated on page 3-178 of the DEIR, “there is no guarantee the city of Selma’s population growth rate will be 4.0% on average for the next 25+ years.” The City has attempted to mitigate potential problems that could occur with a rapid rate of growth by including goals and policies to address planned growth, such as Goal 20 and Goal 21 and associated Policies 1.92 through 1.100 (pages 1-24 through 1-26 of the Land Use Element Policies). Goal #20 states, “Maintain a viable population growth rate in Selma over the plan period that provides for orderly growth with minimal adverse impacts upon City services within the community and consistent with the character of Selma, and with a planned average annual growth rate of 4.0 percent.” Goal #21 states, “The City shall establish Urban Development Boundaries to direct growth into areas with adequate infrastructure.”

**Comment 14.2:**

2. *The DEIR states that an SOI update is not proposed. Also, Policy 1.95 of the plan update also calls for establishment of an Urban Development Boundary for populations of 40,000 and 70,000 but no proposed UDB is shown. These boundaries are important indicators of potential land use and urban service impacts and should be designated on the land use map. For example, how much land will be needed and will an SOI update be required for a population of 40,000?*

**Response 14.2:** Policies 1.96 through 1.101 were not included in the DEIR, but, along with Policy 1.95 (referenced above), are intended to support the City’s Goal #21 to “establish Urban Development Boundaries to direct growth into areas with adequate infrastructure.” No UDB is shown on figures as it has yet to be established. Policy 1.96 states:

Establish Urban Development Boundaries as urbanizable areas within which a full-range of urban services will need to be extended to accommodate urban development. These boundaries shall be established based on the following factors:

- a. Adequate residential, commercial and industrial capacity for the planning period.
- b. Inclusion of at least a 50 percent vacancy factor (“flexibility factor”) for residential and commercial development.
- c. Provision of adequate industrial land.

- d. Adequacy of infrastructure including existing and planned capacity of water and sewer facilities, school, roadways, and other urban services and facilities.
- e. Community growth priorities.

The DEIR, page 3-148 also recommends that Policy 1.95 be modified to state, “The City shall maintain a 40,000 population and 70,000 population Urban Development Boundary (UDB) that limits development to within those boundaries until the City’s population exceeds the corresponding UDB population. The City shall maintain an adequate supply of zoned residential land to meet 10 years of its Regional Housing Needs Allocation, a 10-year supply of zoned commercial land, and a 20-year supply of industrial land. The City shall amend the SOI, UDBs, annex areas meeting LAFCO criteria, and redesignate “Reserve” lands within the Planning Area as necessary to maintain such supply.”

This policy and the others can be found on page 1-25 and 1-26 of the Land Use Policy section of the General Plan, which is available from the City Planning Department.

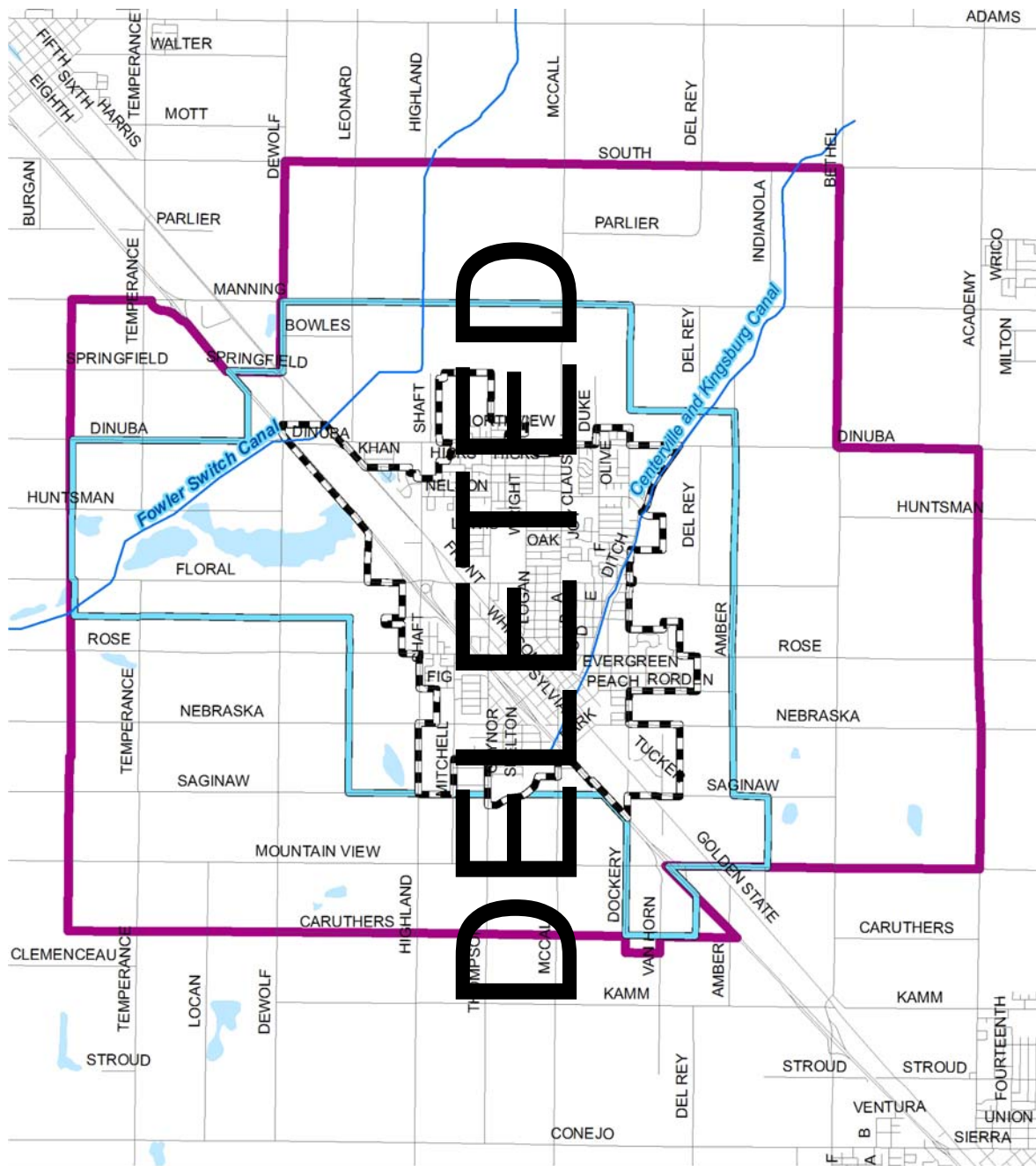
**Comment 14.3:**

- 3. *Although the eastern boundary of the Planning Area is Bethel Avenue, several maps in the document (i.e. Figure 2-3a on p. 3-231) show the eastern boundary extending to Academy. The purpose of the Planning Area boundary is not clear, especially when large areas are designated for agriculture. Fowler is concerned about an expansion north of Manning Avenue. This area is within the Planning Area but not proposed for development. Please explain how or when this area might be considered for development.*

**Response 14.3:** The Draft EIR Figures 3.8-5, 3.8-6, 3.14-1, 2.3-a, and 2.3-b (pages 3-140, 3-142, 3-217, 3-231, and 3-232) have been revised as shown on the following pages, to reflect the correct Planning Area boundaries.

The City understands the concerns of Fowler and its other neighboring cities regarding expansion of Selma into agricultural lands. It is the intent of the City of Selma to develop long-term plans for surrounding lands, so that land use outside the SOI remains consistent with the General Plan when possible. Goal 1 of the Land Use Element is to, “Protect adjacent and nearby agricultural lands within the City’s Planning Area, while providing for logical growth of the City.” Policy 1.1 supports that goal by describing the AG land use category: “This designation provides for agriculture and agriculturally-related uses with a 20-acre minimum lot size, and is generally applied to lands outside of urbanized areas or areas planned for future urbanization. Although lands designated Agriculture are not always under the direct control of the City of Selma, the agricultural designation of these lands is intended to express the City’s preference that these areas remain in agricultural use and production.” As noted in Policy 1.95 (see response to Comment 14.2), “The City shall not develop or annex areas designated as “Reserve” within the Planning Area until such time as additional land is needed.” Policy 1.97 lists the factors used to determine when land is appropriate to consider for development. Policies 1.98 through 1.105 further limit the use of “Reserve” lands. These policies are located on pages 1-26 and 1-27 of the Land Use Policy section of the General Plan.

More specifically, lands north of Manning in the Planning Area, except for a piece of property designated for regional commercial use at the northeast corner of Manning and McCall Avenues, are intended to remain in agricultural production, as well as serve as green space, and offer a buffer between the cities of Selma and Fowler.



#### Legend

- City Limits
- Sphere of Influence
- Planning Area

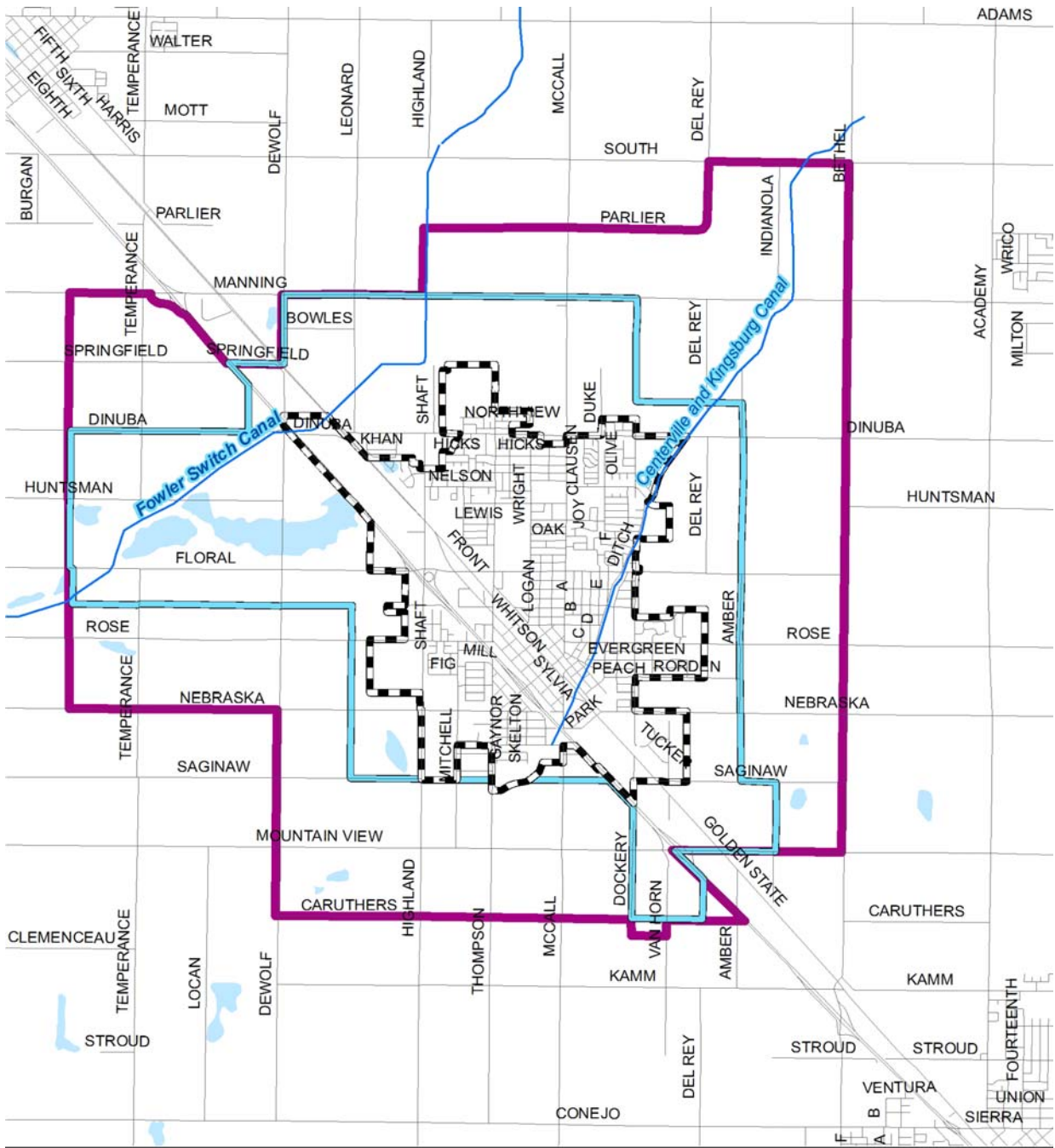
#### FEMA

- Zone A - Areas subject to 100-year flood. Base flood elevation undetermined.
- Zone X500 - Areas between the limits of the 100-year and 500-year flood;
- areas subject to 100-year flood with avg. depths > 1 ft.; where the contributing drainage area is > 1 sq. mile; or areas protected by levees from the 100-year flood.

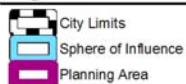


## 100-YEAR FLOODPLAIN

Figure  
3.8-5



#### Legend



#### FEMA

- Zone A - Areas subject to 100-year flood. Base flood elevation undetermined.
- Zone X500 - Areas between the limits of the 100-year and 500-year flood;
- areas subject to 100-year flood with avg. depths > 1 ft.;
- where the contributing drainage area is > 1 sq. mile; or areas protected by levees from the 100-year flood.



## 100-YEAR FLOODPLAIN

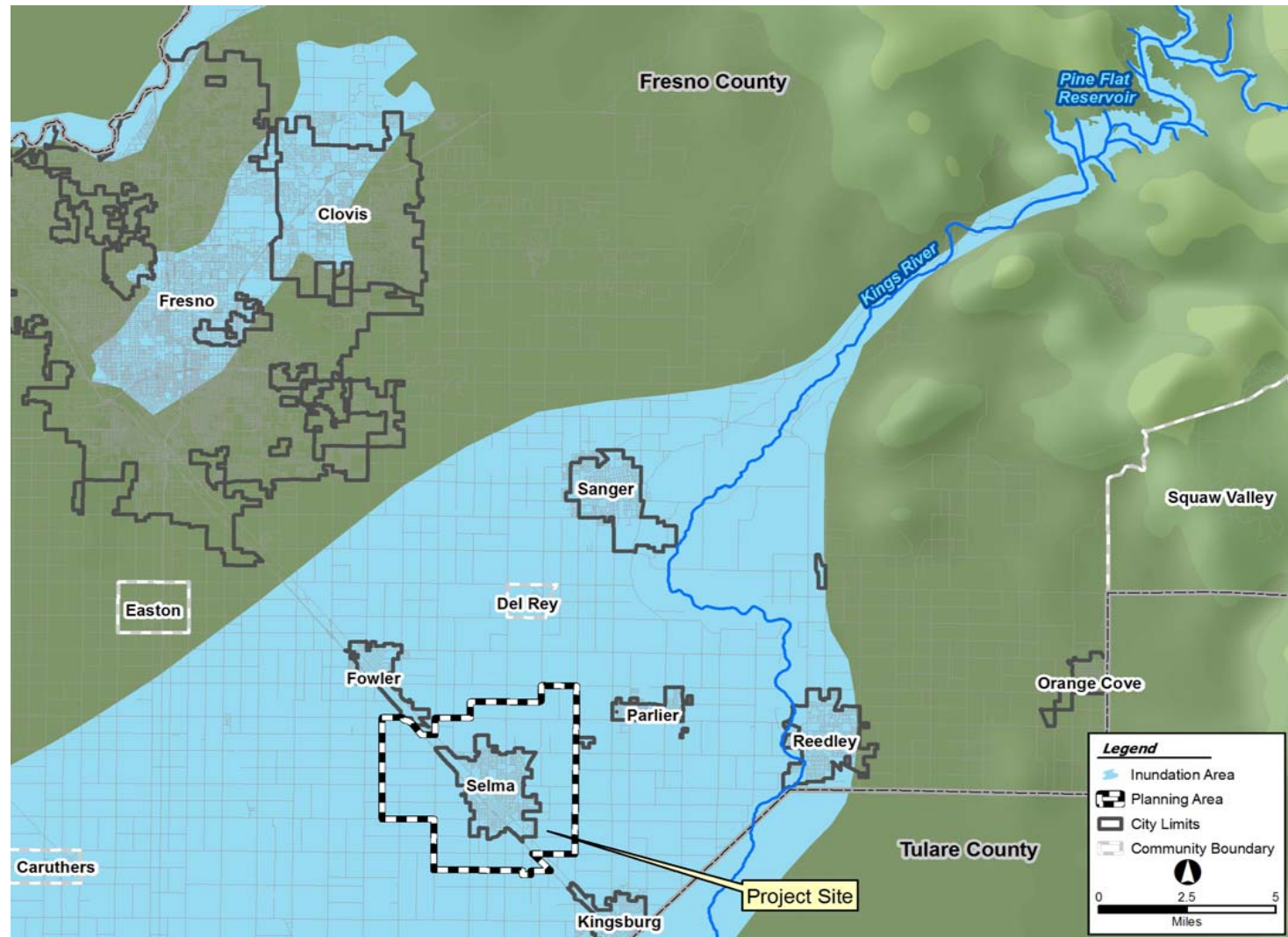
Figure  
3.8-5





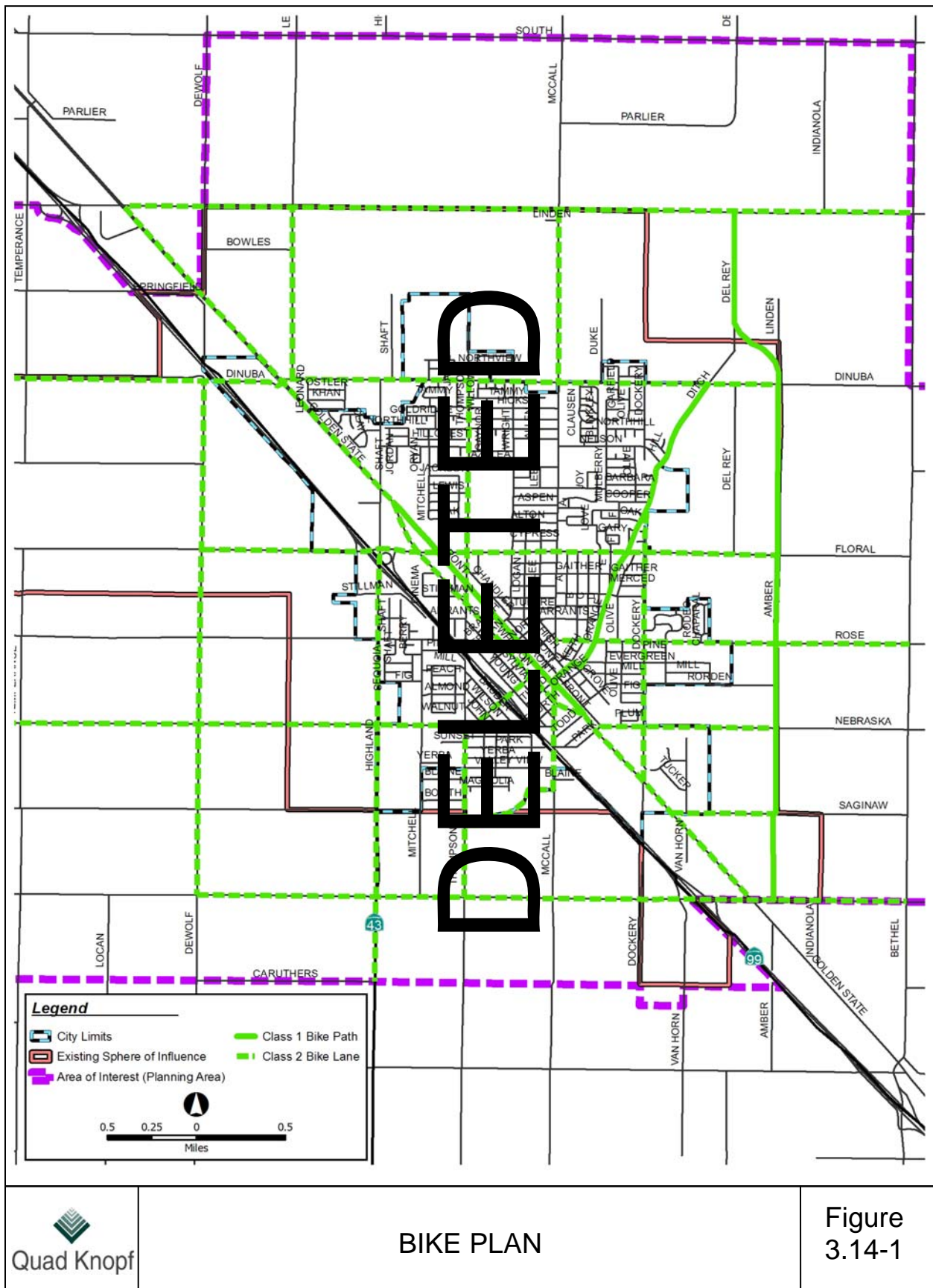
PINE FLAT DAM FAILURE INUNDATION AREA

Figure 3.8-6

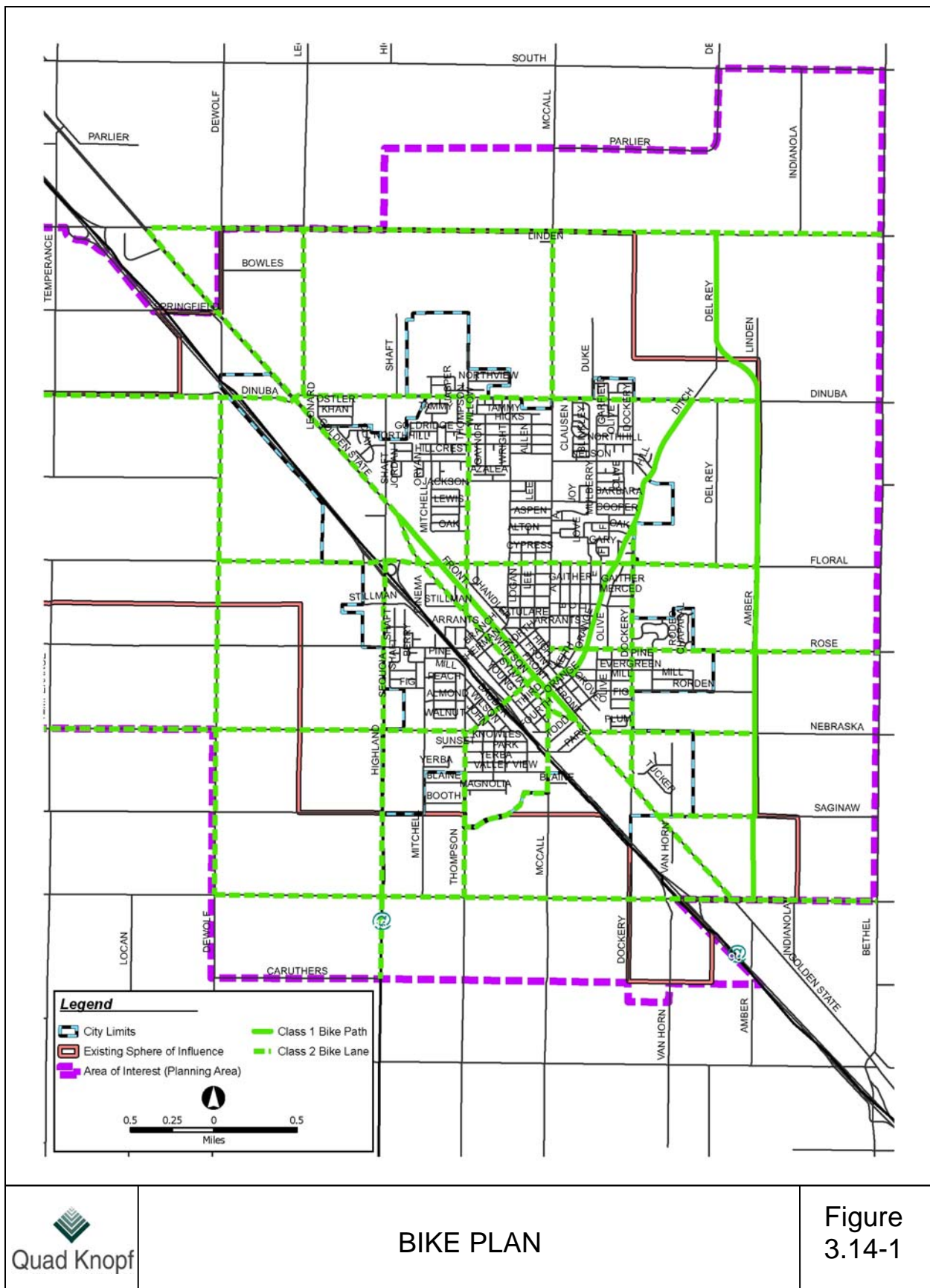


PINE FLAT DAM FAILURE INUNDATION AREA

Figure 3.8-6







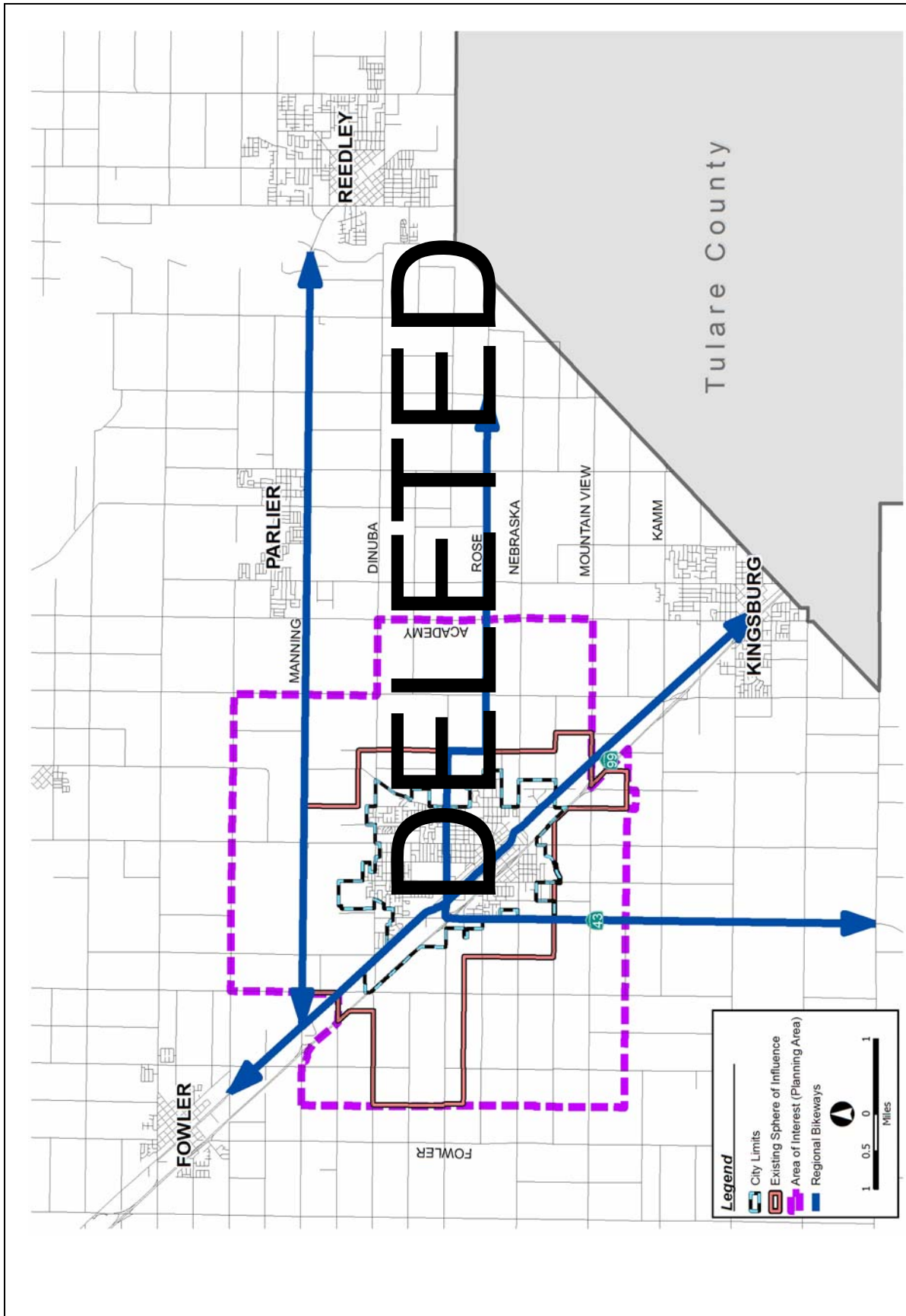
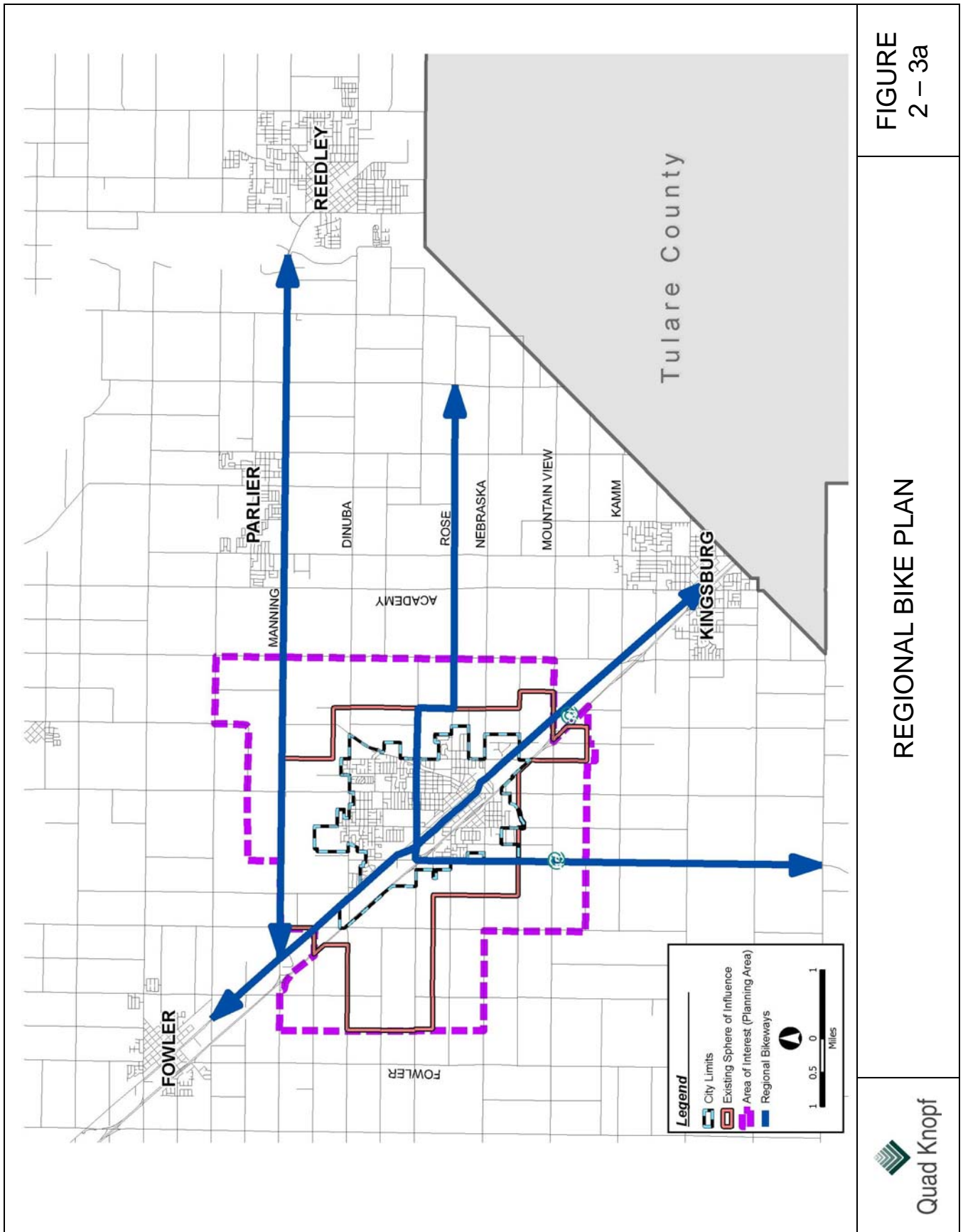
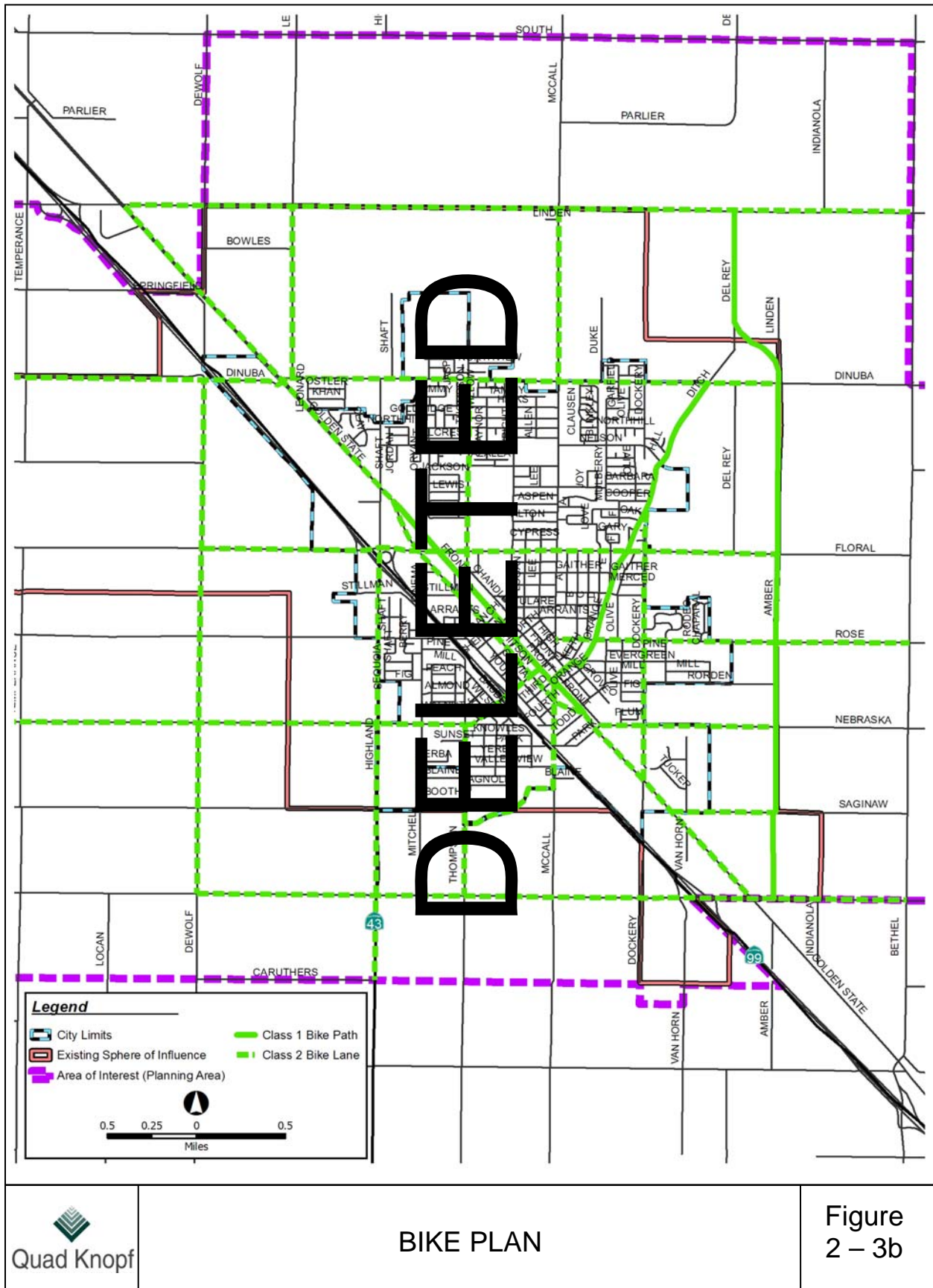


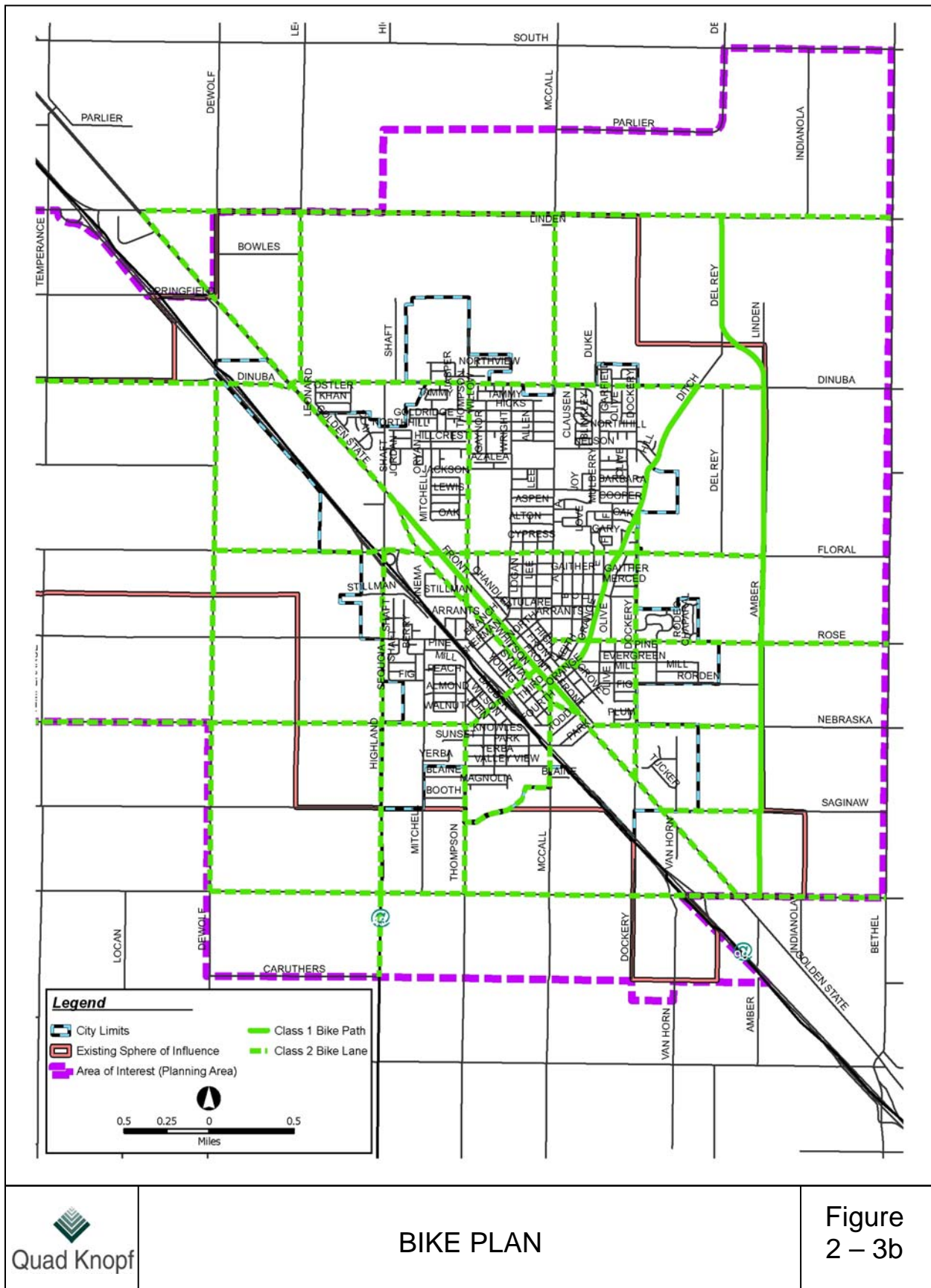
FIGURE  
2 – 3a

## REGIONAL BIKE PLAN









Additionally, original figure numbers used (Figures 2-3a and 2-3b) referenced the figures included in the policy document, and are therefore inconsistent with other figure numbers used throughout Chapter Three of the Draft EIR. To provide additional clarification, the text of the Draft EIR (pages 3-31, 3-207, 3-230, 3-297, and 3-298) has been revised as follows.

Policy 2.44 The City will develop, through various funding mechanisms and sources, a city wide bicycle path/lane/route system in conformance with the City's 2003 Bicycle Transportation Plan. The bicycle path/lane/route system will utilize existing or future railroad right-of-way and water courses. The paths (class I), may also include landscaping, lighting, mileage markers, directional signage and benches. The on-road lanes (class II) would include striping and the on-road routes (class III) would not include striping. Reference Figure 2-3 (included as Figures 2-3a and 2-3b of this Draft EIR) for the proposed city-wide bike plan. The class I bike paths can also be utilized by pedestrians if the proposed paths are wide enough to allow both bicyclists and pedestrians.

**Comment 14.4:**

4. *The land use and planning section should include an analysis of LAFCO policy relating to SOI updates and annexations. The DEIR does not contain an estimate of the holding capacity of the existing SOI and this is an important consideration in determining the timing of a possible SOI update.*

**Response 14.4** The text of the Draft EIR (page 3-146) has been supplemented as follows:

*Sphere of Influence*

Fresno LAFCO (Local Agency Formation Commission) is responsible for reviewing and approving each city's Sphere of Influence (SOI), and recommended changes to the SOI. LAFCO is required to review and update, as necessary, each local agency's SOI before January 1, 2008, and every five years thereafter. The agency submits proposed changes to LAFCO, at which time it uses four factors to prepare a written statement of its determinations. LAFCO must consider:

1. The present and planned land uses in the area, including agricultural and open-space lands
2. The present and probable need for public facilities and services in the area
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide, and

4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency

The most recent report from LAFCO concerning the City's SOI was prepared July 11, 2007.

**Comment 14.5:**

*Also, LAFCO is likely to require buffers between the Cities of Fowler and Selma, and Kingsburg and Selma. Also see comment no. 1 concerning population growth estimates as it may relate to LAFCO policy. These issues should be discussed.*

**Response 14.5:** The text of the Draft EIR (page 3-146) has been supplemented as follows:

LAFCO's latest report for the City of Kingsburg, which lies south of Selma along Highway 99 (prepared at the same time as the one for Selma in July 2007) states, "The City's (Kingsburg's) northern SOI boundary is currently contiguous with the City of Selma's southern SOI boundary. As previously mentioned, there are on-going discussions through Fresno COG related to land use buffers and providing physical "green belt" separations between cities in order to create greater City identification and avoid the appearance of a 32-mile length of urban sprawl throughout Fresno County." In addition to Kingsburg to the south, the City of Fowler is located to the north of Selma and the two cities share their SOI boundary. The LAFCO report also lists, as a goal for these cities, "Direct Fresno LAFCO staff to participate via the COG Valley Blueprint Planning efforts to work with the COG and its member agencies in creating land use buffers where determined appropriate. Consider Valley Blueprint recommended actions once they are available" and, "Request the City of Selma to consider the issue of land use buffers in their planning processes to be given consideration at the time of Sphere of Influence revision or amendment."

At the time of the submission of the SOI materials to LAFCO for review, the City of Selma stated, "Due to growth and new development projects the City needs to expand its SOI and annex additional territory. Selma is a pro-growth community and we have no growth controls or limitations. The policy of the City of Selma is to encourage quality new commercial and residential development and to grow in a logical and well-planned manner." No application to extend the SOI was submitted at that time, or since then, and no more recent information concerning SOI policies/recommendations or changes is available from either LAFCO or the Fresno COG.

**Comment 14.6:**

5. *Mitigation Measure #3.2.3.2 on p. 3-22 is unclear. By what process would the City of Selma have an effect on Williamson Act Contract cancellations outside its SOI? Also, General Plan policy 5.12, which encourages the application of new agricultural land preservation and*

*conservancy programs outside of the City's SOI would seem to place permanent restrictions on the land the City intends to urbanize in the future. In that an SOI boundary expansion is not proposed, how can these measures be applied?*

**Response 14.6:** The City of Selma cannot typically effect proposed Williamson Act Contract cancellations outside of its city limits, although, if the City is delegated the responsibility for properties within the City SOI that are under Williamson Act, the City can encourage agricultural protections when property owners do not renew Williamson Act contracts. The DEIR, Mitigation Measure #3.2.3.2, (page 3-22) will be revised as follows to clarify the City's ability to effect cancellations outside the city limits:

**Mitigation Measure #3.2.3.2:** When Williamson Act Contract cancellations are proposed outside of the ~~SOI~~ city limits, the City ~~will use~~ shall encourage one of the following means to provide agricultural protection to other farmland to offset the loss of farmland protected by Williamson Act Contracts:

- a) ~~Acquisition of~~ Conservation easements shall be ~~acquired~~ encouraged through a "1240 Land Exchange" Ag Conservation Easement program pursuant to Government Code 51282 and Public Resources Code 10251 as a component of the proposed Agricultural Preserve Cancellation; or
- b) The City shall ~~require~~ encourage the contribution of a mitigation fee to a regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The amount of the contribution shall be sufficient to provide protection to an equivalent area of land.

~~Regardless of the method employed, lands selected for conservation shall be outside of the SOI adopted by LAFCo.~~

Policy 5.12 states, "Work with regional partners/organizations to develop an agricultural land conservancy program. Encourage the application of new agricultural land preservation and conservancy programs outside of the City's SOI." As elsewhere in Fresno County, the City is challenged with balancing increased urbanization and preservation of agricultural lands. The City's General Plan Updates strives to balance these land uses by optimizing opportunities for planned, organized development within the city limits and SOI, while encouraging preservation of agricultural lands outside the SOI in the Planning Area. The Planning Area is primarily agricultural land use (see Figure 2-4 on page 2-8 of the DEIR).

As noted in response to Comments 14.2 and 14.3, the City plans to urbanize areas outside their SOI only when specific conditions apply. In most circumstances, the City encourages maintaining agricultural lands in the Planning Area, rather than planning to develop these areas. Also, as noted elsewhere, the City shares SOI boundaries to the north and south with other cities, which limits opportunities to expand in those directions. Therefore, the City will utilize applicable policies to protect agricultural lands that can maintain agricultural uses (e.g., have no existing services and will not be considered for development) in the long term.



**Comment 14.7:**

6. *Two important issues raised by the City of Fowler in its Notice of Preparation comment letter were not discussed in the DEIR:*
- a. *The land southwest of the interchange of Manning and Highway 99 north of the Springfield alignment is shown on the Fowler General Plan for commercial and office development. That same land is depicted on the Selma General Plan for similar land uses but designated as Reserve. Land within the other three quadrants of the interchange are within Fowler's SOI and currently within the City limits. If this property were to be included in the Selma SOI, its development would be many years in the future given the distance from the Selma urban area (1.5-2 miles) and the lack of urban services provided by Selma. This property is adjacent to the Manning and Highway 99 interchange and should most appropriately be within the City of Fowler in the future. To do otherwise would not be in the interest of efficient land use planning and the provision of urban services.*

**Response 14.7:** According to the Fresno LAFCO July 11, 2007 report, “The City shares a common SOI boundary with the City of Selma to the south. The City (of Fowler) indicates its SOI boundary is not correct at this time and that its SOI should be amended to include two areas at the Manning and SR 99 and Clovis and SR 99 interchanges, an addition of approximately 160 acres. The City has not submitted an application to amend its SOI.” More recent information concerning the amendment was not available from Fresno COG. The map on file with LAFCO (dated October 2008 with an updated date of July 11, 2007) indicates that Fowler’s SOI does not extend southwest of Manning at the intersection with Highway 99. Because LAFCO is responsible for managing annexations and SOI changes, the City of Selma based their decision to include this land on the most current, available LAFCO information. In addition, Figure 5-1 of the City of Fowler’s General Plan (regarding circulation, not land use) reflects only the SOI boundary as reflected by LAFCO: no map is included that provides information on proposed additions of land.

A separate map, City of Fowler General Plan Map (dated February 19, 2004), indicates that the area in question is designated as an “Expansion Area,” with the designation of Light Industrial and General Commercial. This is the only “Expansion Area” outside the City’s SOI. The Expansion Area is not identified or otherwise described in the General Plan. It appears, therefore, that although the City of Fowler may have intended to add the “Expansion Area” to its SOI, no formal action was taken to do so. Selma’s Land Use Policy 1.103 and 1.1.04 are intended to assure that City SOI and Plan Area issues are resolved with its neighboring cities. The City of Selma will coordinate with the City of Fowler to resolve this land use issue. However, resolution may not occur before adoption of the Final EIR.

**Comment 14.8:**

- b. *The City requested that the traffic study prepared for the General Plan include that section of Manning Avenue within the Fowler city limits, including the Manning /Highway 99 interchange. As extensive development is proposed by the General Plan*

*along the Manning corridor, the traffic study included three intersections along this roadway, but stopped at the intersection of DeWolf and Manning, just outside the City of Fowler. The segment of Manning Avenue within the Fowler city limits and the intersections with Golden State and Highway were not included in the study, even though this would be the most likely route for residents of north Selma to access Highway 99 north.*

*The City again requests that the traffic study include such analysis, including potential impacts and the possible need for mitigation agreements with the City of Fowler for Manning Avenue and Caltrans for impacts to the interchange.*

**Response 14.8:** The City included the analysis of 20 intersections in the Traffic Study. The Study was limited to the project boundaries, as is typical with General Plan Circulation Elements. The referenced intersection was not projected to receive significant impact .

#### **Commenting Agency #15**

Public Utilities Commission  
Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
515 L Street, Suite 1119  
Sacramento, CA 95814

**Comment 15.1:** *As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.*

*The Commission recommends that the following policies: 2.11, 2.36, 2.37 and 2.55 in the Transportation/Circulation section of the DEIR be amended to include at-grade rail crossings and rail corridor.*

*Please provide the revised language for each policy with the above inclusions for our review and comment before the Final EIR.*

**Response 15.1:** Comment noted. The City appreciates the commentor's recommendations. The City has determined that the proposed policy changes to the Transportation/Circulation element are not necessary at this time, but will be reconsidered upon future update to the element.

## **Commenting Agency #16**

Consolidated Irrigation District  
2255 Chandler Street  
Selma, CA 93662

**Comment 16.1:** *Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Selma General Plan Update 2035. Please note that I have attached comments in the form of a letter from Summers Engineering, Inc. These comments should be considered as those of Consolidated Irrigation District (CID) and are incorporated herein by reference. I request that the letter be made part of the administrative record.*

**Response 16.1:** The comment is noted: the attached letter from Summers Engineering, Inc. is accepted as part of the administrative record.

**Comment 16.2:** *For reasons identified in the Summers Engineering letter, CID strongly disagrees with many of the findings of less than significant impacts. This is because the proposed mitigation measures are based upon future actions that are outside the control of the City and/or are not practicably implementable.*

**Response 16.2:** The comment is noted. It is, however, too generic and vague to permit a response. The Draft EIR's proposed mitigation measures, as modified in this Final EIR are implementable by the City.

**Comment 16.3:** *In addition, conclusions presented in the DEIR are based upon data and calculations in conflict with reports and studies conducted by CID as well as other independent agencies.*

*The above referenced reports and studies include the following documents:*

1. *Consolidated Irrigation District Groundwater Management Plan, GEI Consultants Inc., March 2009*
2. *Consolidated Irrigation District Urban Impacts Study, Summers Engineering Inc., July 2007*  
*Technical Memorandum on the potential regional and local groundwater effects of urban growth in the CID service area, WRIME Inc., July 2007*
3. *Consolidated Irrigation District Urban Impacts White Paper, Summers Engineering Inc., November 2007*
4. *Upper Kings Basin Integrated Regional Water Management Plan, WRIME Inc., July 2007 (available at Kings River Conservation District website [www.krcd.org](http://www.krcd.org))*
5. *Kings Basin Integrated Groundwater Surface Water Model, WRIME Inc., November 2007 (available at Kings River Conservation District website [www.krcd.org](http://www.krcd.org))*

6. *Professional Paper 1766, Groundwater Availability of the Central Valley Aquifer, California, U.S. Geological Survey, 2009 (available at [www.ca.water.usgs.gov/projects/centralvalley](http://www.ca.water.usgs.gov/projects/centralvalley))*

*Please note that documents 1 through 4 above have previously been provided to the City in relation to other projects, but we will be happy to provide additional copies upon request. Documents 5 and 6, as noted, are available on the identified websites. I specifically request that all listed documents be made part of the administrative record for this project.*

**Response 16.3:** Appendix G of the Draft EIR includes the referenced White Paper. Interested parties may review Documents 1 through 4 at City of Selma, 1710 Tucker Street, Selma, CA 93662; Documents 5 and 6 are available at the referenced websites. All are accepted as a part of the administrative record. The City of Selma believes the referenced reports to be reliable and to fairly represent proposed impacts.

**Comment 16.4:** *It is noteworthy that another DEIR being conducted by the City of Selma (for the Rockwell Pond Commercial Project, pages 10-13, 10-18) contains statements that the provision of a sustainable groundwater supply requires reduced pumping and/or increased recharge to the groundwater basin. This appears to be in direct conflict with the subject DEIR.*

**Response 16.4:** The statements made in and conclusions drawn by the Rockwell Pond Commercial Project Draft EIR are apparently based solely on data provided by this commenter (CID) and are contradicted by the independent engineering analysis (an SB610 Water Supply Assessment) prepared by California Water Service and appended to that Draft EIR (Appendix A-4). Appendix A-4 concluded, as follows, that the proposed Project would reduce existing agricultural consumptive water usage:

“Existing agricultural net ‘consumptive use’ of groundwater is estimated to be 2.288 ft/yr and therefore appears to be 0.774 ft/yr more than Rockwell Pond SP use (2.288 - 1.265).

For the Rockwell Pond Specific Plan as a whole this equates to a decrease in consumptive use of groundwater of 229 acres x 0.774 ft/yr = 177 acre-ft/yr or 158,100 gallons/day - a potentially significant benefit.”

This conclusion - a reduction in consumptive water usage upon conversion to urban development - concurs with that reached by the consulting hydrogeologist for this project (Appendix hereto; Appendix H of the Draft EIR).

**Comment 16.5:** *In addition to the issues raised in the Summers Letter, there are a number of other areas where the DEIR falls short of compliance with the California Environmental Quality Act ("CEQA").<sup>1</sup>*

**Response 16.5:** The comment is noted. No response is possible to this generic comment.

---

<sup>1</sup> *Public Resources Code §2100 et seq.*

**Comment 16.6:** *A. Global Climate Change - The DEIR does not address the phenomenon of global warming and its serious repercussions for the City, California and the Nation. Greenhouse gases in the atmosphere trap heat near the Earth's surface. Unnaturally elevated atmospheric concentrations of these gases, emitted from human activities, cause average temperatures to increase, with adverse impacts on humans and the environment.*<sup>2</sup>

*CEQA requires that "[each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." (Pub. Res. Code § 2 1002.1 (b).) This requirement is the "core of an EIR." (Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County (1990) 52 Cal.3d 553, 564-65.) Global climate change is an "effect on the environment" under CEQA, and an individual project's incremental contribution to global warming can be cumulatively considerable. (See Pub. Res. Code, § 21083.05(a); see also Sen. Rules Comm., Off. Of Sen. Floor Analyses, Analysis of Sen. Bill No. 97 (2007-2008 Reg. Sess.) Aug. 22, 2007.)*

*As the Attorney General's Office has noted in comments on various General Plan updates around the State, there are many effective measures that a local government can include in its general plan. A few of the examples used by the Attorney General are as follows: a local agency can require water conservation measures, green building standards, building energy efficiency standards that exceed the State minimum, and land use designations that facilitate more compact development.*

*In the last category, the California Energy Commission ("CEC") has noted that better land use decisions are essential. According to the CEC, if we do not address growth in vehicle miles traveled ("VMT"), it will completely overwhelm the other advances that the State is making to control emissions and lower the carbon content of fuel.<sup>4</sup> But, as the California Energy Commission has found, "[l]and use choices that result in lower energy use and VMT reductions are possible and examples are beginning to emerge across the state." The City has failed to include sufficient data and analysis of VMT in the DEIR.*

**Response 16.6:** The impacts of greenhouse gas emissions and of climate change are fully addressed in Section 3.17 of the Draft EIR, and feasible mitigation measures are outlined for adoption.

**Comment 16.7:** *1. The DEIR does not adequately identify all existing greenhouse gas emissions.*

*An EIR must provide an accurate depiction of existing environmental conditions. (CEQA Guidelines § 15125(a).) "Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined." (County of Amador v. El Dorado County Water Agency (1999) 76 Cal.App.4th 931, 952.)*

*The DEIR does not even attempt to identify the baseline, existing greenhouse gas emissions in the air basin. However, a lead agency must make reasonably conscientious efforts to collect*

*additional data or make further inquiries of environmental or regulatory agencies having expertise in the matter. (Berkeley Keep Jets Over the Bay Committee v. Board of Port Comm'rs (2001) 91 Cal.App.4th 1344, 1370.) If an inventory does not yet exist, the City is not excused from determining the existing greenhouse gas emissions in the air basin simply because an inventory does not yet exist.*

**Response 16.7:** The physical and regulatory conditions that constitute the baseline for analysis of this impact are fully addressed in Section 3.17 of the Draft EIR. More specific information is included in Appendix B of the Draft EIR.

**Comment 16.8:** 2. *The DEIR does not properly mitigate the emissions resulting from the Project.*

*The DEIR fails to analyze and require an adequate suite of feasible mitigation for the projected greenhouse gas emissions. There is no discussion of what the standard will be for feasibility. Accordingly, the DEIR offers no certain mitigation of the impacts.*

*There are no mitigation measures designed to reduce VMT, or otherwise address the tremendous GHG emissions that will result from traffic both during construction and upon completion of the project.*

**Response 16.8:** The comment is not accurate. Section 3.17 of the Draft EIR provides an adequate suite of mitigation measures (pages 3-307, 308 and 309), including measures which will reduce VMT (vehicle miles traveled), and other measures which will reduce vehicle travel-related greenhouse gas emissions.

**Comment 16.9:** B. *Wastewater Discharge - There is no adequate discussion of impacts resulting from discharge of wastewater to the regional wastewater treatment facility. The additional discharge will be a direct result of the proposed project, and so must be analyzed in the project EIR.*

*Courts have consistently held that an EIR must examine a project's potential to impact the environment, even if the development may not ultimately materialize. (Bozung v. Local Agency Formation Comm'n (1975) 13 Cal.3d 263, 279 and 282.) Thus, the DEIR must evaluate the level of additional discharge that will result from full build-out of the proposed project.*

**Response 16.9:** This subject is addressed and analyzed in the Draft EIR, Impacts #3.16.3.1 and 3.16.3.2, pages 3-286 and 3-287.

**Comment 16.10:** C. *Cumulative Impacts - There is no discussion of the cumulative impacts of other projects in the area including the recently circulated DEIR for the City of Parlier expansion of its sphere of influence and the City of Kingsburg Guardian/Sun-maid Reorganization.*

*Under CEQA, an EIR must identify and evaluate cumulative impacts. (Pub. Resources Code §§21100, 21083(b); and Citizens to Preserve the Ojai v. County of Ventura, supra, 176*

*Cal.App.3d at 428.) "The cumulative impacts from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related, past, present, and reasonably foreseeable probable future projects." (Guidelines § 15355(b).) Cumulative impacts are "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts ....[they] can result from individually minor but collectively significant projects taking place over a period of time." (Guidelines § 15355(b); accord EPIC v. Johnson (1975) 170 Cal.App.3d 604, 625.) And such incremental effects must be analyzed whether they fall on-site or off-site. (E.g., Friends of the Old Trees v. Department of Forestry & Fire Protection (1997) 52 Cal.App.4th 1383, 1396.)*

*The DEIR fails to take into account the expansion of the City spheres for Selma and Kingsburg.*

**Response 16.10:** The comment is incorrect. The Draft EIR (Chapter Five) utilizes, and so states, the General Plan projection method of cumulative impacts analysis (CEQA Guidelines 15130B). This analysis includes evaluation of the expansion of the cities of Selma, Kingsburg, and Fowler.

Note: The remaining comments from Commenting Agency 16 were prepared by Scott Jacobsen of Summers Engineering, Inc. and were appended to the comment letter from Consolidated Irrigation District.

**Comment 16.11:** *During the past several years Consolidated Irrigation District (CID) has raised concerns over the impacts of urban development in all five of the incorporated cities within CID's overall boundary. The comments we are providing for Selma's General Plan Draft Environmental Impact Report (DEIR) as well as our past comments to the District have focused on two issues that greatly affect CID and its growers, namely groundwater overdraft and stormwater drainage.*

**Response 16.11:** Comment noted.

**Comment 16.12:** *With regard to groundwater impacts from urban development, CID has commissioned a number of engineering studies that clearly indicate the conversion of agricultural land irrigated with imported surface water to urban use supported exclusively by pumped groundwater results in increased groundwater deficits. The findings of the subject DEIR contradict CID's studies and other recent groundwater studies that have been prepared by third party agencies such as the Upper Kings Basin Water Forum. Our comments on the subject DEIR identify a number of discrepancies that were used in the City's analysis of groundwater impacts and the subsequent finding of a less than significant impact. If the City endeavors to proceed with the future development outlined in its General Plan update without continued CEQA challenges from CID, it is imperative that the Plan be amended to adequately address these issues.*

**Response 16.12:** Comment noted. The Plan-specific study addressing this issue (Groundwater Conditions in the City of Selma General Plan Update 2035 Area, prepared by Kenneth D. Schmidt and Associates, June, 2009 included in the Draft EIR as Appendix H and Appendix B hereto) documents the inaccuracy of the commenter's general opinion or the inapplicability of

that opinion to this project. (It should be noted that, incorporating data provided by this commentor, Consolidated Irrigation District, and by California Water Service Company, the Schmidt report has been minimally modified. Such modifications have not changed the thrust of the report's analysis or its conclusions. The modified report is included in Appendix B of this Final EIR; any numeric modifications have been reflected in the EIR text and in the responses to comments. Schmidt report modifications are underlined for ease in noting their location.) The Draft EIR's discussion and conclusions with respect to groundwater impacts are supported by the data and analysis in that study.

**Comment 16.13:** *With regard to stormwater drainage, CID's Board of Directors has implemented a policy to not accept any future stormwater discharges into the District's system of canals and recharge basins. Therefore, all future development projects must include stormwater retention basins of sufficient capacity for the drained area. The DEIR finds that stormwater impacts will be less than significant if City policies and mitigation measures included in the City's Stormwater Master Plan are implemented. Through CID we have previously requested copies of the City's Stormwater Master Plan so that we may evaluate the adequacy of the plan relative to preventing intentional or inadvertent discharges into CID's canals and recharge basins. Heretofore, we have only received an illegible scanned copy of a storm drain map. We again request that the City provide the District with full details of planned future stormwater drainage facilities and the requirements thereof. We also recommend that the DEIR append the Stormwater Master Plan so there is no ambiguity as to the specific requirements for future development with respect to stormwater facilities.*

**Response 16.13:** It is noted that CID will not accept future stormwater drainage into its facilities. In that regard, a letter of March 3, 2009 from the City to CID regarding, in part, its decision to remove existing storm drainage connections from CID facilities and not install new connections thereto, directing all in-City storm drainage to retention basins is appended to this Final EIR as Appendix C. The City has received funding for this change and is preparing designs for such new facilities.

In view of this decision, Mitigation Measure #3.8.3.2 is hereby modified (page 3-130 of the DEIR), and the text of the Draft EIR revised as follows:

***Mitigation Measure #3.8.3.2:***

- The City shall provide storm drainage facilities (retention basins), per the Storm Water Management Plan ~~and CID regulations~~, with sufficient capacity to protect the public and private property from stormwater damage. The facilities will ~~also~~ be implemented in a manner that reduces public safety and/or environmental impacts associated with the construction, operation, or maintenance of any required drainage improvements (i.e., drainage basins, etc). ~~and does not provide~~ It will not allow a net increase in the quantity or water or contaminants currently entering the CID system from the site. [New Policy—Draft EIR Analysis]. Existing City storm drainage entering the CID system will be removed in a phased program. Storm drainage from new development will be retained in City facilities.



- ~~During the development review process, the City shall not approve new development unless the following conditions are met:~~
  - ~~—The applicant can demonstrate that all necessary infrastructure to serve the project will be installed or adequately financed;~~
  - ~~—Infrastructure improvements are consistent with City infrastructure plans and applicable plans of affected agencies (i.e., CID); and~~
  - ~~—Infrastructure improvements incorporate a range of feasible measures that can be implemented to reduce public safety and/or environmental impacts associated with the construction, operation, or maintenance of any required improvement. [New Policy—Draft EIR Analysis].~~

**Effectiveness of Mitigation:** Implementation of the existing adopted regulations and the ~~additional policies and standards~~ mitigation measures above will result in no net additional storm water being disposed of into CID facilities, and construction of additional facilities that are in conformance with the Storm Water Management Plan, and in conformance with the state and local regulations.

In addition, page 3-141 of the DEIR has been revised as follows:

The Draft Safety Element of the Plan Update includes Policy 4.17 which requires that areas identified as being potentially subject to flooding, and where the exact area and depth of flooding is uncertain, the applicant or developer of an annexation or development proposal be responsible for determining the 100-year flood elevation through the preparation of a civil engineering report. ~~Policy 4.18 says that the City shall continue to implement and administer the Master Plan for Storm Drainage as a means of offsetting increased storm water runoff from urbanization.~~ Policy 4.19 says that the City shall develop and maintain a map using GIS technology that identifies all flood hazard areas within the Planning Area. Policy 4.20 says that the City shall encourage new development to avoid floodplains or to mitigate and protect against flood impacts if development is to be located in such areas.

~~The proposed General Plan also includes policies, as noted previously, to prevent groundwater depletion, minimize impacts from storm water drainage and to ensure that the City has high water quality standards.~~

~~In October 2007, the State of California enacted Assembly Bill 162 amending Government Code Section 65302 requiring cities and counties to increase their attention to flood-related matters in the land use, conservation, safety, and housing elements of their general plans.~~

Also, the following text was deleted from Mitigation Measure #3.8.3.4b of the DEIR (page 3-143):

~~Define “Essential Facilities” according to Government Code 65302(g)(A)(iv) to include hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities.~~

Although outside the scope of this project and its environmental analysis the City will of course make available to CID upon request all public documentation regarding stormwater design.

**Comment 16.14:** *Table ES-1, p. ES-36, p. 3-139 - Groundwater impacts were found to be less than significant with the mitigation of recharge basin construction and importation of Kings River water. Mitigation Measure 3.8.3.3 indicates CID will develop, own and operate recharge facilities on behalf of cosponsors or the City will own and operate the facilities. Since the City has thus far elected not to actively participate in negotiations with CID for the funding and construction of new recharge facilities, we assume the City plans to implement the mitigation measure by owning and operating its own facilities. However, there are no provisions in the DEIR for the City to acquire land for the recharge basins, acquire surface water supplies to percolate in the basins, or deliver surface water supplies to the City. Without addressing these key elements of the mitigation measure there cannot be a finding of a less than significant impact with mitigation.*

**Response 16.14:** The comment is incorrect. Groundwater impacts of the project were found to be less than significant prior to the mitigation of additional recharge basin construction and importation of Kings River water, or water from other sources. There is no CEQA requirement that the Draft EIR incorporate a detailed implementation plan and program for a clearly feasible, voluntary, alternative and non-required mitigation measure. However, the Appendix C letter (see Response to Comment 16.13) to CID describes the City's proposed program for implementation of such a plan and program.

**Comment 16.15:** *P. 1-4 - The Initial Study concluded that groundwater depletion may be potentially significant, but Table ES-I indicates the impact is less than significant. This finding was based solely on the 2009 Kenneth Schmidt report that is attached to the DEIR as Appendix H. Although the Schmidt report makes certain conclusions about the consumptive groundwater use of irrigated agriculture versus urban land use, which we will clarify in subsequent comments, it also notes that there will be a 15,000 acre-foot groundwater deficit in the General Plan Area without mitigation. The mitigation measures described in the Schmidt report are for CID to continue delivering imported surface water to the Plan Area (after urban development), or for the City to percolate its wastewater within the Plan Area. These mitigation measures are unlikely at best and are definitely not included as part of the General Plan. Therefore, the DEIR makes an erroneous finding of a less than significant impact based on mitigation measures that will not be implemented.*

**Response 16.15:** It is the function of an EIR to obtain data and analysis which addresses subject areas deemed potentially significant in an Initial Study and to make a finding regarding significance. In order to do so the City employed, through its EIR consultant, an eminent

authority on San Joaquin groundwater and its usage. The EIR finding is based on the information and conclusions provided by that expert and on other supporting, Plan-area-specific studies such as that provided by California Water Service Company in its analysis of consumptive use for a Specific Plan project (the Rockwell Pond Specific Plan) in the Plan area (see response to CID Comment 19.2).

The commenter has misinterpreted the Schmidt report's data and conclusions. Although groundwater in the Plan area would be negatively impacted by urban development without recharge mitigation, groundwater in the total basin would still be benefited. Similarly, groundwater in the Consolidated Irrigation District, assuming that the District will not allow surface water rights no longer used in the Plan area to be sold out of the District, would be benefited.

The benefits to groundwater from urban development will be further increased with the 20 percent diminishment of per capita urban water use mandated by Senate Bill 7.

**Comment 16.16:** *P. 1-5 - The Initial Study concluded that impacts to storm drainage facilities and wastewater treatment facilities may be potentially significant, but Table ES-I indicates the impacts are less than significant. This finding was based on mitigation measures in the City's Stormwater Master plan. As noted previously, we have requested a copy of the Master Plan, but thus far have not received sufficient details to evaluate the efficacy of the Master Plan.*

**Response 16.16:** The comment's assumption that the finding of less than significant is based on "mitigation measures in the City's Stormwater Master Plan" is incorrect. It is based on 'implementation of existing adopted regulations and the additional policies and standards above' (Mitigation Measure #3.8.3.2) 'and construction of additional facilities that are in conformance with the Stormwater Management Plan and in conformance with the State and local regulations.'

**Comment 16.17:** *P. 3-122, 123 & 125 - The DEIR implies that the following figures were cited from the 2007 Summers Engineering [White Paper] report, but the figures are not in the White Paper.*

*"80,500 acre-feet groundwater pumping" [p. 3-122 & 125] and*

*"Ag operations in CID use 2.1 acre-feet per acre with 0.7 acre-feet of groundwater and 1.4 acre-feet of surface water" [p. 3-123]*

*are not indicated in the White Paper or other related Summers Engineering reports. The DEIR should be revised to indicate the correct reference(s).*

**Response 16.17:** The incorrect attribution is noted and incorporated in the Draft EIR. The text of the Draft EIR (page 3-122) has been revised as follows:

One of the districts diverting water from the Kings River is the 145,000-acre Consolidated Irrigation District (CID) within which Selma is located. ~~Summers Engineering (2007) reports that this district uses an average of 239,000 AF of~~

~~surface water annually to supplement an average of 80,500 acre feet (AF) of pumped groundwater. Current agricultural operations in CID use an average of 2.1 AF of water per irrigated acre per year with .70 AF of groundwater per acre, and 1.40 AF per acre of surface water.~~

The text of the Draft EIR (page 3-125) has been revised as follows:

According to the *Draft Urban Impacts White Paper* (November 2007) prepared for CID (reference Appendix G), CID is comprised of approximately 145,000 gross acres of irrigable land.

~~CID's water delivery system is comprised of approximately 350 miles of open channels, which include constructed ditches and channelized natural drains and sloughs. The CID water system also includes more than 50 dedicated recharge basins with a total surface area of approximately 1,300 acres. Irrigation deliveries are diverted from the Kings River to eligible District growers through the system of ditches and laterals. These deliveries typically occur in the spring and summer and their annual duration and volume are dependent upon runoff conditions in the Kings River. The river is regulated by Pine Flat Dam, which is located upstream of CID's diversion point. When there are flood releases from the Pine Flat dam, which typically occur in the winter and spring, CID diverts a portion of the flood flow into its recharge basins through the same system of ditches and laterals that are otherwise used for irrigation deliveries. The native soils in the District are sandy and allow relatively rapid infiltration through dedicated recharge basins, unlined canals, or the ground surface of agricultural lands. The groundwater basin is also largely unconfined.~~

The text of the Draft EIR (page 3-123) has been revised as follows:

~~Current agricultural operations in CID use an average of 2.1 AF of water per irrigated acre per year with .70 AF of groundwater per acre and 1.40 AF per acre of surface water. Current agricultural operations in CID include 86,000 acres; total water usage throughout CID and other agricultural lands use a total of 49,400 acre-feet per year.~~

The text of the Draft EIR (page 3-125) has been revised as follows:

The remaining 50,000 acres obtain a water supply of approximately 80,500 acre feet exclusively from pumped groundwater.

**Comment 16.18:** *P. 3-124, 132 & 134 - The figures on these pages identify the locations of the City's wells and present geologic cross sections. We recommend that the actual drillers' logs and E-logs for the City wells also be included. It is not necessarily standard practice to assume that geologic formations identified at one well will extend half the distance to the next well in the cross section. Inclusion of well logs would help to clarify whether or not valid assumptions were made for the geologic cross sections.*

**Response 16.18:** The comment is noted. The requested additional data are not essential for the EIR's analysis. The text of the Draft EIR (page 3-131) has been revised as follows:

Two subsurface geologic sections were developed for this study and are illustrated in Figure 3.8-1. The first (Section A-A') extends from the northwest to the southeast, generally along Highway 99 and is illustrated in Figure 3.8-2. ~~This section extends from a deep City of Fowler well near Parlier Avenue, to the southeast through three deep City wells, to a deep test well and deep supply well that are south of Mountain View Avenue. This section is oriented perpendicular to the inferred dip of the alluvial deposits, and thus the layers of deposits appear to be relatively flat. The color of the deposits above a depth of about 600 to 700 feet along this section is indicated to primarily be brown. Sand and gravel layers are common, and many clay layers are discontinuous along this section. One fairly continuous clay layer averages about 80 feet deep beneath the part of the section north of Nebraska Avenue. Another fairly continuous clay layer averages about 180 feet deep in the same area. A third fairly laterally extensive fine grained layer is at an average depth of about 300 feet along most of this section. This deep layer is indicated to be important in terms of groundwater quality, which is described in a later part of this report.~~

The text of the Draft EIR (page 3-133) has been revised as follows:

Cross Section B-B' is illustrated on (Figure 3.8-3). It extends from near Fowler and Mountain View Avenues, to the northeast through two deep CWS wells, thence further north-northeast through a moderately deep water system well, to near Parlier Avenue, east of McCall Avenue. This section is oriented along the inferred dip of the alluvial deposits, and the layers slightly dip to the southwest. Coarse grained strata are also predominant above a depth of about 350 feet along this section. Apparently continuous clay layers are present at average depths of about 60 feet, 200 feet, and about 350 feet along most of the section. The deepest of these is indicated to be important in terms of groundwater quality. Fine grained strata appear to be predominant below a depth of about 400 feet along this section. However, enough interbedded sand layers are also present that highly productive wells tapping only deep strata can be developed. These two figures are intended as examples of geologic formations that occur in the areas, and may not illustrate true and actual geologic conditions of a particular site. More detailed information can be found in Appendix H.

**Comment 16.19:** *P. 3-125 - The number of CID monitoring wells is indicated as "approximately 85". This should be revised to "approximately 80".*

**Response 16.19:** Comment noted. The text of the DEIR (page 3-125) has been revised as follows:

CID maintains a system of approximately ~~8580~~ groundwater monitoring wells located on a two-mile square grid pattern throughout the District. The water in these wells have been measured and recorded by District staff multiple times per year since 1923; groundwater overdraft is occurring. ~~When the average depth to groundwater in the monitoring wells is plotted over the period of record, there is a definite downward trend, indicating that groundwater overdraft is occurring.~~ The District is located within the Kings sub-basin, and the California Department of Water Resources has published bulletins which list the Kings sub-basin as being subject to critical conditions of overdraft.

~~Because of capacity and water quality issues,~~ CID policy now dictates that no new or additional urban runoff is to be discharged into District facilities.

**Comment 16.20:** *P. 3-129 - In addition to limiting land use in areas with high erosion potential or soil instability, land use policies should include limits on land use where soil types are more susceptible to groundwater contamination from urban sources.*

**Response 16.20:** The comment is noted but is unnecessary and may be infeasible. However, as in noted in the Draft EIR (page 3-129), "...the General Plan Update includes policies 5.16 and 5.17 which state that areas with high erosion potential or soil instability that cannot be mitigated shall be designated for open space land uses and channel and slope modification shall be discouraged where they increase the rate of surface runoff and increase the potential for erosion." There is limited history in the Plan area of groundwater contamination from urban sources. The major source of anthropogenic shallow well contamination has been DBCP from agricultural activities. The text of the DEIR (page 3-129) has been revised as follows:

**Conclusion:** The quality of groundwater in most of the Plan Area is generally suitable ~~for public supply when treated to remove trace contaminants, for public water supply.~~ Although the Plan Update would allow new development that could ~~contribute to erosion~~ and create additional urban pollutants that could end up in the ~~surface or~~ groundwater systems, implementation of the above referenced policies and adherence to Federal, State and local regulations will reduce potential water quality impacts to a **less than significant** level.

**Comment 16.21:** *P. 3-129 & 130 - References to mutual agreements between the City and CID for limiting stormwater discharges into CID's canals are incorrect and should be removed. The Cooperative Agreement for these services has been cancelled due to the City's unwillingness to negotiate a new agreement with CID.*

**Response 16.21:** The comment is noted; such references have been taken into account in modifying Mitigation Measure #3.8.3.2 (see Response to Comment 16.13).

**Comment 16.22:** *P.3-133 - The 2007 Summers Engineering report is cited as indicating that groundwater levels have declined at 1.5 feet per year. This is incorrect and should be removed or revised. The White Paper does not indicate a rate of decline. In Appendix H, the Schmidt report references the Summers Engineering 2007 Engineering Report, Urban Impacts Study. Both the DEIR and Schmidt report should reference the Urban Impacts Study as a "Draft" report; and the correct figure from the report for the rate of groundwater decline should be cited. The rate of decline indicated in the Draft Urban Impacts Study was 0.54 feet per year, which is consistent with Schmidt's findings of Selma well levels.*

**Response 16.22:** It should be noted that the Schmidt report estimated a 0.35 foot average annual rate of decline in the Plan area. The text of the Draft EIR (page 3-133) has been revised as follows:

Water levels in eight wells in or near the study area have been regularly measured since 1946. ~~Table 2 of the Groundwater Conditions Report found as Appendix H provides water level data for January 11, 2006. The water levels ranged from 46 to 60 feet deep on January 11, 2006 and were shallowest in two wells (T15S/R22E 32N1 and 33R1) in and east of the City. The deepest water levels on January 11, 2006 were in two wells along Fowler Avenue to the west (T15S/R21E 27D1 and T16S/R21E 15D1). Figure 3.8-4 shows water-level elevations and the direction of groundwater flow for January 11, 2006. The highest water level elevation was at Well T15S/R21E 33R1, east of the City, and the lowest was at Well T16S/R21E 15D1, to the southwest near Mountain View and Fowler Avenues. The direction of groundwater flow was generally to the southwest, and the influence of CID pond recharge was apparent, due to the curvature of the contours in their vicinity.~~

Water-level hydrographs were prepared for the wells and are shown on Figure 3.8-4 and are provided in Appendix A of the Groundwater Conditions Report found as Appendix H. Water levels in wells in the Selma vicinity rise and fall, largely depending on Kings River water deliveries to the CID. Since 1960, there has been an overall decline in the water levels in Well 32N1 averaging about 0.2 foot per year. ~~Except for two wells near the west boundary of the Plan Area (T15S/R21E 27D1 and T16S/R21E 15D1), water levels in the other wells in the Plan Area with long term records have fallen an average of 0.3 foot per year since 1960. Water levels in Well 27D1 and 15D1 have decreased an average of 0.5 to 0.6 foot per year since 1960. There have been greater water-level declines in the area west and southwest of the Plan Area than farther east.~~

~~There are a number of CID recharge ponds in the Selma area, and these have been used to recharge the groundwater, along with seepage from canals and deep percolation of applied canal water. According to Summers Engineering (2007), the average rate of water level decline in the CID has been about 1.5 feet per year.~~

**Comment 16.23:** *P. 3-136 - A 2002 Summers Engineering report is cited, but there is no such report. We assume the intention was to reference the White Paper and/or the Draft Urban*

*Impacts Study and the DEIR should be revised accordingly. Plate D-1 that is referenced is in the Draft Urban Impacts Study, but not in the White Paper.*

**Response 16.23:** The text of the Draft EIR (page 3-136) has been revised as follows:

#### RECHARGE

~~Summers Engineering, Inc. (2002) The Draft Urban Impacts Study (2007)~~ described water supplies in the CID. ~~The two main canals are the Fowler Switch Canal, which passes through the Plan Area near the northwest corner of the City, and the Centerville and Kingsburg (C&K) Canal, which passes through the east and south parts of the City. Canal water deliveries normally begin in April and end in mid-August. The CID conducts recharge to the groundwater by seepage from the canals and dedicated recharge basins. There is typically basin recharge when there are excess flows or flood releases in the Kings River. Plate D-1 of Summers Engineering shows 4~~Locations of recharge ponds near Selma, and these are shown in Figure 3.8-4. Summers Engineering (2007) indicated that pond deliveries in the CID averaged about 31,000 acre-feet per year over the period of record with an estimated 20,000 acre-feet per year of canal seepage and pond deliveries during the irrigation season. In addition, Summers Engineering (2007) estimated that deep percolation losses from water applied to irrigated fields in the CID were about 30 percent.

**Comment 16.24:** *The DEIR and Schmidt report indicate that Selma wastewater flow for 2008 was 3,000 acre-feet, but a figure of 2,600 acre-feet is used in the subsequent water budget calculations. CID's records from the Selma-Kingsburg-Fowler Sanitation District (SKF) indicate the 2008 wastewater influent from Selma was actually 2,069 acre-feet, which is significantly less than either figure cited in the DEIR.*

**Response 16.24:** In both cited cases the figure used was cited as approximate: 2,600 acre feet approximate dry weather flow, 3000 acre feet as approximate total annual flow. At 100 gallons per capita per day, and with a population estimated to be 23,328 in 2008, a calculated annual discharge would be 2,613 acre feet, not including inflow (storm drainage from illicit or older-neighborhood connections and manhole leakage). The 2,069 acre foot figure is unrealistically low; it is believed that CID's secondary-source records are inaccurate.

**Comment 16.25:** *The DEIR and Schmidt report indicate that 300 acre-feet (3,000--2,700) of wastewater evaporates, but a figure of 200 acre-feet is used in the subsequent water budget calculations.*

**Response 16.25:** The difference is noted, but is of little consequence in the EIR's analysis and conclusions.

**Comment 16.26:** *The DEIR and Schmidt report estimate the average annual overdraft of the Plan Area to be 800 acre-feet. This calculation is directly proportional to the rate of groundwater level decline, which was estimated to be 0.35 feet per year. Since some of Selma's*



wells declined at 0.5 to 0.6 feet per year (versus 0.35); it is arguable that the average annual overdraft could be 1.5 times the amount estimated. In any case, the DEIR acknowledges that overdraft is occurring in Selma.

**Response 16.26:** Comment noted.

**Comment 16.27:** *P. 3-137 - Urban Water Budget - The Schmidt report uses 2006 pumping records and 2008 wastewater effluent records. If wastewater is assumed to be approximately proportional to pumping, then records of each from the same year should be used. CID's records indicate Selma's pumping in 2008 was about 7,400 acre-feet versus 6,300 acre-feet in 2006.*

*As noted previously, 2008 wastewater influent from Selma was 2,069 acre-feet versus 2,600 acre-feet used in the Schmidt report for water budget calculations.*

*The volume of water lost to evaporation is underestimated at 7% ( $200 / 2,600$ ). It should be at least 15%, including evaporation during urban usage, evaporation from the wastewater ponds, and evaporation during sludge drying by SKF.*

*Only a portion of the wastewater that percolates in SKF's ponds is beneficial to CID. About 80% leaves the District because the SKF ponds are located near the southerly boundary of the District and the groundwater flow is northeast to southwest.*

*The Schmidt report assumes a 60% efficiency for urban irrigation. While it may be true that urban landscaping evapotranspiration (ET) is as low as 60% of the water that is applied, the other 40% does not go to deep percolation. Instead it runs across sidewalks and into gutters where it evaporates at a high rate. For the purpose of the water budget only about 10% to 15% should be included as deep percolation.*

*The Schmidt report estimates that recharge from stormwater is only 100 acre-feet per year. Annual precipitation in Selma is approximately 11 inches. Some of the precipitation is lost to evaporation, but at least 50% drains into City stormwater basins or CID's canals and percolates to groundwater.*

*The existing acreage in Selma used in the Schmidt report is 2,400 acres, but the acreage within the city limits listed on p. 2-5 of the DEIR is approximately 3,300 acres. Table 2-9 indicates that about 2,500 acres have urban land use, so the figure in the Schmidt report is probably reasonable for water budget calculations. We would recommend that this point be clarified in the DEIR,*

*With the above adjustments, the urban water budget from the Schmidt report should be revised as follows (values rounded to nearest 100 acre-feet):*

(1)	Pumping	7,400 a-f / yr	
(2)	Wastewater	2,100 a-f / yr	
(3)	Outdoor usage	5,300 a-f / yr	(1) – (2)
(4)	Outdoor consumption	4,500 a-f / yr	(3) x 85%
(5)	Evaporation	300 a-f / yr	(2) x 15%
(6)	Wastewater lost from CID	1,400 a-f / yr	[(2)-(5)] x 80%
(7)	Stormwater recharge	1,100 a-f / yr	2400ac x 0.92ft/yr x 50%
(8)	Urban consumptive use	5,100 a-f / yr	(4) + (5) + (6) - (7)
		= 2.13 a-f / ac	(8) / 2400ac

*In making its finding of a less than significant impact, the City might have also considered the consumptive use values determined by Cal Water in their recent Water Supply Assessment Reports for urban development in Selma. Cal Water's estimates were approximately 1.6 to 1.9 acre-feet per acre, which is consistent with the studies we have done for the District, and considerably higher than the value of 1.0 acre-feet per acre indicated in the Schmidt report*

**Response 16.27:** It is of interest to note that the urban water budget calculations provided by the commenter, modified to consider data input considered accurate by the City (wastewater, 2,800 acre feet per year, outdoor usage recharge at 60% rather than 15% and 0 "loss" from wastewater) would result in a consumptive use of 1.1 acre feet per acre from the Plan area, and 0.5 acre feet per acre from the groundwater basin. The corresponding consumptive use of groundwater from full agricultural development of the Plan area would be approximately (3.2 x .25) 0.8 acre feet per acre, comparable to the 0.5 acre feet per acre for urban development. (Reference July 5, 2007 Memorandum from Matt Zidar, Rime, to CID General Manager Mark Gilkey, Table 3 and page 9.) Also, see response to Comment 16.17, which includes text revised in the DEIR.

The text of the DEIR has been revised (page 3-137) as follows:

Information on SKFCSD effluent ponds evaporation and percolation is submitted by the SKFCSD to the Regional Water Quality Control Board on an annual basis. Of the City of Selma contribution to wastewater effluent from the SKFCSD Waste Water Treatment Facility (WWTF), an estimated 200 acre-feet per year (rounded), has been lost to pond evaporation, ~~when the ponds have been allowed to gradually plug.~~ Thus the total consumptive use for the City of Selma was about 2,400 acre-feet per year, or about 1.0 acre-foot per acre per year. ~~In 2009 the percolation ponds were deep ripped, and after this was completed, the pond water surface area decreased from about 110 acres to 15 acres (Ben Munoz, personal communication). Thus infiltration rates from the ponds can be increased and evaporation rates decreased in the future by periodic maintenance.~~ Recharge of storm water in the City hasn't been exactly determined, but is estimated to be less than 100 acre-feet per year.

**Comment 16.28:** Rural Water Budget - *The Schmidt report assumes the existing average annual recharge that is occurring through CID ponds within the Plan Area is 10,000 acre-feet. There is no apparent explanation for this assumption. The Schmidt report estimates that 500 acres of CID ponds are located within the Plan Area. If the average annual recharge from all of*

*CID's ponds and canal seepage is 51,000 acre-feet and the total area of ponds in the District is 1300 acres, then the proportional recharge within the Plan Area should be about 20,000 acre-feet ( $51,000 \times 500 / 1300$ ).*

*The Schmidt report concludes that agricultural consumptive use is 2.1 acre-feet per acre, or about twice as much as urban consumptive use. However, there is no accounting in the water budget calculations for the benefit to groundwater provided by CID importing Kings River water into the Plan Area for irrigation and intentional recharge. Using the same 60% irrigation efficiency used in the Schmidt report would result in nearly 40% of all agricultural irrigation going to deep percolation, which is about 14,000 acre-feet for the Plan Area. When this is included in the rural water budget together with the 10,080 acre-feet of direct recharge estimated by Schmidt, it shows that CID and its growers are adding more imported surface water to groundwater supplies in the Plan Area than they are pumping (24,000 acre-feet of recharge versus 20,000 acre-feet of pumping). This might also explain why Selma's wells have experienced a moderately lower rate of water level decline than other areas of the District.*

*The Schmidt report also ignores the benefits of precipitation in the Rural Water Budget. Agricultural land has a distinct advantage over urban land in terms of its ability to percolate rainfall because nearly all of the ground surface in agricultural areas is highly permeable, while much of the ground surface in urban areas is impermeable (i.e. roofs, streets, sidewalks). Accounting for a small amount of crop ET during rainy months, it is estimated that about 0.7 acre-feet per acre (8" out of 11" annually) goes to deep percolation from rainfall on agricultural land in the Selma area. Precipitation is a significant factor in the Rural Water Budget and should be included in the DEIR analysis.*

**Response 16.28:** : The revised calculation of 20,000 acre feet of CID recharge within the Plan area is noted and incorporated in the Draft EIR, as is the benefit to groundwater from agricultural irrigation in the area and the benefit therefrom to area groundwater. The text of the Draft EIR (page 3-138) has been revised as follows:

Based on the Plan Update land use diagram, about 14,700 acres of land would ultimately be urban (excludes CID canals and recharge ponds). California Water Service (2006) has estimated the water requirement for ~~year 2030~~ a projected 2035 population of 70,000, based on historical demand, would be about ~~27,600~~ 20,000 acre-feet per year. If groundwater pumpage alone is used to supply the urban demand for the 2035 ~~planning area population~~, the increased pumpage would be about 8,000 acre-feet per year compared to existing conditions for a total urban consumptive use of about 15,000 acre-feet per year ~~under full development of the Plan Area. compared to existing conditions for a total urban consumptive use of about 15,000 acre-feet per year. This would be about 13,000 acre-feet per year less than the estimated present consumptive use in the Plan Area.~~ The amount of wastewater generated in the Plan Area would be about ~~13,000-8,000~~ 8,000 acre feet per year. If all of this was exported out of the Plan Area, there would be an average water deficit of about ~~15,000-7,000~~ 7,000 acre-feet per year in the Plan Area. If the canal water formerly used for irrigation in the Plan Area (15,000 acre-feet per year) were used or recharged in the Plan Area under full development, then

the deficit would be eliminated. If the 10,000–5,000 acre-feet of additional wastewater was used or percolated in the Plan Area, this would reduce the deficit significantly.

Similarly, much of the information in the Conclusion reiterated the above text, and has therefore been deleted. The text of the Draft EIR (pages 3-138 & 3-139) has been revised as follows:

**Conclusion:** ~~Based on the Plan Update land use diagram, about 14,700 acres of land would ultimately be urban (excludes CID canals and recharge ponds) within the Plan Area. California Water Service (2006) has estimated the associated water requirement would be about 27,600 acre feet per year. If groundwater pumpage alone is used to supply the urban demand for the Planning Area, the increased pumpage over current usage would be about 8,000 acre feet per year. There would be an estimated urban consumptive use of about 15,000 acre feet per year under full development of the 2035 Plan Area. This would be about 13,000 acre feet per year less than the estimated present consumptive use in the Plan Area. The amount of wastewater generated in the Plan Area would be about 10,000 acre feet per year. If all of this was exported out of the Plan Area, there would be an average water deficit of about 15,000 acre feet per year in the Plan Area. If the canal water formerly used for irrigation in the Plan Area (15,000 acre feet per year) were used or recharged in the Plan Area under full development, then the deficit would be eliminated. If the 10,000 acre feet of additional wastewater was used or percolated in the Plan Area, this would reduce the deficit significantly. The ground water assessment herein and in Appendix H concludes that buildout under the Plan Update would result in about 13,000 acre feet per year less water groundwater consumption than the estimated present consumptive use in the Plan Area.~~

~~Although CID has indicated that future growth as a result of the proposed General Plan along with future growth from the other incorporated and unincorporated communities within CID's service area could result in a potentially significant impact with regard to groundwater depletion and recharge, t~~The ground water analysis prepared for based on the Plan Update supports a finding of **less than significant** impact. Implementation of the following mitigation measure will further reduce the impact.

It should be noted, however, that landscape irrigation in urban areas and wastewater discharges therefrom similarly achieve groundwater basin recharge although not necessarily at the upgradient locations of agricultural irrigation. Similarly, urban area precipitation is probably just as effective as agricultural area precipitation in achieving recharge benefits (with similar evapotranspiration rates) although once again at, in part, downgradient input.

It is, once again, critical to differentiate between urbanization impact evaluation of the groundwater underlying the Plan area, that underlying the CID and that underlying the groundwater basin boundaries. It is conceivable that despite the sharply reduced annual water demand per acre upon conversion of agricultural urban use (Schmidt) (ibid, Table 3, Rime, 3.2 to

1.8 acre feet per acre) and the State-mandated reduction in such use, there may be some minimal, but not significant, impact on in-Plan area water levels. Assuming that CID will not permit sale of in-Plan area water rights out of the District, there will be a positive impact on District groundwater. There will be a positive impact on the groundwater basin.

**Comment 16.29:** *P. 3-138 - The average rates of groundwater level decline in Selma are comparable to the rest of the District. A significant portion of CID's recharge ponds are located immediately adjacent to the City and have a direct impact on groundwater levels under the City. So it cannot be concluded that lower rates of groundwater decline in City wells is an indication that the City's overdraft is insignificant or that agricultural is causing the overdraft. This logic would imply that the City is hydraulically isolated from the rest of the District.*

**Response 16.29:** The average rates of groundwater level decline in the Selma plan area are slightly less than in the rest of the District. The EIR does not draw such conclusions regarding groundwater level decline or increase relationship to a determination of project significance.

**Comment 16.30:** *Impacts of Development of Plan Area on Groundwater - The future urban water demand of 27,600 acre-feet estimated for the Plan Area would be about 1.9 acre-feet per acre (27,600 acre-feet / 14,700 acres). However, based on Selma's actual pumping records for 2008, the future water demand would be about 45,300 acre-feet (14,700 acres x 7,400 acre-feet 12,400 acres). Although it is possible that future water demands may be somewhat less due to conservation measures in new urban developments, it is not reasonable to assume a nearly 40% reduction from existing per acre water demands.*

*The total urban consumptive use figure of 15,000 acre-feet for the Plan Area is based on unrealistic urban water budget calculations from p. 3-137. Using a more reasonable figure of say 2.0 acre-feet per acre would result in urban consumptive use of 29,400 acre-feet (14,700 acres x 2.0 acre-feet per acre) for the Plan Area, and the consumptive use of the future versus existing Plan Area would be about the same (29,400 acre-feet for urban versus 28,000 acre-feet for ag). However, the agricultural consumptive use calculation does not account for the Kings River water that is currently imported for agricultural irrigation and the 40% of all applied irrigation (surface water and pumped water) that is not used by the crops and goes to deep percolation. Nor does it recognize the contribution to groundwater from precipitation on agricultural land. To make a meaningful analysis of groundwater impacts, all sources of groundwater extraction and recharge must be included.*

*We disagree with the urban water budget presented in the DEIR, but even using this budget the report still concludes that there will be a deficit of 15,000 acre-feet per year unless imported surface water is delivered for recharge in the Plan Area or wastewater is not exported. Since neither of these options is being proposed as part of the General Plan, nor is either option likely to happen, the only possible conclusion is that there will be a 15,000 acre-foot per year groundwater deficit at urban build out. When all sources of recharge are included in the rural water budget, there would actually be a net gain in groundwater storage for the Plan Area. Therefore, the conclusion that future urban groundwater consumption will be less than the existing agricultural groundwater consumption and the finding of a less than significant impact are erroneous.*

*Following are simplified water budgets for the Plan Area based on the Schmidt report, but including the omitted contributions to groundwater we have identified. These water budgets clearly demonstrate that groundwater overdraft will increase with urban development, and that a finding of a less than significant impact is not supported.*

<i>Development Condition</i>	<i>Imported Water to GW (ac-ft)</i>	<i>GW Pumping (ac-ft)</i>	<i>Balance (ac-ft)</i>
<i>Existing (ag)</i>	<i>14,000 irrigation</i>	<i>20,000 irrigation</i>	
	<i>10,000 recharge</i>	<i>7,400 urban</i>	
	<i>+24,000 total</i>	<i>-27,400 total</i>	<i>-3,400</i>
<i>Future (urban)</i>	<i>0 irrigation</i>	<i>0 irrigation</i>	
	<i>10,000 recharge</i>	<i>27,600 urban</i>	
	<i>+10,000 total</i>	<i>-27,600 total</i>	<i>-17,600</i>

*If the correct proportional value of CID recharge in the Plan Area (20,000 acre-feet versus 10,000 acre-feet), and an urban pumping value based on 2008 pumping records (45,300 acre-feet versus 27,600 acre-feet) were used in the budgets, the difference would be even greater (+6600 acre-feet for the existing conditions and -25,300 acre-feet for the future conditions).*

**Response 16.30:** Before responding to the commenter's water budget conclusions it is necessary to provide corrective background and data:

- The project being evaluated in the Draft EIR is a 2035 population of 70,000, with its accompanying institutional, commercial and industrial land uses, located within a 14,700 acre planning area - not urban development of the Planning Area.
- The earlier-estimated 27,000 acre feet of pumped water supply needed for a 2030 urban development threshold for the City of Selma (California Water Service Company, 2006 Urban Water Management Plan) has been modified by that company to a 2035 demand of 20,000 acre feet based on average historical water demand. Even that demand estimate does not take into account the now State-mandated 20% reduction in urban per capita water usage.
- The, accuracy of the Schmidt report consumptive use calculations has been addressed in the response to Comment 16.27.

Most critically, even absent corrective water budget inputs, the suggested budget ignores the critical differences in the groundwater impact areas to be analyzed: that is, the least meaningful, the Planning Area (the area presumably of major concern to the commenting agency, the Consolidated Irrigation District) and the most environmentally pertinent, the groundwater basin. Please refer to the Response to Comment 16.27 for its concluding discussion regarding these groundwater impact areas and the project impacts significance with respect to each area.

**Comment 16.31:** *P. 3-139 - The Upper Kings Basin Integrated Regional Water Management Plan (IRWMP) included the development of a Kings Basin groundwater model by an*

*independent engineering consultant. The City of Selma was a sponsor of the IRWMP and mitigation measure 3.8.3.3 of the DEIR indicates Selma will adhere to the mitigation measures of the IRWMP. However, the analysis of groundwater impacts presented in the DEIR is in direct conflict with the IRWMP groundwater model. Selma's analysis concludes that future urban growth will result in a smaller groundwater deficit than with the current agricultural land use, and that groundwater levels under Selma will decline more slowly than surrounding agricultural areas. This implies that a groundwater mound or at least a plateau in the gradient will form below Selma as urban growth progresses, The IRWMP groundwater model indicates there will be a groundwater depression under Selma unless additional supplies are imported for groundwater recharge. The DEIR states that programs will be implemented, but provides no specific details for the future programs and fails to answer key questions of where the imported water will come from and how it will be delivered.*

*DEIR mitigation measure 3.8.3.3 is to adhere to the mitigation measures of the IRWMP, which include development of recharge facilities and importation of additional water supplies CID has been negotiating with the five cities in the District objectives, but heretofore Selma has elected not to participate in these negotiations. Therefore, Mitigation Measure 3.8.3.3 is not consistent with current City policies.*

**Response 16.31:** The Draft EIR's evaluation of General Plan implementation supports a finding that the project will have a less than significant impact upon groundwater. The Draft EIR draws no conclusions regarding groundwater mounding, plateaus or depressions under the City of Selma nor does it conclude that groundwater levels under the City will continue to decline more slowly than (in) surrounding agricultural areas.

The subject mitigation measure leaves open the question of City participation in a cooperative agreement with CID or other cities. It also provides an alternative which the City may elect to pursue.

**Comment 16.32:** *P.5-3 & 4 - The narrative for cumulative impacts on hydrology and water quality is simply a verbatim restating of the analysis in Chapter 3, and our prior comments for Chapter 3 would also be applicable. Since it was concluded in Chapter 3 that there will be a less than significant impact, Chapter 5 simply concludes that there will be less than significant cumulative impacts related to hydrology and water quality. Regardless of the findings in Chapter 3, this is not a sufficient analysis of cumulative impacts. The cities neighboring Selma also plan to grow and therefore the cumulative impacts of Selma's growth must be considered together with other future urban development in neighboring cities.*

**Response 16.32:** Cumulative impacts including future development in neighboring cities have been considered in Chapter Five of the Draft EIR. Please refer to the Response to Comment 16.10.

## **Commenting Agency #17**

City of Selma Recreation & Community Services  
2301 Selma Street  
Selma, CA 93662

**Comment 17.1:** *Policy 5.25 – Although the School District and the City of Selma does have an agreement, the school grounds are not available at all times needed for practices and outdoor play. Recommendation is not to count School District Space.*

**Response 17.1:** School District land is not included as recreational space. See response to Comment 5.52.

**Comment 17.2:** *Policy 6.6 – Physical: Shelter Rentals Information: Brentlinger, Shafer and Peter Ringo park. Correct fee should read \$35.00 residents and \$65.00 non-residents.*

**Response 17.2:** Comment noted. Policy 6.6 makes no reference to rental fees. However, under *Physical, City Parks, Bretlinger Park* (page 3-211), the document references the cost of using picnic shelters. The text of the Draft EIR (page 3-211) has been revised as follows:

- **Brentlinger Park** is a 10.1-acre neighborhood and community park at the corner of Rose and Orange Avenues with a playground, picnic tables, tennis courts, basketball courts, two lighted baseball diamonds, open grass areas and picnic shelters (which can be reserved one year in advance for the cost of \$30 35 for residents and \$6065 for non-residents).

**Comment 17.3:** *Lincoln Park should read Bandstand instead of gazebo.*

**Response 17.3:** The text of the Draft EIR (page 3-211) has been revised as follows:

- **Lincoln Park** is a 3.5-acre neighborhood park at the corner of Rose and McCall Avenues with picnic tables, ~~gazebo~~bandstand, restrooms and open grass areas.

**Comment 17.4:** *Shafer Park should read three diamonds and grass volleyball court (Replace sand court).*

**Response 17.4:** The text of the Draft EIR (page 3-211) has been revised as follows:

- **Shafer Park** is a 21.1-acre neighborhood and community park located at Floral and Thompson Avenues with a playground, picnic tables, basketball courts, ~~two~~three lighted baseball diamonds, ~~sand~~grass volleyball courts, walking trails, and picnic shelters (which can be reserved one year in advance for the cost of \$30 for residents and \$60 for non-residents).

**Comment 17.5:** *Performing Arts should just read ages 6 to 15.*



**Response 17.5:** The text of the Draft EIR (page 3-212) has been revised as follows:

*Performing Arts*

Youth ages ~~5- 6~~ to 15 can join the production of a play or musical with no formal experience required. Participants ~~between 7 and 15 years of age~~ audition for parts in the show. All materials are provided and included in the registration fees. Kids ~~between the ages of 5 and 6~~ can participate in theatre workshops to learn about the arts. Space is limited and registration is taken on a first-come first-serve basis.

**Comment 17.6:** *Visual Arts should read ages 8 to adults. (We offer a variety of classes).*

**Response 17.6:** The text of the Draft EIR (page 3-212) has been revised as follows:

*Visual Arts*

~~Youth~~ People ages ~~8-11~~ to adult can learn to draw, paint and sculpt using ceramic clay or participate in an introduction to arts and crafts. Classes are designed to be a fun and instructional environment with no previous experience needed. All materials are provided and included in the registration fee. Class size is limited and registration is taken on a first-come, first-serve basis.

**Comment 17.7:** *Youth Sports – Volleyball should be added.*

**Response 17.7:** The text of the Draft EIR (page 3-212) has been revised to reflect the addition of volleyball.

Youth sports programs include boys and girls' T-ball for ages 4-7, girls' softball for ages 8-13, volleyball, aquatics lessons, and recreational swimming held at the Selma High pool. Adults can find City sponsored programs in co-ed slow pitch softball and basketball.

**Commenting Agency #18**

California Department of Conservation  
Division of Land Resource Protection  
Williamson Act Program  
801 K Street MS 18-01  
Sacramento, CA 95814

**Comment 18.1:** *Mitigation Measures - It is unclear whether Mitigation Measure #3.2.3.2 (page 3-22) addresses ratios of lost agricultural land to conservation easements. That being said, we provide the following suggestion for expansion of the mitigations under section 3.2 Agriculture.*

*The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department recommends that permanent agricultural conservation easements be placed on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased. Where prime agriculture land is lost the Department strongly recommends that it is mitigated at a ratio of 2:1 with land of equal quality.*

**Response 18.1:** The State has ruled in *Friends of the Kangaroo Rat v. California Dept. of Corrections* (2003) 111 Cal. App. 4<sup>th</sup> 1400, that the recommendation made by the California Department of Conservation does not qualify as mitigation. Specifically:

“Guidelines section 15370 states:

‘Mitigation’ includes:

- (A) Avoiding the impact altogether by not taking a certain action or part of an action.
- (B) Minimizing impacts by limiting the degree or magnitude of the action and its implementation
- (C) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (D) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (E) Compensating for the impact by replacing or providing substitute resources or environments.

Appellant’s suggestion, the creation of an agricultural easement, does not appear to fall into any of these five categories.”

As noted on page 3-10 of the DEIR, the land outside the City’s SOI is designated by the Fresno County General Plan as Agriculture. As such, these lands are under the standards and guidelines of the Fresno County Land Use Element policies established to protect agricultural lands. As explained in response to Comment 14.6, the City has a limited ability to effect changes outside its city limits, and therefore, impacts to those agricultural lands will be significant and unavoidable. Implementation of Mitigation Measures #3.2.3.2 can occur in only limited situations (i.e., where the City has been given responsibility for the farmlands under Fresno County jurisdiction), and inclusion of the commenter’s suggested ratio of conservation easements could serve to further restrict the City’s ability to mitigate the loss of Williamson Act lands. However, City Policies 1.3, 1.7-1.9, 1.11, 1.95, 1.100, 1.103-1.105, and 5.8 – 5.12 as well as Mitigation Measures #3.2.3.1 and #3.2.3.2 are available to reduce the severity of the impact associated with loss of prime agricultural land.

## **Commenting Agency #19**

California Water Service Company  
2014 2<sup>nd</sup> Street  
Selma, CA 93662-3741

(These comments refer to the document contained in Appendix H of the Draft EIR, Groundwater Conditions in the City of Selma, General Plan Update, 2035 Area, prepared by Kenneth D. Schmidt and Associates, Groundwater Quality Consultants, Fresno, California, June, 2009.)

**Comment 19.1:** *The main concern of this document (Schmidt's Report - not DEIR) is the establishment of the total water demand for the city of Selma 2035 Plan Area of 15,000 afy. This water demand is not clearly defined how it was estimated and appears to be the outdoor water demand and not the total demand for the city.*

**Response 19.1:** The 15,000 acre foot estimate is for consumptive use in the year 2035, not outdoor water demand or total demand for the City. Please see Comment 19.2 and the Response thereto for an explanation of consumptive demand.

**Comment 19.2:** *In another document, The City of Selma General Plan Update – Draft Environmental Impact Report, which the subject document is an appendix of, projects at a population growth rate of 4% per year for the City of Selma. Using this growth rate for the Single Family Residential category and the 5-year historical growth rate of 1.22% for the Multi-Family Residential, Commercial, Industrial, Government, and Other categories, CWS estimate a demand of 20,000 afy based on average historical water demand for 2035. A demand of 24,500 afy is estimated based on the highest historical water demand per service. And only under strict conservation method can the demand be reduced to a range of 16,000 to 17,000 afy. These estimates are presently being revised for the 2010 Urban Water Management Plan and have not been finalized.*

**Response 19.2:** The use of average historical demand, as opposed to highest historical demand, in estimating 2035 total water demand is appropriate. Several factors dictate such use:

1. California Water Service Company reports (Final Draft 2006 Urban Water Management Plan, Selma District) that 57% of its existing single-family residential services are unmetered; further that 67.8% of its total water demand was for single family residential; and that all new services are metered. The State of California has required that all existing residential service be metered by 2025. California Water Service Company has indicated that their replacement program would have all services metered by 2019.

Although there is debate as to the percentage of residential demand reduced by metering, that percentage is significant.

2. Buttressing California Water Service Company's stated goal (ibid, page 3-71) of a ten percent reduction in pre-drought demand, Senate Bill No. 7 recently signed by the Governor

"requires urban water agencies to reduce statewide per capita consumption 20 percent by 2020."

Total consumptive use is reduced, and thus total water demand, is reduced through percolation of landscape irrigation and by percolation from wastewater facility ponds. These recycle sources would provide, with most conservative estimates, 2,000 acre feet per year and 7,500 acre feet (9,560 acre feet) per year of consumptive use reduction in the groundwater basin, 2,000 acre feet and (20% x 7,500 acre feet) 1,500 acre feet per year, a total of 3,500 acre feet per year within Consolidated Irrigation District boundaries. The 15,000 acre foot consumptive use figure is accurate (20,000 acre feet - 9,500 acre feet = 11,500 acre-feet; 20,000 - 3,500 = 16,500 acre feet, an average of 14,000 acre feet).

**Comment 19.3:** *The subject document also fails to mention that the basin as a whole is in overdraft condition as shown in the declining water levels of the basin. The study does state that average decline near the 2035 plan area is less than for the entire CID District area, but does not discuss the effect of the increase in pumping based on the 2035 demand. The document does state several broad concepts for bringing additional recharge in to the plan area, but does not look at the feasibility of these projects.*

**Response 19.3:** Page 24 of the document (Appendix H) notes the decline in "the CID as a whole" and compares it to that in the Plan area. The comment's assumption that urbanization projected for 2035 will cause "an increase in pumping" may be incorrect dependent upon the effects of metering and the effects of legally mandatory water use reduction.

**Comment 19.4:** *Cover Letter –*

- *The cover letter refers to a specific commercial project, Rockwell Pond, whereas the subject document discusses the General Plan Update 2035 Area.*

**Response 19.4:** The error is noted.

**Comment 19.5:** *Page 3, Figure 1 –*

- *Location of Well 17-02 is not shown*
- *Well 12-01 should be 21-01*

**Response 19.5:** Figure 1 of Ken Schmidt's report, included in this Final EIR as Appendix B has been revised to incorporate the correct location of Well 21-01.

**Comment 19.6:** *Page 5, last paragraph –*

- *15 CWS Selma Wells should be changed to 12 CWS Selma Wells.*
- *Well 05-04 should be changed to Well 05-03.*
- *Well 12-01 is being re-habilitated and new pump equipment being installed.*

**Response 19.6:** The comments are noted and incorporated in the revised *Groundwater Conditions in the City of Selma General Plan Update 2035 Area report*, included in Appendix B of this Final EIR. The text of the Draft EIR has been revised (page 3-123) to state:

*California Water Service*

California Water Service (CWS) provides water service within the Selma City limits and to a small neighboring area of Fresno County. Water from the system comes from 15 underground water wells (see Figure 3.8-1). Of these wells, Well No. 05-04-03 has been on standby and Well No. 12-01 is ~~temporarily out of service being rehabilitated~~. Table 1 of the Groundwater Conditions Report found as Appendix H provides construction data for CWS wells. ~~The CWS wells have a maximum combined production capacity of approximately 13 million gallons per day (mgd), which equals approximately 9,028 gallons per minute (gpm).~~ The maximum daily demand is 12 mgd, and the daily average demand is 5.9 mgd (6,600 AF per year). CWS reports that the system is adequate to satisfy current demand and provide required Uniform Fire Code fire flows, but it is expected that new wells and other facilities will be needed to keep ahead of demand. The City's groundwater after minimal treatment, is in compliance with all ~~federal~~ drinking water requirements.

**Comment 19.7:** *Page 7, table 1 –*

- *Casing Diameter should be in inches not feet*
- *Well 05-04 should be Well 05-03 and was drilled in 1924*
- *Well 06-01 was drilled in 1927, total depth is 315 feet (not 296), casing depth is 294, and casing diameters 14 inches*
- *Well 07-01 was drilled in 1932, casing depth is 190 (not 208)*
- *Well 10-01, total depth is 306 (not 33), casing depth is 289 (not 290)*
- *Well 12-01, casing depth is 316 (not 376)*
- *Well 13-02, bottom perforated interval should be 540 feet (not 560)*
- *Well 16-03, casing diameter is 16 inches, bottom perforated interval should be 570 feet (not 582)*
- *Well 17-02, drilled in 2006, total depth 645 feet, casing depth is 64 feet, casing diameter is 16 inches, and perforated interval is 441 to 626 feet.*
- *Well 18-01, total dept is 570 feet (not 610)*
- *Well 19-01, total depth is 623 feet (not 675)*
- *Well 20-01, total depth is 670 feet (not 725)*

**Response 19.7:** The comments are noted and incorporated in the revised *Groundwater Conditions in the City of Selma General Plan Update 2035 Area report*, included in Appendix B of this Final EIR.

**Comment 19.8:** *Page 13, second paragraph –*

- *1,200 gpm should be changed to 1,300 gpm*

**Response 19.8:** The comment is noted and incorporated in the revised *Groundwater Conditions in the City of Selma General Plan Update 2035 Area report*, included in Appendix B of this Final EIR. Additionally the DEIR has been revised as appropriate.

The receipt of the latter data, and its attribution to California Water Service Company, is noted and incorporated in the report, included as Appendix C of this Final EIR. Additionally the DEIR has been revised as appropriate.

**Comment 19.10:** *Page 13, fourth paragraph –*

- *Verify if last statement is true*

**Response 19.10:** Absent specific concerns, no response to this directive comment is possible. It is based upon the best estimates available.

**Comment 19.11:** *Page 17, table 3 –*

- *Well 09-01 data missing*
- *Well 12-01 data missing*

**Response 19.11:** Comment noted.

**Comment 19.12:** *Page 18, third paragraph –*

- *Well 09-01 data missing*

**Response 19.12:** Comment noted.

**Comment 19.13:** *Page 19, table 4 –*

- *Well 15-01 data is missing*

**Response 19.13:** Comment noted.

The receipt of the 2008 data from California Water Service Company (7,116 acre feet) was acknowledged in the response to Comment 19.9. The 2,600 acre feet noted on page 21 was stated to be, “dry weather wastewater influent.” The “about 3,000 acre feet” referred to on page 14 was total effluent for 2008. All other comments are noted and incorporated in the revised *Groundwater Conditions in the City of Selma General Plan Update 2035 Area report*, included in Appendix B of this Final EIR.

**Comment 19.15:** *Page 22, first paragraph –*

- *The concept of the percolation ponds being reduced from 100 acres to 15 acres after deep ripping of pond, with an increase of infiltration rate. Will this process be maintained by CID under a scheduled interval?*
- *Is it possible for the recharge due to storm water to be less than 100 afy, given the area of the 2035 Plan Area? With a plan area of 15,200 acres and 11 inches of average rain fall for the Selma area, this would equate to 14,000 afy per year. Assuming 50% of this volume for direct recharge, 100 afy is a vastly underestimated value.*

**Response 19.15:** No response regarding the percolation pond comment is possible, or required for the purposes of the Appendix H Study or the EIR. The reduction in surface acreage reduces evaporation losses. However, that reduction is of limited consequence in forecasting groundwater impacts; maximum evaporation (maximum pond area) has been considered in such forecasts.

In response to the question regarding recharge, the statement has reference to current "recharge of storm water in the City." The 100 afy was a typo; the correct figure is noted in the revised Schmidt report (Appendix B to this Final EIR) is 1,000 afy. Additional stormwater recharge takes place in Consolidated Irrigation District and SKF ponds and in CID canals. Future recharge volumes may approach or exceed the level (50%) assumed by the commenter.

**Comment 19.16:** *Page 24, second paragraph –*

- *What is the basis of selecting a specific yield of 0.15 for the shallow deposits?*

**Response 19.16:** The revised Schmidt report, included as Appendix B of this Final EIR, provides the requested basis for this estimate.

**Comment 19.17:** *Page 24, third paragraph –*

- *It should be added that 2006 CWS estimate of demand of 27,600 afy was based on the City of Selma's establish growth rate at that time, as shown in the following table:*

<i><u>Period</u></i>	<i><u>City Projected Annual Growth Rate</u></i>
<i>2006-2010</i>	<i>13.5%</i>
<i>2011-2015</i>	<i>8.2%</i>
<i>2016-2020</i>	<i>3.5%</i>
<i>2021-2030</i>	<i>2.1%</i>

**Response 19.17:** It is presumed that the above table of growth rates projected from 2006 to 2030 is based on the same data as that used by California Water Service Company to develop Figure 2.2-2, Final Draft Estimated Population Comparison, 2006 Urban Water Management Plan, Selma District.

This General Plan update assumes a 4%, controlled growth rate through 2035, resulting in a City population of approximately 70,000, significantly less than the 2030, 90,000+ population envisioned in the Urban Water Management Plan.

**Comment 19.18:**

- *It is established that 15,000 afy will be the demand of the full development of the 2035 plan area based on 1.0 afy/acre. Is the 1.0 afy/acre based on the total consumptive use for the City of Selma from the section entitled “Existing Water Budget – Urban” on pages 22-23? If so, how can 60% of the estimated outdoor water use be an estimate of the total demand for the City of Selma?*

**Response 19.18:** The comment assumes a water demand calculation based on acre feet per acre of urban planning area, 15,000 acre feet per year.

This is not the case. Appendix H calculated a consumptive use of approximately 15,000 acre feet per year for 2035. The actual water demand will be about 20,000 acre feet per year, as currently projected (see response to Comments 16.28 and 19.2) by the California Water Service Company. Also see response to Comment 16.28 for details on text revised in the Draft EIR regarding projected water use and consumptive use.

**Comment 19.19:** *Page 25, first paragraph –*

- *What is the basis for the estimated wastewater generated in the plan area of 13,000 afy? If total demand is 15,000 afy, this would be an indoor water use of 87%, a very high value since on Page 21, it is estimated that 40% of the water demand is indoor usage (using the report values of 2,600 afy wastewater influent divide by 6,300 afy). CWS records estimate the indoor water usage as 34% based on historical records from 1980 to 2008.*

**Response 19.19:** At a projected population of approximately 70,000, and with current wastewater discharge rates of 100 gallons per capita per day, wastewater generation would be about 7,800 acre feet per year for the General Plan's anticipated growth horizon. This figure will be reduced somewhat with State-mandated urban water demand reduction. A substantial portion of that reduction, if not a majority, however must come from the two-thirds of residential water usage for outdoor purposes.

The 13,000 afy figure referred to in the comment is projected for the development of the entire Planning Area, development which is not environmentally evaluated in the EIR. It is, however, an appropriate measure to evaluate urban development in the Selma area against existing agricultural development in that area, and their corresponding water demand and groundwater impacts.



**Comment 19.20:**

- *It is not established how 15,000 afy recharge water can offset demand within the 2035 Plan Area since the aquifer is unconfined. A 1:1 ratio of pumping to recharge has not been established.*

**Response 19.20:** The comment is not fully understood. However, the subject study does not purport to establish that there is a "1:1 ratio of pumping to recharge." It simply provides the statistical basis for comparative analysis of current, mixed urban and agricultural, land usage in the Plan area and substantiates that urban land use recharges reduce its consumptive use water demand to less per acre than agricultural land use.

**Commenting Agency #20**

County of Fresno  
Department of Public Works and Planning  
Development Services Division  
2220 Tulare Street, Sixth Floor  
Fresno, CA 93721

**Comment 20.1:** *As noted originally in the City of Selma's Notice of Preparation, the City's General Plan and future proposal for expansion of its Sphere of Influence (SOI) will have a direct fiscal impact on the County. The General Plan Update applies to approximately 15,183 acres, located in the proposed planned area. The growth to be accommodated in the Plan is projected to result in an additional population of approximately 70,936 persons by the year 2035. This population will result in an increased service population for health services, social services, the justice system, and other county-wide services provided by Fresno County.*

**Response 20.1:** The City acknowledges that the population in Fresno County is anticipated to increase significantly in the next 40 years. It is the intent of the City to provide increased services to new residents throughout the increased SOI. Although the population will continue to increase outside the SOI – in the Planning Area and throughout the County – the City expects that those residents will rely on City services as well as those provided by the County. Pages 3-198 through 3-204 of the DEIR discuss the potential impacts to services, as well as mitigation measures and policies to reduce impacts. Specific impacts will be evaluated in detail when development projects are proposed.

**Comment 20.2:** *The increased population will also impact and necessitate expansion of the County transportation system, recreational facilities, library system, and other County facilities to accommodate the increased growth. While the County has recently adopted a county-wide impact fee addressing the need for new county-wide facilities and infrastructure, these fees combined with other revenues shared by the City will not offset all service delivery costs.*

*As a result, any request for expansion of the City's SOI will require the existing Master Tax Sharing Agreement to be renegotiated in order to address the County's cost of providing increased services as a result of City growth.*

*As a point of information, on March 24, 2009 the County Board of Supervisors took action and directed staff to work cooperatively with all 15 Cities in Fresno County over a period not to exceed three years to develop a mutually agreeable alternative methodology for tax sharing, with the goal of revising all of the existing tax sharing agreements by mutual consent at the same time. The Board agreed to allow Cities to request amendments to the existing Master Tax Sharing Agreements to accommodate future growth areas in the intervening period, provided the amendment is either for a short term (3 years or less) and/or includes a provision that accepts and incorporates the outcome of any future tax sharing arrangement that may be developed.*

**Response 20.2:** Comment noted. Although the City will continue to work with the County and other cities on the Master Tax Sharing Agreement, it should be noted that impact fees can be used only for facilities and infrastructure, and not for the provision of services such as staffing of the library. Funding for salaries and operations are provided through other sources: please see responses to Comments 13.2 and 13.3 for more details about funding for operations and services.

**Comment 20.3:** *Land Use: In response to the NOP, County staff acknowledged the need for additional housing to accommodate population growth in the City of Selma. However, staff expressed concern with the proposed Very Low and Low Density residential designations which would allow residential units on 9,000 and 12,000 square foot minimum lot sizes, respectively. Staff indicated that these two designations were not an efficient use of land for a city environment, given the fact that productive agricultural land will be lost in order to accommodate housing on such large lots. In addition, the proposed Very Low and Low Density designations will result in costly infrastructure expansion and will contribute to degradation of air quality.*

**Response 20.3:** As indicated in Policy 5.9 (page 3-16 of the DEIR), the intent of allowing Very Low and Low Density residential designations is to limit potential human health and safety impacts in areas adjacent to land planned for long-term agricultural uses. The areas of Very Low and Low density residential lands provide a buffer between agricultural and urban land uses on the north and east sides of the City.

Mitigation Measure #3.9.3.1 notes that Policy 1.95 should be modified to state: (page 3-15 of the DEIR) “The City shall maintain a 40,000 population and 70,000 population Urban Development Boundary (UDB) that limits development to within those boundaries until the City’s population exceeds the corresponding UDB population. The City shall maintain an adequate supply of zoned residential land to meet 10 years of its Regional Housing Needs Allocation, a 10-year supply of zoned commercial land, and a 20-year supply of industrial land. The City shall amend the SOI, UDBs, annex areas meeting LAFCO criteria, and redesignate “Reserve” lands within the Planning Area as necessary to maintain such supply.” This is intended to ensure that the City retains enough land to meet its RHNA targets without allowing “urban sprawl” to move into as-yet non-urbanized areas.

**Comment 20.4:** *The DEIR still shows 104 acres of land proposed for Very Low Density Residential and 786 acres of land proposed for Low Density Residential land use within the proposed SOI expansion area.*

**Response 20.4:** See response to Comment 20.3.

**Comment 20.5:** *Goal 10 in the Land Use Element addresses commercial development adjacent to Highway 99 and that the commercial developments will be visually pleasing to travelers on highway 99. County staff would like to suggest that Goal 10 reference the provisions included in the Highway 99 Beautification Ordinance adopted by the City of Selma.*

**Response 20.5:** Comment noted.

**Comment 20.6:** *Williamson Act: Filing a Notice of Non-Renewal on a parcel that is under a Williamson Act contract does not constitute availability of the parcel for immediate development. When a Non-Renewal Notice is filed and the Notice is recorded prior to October 1<sup>st</sup>, effective January 1<sup>st</sup>, the property would still be subject to the same restrictions for an additional nine years until the contract expires.*

**Response 20.6:** Comment noted. In situations where a land owner has property that is under Williamson Act contract within the City SOI or on Reserve lands outside the SOI, the land is considered “urban use designation” by the City. In anticipation of potential urban use, the land owner may want to convert the land from agricultural to urban use by non-renewal or cancellation of the Williamson Act contract.

When a Williamson Act contract is renewed annually, it continues in effect for 10 years. If the land owners does not renew the contract (e.g., non-renewal) the land continues to be under contract for the ten-year period, at which time it can then be converted to another use. Cancellation of the Williamson Contract means that the contract immediately expires, and the landowner pays taxes and penalties. The intent of the Williamson Act is to provide an incentive to the land owner to keep the agricultural land in production, and, as stated in the DEIR, the City should discourage cancellation of Williamson Act contracts outside the SOI, to discourage premature expansion of the SOI.

**Comment 20.7:** *Airport Land Use: On October 28, 2008, staffing and administrative functions for the Airport Land Use Commission (ALUC) were transferred from the Fresno County Department of Public Works and Planning to the Council of Fresno County Governments (Fresno COG). Therefore, requests for comment regarding airport land use issues should be sent to the Fresno COG directly.*

**Response 20.7:** Comment noted.

**Comment 20.8:** *Transportation and Circulation: Mountain (Mt.) View Avenue from SR 99 to the Tulare County Line is classified as an Expressway in the Fresno County General Plan. The reclassification of this roadway to an Arterial as depicted in this EIR is in conflict with the County's classification and is a significant impact that is not addressed in the DEIR.*

**Response 20.8:** The County is correct: the Background Report indicates that the County considers Mountain View Avenue as an Expressway, although the City considers it an Arterial (Page 6-2 of Background Report and Table, Page 3-244 of DEIR). The City does recognize the road level of “Expressway,” (Policy 2.12 of the Circulation Element and 3-221 of the Draft EIR) and designates Manning Avenue as the only east-west Expressway in the Draft EIR. East of Highway 99 to Bethel Avenue, Mountain View Avenue is a divided 4-lane road, and qualifies as an Expressway. Table 3.15-5 of the Draft EIR (page 3-244) has been revised as follows to reflect that Mountain View Avenue is designated as an Expressway.

**Table 3.15-5  
East-West Street Designations**

Road	Segments	Functional Classification	Number of Lanes	
			Planned	Existing
Manning Avenue	Armstrong to SR 99	Arterial	4	2
Manning Avenue	SR 99 to Bethel	Expressway	4	4
Springfield Avenue	Armstrong to Locan	Collector	2	2
Springfield Avenue	Leonard to Highland	Collector	2	Not existing
Springfield Avenue	Thompson to Bethel	Collector	2	Not existing
Dinuba Avenue	Armstrong to DeWolf	Arterial	4	2
Dinuba Avenue	Across SR 99	Arterial	4	Not existing
Dinuba Avenue	SR 99 to Bethel	Arterial	4	2
Huntsman Avenue	Armstrong to DeWolf	Collector	2	2
Nelson Boulevard	Highland to Thompson	Collector	2	2
Nelson Boulevard	McCall to Orange	Collector	2	2
Floral Avenue	Armstrong to Leonard	Arterial	4	2
Floral Avenue	Leonard to Wright	Arterial	4	4
Floral Avenue	Wright to Bethel	Arterial	4	2
Rose Avenue	Armstrong to Thompson	Collector	4	2
Rose Avenue	McCall to Country Rose	Collector	4	4
Rose Avenue	Country Rose to Bethel	Collector	4	2
Nebraska Avenue	Armstrong to 2 <sup>nd</sup>	Arterial	4	2
Nebraska Avenue	Golden State to Bethel	Arterial	4	2
Saginaw Avenue	DeWolf to Highland	Collector	2	2
Saginaw Avenue	Highland to SR 99	Collector	2	Not existing
Saginaw Avenue	Golden State to Bethel	Collector	2	2
Mtn. View Avenue	DeWolf to Golden State	<del>Arterial</del> Expressway	4	2
Mtn. View Avenue	Golden State to Bethel	<del>Arterial</del> Expressway	4	4
Caruthers Avenue	DeWolf to Highland	Collector	2	2
Caruthers Avenue	Highland to Dockery	Collector	2	Not existing

**Comment 20.9:** *The proposed plan line at Golden State and Mt. View significantly impacts other jurisdictions outside Selma's Sphere Of Influence (SOI). Traffic generated by projects located in the expanded SOI will significantly impact the intersection of Mt. View and Academy and is not addressed in the DEIR.*

**Response 20.9:** Traffic intersections outside the City’s Planning Area were not included in the traffic study. Although the County is correct in stating that areas outside the SOI will be impacted, other factors including development in Parlier and other areas in the county will also

contribute to impacts at the intersection of Academy and Mountain View Avenue. This policy document does not consider those situations where future development and associated impacts are unknown, as to do so would be speculative. Potential impacts will, however, be addressed in the future when specific projects are under consideration.

**Comment 20.10:** *The proposed SOI change will affect intersections along Manning Avenue from Academy to SR 99. Some of these segments and intersections will result in capacity improvements within the County jurisdictions. Without an identified funding source to construct these capacity improvements, the impact would be considered Significant. Manning Avenue from SR 99 to Armstrong is classified as an Expressway in the Fresno County General Plan. The reclassification of this roadway to an Arterial as depicted in this EIR is in conflict with the County's classification and would be a significant impact that is not addressed in the EIR.*

**Response 20.10:** See response to Comment 20.8 and 20.9. As noted in response to Comment 20.8, Table 3.15-5, page 3-244 of the DEIR, designates Manning Avenue an Expressway between Highway 99 and Bethel Avenue. West of Highway 99, Manning is designated as an Arterial as it is no longer a 4-lane, divided road. The Table indicates that the segment of Manning from SR 99 to Armstrong is planned for four lanes; however, that expansion has not yet occurred. Also, on a related matter, Table 3.15-5 of Draft EIR (page 3-244) has been revised to reflect that Mountain View Avenue is designated as an expressway, as it meets the definition of the City's Transportation Element.

**Comment 20.11:** *Golden State Blvd. north of Highland and south of Nebraska is classified as a Super Arterial in the Fresno County General Plan. The reclassification of this roadway to a Major Arterial as depicted in this EIR is in conflict with the County's classification and is a significant impact that is not addressed in the DEIR.*

**Response 20.11:** The term “Major Arterial” is used in the Selma DEIR, but the term “Super Arterial” is not used, nor is it included in the City’s roadway designations. Golden State Boulevard does not qualify as an Expressway within the City, and Major Arterial best defines this road under the City’s definition.

**Comment 20.12:** *The following roadways and intersections located within the County's jurisdiction would be significantly impacted by the project and were not studied in the EIR:*

*Roadways:*

*Mt. View - Bethel to Academy  
Bethel Avenue - Mt. View to Manning  
Academy Avenue - Mt. View to Manning  
Fowler Avenue - Mt. View to Manning*

*Intersections:*

*Bethel/Mt View  
Bethel/Rose  
Bethel/Manning  
Academy/Rose*

**Response 20.12:** See response to Comment 20.9

**Commenting Agency #21**

California Department of Transportation  
Office of Transportation Planning  
District 06  
1352 West Olive Avenue  
Fresno, CA 93778-2616

**Comment 21.1:** *Policy 2.14 indicates that meandering sidewalks shall be encouraged along collectors and arterials; however, Caltrans prefer straight sidewalks along State Route (SR) 43.*

**Response 21.1:** North of Saginaw, State Route 43, also known as Highland Avenue, increases in width and becomes a major arterial to its terminus at Highway 99. South of Saginaw to Caruthers, State Route 43 is a “State Highway” (see Table 3.15-6, page 3-244). Although Policy 2.14 (page 3-221) states, “Meandering sidewalks shall be encouraged along collectors and arterials,” the policy is not intended to apply to major arterials or to other, established major roadways.

**Comment 21.2:** *Policy 2.31, Major Arterial Street Standards, Standard “a” provides guidance regarding the placement and spacing of driveways along arterials; however, since proposed driveways along SR 43 require a permit from the State, the location and spacing of driveways along SR 43 will be based on the prevailing speed and the size and nature of the proposed development.*

**Response 21.2:** Comment noted.

**Comment 21.3:** *Policy 2.31, Major Arterial Street Standards, Standard f: On SR 43, future signalization should be set at ½ mile spacing.*

**Response 21.3:** The text of the Draft EIR (page 3-225) has been supplemented as follows:

- f. Major arterials shall be developed in conformance with Figures 2-1 and 2-2 and shall be sized in accordance with the projected traffic volumes on road segments and intersections. The preferred minimum distance between intersections along major arterials is ¼ mile. Future signalization along State Route 43 (also known as Highland), where it lies within the City’s SOI, shall have signalization set at ½ mile intervals where possible.

**Comment 21.4:** *Policy 2.32: it should be noted that where other jurisdictions control and manage roadways, their respective level of service standards shall prevail on applicable segments.*

**Response 21.4:** Comment noted.

**Comment 21.5:** *Policy 2.43 does not apply to SR 43. As previously indicated for Major Arterial Street Standard f, Caltrans recommends that signalized intersections along Route 43 should be spaced at ½ mile intervals.*

**Response 21.5:** See response to Comment 21.3.

**Comment 21.6:** *On Figure 2-3b, it is acknowledged that SR 43 is shown as a route with a class 2 bike lane. However, it is recommended that the class 2 bike lane designation terminate at Mountain View Avenue rather than Caruthers Avenue.*

**Response 21.6:** While the City appreciates Caltrans' concerns about having the bike path extend south of Mountain View Avenue as a Class II path, the proposed bike path along SR 43, as shown in Figures 2-3a and 2-3b, will be the City's portion of a larger, regional bike path plan that was developed in anticipation of an increased need for this form of alternative transportation.

**Comment 21.7:** *Policy 2.50 provides guidance regarding landscaping. All proposed landscaping plans shall meet current standards as determined by the District Landscape Architect. All features of landscaping shall be evaluated for type, location and site visibility conflicts during the encroachment review process. All permits for landscaping in conventional highway right-of-way must be accompanied by a "District" approved maintenance agreement obligating a local agency or the permittee to maintaining the landscaping. Said maintenance agreement must accompany and be approved prior to issuance of the landscape permit. Proposed approval is subject to the Headquarters Departmental approval process.*

**Response 21.7:** Comment noted.

**Comment 21.8:** *On Figure 2-4, the entire segment of SR 43 southward from SR 99 is designated as an STAA truck route. Also, the entire segment of Floral Avenue eastward from SR 99 should be shown as a truck route.*

**Response 21.8:** Comment noted. General Plan Figure 2-4 on page 3-235 of the Draft EIR has been revised as shown on the following page to depict the STAA truck routes as noted by Caltrans.

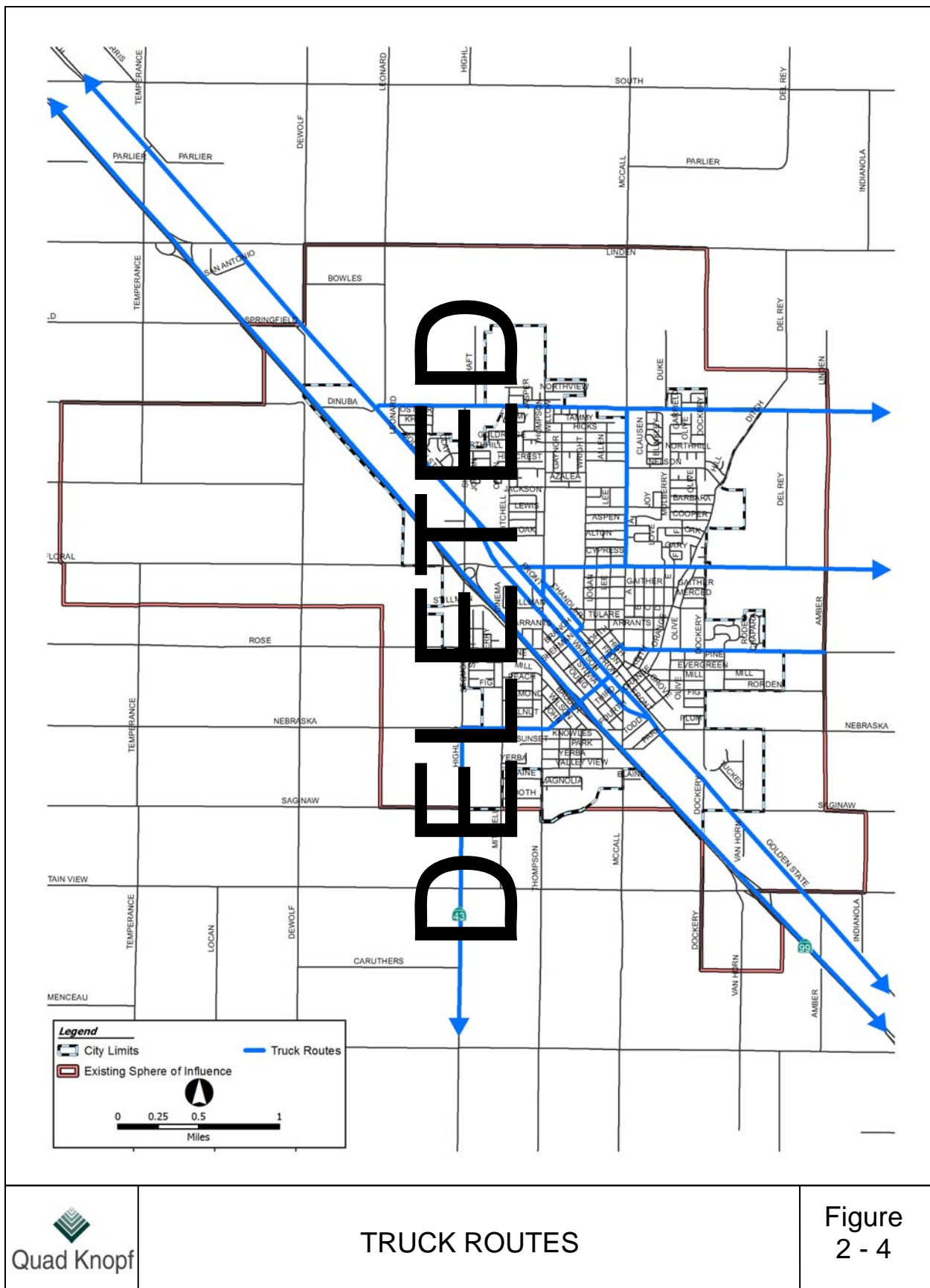
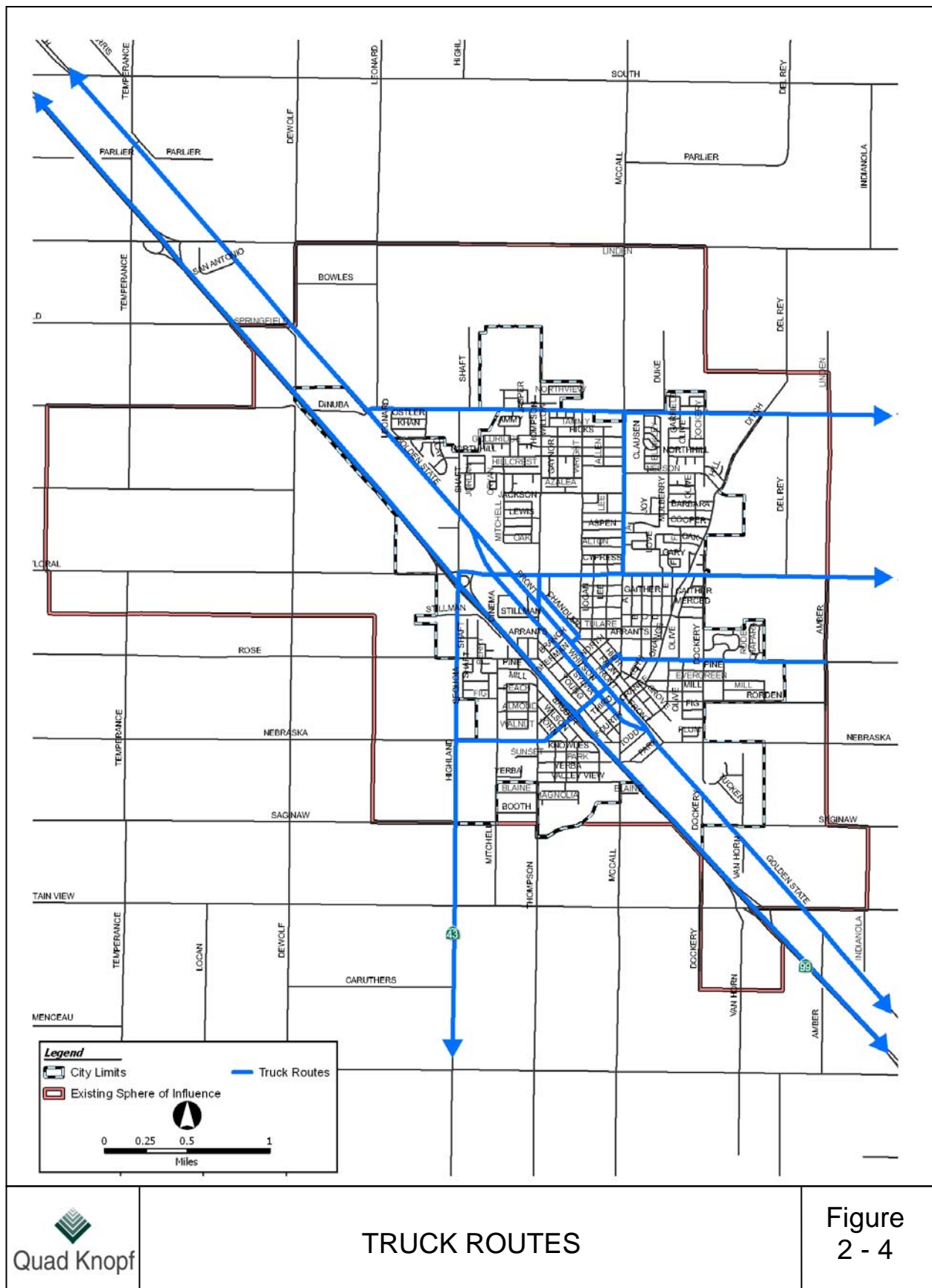


Figure  
2 - 4





**Comment 21.9:** *Figure 3.15-8: For State Routes the basic land width for multilane highways is 12 feet. Shoulder widths shall comply with the Highway Design Manual Section 302.1. Bikeway widths shall comply with the Highway Design Manual Section 1001.*

**Response 21.9:** Comment noted.

**Comment 21.10:** *Based upon Caltrans review of private development traffic studies in the Selma area, Caltrans has indicated the need for the following future improvements:*

*SR 99/Mountain View Avenue Interchanges:*

- *Widen and raise overcrossing.*
- *Addition of loop on-ramps.*
- *Signalize and add turn lane to southbound off-ramp.*
- *Signalize and add turn land to northbound off-ramp.*

*SR 99/Floral Avenue Interchange:*

- *Add left turn lane from southbound SR 43 to southbound on-ramp.*
- *Add two lanes to the northbound off-ramp to Floral/SR 43.*

*SR 99/Second Street:*

- *Signalize northbound off-ramp to Second Street.*
- *Signalize southbound off-ramp to Second Street.*

*SR 43/Saginaw Avenue:*

- *Signalize and add northbound left turn lane.*

*SR 43/Nebraska Avenue:*

- *Add dual left turn lanes.*

*SR 43/Rose Avenue:*

- *Signalize and add southbound right turn lands.*

*\* It should be noted that Caltrans has prepared mitigation cost/trip estimates for many of these improvements.*

**Response 21.10:** The City appreciates Caltrans' review of the traffic studies, and their efforts in preparing a cost/trip estimate for many of the improvements recommended. Although sometimes stated in less detail, mitigation measures included in the circulation section of Chapter 3 of the DEIR address many of the concerns noted above. For instance, the need for

signalization along Highway 99 and Mountain View, and at 2<sup>nd</sup> Street is addressed under Mitigation Measure #3.15-3.1b, while the addition of turn lanes on Floral, and Mountain View are addressed under Mitigation Measure #3.15-3.1d. As future development occurs from private and public development, mitigation measures, such as those listed here, will be implemented as required.

**Comment 21.11:** *Caltrans has long indicated our concerns at the SR 99/Floral Avenue interchange. The interchange is at capacity and can no longer accommodate additional development. It is understood that the City of Selma is bisected by SR 99 and there are minimal opportunities for crossing the freeway from east to west. Land use decisions have resulted in much of the residential traffic east of SR 99 attempting to reach commercial destinations west of the freeway. Caltrans is concerned that continuance of this land use planning pattern will not only result in significant congestion and delay, but potentially have a negative impact on safety and emergency response time.*

**Response 21.11:** As noted under Mitigation Measure #3.15-3.1d (page 3-268), the City recognizes that the LOS at this intersection “is expected to operate at substandard” levels, and “To operate at acceptable LOS, the interchange would require a major reconstruction that would likely affect access to adjacent properties and may require additional right of way.” The City, too, is concerned with the traffic issues at several intersections and crossings, and will continue to seek alternatives to reduce congestion and delays. As stated under “Effectiveness of Mitigation” (page 3-270), “Additional mitigations are recommended to lessen the severity of these impacts, but it is expected that they will not be reduced to a level that is less than significant. The traffic impacts associated with buildout are therefore considered to be significant and unavoidable.”

**Comment 21.12:** *Caltrans recognizes that improving the SR 99/Floral Avenue interchange may not be initially feasible due to cost. However, we also pointed out that there needs to be some sort of strategy in place for the interchange to be addressed in the future. It has been requested that a traffic study analyze improvements to the local road system as alternatives to alleviate operational and potential safety concerns at the interchange. To date, it does not seem that this concept has been thoroughly analyzed. Caltrans sees this as a potentially viable alternative since we recognize that both ultimate and interim improvements to the interchange will be extremely difficult and expensive due to geometric constraints.*

**Response 21.12:** The City agrees that it may be viable to utilize local roads as an alternative to improving the Floral Avenue and Highway 99 interchange. Mitigation Measure 3.15.3.1g (page 3-270) includes traffic studies to be completed for all developments to occur in the City, including General Plan amendments, proposed specific plans, and projects expected to generate more than 100 PM peak hour trips. While these studies may or may not specifically analyze improvements to the local road system as a whole, they will allow the City a cost-effective process to perform traffic studies in regard to projects most likely to increase VMT in the future.

**Comment 21.13:** *Caltrans notes that the City is considering implementing an impact fee program. We support this approach to mitigating for development’s impacts to infrastructure. Caltrans recommends that the City consider incorporating State facilities within this fee*

*program. The State Highway System provides the backbone for transportation, both regionally and locally. A seamless, efficient transportation system, including the State Highways, is critical for the movement of people and goods and hence the future economic development of the area.*

**Response 21.13:** Comment noted. The City will consider incorporating State facilities into a transportation impact fee (see Mitigation Measure #3.15.3.1f, page 3-270) during the implementation of this Mitigation Measure.

**Comment 21.14:** *Policy 2.14 indicates that meandering sidewalks shall be encouraged along collectors and arterials. However, please note that Caltrans prefers straight sidewalks along State Route (SR) 43.*

**Response 21.14:** See response to Comment 21.1.

**Comment 21.15:** *Standard “a” under Major Arterial Street Standards provides guidance regarding the placement and spacing of driveways along arterials. Proposed driveways along SR 43 require an encroachment permit from Caltrans. Therefore, the location and spacing of driveways along SR 43 will be based on the prevailing speed and the size and nature of the proposed development.*

**Response 21.15:** See response to Comment 21.2.

**Comment 21.16:** *Caltrans concurs with Standard “c” under Major Arterial Street Standards with regard to SR 43 in that...driveways should be located on adjacent arterial or collector streets rather than on major arterial streets.*

**Response 21.16:** Comment noted.

**Comment 21.17:** *Caltrans concurs with Standard “e” under Major Arterial Street Standards with regard to SR 43 in that...driveway consolidation shall be encouraged through joint access agreements along arterials where standards “a” through “d” are exceeded.*

**Response 21.17:** Comment noted.

**Comment 21.18:** *Caltrans concurs with Standard “f” under Major Arterial Street Standards with regard to SR 43. Additionally, major intersections that could be subject to future signalization should be set at ½ mile spacing.*

**Response 21.18:** See response to Comment 21.3.

**Comment 21.19:** *Policy 2.32 should be modified to be more consistent with Section 2.4 Objective A. It is indicated under Section 2.4 Objective A that where other jurisdictions control and manage roadways, their respective level of service standards shall prevail on applicable segments.*

**Response 21.19:** See response to Comment 21.4.

**Comment 21.20:** *Caltrans concurs with Policy 2.34 with regards to SR 43 in that...right-of-way essential to the circulation system should be dedicated and/or developed to the appropriate extent and width when a division of property or development occurs.*

**Response 21.20:** Comment noted.

**Comment 21.21:** *Caltrans concurs with Policy 2.36 with regards to SR 43 and SR 99 in that...developers shall mitigate traffic impacts associated with their projects to minimize the impacts to highways, major arterials, arterials, and collector streets. Furthermore, it should be noted that the City of Selma has worked cooperatively with Caltrans in efforts to determine appropriate mitigation toward State facilities from local development. Caltrans looks forward to continuing this working relationship with the City.*

**Response 21.21:** The City appreciates the assistance and recommendations made by Caltrans. Comment noted.

**Comment 21.22:** *Caltrans concurs with Policy 2.39 with regards to SR 43 in that...the City shall promote an active policy of consolidating driveways, access points and curb cuts along existing developed major arterials, or arterials when development or change in intensity of development or land use occurs or when traffic operation or safety warrants.*

**Response 21.22:** Comment noted.

**Comment 21.23:** *Caltrans concurs with Policy 2.42 with regard to SR 43 on master planning points of ingress and egress with limited points onto major streets.*

**Response 21.23:** Comment noted.

**Comment 21.24:** *Policy 2.43 does not apply to SR 43. As previously indicated for Major Arterial Street Standard “f” Caltrans desires that signalized intersections along SR 43 should be spaced at ½ mile intervals.*

**Response 21.24:** See responses to Comments 21.3 and 21.5.

**Comment 21.25:** *Policy 2.50 provides guidance regarding landscaping. The Caltrans Office of Landscape Architecture will be responsible for reviewing landscaping along SR 43. A landscape agreement may be required for the maintenance of landscaping along SR 43.*

**Response 21.25:** Comment noted.

**Comment 21.26:** *On Figure 2-4, it should be noted that the entire segment of SR 43 southward from SR 99 is designated as an STAA truck route.*

**Response 21.26:** See response to Comment 21.8.

## **Commenting Agency #22**

San Joaquin Valley Air Pollution Control District  
Central Region  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244

**Comment 22.1:** *AB 170 (Reyes) requires general plans to be amended to include an air quality discussion including: (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 (strategies) designed to achieve these goals. The EIR includes these four discussions and appears to fulfill the requirements set forth in AB 170 (Reyes).*

**Response 22.1:** Comment noted.

**Comment 22.2:** *Many of the land use policies presented in the General Plan encourage development in a manner that would reduce vehicle miles traveled (VMT), which in turn reduces emissions generated by personal vehicle use. The District supports measures to reduce VMT and commends the City in its commitment to encouraging pedestrian friendly development.*

**Response 22.2:** Comment noted.

**Comment 22.3:** *Table 3.3-5 – The table includes screening criteria and analytical tools for only development type projects. The District recommends the table be amended to include construction-only type projects, such as road construction. Analytical tools for estimating construction related emissions include the URBEMIS and EMFAC models and other District approved calculators. Significance thresholds for NOx, ROG, and PM10 are equivalent to those presented for development projects.*

**Response 22.3:** Comment noted. The City will consider this recommendation when developing consistent procedures for evaluating project-specific and cumulative air quality impacts of projects, under Policy 5.19.

**Comment 22.4:** *Impact 3.3.3.1 – The General Plan identifies that District Rule 9510 (Indirect Source Review) is intended to mitigate a project's impact on air quality through project design elements or by payments of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Therefore, for future development projects the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. More information about District Rule 9510 can be found on the District's website at: <http://www.valleyair.org/ISR/ISRHome.htm>.*

**Response 22.4:** Impact 3.3.3.1 does not specifically note compliance with District Rule 9510. However, because compliance with applicable CARB and District Rules is required by State law, it is not necessary under CEQA to include it as either a mitigation measure or a condition of project approval.

**Comment 22.5:** *Impact #3.3.3.2 – The discussion identifies potential impacts resulting from stationary sources and carbon monoxide "hot spots" from mobile sources. However, the discussion does include a discussion of potential impacts resulting from projects lacking these two criteria. For example, truck storage yards and shopping centers located in close proximity to sensitive receptors, unless adequately mitigated may have a significant health risk impact as a result of diesel particulate matter or truck refrigeration unit emissions. Therefore, the District recommends the discussion be amended to include all sources of HAPS, mobile and stationary. The District further recommends that when reviewing projects for potential impacts on air quality the assessment include a diesel particulate matter screening analysis. More information on diesel particulate matter screening and health risk modeling can be found on the District's website at <http://www.valleyair.org/busind/pto/toxics.htm> or by contacting District Permit Services staff by phone at (559) 230-6000 or e-mail at [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org).*

**Response 22.5:** Comment noted. The City will consider this recommendation when developing consistent procedures for evaluating project-specific and cumulative air quality impacts of projects, under Policy 5.19.

**Comment 22.6:** *Mitigation Measure #3.3.3.3b – The City has incorporated measures to reduce construction related emissions. 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. To further reduce construction related diesel exhaust emissions the District recommends incorporating a requirement that for City sponsored/funded projects all off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier II emissions standard of 4.8 g/hp-hr NOx. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards for City sponsored projects.*

**Response 22.6:** Comment noted. Because this EIR is a Programmatic, rather than a Project EIR, the City will consider this recommendation when developing consistent procedures for evaluating project-specific and cumulative air quality impacts of projects, under Policy 5.19.

**Comment 22.7:** *Impact #3.3.3.4 – The discussion includes impacts resulting from construction activities and activities typical of residential communities. However, the discussion does not include potential impacts from land use conflicts as residential and other sensitive receptor-based developments encroach upon non-compatible land uses. The District recommends that specific consideration should be given when approving projects that could expose receptors to nuisance odors. When evaluating projects that would locate new receptors near existing sources the District recommends the City to evaluate the potential for the existing source to generate odors and potentially receive nuisance complaints. A facility would be considered to have a potentially significant impact if the facility has received more than one confirmed complaint per*

*year averaged over a three year period or three unconfirmed complaints per year averaged over a three year period. For facilities where there is currently no development in the vicinity, impacts are determined based on the distance and frequency at which odor complaints have occurred for similar projects.*

**Response 22.7:** As noted in mitigation measures, Policy 5.23 (see page 3-33) considers potential impacts from odors when determining locations of air pollution point sources, to reduce impacts to sensitive receptors.



SECTION FOUR

---

ERRATA

## **SECTION FOUR – ERRATA**

This section contains a summary of revisions to the text of the Draft EIR to update sections of the original document. This chapter is structured as errata pages to the Draft EIR and provides a complete record of the final text of the EIR. Information stricken from the Draft EIR is indicated by a ~~strike through~~ of the deleted text, and information added to the Draft EIR is indicated with underlining of the new text.

## 2.4 Project Setting

Selma's current population, according to the Department of Finance (DOF), is 23,301 persons as of January 1, 2009. Selma could reach approximately 64,600 persons by 2035 based on an average of 4% growth per year, or 50,250 persons at a 3% annual growth rate. This Plan Update would accommodate up to 94,237 persons, based on all residential land uses within the Proposed General Plan's Plan Area Boundary (using a DOF multiplier of 3.525 persons per house) and prescribes policies for the sequential development of the community from its current population level to that allowed by the Plan.

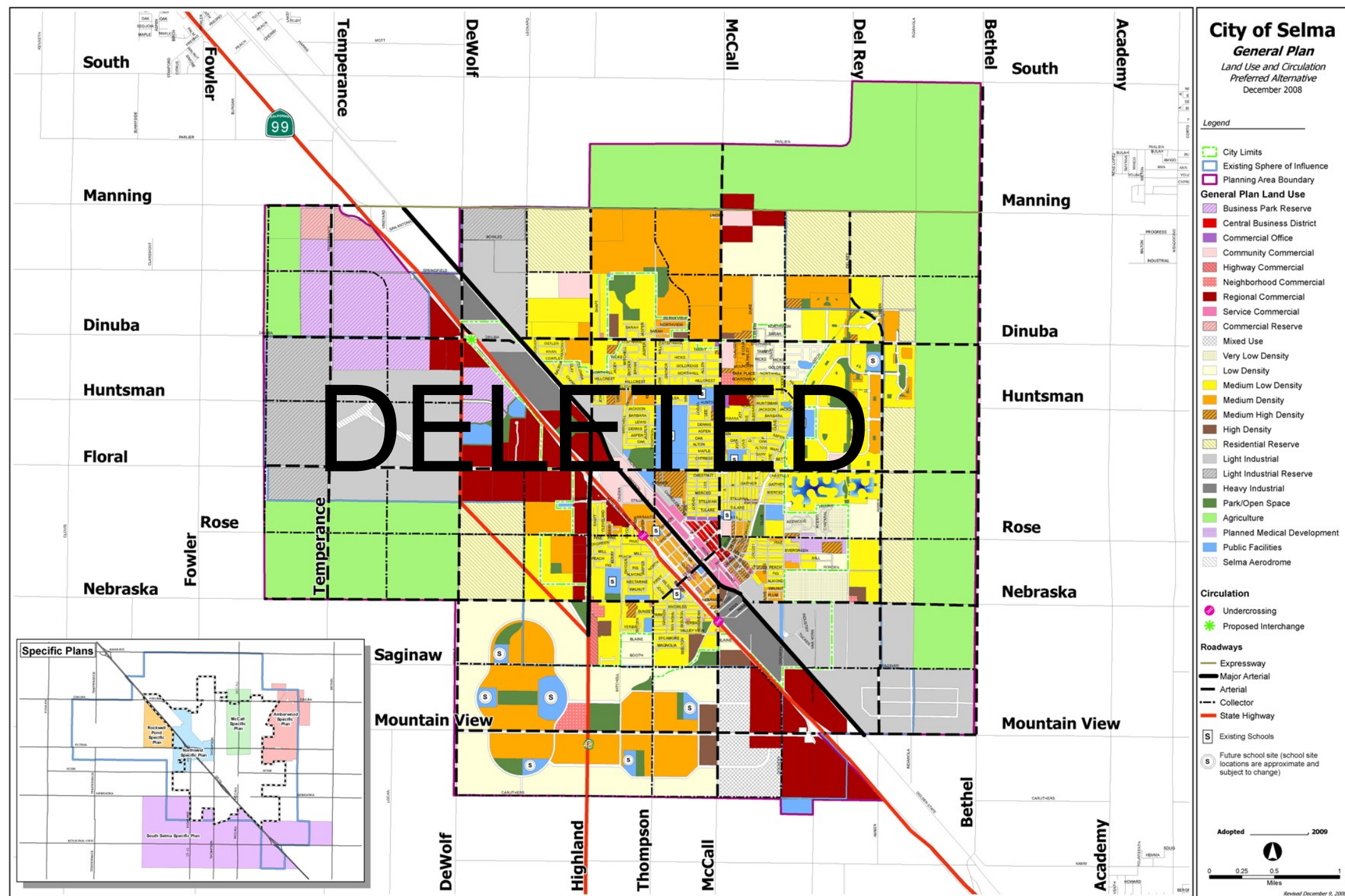
The current City limits contain 5.1 square miles (3,294 acres), of which approximately 1,900 acres is urbanized. The existing SOI encompasses 12.9 square miles (8,299 acres) and the Planning Area encompasses 23.7 square miles (15,183 acres). ~~Neither the SOI nor Planning Area boundary is~~ not proposed to be immediately changed;; however, it may become necessary to amend the SOI in the future as a result of Plan implementation. Table 2-1 shows the existing General Plan Land Use designations (by acreage) within the City and SOI. Figure 2-3 shows the existing General Plan Land Use map. As with most cities in the San Joaquin Valley, the single family home is the predominant residential unit in Selma.

**Table 2-1**  
**Existing General Plan Land Use Designations (in Acres)**  
**City Limits and SOI**

<b>General Plan Land Use Category</b>	<b>City Limits</b>	<b>SOI</b>
Residential-Very Low Density	52	201
Residential – Low Density	90	490
Residential – Medium Low Density	1,091	2,017
Residential – Medium Density	137	370
Residential – Medium High Density	78	135
Residential – High Density	11	45
Residential Reserve	6	442
<b>Subtotal Residential</b>	<b>1,465</b>	<b>3,700</b>
Business Park	1	236
Highway Commercial	5	201
Commercial – Central Business District	19	19
Commercial – Community	87	127
Commercial – Regional	116	155
Service Commercial	39	39
Commercial – Neighborhood	22	27
Commercial Office	10	11
Commercial Reserve	0	89
<b>Subtotal Commercial</b>	<b>299</b>	<b>904</b>
Light Industrial	240	481
Light Industrial Reserve	1	1,356
Heavy Industrial	205	496
Planned Medical Development	24	24
Selma Aerodome	0	22
Public Facilities	174	176
Open Space	112	283
<b>Total (All Land Uses)</b>	<b>2,520</b>	<b>7,442</b>

Source: Quad Knopf, Fresno County GIS.

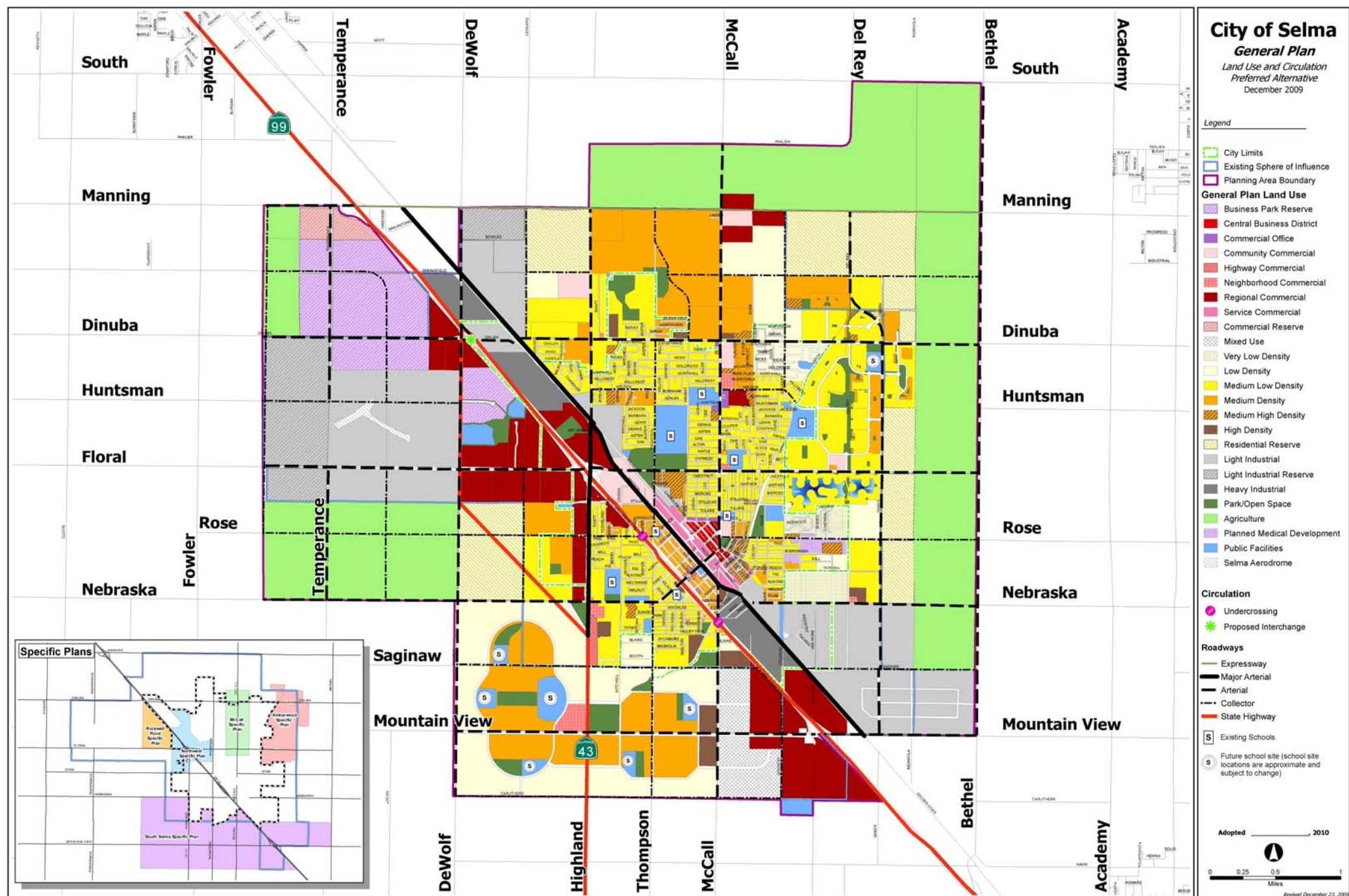
Note: Right-of-way not included in land use totals.



PROPOSED LAND USE AND CIRCULATION DIAGRAM

Figure 2 - 4





PROPOSED LAND USE AND CIRCULATION DIAGRAM

Figure 2 - 4

**Table 2-2**  
**Existing & Proposed General Plan Land Use Comparison**  
**Within City Limits, SOI and Planning Areas (Acres)**

<b>General Plan Land Use Category</b>	<b>Existing General Plan City Limits</b>	<b>Proposed General Plan City Limits</b>	<b>Existing General Plan SOI</b>	<b>Proposed General Plan SOI</b>	<b>Existing General Plan Planning Area</b>	<b>Proposed General Plan Planning Area</b>
Community Commercial	87	<u>87</u> 74	<u>126</u> 427	<u>143</u> 443	<u>126</u> 427	<u>143</u> 443
Neighborhood Commercial	22	21	27	<u>23</u> 24	27	<u>49</u> 50
Regional Commercial	116	<u>177</u> 490	155	<u>774</u> 805	155	<u>901</u> 934
Service Commercial	39	39	39	39	39	39
Highway Commercial	5	19	201	19	<u>201</u> 202	19
Central Business District	19	19	19	19	19	19
Commercial Office	10	10	11	11	11	11
Commercial Reserve	<u>0</u> N/A	0	89	0	<u>184</u> 185	69
<u>Planned Medical Development</u>	<u>24</u>	<u>24</u>	<u>24</u>	<u>24</u>	<u>24</u>	<u>24</u>
Mixed Use <sup>1</sup>	<u>0</u> N/A	<u>0</u> N/A	<u>0</u> N/A	1	<u>0</u> N/A	193
<b>Subtotal Commercial</b>	<b><u>322</u> 298</b>	<b><u>396</u> 372</b>	<b><u>691</u> 668</b>	<b><u>1,053</u> 1,031</b>	<b><u>786</u> 765</b>	<b><u>1,467</u> 1,444</b>
High Density	11	31	45	<u>64</u> 62	45	<u>101</u> 400
Medium High Density	78	75	135	<u>89</u> 450	135	<u>95</u> 456
Medium Density	137	179	370	<u>839</u> 358	370	<u>1381</u> 900
Medium Low Density	<u>1,005</u> 1,091	976	2,017	<u>1,727</u> 1,952	2,094	<u>1,811</u> 2,036
Low Density	90	97	490	<u>481</u> 494	<u>490</u> 494	<u>1,072</u> 786
Very Low Density	<u>51</u> 52	52	<u>200</u> 204	<u>129</u> 404	<u>200</u> 204	<u>129</u> 404
Residential Reserve	<u>5</u> 6	0	442	152	<u>1,919</u>	992
<b>Subtotal Residential</b>	<b><u>1,377</u> 1,465</b>	<b><u>1,410</u></b>	<b><u>3,699</u> 3,700</b>	<b><u>3,481</u> 2,972</b>	<b><u>5,253</u> 5,256</b>	<b><u>5,581</u> 5,074</b>
Heavy Industrial	205	183	496	252	496	252
Light Industrial	240	<u>241</u> 240	481	1,286	481	<u>1,502</u>
Light Industrial Reserve	1	0	<u>1,355</u> 1,356	565	<u>1,433</u> 1,434	<u>565</u> 566
Business Park	<u>0</u> 4	0	<u>23</u> 24	0	<u>167</u> 469	0
Business Park Reserve	<u>1</u> N/A	2	212	208	623	<u>620</u> 649
<b>Subtotal Industrial</b>	<b><u>447</u></b>	<b><u>426</u> 425</b>	<b><u>2,567</u> 2,569</b>	<b><u>2,311</u></b>	<b><u>3,200</u> 3,203</b>	<b><u>2,939</u> 2,935</b>
<u>Planned Medical Development</u>	<u>24</u>	<u>24</u>	<u>24</u>	<u>24</u>	<u>24</u>	<u>24</u>
Public Facilities	<u>173</u> 474	<u>178</u> 492	<u>175</u> 476	<u>253</u> 267	<u>175</u> 476	<u>382</u> 367
Selma Aerodrome	0	0	22	22	22	22
Park/Open Space <sup>2</sup>	112	<u>112</u> 99	283	<u>229</u> 245	283	<u>339</u> 344
Agriculture <sup>1</sup>	<u>0</u> N/A	<u>0</u> N/A	<u>0</u> N/A	1	<u>0</u> N/A	<u>3,205</u>
<b>Total</b>	<b><u>2,431</u> 2,520</b>	<b><u>2,522</u></b>	<b><u>7,437</u> 7,442</b>	<b><u>7,349</u> 6,843</b>	<b><u>9,719</u> 9,729</b>	<b><u>13,935</u> 13,416</b>
Right-of-Way	<u>863</u> 774	<u>796</u> 772	<u>862</u> 857	<u>949</u> 1,456	<u>1,026</u> N/A	<u>1,248</u> N/A
<b>Total With ROW</b>	<b><u>3,294</u></b>	<b><u>3,294</u></b>	<b><u>8,299</u></b>	<b><u>8,299</u></b>	<b><u>10,745</u> N/A</b>	<b><u>15,183</u> N/A</b>

Source: Quad Knopf, Fresno County GIS

Note: Totals may be off due to rounding. <sup>1</sup>The Agriculture and Mixed Use land use designations are new to the Plan Update.

<sup>2</sup>The Open Space designation has been changed to Park/Open Space for the Plan Update. ROW is estimated based on the total acreage of each boundary subtracted from the land use acreage totals (See Section 3.14 for a discussion on Park facilities).

During the Community Visioning Workshop held on August 29, 2007 many significant local issues were identified. Some of the issues raised and addressed in the General Plan have the potential to have a significant effect on the environment. Those issues are listed below, and will be discussed in detail in the EIR:

they are annexed to the City. Therefore, although the proposed land use designations on these parcels conflict with the existing County designations and zoning, once they are annexed, the County designations would no longer apply and the conflict would be eliminated.

Policies 1.3, 1.7 through 1.9, 1.11, 1.95, 1.100, 1.103, through 1.105, and 5.8 through 5.12 of the proposed General Plan are designed to keep these lands in productive agricultural use until they are eventually annexed and developed.

The proposed General Plan designates agricultural land within the SOI and on Reserve lands outside the SOI to urban uses. As a result of these urban designations, owners of farmland under Williamson Act contracts may be motivated to file for non-renewal or early cancellation of their contracts in anticipation of developing their properties. The City should discourage cancellation of Williamson Act contracts outside of the SOI. Conversely, the City should encourage urbanization of all properties within the SOI to prevent the premature expansion of the SOI.

If Williamson Act contracts are proposed for cancellation after General Plan adoption, notification will have to be sent to the Department of Conservation (DOC) when the City determines that the application is complete. Then the City Council will have to consider the DOC's comments prior to approving a tentative cancellation. Additionally, required findings that are supported by substantial evidence must be made by the Council in order to approve a tentative cancellation.

Lands remaining under Williamson Act/FSZ contract within Selma's proposed SOI or its Planning Area after General Plan adoption shall only be used for agricultural uses consistent with the contract until such time as the contract is terminated or cancelled.

Policies 1.3 and 5.8 through 5.12 of the proposed General Plan encourage the use and continuation of Williamson Act contracts as an important way to preserve and avoid premature conversion of farmland.

**Conclusion:** Despite the temporary nature of this impact and the effect of the above listed policies, until the City annexes these lands, the conflict between urban land use designations under the proposed General Plan and existing County agricultural designations and zoning and the conflict between urban designations under the proposed General Plan and existing Williamson Act contracts would be a **significant and unavoidable** impact on agricultural resources. The following mitigation measure will help reduce the impact of General Plan implementation on Williamson Act contracted lands but not to a less than significant level.

**Mitigation Measure #3.2.3.2:** When Williamson Act Contract cancellations are proposed outside of the ~~SOI~~ city limits, the City ~~will use~~ shall encourage one of the following means to provide agricultural protection to other farmland to offset the loss of farmland protected by Williamson Act Contracts:

- a) Acquisition of ~~Conservation~~ easements shall be ~~acquired~~ encouraged through a "1240 Land Exchange" Ag Conservation Easement program pursuant to Government Code 51282 and Public Resources Code 10251 as a component of the proposed Agricultural Preserve Cancellation; or



- b) The City shall ~~require~~ encourage the contribution of a mitigation fee to a regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The amount of the contribution shall be sufficient to provide protection to an equivalent area of land.

~~Regardless of the method employed, lands selected for conservation shall be outside of the SOI adopted by LAFCo.~~

**Effectiveness of Mitigation:** While the policies of the proposed General Plan, and the above mitigation would reduce the severity of the impact, it would not add new agricultural land to the overall inventory, and there would still be a **significant and unavoidable** impact to existing Williamson Act contracts resulting from implementation of the proposed General Plan.

**Impact #3.2.3.3 – Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use:** The proposed General Plan could result in the development of potentially incompatible urban uses next to farms, creating circumstances that impair the productivity and profitability of agricultural operations, and could eventually lead farmers to take their land out of production. For example, increased vandalism, traffic, access difficulties and the introduction of domestic animals, can lower productivity, while new residents may complain about noise, dust and chemical use. Adjacent urban development could also drive up land values, increasing the property tax burden for farmland not protected by Williamson Act contracts.

Policies 5.8 through 5.12 of the proposed General Plan are designed to mitigate potential incompatibilities between agricultural and urban uses.

**Conclusion:** Despite these policies, potential incompatibilities between agricultural and urban uses under the proposed General Plan could contribute to conversion of farmland to non-agricultural use resulting in a **potentially significant** impact on agricultural resources.

**Mitigation Measures:** No mitigations are available to reduce this impact to a less than significant level. This impact would remain a **significant and unavoidable**.

### **3.3 Air Quality**

#### **INTRODUCTION**

This section describes the impacts of the Plan Update on local and regional air quality, based on the assessment guidelines of the San Joaquin Valley Air Pollution Control District (SJVAPCD). This section describes existing air quality, construction-related impacts, direct and indirect emissions associated with the proposed General Plan, the local and regional impacts of these emissions, and mitigation measures warranted to reduce or eliminate any identified significant impacts.

determine such need based on site plan review procedure and other planning implementation methods.

- Policy 2.44 The City will develop, through various funding mechanisms and sources, a city-wide bicycle path/lane/route system in conformance with the City's 2003 Bicycle Transportation Plan. The bicycle path/lane/route system will utilize existing or future railroad right-of-way and water courses. The paths (class I), may also include landscaping, lighting, mileage markers, directional signage and benches. The on-road lanes (class II) would include striping and the on-road routes (class III) would not include striping. Reference Figure 2-3 (included as Figures 2-3a and 2-3b in this Draft EIR) for the proposed city-wide bike plan. The class I bike paths can also be utilized by pedestrians if the proposed paths are wide enough to allow both bicyclists and pedestrians.
- Policy 2.45 Sidewalks, paths, and appropriate crosswalks should be located to facilitate access to all schools and other areas with significant pedestrian traffic. Whenever feasible, pedestrian paths should be developed to allow for unobstructed pedestrian flow from within a neighborhood.
- Policy 2.46 The City shall require curb, gutter, and sidewalks in all areas of the community to accommodate pedestrian traffic, especially along routes with high pedestrian traffic such as schools, parks, and the Downtown area. Installation of these improvements shall be encouraged to the extent feasible in existing neighborhoods where they do not currently exist.
- Policy 2.47 The City shall promote safe, convenient and accessible pedestrian ways within the community.
- Policy 2.48 Where security walls or fences are proposed for residential developments along major arterials, arterials, or collector streets, pedestrian access should be considered between the major arterial, arterial, or collector, and the development to allow access to transit vehicles, commercial facilities, educational facilities and recreation areas operating on the street.
- Policy 2.49 Street lighting shall be provided for all public streets and pedestrian signals shall be provided at all traffic signal locations.
- Policy 2.53 Parking standards shall be evaluated to assess the potential for offering reduced parking requirements to developments that incorporate measures proven to reduce vehicular trips. Shared parking should be encouraged whenever possible.
- Policy 2.54 The City of Selma shall work with Caltrans and transit service providers to establish a park and ride lot or lots within the community to serve the needs of regional and local commuters.
- Policy 2.60 The City shall encourage the use of energy efficient and non-polluting fuels and modes of transportation.

Listing in the NRHP does not entail specific protection or assistance for a property, but it does guarantee recognition in the planning for federal or federally-assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. The NRHP is influential beyond its statutory role because it achieves uniform standards of documentation and evaluation. Additionally, project effects on properties listed in the NRHP must be evaluated under CEQA.

## **STATE AND LOCAL**

### ***California Register of Historic Resources***

The California Register of Historical Resources establishes a list of those properties which are to be protected from substantial adverse change (Public Resources Code Section 5024.1). A historical resource may be listed in the California Register (Register) if it meets any of the following criteria:

It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

It is associated with the lives of persons important in California's past.

It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value.

It has yielded or is likely to yield information important in prehistory or history.

The Register includes properties that are listed or have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks and eligible Points of Historical Interest. Other resources require nomination for inclusion in the Register. These may include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resource surveys conducted in accordance with State Historic Preservation Office (SHPO) procedures, historic resources or districts designated under a local ordinance consistent with Commission procedures, and local landmarks or historic properties designated under local ordinance.

Historic resources protected under CEQA include not only those listed on the California Register of Historic Resources, but also those eligible for listing by the State Historical Resources Commission.

### ***Health and Safety Code, Section 7052 and 7050.5***

Section 7052 of the Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the California Native American Heritage Commission (NAHC).

*California Native American Historical, Cultural and Sacred Sites Act*

The California Native American Historical, Cultural and Sacred Sites Act applies to both State and private lands. The Act requires that, upon discovery of human remains, construction or

Planning Area on June 18<sup>th</sup>, 2007 (reference [Appendix F](#)). The records search indicated that there have been 20 previous cultural resource studies within or immediately adjacent to the Planning Area. It should be noted that a large portion of the Planning Area has never been surveyed. The records search found no known cultural resources within the Planning Area or within a half-mile radius that are listed in the *National Register of Historic Places*, *California Register of Historical Resources*, *California Points of Interest*, *California Inventory of Historic Resources*, or the *California State Historic Landmarks*.

According to the Southern San Joaquin Valley Historical Resources Information Center, no prehistoric resources have been reported. The following historic features have been reported:

- Restroom EA 3463-26
- Jensen Home, 8262 Bethel Avenue
- Residence, 8674 E Khan Street
- Selma Japanese Mission Church, 2415 Floral Avenue
- Residence, 2124 Gaither Street
- Residence, 2428 Jasper Street
- Stockley Terrace, 1445 Peach Street
- Residence, 2639 Pine Street
- State Route 43 Widening, 12490 S. Highland Avenue
- Residence, 9727 S. Shaft Avenue
- Selma Women's Clubhouse, Selma Street
- Residence, 2487 Thompson Avenue
- Residence, 2564 Stillman Street
- Residence, 2600 Stillman Street
- Residence (1), 2506 Stillman Street
- Residence (2), 2506 Stillman Street
- Residence, 2523 Whitson Avenue
- Historic buildings including a school, church and various residential buildings, Art Gonzales Pkwy and Highland Avenue
- Ca. 1943 bridge, Fowler Switch Canal

The County of Fresno recognizes the Fresno County Landmarks and Records Commission as the organization responsible for reviewing applications and records to designate local, historic resources of importance. Once an application has been reviewed by the Fresno County Landmarks and Records Commission, and approved by the Fresno County Board of Supervisors, an historic resource is added to the Fresno County Landmarks Register. Historical resources on this Register are recognized by CEQA, as they are "included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code" as "presumed to be historically or cultural significant." Resources may be updated at any time: current lists should be consulted when used during project review.

Historic Resources included on the Fresno County Landmarks Register include:

- 1887 Selma Depot
- 1904 Vincent House, located in Pioneer Village
- St. Ansgar's Danish Lutheran Church, located in Pioneer Village

- 1901 Lincoln School House
- 1906 Rasmussen Barn
- SPRR Section House (c. 1872), located in Pioneer Village
- RR Section Bunk House (c. 1872), located in Pioneer Village
- Lincoln Community Park Bandstand, Lincoln Park

Government Code §15064.5 states, “(a) For purposes of this section, the term “historical resources” shall include the following”

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CFR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historical or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CFR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public

Resource Code), or identified in an historical resources survey, (meeting the criteria of section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code 5020.1(j) or 5024.1.

A historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. There may be unidentified features in the Selma vicinity that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

### **3.5.2 IMPACT EVALUATION CRITERIA**

#### ***Significance Thresholds***

According to Appendix G of the CEQA Guidelines, a project will normally be considered potentially significant with regard to cultural resources if it would:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.*

- a) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.*
- b) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*
- c) *Disturb any human remains, including those interred outside of formal cemeteries.*

### **3.5.3 IMPACTS**

#### ***Project Impacts and Mitigation Measures***

**Impact #3.5.3.1 – Cause a substantial adverse change in the significance of a historical resource as defined in, or pursuant to, §15064.5, directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or disturb any human remains, including those interred:** The City of Selma contains numerous ~~buildings~~historical resources that are over 45 years of age and may be historically significant. The Cultural Resources records search (Appendix F) for the City of Selma found a number of historical properties and no past evidence of archaeological resources in the project area. Although the majority of new development under the Plan Update would take place on land without existing structures, redevelopment within the historic downtown or in-fill development in older residential areas could result in the demolition, destruction, relocation or alteration of ~~buildings~~historical resources that are historically significant and eligible for listing on the California Register of Historical Resources. In addition, there are a number of ~~rural buildings~~historical resources that are located outside the city, but within the SOI, that may be subjected to substantial adverse change as a result of new development.

Development allowed under the proposed General Plan would also involve construction activities that could result in the disturbance of undiscovered archaeological and paleontological resources during grading or other on-site excavation activities. Paleontological, unique geological features or known human burial sites have yet to be discovered within the project area. Due to the fact that many cultural resources are buried, there is the potential for cultural resources of various types to be encountered when new development is carried out as a result of the Plan Update.

One of the goals of the Open Space, Conservation and Recreation Element of the proposed General Plan is to “identify and protect unique cultural and historical features of the community.”

**Conclusion:** The twenty previous cultural resources studies within the Planning Area have resulted in the discovery of 18 documented historical sites and no archaeological sites. This indicates the potential for discovery of cultural resources during future project-related excavation and construction. A survey of Selma’s older buildings may yield structures that qualify for historic preservation. These potential discoveries possess great possibilities for the City to further develop its historic and cultural resources. The impact is **potentially significant**, unless mitigated;



Update. The Fresno County Multi-Jurisdictional Multi-Hazards Mitigation Plan recently received the “Approval Pending Adoption” letter by FEMA. The Plan will be presented to the City for adoption. Once it has been adopted by the City, it will be referenced and utilized in conjunction with the General Plan Safety Element. Adoption by the City will occur within one year of the date of the approval letter. The specific policies listed below contained in the Safety and Open Space, Conservation and Recreation Elements are designed to ensure that geologic and soils related impacts are minimized as development occurs.

#### **Safety Element**

- Policy 4.2      The City shall develop and adopt an Emergency Operations Plan which shall include action plans in the event of an earthquake or other disaster. Emergency evacuation routes shall be included in the plan.
- Policy 4.4      The City should establish an inspection program to identify and inventory all existing unreinforced masonry structures in the City.
- Policy 4.5      The City shall work with property owners to remove or rehabilitate all identified substandard structures.
- Policy 4.6      Emergency communication centers, fire stations and other emergency service or critical facilities should be examined to determine earthquake resistance. A program to mitigate deficient facilities should be established.
- Policy 4.8      Primary and secondary hazards from seismic activity should be evaluated in all environmental assessment and reporting processes.
- Policy 4.9      The list of critical facilities (hospitals, police and fire stations, and similar facilities) for the City of Selma shall be reviewed and updated annually.
- Policy 4.10     Critical facilities shall be designed to the standards established by the International Building Code for such facilities. Critical facilities mean essential facilities as provided in the International Building Code.
- Policy 4.11     The City shall continue to adopt current issues of the International Building Code and implement the seismic design standards provided by the Code.
- Policy 4.13     The Seismic Impact Transportation Plan designates the following disaster transportation routes.

#### **A. Primary Transportation Routes**

1. Freeway 99 through the Selma Planning Area;
2. Manning Avenue through the Selma Planning Area;
3. McCall Avenue between Manning Avenue and Second Street;
4. Second Street between McCall Avenue and Nebraska Avenue;
5. Nebraska Avenue between Second Street and Highland Avenue;
6. Highland Avenue south of Nebraska Avenue.

### **Open Space, Conservation and Recreation Element**

- Policy 5.15 Use conservation irrigation technology as well as a water efficient plant palette for all City-owned properties.
- Policy 5.16 Areas with high erosion potential or soil instability which cannot be mitigated shall be designated for open space land uses.
- Policy 5.17 Channel and slope modification shall be discouraged where they increase the rate of surface runoff and increase the potential for erosion.
- Policy 5.18 The City shall endeavor to mitigate, to the extent feasible, activities which will exacerbate groundwater overdraft.

### **Public Services and Facilities Element**

- Policy 6.1 Coordinate City-wide sewer, water, and storm drainage master plans which implement adopted land use goals, objectives and policies and Federal and State regulations. These master plans shall be updated as needed and implemented through various funding mechanisms including assessment district, property owner's association's user fees, development impact fees, mitigation payments, reimbursement agreements and/or other mechanisms which provide for equitable distribution of development and maintenance costs.

### ***Physical***

#### **SURFACE WATER**

The primary surface waters in the vicinity of Selma include the Centerville and Kingsburg Canals, which run through the east side of the community, Fowler Switch Canal and Rockwell Pond, which are located in the northwest part of the Planning Area, and the Kings River.

The Kings River is located approximately seven miles east of downtown Selma. The drainage area of the Kings River above Pine Flat Dam is 1,542 square miles, and the average annual flow at this point is 1,727,500 acre-feet (Friant Water Users Authority, September 2001). Pine Flat Dam is the main irrigation conservation facility on the Kings River and is operated by the Kings River Water Association, an organization of Kings River diverters. Water released from Pine Flat Dam flows through the various channels of the Kings River in the Valley to the diversion points of 22 water agencies in Kings, Tulare, and Fresno Counties. In extremely wet years, Kings River water flows to the ocean through the Fresno Slough or to Tulare Lake through the south fork of the Kings River.

One of the districts diverting water from the Kings River is the 145,000-acre Consolidated Irrigation District (CID) within which Selma is located. ~~Summers Engineering (2007) reports that this district uses an average of 239,000 AF of surface water annually to supplement an average of 80,500 acre-feet (AF) of pumped groundwater. Current agricultural operations in~~

~~CID use an average of 2.1 AF of water per irrigated acre per year with .70 AF of groundwater per acre, and 1.40 AF per acre of surface water. Current agricultural operations in CID include 86,000 acres: total water usage throughout CID and other agricultural lands use a total of 49,400 acre-feet per year.~~

## **FLOODING**

FEMA uses the national standard of the 100-year flood as the base flood-line for purposes of flood plain management. The 100-year flood zones are delineated by FEMA and indicated on the Flood Insurance Rate Map for the Selma area. Selma's flood boundaries generally correspond to the location of ponds and other flood control structures throughout the community. Other state and federal sources of current information and maps must also be used when considering development of structures, roads, utilities and essential public facilities in a potential flood hazard area.

## **GROUNDWATER**

Selma is located in the Kings sub-basin of the San Joaquin Valley groundwater basin in the Tulare Lake hydrologic region. The sub-basin encompasses approximately 1,530 square miles and contains approximately 90 million acre-feet of water. Prior to agricultural and urban development, groundwater moved from areas of recharge along the eastern rim of the Valley to areas of discharge along the Valley axis. Recharge was primarily by seepage from stream flows. Under present conditions, groundwater is recharged primarily from stream flow percolation, from percolation basins developed by agricultural irrigation districts, percolation from storm drainage basins, and from treated wastewater disposal facilities and from percolation attributed to excess applied surface irrigation water. Groundwater depth in the Selma area is approximately 60 feet below ground surface level.

### *California Water Service*

California Water Service (CWS) provides water service within the Selma City limits and to a small neighboring area of Fresno County. Water from the system comes from 15 underground water wells (see Figure 3.8-1). Of these wells, Well No. 05-04-03 has been on standby and Well No. 12-01 is ~~temporarily out of service being rehabilitated~~. Table 1 of the Groundwater Conditions Report found as Appendix H provides construction data ~~for CWS wells. The CWS wells have a maximum combined production capacity of approximately 13 million gallons per day (mgd), which equals approximately 9,028 gallons per minute (gpm).~~ The maximum daily demand is 12 mgd, and the daily average demand is 5.9 mgd (6,600 AF per year). CWS reports that the system is adequate to satisfy current demand and provide required Uniform Fire Code fire flows, but it is expected that new wells and other facilities will be needed to keep ahead of demand. The City's groundwater after minimal treatment, is in compliance with all ~~federal drinking~~ water requirements.

### *Consolidated Irrigation District*

The Consolidated Irrigation District (CID) was organized on September 8, 1921, in accordance with the Irrigation District Law of the State of California Water Code. CID diverts water at the

Gould and Fresno Weirs to provide surface water from the Kings River to farms within CID's service area. CID has 119,000 Acre-Feet (AF) of storage in Pine Flat and another 22,937 AF in other upstream storage facilities.

According to the *Draft Urban Impacts White Paper* (November 2007) prepared for CID (reference Appendix G), CID is comprised of approximately 145,000 gross acres of irrigable land. Approximately 95,000 acres are capable of receiving surface water through the District's diversion from the Kings River. CID's average annual surface water deliveries are approximately 239,000 acre-feet. The remaining 50,000 acres obtain a water supply of approximately 80,500 acre-feet exclusively from pumped groundwater.

~~CID's water delivery system is comprised of approximately 350 miles of open channels, which include constructed ditches and channelized natural drains and sloughs. The CID water system also includes more than 50 dedicated recharge basins with a total surface area of approximately 1,300 acres. Irrigation deliveries are diverted from the Kings River to eligible District growers through the system of ditches and laterals. These deliveries typically occur in the spring and summer and their annual duration and volume are dependent upon runoff conditions in the Kings River. The river is regulated by Pine Flat Dam, which is located upstream of CID's diversion point. When there are flood releases from the Pine Flat dam, which typically occur in the winter and spring, CID diverts a portion of the flood flow into its recharge basins through the same system of ditches and laterals that are otherwise used for irrigation deliveries. The native soils in the District are sandy and allow relatively rapid infiltration through dedicated recharge basins, unlined canals, or the ground surface of agricultural lands. The groundwater basin is also largely unconfined.~~

On an average annual basis, the land in CID that is eligible for surface water deliveries (approximately 65% of total CID acreage) receives a little over half of its irrigation supplies from imported Kings River water. All other irrigation in the District is supplied with pumped groundwater. All of the incorporated cities, urban areas, and commercial-industrial water users in the District also rely on pumped groundwater for 100 percent of their municipal and industrial supplies.

CID maintains a system of approximately ~~85-80~~ groundwater monitoring wells located on a two-mile square grid pattern throughout the District. The water in these wells have been measured and recorded by District staff multiple times per year since 1923; groundwater overdraft is occurring. ~~When the average depth to groundwater in the monitoring wells is plotted over the period of record, there is a definite downward trend, indicating that groundwater overdraft is occurring.~~ The District is located within the Kings sub-basin, and the California Department of Water Resources has published bulletins which list the Kings sub-basin as being subject to critical conditions of overdraft.

~~Because of capacity and water quality issues,~~ CID policy now dictates that no new or additional urban runoff is to be discharged into District facilities.

## **GROUNDWATER QUALITY**

In general, the groundwater quality of the City is relatively high with the exception of one major contaminant, dibromochloropropane (DBCP), a soil fumigant nematicide. Like many east side San Joaquin Valley communities, Selma has experienced DBCP contamination in City wells to the point that one well has been abandoned and another uses an activated carbon filter to reduce DBCP to an acceptable level (the well that was abandoned was also contaminated with EDB, a chemical used in dry-cleaning). Many of the existing wells and new well sites in the City may

from new development, the Plan Update includes policies 5.16 and 5.17 which state that areas with high erosion potential or soil instability that cannot be mitigated shall be designated for open space land uses and channel and slope modification shall be discouraged where they increase the rate of surface runoff and increase the potential for erosion.

**Conclusion:** The quality of groundwater in most of the Plan Area is generally suitable ~~for public supply when treated to remove trace contaminants, for public water supply.~~ Although the Plan Update would allow new development that could ~~contribute to erosion~~ and create additional urban pollutants that could end up in the ~~surface or~~ groundwater systems, implementation of the above referenced policies and adherence to Federal, State and local regulations will reduce potential water quality impacts to a **less than significant** level.

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

**Impact #3.8.3.2 - Storm Water Drainage and Disposal:** New development in the Selma Planning Area as a result of the proposed General Plan could introduce elevated levels of urban pollutants. Those pollutants could be carried in storm water runoff to drainage courses. Surface and groundwater quality degradation could be significant unless actions are taken to reduce the volume of pollutants generated and/or to adequately remove pollutants from storm water.

Selma's Storm Water Management Plan outlines ponding and facilities for the City's storm runoff which either currently depends upon or proposes use of CID facilities. Rockwell Pond, Walnut Pond, Benight Pond and the Selma Branch Ditch are all owned and operated by CID. A large majority of Selma's existing development is reliant upon CID Facilities for storage of stormwater run-off. New development which would occur from the Plan Update could result in potential water quality impacts resulting from oils and chemicals that are spilled through storm run-off without filter or catch basins.

Most of the storm water runoff collected in the City's drainage system is discharged to irrigation ditches operated by the CID. Discharge limitations have been established through mutual agreements between the City and CID. The standards and discharge criteria for NPDES Phase II programs are becoming more stringent, and when applicable would require an amendment to current agreements for discharge quality and quantity standards.

The Land Use Element of the Plan Update includes policies to require residential development to be located where services and facilities can be provided or within a master Plan Area where they have been planned for (Policies 1.92 and 1.94 of the Land Use Element). As a means of offsetting increased storm water runoff from urbanization, the City implements and administers the Master Plan for Storm Drainage (Policy 4.18 of the safety Element). Goal 4 of the Public Services and Facilities Element states, "coordinate required improvements of the sewer and storm drainage systems." Policy 6.1 of the Public Services and Facilities Element calls for the City to coordinate sewer, water, and storm drainage master plans which implement adopted land use goals, objectives and policies and Federal and State regulations. These master plans shall be updated as needed and implemented through various funding mechanisms.

**Conclusion:** Adherence to Federal, State and local regulations and implementation of the above referenced policies of the Draft General Plan will help to reduce potential storm water drainage

impacts resulting from development under the 2035 Plan; however, the impact remains **potentially significant**. In addition to the above mentioned policies, the following new policies are required to lessen the impact:

#### **Mitigation Measure #3.8.3.2:**

- The City shall provide storm drainage facilities (retention basins), per the Storm Water Management Plan ~~and CID regulations~~, with sufficient capacity to protect the public and private property from stormwater damage. The facilities will ~~also~~ be implemented in a manner that reduces public safety and/or environmental impacts associated with the construction, operation, or maintenance of any required drainage improvements (i.e., drainage basins, etc.). ~~and does not provide~~ It will not allow a net increase in the quantity of water or contaminants currently entering the CID system ~~from the site. [New Policy – Draft EIR Analysis].~~ Existing City storm drainage entering the CID system will be removed in a phased program. Storm drainage from new development will be retained in City facilities.
- ~~During the development review process, the City shall not approve new development unless the following conditions are met:~~
  - ~~—The applicant can demonstrate that all necessary infrastructure to serve the project will be installed or adequately financed;~~
  - ~~—Infrastructure improvements are consistent with City infrastructure plans and applicable plans of affected agencies (i.e., CID); and~~
  - ~~—Infrastructure improvements incorporate a range of feasible measures that can be implemented to reduce public safety and/or environmental impacts associated with the construction, operation, or maintenance of any required improvement. [New Policy – Draft EIR Analysis].~~

**Effectiveness of Mitigation:** Implementation of the existing adopted regulations and the ~~additional policies and standards~~ mitigation measures above will result in no net additional storm water being disposed of into CID facilities, and construction of additional facilities that are in conformance with the Storm Water Management Plan, and in conformance with the state and local regulations. Conformance with these requirements will render these impacts **less than significant**. Individual projects that cannot meet this standard should be reexamined in a subsequent CEQA document.

**Impact #3.8.3.3 – Groundwater Depletion:** To assist in the analysis of the proposed Plan Update impact on groundwater, Kenneth D. Schmidt and Associates has prepared an evaluation of groundwater conditions in the City of Selma dated June, 2009. The complete report is found as Appendix H and summarized below.

#### **SELMA AREA GROUNDWATER OVERVIEW**

Highly permeable alluvial deposits are present in the Selma area, and these are tapped by numerous water supply wells in the area. Prior to the 1980s, private domestic, city, and irrigation

of about 350 feet, and these are termed the Tertiary-Quaternary continental deposits. Starting in the 1980's, deeper CWS Selma wells began to be drilled, due to water quality problems with the shallow groundwater. These newer wells tap strata below a depth of 340 feet and above a depth of 650 feet.

Two subsurface geologic sections were developed for this study and are illustrated in Figure 3.8-1. The first (Section A-A') extends from the northwest to the southeast, generally along Highway 99 and is illustrated in Figure 3.8-2. ~~This section extends from a deep City of Fowler well near Parlier Avenue, to the southeast through three deep City wells, to a deep test well and deep supply well that are south of Mountain View Avenue. This section is oriented perpendicular to the inferred dip of the alluvial deposits, and thus the layers of deposits appear to be relatively flat. The color of the deposits above a depth of about 600 to 700 feet along this section is indicated to primarily be brown. Sand and gravel layers are common, and many clay layers are discontinuous along this section. One fairly continuous clay layer averages about 80 feet deep beneath the part of the section north of Nebraska Avenue. Another fairly continuous clay layer averages about 180 feet deep in the same area. A third fairly laterally extensive fine grained layer is at an average depth of about 300 feet along most of this section. This deep layer is indicated to be important in terms of groundwater quality, which is described in a later part of this report.~~



Cross Section B-B' is illustrated on (Figure 3.8-3). It extends from near Fowler and Mountain View Avenue, to the northeast through two deep CWS wells, thence further north-northeast through a moderately deep water system well, to near Parlier Avenue, east of McCall Avenue. This section is oriented along the inferred dip of the alluvial deposits, and the layers slightly dip to the southwest. Coarse-grained strata are also predominant above a depth of about 350 feet along this section. Apparently continuous clay layers are present at average depths of about 60 feet, 200 feet, and about 350 feet along most of the section. The deepest of these is indicated to be important in terms of groundwater quality. Fine-grained strata appear to be predominant below a depth of about 400 feet along this section. However, enough interbedded sand layers are also present that highly productive wells tapping only deep strata can be developed. These two figures are intended as examples of geologic formations that occur in the areas, and may not illustrate true and actual geologic conditions of a particular site. More detailed information can be found in Appendix H.

### SELMA AREA WATER LEVELS

Water levels in eight wells in or near the study area have been regularly measured since 1946. Table 2 of the Groundwater Conditions Report found as Appendix H provides water level data for January 11, 2006. The water levels ranged from 46 to 60 feet deep on January 11, 2006 and were shallowest in two wells (T15S/R22E 32N1 and 33R1) in and east of the City. The deepest water levels on January 11, 2006 were in two wells along Fowler Avenue to the west (T15S/R21E 27D1 and T16S/R21E 15D1). Figure 3.8-4 shows water-level elevations and the direction of groundwater flow for January 11, 2006. The highest water level elevation was at Well T15S/R21E 33R1, east of the City, and the lowest was at Well T16S/R21E 15D1, to the southwest near Mountain View and Fowler Avenues. The direction of groundwater flow was generally to the southwest, and the influence of CID pond recharge was apparent, due to the curvature of the contours in their vicinity.

Water-level hydrographs were prepared for the wells and are shown on Figure 3.8-4 and are provided in Appendix A of the Groundwater Conditions Report found as Appendix H. Water levels in wells in the Selma vicinity rise and fall, largely depending on Kings River water deliveries to the CID. Since 1960, there has been an overall decline in the water levels in Well 32N1 averaging about 0.2 foot per year. Except for two wells near the west boundary of the Plan Area (T15S/R21E 27D1 and T16S/R21E 15D1), water levels in the other wells in the Plan Area with long term records have fallen an average of 0.3 foot per year since 1960. Water levels in Well 27D1 and 15D1 have decreased an average of 0.5 to 0.6 foot per year since 1960. There have been greater water-level declines in the area west and southwest of the Plan Area than farther east.

There are a number of CID recharge ponds in the Selma area, and these have been used to recharge the groundwater, along with seepage from canals and deep percolation of applied canal water. According to Summers Engineering (2007), the average rate of water level decline in the CID has been about 1.5 feet per year.

## WELL PRODUCTION

Records of the California Department of Health Services (CDOHS) indicate that operational pumping rates for most of the cable-tool drilled CWS Selma wells have ranged from about 500 to 800 gallons per minute (gpm). For the deeper gravel packed wells, operational pumping rates have usually ranged from about 700 to 1,200 gpm.

DOHS records indicate that total CWS Selma water system production in 2006 was about 6,300 acre-feet. This was for a total of 6,315 connections serving a population of about 24,000 residents for an average of approximately 235 gallons per day per person. Approximately 110 gallons per day per person is for potable household usage that is eventually sent to the treatment plant, with the balance (125 gallons per day per person) presumably for irrigation and outdoor use. There are also several industries in the City of Selma that have their own wells for water supply. The annual production from these wells is estimated to be about 500 acre-feet per year.

## RECHARGE

~~Summers Engineering, Inc. (2002) *The Draft Urban Impacts Study* (2007) described water supplies in the CID. The two main canals are the Fowler Switch Canal, which passes through the Plan Area near the northwest corner of the City, and the Centerville and Kingsburg (C&K) Canal, which passes through the east and south parts of the City. Canal water deliveries normally begin in April and end in mid-August. The CID conducts recharge to the groundwater by seepage from the canals and dedicated recharge basins. There is typically basin recharge when there are excess flows or flood releases in the Kings River. Plate D-1 of Summers Engineering shows locations of recharge ponds near Selma, and these are shown in Figure 3.8-4. Summers Engineering (2007) indicated that pond deliveries in the CID averaged about 31,000 acre-feet per year over the period of record with an estimated 20,000 acre-feet per year of canal seepage and pond deliveries during the irrigation season. In addition, Summers Engineering (2007) estimated that deep percolation losses from water applied to irrigated fields in the CID were about 30 percent.~~

Data from the Selma-Kingsburg-Fowler County Sanitation District (SKFCSD) indicate a wastewater flow from Selma of about 3,000 acre-feet in 2008 for a wastewater generation rate of approximately 110 gallons per day per persons. The effluent is sent to a series of ponds south of Conejo Avenue, and 2,700 acre-feet of it from Selma percolates to the groundwater, while the remainder evaporates.

## GROUNDWATER OVERDRAFT

Based on the water-level hydrographs for the wells in the 2035 Plan Area with long-term records, the average rate of water-level decline since 1960 has been about 0.35 foot per year.

Using an estimated average specific yield of 0.15 for the shallow deposits, the amount of groundwater overdraft in the Plan Area has averaged about 800 acre-feet per year since 1960.

## EXISTING WATER BUDGET

### *Urban*

CDOHS records indicate that pumpage from CWS Selma wells was 6,300 acre feet in 2006, or an average of about 2.6 acre-feet per acre per year for the 2,400 acres in the City limits. There is an additional estimated pumpage of 500 acre-feet per year from several industries in the City of Selma. Information from the SKFCSD indicates a dry weather wastewater influent amount from the City of Selma of 2,600 acre-feet in 2008. The estimated outdoor water use in the City was thus about 3,700 acre-feet per year. Assuming an average irrigation efficiency of 60 percent in the urban area, the consumptive use of applied water in the urban area would be about 2,200 acre-feet per year, or about 0.9 acre-foot per acre per year.

Information on SKFCSD effluent ponds evaporation and percolation is submitted by the SKFCSD to the Regional Water Quality Control Board on an annual basis. Of the City of Selma contribution to wastewater effluent from the SKFCSD Waste Water Treatment Facility (WWTF), an estimated 200 acre-feet per year (rounded), has been lost to pond evaporation; ~~when the ponds have been allowed to gradually plug.~~ Thus the total consumptive use for the City of Selma was about 2,400 acre-feet per year, or about 1.0 acre-foot per acre per year. ~~In 2009 the percolation ponds were deep ripped, and after this was completed, the pond water surface area decreased from about 110 acres to 15 acres (Ben Munoz, personal communication). Thus infiltration rates from the ponds can be increased and evaporation rates decreased in the future by periodic maintenance.~~ Recharge of storm water in the City hasn't been exactly determined, but is estimated to be less than 100 acre-feet per year.

### *Rural*

Summers Engineering (2007) summarized canal water deliveries in the CID. The CID delivers an average of 239,000 acre-feet per year of water to 95,000 acres in the CID. Assuming that two-thirds of the 9,900 irrigated acres in the Plan Area were provided canal water by the CID (based on the District-wide average), the canal water delivery to the Plan Area would average 15,000 acre-feet per year. According to Summers Engineering (2007), the CID recharges an average of about 51,000 acre-feet per year in recharge ponds and canals in the District. An estimated 500 acres of these ponds are in the 2035 Plan Area. The estimated recharge from the ponds and canals in the Plan Area averages about 10,000 acre-feet per year.

Aerial photos were reviewed for the 2035 Plan Area by Kenneth D. Schmidt and Associates when preparing the groundwater conditions evaluation found as Appendix H. The part of the area east of Locan Avenue was covered by a photo taken August 20, 2004, and the part of the area to the west was covered by a photo taken March 30, 2007. The Plan Area encompasses about 15,200 acres of land. Of this land, the aerial photos revealed that a total of about 9,900 acres was irrigated, 3,100 acres were urban, 500 acres were recharge basins, and 1,700 acres were idle land, agricultural residences, and ancillary land in the rural area.

Based on a review of the aerial photos, there were about 8,040 acres of vineyards, 1,540 acres of deciduous orchards, and 400 acres of other irrigated crops in the 2035 Plan Area. Using California Department of Water Resources Bulletin 113-3 values for evapotranspiration of

applied water by crops, the consumptive use of applied water in the Plan Area was 21,000 acre-feet per year. The average consumptive use in the rural area was thus 2.1 acre-feet per acre per year, or about twice the estimated urban consumptive use (including evaporation of the City's share of sewage effluent from SKFCSD ponds). Using an estimated irrigation efficiency of 60 percent, the applied water requirement for irrigation in the Plan Area would be about 35,000 acre-feet per year. If an average of 15,000 acre-feet per year of irrigation water has been delivered in this area from canals, then the groundwater pumpage for irrigation in the Plan Area has averaged about 20,000 acre-feet per year.

In the CID as a whole, canal water deliveries (for irrigation and recharge) have been less than the crop consumptive use and the groundwater outflow to the west. This is demonstrated by the history of water-level declines shown by water-level hydrographs for numerous wells in the District. The larger water-level declines aren't associated with urban areas, rather they are associated with pumpage for agricultural irrigation, both in and west of the CID. Average rates of water-level decline in the City of Selma Plan Area have been much less than the reported average decline in the CID. Using an average water-level decline in the 2035 Plan Area of about 0.35 foot per year since 1960, and a specific yield of about 0.15 for the shallow deposits, the average annual groundwater overdraft in the Plan Area has been about 800 acre-feet per year.

#### **IMPACTS OF DEVELOPMENT OF PLAN AREA ON GROUNDWATER**

Based on the Plan Update land use diagram, about 14,700 acres of land would ultimately be urban (excludes CID canals and recharge ponds). California Water Service (2006) has estimated the water requirement for ~~year 2030~~ a projected 2035 population of 70,000, based on historical demand, would be about ~~27,600~~ 20,000 acre-feet per year. If groundwater pumpage alone is used to supply the urban demand for the 2035 ~~planning area population~~, the increased pumpage would be about 8,000 acre-feet per year compared to existing conditions for a total urban consumptive use of about 15,000 acre-feet per year ~~under full development of the Plan Area compared to existing conditions~~ for a total urban consumptive use of about 15,000 acre-feet per year. ~~This would be about 13,000 acre-feet per year less than the estimated present consumptive use in the Plan Area.~~ The amount of wastewater generated in the Plan Area would be about ~~13,000~~ 8,000 acre feet per year. If all of this was exported out of the Plan Area, there would be an average water deficit of about ~~15,000~~ 7,000 acre-feet per year in the Plan Area. If the canal water formerly used for irrigation in the Plan Area (15,000 acre-feet per year) were used or recharged in the Plan Area under full development, then the deficit would be eliminated. If the ~~10,000~~ 5,000 acre-feet of additional wastewater was used or percolated in the Plan Area, this would reduce the deficit significantly.

Goal 4 of the Public Services and Facilities Element states, “coordinate required improvements of the sewer and storm drainage systems.” Recognizing that the new development envisioned by the proposed Plan Update cannot occur without an adequate supply of water, the proposed Open Space, Conservation and Recreation Element of the Plan Update includes policy 5.18 which says the City shall endeavor to mitigate, to the fullest extent possible, activities which will exacerbate groundwater overdraft.

**Conclusion:** ~~Based on the Plan Update land use diagram, about 14,700 acres of land would ultimately be urban (excludes CID canals and recharge ponds) within the Plan Area. California~~

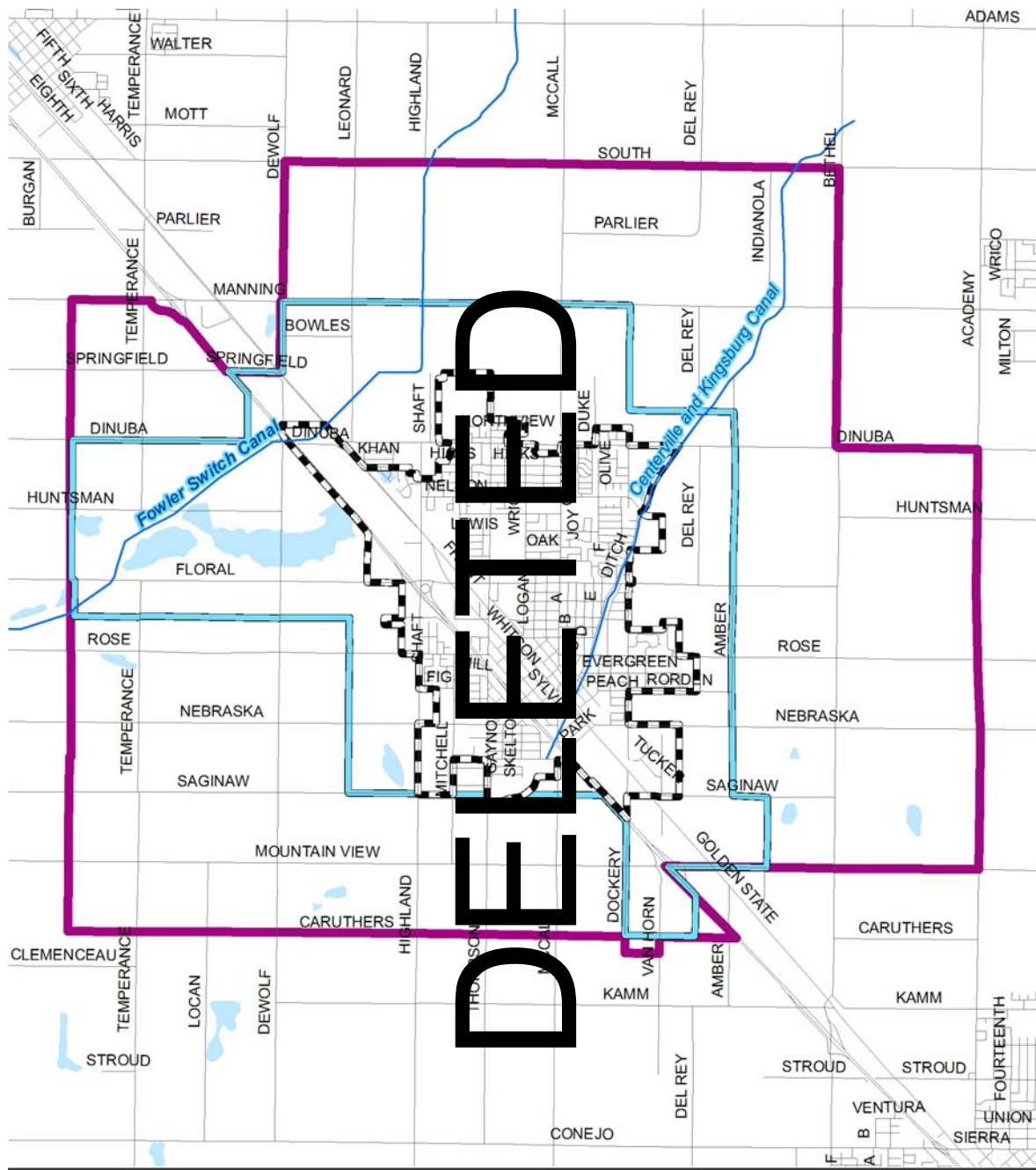
~~Water Service (2006) has estimated the associated water requirement would be about 27,600 acre feet per year. If groundwater pumpage alone is used to supply the urban demand for the Planning Area, the increased pumpage over current usage would be about 8,000 acre feet per year. There would be an estimated urban consumptive use of about 15,000 acre feet per year under full development of the 2035 Plan Area. This would be about 13,000 acre feet per year less than the estimated present consumptive use in the Plan Area. The amount of wastewater generated in the Plan Area would be about 10,000 acre feet per year. If all of this was exported out of the Plan Area, there would be an average water deficit of about 15,000 acre feet per year in the Plan Area. If the canal water formerly used for irrigation in the Plan Area (15,000 acre feet per year) were used or recharged in the Plan Area under full development, then the deficit would be eliminated. If the 10,000 acre feet of additional wastewater was used or percolated in the Plan Area, this would reduce the deficit significantly. The ground water assessment herein and in Appendix H concludes that buildout under the Plan Update would result in about 13,000 acre feet per year less water groundwater consumption than the estimated present consumptive use in the Plan Area.~~

~~Although CID has indicated that future growth as a result of the proposed General Plan along with future growth from the other incorporated and unincorporated communities within CID's service area could result in a potentially significant impact with regard to groundwater depletion and recharge, t~~The ground water analysis prepared for based on the Plan Update supports a finding of **less than significant** impact. Implementation of the following mitigation measure will further reduce the impact.

**Mitigation Measure #3.8.3.3:** The City of Selma shall adhere to CID's Groundwater Mitigation and Banking Program as defined in the *Upper Kings Basin Integrated Regional Water Management Plan* (June 2007), which is available for review at the City of Selma. The CID program includes multiple recharge projects and facilities located on individual properties generally in the area east of SR 99. The program includes acquiring as many as 350 acres of land to develop direct recharge facilities (percolation ponds); development of necessary easements and rights of way; improvements to existing canal facilities and conveyance; development of secondary connector canals, pipelines, and related facilities; installation of measuring equipment; and percolation of Kings River and other waters at the new facilities or existing recharge sites. The CID will develop, own, operate, and maintain the groundwater banking facilities and manage the banked groundwater on behalf of co-sponsors or subscribers in the bank. As an alternative to the above, the City shall develop, own, operate, and maintain groundwater recharge basins in the Planning Area.

**Effectiveness of Mitigation:** Implementation of the mitigation measure above will further ensure a **less than significant** impact.

**Impact #3.8.3.4 – Potential Flooding and Dam Inundation Hazards:** Only a small portion of the Planning Area is within the 100-year floodplain (see Figure 3.8-5). However, the proposed General Plan would allow additional development within those areas that are subject to flooding.



**Legend**

- City Limits
- Sphere of Influence
- Planning Area

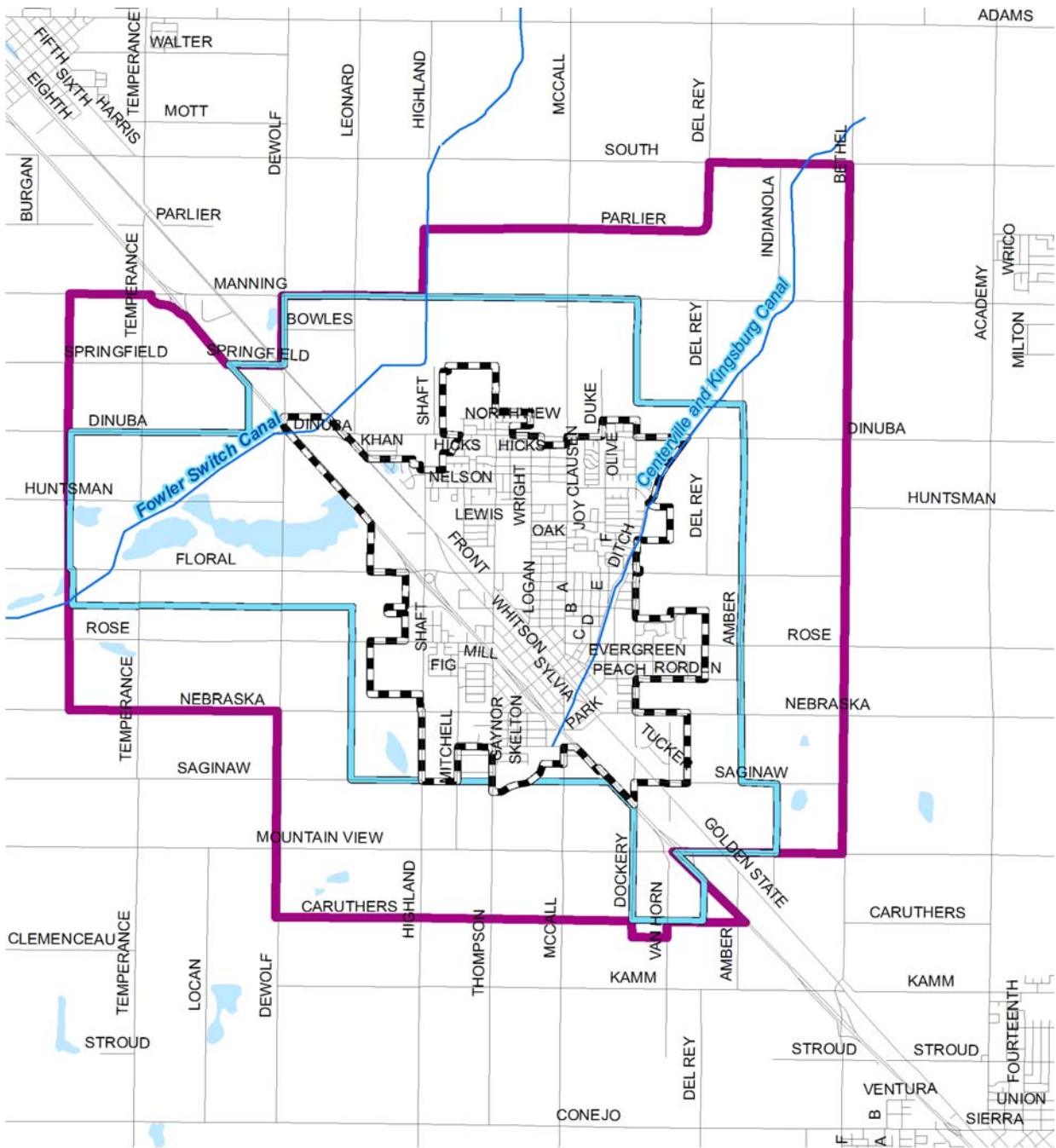
**FEMA**

- Zone A - Areas subject to 100-year flood. Base flood elevation undetermined.
- Zone X500 - Areas between the limits of the 100-year and 500-year flood;
- areas subject to 100-year flood with avg. depths > 1 ft., where the contributing drainage area is > 1 sq. mile, or areas protected by levees from the 100-year flood.



**100-YEAR FLOODPLAIN**

**Figure 3.8-5**



#### Legend

- City Limits
- Sphere of Influence
- Planning Area

#### FEMA

- Zone A - Areas subject to 100-year flood. Base flood elevation undetermined.
- Zone X500 - Areas between the limits of the 100-year and 500-year flood; areas subject to 100-year flood with avg. depths > 1 ft.; where the contributing drainage area is > 1 sq. mile; or areas protected by levees from the 100-year flood.



## 100-YEAR FLOODPLAIN

Figure  
3.8-5

The Draft Safety Element of the Plan Update includes Policy 4.17 which requires that areas identified as being potentially subject to flooding, and where the exact area and depth of flooding is uncertain, the applicant or developer of an annexation or development proposal be responsible for determining the 100-year flood elevation through the preparation of a civil engineering report. ~~Policy 4.18 says that the City shall continue to implement and administer the Master Plan for Storm Drainage as a means of offsetting increased storm water runoff from urbanization.~~ Policy 4.19 says that the City shall develop and maintain a map using GIS technology that identifies all flood hazard areas within the Planning Area. Policy 4.20 says that the City shall encourage new development to avoid floodplains or to mitigate and protect against flood impacts if development is to be located in such areas.

~~The proposed General Plan also includes policies, as noted previously, to prevent groundwater depletion, minimize impacts from storm water drainage and to ensure that the City has high water quality standards.~~

Figure 3.8-6 shows that the City is within the dam inundation zone of Pine Flat Dam if it were to fail. The proposed General Plan would allow additional development to occur in areas of dam inundation risk. The risk of dam inundation is low and the Department of Water Resources is responsible for completing annual inspections of each dam for the purpose of safeguarding life and destruction of property. However, dam failure and resulting inundation can occur due to unforeseen events, which could result in severe flooding throughout the City. Government Code §65032(g) requires that jurisdictions include measures to reduce the risk of loss of life and property when the potential for dam inundation exists.

The Safety Element of the Plan Update includes Policy 4.21 which states the City will seek and petition the County of Fresno, Council of Fresno County Governments and other agencies and cities impacted by potential dam failure, to participate in the completion of a disaster plan in the event of failure of Pine Flat Dam. Policy 4.22 states the City shall prepare a local emergency evacuation plan responding to the complete failure of Pine Flat Dam at peak capacity. The evacuation plan shall be coordinated with other responsible and impacted jurisdictions.

~~In October 2007, the State of California enacted Assembly Bill 162 amending Government Code Section 65302 requiring cities and counties to increase their attention to flood-related matters in the land use, conservation, safety, and housing elements of their general plans.~~





PINE FLAT DAM FAILURE INUNDATION AREA

Figure 3.8-6



PINE FLAT DAM FAILURE INUNDATION AREA

Figure 3.8-6

**Conclusion:** Although the potential for flooding and inundation is **potentially significant**, adherence to the Municipal Code and implementation of policies of the General Plan will reduce the flood hazard potential in the City. Once mitigation measures have been implemented to comply with Government Code §65302(g), potential flood hazards will be reduced to a **less than significant** impact. The risk of loss of life and property can be reduced to **less than significant** with the implementation of the above referenced policies and the following mitigation measures:

**Mitigation Measure #3.8.3.4a:** The City shall revise Policy 4.22 to include the following, “The City shall maintain a list of public agencies with which it cooperates that may be included in the Emergency Services Plan, or may be maintained by the City’s Public Works Department, ~~of public agencies with which it cooperates~~, especially those with responsibility for flood protection. This list will include, for each agency, the general responsibility of the agency and when it may be called upon for assistance.

**Mitigation Measure #3.8.3.4b:** The City shall revise Policy 4.16, in compliance with Government Code §65302(g) to read, “The City shall ~~evaluate areas within its Planning Area to~~ identify areas of potential localized flood hazards using an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA), the National Flood Insurance Program maps published by FEMA, information about flood hazards available from the U.S. Army Corps of Engineers, dam failure inundation maps available from the Office of Emergency Services, Awareness Floodplain Maps and 200-year flood plain maps available from the Department of Water Resources, historical data available from the City, County of Fresno, and any other sources as appropriate.”

~~Define “Essential Facilities” according to Government Code 65302(g)(A)(iv) to include hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities.~~

**Mitigation Measure #3.8.3.4c:** The City shall revise Policy 4.21 to include the statement, “Essential services, when feasible, shall be located outside of flood hazard zones, or construction methods and other methods to minimize damage from flood hazards identified, so that structural and operational integrity is maintained during flooding.”

**Mitigation Measure #3.8.3.4d:** The City shall revise Policy 4.22 to include, “The emergency plan shall include a means for notifying residents of the need to evacuate because of a potentially severe hazard, such as fire, flooding, or dam inundation. This means of notification is to be implemented as soon as possible after a hazard has been recognized as having the potential to harm or destroy property or human life.”

**Mitigation Measure #3.8.3.4e:** The City shall add a policy, “The City shall develop a program with criteria to determine when construction of essential public facilities and other critical facilities will be permitted in flood hazard zones or areas with other geologic hazards.”

**Mitigation Measure #3.8.3.4f:** The City shall add a policy, “The City Shall develop and maintain relationships with local jurisdictions, water districts, state agencies, and federal agencies for the purposes of 1) providing information for the public, 2) utilizing current data (e.g., National Flood Insurance Program maps), and 3) determining appropriate regulatory

### *Sphere of Influence*

Fresno LAFCO (Local Agency Formation Commission) is responsible for reviewing and approving each Fresno LAFCO (Local Agency Formation Commission) is responsible for reviewing and approving each city's Sphere of Influence (SOI), and recommended changes to the SOI. LAFCO is required to review and update, as necessary, each local agency's SOI before January 1, 2008, and every five years thereafter. The agency submits proposed changes to LAFCO, at which time it uses four factors to prepare a written statement of its determinations. LAFCO must consider:

1. The present and planned land uses in the area, including agricultural and open-space lands
2. The present and probable need for public facilities and services in the area
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide, and
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency

The most recent report from LAFCO concerning the City's SOI was prepared July 11, 2007.

Selma has an identified SOI established beyond its City limits that has been approved by the Fresno County LAFCO. SOI's are often revised as part of a General Plan update process. Although the City does not have legal jurisdiction outside of its own City limits, an SOI indicates the area where the City anticipates annexing land and urbanizing in the future. It is a way to encourage cities and counties to work together to control and plan for growth. In Fresno County, the SOI may be expanded when the existing SOI reaches a particular buildout level, or when there is a shortage of a particular land use.

LAFCO's latest report for the City of Kingsburg, which lies south of Selma along Highway 99 (prepared at the same time as the one for Selma in July 2007) states, "The City's (Kingsburg's) northern SOI boundary is currently contiguous with the City of Selma's southern SOI boundary. As previously mentioned, there are on-going discussions through Fresno COG related to land use buffers and providing physical "green belt" separations between cities in order to create greater City identification and avoid the appearance of a 32-mile length of urban sprawl throughout Fresno County." In addition to Kingsburg to the south, the City of Fowler is located to the north of Selma and the two cities share their SOI boundary. The LAFCO report also lists, as a goal for these cities, "Direct Fresno LAFCO staff to participate via the COG *Valley Blueprint* Planning efforts to work with the COG and its member agencies in creating land use buffers where determined appropriate. Consider *Valley Blueprint* recommended actions once they are available" and, "Request the City of Selma to consider the issue of land use buffers in their planning processes to be given consideration at the time of Sphere of Influence revision or amendment."

At the time of the submission of the SOI materials to LAFCO for review, the City of Selma stated, “Due to growth and new development projects the City needs to expand its SOI and annex additional territory. Selma is a pro-growth community and we have no growth controls or limitations. The policy of the City of Selma is to encourage quality new commercial and residential development and to grow in a logical and well-planned manner.” No application to extend the SOI was submitted at that time, or since then, and no more recent information concerning SOI policies/recommendations or changes is available from either LAFCO or the Fresno COG.

### *San Joaquin Valley Blueprint*

The San Joaquin Valley Blueprint is an unprecedented planning effort to improve the quality of life in the San Joaquin Valley. The Blueprint process is providing the eight counties of the San Joaquin Valley an opportunity to work together to develop better land use and transportation patterns by developing a regional plan that will be used to guide growth over the next four decades. Funding for this effort is being provided by grants received from the California Department of Business, Transportation and Housing and the San Joaquin Valley Air Pollution Control District.

Four Valley-wide scenarios were developed by UC Davis' Information Center for the Environment (ICE) in consideration of the preferred scenarios submitted by each of the eight counties and residents input from throughout the Valley. Each of these scenarios is a projection of what the San Joaquin Valley will be like in 2050 if the region follows certain trends in land use patterns, transportation options, economic development and goods movement patterns, greenhouse gas emissions, agricultural land consumptions, and habitat protection. The four scenarios are described as follows:

- **Scenario A.** The “recent trends” scenario is an effort to portray a continuation of development patterns from the recent past forward into the future. Each county defined its own starting point and development trends. This scenario provides limited protections for agriculture and environmental open space policies would be implemented county by county. Under this scenario average dwelling units per acre for new residential development would be 4.3.
- **Scenario B.** The “locally combined” scenario is an assembly of scenarios created by each county to represent a desired new direction for the future. This scenario, like the “recent trends” scenario, has unique inputs and target densities for each county. This scenario places a greater emphasis on protection of agricultural land and environmental resources. Under this scenario average dwelling units per acre for new residential development would be 6.8.
- **Scenario B+.** (Included based on direction from the San Joaquin Policy Council in December, 2008) Reflects the land use assumptions of Scenario B and provides more transportation infrastructure that cross county boundaries. Under this scenario average dwelling units per acre for new residential development would be 6.8.

- Enforcing the provisions of the California and Federal Clean Air Acts, state and regional policies, and established standards for air quality;
- Utilizing clean fuel for city vehicle fleets, when feasible; and
- Developing consistent procedures for evaluating project-specific and cumulative air quality impacts of projects.

#### **Public Facilities and Services Element**

Policy 6.1 Coordinate City-wide sewer, water, and storm drainage master plans which implement adopted land use goals, objectives and policies and Federal and State regulations. These master plans shall be updated as needed and implemented through various funding mechanisms including assessment district, property owner's association's user fees, development impact fees, mitigation payments, reimbursement agreements and/or other mechanisms which provide for equitable distribution of development and maintenance costs.

#### ***Physical***

#### **EXISTING LAND USE**

A land use survey was conducted in May, 2007 and included all parcels within the ~~SOI~~ city limits in effect at that time. Table 3.9-1 shows that the existing land uses within the City limits included 1,152 acres of residential, 144 acres of commercial, 292 acres of industrial, 108 acres of park/ponding basin, and 202 acres of public/semi-public facilities. Figure 3.9-1 illustrates the distribution of these existing land uses. As with most cities in the San Joaquin Valley, the detached single-family home is the predominant residential unit in Selma.

**Table 3.9-1  
Existing Land Uses (Acres)  
Within Selma City Limits, May 2007**

<b>Land Use</b>	<b>Acres</b>
Agriculture	4
Commercial	144
Office	22
Industrial	292
Park/Ponding Basin	108
Public/Semi-Public	202
Residential	1,152
Vacant/Undeveloped	186
<b>Total</b>	<b>2,110</b>

Source: Windshield Survey, May 2007. Quad Knopf



City should provide an adequate zoned supply of commercial, residential and industrial property to provide for the needs of the community.

**Conclusion:** Implementation of the policies and standards in the Plan Update and compliance with the LAFCo process as the proposed General Plan Update is implemented would ensure that conflicts between the General Plan and other plans, policies, and regulations applicable to the Selma area are reduced to be **less than significant**. However, failure to zone an adequate quantity of land for particular uses as they are needed would compromise the basic goals of the Plan Update. A minor increase in density is also needed to conform with Blueprint recommendations.

**Mitigation Measure #3.9.3.1:** Policy 1.95 should be modified as follows:

Policy 1.95     The City shall maintain a 40,000 population and 70,000 population Urban Development Boundary (UDB) that limits development to within those boundaries until the City’s population exceeds the corresponding UDB population threshold. The City shall maintain an adequate supply of zoned residential land to meet 10 years of its Regional Housing Needs Allocation, a 10-year supply of zoned commercial land, and a 20-year supply of industrial land. The City shall amend the SOI, UDBs, annex areas meeting LAFCo criteria, and redesignate “Reserve” lands within the Planning Area as necessary to maintain such supply.

**Effectiveness of Mitigation:** Modification of Policy 1.95 will ensure that an adequate quantity of land for commercial, industrial and residential uses will be maintained for development as they are needed in conformance with the basic goals of the Plan Update. This impact will be **less than significant**.

**Impact #3.9.3.2 – Conflict with any applicable Habitat or Natural Community Conservation Plan:** There are currently no locally or State-established habitat or natural community conservation plans applicable to the City of Selma. However, there is a *Recovery Plan for Upland Species of the San Joaquin Valley* (1998), but its recommendations are programmatic, not geographic.

**Conclusion:** New development resulting from implementation of the proposed General Plan would potentially result in the loss of special-status species habitat. With application of the mitigation measures presented in Section 3.4, Biological Resources, this impact is **less than significant**.

**Mitigation Measure:** No additional mitigation measures are required.

### **3.10 Mineral Resources**

#### **INTRODUCTION**

According to the Background Report of the General Plan, Selma has no significant mining resources or mining operations. As discussed in Chapter One, Introduction, the Initial Study

standards shall be incorporated into the City's Standard Specifications for Public Works.

- Policy 2.44 The City will develop, through various funding mechanisms and sources, a city wide bicycle path/lane/route system in conformance with the City's 2003 Bicycle Transportation Plan. The bicycle path/lane/route system will utilize existing or future railroad right-of-way and water courses. The paths (class I), may also include landscaping, lighting, mileage markers, directional signage and benches. The on-road lanes (class II) would include striping and the on-road routes (class III) would not include striping. Reference Figure 2-3 (included as Figures 2-3a and 2-3b in this Draft EIR) for the proposed city-wide bike plan. The class I bike paths can also be utilized by pedestrians if the proposed paths are wide enough to allow both bicyclists and pedestrians.
- Policy 2.48 Where security walls or fences are proposed for residential developments along major arterials, arterials, or collector streets, pedestrian access should be considered between the major arterial, arterial, or collector, and the development to allow access to transit vehicles, commercial facilities, educational facilities and recreation areas operating on the street.

**Open Space, Conservation and Recreation**

- Policy 5.7 Maintain Rockwell Pond as both a resource management area (water recharge) and community open space.
- Policy 5.22 Encourage transportation alternatives to motor vehicles by developing infrastructure amenable to such alternatives by doing the following where feasible:
- Consider right-of-way for bike lanes on new arterial and collector streets and in street improvement projects;
  - Require that new development be designed to promote pedestrian and bicycle access and circulation; and
  - Provide safe and secure bicycle parking facilities at major activity centers, such as public facilities, employment sites, and shopping and office centers.
- Policy 5.23 Encourage land use development to be located and designed to conserve air quality and minimize direct and indirect emissions of air contaminants by doing the following, where feasible:
- Locate air pollution point sources, such as manufacturing and extracting facilities, in areas designated for industrial development and separated from residential areas and sensitive receptors (e.g., homes, schools, and hospitals); establish buffer zones (e.g., setbacks, landscaping) within residential and other



- Policy 5.33 Cooperate with the school district in developing recreational open space land and programs.
- Policy 5.34 Develop new parks or recreational facilities at locations which complement existing and planned population centers and, where possible, complement existing school recreational facilities.

**Public Services and Facilities Element**

- Policy 6.6 Adequate space and facilities shall be provided for City services and administrative functions including senior citizen centers, community centers, and a civic center complex.

***Physical***

**CITY PARKS**

The City of Selma currently has 6 designated park sites totaling approximately 43 acres. Selma's parks include neighborhood parks, community parks, and a community center. These facilities are listed below:

- **Berry Park** is a 1.1-acre neighborhood and community park at the corner of Whitson and Second Street with a playground, picnic tables, open grass areas, restrooms, and the City Skate Park.
- **Brentlinger Park** is a 10.1-acre neighborhood and community park at the corner of Rose and Orange Avenues with a playground, picnic tables, tennis courts, basketball courts, two lighted baseball diamonds, open grass areas and picnic shelters (which can be reserved one year in advance for the cost of ~~\$30~~ \$35 for residents and ~~\$60~~ \$65 for non-residents).
- **Lincoln Park** is a 3.5-acre neighborhood park at the corner of Rose and McCall Avenues with picnic tables, ~~gazebo~~ bandstand, restrooms and open grass areas.
- **Peter Ringo Memorial Park** is a 4.8-acre neighborhood park at the corner of Mitchell and Nebraska Avenues with a playground, picnic tables, basketball courts, soccer field, open grass areas and picnic shelters (which can be reserved one year in advance for the cost of \$30 for residents and \$60 for non-residents).
- **Salazar Park** is a 1.7-acre neighborhood park at the corner of Sheridan Street and Valley View Street with a Community Center, playground, picnic tables, basketball courts, restrooms, and a Water Spray Park.
- **Shafer Park** is a 21.1-acre neighborhood and community park located at Floral and Thompson Avenues with a playground, picnic tables, basketball courts, ~~two~~ three lighted baseball diamonds, ~~sand~~ grass volleyball courts, walking trails, and picnic shelters (which can be reserved one year in advance for the cost of \$30 for residents and \$60 for non-residents).

- **Pioneer Village** is a 14.4-acre historical, recreational and cultural facility located ~~on Highland Avenue at 1880~~ Art Gonzales Parkway. Numerous historical buildings have been moved to this site to serve as a museum and cultural center for the Selma Community. This facility provides open space, restrooms and picnic tables.

## **CITY ARTS PROGRAMS**

The City of Selma's Recreation and Community Services Department offers the following art programs:

### ***Performing Arts***

Youth ages ~~5-6~~ to 15 can join the production of a play or musical with no formal experience required. Participants ~~between 7 and 15 years of age~~ audition for parts in the show. All materials are provided and included in the registration fees. Kids ~~between the ages of 5 and 6~~ can participate in theatre workshops to learn about the arts. Space is limited and registration is taken on a first-come first-serve basis.

### ***Visual Arts***

~~Youth~~ People ages 8-11 to adult can learn to draw, paint and sculpt using ceramic clay or participate in an introduction to arts and crafts. Classes are designed to be a fun and instructional environment with no previous experience needed. All materials are provided and included in the registration fee. Class size is limited and registration is taken on a first-come, first-serve basis.

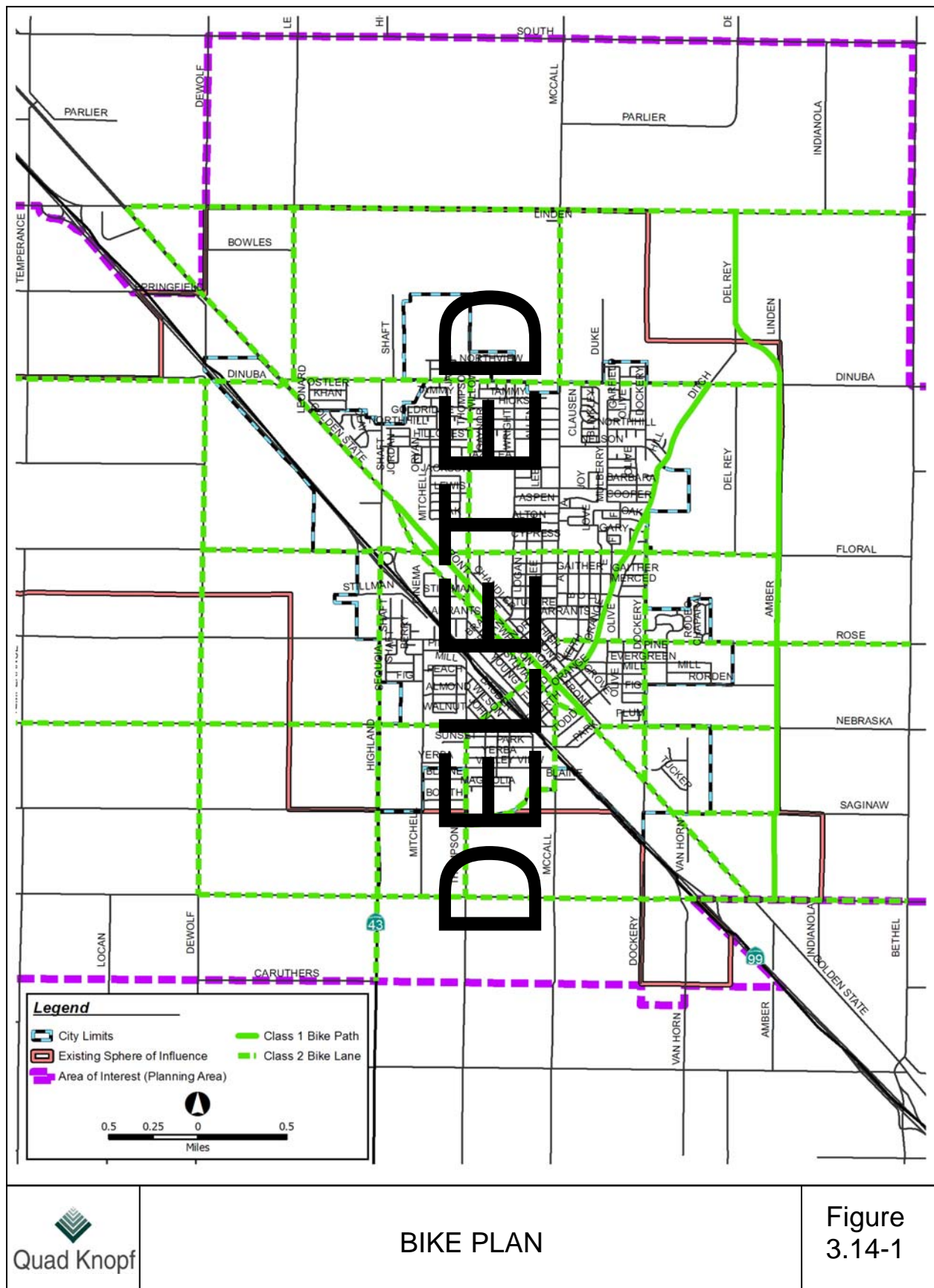
## **CITY SPORTS PROGRAMS**

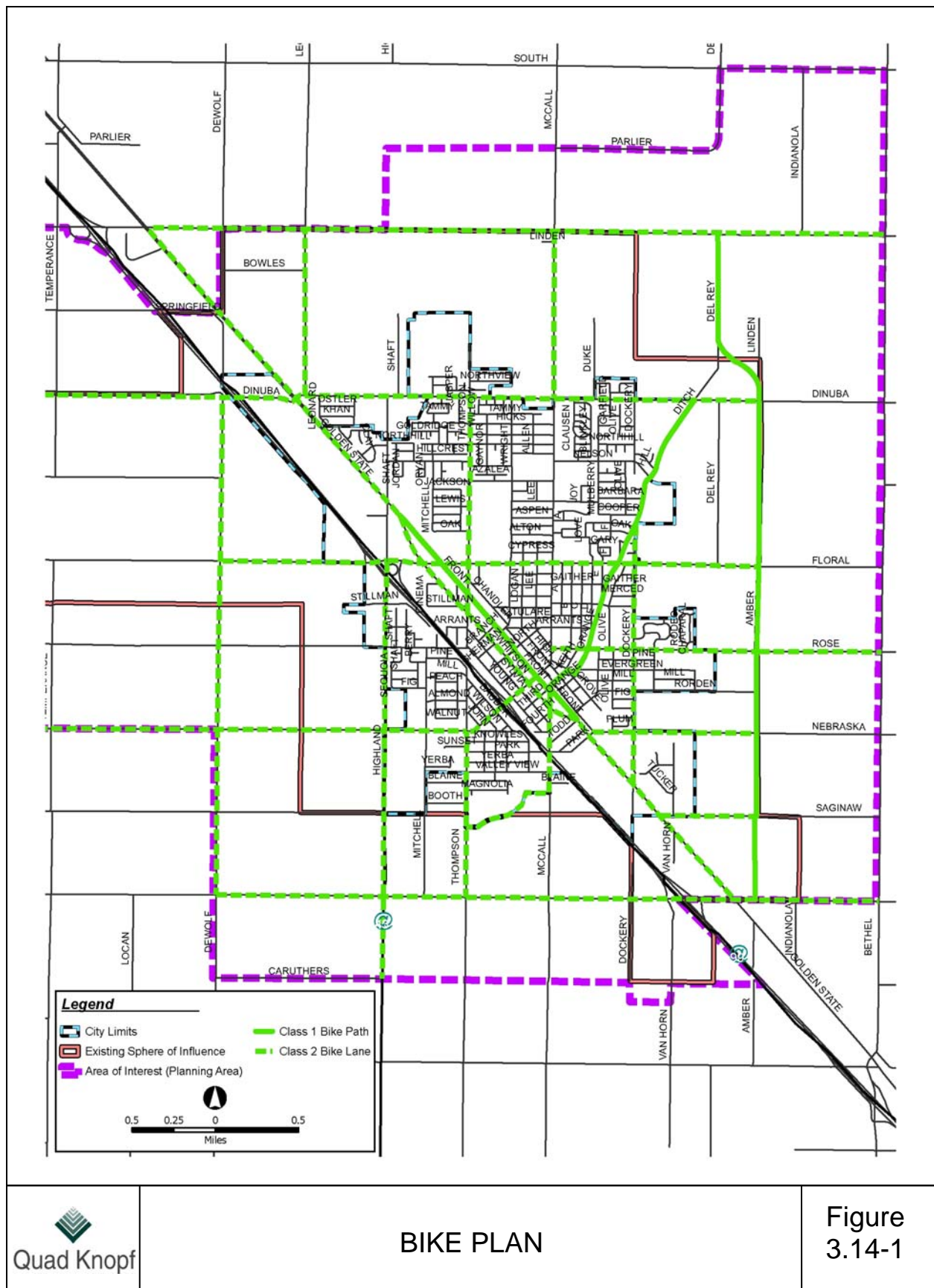
The City offers a variety of sports programs for children and adults. A strong emphasis has been placed on community participation in the planning, organization, and implementation of these programs. As these programs grow and participation increases, additional fields and facilities will be needed. Existing facilities will need renovations and there will be an increasing demand for additional staffing and volunteers.

Youth sports programs include boys and girls' T-ball for ages 4-7, girls' softball for ages 8-13, volleyball, aquatics lessons, and recreational swimming held at the Selma High pool. Adults can find City sponsored programs in co-ed slow pitch softball and basketball.

## **SENIOR PROGRAMS**

The Selma Senior Center is located at 2301 Selma Street with funding from the Fresno-Madera Area Agency on Aging. The Selma Senior Center invites men and women age 55 and over to participate in many activities (City of Selma website). The Center provides a full range of educational programs in health services, recreation, information and assistance, and meals served Monday – Friday to people age 60 and over. Weekly activities at the Center include billiards, cards, games, bingo, ceramics, crafts, exercise, trips and an expansive collection of reading material from the Senior Center Library. The Center also provides a newsletter with tips, trips, Q & A, and important dates, and is available monthly online. The Center also provides free cell phones that can be used to dial 911 only in case of an emergency at no monthly charge.





- d. Full median breaks, where there is no adopted design, should provide access to collector streets and to major activity centers and should parallel the standards for driveways: not less than 200 feet from an adjacent intersection of an arterial or collector street, and not less than 1,000 feet between full median breaks.
- e. Driveway consolidation shall be encouraged through joint access agreements along arterials where standards a. through d. are exceeded.
- f. Major arterials shall be developed in conformance with Figures 2-1 and 2-2 and shall be sized in accordance with the projected traffic volumes on road segments and intersections. The preferred minimum distance between intersections along major arterials is ¼ mile. Future signalization along State Route 43 (also known as Highland), where it lies within the City's SOI, shall have signalization set at ½ mile intervals where possible.

#### ***Collector Street Standards***

- a. Driveway access to major activity centers should be located no closer than 150 feet to the adjacent intersection of a collector or arterial street (measurement shall be from the curb return to the nearest edge of the driveway). If driveways must be provided near intersections for facilities (such as service stations) these driveways shall not be serviced by median breaks and shall be located no less than 100 feet from the intersection (measurement shall be from the curb return to the edge of the driveway). If more than one is requested to serve a property, the driveways shall be separated by 150 feet (the 150 feet are to be measured edge to edge, not centerline to centerline).
- b. The distance between driveways and intersecting local streets should not be less than 300 feet (measurement shall be from the curb return to the nearest edge of the driveway). Where this spacing is not practical, the development shall provide acceptable traffic mitigation measures in addition to those already required.
- c. Driveways to residential property along collectors should be consolidated whenever possible.
- d. Medians on collectors shall be provided by concrete where left turn control is needed and by painted medians on two-way left turn pockets where appropriate. Where concrete medians are provided, median breaks should be spaced not less than 300 feet apart.
- e. Collectors shall be developed in conformance with Figure 2-2 and shall be sized in accordance with the projected traffic volumes on road segments and intersections.

out of commercial areas should be minimized and existing points of ingress and egress shall be consolidated whenever possible.

- Policy 2.43 In order to promote safe and efficient traffic flow throughout the City, traffic signals shall be spaced no closer than 1/4 mile on arterials except in unusual circumstances. The intersections of arterial and collector streets and the access driveways to major traffic generators shall be located to maintain this minimum spacing.

**Bicycle and Pedestrian Facilities**

- Policy 2.44 The City will develop, through various funding mechanisms and sources, a city wide bicycle path/lane/route system in conformance with the City's 2003 Bicycle Transportation Plan. The bicycle path/lane/route system will utilize existing or future railroad right-of-way and water courses. The paths (class I), may also include landscaping, lighting, mileage markers, directional signage and benches. The on-road lanes (class II) would include striping and the on-road routes (class III) would not include striping. Reference Figure 2-3 (included as Figures 2-3a and 2-3b of this Draft EIR) for the proposed city-wide bike plan. The class I bike paths can also be utilized by pedestrians if the proposed paths are wide enough to allow both bicyclists and pedestrians.
- Policy 2.45 Sidewalks, paths, and appropriate crosswalks should be located to facilitate access to all schools and other areas with significant pedestrian traffic. Whenever feasible, pedestrian paths should be developed to allow for unobstructed pedestrian flow from within a neighborhood.
- Policy 2.46 The City shall require curb, gutter, and sidewalks in all areas of the community to accommodate pedestrian traffic, especially along routes with high pedestrian traffic such as schools, parks, and the downtown area. Installation of these improvements shall be encouraged to the extent feasible in existing neighborhoods where they do not currently exist.
- Policy 2.47 The City shall promote safe, convenient and accessible pedestrian ways within the community.
- Policy 2.48 Where security walls or fences are proposed for residential developments along major arterials, arterials, or collector streets, pedestrian access should be considered between the major arterial, arterial, or collector, and the development to allow access to transit vehicles, commercial facilities, educational facilities and recreation areas operating on the street.
- Policy 2.49 Street lighting shall be provided for all public streets and pedestrian signals shall be provided at all traffic signal locations.



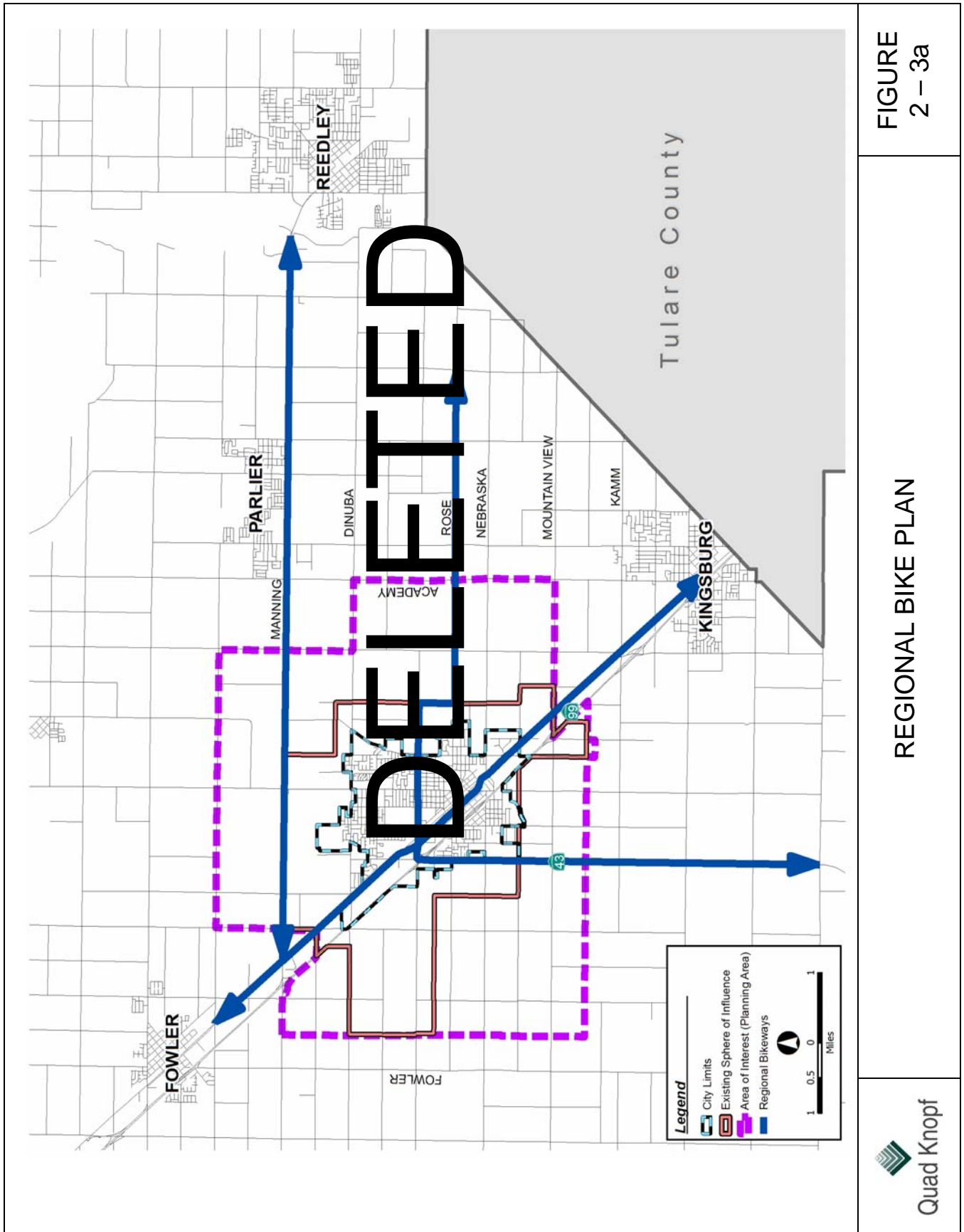


FIGURE  
2 – 3a

# REGIONAL BIKE PLAN



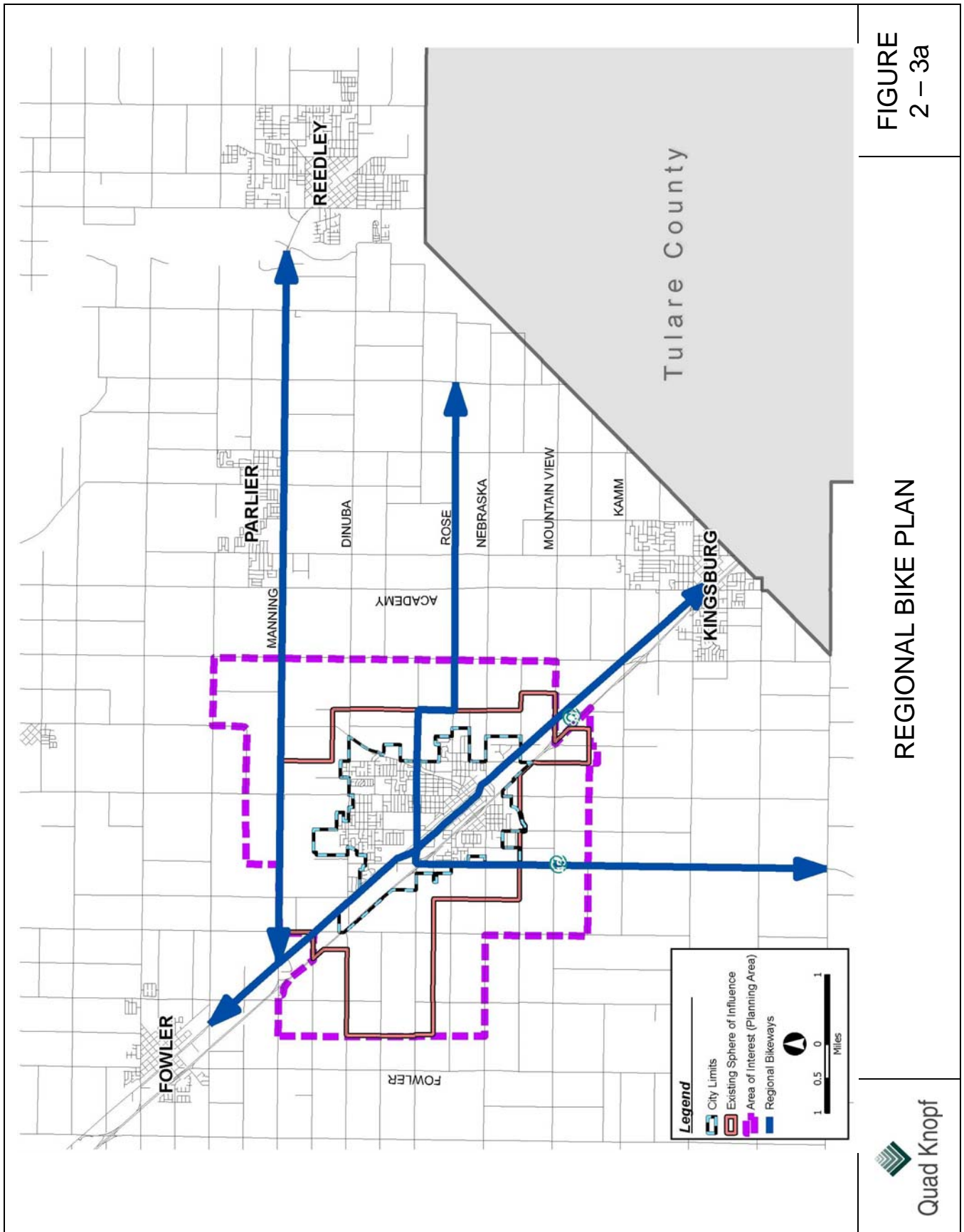
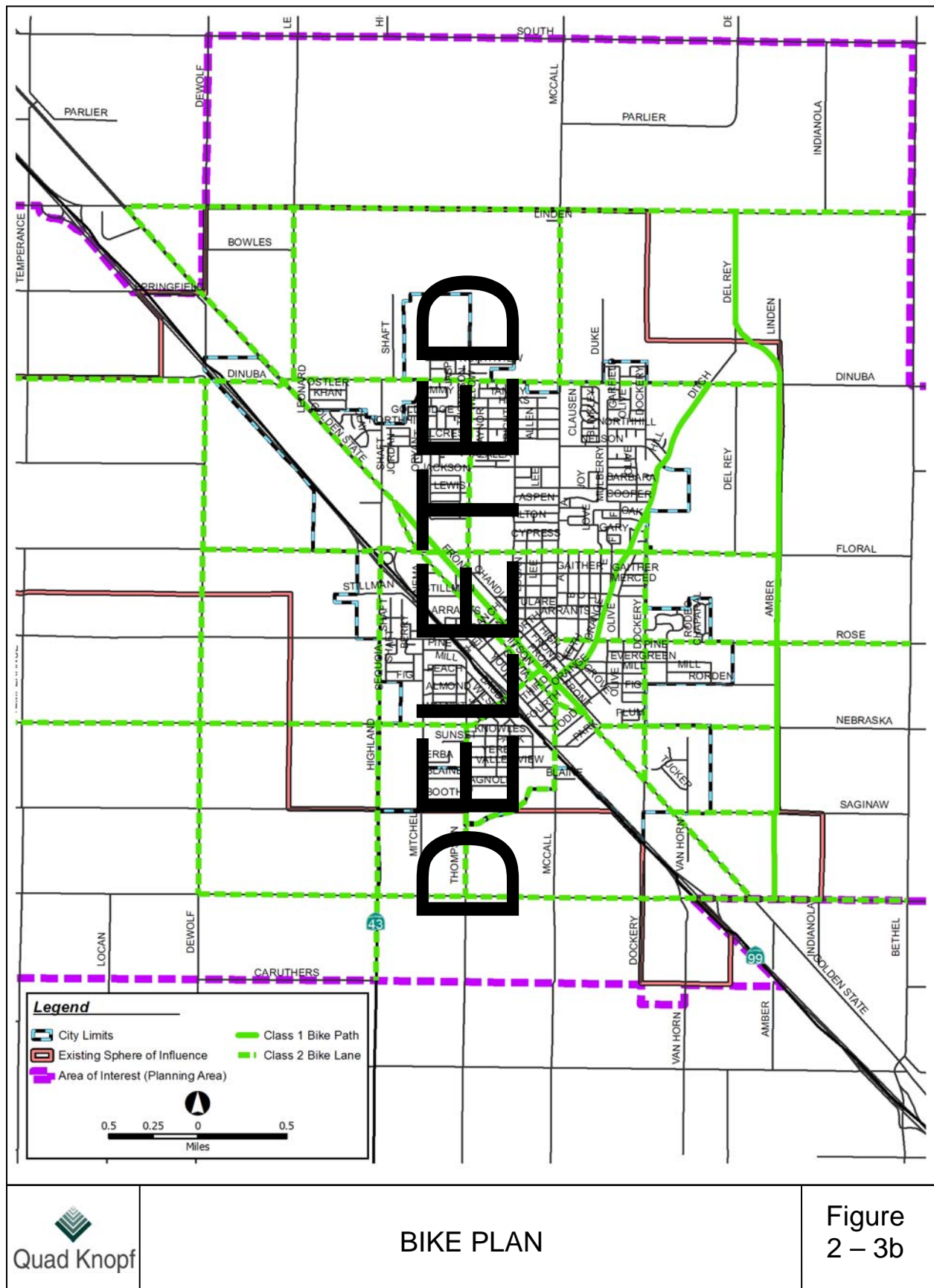


FIGURE  
2 – 3a

# REGIONAL BIKE PLAN







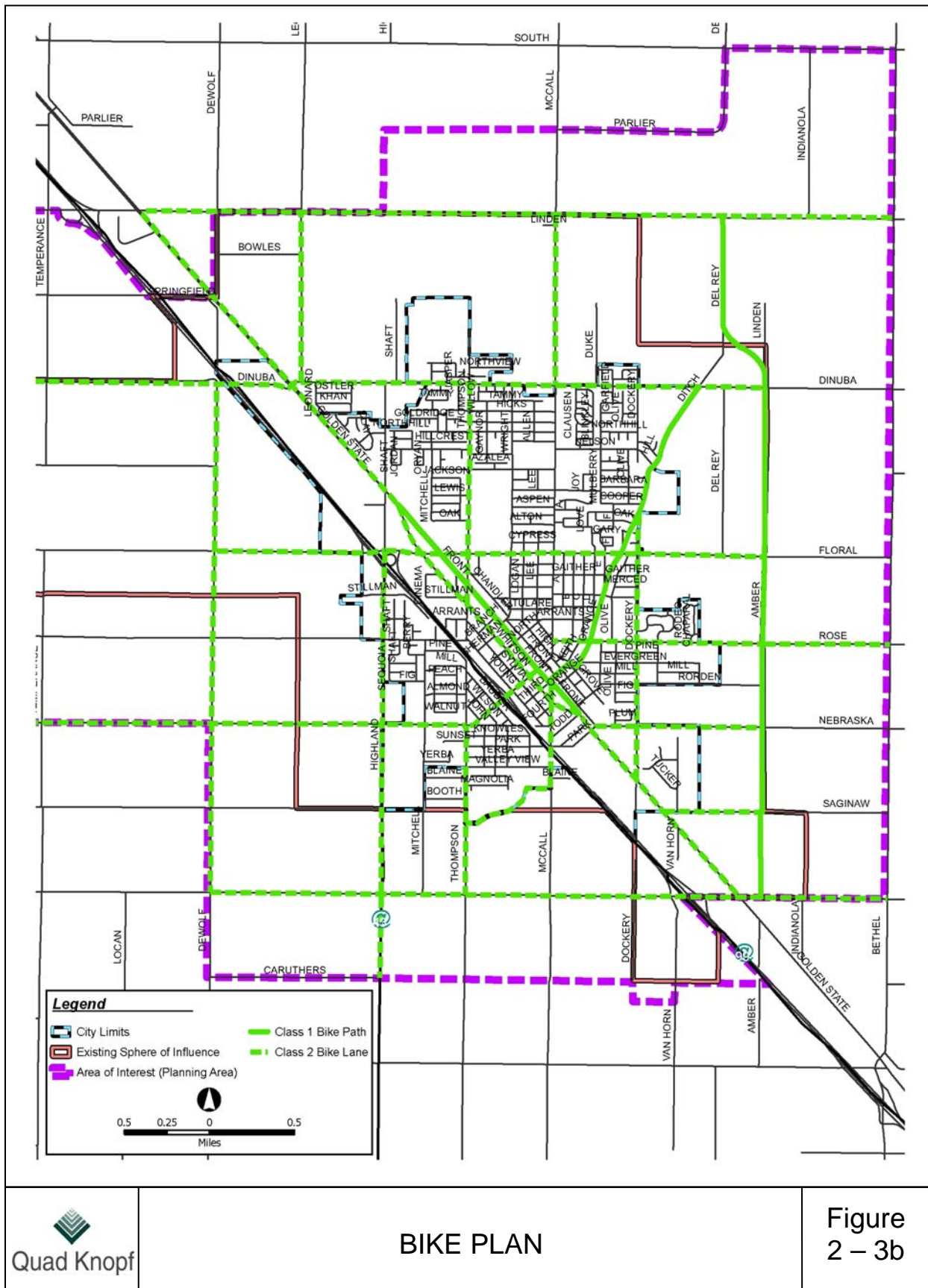
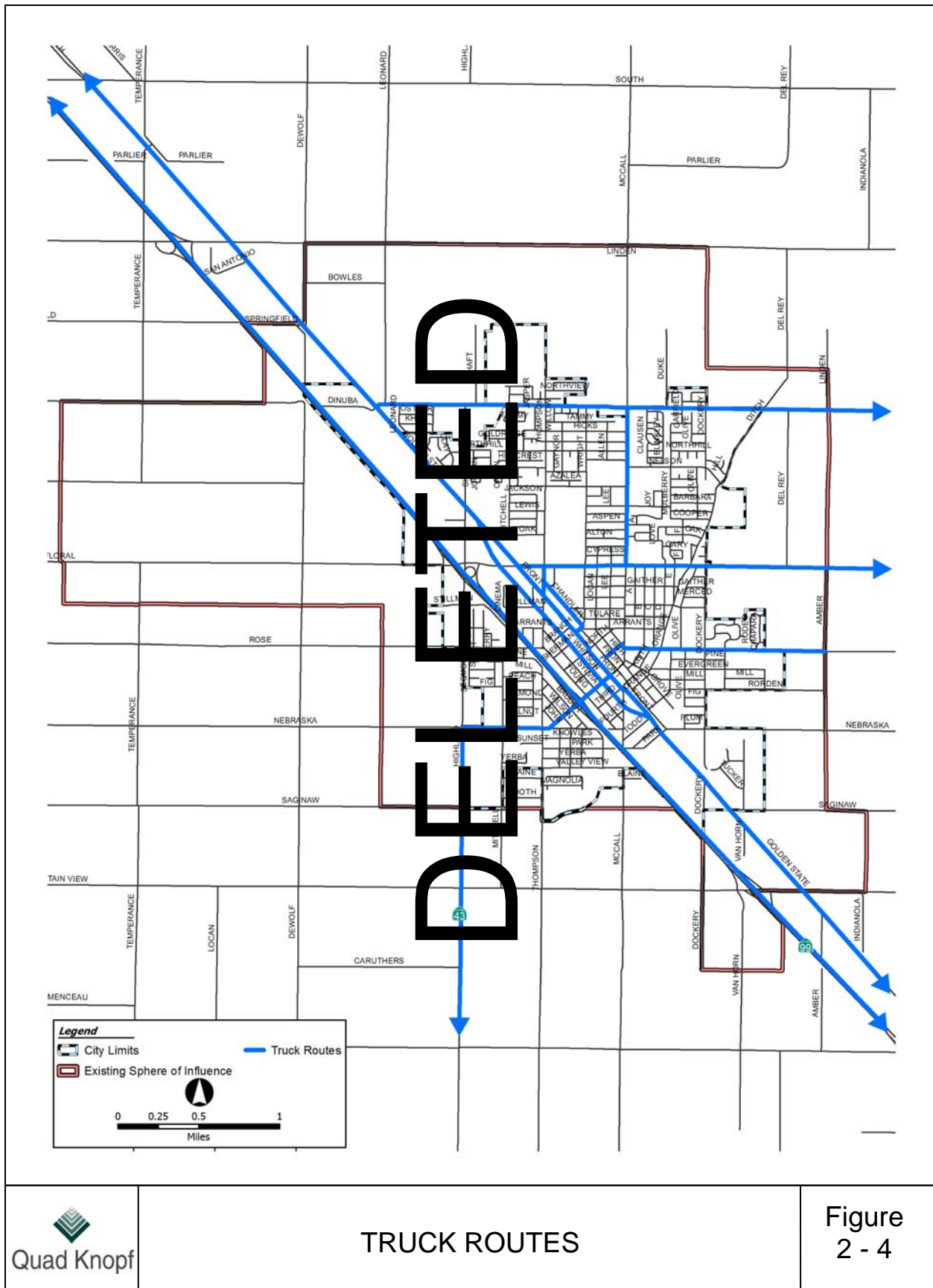
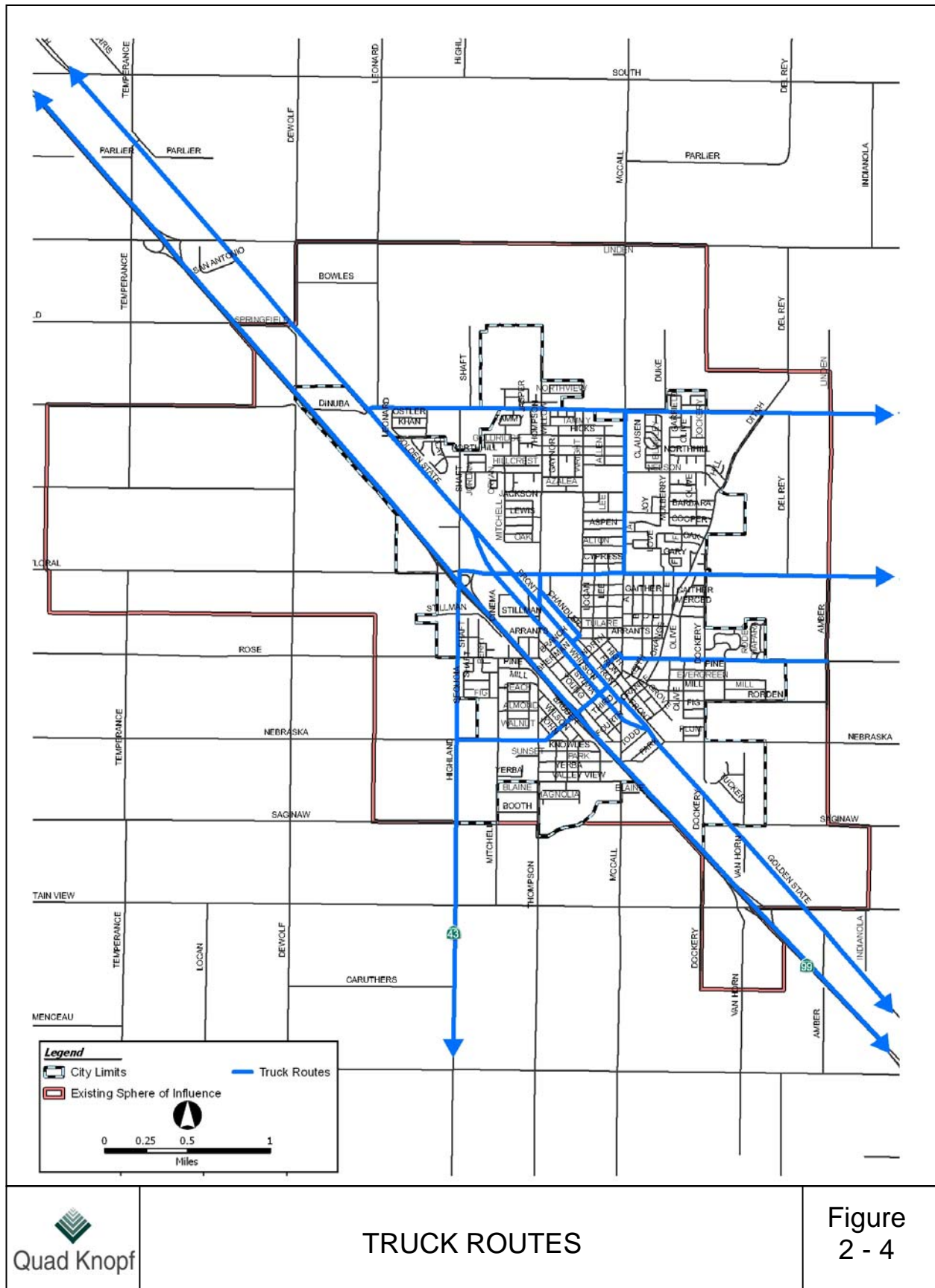


Figure  
2 – 3b







**Table 3.15-5  
East-West Street Designations**

Road	Segments	Functional Classification	Number of Lanes	
			Planned	Existing
Manning Avenue	Armstrong to SR 99	Arterial	4	2
Manning Avenue	SR 99 to Bethel	Expressway	4	4
Springfield Avenue	Armstrong to Locan	Collector	2	2
Springfield Avenue	Leonard to Highland	Collector	2	Not existing
Springfield Avenue	Thompson to Bethel	Collector	2	Not existing
Dinuba Avenue	Armstrong to DeWolf	Arterial	4	2
Dinuba Avenue	Across SR 99	Arterial	4	Not existing
Dinuba Avenue	SR 99 to Bethel	Arterial	4	2
Huntsman Avenue	Armstrong to DeWolf	Collector	2	2
Nelson Boulevard	Highland to Thompson	Collector	2	2
Nelson Boulevard	McCall to Orange	Collector	2	2
Floral Avenue	Armstrong to Leonard	Arterial	4	2
Floral Avenue	Leonard to Wright	Arterial	4	4
Floral Avenue	Wright to Bethel	Arterial	4	2
Rose Avenue	Armstrong to Thompson	Collector	4	2
Rose Avenue	McCall to Country Rose	Collector	4	4
Rose Avenue	Country Rose to Bethel	Collector	4	2
Nebraska Avenue	Armstrong to 2 <sup>nd</sup>	Arterial	4	2
Nebraska Avenue	Golden State to Bethel	Arterial	4	2
Saginaw Avenue	DeWolf to Highland	Collector	2	2
Saginaw Avenue	Highland to SR 99	Collector	2	Not existing
Saginaw Avenue	Golden State to Bethel	Collector	2	2
Mtn. View Avenue	DeWolf to Golden State	<del>Arterial</del> Expressway	4	2
Mtn. View Avenue	Golden State to Bethel	<del>Arterial</del> Expressway	4	4
Caruthers Avenue	DeWolf to Highland	Collector	2	2
Caruthers Avenue	Highland to Dockery	Collector	2	Not existing

**Table 3.15-6  
North-South Street Designations**

Road	Segments	Functional Classification	Number of Lanes	
			Planned	Existing
Armstrong Avenue	Manning to Rose	Collector	2	Not existing
Temperance Avenue	Manning to Huntsman	Arterial	4	2
Temperance Avenue	Floral to Nebraska	Arterial	4	2
Locan Avenue	Springfield to Huntsman	Collector	2	Not existing
Locan Avenue	Floral to Nebraska	Collector	2	Not existing
DeWolf Avenue	Manning to Golden State	Arterial	4	2
DeWolf Avenue	Golden State to SR 99	Arterial	4	2
DeWolf Avenue	SR 99 to Caruthers	Arterial	4	2
Leonard Avenue	Manning to Dinuba	Collector	2	2
Leonard Avenue	Floral to Nebraska	Collector	2	Not existing
Highland Avenue	Golden State to Floral	Major Arterial	6	2
Highland Avenue	Floral to Nebraska/Saginaw	Major Arterial	6	4
Highland Avenue (SR 43)	Nebraska/Saginaw to Caruthers	State Highway	4	2
Thompson/Wright Avenue	Manning to Dinuba	Collector	2	Not existing
Thompson Avenue	Dinuba to Oak	Collector	2	4
Thompson Avenue	Oak to Floral	Collector	2	3

- 2nd Street between Nebraska and McCall Avenues (LOS F).

**Mitigation Measure #3.15.3.1f:** The City of Selma shall implement a transportation impact fee to implement the Circulation Element. Impact fees for such facilities have been implemented by communities statewide and are a recognized form of mitigating impacts and fairly apportioning the cost of needed facilities. Overall facility costs are estimated (and regularly updated), and compared to State, County, local and federal funding sources, with the unfunded balance allocated to new development. Each land use is allocated a share of the costs based on its proportional contribution to traffic generation (e.g., average daily trips or peak hour trips).

As an alternative, and in the interim, individual projects shall mitigate such impacts through the dedication of right of way and the construction of facilities needed to support their “opening day” operations, and the cumulative buildout impact in the year 2035.

**Mitigation Measure #3.15.3.1g:** Traffic studies should be performed to satisfy the requirements of the California Environmental Quality Act (CEQA) for all developments in the City of Selma. Traffic studies should be performed for all proposed General Plan Amendments, proposed specific plans, and projects expected to generate more than 100 PM peak hour trips. Future traffic studies should generally conform to the Caltrans *Guide for the Preparation of Traffic Impact Studies* and any guidelines established by the City. The studies should be performed to determine opening-day impacts of proposed projects. The studies should address queue lengths and (at a minimum) peak-hour traffic signals warrants in addition to LOS and provide appropriate mitigations. At the discretion of the City Engineer, a complete warrant study in accordance with the most recent edition of the California Manual on Uniform Traffic Control Devices may be required to evaluate the need for traffic signals.

**Effectiveness of Mitigation:** Implementation of the above mitigation measures will reduce traffic impacts resulting from implementation of the 2035 Plan Update to a **less than significant** level. However, several intersections and roadways segments are infeasible to improve (as enumerated in Mitigation Measure 3.15.3.1e). Additional mitigations are recommended to lessen the severity of these impacts, but it is expected that they will not reduced to a level that is less than significant. The traffic impacts associated with buildout are therefore considered to be **significant and unavoidable**.

## **3.16 Utilities/Service Systems**

### **INTRODUCTION**

This section describes the water, wastewater, storm drainage, and solid waste service in Selma and also discusses potential environmental impacts related to those services from the General Plan Update.

### ***General Plan Consistency***

The Plan Update contains a number of policies that apply to global climate change impacts in conjunction with ultimate build-out of the city in accordance with the General Plan. The specific policies listed below contained in the Land Use, Circulation and Open Space, Conservation and Recreation Elements are designed to ensure that global climate change impacts are minimized as development occurs in accordance with the Selma General Plan.

#### **Land Use Element**

- Policy 1.20 Support smart growth principles that advance mixed use, higher density, walkable, bikeable and accessible neighborhoods which coordinate land use and transportation with open space areas for recreation. Promote green/sustainable building standards for private residential, multifamily, and commercial projects.
- Policy 1.21 The City will encourage Leadership in Energy and Environmental Design (LEED) features for new construction including commercial, residential, industrial and public facilities. LEED was established to provide the building industry with design tools and standards which create high performing, environmentally friendly, sustainable buildings.

#### **Circulation Element**

- Policy 2.1 Coordinate demand-responsive transit service in conjunction with the Council of Fresno County Governments (COFCG) and Fresno County.
- Policy 2.3 Coordinate transit services through the City Manager and in conjunction with surrounding cities, and the County of Fresno, and Council of Fresno County Governments.
- Policy 2.4 Cooperate with the COFCG in providing transit service and planning to meet the social and economic needs of all segments of the community.
- Policy 2.5 Encourage benches, telephones and shaded areas at major transit destinations so people can utilize the transit system safely and comfortably. The City shall determine such need based on site plan review procedure and other planning implementation methods.
- Policy 2.7 Transit centers/stops shall be established to encourage the interface between commercial centers, high-density residential uses and the transit system.
- Policy 2.44 The City will develop, through various funding mechanisms and sources, a city wide bicycle path/lane/route system in conformance with the City's 2003 Bicycle Transportation Plan. The bicycle path/lane/route system will utilize existing or future railroad right-of-way and water courses. The paths (class I), may also include landscaping, lighting, mileage markers, directional signage and benches. The on-road lanes (class II) would include striping and the on-road routes (class

III) would not include striping. Reference Figure 2-3 (included as Figures 2-3a and 2-3b in this Draft EIR) for the proposed city-wide bike plan. The class I bike paths can also be utilized by pedestrians if the proposed paths are wide enough to allow both bicyclists and pedestrians.

- Policy 2.45 Sidewalks, paths, and appropriate crosswalks should be located to facilitate access to all schools and other areas with significant pedestrian traffic. Whenever feasible, pedestrian paths should be developed to allow for unobstructed pedestrian flow from within a neighborhood.
- Policy 2.46 The City shall require curb, gutter, and sidewalks in all areas of the community to accommodate pedestrian traffic, especially along routes with high pedestrian traffic such as schools, parks, and the Downtown area. Installation of these improvements shall be encouraged to the extent feasible in existing neighborhoods where they do not currently exist.
- Policy 2.47 The City shall promote safe, convenient and accessible pedestrian ways within the community.
- Policy 2.48 Where security walls or fences are proposed for residential developments along major arterials, arterials, or collector streets, pedestrian access should be considered between the major arterial, arterial, or collector, and the development to allow access to transit vehicles, commercial facilities, educational facilities and recreation areas operating on the street.
- Policy 2.49 Street lighting shall be provided for all public streets and pedestrian signals shall be provided at all traffic signal locations.
- Policy 2.53 Parking standards shall be evaluated to assess the potential for offering reduced parking requirements to development that incorporate measures proven to reduce vehicular trips. Shared parking should be encouraged whenever possible.
- Policy 2.54 The City shall work with Caltrans and transit service providers to establish a park and ride lot or lots within the community to serve the needs of regional and local commuters.
- Policy 2.60 The City shall encourage the use of energy efficient and non-polluting fuels and modes of transportation.
- Policy 2.61 Transportation System Management and Transportation Demand Management are the applicable strategies for the mitigation of traffic and parking congestion. Public transit, traffic management, ridesharing and parking management are to be used to the greatest extent practical to implement transportation management strategies.
- Policy 2.62 Promote the long term shifting of peak hour commute trips from the single occupant automobile to ridesharing, buses, pedestrians, and bicycles.



2. Promote pedestrian, bicycle and transit modes of travel through informational programs and provision of amenities such as transit shelters, secure bicycle parking and attractive pedestrian pathways.
3. Large canopy trees should be carefully selected and located to protect building(s) from energy-consuming environmental conditions, and to shade 50% of paved areas within 10 years. Trees near structures act as insulators from weather, thereby decreasing energy requirements. Trees also store carbon.
4. Encourage mixed-use and higher-density development to reduce vehicle trips, promote alternatives to vehicle travel and promote efficient delivery of services and goods. Average residential density in ~~significant~~ new development areas should have a minimum average density of 6.8 dwelling units per acre.
5. Address the "urban heat island" effect through such measures as requiring light-colored and reflective roofing materials and paint; light-colored roads and parking lots; shade trees in parking lots, and shade trees on the south and west sides of new or renovated buildings.
6. Transportation and motor vehicle emissions reduction
  - Use low or zero-emission vehicles, including construction vehicles;
  - Create car sharing programs;
  - Create local "light vehicle" networks, such as neighborhood electric vehicle (NEV) systems;
  - Provide shuttle service to public transit;
  - During construction, post signs that restrict truck idling;
  - Set specific limits on idling time for commercial vehicles, including delivery and construction vehicles; and
  - Coordinate controlled intersections so that traffic passes more efficiently through congested areas. Where signals are installed, require the use of Light Emitting Diode (LED) traffic lights.
7. Water Use Efficiency
  - Conservative use of both potable and non-potable water to the maximum extent practicable; low flow appliances (i.e., toilets, dishwashers, shower heads, washing machines, etc.); automatic shut off valves for sinks in restrooms; drought resistant landscaping; "Save Water" signs near water faucets;
  - Create water efficient landscapes;

- Use graywater. (Graywater is untreated household waste water from bathtubs, showers, bathroom wash facilities, and water from washing machines; and
- Provide education about water conservation and available programs and incentives.

#### 8. Energy Efficiency

- Automated control system for heating/air conditioning and energy efficient appliances;
- Utilize lighting controls and energy efficient lighting in buildings;
- Use light colored roof materials to reflect heat;
- Take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use;
- Install solar panels on carports and over parking areas;
- Increase building energy efficiency beyond Title 24 requirements. In addition, implement other green building design methods such as natural daylighting and on-site renewable electricity generation; and
- Require that projects use efficient lighting.

#### 9. Compliance with applicable sections of the 2008 California Green Building Standards Code (Green Building Code). Should any of the measures listed above conflict with the Green Building Code, the standards and regulations of the Green Building Code will prevail.

**Effectiveness of Mitigation Measure:** Implementation of the mitigation measures above and proposed policies of the 2035 General Plan will reduce this impact, but it will remain **significant, cumulatively considerable and unavoidable**.

**Impact #3.17.3.2 - Climate Change could potentially result in an impact on City of Selma water resources:** From a statewide perspective, global climate change could affect California's environmental resources through potential, though uncertain, changes related to future air temperatures and precipitation and their resulting impacts on water temperatures, reservoir operations, stream runoff, snowpack, and sea levels (Kiparsky and Gleick 2003). These changes in hydrological systems could threaten California's economy, public health, and environment (California Energy Commission 2003). The types of potential climate effects that could occur on California's water resources include:

**Water Supply.** Several recent studies have shown that existing water supply systems are sensitive to climate change (Wood, 1997). Potential impacts of climate change on water supply and availability could directly and indirectly affect a wide range of institutional, economic, and societal factors (Gleick 1997). Much uncertainty remains, however, with respect to the overall

impact of global climate change on future water supplies. For example, models that predict drier conditions (i.e. parallel climate model [PCM]) suggest decreased reservoir inflows and storage and decreased river flows, relative to current conditions. By comparison, models that predict wetter conditions (i.e., HadCM2) project increased reservoir inflows and storage, and increased river flows (Brekke, 2004). Both projections are equally probable based on which model is

## APPENDICES

---

## APPENDIX A

---

Letter 1



ARNOLD SCHWARZENEGGER  
GOVERNOR

November 3, 2009

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

Gregory Martin  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

Subject: City of Selma General Plan Update 2035

SCFH 2008081082

Dear Gregory Martin:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 30, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

RS: Scott Morgan  
Acting Director, State Clearinghouse

Enclosures  
cc: Resources Agency

# Document Details Report

## State Clearinghouse Data Base

**SCH#** 2008081082  
**Project Title** City of Selma General Plan Update 2035  
**Lead Agency** Selma, City of

**Type** EIR Draft EIR  
**Description** NOTE: Extended to 10-30-09.

The proposed General Plan Update is a comprehensive update of the City's General Plan consisting of the following elements: Land Use, Circulation, Noise, Safety, Open Space, Conservation and Recreation, and Public Services and Facilities. The Housing Element is not a part of the General Plan Update and is being updated separately. The proposed project includes a Background Report and a Preferred Land Use and Circulation plan to guide growth through the planning period (2035) and beyond. The Plan Update also includes 40,000 population and 70,000 population Urban Development Boundaries that limit development to within those boundaries until specific population thresholds are met.

### Lead Agency Contact

**Name** Gregory Martin  
**Agency** City of Selma  
**Phone** 559-891-2200  
**email**  
**Address** 1710 Tucker Street  
**City** Selma  
**State** CA **Zip** 93662  
**Fax**

### Project Location

**County** Fresno  
**City** Selma  
**Region**  
**Lat / Long** 36° 34' 35" N / 119° 36' 57" W  
**Gross Streets** City-wide  
**Parcel No.** multiple  
**Township**  
**Range**  
**Section**  
**Base** MDB&M

### Proximity to:

**Highways** 99, 43  
**Airports** Selma Aerodome, Quinn  
**Railways** UPRR  
**Waterways**  
**Schools** Selma Unified  
**Land Use** City-wide

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

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; Office of Emergency Services; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 6; Department of Housing and Community Development; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission

**Date Received** 09/14/2009 **Start of Review** 09/14/2009 **End of Review** 10/30/2009

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR

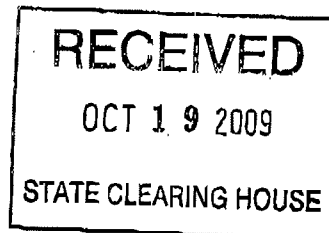
**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Rm. LL40  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682  
PERMITS: (916) 574-0685 FAX: (916) 574-0682



October 15, 2009

Gregory Martin  
City of Selma  
1710 Tucker Street  
Selma, CA 93662



*Clear*  
*10.30.09*  
*e*

Dear Mr. Martin:

State Clearinghouse (SCH) Number: 2008081082  
City of Selma General Plan Update 2035  
Draft EIR

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

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board (Formerly known as The Reclamation 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 and 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).

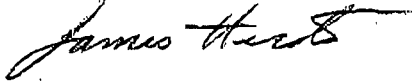
The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvfpb.ca.gov/>. Contact your local, federal and state agencies, as other permits may apply.

If you have any questions please contact me at (916) 574-0651 or by email [jherota@water.ca.gov](mailto:jherota@water.ca.gov).



Gregory Martin  
October 15, 2009  
Page 2 of 2

Sincerely,

A handwritten signature in cursive script, appearing to read "James Herota".

James Herota  
Staff Environmental Scientist  
Floodway Protection Section

cc:

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



ARNOLD SCHWARZENEGGER  
GOVERNOR

November 4, 2009

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

Gregory Martin  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

Subject: City of Selma General Plan Update 2035  
~~CONFIDENTIAL~~

Dear Gregory Martin:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 30, 2009. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

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

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2008081082) when contacting this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Morgan".

for: Scott Morgan  
Acting Director, State Clearinghouse

Enclosures  
cc: Resources Agency

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

## DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 445-5868

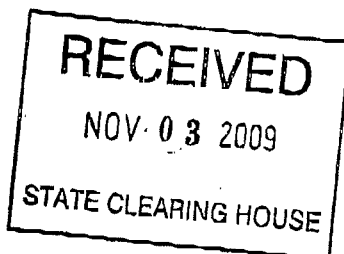
FAX (559) 488-4088

TTY (559) 488-4066



Flex your power!  
Be energy efficient!

November 3, 2009



Clear  
10.30.09  
late  
e

2131-IGR/CEQA  
6-FRE-GEN  
DRAFT EIR  
CITY OF SELMA GPU 2035  
SCH 2008081082

Mr. Gregory Martin  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

Dear Mr. Martin:

We have completed our review of the Draft EIR for the City of Selma's General Plan Update 2035 draft Environmental Impact Report (EIR). Caltrans has the following comments:

Our previous comments dated September 24, 2008 (copy enclosed) continue to be valid.

1. Policy 2.14 indicates that meandering sidewalks shall be encouraged along collectors and arterials; however, Caltrans prefers straight sidewalks along State Route (SR) 43.
2. Policy 2.31, Major Arterial Street Standards, Standard a provides guidance regarding the placement and spacing of driveways along arterials; however, since proposed driveways along SR 43 require a permit from the State, the location and spacing of driveways along SR 43 will be based on the prevailing speed and the size and nature of the proposed development.
3. Policy 2.31, Major Arterial Street Standards, Standard f: On SR 43, future signalization should be set at ½ mile spacing.
4. Policy 2.32: it should be noted that where other jurisdictions control and manage roadways, their respective level of service standards shall prevail on applicable segments.
5. Policy 2.43 does not apply to SR 43. As previously indicated for Major Arterial Street Standard f, Caltrans recommends that signalized intersections along Route 43 should be spaced at ½ mile intervals.
6. On Figure 2-3b, it is acknowledged that SR 43 is shown as a route with a class 2 bike lane. However, it is recommended that the class 2 bike lane designation terminate at Mountain View Avenue rather than Caruthers Avenue.
7. Policy 2.50 provides guidance regarding landscaping. All proposed landscaping plans shall meet current standards as determined by the District Landscape Architect. All features of

Mr. Gregory Martin

November 3, 2009

Page 2

landscaping shall be evaluated for type, location and site visibility conflicts during the encroachment review process. All permits for landscaping in conventional highway right-of-way must be accompanied by a "District" approved maintenance agreement obligating a local agency or the permittee to maintaining the landscaping. Said maintenance agreement must accompany and be approved prior to issuance of the landscape permit. Proposed landscape projects in access control rights-of-way require an exception process, and approval is subject to the Headquarters Departmental approval process.

8. On Figure 2-4, the entire segment of SR 43 southward from SR 99 is designated as an STAA truck route. Also, the entire segment of Floral Avenue eastward from SR 99 should be shown as a truck route.
9. Figure 3.15-8: For State Routes the basic lane width for multilane highways is 12 feet. Shoulder widths shall comply with the Highway Design Manual Section 302.1. Bikeway widths shall comply with the Highway Design Manual Section 1001.

Based upon Caltrans review of private development traffic studies in the Selma area, Caltrans has indicated the need for the following future improvements:

**SR 99/Mountain View Avenue Interchange:**

- Widen and raise overcrossing.
- Addition of loop on-ramps.
- Signalize and add turn lane to southbound off-ramp.
- Signalize and add turn lane to northbound off-ramp.

**SR 99/Floral Avenue Interchange:**

- Add left turn lane from southbound SR 43 to southbound on-ramp.
- Add two lanes to the northbound off-ramp to Floral/SR 43.

**SR 99/Second Street:**

- Signalize northbound off-ramp to Second Street.
- Signalize southbound off-ramp to Second Street.

**SR 43/Saginaw Avenue:**

- Signalize and add northbound left turn lane.

**SR 43/Nebraska Avenue:**

- Add dual left turn lanes.

Mr. Gregory Martin  
November 3, 2009  
Page 3

SR 43/Rose Avenue:

- Signalize and add southbound right turn lanes.

\* It should be noted that Caltrans has prepared mitigation cost/trip estimates for many of these improvements.

Caltrans has long indicated our concerns at the SR 99/Floral Avenue interchange. The interchange is at capacity and can no longer accommodate additional development. It is understood that the City of Selma is bisected by SR 99 and there are minimal opportunities for crossing the freeway from east to west. Land use decisions have resulted in much of the residential traffic east of SR 99 attempting to reach commercial destinations west of the freeway. Caltrans is concerned that continuance of this land use planning pattern will not only result in significant congestion and delay, but potentially have a negative impact on safety and emergency response time.

Caltrans recognizes that improving the SR 99/Floral Avenue interchange may not be initially feasible due to cost. However, we also pointed out that there needs to be some sort of strategy in place for the interchange to be addressed in the future. It has been requested that a traffic study analyze improvements to the local road system as alternatives to alleviate operational and potential safety concerns at the interchange. To date, it does not seem that this concept has been thoroughly analyzed. Caltrans sees this as a potentially viable alternative since we recognize that both ultimate and interim improvements to the interchange will be extremely difficult and expensive due to geometric constraints.

Caltrans notes that the City is considering implementing an impact fee program. We support this approach to mitigating for development's impacts to infrastructure. Caltrans recommends that the City consider incorporating State facilities within this fee program. The State Highway System provides the backbone for transportation, both regionally and locally. A seamless, efficient transportation system, including the State Highways, is critical for the movement of people and goods and hence the future economic development of the area.

Please send a response to our comments prior to staff's recommendations to the Planning Commission and the City Council. If you have any questions, please call me at (559) 445-5868.

Sincerely,



MICHAEL NAVARRO  
Office of Transportation Planning  
District 06

Enclosure

## DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 445-5868

FAX (559) 488-4088

TTY (559) 488-4066

Flux your power!  
Be energy efficient!

September 24, 2008

RECEIVED

NOV 03 2009

STATE CLEARING HOUSE

2131-IGR/CEQA

6-FRE-GEN

NOP/IS

CITY OF SELMA GPU 2035

SCH 2008081082

Mr. Michael Gaston  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

Dear Mr. Gaston:

We have completed our review of the Notice of Preparation (NOP) for the City of Selma's General Plan Update 2035 draft Environmental Impact Report (EIR). Caltrans has the following comments:

Policy 2.14 indicates that meandering sidewalks shall be encouraged along collectors and arterials. However, please note that Caltrans prefers straight sidewalks along State Route (SR) 43.

Standard "a" under *Major Arterial Street Standards* provides guidance regarding the placement and spacing of driveways along arterials. Proposed driveways along SR 43 require an encroachment permit from Caltrans. Therefore, the location and spacing of driveways along SR 43 will be based on the prevailing speed and the size and nature of the proposed development.

Caltrans concurs with Standard "c" under *Major Arterial Street Standards* with regard to SR 43 in that...*driveways should be located on adjacent arterial or collector streets rather than on major arterial streets.*

Caltrans concurs with Standard "e" under *Major Arterial Street Standards* with regard to SR 43 in that...*driveway consolidation shall be encouraged through joint access agreements along arterials where standards "a" through "d" are exceeded.*

Mr. Mike Gaston  
September 24, 2008  
Page 2

Caltrans concurs with Standard "F" under *Major Arterial Street Standards* with regard to SR 43. Additionally, major intersections that could be subject to future signalization should be set at ½ mile spacing.

Policy 2.32 should be modified to be more consistent with Section 2.4 Objective A. It is indicated under Section 2.4 Objective A that where other jurisdictions control and manage roadways, their respective level of service standards shall prevail on applicable segments.

Caltrans concurs with Policy 2.34 with regard to SR 43 in that...*right-of-way essential to the circulation system should be dedicated and/or developed to the appropriate extent and width when a division of property or development occurs.*

Caltrans concurs with Policy 2.36 with regards to SR 43 and SR 99 in that...*developers shall mitigate traffic impacts associated with their projects to minimize the impacts to highways, major arterials, arterials, and collector streets.* Furthermore, it should be noted that the City of Selma has worked cooperatively with Caltrans in efforts to determine appropriate mitigation toward State facilities from local development. Caltrans looks forward to continuing this working relationship with the City.

Caltrans concurs with Policy 2.39 with regard to SR 43 in that...*the City shall promote an active policy of consolidating driveways, access points and curb cuts along existing developed major arterials, or arterials when development or change in intensity of development or land use occurs or when traffic operation or safety warrants.*

Caltrans concurs with Policy 2.42 with regard to SR 43 on master planning points of ingress and egress with limited points onto major streets.

Policy 2.43 does not apply to SR 43. As previously indicated for *Major Arterial Street Standard "F"* Caltrans desires that signalized intersections along SR 43 should be spaced at ½ mile intervals.

Policy 2.50 provides guidance regarding landscaping. The Caltrans Office of Landscape Architecture will be responsible for reviewing landscaping along SR 43. A landscape agreement may be required for the maintenance of landscaping along SR 43.

On Figure 2-4, it should be noted that the entire segment of SR 43 southward from SR 99 is designated as an STAA truck route.

The document indicates that a future conditions traffic analysis will be conducted for the General Plan and draft EIR. Caltrans requests to be involved in that process as early as possible. Once a traffic consultant has been selected, it would be beneficial to all parties to have the consultant provide Caltrans with a scope of work prior to conducting the analysis.

Mr. Mike Gaston  
September 24, 2008  
Page 3

Please send a response to our comments prior to staff's recommendations to the Planning Commission and the City Council. If you have any questions, please call me at (559) 445-5868.

Sincerely,



MICHAEL NAVARRO  
Office of Transportation Planning  
District 06





ARNOLD SCHWARZENEGGER  
GOVERNOR

November 5, 2009

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

Gregory Martin  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

Subject: City of Selma General Plan Update 2035  
SON# 2008081082

Dear Gregory Martin:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 30, 2009. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

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

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2008081082) when contacting this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Morgan".  
fn: Scott Morgan  
Acting Director, State Clearinghouse

Enclosures  
cc: Resources Agency



# DEPARTMENT OF CONSERVATION

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814  
PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

November 4, 2009

**VIA FACSIMILE (916) 627-2336**

Gregory Martin, Associate Planner  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

Clear  
10-30-09  
late  
e

**RECEIVED**

NOV 04 2009

STATE CLEARING HOUSE

Dear Mr. Martin:

Subject: City of Selma General Plan Update 2035 - SCH# 2008081082

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report (DEIR) for the above referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.

### Project Description

The project is the proposed update of the City of Selma's General Plan. The General Plan includes revised policies and standards for the Noise, Safety, Open Space, Conservation and Recreation, Circulation, Land Use, and the Public Services and Facilities Elements. The overall objective of the plan is to provide for the direction for future development of the City.

### Mitigation Measures:

It is unclear whether Mitigation Measure #3.2.3.2 (page 3-22) addresses ratios of lost agricultural land to conservation easements. That being said, we provide the following suggestion for expansion of the mitigations under section 3.2 Agriculture.

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department recommends that permanent agricultural conservation easements be placed on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased. Where prime agriculture land is lost the Department strongly recommends that it be mitigated at a ratio of 2:1 with land of equal quality.

Mr. Gregory Martin, Associate Planner

November 4, 2009

Page 2 of 2

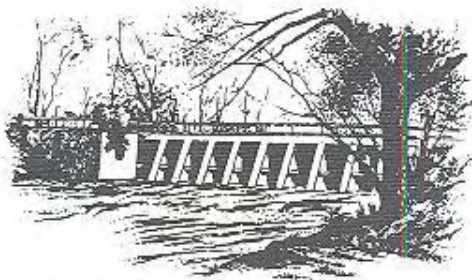
Thank you for giving us the opportunity to comment on this DEIR. Please provide this Department with the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,



Dan Otis  
Program Manager  
Williamson Act Program

cc: State Clearinghouse



YOUR MOST VALUABLE RESOURCE - WATER



TELEPHONE (559) 233-7161  
FAX (559) 233-8227  
2907 S. MAPLE AVENUE  
FRESNO, CALIFORNIA 93725-2218

September 17, 2009

Mr. Gregory Martin, AICP  
City of Selma  
Community Development Department  
1710 Tucker Street  
Selma, CA 93662

RE: Notice of Draft Environmental Impact Report – General Plan Update 2007-0055

Dear Mr. Martin:

The Fresno Irrigation District (FID) has reviewed the Notice of Draft Environmental Impact Report – General Plan Update 2007-0055 within the City of Selma and has the following comments:

- |  |   |
|--|---|
| 1. The Project is not located within the boundaries of the Fresno Irrigation District. | 1 |
| 2. FID expects no adverse impacts from the approval of the subject proposal.           | 2 |

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact James Shields at 233-7161 extension 319 or [jshields@fresnoirrigation.com](mailto:jshields@fresnoirrigation.com).

Sincerely,

William R. Stretch, P.E.  
Chief Engineer

**Bryant Hemby**

---

**From:** Jeff Kestly  
**Sent:** Monday, September 14, 2009 3:28 PM  
**To:** Bryant Hemby  
**Subject:** FW: Fresno County Local Hazard Mitigation Plan Approved Pending Local Adoption

The Fresno County Multi-Jurisdiction Multi-Hazard Mitigation Plan needs to be referenced in the new general plan (see below). 1

Jeffrey S. Kestly  
 Fire Chief  
 Selma Fire Department  
 2861 A Street  
 Selma, CA 93662

P 559-891-2211  
 F 559-896-4300  
 jeffk@cityofselma.com

*You can't escape the responsibility of tomorrow by evading it today.*  
 --Abraham Lincoln

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

---

**From:** Fox, Wayne [mailto:wafox@co.fresno.ca.us]  
**Sent:** Friday, January 16, 2009 4:32 PM  
**To:** 'Bryce Atkins (batkins@ci.mendota.ca.us)'; Austin, Kenneth; 'Rich Bagley (richard.bagley@sce.com)'; 'Paul Calkins (Paul\_Calkins@oes.ca.gov)'; Caporale, Phil; Diaz, Juan; 'Mike Ellis (mellis4@msn.com)'; Escamilla, Andrew; Dawn Essenmacher; 'fmvcd@pacbell.net'; 'Chad Fitzgerald'; 'Jeanine Foster (jeanine.foster@amec.com)'; Francone, Karen J.; Gibbs, Daniel; Gorman, Lynn; 'Dan Hernandez (dhernandez@coalinga.com)'; 'Reggie Hill (lsjld@elite.net)'; Kettler, William; 'Mike LaFrentz (robert.lafrentz@us.army.mil)'; ' (bob\_lafrentz@yahoo.com)'; 'Steve Lawshe (Steve.Lawshe@fire.ca.gov)'; 'Les Ramsey (lramsey@ci.sanger.ca.us)'; 'Frank Marquez Jr (fmarquez@tmr.org)'; 'wnewton@cityofkerman.org'; Palacios, Robert; 'Gary J Rocha (firechief@cityofkingsburg-ca.gov)'; 'mrodrigues@cityofkerman.org'; 'Ed Salazar (esalazar@mp.usbr.gov)'; 'Peter Sanchez (peters@fresnofloodcontrol.org)'; ' (sandrits@netptc.net)'; Schroeder, Mike; 'Brian E. Smith (besmith@water.ca.gov)'; 'frank.steenport@fcle.org'; 'Micheal.Despain@fresno.gov'; 'mrodrigues@cityofkerman.org'  
**Cc:** Casagrande, Tim; Ortiz, Adan  
**Subject:** Fresno County Local Hazard Mitigation Plan Approved Pending Local Adoption



Greetings all,

FEMA has just sent OES the "Approval Pending Adoption" letter for the Fresno County Multi-Jurisdiction Multi-Hazard Mitigation Plan. This means that FEMA has reviewed our plan and has approved it. The next step is to present the plan to the participating jurisdictions governing bodies to do the same. The plan needs to be adopted and incorporated into the safety elements of each jurisdictions General/City Plan. Once the plan has been adopted by all of the jurisdictions that participated in the LHMP, that documentation is sent to FEMA and the LHMP is approved. We have one year from the date of the approval letter to complete the adoption process for all LHMP participants.

I will provide each participating jurisdiction with a copy of the FEMA approved plan in the next few weeks so that they can start the adoption process. Call me if you have any questions and thank you for your hard work. Wayne

1  
cont.

September 3, 2008

Mr. Michael Gaston, AICP  
Community Development Director  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

RE: General Plan Notice of Preparation Comments

Dear Mr. Gaston:

Thank you for the opportunity to comment on the Notice of Preparation for the above referenced project. I understand the City intends to adopt a Program EIR for its General Plan update. My initial comments follow.

- |  |   |
|--|---|
| <p>1. A "PV" Zone was previously adopted for the 14.42 acre parcel of land known as Pioneer Village Historic Park. The DEIR should include this existing special zoning.</p> <p style="padding-left: 20px;">a In the alternative, if the "PV" zoning has been intentionally removed from the General Plan Policy Statements, the DEIR should disclose this change in zoning and identify the historic resource impacts that might occur as a result of this zoning change.<sup>1</sup> Feasible mitigation measures should be adopted to mitigate these historic resource impacts caused by the potential zoning change.</p>   | 1 |
| <p>2. The DEIR should describe and assess the total park space that is required to serve Selma's current population and the increases in park/open space that will be necessary to accommodate Selma's anticipated growth. Please identify any environmental impacts and the necessary mitigation measures that become evident from this analysis.</p>   | 2 |
| <p>3. The Draft EIR should analyze impacts to <i>historic</i> resources in addition to its analysis of "cultural resource" impacts. Historic resources are considered part of the environment for purposes of CEQA.</p>  | 3 |
| <p>4. The DEIR should include a listing of those specific historic resources which have already been designated on the Fresno County Landmarks Register. A listing of the Landmarks contained within the City of Selma's sphere of influence can be obtained from the California History Room in the Main Fresno County Library, Fresno, CA. The inclusion of this list of resources within the DEIR will improve the informational quality of the General Plan and allow decision makers and members of the public to readily identify potential historic resource impacts to these recognized important resources. Please specifically identify the individual historic resource impacts that may occur to</p> | 4 |

<sup>1</sup> Historic resources include historic objects in addition to the more traditionally considered historic structures. A number of historic artifacts are contained within the buildings of Pioneer Village. The DEIR should also identify impacts to historic objects and the mitigation measures proposed to mitigate those impacts.



these designated historic resources as a result of this Plan and identify adequate feasible mitigation measures.

It should be noted that the designated County Landmark 1904 Vincent House and the designated County Landmark St. Ansgar's Danish Lutheran Church are only two of the Landmarks contained within the General Plan area. These two designated Landmarks are contained within Pioneer Village. Other historic buildings contained in the Park include the 1887 Selma Depot, the National Register eligible Section Buildings, the 1901 Lincoln school house and the 1906 Rasmussen Barn.

4 cont.

5. Selma has a significant volume of housing stock that is in excess of 50 years old. Selma also contains many neighborhoods which may meet the criteria to qualify as County, State or National Register historic districts. As stated correctly in the Initial Study, historic resources are not limited to only those resources designated (listed) on a County, State or National inventory (discussed in #4, above). The City of Selma has not conducted comprehensive historic resource surveys within its jurisdiction to identify the existence of "non-listed" historic resources, however. Therefore, absent these comprehensive surveys, it does not appear that adequate substantial evidence is available to adequately assess individual or cumulative historic resource impacts within this DEIR. Thus, mitigation measures should be adopted to insure future planning processes recognize, identify and mitigate potential historic resource impacts that may result from subsequent project approvals.

5

In addition to environmental, "green" and educational benefits, historic preservation efforts have been shown to provide positive economic and job creation benefits for communities across the state.

6. Please describe Selma's existing parks, including Pioneer Village, and their intended long term uses in the General Plan. At least two parks, Lincoln and Pioneer Village, include historic resources. I propose the addition of General Plan Policy Goals and Policies within the Conservation and Open Space element that would serve to emphasize the City's intent to identify, apply and acquire state park funding, bond measures and grants for use in these two parks. State park funds/bonds and other grants could be utilized for the restoration and enhancement of the historic structures within both parks and would serve to improve the educational opportunities available within these locations. To date, state bond/park funding opportunities have been overlooked, however both parks have benefited from significant amounts of private donations. Classrooms have begun to visit Pioneer Village to learn about the settlement of the County and Selma history. The identification of purposeful goals that would serve to improve access to available public funds so these parks could be continually enhanced and restored would be a proactive, positive step for residents of Selma and its children.

6

7. It is noted that Pioneer Village Historical Park is completely surrounded by Regional Commercial Zoning and the freeway. Please identify and analyze the environmental impacts that may occur to the historic park as a result of the regional commercial development in the area. Additionally, please analyze how the application of the

7



proposed 20 foot setback requirement for a regional commercial project adjacent to Pioneer Village Historical Park could result in significant impacts to historic resources and park land. Finally, a project design that would permit loading docks, trash facilities, etc. to be sited along the PV perimeter could result in significant historic resource, aesthetic and noise impacts. The General Plan Policies propose to protect the freeway from views of the less desirable components of regional commercial developments. Selma's parks and historic landmarks deserve no less. Please identify appropriate mitigation measures to mitigate all potential direct and indirect significant aesthetic, historic, traffic, glare and noise impacts as the land surrounding the park are developed for regional commercial uses.

7 cont.

Thank you for considering the above. Please contact me when the DEIR is released for review and comment. If you have any questions about the above, please do not hesitate to contact me. I'm willing to assist in any manner possible.

Sincerely,

Jeanette L. Jurkovich  
1130 W. Roberts  
Fresno, CA 93711

November 1, 2009

Mr. Greg Martin  
Associate Planner  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

gregoryM@cityofselma.com

**RE: Comments on the Draft Environmental Impact (DEIR) for Selma's proposed General Plan update.**

Dear Mr. Martin:

Thank you for the opportunity to comment on the DEIR for the General Plan Update (GP). The following comments will primarily focus on the identification of potential significant impacts, mitigation measures and alternatives related to historic resources, park/open space, and the important historic resources contained within Pioneer Village Historical Park.

Thank you for clarifying the City's written comment deadline for this DEIR was extended to Friday, 10/30/09, and because of City's work furlough, you would be providing written responses to comment letters submitted by Monday, November 2, 2009. I look forward to receiving your responses to the following comments.

1

**I. The DEIR's identification of historic resources**

**Overview:** To analyze whether a proposed project *may* result in direct or cumulative significant impacts to "historic resources," it is first necessary to identify which of the resources contained within a given project area meet *CEQA*'s definition of "historic resources." Once the potential "historic resources" are identified, the lead agency can then analyze whether the proposed project *may* result in significant impacts to the identified "historic resources." If the lead agency determines there is a fair argument based on the whole record that significant impacts to historic resources may result from the project, mitigation measures must be identified and adopted to mitigate all significant impacts to a level of insignificance. If feasible mitigation measures are not available to lessen significant impacts to a level of insignificance, the lead agency must prepare an EIR.

2

- A. "Historic Resources" for purposes of CEQA: With the above in mind, the DEIR (Page 3-99) discusses the state's regulatory setting for historic resources and describes California's "key regulation" for historical and archeological resources as Public Resources Code (PRC) 5024.1. This is the portion of PRC which establishes

the California Register of Historic Resources. (The CEQA statute begins at Public Resources Code Section 21000 et seq.)

As presented, the information provided about PRC 5024.1 (pg. 3-99) might easily create the incorrect assumption that CEQA's definition of "historic resources" (and hence the CEQA protections afforded to "historic resources") might be limited to *only* those "historic resources" *already* listed in the California Register. Of course, this conclusion would be incorrect.

2 cont.

Therefore, to provide for orderly analysis by lead agencies, the CEQA Guidelines 15064.5 provides the criteria established to identify historic resources and potential significant impacts to historic and archeological resources. This Guidelines section should be included and discussed in the DEIR so the lead agency's analysis of subsequent projects conforms to the requirements of CEQA.

CEQA defines "historic resources," in Public Resources Code (PRC) Section 21084.1 and Guidelines 15064.5.<sup>i</sup>

- |  |   |
|--|---|
| 1. Please revise the state regulatory section of Section 3.5 to clarify the purpose of the DEIR's discussion of PRC 5024.1. (Please respond to this comment.)  | 3 |
| 2. Please include information regarding the existing local regulatory policies in the area, including the existence of the Fresno County Landmarks Register, a local historic register. (Historic resources designated on a local register are <u>presumed</u> historic resources for purposes of CEQA.)   | 4 |
| 3. Please revise the DEIR to include the definition of "historic resources," contained within Guidelines 15064.5. This Guidelines section provides the criteria to use in determining whether a project may result in significant impacts to historic resources. (Please respond to this comment).   | 5 |
| 4. Please revise the DEIR's legal citations to provide complete citation information to enable members of the public and agency staff to independently locate and access the information referenced in the DEIR. (Please respond to this comment).   | 6 |
| 5. Please revise the DEIR to include the CEQA definition of "archaeological resources," (Please respond to this comment).  | 7 |
| <b>B.</b> To aid in the DEIR's recognition of <u>previously identified</u> historic and archaeological resources, the Quad Knopf company solicited a cultural resources records search from the Center for Archaeological research (CSUB) (Appendix F) and the California Historical Resources Information System (CHRIS) (DEIR 3-101). (It should be noted these information resources focus primarily on archeological resources.) | 8 |

<p><i>The CSUB search reviewed only 13,000 acres of the 15,183 acres within the plan area</i><sup>ii</sup> Additionally, <i>both</i> the CHRIS and the CSUB searches <i>omitted</i> any review of the historic resources listed (designated) on the local Fresno County Historic Landmarks Register. <i>The historic resources listed on a local historic register are presumed historic resources for purposes of CEQA.</i> Therefore, a complete listing of the County Landmarks historic resources contained within Selma's proposed 15,183 acre planning area should be acquired and clearly called out in the EIR to facilitate and streamline future identification purposes during subsequent project reviews. (Historic resources continue to be added to this County Register. The DEIR should also remind document users to regularly check with the County for new listings. Currently, this information can be retrieved by contacting the California History Room in the Main County Library.)</p>	8 cont.
<p>1. Please revise the DEIR and include a listing of <i>all</i> the historic resources contained within the 15,183 acre plan area that are designated on the Fresno County Historic Landmarks Register. (Please respond to this comment).</p>	9
<p>2. Please have the CSUB and CHRIS revise their records search for archeological resources to include the entire 15,183 plan area. (Please respond to this comment).</p>	10
<p>3. Please include information in the DEIR instructing users of the document to consult the County Landmarks Register during project review to check for new designations. (Please respond to this comment).</p>	11
<p>4. Please correct the DEIR to add the following two historic resources, already known to be designated on the Fresno County Historic Landmarks Register, to the listing of historic resources contained in the DEIR. (These historic resources had already been called out for inclusion in my NOP comment letter but were inadvertently missed during preparation of the DEIR.) These 2 historic resources are located in Pioneer Village at 1880 Art Gonzales Parkway, Selma, CA. (Book 348, Page 19, Parcel 86) :</p> <p style="text-align: center;">The St. Ansgar's Church(c. 1884)<sup>iii</sup> The Vincent House (c. 1904)<sup>iv</sup></p> <p>(Please respond to this comment.)</p>	12
<p>C. Two railroad Section Buildings were determined to eligible for listing in the National Register by the State Office of Historic Preservation, prior to their move to Pioneer Village. These two section buildings were relocated to Pioneer Village using Community Development Block Grant Funds as a result of Section 106 consultations and the execution of a Memorandum of Agreement between the County of Fresno, City of Selma, Advisory Council on Historic Places and the State Office of Historic Preservation.</p> <p>The relocation of these buildings took place to lessen (not avoid) the direct significant effects/impacts that would result from a federally funded housing project. These structures are now located near Selma's 1887 Combination #17 SPRR Depot.</p>	13

The Section Bunk House and Section House were used to house Chinese railroad workers and the Section Master and his family on the railroad reservation located at Front Street between 2<sup>nd</sup> and 3<sup>rd</sup> streets. The bunk house and section house are believed to be the oldest surviving section buildings of their type in the State of California. Research suggests the structures predate SPRR's use of standardized railroad buildings in California. The bunk house structure was constructed to allow it to be split in two for the purpose of facilitating relocation by the RR.

A recent Historic Structures Report (HSR), funded in part by the California Cultural and Historic Endowment (Proposition 40), has also found these two structures to be eligible for the National Register of Historic Places (Criteria A, C ). This HSR was completed by Architectural Historian, Lauren MacDonald. A copy of this report is available in the City of Selma's Recreation and Community Services Office.

13 cont

1. Please include in the DEIR's listing of historic resources the following two railroad structures, located at Pioneer Village, 1880 Art Gonzales Parkway, Selma, CA (Book 348, Page 19, Parcel 86). :

SPRR Section House (c. 1872)

SPRR Section Bunk House (c. 1872)

(Please respond to this comment.) .

14

2. Please correct the DEIR's description of the location for Pioneer Village. The Pioneer Village Historic Park is not located at Highland and Art Gonzales Parkway. Pioneer Village is located at 1880 Art Gonzales Parkway. The parcel is identified as Book 348, Page 19, Parcel 86, and does not front Highland. A parcel map is provided as Attachment A to this letter. (Please respond to this comment.)

15

- D.** As referred to on page 3-102 of the DEIR, additional structures have been considered important historic structures by the community of Selma. These buildings are referenced but are not specifically identified in the CUSB report found in Appendix F. Specifically these historic resources include Selma's 1887 SPRR Depot (one of less than 4 known surviving SPRR #17 Combination Depots) (Criteria A); the 1906 Rasmussen Barn, donated by the Gene Rasmussen family (an excellent example of the rapidly disappearing early barn structures built to shelter feed, animals and sometimes families, in Fresno County and its colony settlements)(Criteria A,C); and, the 1901 Lincoln School House (the longest used one-room school house in the County)(Criteria A). Together, these buildings have long been recognized for their significance in Selma's history and provide excellent interdisciplinary resources to teach and learn about Fresno County's history, culture and colonies.

16

1. Please specifically add the following structures to the list of historic resources in the DEIR. Three buildings are also located at 1880 Art Gonzales parkway (Book 348, Page 19, Parcel 86); and one structure is located in Lincoln Park  
1887 SPRR #17 Combination Depot  
1906 Rasmussen Barn

17

<p>1901 Lincoln School House Lincoln Community Park Bandstand, Lincoln Park.</p>	17 cont.
<p><b>E.</b> As explained in the CSUB letter (Appendix F), only a small portion of the Selma's Sphere of Influence and the planned areas of expansion have been surveyed for historical or archeological resources. Given the limited coverage and the age of many of the surveys, the CSUB concluded the possibility remains that additional resources exist in the planning area. Additionally, table 3.12-8 in the DEIR indicates approximately 8.2% of Selma's housing (473 units) was built prior to 1940. (Selma has a terrific stock of historic homes and neighborhoods!)</p>	
<p>Selma is not a Certified Local Government (CLG) and has not adopted a local preservation ordinance.<sup>v</sup> There are substantial areas within Selma's plan boundaries that have not been surveyed to assist in the proactive <u>identification</u> of potential historic resources or archeological or paleontological resources. Therefore, substantial evidence does not exist to allow the lead agency to know the full extent of the potentially significant historic resources contained within the project (plan) area. Thus, it is not possible to assess the extent of direct or cumulative impacts that may result from approval of this project.</p>	18
<p><b>1.</b> There is no substantial evidence available to determine the <i>extent</i> of direct or indirect impacts that may result from the approval of this project. Therefore, please revise the program DEIR to indicate there is "<u>Insufficient information available to identify historic resources or support a full analysis of potential impacts (direct or cumulative) to historic resources.</u>" (Please respond to this comment.)</p>	19
<p><b>2.</b> The CSUB letter recommends archeological resource surveys be performed for all areas outside the current Sphere of Influence as projects are proposed and considered for approval. Please add a mitigation measure that requires an archeological survey to occur before projects are approved. (Archeological resources can otherwise suffer significant impacts if they are first "discovered" during earthmoving or construction activities..)</p>	20
<p><b>3.</b> Please provide the name(s) and the applicable qualifications of the specific person(s) who prepared the Cultural Resources Section 3. 5 of the DEIR. Please Respond.</p>	21
<p><b>II. The DEIR's analysis and identification of significant impacts to historic resources.</b></p>	
<p><b>A.</b> Once the lead agency has identified the "historic resource(s)" (as defined by CEQA) a project's activities can be reviewed to <u>analyze</u> and determine whether the proposed project <i>may</i> result in a significant impact(s) to "historic resource(s)."</p>	22

The DEIR provides very limited information from the Guidelines to aid the reader in understanding the analytical methodology used to determine whether a particular activity *may result in significant impacts to historic resources*. This impairs the informational quality of the DEIR for decision makers as well as members of the public.

The DEIR correctly states a project that may cause a *substantial adverse change in the significance of an historical resource* is a project that may have a *significant effect on the environment*. However, it is then imperative to understand the criteria set out in the Guidelines to explain what constitutes a *substantial adverse change in the significance of a historic structure* so that the process of identification of potential significant impacts to a historic resource can occur.

Summarized, Guidelines 15064.5(b)(1) defines *substantial adverse change in the significance of a historic resource* as the physical demolition, destruction, relocation or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. (My emphasis added.)

Summarized, the Guidelines further explain at 15064.5(b)(2) that the significance of an *historical resource* is materially impaired when a project demolishes or materially alters, in an adverse manner, those physical characteristics of a historical resource that convey its historic significance and justify its inclusion in, or eligibility for, inclusion in the California Register, a local register, survey, etc.

22 cont.

It follows, then, that significant impacts *result* when the physical characteristics that convey a resource's historic significance and justify its inclusion (or eligibility) in the California Register, local register, survey, etc., are materially impaired. (To be considered a substantial adverse change/significant impact, the criteria set forth do *not* require the proposed activity to "destroy" the physical characteristics that convey a resource's significance and justify its inclusion (or eligibility) in the California Register.)

Once the criteria defined for significant impact(s) are analyzed against the historic resource(s) involved, the lead agency can determine whether a significant impact to a historic resource may result and turn to the identification of feasible mitigation measures to lessen or avoid the significant impact(s).

1. Please revise the DEIR to include CEQA's definition of significant impacts to historic resources. (Guidelines 15064.5 (b) (1-2). Please respond to this comment.

23

2. Please revise the DEIR to include CEQA's definition of significant impacts to archeological resources contained in PRC 21083.2.

24

- B.** The DEIR’s determination of potential significant impacts to “historical resources,” “paleontological resources,” unique geologic feature” and “human remains” that may result from the approval of this project is contained in Section 3.5.3 (page 3-103 ). Summarized it appears the following potential impacts are being analyzed for mitigation in the DEIR:

**a)** redevelopment within the historic downtown or in-fill development in older residential areas could result in the demolition, destruction, relocation or alteration of *buildings* that are historically significant (my emphasis added);

**b)** *Rural buildings* located outside the city, but within the SOI, could be impacted as a result of development (my emphasis added);

**c)** *Archeological and, paleontological resources, unique geological and human burial sites* could be disturbed during grading or onsite excavation activities.

25

1. Please respond by indicating whether the above summary of potential significant impacts is a complete and correct representation of the significant impacts the DEIR has identified in section 3.5.3. This will provide the clarification necessary to permit meaningful public participation in the review of the effectiveness of measures proposed to mitigate the identified significant impacts. (Please respond to this comment).

26

2. If additional significant impacts, other than those summarized in B.(a-c) (directly above) are identified, please propose the appropriate additional mitigation measures to address those impacts and recirculate the DEIR. (Please respond.)

27

### III. Identification and effectiveness of mitigation measures for “historic resources.”

- A.** The CEQA Guidelines provide the regulatory policies for the mitigation of historic resource impacts to a level of insignificance. For the analysis of historical resources, Section 15126.4(b)(1) explains that *generally*, a project that follows the Secretary of Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings *is* considered as mitigated to a level of less than a significant impact on the historic resource.
- B.** CEQA Guidelines 15126.4a)(1)D explains that some mitigation measures can cause one of more significant effects *in addition* to those that would be caused by the proposed project. With respect to historic resources, *relocation* is an example of a mitigation measure that results in one or more additional significant impacts. (As discussed above a historic resource is materially impaired when a project materially alters those physical characteristics of a historical resource that convey its historic significance and justify its inclusion (or eligibility) in the California Register, a

28



local register, survey, etc. Relocation can adversely and materially impair (but it does not necessarily destroy) the resource's aspects of integrity as well as its immediate surroundings. Relocation can also materially impair the physical characteristics that convey its historic significance. Relocation cannot be considered a mitigation measure that will avoid (mitigate to a level of insignificance) impacts to the historic resource. Certainly, the risk of loss or damage during the relocation process is also possible.

28 cont.

1. Please consider the comments in A and B above and revise the DEIR as necessary.(Please respond.)

C. CEQA Guidelines 15126.4 (3) provides information related to *historic resources of an archeological nature* and provides the factors that must be considered and included in the discussion in the DEIR.

29

1. Please revise the DEIR to add this required information. (Please Respond.)

D. The DEIR explains both of the proposed mitigation measures (3.5.3.1a and 3.5.3.1b) would be applied to all projects *as defined n CEQA Guidelines Section 15378(a)*.

Guidelines 15378(a), CEQA defines a "project" to include the whole of an action and as such, includes *each separate discretionary* approval that may be involved in an approved activity.

30

However, when the "whole" of the project *includes both ministerial and discretionary components, the project will be deemed to be a discretionary project and thus subject to CEQA (Guidelines 15268(d)). The ministerial components in these circumstances are subject to CEQA review.*

1. Please add the text of 15268(d) to the discussion at top of page 3-104 to insure appropriate CEQA review occurs and that mitigation measures are appropriately implemented for all significant impacts involved in projects that contain *both* ministerial and discretionary components. This would assist in the avoidance of an inadvertent segmentation of a project into its ministerial and discretionary activities. ( In particular, a misunderstanding of this important CEQA provision could result in the inadvertent loss of a worthy historic resource without first providing the required CEQA review and mitigation. As an example, this might occur if a lead agency were to approve a *ministerial* demolition permit separately and without CEQA review even though that action was a component of the foreseeable whole project that also involved discretionary activities associated with the development of the parcel.) This would of course result in the lead agency's failure to proceed in a manner required by law and would inadvertently deny members of the public of their protected interest in the ability to participate in the CEQA

31

<p>process and identify appropriate feasible mitigation measures to lessen or avoid the significant impact.<sup>vi</sup> (Please respond to this request.)</p>	31 cont.
<p><b>E. Mitigation Measure 3.5.3.1a.</b> Certain portions of this proposed mitigation measure lack the clarity necessary to insure that members of the public and the lead agency can monitor the mitigation measure’s proper implementation for subsequent projects over the duration of this GP Update.</p> <p><b>1.</b> It is unclear which significant impacts (identified in DEIR section 3.5.3 and also discussed in II.B. of this comment letter, above) the proposed mitigation measure’s components are meant to address. The 3<sup>rd</sup> and 4<sup>th</sup> portions of mitigation measure 3.5.3.1a are the most confusing. Please verify whether the following <i>interpretation</i> is correct:</p> <ul style="list-style-type: none"> <li><b>a.</b> Mitigation Measure 3.5.3.1a (1) would be implemented to lessen the identified significant impacts to <i>archeological and paleontological resources</i> identified in Section 3.5.3 of the DEIR. (Please respond.)</li> <li><b>b.</b> Mitigation Measure 3.5.3.1a (2) would be implemented to lessen impacts to <i>human burial sites and/or Native American burial sites</i>. (Please respond.)</li> <li><b>c.</b> Mitigation Measure 3.5.3.1a (3) would be implemented to lessen impacts to <i>archeological sites, and “historic resources of an archeological nature.”</i> (PRC 21083.2). (Please respond.)</li> <li><b>d.</b> Mitigation Measure 3.5.3.1a (4) would be implemented to lessen impacts specifically for those <i>“historic structures or artifacts of an archeological nature” that are listed in the 4/13/09 letter from the Center for Archeological Research (CSUB) (Appendix F)</i> (Please respond.)</li> </ul>	32
<p><b>2.</b> If any of the articulated interpretations in above items D.1.(a-d) are incorrect, please explain why and make necessary changes to the appropriate mitigation measures to provide clarity of purpose. (It might also be helpful to number, rather than bullet the components of the mitigation measure—unless it is intended that all 4 components are to be applied to each project resulting in archeological impacts. (Please respond to this request.)</p>	33
<p><b>3.</b> The above mitigation measures contained in 3.5.3.1a will not effectively mitigate impacts to historic resource and archeological impacts to a level of insignificance. Implementation of any of these measures could still result in the loss of their material impairment of a historic or archeological resource. In addition, the measures do not provide any performance standards to insure significant impacts are avoided (mitigated to a level of insignificance). (Please respond.)</p>	34
<p><b>4.</b> Please also note that some activities included in the mitigation measure could result in additional significant impacts beyond those resulting in the project.</p>	35

<p>This would not result in mitigation to a level of insignificance. (Please respond.)</p>	35 cont.
<p>5. Please revise the mitigation measures in 3.5.3.1a to clearly provide a description of the mitigation strategies that will be utilized along with the performance standards that must be fulfilled to ensure the mitigation measures will avoid significant impacts. The mitigation measures should be revised in a manner to insure they are fully enforceable in the manner required by CEQA. (Please respond.)</p>	36
<p><b>F.</b> Mitigation measures that <i>avoid</i> an historic resource or archeological impacts (mitigation to a level of insignificance) are mitigation measures that avoid an impact by <u>not</u> taking a certain action, or part of an action. For example, the restriction of demolition or alteration of historic structures or cultural sites would <i>avoid</i> significant impacts resulting from the demolition of the resource. Or, the adherence (consistency) to the Department of Interior Standards and Guidelines, described earlier in this letter, is another example. The Standards and Guidelines restrict certain activities in projects involving the rehabilitation, preservation, restoration or reconstruction of historic resources. These restrictions avoid the material impairment of the physical characteristics that convey the resource's significance and justification for listing in the California Register, local register, survey, etc.</p> <p>The mitigation measures proposed in the DEIR for significant historic and archeological impacts might lessen impacts, <i>or</i> provide no reduction of impacts at all. None of the mitigation measures assure the avoidance of significant impacts (mitigation to a level of insignificance.)</p> <p>1. Unless this mitigation measure is revised, the failure of 3.5.3.1a to demonstrate an ability to mitigate historic and archeological impacts to a level of insignificance will require the lead agency to revise its determination of the effectiveness of this mitigation measure and the project's cumulative impacts in the DEIR. Revision of these findings would require recirculation of the DEIR. (Please respond.)</p>	37
<p><b>G.</b> <u>Mitigation Measure 3.5.3.1b.</u> The DEIR considers the <u>policies</u> included in the Open Space and Conservation and Recreation Element to "further" reduce significant impacts to a level of insignificance. (These policies are whole-heartedly welcomed as will be discussed in a later section of this letter.) However, the policies, as drafted, do not function as <i>mitigation measures</i> that will effectively lessen or avoid direct, indirect or cumulative significant historic and archeological resource impacts to a level of insignificance. In other words, each "policy-mitigation measure" could be fully implemented and still not result in any lessening or avoidance of a direct significant impact resulting from a project! Additionally, the cumulative result of adding two or more mitigation measures together (neither of which guarantee the</p>	38

reduction of any significant impacts) <i>won't</i> act to “further” mitigate impacts <i>to</i> a level of insignificance.	38 cont.
By definition, “mitigation measures” <i>must</i> lessen <i>or</i> avoid the direct, indirect (and cumulative) significant environmental impact(s) that may result from a lead agency’s approval of a “project.” The mitigation measures adopted for that project must become project conditions. The mitigation measures must also be fully enforceable through permit conditions, agreements, or other legally binding instruments (Guidelines 15126.4(a)(1)(A), 15126.4a)(2).	39
Using the proposed 3.5.3.1b mitigation measures, the City Council would not be able to certify the FEIR based on substantial evidence because direct <u>and cumulative</u> significant impacts would be significant—and potentially unmitigated.	40
It should also be noted the Open Space, Conservation and Recreation Element states (page 5-2) the intent of these “policies and standards” is to serve as <u>guidelines</u> for planning and maintaining the recreational facilities, enhancing the natural amenities of Selma and <u>minimizing</u> [as opposed to avoiding] the environmental impacts of planned development. (My emphasis added.)	41
Without the ability to insure these mitigation measures would achieve the avoidance of impacts, the City Council would be unable to rely upon substantial evidence to support its findings and certify this Program EIR (See DEIR page 5-3 section 5.3.5).	42
Unfortunately, as written, the policy-mitigation measures of 3.5.3.1b are written in a manner that is too vague, does not discuss the mitigation strategies that will be used for subsequent projects, and lacks the performance standards that will ensure that adequate mitigation measures are implemented. Additionally, some of the proposed mitigation measures do not address the significant impacts identified on pages 3-103 of the impact evaluation. The DEIR should not mitigate impacts that have not been identified.	43
(For illustration purposes only, the City’s <i>development</i> and <i>promotion</i> of financial incentives programs for historic preservation efforts would not avoid the significant impacts that would result from a project’s demolition of a historic resource(s) located in historic downtown or older neighborhoods. Alternatively, the City’s <i>support</i> of preservation organizations’ preservation efforts wouldn’t lessen or avoid the significant impacts caused, for example, by a project’s demolition of a historic barn to clear land for development in the SOI.)	44
As written, the policy-mitigation measures, as well as all other mitigation measures proposed in this section of the DEIR could be fully implemented without avoiding or lessening any of the identified potential significant impacts, ever. And, cumulative impacts would then be significant yet never analyzed or disclosed before the GP Update Program EIR was certified. This would violate a key purpose of CEQA--to	45

inform decision makers and the public about the environmental consequences of a project *before* it is approved.

The Policies are good policies, it is simply that mitigation measures must insure enforceability, integration as project conditions and performance standards that insure the anticipated outcomes will occur when the mitigation measure is implemented.

It should also be noted that the 1<sup>st</sup> bulleted policy-mitigation in 3.5.3.1b closely describes the mandated basic steps of CEQA's EIR process. The mitigation measure describes a process that would identify the historic resources ("include accurate site surveys"); identify the significant impacts ("protect historical, paleontological, and cultural sites from damage, destruction and abuse); develop feasible mitigation measures with a performance standard ("resource recovery and preservation when displacement is unavoidable); and, because the performance standard would not avoid the significant impact that would result--analyze alternatives ("consider project alternatives to preserve archeological and historic resources"). Therefore, this doesn't appear to be a "mitigation measure" for a subsequent project because the process is already required by state law.

45 cont.

1. Please revise the DEIR's Historic and Archeological Resource mitigation measures to effectively mitigate significant impacts to a level of insignificance or provide for a mitigation program that will insure that outcome. Please insure mitigation measures are fully enforceable in the manner described in CEQA. (Please Respond.)

46

2. If the lead agency is unable to draft mitigation measures that will lessen significant impacts to a level of insignificance, the DEIR will require modification to its mitigation measures, findings, and cumulative impact analysis as well as the recirculation of the DEIR for public participation and comment. (Please Respond.)

47

3. Alternative approaches to the above mitigation measures might serve the lead agency's purposes in mitigating the historic and archeological resource impacts to a level of insignificance, and certifying the FEIR based on substantial evidence. The endnote provides one quickly drafted example for purposes of illustration only.<sup>vii</sup>

48

**H. Cumulative impacts.** Based on the information provided in this letter, the finding of no result in cumulative impacts (Page 5-3) is not supported with substantial evidence.

49

1. Please respond

*Note: A layperson's use of CEQA terminology can make for clumsy sentence structure. Please do not hesitate to contact me if anything in this comment letter requires clarification.*

#### IV. Open Space Conservation and Recreation Element

##### A. General Comments and Questions:

1. Page 5-1 of the General Plan update states the Open Space/Conservation/Recreation Element meets the state's requirements defined in Government Code 65301(e). This section of the Government Code could not be found.	50
a. Please provide the citation to the correct section. (Please respond.)	
2. General Plan Policy 5.25 provides for a "standard park acreage" of 5 acres per 1000 people, consistent with the prior 1997 GP policy. Standard park acreage includes park-ponds; pocket parks; neighborhood parks; community parks, and community recreational facilities. As noted in the GP Update, visioning workshops were held by the city to identify the important issues expressed by interested citizens, staff and consultants during those meetings. An interest in the need for more recreational opportunities was one of the priorities expressed during the meetings.	51
Per the DEIR, the Department of Finance has estimated the City of Selma's 2008 population at 23,286. Accordingly, the City of Selma should have 116.4 acres of parkland available for the community. Table 2-2 of the DEIR (pg 2-9) indicates park/open space within City limits comprise 112 acres (only 4.4 acres short of policy.) The DEIR also indicates the City owns only 57.41 acres of park and recreational facilities. Therefore, it appears the city owns and maintains only 50.1 percent of its total park and recreation needs.	
a. The above requires clarification in order to identify potential significant impacts. How is the outside ownership and acreages of the 112 acres of park/open space within city limits comprised? (Please respond.)	52
b. How is the open space/park land information in Table 2-2 currently comprised and owned in the General Plan SOI ? (Please respond.)	53
c. As the above information indicates, does the city rely on outside entities to provide approximately 50% of Selma's standard park land within its city limits? (Please respond.)	54
d. If Rockwell Pond comprises some of the land considered standard park acreage, are there other pending or future projects proposed for this land, or other intended uses by CID, which might eliminate the availability of this acreage for use as park land in the next 5, 10 or 20 years? Would these factors result in potential significant recreational impacts to recreation space within the city limits or SOI? (Please respond.)	55
e. It is noted the Consolidated Irrigation District (CID) commented on the NOP. In their comment letter dated 9/24/08, CID objected to the City's identification of their facility as "community open space." The objection was related to the District's mounting concerns over property vandalism, trash, a reduction in work efficiencies and reductions in the ability to	56

recharge. How may CID's expressed position result in significant impacts to the supply of open space, the accelerated deterioration of remaining facilities, etc within city limits? Within the SOI? (Please respond.)	56 cont.
f. Does the city provide any of its developer fee revenue, state or federal park funds, or grants toward the improvement, maintenance or rent of park acreage owned by outside entities? If so, please provide a breakdown of the amounts and recipients. (Please respond.)	57
g. Does the city have any written agreements to insure its will have continued access and utilization to the approx. 58 acres of standard park acreage that is currently provided by outside entities within city limits? (Please respond.)	58
h. If agreements exist to insure access to parklands, please indicate the duration of the agreement(s), any provisions in the agreements that might result in potential significant impacts, and the breakdown of acreage governed by the agreement. (Please respond.)	59
i. Are there potential significant impacts that might result if an outside entity decided to develop its land for other uses; or discontinue the practice of allowing members of the general public to use their facilities for recreational purposes; or demand monetary compensation from the City for use of their land as standard park space? (Please respond.)	60
j. Will the proposed hotel/auto dealership project impact access or supply of recreational/open space facilities? (Please respond.)	61
k. Might Selma's reliance on outside sources for approximately 50% of its open space and park needs result in any other potential significant impacts to the environment, other than those provided as responses to these section IV questions and the initial study? If so, please identify those additional potential environmental impacts. (Please respond.)	62
l. If necessary, please identify feasible mitigation measures to address any newly identified potential impacts. (Please respond.)	63
<p>3. Table 2-2 on page 2-9 of the DEIR indicates Park/Open Space within city limits will decrease from 112 acres to 99 acres (a 13 acre reduction) as a result of the implementation of the General Plan. This would reduce the city's parkland contained within its city limits to 38.1% of today's existing park needs, with anticipated continued decreases in that percentage of ownership as the population of Selma increases.</p> <p>a. Please describe <i>specifically where</i> this 13 acre decrease in park/open space will occur? (Please respond.)</p> <p>b. When is this reduction expected to occur and what will be the projected population at that time. (Please respond.)</p> <p>c. What potential significant impacts may result in one or more areas of the environment as a result of the reduction of these 13 acres of park/open space within city limits? (Please respond.)</p>	64

<p>d. Please identify feasible mitigation measures to lessen or avoid these described potential significant impacts to the environment. (Please respond.)</p>	64 cont.
<p>4. Policy 5.26 references a “Background Report of the General Plan” for information concerning future park and open space developments. I was unable to locate this report in the GP Update information supplied on the CD.</p> <p>a. Please provide this “Background Report of the General Plan” to members of the public listed on the GP Update notification list as soon as possible and within the FEIR for members of the public not requesting special notice. If any information related to new significant environmental impacts or mitigation measures is contained within the “Background Report on the GP Update,” the DEIR may require recirculation. (Please respond.)</p> <p>b. The General Plan Update provides no information concerning the future park and open space improvements that may occur in existing city-owned park and recreation space. If improvements to parks and recreation areas do not occur, significant impacts may result from the substantial physical deterioration that would certainly occur. Please revise the DEIR to include specific information about the improvements planned for each existing city-owned park or recreational facility anticipated in the next 5, 10, 15, and 20 years. (Please respond.)</p> <p>c. If adequate improvements are not planned for existing facilities to purposefully address deferred and routine maintenance issues, please identify the specific significant impacts that may result and the mitigation measures identified to address those impacts. (Please respond.)</p>	65
<p>5. The DEIR and General Plan Update include policies 5.31 which will seek available state and federal funds as well as state grants for “park improvements” and “recreational programs” and “land acquisition.”</p>	66
<p>a. The terms used in this policy are not described. Will all city efforts utilized to seek these available funds be applied to all 57.4 acres of city-owned parks and recreational facilities?</p>	67
<p>b. If the city is intending to seek the above described funding for some city-owned parks and recreational facilities but not others, please so indicate and describe the potential significant environmental impacts that may result from the policy, including the potential for mounting deferred maintenance in facilities due to the city’s discretionary funding policies or practices.</p>	68
<p>c. The DEIR indicates the 1975 Quimby Act (Government Code 66477) authorizes municipalities to pass ordinances requiring that developers set aside land, donate conservation easements or pay fees for park improvements. The DEIR does not describe the content of the City’s Ordinance that responds to this act. How are the fees generated from this City Ordinance distributed between its 57.4 acres of owned park and recreational facilities? Please provide a description of the revenue amounts received over the last 5 years and the funds specifically expended on each of the facilities contained within the 57.4 acres.</p>	69





<p>7. Are the above policies (if adopted) intended to apply to Pioneer Village, the Pioneer Village Commission and Volunteers, as well as others? (Please Respond.)</p>	74
<p>c. The DEIR describes each of the park and recreational facilities owned by the City of Selma. These park and recreation resources have similarities and differences in the amenities and benefits they provide to the public. An accurate description of the facilities is necessary to assist in the identification of any significant impacts that might uniquely apply to one or more of these parks and recreational facilities.</p>	75
<p>1. To improve the informational quality of the DEIR, please revise the DEIR document to indicate the Pioneer Village facility is located at 1880 Art Gonzales Parkway. (The facility does not front Highland). Attachment A to this letter provides the parcel map to better describe its vicinity. (Please respond.)</p>	76
<p>2. The DEIR (pg 3-211, 3-212) calls out important components of each park. However, the improvements contained in Pioneer Village should also call out the large bandstand, the large grassy area and mature shade trees. (These features are in common with those amenities described in the Berry, Brentlinger, and Lincoln Parks) In addition, the County Landmarked c.1884 St. Ansgar's church, the 1901 one-room school house, the 1887 SPRR Depot and other structures are utilized to teach county history to school children and visitors. The facility is also used for large events and cultural activities.</p>	
<p>The Pioneer Village Commission and volunteers are currently raising funds to preserve the historic structures contained in the recreational facility, repair the irrigation system, expand its educational facilities, maintain the restrooms, pay utilities, etc. In the past, this unique open space recreational facility has not been a recipient of developer fee revenues, or federal or state park funding. In addition, although the facility provides educational programs for low income children, CDBG funds which could be used to improve the facilities used for these educational programs, have been unavailable. Could the continuation of this discretionary funding practice result in deferred maintenance increases, accelerated deterioration and previously unidentified significant impacts to the mature trees, buildings, water supplies and park facilities? (Please respond.)</p>	77
<p><b>V. The environment and its message to the future.</b></p> <p>I again want to express my appreciation for considering the addition of open space, conservation and recreation policies described on DEIR pages 3-104 - 3-105. These policies will greatly benefit Selma and the continued improvements to and maintenance of Selma's Pioneer Village Historical Park.</p>	78

Pioneer Village Historical Park is located on 14.41 acres of gifted land dedicated by the donor to the establishment of a pioneer village and museum. The donated setting is a unique recreational resource that includes open space, grassy areas, historic buildings, a bandstand, restrooms, a restaurant and abundant shade provided by a variety of mature trees, including a number of oak rarely seen in the central valley. Together this unique recreational and educational facility within its park-like setting provides an opportunity of learning and an area of cultural and historical reflection and insight.

Carl and Bernadine Ruegg owned approximately 200 acres in the immediate area and *chose* to donate their desirable high ground, with freeway frontage, approximately 38 years ago for the edification and enjoyment of future generations. Their donation's intended use was the creation of a pioneer village and included a reversion clause returning the land to Mr. Ruegg's heirs, successors or assigns if the land is used for another purpose. The extensive collection of agricultural and historical artifacts was donated by Art Gonzales for the benefit of future generations.

Following the leadership of these three respected citizens, and with knowledge of these gifts' intended legacy through benefit of public hearings, others followed suit and donated their important family artifacts, time, money, a 1906 barn, and a beloved intact historic Danish-American Lutheran Church. These privately owned buildings and collections joined the historic 1904 Vincent Home, the 1887 SPRR Depot, 1901 one-room Lincoln School, Goble Store, etc. In addition to providing space for contextual display of artifacts, the buildings of Pioneer Village, some of which are the county or state's oldest surviving, provide insight into the development of our unique Fresno County history and culture.

78 cont.

Mr. Ruegg and Mr. Gonzales understood the interior of Fresno County held an unmatched history of statewide, nationwide and worldwide significance. This significance was created by the local development of a unique colony settlement system at a key position in time when people around the world were seeking respite from the ravages of starvation, invasions, land shortages, exterminations, etc., being experienced in their homelands. They came with the hope of opportunity and the prospect of self destiny to the colonies, facilitated by the newly introduced railroad. The combination of factors instigated a sustainable response from around the world that created our cultural diversity and simultaneously planted the seeds for the areas transformation into the largest, most diverse agricultural economy in the world.

The gifts from the Ruegg's, Mr. Gonzales, and members of the community are there to help future generations understand of what they have been made and the opportunities that, like those of that first generation, laid hidden in full sight in the dirt! These stories remind us to look in the unlikely places. They tell us of the reward of hard work. They tell the stories of the contributions this area has made to the state and the union. But, more importantly, together they tell of the important contributions these immigrants from all over the world provided for us. The desert failed to give up its wealth until those of our past found an intriguing solution that in turn provided a promise call to those who

needed a new homeland—and in some cases—the quicker the better! Our story is of the strength that came from that diversity and how that diversity built the largest agricultural industry in the world.

“How can we not want to know about the people who have made it possible for us to live as we live, to have the freedoms we have, to be citizens of this greatest of countries of all time? It’s not just a birthright, it is something that others struggled for, strived for, often suffered for, often were defeated for and died for, for us, for the next generation.” David McCulloch

78 cont.

The buildings, land and artifacts of Pioneer Village are a combined gift comprising a uniquely useable open space of recreation that is pleasing to the senses and the intellect of man. (Not to mention a wonderful space for horse-drawn wagon rides and blacksmithing demonstrations.) It is our privilege and duty to link this remarkable past to the future.

### **Conclusion:**

The General Plan represents an agreement on the fundamental values and a vision that is shared by the residents and the business community of Selma and the surrounding area of interest. Its purpose is to provide decision makers and City staff with direction for confronting present issues, as an aid in coordinating planning issues with other governmental agencies, and for navigating the future—for our future generations.<sup>viii</sup> The work involved is important and as a community volunteer and person who shares a long family heritage in Selma, I feel privileged to be able to have a voice in the outcome. The very ability to participate in an activity such as this did not come without sacrifice of others.

79

I hope this comment letter is received with the knowledge it is offered in the interest of encouraging the future development of the community of Selma in a manner that continues to always be pleasing to the senses and intellect of man. Please include this letter in the administrative record and notify me of the recirculation of the DEIR or release of the FEIR.

Sincerely,

Submitted by email.

Jeanette Jurkovich  
1130 W. Roberts  
Fresno, CA 93711

P.S. It is usually necessary to indicate the comments provided are as a taxpayer and Fresno County resident with a demonstrated interest in the preservation of Fresno County’s historical resources. As a member of several statewide and national preservation organizations, I frequently attend preservation conferences and educational sessions sponsored by the National Trust for Historic Preservation, State Office of Historic Preservation and/or California Preservation Foundation. In addition to accomplishing preservation projects

individually, I have participated in a number of community preservation projects. I was determined by the Fresno County Superior Court to qualify as an expert in historic preservation for purposes of CEQA.

:

Enclosures submitted in email attachment:

Attachment A-Parcel Map

Attachment B-Deed.

---

<sup>i</sup> “Guidelines” refers to Title 14 California Code of Regulations Section 15000 et seq. The CEQA statute begins at PRC section 21000 et seq.

<sup>ii</sup> Page 2-5 of the DEIR describes the planning area as 15,183 acres. The CSUB letter is contained in Appendix F.

<sup>iii</sup> The St. Ansgar’s Danish-American Church (c.1884) is historically significant because of its association with the broad patterns of history in Fresno County (Criterion A), which included the immigration of significant numbers of Danish who responded to the establishment of the colony settlement system that had been designed to attract settlers to Fresno County’s harsh interior. Church records contain significant historical and cultural information to provide insight into the influx of Danish immigrants who arrived in Fresno County between 1875 and 1920.

The church is also an excellent example of the early Danish-American Church structures which were built across the country (Criterion C). These churches reflect shared structural and design characteristics including the use of clear glass windows, interior arrangements, color, etc. The architecture of Danish-American Lutheran Churches were strongly influenced by architect N.C. Bang. The St. Ansgar’s structure embodies excellent exterior and interior integrity. Currently, six Danish-American churches are designated on the National Register. This structure, designated as a Fresno County Landmark after it was located in Pioneer Village, was one of seven Danish-American Lutheran churches established in early Fresno County. Today it is the oldest, and the most intact Danish Lutheran Church in California. Known for several years as simply the Danish Church, the congregation took the name Pella Lutheran Church in 1902.

In 1907, the nationwide split between Danish-American Lutherans finally reached Fresno County and the Pella congregation split. (The split is commonly referred to as the split between the “happy Danes and Pious Danes.”) The church was re-named, St. Ansgar’s Danish Lutheran Church, and the departing members constructed the c.1908 Pella Lutheran Church in Selma. The families in the “happy Dane,” churches often sent their young people to Danish folk schools to assist in the retention of the Danish culture in the new land. Many of the first generation youth from St. Ansgars (and Easton’s St. John’s) attended the folk school at Atterdag in Solvang.

The building was originally constructed in Traver c. 1884 out of ancient growth redwood. In 1896, the building was purchased and relocated to Bethel and Manning. The move required the building to be floated across the Kings River and dragged by horses 15 miles. (The colony system had spurred population growth in the county’s interior and adequate lumber supplies were difficult to obtain for new construction.) The Danes rented the building for two years and then purchased the structure and made improvements to closely resemble the Danish American Lutheran churches across the country.

In 1972, Carl Ruegg deeded 8.15 acres of land (with a restriction and reversion clause attached to this letter as Attachment B) requiring the gifted parcel of land to be used for the establishment of Pioneer Village. (This deed with its restrictions was accepted by the City of Selma at a public hearing which allowed members of the public to know the use conditions of the donated land.) After discussions, by November, 1973, the St. Ansgar’s congregation decided to accept the request to donate their historic church building to Pioneer Village so it could be preserved for future generations. Manning Avenue was to be widened as an arterial and the structure could not permanently remain on the Bethel and Manning site. Five years later, in 1978, as the road project approached, the congregation held its last service on site and paid to relocate the

---

church building, complete with its intact Danish-crafted interior elements to Pioneer Village. The building was then dedicated to future generations by Edward Jepsen, son-in-law of the first president of the church:

“Our church building was moved to Pioneer Village in Selma, where it can be seen from hi-way “99” as you travel north. Here it will be a reminder to our children, grandchildren and others that our forefathers valued a church so greatly, that this was the first thing they built after building their own homes.”

In 2001, the County Landmarks’ Commission accepted a compilation of additional research material to augment their historical record of the church. The research expanded awareness of the significance of this structure and can be reviewed in the California History Room in the Fresno County Main Library.

Since 2002, the non-profit St. Ansgar’s Legacy Fund has donated over \$40,000 to repair/replace and/or restore the structure’s roof, original windows, heating and air condition system and new rigid duct work. An additional non-profit and citizen donated the funds and labor to replace the interior curtains. Approximately \$15,000 from Pioneer Village Enterprise Funds has also been invested in the structure’s restoration work.

<sup>iv</sup> The 1904 Vincent Home was designated to the Fresno County Historic Landmarks Register with the recognition that it would be moved to Pioneer Village. This 1904 Queen Anne home is a designated County Landmark for both its association with Manuel Vincent, a person of significance in Selma’s early history; as well as its architectural significance (Criteria A and C). Mr. Vincent, an immigrant from Portugal, was an early founder and businessman in Selma. Both Manuel and his son served as Mayor of Selma. (A biographical sketch of Mr. Vincent is contained in Paul Vandor’s 1919 publication, *The History of Fresno County*, ) Vincent’s 1901 commercial Vincent building still stands on Front Street in Selma.

<sup>v</sup> Certified Local Governments (CLGs) are provided benefits such as local review of federally funded projects, access to grants from the federal Historic Preservation Fund, etc., in exchange for fulfilling historic preservation requirements. California currently has 57 cities that are Certified Local Governments.

<sup>vi</sup> The courts can require the lead agency to mitigate the impact after the fact, however.

<sup>viii</sup> A sample performance-oriented mitigation plan for subsequent projects include\*\*:

The Council’s finding would include something like, “*because the project area has not been comprehensively surveyed to identify historic resources there is insufficient information available to support a full analysis of potential cumulative or direct impacts to historic and archeological resources.*”

Then, the DEIR’s mitigation measures (this example is for historic resources only) would be revised to provide for mitigation of the historic resource(s) in a measurable manner, example:

1. All subsequent projects being reviewed under the General Plan Update EIR #\_\_\_ which may impact building(s)/structures 50 years or older will be reviewed to determine whether the structure has been listed or determined eligible on a County Register, California Register, National Register, historic resource survey, is a contributor to a historic district or is listed in the EIR as a historic resource in the GP Update EIR #\_\_\_\_\_, page \_\_\_\_\_.
2. If the building 50 years old or older is not listed in the resources described in 1. above; the lead agency will review the structure(s) with good faith and due diligence and based on substantial evidence determine whether the building/structure meets one or more of the criteria provided in Title 14 Cal. Code Regs. Section 15064.5 (a)(3) (CEQA Guidelines)

- 
3. Resources meeting one or more of the Guidelines criteria and those resources identified within one of the sources listed in #1 *will* be considered Historic Resources for purposes of the subsequent project's CEQA Review.
  4. Projects that may result in significant impacts to historic resources that will not, or cannot, be mitigated to a level of insignificance by implementing one of the measures in #5 below, *will* be considered a project that may result in a significant impact to historic resources. Projects that may result in significant impacts to historic resources are projects that have not been identified or analyzed in the GP Update Program EIR. Therefore, these projects will undergo a tiered, focused EIR review. The EIR will propose mitigation measures that include, but are not limited to:

(Provide a standard list of mitigation measures that would *effectively* lessen or avoid the significant impact to historic resources(a, b, c, d, etc.). These mitigation measures would be included in each focused EIR. At the time of subsequent project review additional mitigation measures will be identified to lessen or avoid significant impacts unique to the specific project.

The EIR's Alternatives Analysis *will include* "rehabilitation and adaptive reuse of the structure on site thru project redesign," in addition to other appropriate alternatives.

All feasible (as defined by CEQA) mitigation measures or alternatives identified in the focused EIR will be adopted to lessen, or avoid historic resource impacts. The Council will be required to make findings of over-riding considerations if any unmitigated impacts remain.

5. Any projects that may result in potential significant impacts to the historic resources identified through steps 1 and 2 above, which can be mitigated by adopting any of the following mitigation measures will generally be considered to be a project that will not result in significant impacts to historic resources:
  - a) demonstrated consistency and adherence to the Department of Interior Standards (spelled out fully, including description of the drawings and materials the lead agency would require to determine the project would be consistent with CEQA;
  - b. redesign of the project to avoid significant impacts to a historic resource,
  - c. Reduction in the intensity of the project to permit preservation in place.
  - d) etc., additional mit measures could be added that would avoid an impact by not taking a certain action or part of an action.)

**\*\*Disclaimer:** The above is a quick draft, not fully articulated, and which may contain errors. The sample is for illustration purposes. The above does not address mitigation of a project involving impacts to archeological resources or historic resources of an archeological nature. Mitigation measures addressing those impacts would be addressed as separate mitigation measures.

# ATTACHMENT A (1P)

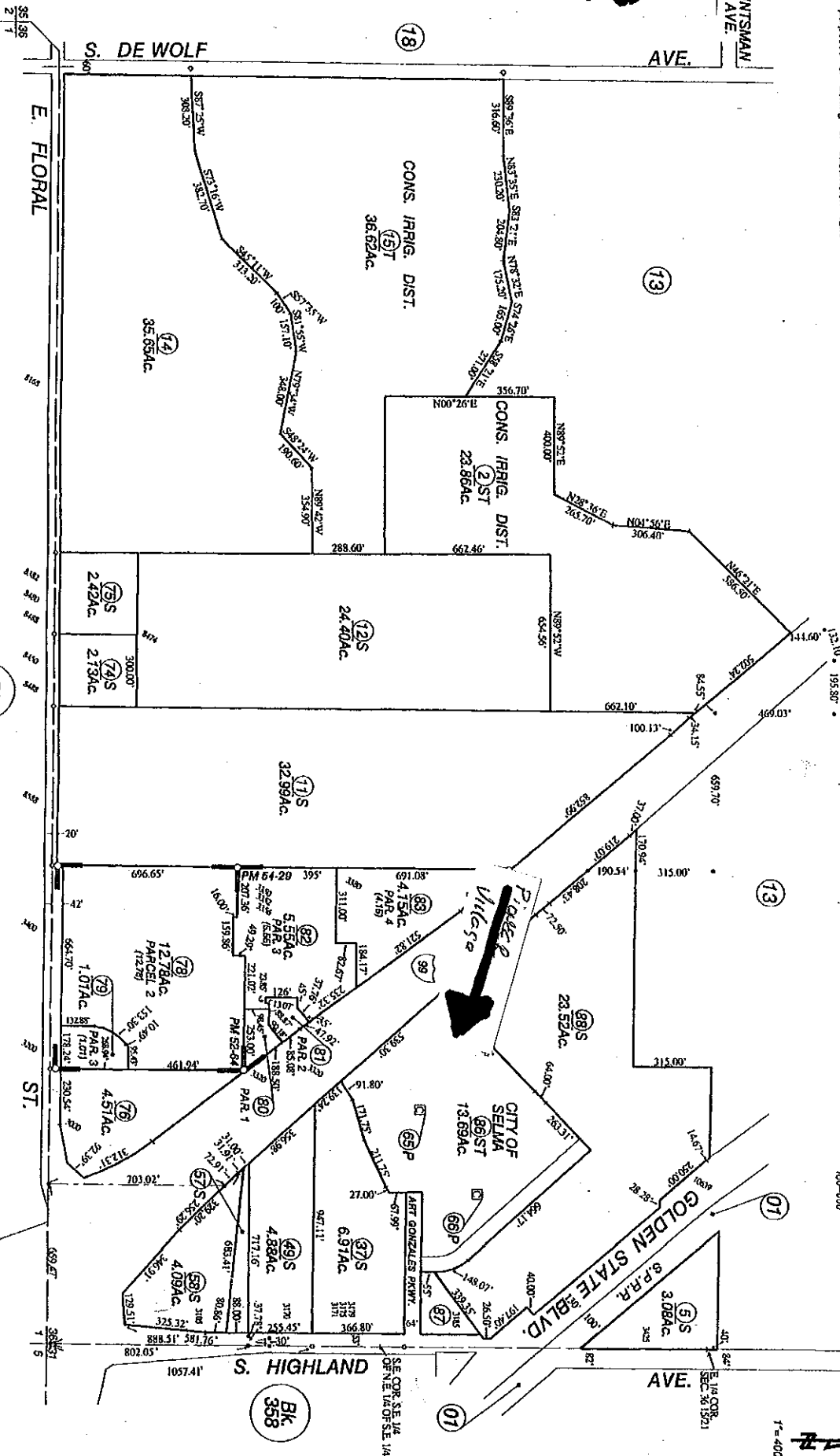
NOTE  
This map is for assessment purposes only.  
It is not to be construed as portraying  
legal ownership or divisions of land for  
purposes of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC. 36, T.15S., R.21E., M.D.B.&M.

Tax Rate Area

348-19

11-001  
11-041  
11-043  
11-044  
180-000



1"=400'

11-001  
11-041  
11-043  
11-044  
180-000

Agricultural Preserve  
Parcel Map No. 91-76, Bk 52, Pgs. 64-65  
Parcel Map No. 93-83, Bk 54, Pgs. 29-30

07-26-2002

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk 348 - Pg. 19  
County of Fresno, Calif.



ATTACHMENT  
B (3 pgs)

FRESNO COUNTY RECORDERS OFFICE

RECORDING REQUESTED BY  
**CITY OF SELMA**  
**CITY HALL**  
**1814 TUCKER STREET**  
**SELMA, CALIF. 93662**  
AND WHEN RECORDED MAIL TO

88913

RECORDED AT REQUEST OF  
*City of Selma*  
AT 40 MIN. PAST 12 M

BOOK 6676 PAGE 688

OCT 3 1972

NAME SHEPARD & SHEPARD  
ADDRESS P. O. Box 407  
CITY & STATE Selma, California 93662

FRESNO COUNTY, CALIFORNIA  
J. L. BROWN, COUNTY RECORDER  
*J. L. Brown* FEE  
BY DEPUTY RECORDER

MAIL TAX STATEMENTS TO

NAME City of Selma  
ADDRESS 1814 Tucker Street  
CITY & STATE Selma, California 93662

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary transfer tax \$ none  
☐ Computed on full value of property conveyed, or  
☐ Computed on full value less liens & encumbrances  
remaining thereon at time of sale.

*Shepard and Shepard*  
Signature of decedent or agent determining tax - firm name  
☒ Unincorporated area City of

**Grant Deed**

THIS FORM FURNISHED BY SECURITY TITLE INSURANCE COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CARL W. RUEGG and BERNADENE J. RUEGG, husband and wife,

hereby GRANT(S) to THE CITY OF SELMA, CALIFORNIA

the following described real property in the  
county of Fresno, state of California:

**"DESCRIPTION ATTACHED"**

**PARCEL 1:** Commencing at the SE corner of Section 36, Township 15 South, Range 21 East, Mt. Diablo Base and Meridian; thence N 0° 39' 41" E, along the East line of said Section 36, a distance of 1424.21 feet; thence N 89° 20' 19" W, a distance of 454.20 feet to the true point of beginning of this description. Thence continuing N 89° 20' 19" W, a distance of 184.37 feet; thence S 0° 41' 32" E, a distance of 67.99 feet; thence S 60° 57' 00" W, a distance of 27.00 feet; thence S 66° 01' 30" W, a distance of 211.75 feet; thence S 74° 46' 30" W, a distance of 171.75 feet; thence S 58° 26' 00" W, a distance of 91.80 feet to a point on the Northeasterly right of way line of Freeway, U.S. 99; thence N 42° 43' 00" W, along said Freeway right of way line, a distance of 539.30 feet; thence N 47° 17' 00" E, a distance of 560.38 feet; thence S 42° 43' 00" E, a distance of 581.90 feet to a tangent point; thence along a curve to the left, concave to the Northeast, whose radius is 282.00 feet, central angle 46° 37' 19", along a length of 229.47 feet to the true point of beginning of this description.

**PARCEL 2:** A non-exclusive RIGHT OF WAY described as follows:

Commencing at the SE corner of Section 36, Township 15 South, Range 21 East, Mt. Diablo Base and Meridian, thence N 0° 39' 41" E, along the East line of said Section 36, a distance of 1456.21 feet; thence N 89° 20' 19" W, a distance of 30.00 feet to a point on the West right of way line of Highland Ave., said point also being the true point of beginning of a description of a right of way whose width is 64.00 feet and whose center-line is described as follows:

Thence from said true point of beginning N 89° 20' 19" W, a distance of 424.20 feet to a tangent point; thence along a curve to the right, concave to the Northeast, whose radius is 250.00 feet, central angle 46° 37' 19", along a length of 203.43 feet to a tangent point; thence N 42° 43' 00" W, a distance of 581.90 feet to the terminus of this description.

**RESTRICTION:** The above-described property, Parcel 1 and Parcel 2, a non-exclusive right of way, are given to the CITY OF SELMA to be used solely for the purpose of creating a pioneer village to be operated by the Selma Historical and Museum Society, as trustees for the City of Selma. In the event said property and right of way are used for any purpose other than that stated in this restriction, the property and right of way shall automatically revert to the Grantors, their heirs, executors and assigns.

BOOK 6076 PAGE 689

Dated August 17, 1972STATE OF CALIFORNIA  
COUNTY OF Fresno } SS.On August 17, 1972 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Carl W. Ruegg and  
Bernadene J. Ruegg

to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

Signature of Notary

JOHN E. SHEPARD

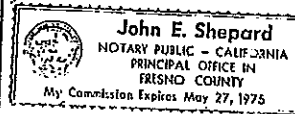
Name (Typed or Printed) of Notary

Carl W. Ruegg

Bernadene J. Ruegg

Bernadene J. Ruegg

FOR NOTARY SEAL OR STAMP



Title Order No. \_\_\_\_\_

Escrow No. \_\_\_\_\_

L-1 (G.S.) (Rev. 5-67) 8 pt.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

RESOLUTION NO. 1218

BEFORE THE CITY COUNCIL OF THE CITY OF SELMA  
COUNTY OF FRESNO, STATE OF CALIFORNIA

-----  
RESOLUTION ACCEPTING DEED TO THE CITY OF SELMA  
-----

WHEREAS, CARL W. RUEGG and BERNADENE J. RUEGG, husband and wife, have deeded to the CITY OF SELMA, a municipal corporation, a ~~nonexclusive~~ right-of-way to be used solely for the purpose of creating a pioneer village to be operated by the Selma Historical and Museum Society, as trustees for the CITY OF SELMA, in the County of Fresno, State of California, as described in the attached deed.

NOW, THEREFORE, the City Council of the CITY OF SELMA, does hereby resolve and accept the herewith annexed Grant Deed dated August 17, 1972.

I hereby approve the foregoing Resolution this 5th day of September, 1972.

/s/ John B. Howard

MAYOR OF THE CITY OF SELMA

ATTEST:

/s/ Pete Esraelian

City Clerk of the City of Selma

I, PETE ESRAELIAN, City Clerk of the City of Selma, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Selma, on the motion of Councilman Lorenz, seconded by Councilman Piestrup on the 5th day of September, 1972, by the following vote, to wit:

AYES, COUNCILMEN: Lorenz, Piestrup, Kilgore, Medina, Howard

NAYS, COUNCILMEN: None

ABSENT, COUNCILMEN: None

Pete Esraelian  
City Clerk of the City of Selma



## THE CHOINUMNI TRIBE of YOKUTS INDIANS

P.O. Box 3523, Clovis, California 93613-3523  
Office (559) 297-0249 Cell (559) 862-5757 Fax (559) 299-1568  
email monoclovis@yahoo.com

OCT 06 2009

September 20, 2009

Gregory Martin  
Associate Planner  
City of Selma  
1710 Tucker Street  
Selma, California 93662

Dear Gregory Martin:

I appreciate hearing from you regarding the project, and it is imperative to the Yokuts of the Central Valley that we are kept informed and to know that any disturbance throughout the Central Valley will affect our ancestral boundaries, sacred, and cultural sites, and regardless, of any findings on your reports of rather there are or there aren't any evidence and/or discoveries of any human remains, artifacts, plants or historical landmarks of this tribe.

After reviewing the data, there is evidence that supports the historical existence of several Yokut bands throughout the Central Valley, including along the San Joaquin and Kings River, adjacent to other Yokut territories within several other counties. And historically, it is a known fact how progress has toyed with our existence a thousand times and more than 500 years dating back 1800's to current.

Therefore, it is utmost importance to entertain all concerns and decisions in to this matter, and do not hesitate to contact me or the tribal within the general area.

Sincerely,

A handwritten signature in cursive script that reads "Rosemary Smith".

Rosemary Smith, Tribal Chairwoman  
The Choinumni Tribe of Yokuts

**Note:** Letter sent to Josh McDonnell too.

**DIRK POESCHEL**

*Land Development Services, Inc.*

923 Van Ness Avenue, Suite 200 • Fresno, California 93721

559/445-0374 • FAX: 559/445-0551 • email: dpoeschel@dplds.com

October 1, 2009

Via E-mail: [DBH@cityofselma.com](mailto:DBH@cityofselma.com)

Mr. D.B. Heusser, City Manager  
City of Selma  
1710 Tucker St.  
Selma, CA 93662

SUBJECT: 12406 S. Golden State, Selma – APN 393-073-20  
City of Selma General Plan Update 2035  
Draft Environmental Impact Report (DEIR)

Dear Mr. Heusser:

As you may recall, my firm represents Ms. Barbara Stepanian regarding the subject property. I have received a copy of the City of Selma General Plan Update 2035 DEIR. I understand the public review period ends on October 30, 2009.

The subject property is within the planning boundary and the land use designation will be changed from agricultural to industrial. The property is located east of Golden State Blvd and the railroad tracks and north of Mountain View Avenue. The property APN is 393-073-20. Please see the enclosed Proposed Land Use and Circulation Diagram Figure 3.15-1 with the subject property identified.

My client is concerned regarding future access to their site. As you know the site has no access from N. Golden State Blvd, and likely with less than 200 ft. of frontage and proximity to the railroad tracts and N. Golden State Boulevard, no access from Mountain View Avenue. The DEIR includes policy and mitigation measures; however there is no policy to insure that a property is not landlocked. My client and I suggest that the document include a policy not to landlock a parcel and to work cooperatively to provide logical access over and across other properties for efficient use of the property. The City of Clovis requires a Quarter Section plan with entitlement applications. The Quarter Section Plan includes lotting patterns and access so that future development of adjacent parcels is not haphazard.

Policy 2.55 To preserve the viability of the Golden State Industrial Corridor, uses or activities shall not be permitted to encroach so as to reduce the efficiency of the rail system.

Mitigation Measure #3.15.3.1b states, "The intersection of Mountain View Avenue and Golden State Boulevard is expected to require special treatment and further study for construction of a grade separation for the existing railroad tracks."

Mitigation Measure #3.15.3.1e states "Several constrained intersections and road segments are expected to operate at substandard levels of service with implementation of the proposed General Plan, primarily because the intersections and the adjacent properties are already developed. Projects that directly impact these intersections shall incorporate trip and transportation demand reduction techniques to reduce the severity of this impact, including the following:

- Ridesharing programs for employees.
- Enhanced transit access.
- Enhanced bikeway access and storage.
- Employee shift changes that are not on the PM peak hour.

Under Road Segment, the following road segment is considered to be constrained: "Mountain View Avenue between Dockery and Bethel Avenues (LOS F if constructed as an "Arterial," not constrained if converted to a "Major Arterial."

1 cont.

Policy 2.3.1c Major Arterial Street Standards states, "Where practical and desirable, driveways should be located on adjacent arterial or collector streets rather than on major arterial streets.

Table 3.15-6 North-South Street Designations proposes a 4 lane arterial on Amber Ave. from Nebraska to Mountain View.

It appears that this proposed 4 lane arterial would likely provide the only access near to the subject site; however a local road system would be required to actually access the site.

My client and I request that the city plan and provide for access to this site in accordance with its proposed industrial use or at minimum include a policy that no parcel will be landlocked.

If you have any questions, please feel free to contact me.

Sincerely,



Dirk Poeschel, AICP

Enclosure

c: Ms. Barbara Stepanian







Tree Fruit • Table Grapes • Raisins • Gift Packs

DB Heusser  
1710 Tucker Street  
Selma, CA. 93662

10 / 8 / 2009

Ref: General Plan Update 2035 Plan

Dear Mr. Heusser:

We have reviewed the Selma General Plan Update 2035 Draft Environmental Impact Report during this 45 day review period and found that an important modification was not included to expand the sphere boundary to the north side of Manning Avenue, east of Leonard Avenue.

We attended a city council meeting in April of 2008 where it was agreed by council to extend the sphere boundary north of Manning Avenue up to the Parlier Avenue alignment between Leonard Avenue and the Highland Avenue alignment (Fowler Switch canal). City staff and planners agreed with Circle K Ranch at the time that it is more desirable for Selma's future to have that 160 acre block instead of the 160 acre block north of Parlier Avenue between Del Rey and Bethel Avenues. This allows the north sphere boundary to be a straight line along the Parlier Avenue alignment from Leonard Avenue all the way to Bethel Avenue.

It is in the best interest of the city of Selma to have the desirable Manning Avenue frontage that is across the street from the current sphere of the city of Selma. In the future it will make it available to develop both sides of Manning Avenue together making for a more attractive northwest entrance into the city of Selma.

This Manning Avenue area is the northwest gateway to the city of Selma and is too important to neglect from the Selma General Plan Update 2035. Furthermore, the city council had recognized this fact in the April 2008 vote to have that area included in this General Plan Update.

Thank you for your consideration, and we look forward to being apart of the revised sphere of influence expansion and the future growth of Selma.

  
Melvin Kazarian  
Circle K Ranch

  
Andrew Kazarian  
Circle K Ranch

1





Letter 9

## County of Fresno

Department of Public Health  
Edward L. Moreno, M.D., M.P.H., Director-Health Officer

---

October 19, 2009

999999999  
LU0015382  
PE 2600

Greg Martin, Associate Planner  
City of Selma Community Development Department  
1700 Tucker Street  
Selma, CA 93662

Dear Mr. Martin:

**SUBJECT:** Selma General Plan Update 2035 Draft Environmental Impact Report

**LOCATION:** City of Selma

The Fresno County Department of Public Health, Environmental Health Division has reviewed the Draft Environmental Impact Report for the above noted project, and concurs with the information contained within and has no comments to offer at this time.

1

If I can be of further assistance, please contact me at (559) 445-3357.

Sincerely,

Glenn Allen

Digitally signed by Glenn Allen  
DN: cn=Glenn Allen, o=Environmental  
Health Division, ou=Public Health,  
email=glallen@co.fresno.ca.us, c=US  
Date: 2009.10.19 13:40:31 -0700

R.E.H.S., M.S.

Environmental Health Specialist III  
Environmental Health Division

ga

Selma GP Update 2035 DEIR



## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

210 South Academy Avenue  
Sanger, California 93857  
(559) 493-4300  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)

OCT 26 2009



October 20, 2009

Gregory Martin, Associate Planner  
City of Selma  
1710 Tucker Street  
Selma, California 93662

RE: Environmental document review—SCH# 2008081082  
Document type: Draft Environmental Impact Review (DEIR)

Dear Mr. Martin:

The CAL FIRE—Fresno Kings Unit has reviewed the Draft Environmental Impact Report (DEIR) submitted to us for comment and appreciates having the opportunity to do so. As written, we find no existing issues with the plan requiring permitting, approval, or involvement from this department. Please note that this department has regulatory responsibility governing commercial timber operations on private lands under Title 14 of the California Code of Regulations. Commercialization of forest products or conversion of land zoned for timber production into alternative uses does require a significant permitting process. If the potential for either of these activities arises please contact the Fresno Kings Unit for assistance. In the interest of exercising due diligence to the management principles governing this department we have the following recommendations:

- Large canopy street trees are installed with adequate space to accommodate future growth to the full extent of projected lifespan.
- Installation of trees is considered part of city infrastructure bearing in mind potential benefits.
- Inclusion of a City Ordinance governing street trees if one is not already in place.

If you have any questions or concerns regarding these comments, please contact Unit Forester Edwin Simpson at (559) 281-4337.

Sincerely,

KEITH A. LARKIN, CHIEF  
Fresno-Kings Unit  
Fresno County Fire Protection District

gw

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT [WWW.CA.GOV](http://WWW.CA.GOV).

OCT 26 2009



**Lee Higgins, PG**  
Environmental Project  
Manager

**Chevron Environmental  
Management Company**  
6111 Bollinger Canyon Road  
BR1Y/3484  
San Ramon, CA 94583  
Tel (925) 543-2365  
Fax (925) 543-2323  
leehiggins@chevron.com

October 21, 2009

Stakeholder Correspondence—City of Selma Community Development Department

Mr. Gregory Martin, AICP  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

*Subject:* **Comments for the Draft Environmental Impact Report for the  
Selma General Plan Update 2035**  
Chevron Environmental Management Company  
Historic Pipeline Alignment—Bakersfield to Richmond

Dear Mr. Martin:

Chevron Environmental Management Company (CEMC) recently became aware of the Draft Environmental Impact Report for the Selma General Plan Update 2035. The purpose of this letter is to notify stakeholders of the Selma Planning Division as to the location of a formerly active crude-oil transportation pipeline located within the City of Selma (Figure 1). The intent is that the pipeline location information will be incorporated into future engineering and environmental documents associated with the Selma General Plan update.

In the early 1900s, Tidewater Associated Oil Company (TAOC) built a pipeline system to transport heavy crude oil from oilfields in the southern San Joaquin Valley to a refinery in the San Francisco Bay Area. This pipeline system operated until the early 1970s when it was decommissioned. Currently, CEMC manages work associated with this historic pipeline system.

Evidence of historic releases associated with the formerly active pipeline is sometimes identified during the course of underground utility work and other subsurface construction activities near the pipeline right of way. Generally, residual weathered crude oil associated with TAOC's historical pipeline operations can be observed visually; however, analytical testing is necessary to confirm that the likely source of the affected material is associated with the former TAOC system. Analytical results from human health risk assessments performed by CEMC at several known historical pipeline release sites confirm that soil affected by the historic release of product from the pipelines is non-hazardous, and does not pose significant health risks.

CEMC's experience indicates that the potential exists for subsurface soil along and near the TAOC historical pipeline alignment to be affected by undocumented residual weathered crude oil; however, encountering affected soil from these pipelines should not delay the progress of future City of Selma projects. CEMC requests to remain informed of any planned construction and land development projects in the vicinity of the former TAOC alignment.

Mr. Gregory Martin – City of Selma Community Development Director  
October 21, 2009  
Page 2

In addition, to facilitate the identification of City of Selma development and infrastructure projects proposed for construction along the pipeline easements, Chevron requests that Geographic Information System (GIS) regional transportation and land development planning data be provided. At your request, Chevron will provide GIS data that illustrates the location of the former TAOC pipeline within the City of Selma.

1 cont.

For more information regarding the Historical Pipeline Portfolio–Bakersfield to Richmond alignment, please visit <http://www.hppinfo.com/>. If you have any questions, require additional information, or would like to request more detailed maps, please call SAIC consultants Tom Burns at (916) 979-3748 or Daniel Anzelon (858) 826-3316.

Sincerely,



Lee Higgins

LPH/klg

Enclosures:

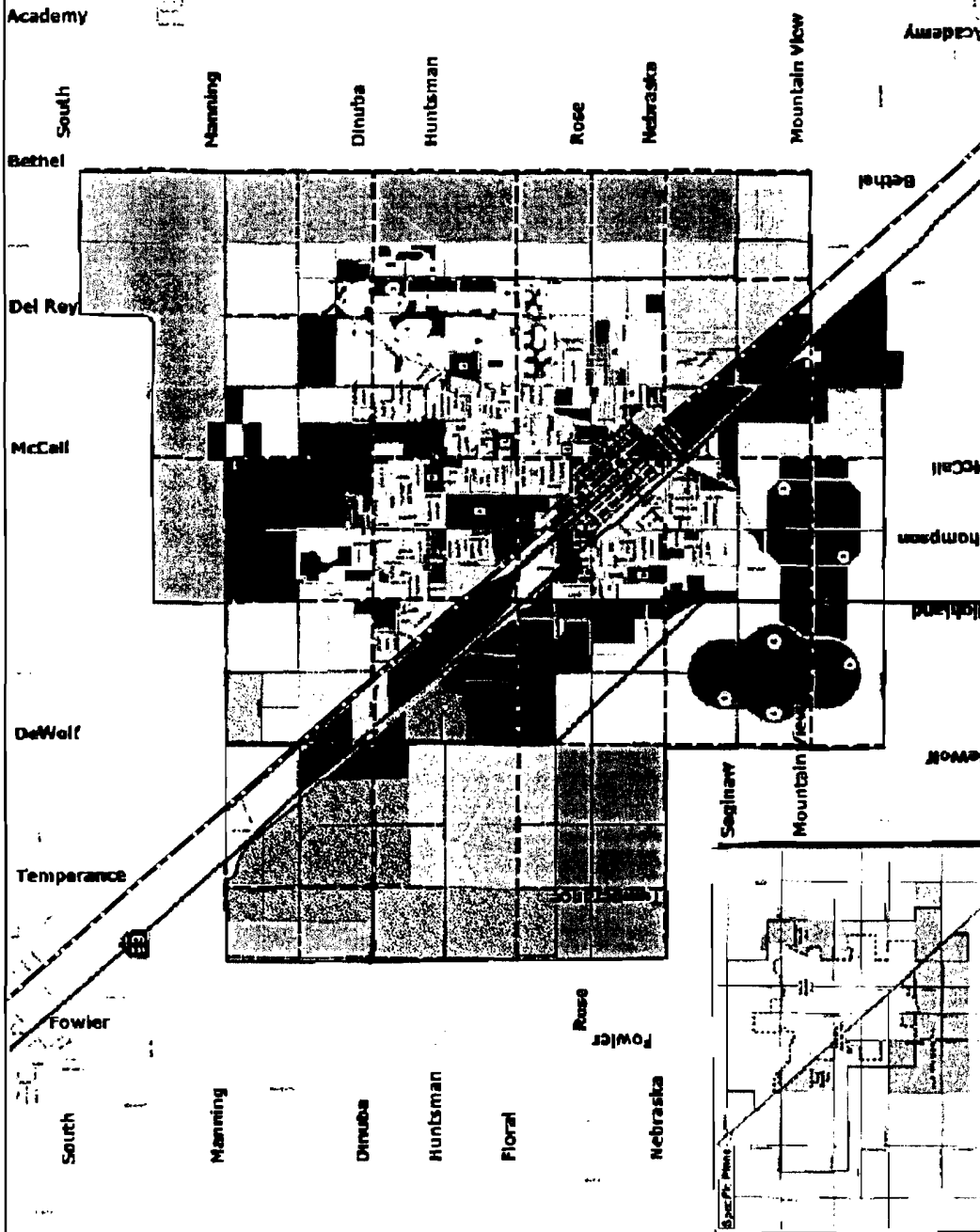
Figure 1. Historical Pipeline Alignment – Selma General Plan Update 2035

cc: Mr. Tom Burns – SAIC  
3800 Watt Avenue, Suite 210, Sacramento, California 95821  
Mr. Mike Jenkins – SAIC (letter only)  
3800 Watt Avenue, Suite 210, Sacramento, California 95821  
Mr. Mohamed Ibrahim – SAIC  
3800 Watt Avenue, Suite 210, Sacramento, California 95821  
Mr. Stuart Batstone – ARCADIS  
3240 El Camino Real, Suite 200, Irvine, California 92602

**City of Selma**  
**General Plan**  
 Land Use and Circulation  
 Preferred Alternative  
 December 2008

- Legend**
- City Lines
  - Existing Sphere of Influence
  - Planning Area Boundary
  - General Plan Land Use
  - Business Park Reserve
  - Central Business District
  - Community Office
  - Community Commercial
  - Highway Commercial
  - Neighborhood Commercial
  - Regional Commercial
  - Service Commercial
  - Commercial Reserve
  - Mixed Use
  - Very Low Density
  - Low Density
  - Medium Low Density
  - Medium Density
  - Medium High Density
  - High Density
  - Residential Reserve
  - Light Industrial
  - Light Industrial Reserve
  - Heavy Industrial
  - Park/Open Space
  - Agriculture
  - Planned Medical Development
  - Public Facilities
  - Seima Airports

- Circulation**
- Undercrossing
  - Proposed Interchange
  - Roadways
  - Expressway
  - Major Arterial
  - Arterial
  - Collector
  - State Highway
  - Existing School
  - Future school site (school site locations are approximate and subject to change)



Map is a relative representation of current and historical data and should be verified for exact legal or underground work.

Historical Tidewater Associated Oil Company (TAOC) Pipeline



CALIFORNIA LOCATION MAP

**HISTORICAL PIPELINE ALIGNMENT**

**SELMA GENERAL PLAN UPDATE 2035**  
 Selma, California

DATE: 9/29/2009 ANALYST: HOANGTA

FIGURE:

**1**



**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Rm. LL40  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682  
PERMITS: (916) 574-0685 FAX: (916) 574-0682



October 15, 2009

Gregory Martin  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

CITY OF SELMA  
ANNEX  
OCT 19 2009  
COMMUNITY DEVELOPMENT  
RECEIVED

Dear Mr. Martin:

State Clearinghouse (SCH) Number: 2008081082  
City of Selma General Plan Update 2035  
Draft EIR

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

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board (Formerly known as The Reclamation 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 and 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:

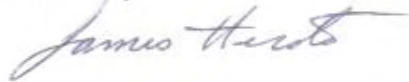
- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting 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).

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.

If you have any questions please contact me at (916) 574-0651 or by email [jherota@water.ca.gov](mailto:jherota@water.ca.gov).

Gregory Martin  
October 15, 2009  
Page 2 of 2

Sincerely,

A handwritten signature in dark ink, appearing to read "James Herota", with a stylized flourish at the end.

James Herota  
Staff Environmental Scientist  
Floodway Protection Section

cc:

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

William D. Ross  
Kypros G. Hostetter  
Karin A. Briggs  
Isabel Birrueta

Law Offices of  
**William D. Ross**  
A Professional Corporation  
520 South Grand Avenue, Suite 300  
Los Angeles, CA 90071-2610  
Telephone: (213) 892-1592  
Facsimile: (213) 892-1519

Palo Alto /Office:

400 Lambert Street  
Palo Alto, California 94306  
Telephone: (650) 843-8080  
Facsimile: (650) 843-8093

File No: 19/44

October 26, 2009

**VIA ELECTRONIC MAIL**  
**gregorym@cityofselma.com**

Mr. Greg Martin, Associate Planner  
City of Selma  
Community Development Department  
1710 Tucker Street  
Selma, CA 93662

Re: Draft Environmental Impact Report, General Plan Update 2035, SCH  
#2008081082

---

Dear Mr. Martin:

This communication sets forth the initial comments of the Fresno County Fire Protection District ("District") with respect to the environmental review under the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*, ("CEQA")) for the Draft Environmental Impact Report ("DEIR") for the City of Selma ("City") General Plan Update 2035 (the "Project").

First, the District incorporates its substantive comments on the DEIR for a Project before the City entitled "Rockwell Pond Commercial Project," also filed on this date, CSH No. 2007061098.

1

As the general plan update contemplates, development outside the current City limits of the City within the Planning Area set forth in DEIR Figure 2-2, much of which is outside the current sphere of influence of the City but all of which it is within the District. The principal concerns of the District are that there is an inadequate Project description as well

2



Mr. Greg Martin, Associate Planner  
City of Selma  
Community Development Department  
October 26, 2009  
Page 2

as consideration of the Project impacts should development (consistent with the proposed general plan) proceed outside the current City limits requiring a change of the City's boundary, which could involve detachment of territory from the District. Should that be the case, then the concerns advanced with respect to the Rockwell Pond DEIR are equally applicable with respect to any development that would proceed in the Planning Area of the Project.

2 cont.

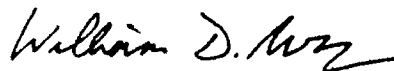
Again, although economic impacts of a Project are normally not required to be assessed under CEQA, here, because of the combination of the current economic situation and its impact on the City (as well as other local governments) there will be an impact on public services because of the reduction of available revenue to fund those services and their related acquisition of facilities and equipment.

3

From the District perspective this is particularly critical with respect to the remnant portions of the District should annexation of property (developed under the proposed general plan) occur to the City with detachment of that same territory from the District.

The District retains all rights to comment further on aspects of the DEIR and proposed FEIR for the Project consistent with the provisions of Public Resources Code section 21177.

Very truly yours,



William D. Ross

WDR:sv

cc: Keith A. Larkin, Fire Chief  
Fresno County Fire Protection District



October 30, 2009

Mr. Gregory Martin, Associate Planner  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

SUBJECT: City of Fowler Comments – General Plan Update Draft EIR

Dear Mr. Martin:

Thank you for the opportunity to review and comment on the Draft EIR for the proposed update of the Selma General Plan. The proposed project is an update of the Selma's General Plan to the year 2035. Selma's current population is 23,300 and the City could reach approximately 64,600 persons by 2035 based on an average of 4% growth per year, or 50,250 persons at a 3% annual growth rate. This Plan Update would accommodate up to 94,237 persons.

Fowler has several concerns which are summarized below.

- |    |  |   |
|----|--|---|
| 1. | The 4.0% average annual growth rate appears unreasonable, especially given the County's expected growth rate of about 2% and Selma's past growth rate between 1980 and 2000 of about 2.5%. Growth rates used in a General Plan must be realistic so that excess lands are not designated for urbanization and so other agencies such as the City of Fowler, Fresno County, SKF, Caltrans, COG, and LAFCO can adequately plan for the future.   | 1 |
| 2. | The DEIR states that an SOI update is not proposed. Also, Policy 1.95 of the plan update also calls for establishment of an Urban Development Boundary for populations of 40,000 and 70,000 but no proposed UDB is shown. These boundaries are important indicators of potential land use and urban service impacts and should be designated on the land use map. For example, how much land will be needed and will an SOI update be required for a population of 40,000?   | 2 |
| 3. | Although the eastern boundary of the Planning Area is Bethel Avenue, several maps in the document (i.e. Figure 2-3a on p. 3-231) show the eastern boundary extending to Academy. The purpose of the Planning Area boundary is not clear, especially when large areas are designated for agriculture. Fowler is concerned about an expansion north of Manning Avenue. This area is within the Planning Area but not proposed for development. Please explain how or when this area might be considered for development. | 3 |



4.	The land use and planning section should include an analysis of LAFCO policy relating to SOI updates and annexations. The DEIR does not contain an estimate of the holding capacity of the existing SOI and this is an important consideration in determining the timing of a possible SOI update.	4
	Also, LAFCO is likely to require buffers between the Cities of Fowler and Selma, and Kingsburg and Selma. Also see comment no. 1 concerning population growth estimates as it may relate to LAFCO policy. These issues should be discussed.	5
5.	Mitigation Measure #3.2.3.2 on p. 3-22 is unclear. By what process would the City of Selma have an effect on Williamson Act Contract cancellations outside its SOI? Also, General Plan policy 5.12, which encourages the application of new agricultural land preservation and conservancy programs outside of the City's SOI would seem to place permanent restrictions on the land the City intends to urbanize in the future. In that an SOI boundary expansion is not proposed, how can these measures be applied?	6
6.	Two important issues raised by the City of Fowler in its Notice of Preparation comment letter were not discussed in the DEIR:	
a.	The land southwest of the interchange of Manning and Highway 99 north of the Springfield alignment is shown on the Fowler General Plan for commercial and office development. That same land is depicted on the Selma General Plan for similar land uses but designated as Reserve. Land within the other three quadrants of the interchange are within Fowler's SOI and currently within the City limits. If this property were to be included in the Selma SOI, its development would be many years in the future given the distance from the Selma urban area (1.5-2 miles) and the lack of urban services provided by Selma. This property is adjacent to the Manning and Highway 99 interchange and should most appropriately be within the City of Fowler in the future. To do otherwise would not be in the interest of efficient land use planning and the provision of urban services.	7
b.	The City requested that the traffic study prepared for the General Plan include that section of Manning Avenue within the Fowler city limits, including the Manning /Highway 99 interchange. As extensive development is proposed by the General Plan along the Manning corridor, the traffic study included three intersections along this roadway, but stopped at the intersection of DeWolf and Manning, just	8

October 30, 2009  
Mr. Gregory Martin  
Page 3

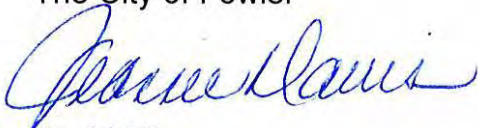
outside the City of Fowler. The segment of Manning Avenue within the Fowler city limits and the intersections with Golden State and Highway were not included in the study, even though this would be the most likely route for residents of north Selma to access Highway 99 north.

The City again requests that the traffic study include such analysis, including potential impacts and the possible need for mitigation agreements with the City of Fowler for Manning Avenue and Caltrans for impacts to the interchange.

8 cont.

Thank you for the opportunity to comment. We look forward to your responses to our concerns and to participating in the public hearing process. Please call if you have questions.

Very Truly Yours,  
The City of Fowler



David Elias  
City Manager

P.P.



STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

October 30, 2009

Greg Martin  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

NOV 03 2009

Re: Notice of Completion, Draft Environmental Impact Report (DEIR)  
General Plan Update 2035  
SCH# 2008081082

Dear Mr. Martin:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The Commission recommends that the following policies: 2.11, 2.36, 2.37 and 2.55 in the Transportation/Circulation section of the DEIR be amended to include at-grade rail crossings and rail corridor.

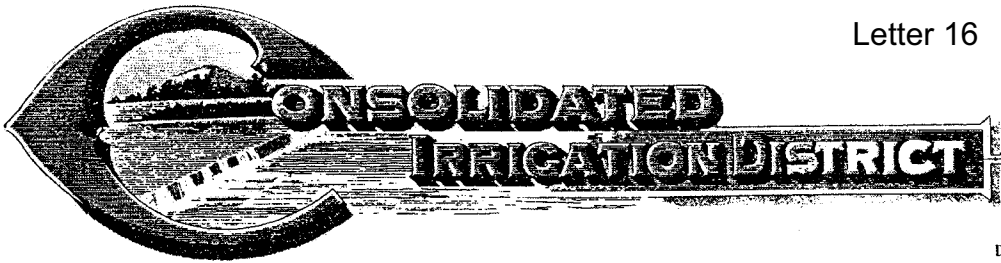
Please provide the revised language for each policy with the above inclusions for our review and comment before the Final EIR.

Thank you for your consideration of these comments. If you have any questions in this matter, please contact me at (415) 713-0092 or email at [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Moses Stites".

Moses Stites  
Rail Corridor Safety Specialist  
Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
515 L Street, Suite 1119  
Sacramento, CA 95814



## OFFICERS

ROBERT NIELSEN JR., President  
 PHIL DESATOFF, Manager/Treasurer  
 MARGARET MACIAS, Secretary  
 ZOELLEN S. TAYLOR, Assessor/Collector  
 SUMMERS ENGINEERING, Engineer

2255 Chandler Street - PO Box 209 - Selma, California 93662  
 Phone (559) 896-1660 - Fax (559) 896-8488

## DIRECTORS

THOMAS E. FEAVER, FOWLER  
 LARRY S. CRUFF, SELMA  
 STEVE FRAUENHEIM, SANGER  
 BOB PETERSEN, KINGSBURG  
 ROBERT NIELSEN JR., CARUTHERS

October 30, 2009

Mr. Greg Martin, AICP  
 City of Selma  
 Development Department  
 1710 Tucker Street  
 Selma, CA 93662

SUBJECT: Draft EIR – Selma General Plan Update 2035

Mr. Martin,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Selma General Plan Update 2035. Please note that I have attached comments in the form of a letter from Summers Engineering, Inc. These comments should be considered as those of Consolidated Irrigation District (CID) and are incorporated herein by reference. I request that the letter be made part of the administrative record.

1

For reasons identified in the Summers Engineering letter, CID strongly disagrees with many of the findings of less than significant impacts. This is because the proposed mitigation measures are based upon future actions that are outside the control of the City and/or are not practicably implementable. In addition, conclusions presented in the DEIR are based upon data and calculations in conflict with reports and studies conducted by CID as well as other independent agencies. It is noteworthy that another DEIR being conduct by the City of Selma (DEIR for the Rockwell Pond Commercial Project pages 10-13, 10-18) contains statements recognizing that the provision of a sustainable groundwater supply requires reduced pumping and/or increased recharge to the groundwater basin. This appears to be in direct conflict with the subject DEIR. The above referenced reports and studies include the following documents:

2

3

4

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

3 cont.

October 30, 2009

Page 2

**Consolidated Irrigation District Urban Impacts White Paper**, Summers Engineering Inc., November 2007

4. **Upper Kings Basin Integrated Regional Water Management Plan**, WRIME Inc., July 2007 (available at Kings River Conservation District website [www.krcd.org](http://www.krcd.org))
5. **Kings Basin Integrated Groundwater Surface Water Model**, WRIME Inc., November 2007 (available at Kings River Conservation District website [www.krcd.org](http://www.krcd.org))
6. **Professional Paper 1766, Groundwater Availability of the Central Valley Aquifer, California**, U.S. Geological Survey, 2009 (available at [www.ca.water.usgs.gov/projects/centralvalley](http://www.ca.water.usgs.gov/projects/centralvalley))

3 cont.

Please note that documents 1 through 4 above have previously been provided to the City in relation to other projects, but we will be happy to provide additional copies upon request. Documents 5 and 6, as noted, are available on the identified websites. I specifically request that all listed documents be made part of the administrative record for this project.

In addition to the issues raised in the Summers Letter, there are a number of other areas where the DEIR falls short of compliance with the California Environmental Quality Act ("CEQA").<sup>1</sup>

5

#### **A. Global Climate Change**

The DEIR does not address the phenomenon of global warming and its serious repercussions for the City, California and the Nation. Greenhouse gases in the atmosphere trap heat near the Earth's surface. Unnaturally elevated atmospheric concentrations of these gases, emitted from human activities, cause average temperatures to increase, with adverse impacts on humans and the environment.<sup>2</sup>

6

CEQA requires that "[e]ach public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." (Pub. Res. Code § 21002.1 (b).) This requirement is the "core of an EIR." (*Citizens*

<sup>1</sup> Public Resources Code § 2100 *et seq.*

<sup>2</sup> See also Intergovernmental Panel on Climate Change, Fourth Assessment Report (IPCC 4<sup>th</sup>) (2007) Working Group (WG) I, Frequently Asked Question 2.1, *How Do Human Activities Contribute to Climate Change and How Do They Compare with Natural Influences?* [http://ipcc-wgl.ucar.edu/wg1/FAQ/wg1\\_faq-2.1.html](http://ipcc-wgl.ucar.edu/wg1/FAQ/wg1_faq-2.1.html).

of *Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal.3d 553, 564-65.) Global climate change is an “effect on the environment” under CEQA, and an individual project’s incremental contribution to global warming can be cumulatively considerable. (See Pub. Res. Code, § 21083.05(a); see also Sen. Rules Comm., Off. Of Sen. Floor Analyses, Analysis of Sen. Bill No. 97 (2007-2008 Reg. Sess.) Aug. 22, 2007.)

As the Attorney General’s Office has noted in comments on various General Plan updates around the State, there are many effective measures that a local government can include in its general plan. A few of the examples used by the Attorney General are as follows: a local agency can require water conservation measures, green building standards, building energy efficiency standards that exceed the State minimum, and land use designations that facilitate more compact development.<sup>3</sup> In the last category, the California Energy Commission (“CEC”) has noted that better land use decisions are essential. According to the CEC, if we do not address growth in vehicle miles traveled (“VMT”), it will completely overwhelm the other advances that the State is making to control emissions and lower the carbon content of fuel.<sup>4</sup> But, as the California Energy Commission has found, “[l]and use choices that result in lower energy use and VMT reductions are possible and examples are beginning to emerge across the state.”<sup>5</sup> The City has failed to include sufficient data and analysis of VMT in the DEIR.

6 cont.

**1. The DEIR does not adequately identify all existing greenhouse gas emissions**

An EIR must provide an accurate depiction of existing environmental conditions. (CEQA Guidelines § 15125(a).) “Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.” (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952.)

7

<sup>3</sup> See the Attorney General’s fact sheet, available at [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf).

<sup>4</sup> California Energy Commission, *The Role of Land Use in Meeting California’s Energy and Climate Change Goals*, Final Staff Report (August 2007), at pp. 10, 18.

<sup>5</sup> *Id.* at p. 10; see also *California Energy Commission, 2007 Integrated Energy Policy Report*, Committee Final Report (November 2007), Chapter 8, Mitigating Energy Needs With Smart Growth, at p. 261.



The DEIR does not even attempt to identify the baseline, existing greenhouse gas emissions in the air basin. However, a lead agency must make reasonably conscientious efforts to collect additional data or make further inquiries of environmental or regulatory agencies having expertise in the matter. (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Comm'rs* (2001) 91 Cal.App.4th 1344, 1370.) If an inventory does not yet exist, the City is not excused from determining the existing greenhouse gas emissions in the air basin simply because an inventory does not yet exist.

7 cont.

## **2. The DEIR does not properly mitigate the emissions resulting from the Project**

The DEIR fails to analyze and require an adequate suite of feasible mitigation for the projected greenhouse gas emissions. There is no discussion of what the standard will be for feasibility. Accordingly, the DEIR offers no certain mitigation of the impacts.

8

There are no mitigation measures designed to reduce VMT, or otherwise address the tremendous GHG emissions that will result from traffic both during construction and upon completion of the project.

## **B. Wastewater Discharge**

There is no adequate discussion of impacts resulting from discharge of wastewater to the regional wastewater treatment facility. The additional discharge will be a direct result of the proposed project, and so must be analyzed in the project EIR.

Courts have consistently held that an EIR must examine a project's *potential* to impact the environment, even if the development may not ultimately materialize. (*Bozung v. Local Agency Formation Comm'n* (1975) 13 Cal.3d 263, 279 and 282.) Thus, the DEIR must evaluate the level of additional discharge that will result from full build-out of the proposed project.

9

## **C. Cumulative Impacts**

There is no discussion of the cumulative impacts of other projects in the area including the recently circulated DEIR for the City of Parlier expansion of its sphere of influence and the City of Kingsburg Guardian/Sun-maid Reorganization.

Under CEQA, an EIR must identify and evaluate cumulative impacts. (Pub. Resources Code §§ 21100, 21083(b); and *Citizens to Preserve the Ojai v. County of Ventura, supra*, 176 Cal.App.3d at 428.) "The cumulative impacts from several projects is the change in the environment which results from the incremental impact of the project when added to

10

October 30, 2009

Page 5


other closely related, past, present, and reasonably foreseeable probable future projects.” (Guidelines § 15355(b).) Cumulative impacts are “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts....[they] can result from individually *minor* but collectively significant projects taking place over a period of time.” (Guidelines § 15355(b); *accord EPIC v. Johnson* (1975) 170 Cal.App.3d 604, 625.) And such incremental effects must be analyzed whether they fall on-site or off-site. (E.g., *Friends of the Old Trees v. Department of Forestry & Fire Protection* (1997) 52 Cal.App.4th 1383, 1396.)

10 cont.

The DEIR fails to take into account the expansion of the City spheres for Selma and Kingsburg.

I trust this information was helpful, however, should you have any questions, or require additional information, please call me at (559) 896-1661.

Sincerely



Phillip G. Desatoff  
General Manager

PGD: mm

SUMMERS ENGINEERING, INC.

CONSULTING ENGINEERS

JOSEPH B. SUMMERS  
1923-2006

887 N. IRWIN ST. - P. O. BOX 1122  
HANFORD, CALIFORNIA 93232-1122

TELEPHONE  
(559) 582-9237

FAX  
(559) 582-7632

JOSEPH C. MCGAHAN  
ROGER L. REYNOLDS  
BRIAN J. SKAGGS  
SCOTT L. JACOBSON  
JAMES C. LINNEMAN

October 29, 2009

Phil Desatoff  
Consolidated Irrigation District  
PO Box 209  
Selma, CA 93662-0209

**SUBJECT: City of Selma General Plan Update 2035 Draft Environmental Report**

Dear Phil:

Summers Engineering has reviewed the above subject document and we have the following general comments.

During the past several years Consolidated Irrigation District (CID) has raised concerns over the impacts of urban development in all five of the incorporated cities within CID's overall boundary. The comments we are providing for Selma's General Plan Draft Environmental Impact Report (DEIR) as well as our past comments to the District have focused on two issues that greatly affect CID and its growers, namely groundwater overdraft and stormwater drainage.

11

With regard to groundwater impacts from urban development, CID has commissioned a number of engineering studies that clearly indicate the conversion of agricultural land irrigated with imported surface water to urban use supported exclusively by pumped groundwater results in increased groundwater deficits. The findings of the subject DEIR contradict CID's studies and other recent groundwater studies that have been prepared by third party agencies such as the Upper Kings Basin Water Forum. Our comments on the subject DEIR identify a number of discrepancies that were used in the City's analysis of groundwater impacts and the subsequent finding of a less than significant impact. If the City endeavors to proceed with the future development outlined in its General Plan update without continued CEQA challenges from CID, it is imperative that the Plan be amended to adequately address these issues.

12

With regard to stormwater drainage, CID's Board of Directors has implemented a policy to not accept any future stormwater discharges into the District's system of canals and recharge basins. Therefore, all future development projects must include stormwater retention basins of sufficient capacity for the drained area. The DEIR finds that stormwater impacts will be less than significant if City policies and mitigation measures included in the City's Stormwater Master Plan are implemented. Through CID we have

13

previously requested copies of the City's Stormwater Master Plan so that we may evaluate the adequacy of the plan relative to preventing intentional or inadvertent discharges into CID's canals and recharge basins. Heretofore, we have only received an illegible scanned copy of a storm drain map. We again request that the City provide the District with full details of planned future stormwater drainage facilities and the requirements thereof. We also recommend that the DEIR append the Stormwater Master Plan so there is no ambiguity as to the specific requirements for future development with respect to stormwater facilities.

13 cont.

Our specific comments on the DEIR are noted with page number references as follows:

- Table ES-1, p. ES-36, p. 3-139

Groundwater impacts were found to be less than significant with the mitigation of recharge basin construction and importation of Kings River water. Mitigation Measure 3.8.3.3 indicates CID will develop, own and operate recharge facilities on behalf of cosponsors or the City will own and operate the facilities. Since the City has thus far elected not to actively participate in negotiations with CID for the funding and construction of new recharge facilities, we assume the City plans to implement the mitigation measure by owning and operating its own facilities. However, there are no provisions in the DEIR for the City to acquire land for the recharge basins, acquire surface water supplies to percolate in the basins, or deliver surface water supplies to the City. Without addressing these key elements of the mitigation measure there cannot be a finding of a less than significant impact with mitigation.

14

- P. 1-4

The Initial Study concluded that groundwater depletion may be potentially significant, but Table ES-1 indicates the impact is less than significant. This finding was based solely on the 2009 Kenneth Schmidt report that is attached to the DEIR as Appendix H. Although the Schmidt report makes certain conclusions about the consumptive groundwater use of irrigated agriculture versus urban land use, which we will clarify in subsequent comments, it also notes that there will be a 15,000 acre-foot groundwater deficit in the General Plan Area without mitigation. The mitigation measures described in the Schmidt report are for CID to continue delivering imported surface water to the Plan Area (after urban development), or for the City to percolate its wastewater within the Plan Area. These mitigation measures are unlikely at best and are definitely not included as part of the General Plan. Therefore, the DEIR makes an erroneous finding of a less than significant impact based on mitigation measures that will not be implemented.

15

- P. 1-5

The Initial Study concluded that impacts to storm drainage facilities and wastewater treatment facilities may be potentially significant, but Table ES-1 indicates the impacts are less than significant. This finding was based on mitigation measures in the City's Stormwater Master plan. As noted previously, we have requested a copy of the Master Plan, but thus far have not received sufficient details to evaluate the efficacy of the Master Plan.

16

<ul style="list-style-type: none"> <li>• P. 3-122, 123 &amp; 125 The DEIR implies that the following figures were cited from the 2007 Summers Engineering [White Paper] report, but the figures are not in the White Paper.  “80,500 acre-feet groundwater pumping” [p. 3-122 &amp; 125] and  “Ag operations in CID use 2.1 acre-feet per acre with 0.7 acre-feet of groundwater and 1.4 acre-feet of surface water” [p. 3-123]  are not indicated in the White Paper or other related Summers Engineering reports. The DEIR should be revised to indicate the correct reference(s).</li> </ul>	17
<ul style="list-style-type: none"> <li>• P. 3-124, 132 &amp; 134 The figures on these pages identify the locations of the City's wells and present geologic cross sections. We recommend that the actual drillers' logs and E-logs for the City wells also be included. It is not necessarily standard practice to assume that geologic formations identified at one well will extend half the distance to the next well in the cross section. Inclusion of well logs would help to clarify whether or not valid assumptions were made for the geologic cross sections.</li> </ul>	18
<ul style="list-style-type: none"> <li>• P. 3-125 The number of CID monitoring wells is indicated as “approximately 85”. This should be revised to “approximately 80”.</li> </ul>	19
<ul style="list-style-type: none"> <li>• P. 3-129 In addition to limiting land use in areas with high erosion potential or soil instability, land use policies should include limits on land use where soil types are more susceptible to groundwater contamination from urban sources.</li> </ul>	20
<ul style="list-style-type: none"> <li>• P. 3-129 &amp; 130 References to mutual agreements between the City and CID for limiting stormwater discharges into CID's canals are incorrect and should be removed. The Cooperative Agreement for these services has been cancelled due to the City's unwillingness to negotiate a new agreement with CID.</li> </ul>	21
<ul style="list-style-type: none"> <li>• P. 3-133 The 2007 Summers Engineering report is cited as indicating that groundwater levels have declined at 1.5 feet per year. This is incorrect and should be removed or revised. The White Paper does not indicate a rate of decline. In Appendix H, the Schmidt report references the Summers Engineering 2007 Engineering Report, Urban Impacts Study. Both the DEIR and Schmidt report should reference the Urban Impacts Study as a “Draft” report and the correct figure from the report for the rate of groundwater decline should be cited. The rate of decline indicated in the Draft Urban Impacts Study was 0.54 feet per year, which is consistent with Schmidt's findings of Selma well levels.</li> </ul>	22

<ul style="list-style-type: none"> <li>P. 3-136 A 2002 Summers Engineering report is cited, but there is no such report. We assume the intention was to reference the White Paper and/or the Draft Urban Impacts Study and the DEIR should be revised accordingly. Plate D-1 that is referenced is in the Draft Urban Impacts Study, but not in the White Paper.</li> </ul>	23
<p>The DEIR and Schmidt report indicate that Selma wastewater flow for 2008 was 3,000 acre-feet, but a figure of 2,600 acre-feet is used in the subsequent water budget calculations. CID's records from the Selma-Kingsburg-Fowler Sanitation District (SKF) indicate the 2008 wastewater influent from Selma was actually 2,069 acre-feet, which is significantly less than either figure cited in the DEIR.</p>	24
<p>The DEIR and Schmidt report indicate that 300 acre-feet (3,000 – 2,700) of wastewater evaporates, but a figure of 200 acre-feet is used in the subsequent water budget calculations.</p>	25
<p>The DEIR and Schmidt report estimate the average annual overdraft of the Plan Area to be 800 acre-feet. This calculation is directly proportional to the rate of groundwater level decline, which was estimated to be 0.35 feet per year. Since some of Selma's wells declined at 0.5 to 0.6 feet per year (versus 0.35), it is arguable that the average annual overdraft could be 1.5 times the amount estimated. In any case, the DEIR acknowledges that overdraft is occurring in Selma.</p>	26
<ul style="list-style-type: none"> <li>P. 3-137 <u>Urban Water Budget</u> The Schmidt report uses 2006 pumping records and 2008 wastewater effluent records. If wastewater is assumed to be approximately proportional to pumping, then records of each from the same year should be used. CID's records indicate Selma's pumping in 2008 was about 7,400 acre-feet versus 6,300 acre-feet in 2006.  As noted previously, 2008 wastewater influent from Selma was 2,069 acre-feet versus 2,600 acre-feet used in the Schmidt report for water budget calculations.  The volume of water lost to evaporation is underestimated at 7% (200 / 2,600). It should be at least 15%, including evaporation during urban usage, evaporation from the wastewater ponds, and evaporation during sludge drying by SKF.  Only a portion of the wastewater that percolates in SKF's ponds is beneficial to CID. About 80% leaves the District because the SKF ponds are located near the southerly boundary of the District and the groundwater flow is northeast to southwest.  The Schmidt report assumes a 60% efficiency for urban irrigation. While it may be true that urban landscaping evapotranspiration (ET) is as low as 60% of the water that is applied, the other 40% does not go to deep percolation. Instead it runs</li> </ul>	27

across sidewalks and into gutters where it evaporates at a high rate. For the purpose of the water budget only about 10% to 15% should be included as deep percolation.

The Schmidt report estimates that recharge from stormwater is only 100 acre-feet per year. Annual precipitation in Selma is approximately 11 inches. Some of the precipitation is lost to evaporation, but at least 50% drains into City stormwater basins or CID's canals and percolates to groundwater.

The existing acreage in Selma used in the Schmidt report is 2,400 acres, but the acreage within the city limits listed on p. 2-5 of the DEIR is approximately 3,300 acres. Table 2-1 indicates that about 2,500 acres have urban land use, so the figure in the Schmidt report is probably reasonable for water budget calculations. We would recommend that this point be clarified in the DEIR.

With the above adjustments, the urban water budget from the Schmidt report should be revised as follows (values rounded to nearest 100 acre-feet):

(1)	Pumping	7,400 a-f / yr	
(2)	Wastewater	2,100 a-f / yr	
(3)	Outdoor usage	5,300 a-f / yr	(1) - (2)
(4)	Outdoor consumption	4,500 a-f / yr	(3) x 85%
(5)	Evaporation	300 a-f / yr	(2) x 15%
(6)	Wastewater lost from CID	1,400 a-f / yr	[(2) - (5)] x 80%
(7)	Stormwater recharge	1,100 a-f / yr	2400ac x 0.92ft/yr x 50%
(8)	Urban consumptive use	5,100 a-f / yr	(4) + (5) + (6) - (7)
		= 2.13 a-f / ac	(8) / 2400ac

27 cont.

In making its finding of a less than significant impact, the City might have also considered the consumptive use values determined by Cal Water in their recent Water Supply Assessment Reports for urban development in Selma. Cal Water's estimates were approximately 1.6 to 1.9 acre-feet per acre, which is consistent with the studies we have done for the District, and considerably higher than the value of 1.0 acre-feet per acre indicated in the Schmidt report.

#### Rural Water Budget

The Schmidt report assumes the existing average annual recharge that is occurring through CID ponds within the Plan Area is 10,000 acre-feet. There is no apparent explanation for this assumption. The Schmidt report estimates that 500 acres of CID ponds are located within the Plan Area. If the average annual recharge from all of CID's ponds and canal seepage is 51,000 acre-feet and the total area of ponds in the District is 1300 acres, then the proportional recharge within the Plan Area should be about 20,000 acre-feet (51,000 x 500 / 1300).

28

The Schmidt report concludes that agricultural consumptive use is 2.1 acre-feet per acre, or about twice as much as urban consumptive use. However, there is no

accounting in the water budget calculations for the benefit to groundwater provided by CID importing Kings River water into the Plan Area for irrigation and intentional recharge. Using the same 60% irrigation efficiency used in the Schmidt report would result in nearly 40% of all agricultural irrigation going to deep percolation, which is about 14,000 acre-feet for the Plan Area. When this is included in the rural water budget together with the 10,000 acre-feet of direct recharge estimated by Schmidt, it shows that CID and its growers are adding more imported surface water to groundwater supplies in the Plan Area than they are pumping (24,000 acre-feet of recharge versus 20,000 acre-feet of pumping). This might also explain why Selma's wells have experienced a moderately lower rate of water level decline than other areas of the District.

28 cont.

The Schmidt report also ignores the benefits of precipitation in the Rural Water Budget. Agricultural land has a distinct advantage over urban land in terms of its ability to percolate rainfall because nearly all of the ground surface in agricultural areas is highly permeable, while much of the ground surface in urban areas is impermeable (i.e. roofs, streets, sidewalks). Accounting for a small amount of crop ET during rainy months, it is estimated that about 0.7 acre-feet per acre (8" out of 11" annually) goes to deep percolation from rainfall on agricultural land in the Selma area. Precipitation is a significant factor in the Rural Water Budget and should be included in the DEIR analysis.

- P. 3-138

The average rates of groundwater level decline in Selma are comparable to the rest of the District. A significant portion of CID's recharge ponds are located immediately adjacent to the City and have a direct impact on groundwater levels under the City. So it cannot be concluded that lower rates of groundwater decline in City wells is an indication that the City's overdraft is insignificant or that agricultural is causing the overdraft. This logic would imply that the City is hydraulically isolated from the rest of the District.

29

#### Impacts of Development of Plan Area on Groundwater

The future urban water demand of 27,600 acre-feet estimated for the Plan Area would be about 1.9 acre-feet per acre (27,600 acre-feet / 14,700 acres). However, based on Selma's actual pumping records for 2008, the future water demand would be about 45,300 acre-feet (14,700 acres x 7,400 acre-feet / 2,400 acres). Although it is possible that future water demands may be somewhat less due to conservation measures in new urban developments, it is not reasonable to assume a nearly 40% reduction from existing per acre water demands.

The total urban consumptive use figure of 15,000 acre-feet for the Plan Area is based on unrealistic urban water budget calculations from p. 3-137. Using a more reasonable figure of say 2.0 acre-feet per acre would result in urban consumptive use of 29,400 acre-feet (14,700 acres x 2.0 acre-feet per acre) for the Plan Area, and the consumptive use of the future versus existing Plan Area would be about the same (29,400 acre-feet for urban versus 28,000 acre-feet for ag). However, the

30



agricultural consumptive use calculation does not account for the Kings River water that is currently imported for agricultural irrigation and the 40% of all applied irrigation (surface water and pumped water) that is not used by the crops and goes to deep percolation. Nor does it recognize the contribution to groundwater from precipitation on agricultural land. To make a meaningful analysis of groundwater impacts, all sources of groundwater extraction and recharge must be included.

We disagree with the urban water budget presented in the DEIR, but even using this budget the report still concludes that there will be a deficit of 15,000 acre-feet per year unless imported surface water is delivered for recharge in the Plan Area or wastewater is not exported. Since neither of these options is being proposed as part of the General Plan, nor is either option likely to happen, the only possible conclusion is that there will be a 15,000 acre-foot per year groundwater deficit at urban build out. When all sources of recharge are included in the rural water budget, there would actually be a net gain in groundwater storage for the Plan Area. Therefore, the conclusion that future urban groundwater consumption will be less than the existing agricultural groundwater consumption and the finding of a less than significant impact are erroneous.

Following are simplified water budgets for the Plan Area based on the Schmidt report, but including the omitted contributions to groundwater we have identified. These water budgets clearly demonstrate that groundwater overdraft will increase with urban development, and that a finding of a less than significant impact is not supported.

30 cont.

Development Condition	Imported Water to GW (ac-ft)	GW Pumping (ac-ft)	Balance (ac-ft)
Existing (ag)	14,000 irrigation 10,000 recharge	20,000 irrigation 7,400 urban	
	+24,000 total	-27,400 total	-3,400
Future (urban)	0 irrigation 10,000 recharge	0 irrigation 27,600 urban	
	+10,000 total	-27,600 total	-17,600

If the correct proportional value of CID recharge in the Plan Area (20,000 acre-feet versus 10,000 acre-feet), and an urban pumping value based on 2008 pumping records (45,300 acre-feet versus 27,600 acre-feet) were used in the budgets, the difference would be even greater (+6600 acre-feet for the existing conditions and -25,300 acre-feet for the future conditions).

- P. 3-139

The Upper Kings Basin Integrated Regional Water Management Plan (IRWMP) included the development of a Kings Basin groundwater model by an independent engineering consultant. The City of Selma was a sponsor of the IRWMP and mitigation measure 3.8.3.3 of the DEIR indicates Selma will adhere to the mitigation measures of the IRWMP. However, the analysis of groundwater impacts presented in the DEIR is in direct conflict with the IRWMP groundwater model. Selma's analysis concludes that future urban growth will result in a smaller groundwater deficit than with the current agricultural land use, and that groundwater levels under Selma will decline more slowly than surrounding agricultural areas. This implies that a groundwater mound or at least a plateau in the gradient will form below Selma as urban growth progresses. The IRWMP groundwater model indicates there will be a groundwater depression under Selma unless additional supplies are imported for groundwater recharge. The DEIR states that programs will be implemented, but provides no specific details for the future programs and fails to answer key questions of where the imported water will come from and how it will be delivered.

31

DEIR mitigation measure 3.8.3.3 is to adhere to the mitigation measures of the IRWMP, which include development of recharge facilities and importation of additional water supplies. CID has been negotiating with the five cities in the District to adopt a Cooperative Agreement that would help fund and implement these IRWMP objectives, but heretofore Selma has elected not to participate in these negotiations. Therefore, Mitigation Measure 3.8.3.3 is not consistent with current City policies.

- P. 5-3 & 4

The narrative for cumulative impacts on hydrology and water quality is simply a verbatim restating of the analysis in Chapter 3, and our prior comments for Chapter 3 would also be applicable. Since it was concluded in Chapter 3 that there will be a less than significant impact, Chapter 5 simply concludes that there will be less than significant cumulative impacts related to hydrology and water quality. Regardless of the findings in Chapter 3, this is not a sufficient analysis of cumulative impacts. The cities neighboring Selma also plan to grow and therefore the cumulative impacts of Selma's growth must be considered together with other future urban development in neighboring cities.

32

Very truly yours,



Scott Jacobson

SLJ/sj

---

From: Mikal Kirchner  
Sent: Monday, November 02, 2009 11:56 AM  
To: Gregory Martin  
Subject: General Plan

Attached is a few comments relating to the General Plan and Recreation.

<<General Plan Comments.doc>>

Thanks,

Mikal

## General Plan Comments

### Policy 5.25

Although the School District and the City of Selma does have an agreement, the school grounds are not available at all times needed for practices and outdoor play.  
Recommendation is not to count School District Space.

1

### Policy 6.6

#### **Physical:**

Shelter Rentals Information: Brentlinger, Shafer and Peter Ringo Park. Correct fee should read \$35.00 residents and \$65.00 non-residents.

2

Lincoln Park should read Bandstand instead of gazebo.

3

Shafer Park should read three diamonds and grass volleyball court (replace sand court).

4

Performing Arts should just read ages 6 to 15.

5

Visual Arts should read ages 8 to adults. (We offer a variety of classes).

6

Youth Sports – Volleyball should be added.

7



# DEPARTMENT OF CONSERVATION

## DIVISION OF LAND RESOURCE PROTECTION

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

PHONE 916 / 324-0860 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

November 4, 2009

Letter 18

**VIA FACSIMILE (559) 627-2336**

Gregory Martin, Associate Planner  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

Dear Mr. Martin:

Subject: City of Selma General Plan Update 2035 - **SCH# 2008081082**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report (DEIR) for the above referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.

**Project Description**

The project is the proposed update of the City of Selma's General Plan. The General Plan includes revised policies and standards for the Noise, Safety, Open Space, Conservation and Recreation, Circulation, Land Use, and the Public Services and Facilities Elements. The overall objective of the plan is to provide for the direction for future development of the City.

**Mitigation Measures**

It is unclear whether Mitigation Measure #3.2.3.2 (page 3-22) addresses ratios of lost agricultural land to conservation easements. That being said, we provide the following suggestion for expansion of the mitigations under section 3.2 Agriculture.

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department recommends that permanent agricultural conservation easements be placed on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased. Where prime agriculture land is lost the Department strongly recommends that it be mitigated at a ratio of 2:1 with land of equal quality.

Mr. Gregory Martin Associate Planner

November 4, 2008

Page 2 of 2

Thank you for giving us the opportunity to comment on this DEIR. Please provide this Department with the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,



Dan Otis

Program Manager

Williamson Act Program

cc: State Clearinghouse



**CALIFORNIA WATER SERVICE COMPANY**

2042 2ND STREET • SELMA, CA 93662-3741  
(559) 896-4546 • FAX (559) 896-5706

Letter 19

CITY OF SELMA DISTRICT

November 5, 2009

Bryant Hemby  
Assistant Planner  
Community Development Department  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

NOV 09 2009  
CITY OF SELMA  
COMMUNITY DEVELOPMENT  
RECEIVED

RE: Review of the Groundwater Conditions in the City of Selma General Plan Update 2035 Area.

Dear Bryant:

California Water Service Company (Cal Water) has reviewed the Groundwater Conditions in the City of Selma General Plan Update 2035 Area.

The main concern of this document is the establishment of the total water demand for the City of Selma 2035 Plan Area of 15,000 afy. This water demand is not clearly defined how it was estimated and appears to be the outdoor water demand and not the total demand for the city.

1

In another document, The City of Selma General Plan Update - Draft Environment Impact Report, which the subject document is an appendix of, projects at a population growth rate of 4% per year for the City of Selma. Using this growth rate for the Single Family Residential category and the 5-year historical growth rate of 1.22% for the Multi-Family Residential, Commercial, Industrial, Government, and Other categories, CWS estimates a demand of 20,000 afy based on average historical water demand for 2035. A demand of 24,500 afy is estimated based on the highest historical water demand per service. And only under strict conservation method can the demand be reduced to a range of 16,000 to 17,000 afy. These estimates are presently being revised for the 2010 Urban Water Management Plan and have not been finalized.

2

The subject document also fails to mention that the basin as a whole is in overdraft condition as shown in the declining water levels of the basin. The study does state that average decline near the 2035 plan area is less than for the entire CID District area, but does not discuss the effect of the increase in pumping based on the 2035 demand. The document does state several broad concepts for bringing additional recharge in to the plan area, but does not look at the feasibility of these projects.

3





In addition to the main concerns about, the following list of items outlines the several errors, omissions, and other recommended changes.

Cover letter

- The cover letter refers to a specific commercial project, Rockwell Pond, whereas, the subject document discusses the General Plan Update 2035 Area.

4

Page 3, figure 1

- Location of Well 17-02 is not shown
- Well 12-01 should be 21-01

5

Page 5, last paragraph

- 15 CWS Selma Wells should be changed to 12 CWS Selma Wells
- Well 05-04 should be changed to Well 05-03
- Well 12-01 is being re-habilitated and new pump equipment being installed.

6

Page 7, table 1

- Casing Diameter should be in inches not feet
- Well 05-04 should be Well 05-03 and was drilled in 1924
- Well 06-01 was drilled in 1927, total depth is 315 feet (not 296), casing depth is 294, and casing diameter is 14 inches
- Well 07-01 was drilled in 1932, casing depth is 190 (not 208)
- Well 10-01, total depth is 306 (not 330), casing depth is 289 (not 290)
- Well 12-01, casing depth is 316 (not 376)
- Well 13-02, bottom perforated interval should be 540 feet (not 560)
- Well 15-01 should be added, drilled in 1979, total depth 316 feet, casing depth is 300 feet, casing diameter is 16 inches, perforated interval is 160 to 280 feet.
- Well 16-03, casing diameter is 16 inches, bottom perforated interval should be 570 feet (not 582)
- Well 17-02, drilled in 2006, total depth 645 feet, casing depth is 645 feet, casing diameter is 16 inches, and perforated interval is 441 to 626 feet.
- Well 18-01, total depth is 570 feet (not 610)
- Well 19-01, total depth is 623 feet (not 675)
- Well 20-01, total depth is 670 feet (not 725)

7

Page 13, second paragraph

- 1,200 gpm should be changed to 1,300 gpm

8

Page 13, third paragraph

- DOHS should be changed to CWS
- 2006 should be changed to 2008
- 6,300 should be changed to 7,116
- 6,315 connections should be changed to 5,999 active connections

9





<u>Page 13, fourth paragraph</u> <ul style="list-style-type: none"><li>▪ Verify if last statement is true</li></ul>	10
<u>Page 17, table 3</u> <ul style="list-style-type: none"><li>▪ Well 09-01 data missing</li><li>▪ Well 12-01 data missing</li></ul>	11
<u>Page 18, third paragraph</u> <ul style="list-style-type: none"><li>▪ Well 15-01 is inactive due to DBCP and not to uranium contaminant</li></ul>	12
<u>Page 19, table 4</u> <ul style="list-style-type: none"><li>▪ Well 15-01 data missing</li></ul>	13
<u>Page 21, second paragraph</u> <ul style="list-style-type: none"><li>▪ 6,300 ac-ft should be changed to 7,116 ac-ft</li><li>▪ 2006 should be changed to 2008</li><li>▪ 2.6 ac-ft/yr should be changed to 3.0 ac-ft/yr</li><li>▪ 2,400 acres in the city limits need to be verified, US Census for 2000 states Selma area has 2,780 acres, Consolidated Irrigation District Municipal Service Review dated 2007, states Selma area is 3,153 acres</li><li>▪ The wastewater influent of 2,600 afy should be consistent with the 3,000 afy as stated on page 14</li></ul>	14
<u>Page 22, first paragraph</u> <ul style="list-style-type: none"><li>▪ The concept of the percolation ponds being reduced from 100 acres to 15 acres after deep ripping of pond, with an increase of infiltration rate. Will this process be maintained by CID under a scheduled interval?</li><li>▪ Is it possible for the recharge due to storm water to be less then 100 afy, given the area of the 2035 Plan Area? With a plan area of 15,200 acres and 11 inches of average rain fall for the Selma area, this would equate to 14,000 afy per year. Assuming 50% of this volume for direct recharge, 100 afy is a vastly underestimated value.</li></ul>	15
<u>Page 24, second paragraph</u> <ul style="list-style-type: none"><li>▪ What is the basis of selecting a specific yield of 0.15 for the shallow deposits?</li></ul>	16
<u>Page 24, third paragraph</u> <ul style="list-style-type: none"><li>▪ It should be added that 2006 CWS estimate of demand of 27,600 afy was based on the City of Selma's establish growth rate at that time, as shown in the following table:</li></ul>	17



<u>Period</u>	<u>City Projected Annual Growth Rate</u>
2006-2010	13.5%
2011-2015	8.2%
2016-2020	3.5%
2021-2030	2.1%

17 cont.

- It is established that 15,000 afy will be the demand of the full development of the 2035 plan area based on 1.0 afy/acre. Is the 1.0 afy/acre based on the total consumptive use for the City of Selma from the section entitled "Existing Water Budget – Urban" on pages 22-23? If so, how can 60% of the estimated outdoor water use be an estimate of the total demand for the City of Selma?

18

Page 25, first paragraph

- What is the basis for the estimated wastewater generated in the plan area of 13,000 afy? If total demand is 15,000 afy, this would be an indoor water use of 87%, a very high value since on Page 21, it is estimated that 40% of the water demand is indoor usage (using the report values of 2,600 afy wastewater influent divided by 6,300 afy). CWS records estimate the indoor water usage as 34% based on historical records from 1980 to 2008.
- It is not established how 15,000 afy recharge water can offset demand within the 2035 Plan Area since the aquifer is unconfined. A 1:1 ratio of pumping to recharge has not been established.

19

20

Should you have any questions or need additional information, please don't hesitate to call me at 559-896-4546.

Sincerely,

  
Scott A. Bailey  
District Manager



Letter 20

# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER, DIRECTOR

November 6 2009

VIA FAX NO. (559) 627-2336

Greg Martin  
City of Selma Community Development Department  
1710 Tucker Street  
Selma, CA 93662

Dear Mr. Martin:

SUBJECT: City of Selma General Plan Update 2035 - Draft Environmental Impact Report

The County of Fresno appreciates the comment period extension granted by the City of Selma relating to its General Plan Update 2035 and Draft Environmental Impact Report. The County has reviewed the project and offers the following comments:

## **County-wide Services:**

As noted originally in the City of Selma's Notice of Preparation, the City's General Plan and future proposal for expansion of its Sphere of Influence (SOI) will have a direct fiscal impact on the County. The General Plan Update applies to approximately 15,183 acres, located in the proposed planned area. The growth to be accommodated in the Plan is projected to result in an additional population of approximately 70,936 persons by the year 2035. This population will result in an increased service population for health services, social services, the justice system, and other county-wide services provided by Fresno County.

1

The increased population will also impact and necessitate expansion of the County transportation system, recreational facilities, library system, and other County facilities to accommodate the increased growth. While the County has recently adopted a county-wide impact fee addressing the need for new county-wide facilities and infrastructure, these fees combined with other revenues shared by the City will not offset all service delivery costs.

As a result, any request for expansion of the City's SOI will require the existing Master Tax Sharing Agreement to be renegotiated in order to address the County's cost of providing increased services as a result of City growth.

2

As a point of information, on March 24, 2009 the County Board of Supervisors took action and directed staff to work cooperatively with all 15 Cities in Fresno County over a period not to exceed three years to develop a mutually agreeable alternative methodology for tax sharing, with the goal of revising all of the existing tax sharing agreements by mutual consent at the same time. The Board agreed to allow Cities to request amendments to the existing Master Tax

DEVELOPMENT SERVICES DIVISION

Sharing Agreements to accommodate future growth areas in the intervening period, provided the amendment is either for a short term (3 years or less) and/or includes a provision that accepts and incorporates the outcome of any future tax sharing arrangement that may be developed.

2 cont.

### **Land Use:**

In response to the NOP, County staff acknowledged the need for additional housing to accommodate population growth in the City of Selma. However, staff expressed concern with the proposed Very Low and Low Density residential designations which would allow residential units on 9,000 and 12,000 square foot minimum lot sizes, respectively. Staff indicated that these two designations were not an efficient use of land for a city environment, given the fact that productive agricultural land will be lost in order to accommodate housing on such large lots. In addition, the proposed Very Low and Low Density designations will result in costly infrastructure expansion and will contribute to degradation of air quality.

3

The DEIR still shows 104 acres of land proposed for Very Low Density Residential and 786 acres of land proposed for Low Density Residential land use within the proposed SOI expansion area.

4

Goal 10 in the Land Use Element addresses commercial development adjacent to Highway 99 and that the commercial developments will be visually pleasing to travelers on highway 99. County staff would like to suggest that Goal 10 reference the provisions included in the Highway 99 Beautification Ordinance adopted by the City of Selma.

5

### **Williamson Act:**

Filing a Notice of Non-Renewal on a parcel that is under a Williamson Act contract does not constitute availability of the parcel for immediate development. When a Non-Renewal Notice is filed and the Notice is recorded prior to October 1<sup>st</sup>, effective January 1<sup>st</sup>, the property would still be subject to the same restrictions for an additional nine years until the contract expires.

6

### **Airport Land Use:**

On October 28, 2008, staffing and administrative functions for the Airport Land Use Commission (ALUC) were transferred from the Fresno County Department of Public Works and Planning to the Council of Fresno County Governments (Fresno COG). Therefore, requests for comment regarding airport land use issues should be sent to the Fresno COG directly.

7

### **Transportation and Circulation:**

Mountain (Mt.) View Avenue from SR 99 to the Tulare County Line is classified as an Expressway in the Fresno County General Plan. The reclassification of this roadway to an Arterial as depicted in this EIR is in conflict with the County's classification and is a significant impact that is not addressed in the DEIR.

8

The proposed plan line at Golden State and Mt. View significantly impacts other jurisdictions outside Selma's Sphere Of Influence (SOI). Traffic generated by projects located in the

9

expanded SOI will significantly impact the intersection of Mt. View and Academy and is not addressed in the DEIR.

9 cont.

The proposed SOI change will affect intersections along Manning Avenue from Academy to SR 99. Some of these segments and intersections will result in capacity improvements within the County jurisdictions. Without an identified funding source to construct these capacity improvements, the impact would be considered Significant. Manning Avenue from SR 99 to Armstrong is classified as an Expressway in the Fresno County General Plan. The reclassification of this roadway to an Arterial as depicted in this EIR is in conflict with the County's classification and would be a significant impact that is not addressed in the EIR.

10

Golden State Blvd. north of Highland and south of Nebraska is classified as a Super Arterial in the Fresno County General Plan. The reclassification of this roadway to a Major Arterial as depicted in this EIR is in conflict with the County's classification and is a significant impact that is not addressed in the DEIR.

11

The following roadways and intersections located within the County's jurisdiction would be significantly impacted by the project and were not studied in the EIR:

Roadways:

Mt. View – Bethel to Academy  
Bethel Avenue – Mt. View to Manning  
Academy Avenue – Mt. View to Manning  
Fowler Avenue – Mt. View to Manning

12

Intersections:

Bethel/Mt View  
Bethel/Rose  
Bethel/Manning  
Academy/Rose

We appreciate the opportunity to comment on the project. If you have any questions you may send an e-mail to me at [bryanseanwhite@co.fresno.ca.us](mailto:bryanseanwhite@co.fresno.ca.us) or contact me at (559) 442-2556.

Sincerely,



Bryan Sean White, Planner  
Development Services Division

G:\4360Devs&Pin\EnvPlan\OAR\City of Selma\Selma General Plan Update DEIR\Comment Letter.doc

c: Theresa Acosta-Mena, Senior Planner, Environmental Analysis Unit  
Mohammad Khorsand, Senior Planner, Policy Planning Unit  
Stan Nakagawa, Principal Engineer, Design Division



## DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 445-5868  
FAX (559) 488-4088  
TTY (559) 488-4066

Letter 21



*Flex your power!  
Be energy efficient!*

November 3, 2009

2131-IGR/CEQA  
6-FRE-GEN  
DRAFT EIR  
CITY OF SELMA GPU 2035  
SCH 2008081082

Mr. Gregory Martin  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

Dear Mr. Martin:

We have completed our review of the Draft EIR for the City of Selma's General Plan Update 2035 draft Environmental Impact Report (EIR). Caltrans has the following comments:

Our previous comments dated September 24, 2008 (copy enclosed) continue to be valid.

- |   |   |
|---|---|
| 1. Policy 2.14 indicates that meandering sidewalks shall be encouraged along collectors and arterials; however, Caltrans prefers straight sidewalks along State Route (SR) 43.  | 1 |
| 2. Policy 2.31, Major Arterial Street Standards, Standard a provides guidance regarding the placement and spacing of driveways along arterials; however, since proposed driveways along SR 43 require a permit from the State, the location and spacing of driveways along SR 43 will be based on the prevailing speed and the size and nature of the proposed development. | 2 |
| 3. Policy 2.31, Major Arterial Street Standards, Standard f: On SR 43, future signalization should be set at ½ mile spacing.  | 3 |
| 4. Policy 2.32: it should be noted that where other jurisdictions control and manage roadways, their respective level of service standards shall prevail on applicable segments.  | 4 |
| 5. Policy 2.43 does not apply to SR 43. As previously indicated for Major Arterial Street Standard f, Caltrans recommends that signalized intersections along Route 43 should be spaced at ½ mile intervals.  | 5 |
| 6. On Figure 2-3b, it is acknowledged that SR 43 is shown as a route with a class 2 bike lane. However, it is recommended that the class 2 bike lane designation terminate at Mountain View Avenue rather than Caruthers Avenue.  | 6 |
| 7. Policy 2.50 provides guidance regarding landscaping. All proposed landscaping plans shall meet current standards as determined by the District Landscape Architect. All features of  | 7 |

<p>landscaping shall be evaluated for type, location and site visibility conflicts during the encroachment review process. All permits for landscaping in conventional highway right-of-way must be accompanied by a "District" approved maintenance agreement obligating a local agency or the permittee to maintaining the landscaping. Said maintenance agreement must accompany and be approved prior to issuance of the landscape permit. Proposed landscape projects in access control rights-of-way require an exception process, and approval is subject to the Headquarters Departmental approval process.</p>	7 cont.
<p>8. On Figure 2-4, the entire segment of SR 43 southward from SR 99 is designated as an STAA truck route. Also, the entire segment of Floral Avenue eastward from SR 99 should be shown as a truck route.</p>	8
<p>9 Figure 3.15-8: For State Routes the basic lane width for multilane highways is 12 feet. Shoulder widths shall comply with the Highway Design Manual Section 302.1. Bikeway widths shall comply with the Highway Design Manual Section 1001.</p>	9
<p>Based upon Caltrans review of private development traffic studies in the Selma area, Caltrans has indicated the need for the following future improvements:</p> <p><b><u>SR 99/Mountain View Avenue Interchange:</u></b></p> <ul style="list-style-type: none"> <li>• Widen and raise overcrossing.</li> <li>• Addition of loop on-ramps.</li> <li>• Signalize and add turn lane to southbound off-ramp.</li> <li>• Signalize and add turn lane to northbound off-ramp.</li> </ul> <p><b><u>SR 99/Floral Avenue Interchange:</u></b></p> <ul style="list-style-type: none"> <li>• Add left turn lane from southbound SR 43 to southbound on-ramp.</li> <li>• Add two lanes to the northbound off-ramp to Floral/SR 43.</li> </ul> <p><b><u>SR 99/Second Street:</u></b></p> <ul style="list-style-type: none"> <li>• Signalize northbound off-ramp to Second Street.</li> <li>• Signalize southbound off-ramp to Second Street.</li> </ul> <p><b><u>SR 43/Saginaw Avenue:</u></b></p> <ul style="list-style-type: none"> <li>• Signalize and add northbound left turn lane.</li> </ul> <p><b><u>SR 43/Nebraska Avenue:</u></b></p> <ul style="list-style-type: none"> <li>• Add dual left turn lanes.</li> </ul>	



SR 43/Rose Avenue:

- Signalize and add southbound right turn lanes.

10 cont.

\* It should be noted that Caltrans has prepared mitigation cost/trip estimates for many of these improvements.

Caltrans has long indicated our concerns at the SR 99/Floral Avenue interchange. The interchange is at capacity and can no longer accommodate additional development. It is understood that the City of Selma is bisected by SR 99 and there are minimal opportunities for crossing the freeway from east to west. Land use decisions have resulted in much of the residential traffic east of SR 99 attempting to reach commercial destinations west of the freeway. Caltrans is concerned that continuance of this land use planning pattern will not only result in significant congestion and delay, but potentially have a negative impact on safety and emergency response time.

11

Caltrans recognizes that improving the SR 99/Floral Avenue interchange may not be initially feasible due to cost. However, we also pointed out that there needs to be some sort of strategy in place for the interchange to be addressed in the future. It has been requested that a traffic study analyze improvements to the local road system as alternatives to alleviate operational and potential safety concerns at the interchange. To date, it does not seem that this concept has been thoroughly analyzed. Caltrans sees this as a potentially viable alternative since we recognize that both ultimate and interim improvements to the interchange will be extremely difficult and expensive due geometric constraints.

12

Caltrans notes that the City is considering implementing an impact fee program. We support this approach to mitigating for development's impacts to infrastructure. Caltrans recommends that the City consider incorporating State facilities within this fee program. The State Highway System provides the backbone for transportation, both regionally and locally. A seamless, efficient transportation system, including the State Highways, is critical for the movement of people and goods and hence the future economic development of the area.

13

Please send a response to our comments prior to staff's recommendations to the Planning Commission and the City Council. If you have any questions, please call me at (559) 445-5868.

Sincerely,



MICHAEL NAVARRO  
Office of Transportation Planning  
District 06

Enclosure



## DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 445-5868  
FAX (559) 488-4088  
TTY (559) 488-4066



*Flex your power!  
Be energy efficient!*

September 24, 2008

2131-IGR/CEQA  
6-FRE-GEN  
NOP/IS  
CITY OF SELMA GPU 2035  
SCH 2008081082

Mr. Michael Gaston  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

Dear Mr. Gaston:

We have completed our review of the Notice of Preparation (NOP) for the City of Selma's General Plan Update 2035 draft Environmental Impact Report (EIR). Caltrans has the following comments:

Policy 2.14 indicates that meandering sidewalks shall be encouraged along collectors and arterials. However, please note that Caltrans prefers straight sidewalks along State Route (SR) 43.	14
Standard "a" under <i>Major Arterial Street Standards</i> provides guidance regarding the placement and spacing of driveways along arterials. Proposed driveways along SR 43 require an encroachment permit from Caltrans. Therefore, the location and spacing of driveways along SR 43 will be based on the prevailing speed and the size and nature of the proposed development.	15
Caltrans concurs with Standard "c" under <i>Major Arterial Street Standards</i> with regard to SR 43 in that... <i>driveways should be located on adjacent arterial or collector streets rather than on major arterial streets.</i>	16
Caltrans concurs with Standard "e" under <i>Major Arterial Street Standards</i> with regard to SR 43 in that... <i>driveway consolidation shall be encouraged through joint access agreements along arterials where standards "a" through "d" are exceeded.</i>	17

Caltrans concurs with Standard "f" under <i>Major Arterial Street Standards</i> with regard to SR 43. Additionally, major intersections that could be subject to future signalization should be set at ½ mile spacing.	18
Policy 2.32 should be modified to be more consistent with Section 2.4 Objective A. It is indicated under Section 2.4 Objective A that where other jurisdictions control and manage roadways, their respective level of service standards shall prevail on applicable segments.	19
Caltrans concurs with Policy 2.34 with regard to SR 43 in that... <i>right-of-way essential to the circulation system should be dedicated and/or developed to the appropriate extent and width when a division of property or development occurs.</i>	20
Caltrans concurs with Policy 2.36 with regards to SR 43 and SR 99 in that... <i>developers shall mitigate traffic impacts associated with their projects to minimize the impacts to highways, major arterials, arterials, and collector streets.</i> Furthermore, it should be noted that the City of Selma has worked cooperatively with Caltrans in efforts to determine appropriate mitigation toward State facilities from local development. Caltrans looks forward to continuing this working relationship with the City.	21
Caltrans concurs with Policy 2.39 with regard to SR 43 in that... <i>the City shall promote an active policy of consolidating driveways, access points and curb cuts along existing developed major arterials, or arterials when development or change in intensity of development or land use occurs or when traffic operation or safety warrants.</i>	22
Caltrans concurs with Policy 2.42 with regard to SR 43 on master planning points of ingress and egress with limited points onto major streets.	23
Policy 2.43 does not apply to SR 43. As previously indicated for <i>Major Arterial Street Standard "f"</i> Caltrans desires that signalized intersections along SR 43 should be spaced at ½ mile intervals.	24
Policy 2.50 provides guidance regarding landscaping. The Caltrans Office of Landscape Architecture will be responsible for reviewing landscaping along SR 43. A landscape agreement may be required for the maintenance of landscaping along SR 43.	25
On Figure 2-4, it should be noted that the entire segment of SR 43 southward from SR 99 is designated as an STAA truck route.	26
The document indicates that a future conditions traffic analysis will be conducted for the General Plan and draft EIR. Caltrans requests to be involved in that process as early as possible. Once a traffic consultant has been selected, it would be beneficial to all parties to have the consultant provide Caltrans with a scope of work prior to conducting the analysis.	

Mr. Mike Gaston  
September 24, 2008  
Page 3

Please send a response to our comments prior to staff's recommendations to the Planning Commission and the City Council. If you have any questions, please call me at (559) 445-5868.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Navarro', with a stylized, flowing script.

MICHAEL NAVARRO  
Office of Transportation Planning  
District 06





November 4, 2009

Gregory Martin  
City of Selma  
Community Development  
City Hall Annex  
1710 Tucker Street  
Selma, CA 93662

**Project: City of Selma General Plan Update 2035 (SCH# 2008081082)**

**District CEQA Reference No: 20090555**

Dear Mr. Martin:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the City of Selma (City) General Plan Update 2035 Environmental Impact Report (EIR). The District offers the following comments:

1. AB 170 (Reyes) requires general plans to be amended to include an air quality discussion including: (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 (strategies) designed to achieve these goals. The EIR includes these four discussions and appears to fulfill the requirements set forth in AB 170 (Reyes). 1
2. Many of the land use policies presented in the General Plan encourage development in a manner that would reduce vehicle miles travelled (VMT), which in turn reduces emissions generated by personal vehicle use. The District supports measures to reduce VMT and commends the City in its commitment to encouraging pedestrian friendly development. 2
3. Table 3.3-5 – The table includes screening criteria and analytical tools for only development type projects. The District recommends the table be amended to include construction-only type projects, such as road construction. Analytical tools for 3

**Seyed Sadredin**

Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95358-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061  
[www.valleyair.org](http://www.valleyair.org)

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585  
[www.healthyairliving.com](http://www.healthyairliving.com)



estimating construction related emissions include the URBEMIS and EMFAC models and other District approved calculators. Significance thresholds for NO<sub>x</sub>, ROG, and PM<sub>10</sub> are equivalent to those presented for development projects.

3 cont.

4. Impact 3.3.3.1 – The General Plan identifies that District Rule 9510 (Indirect Source Review) is intended to mitigate a project's impact on air quality through project design elements or by payments of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Therefore, for future development projects the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. More information about District Rule 9510 can be found on the District's website at: <http://www.valleyair.org/ISR/ISRHome.htm>.

4

5. Impact #3.3.3.2 – The discussion identifies potential impacts resulting from stationary sources and carbon monoxide "hot spots" from mobile sources. However, the discussion does include a discussion of potential impacts resulting from projects lacking these two criteria. For example, truck storage yards and shopping centers located in close proximity to sensitive receptors, unless adequately mitigated may have a significant health risk impact as a result of diesel particulate matter or truck refrigeration unit emissions. Therefore, the District recommends the discussion be amended to include all sources of HAPs, mobile and stationary. The District further recommends that when reviewing projects for potential impacts on air quality the assessment include a diesel particulate matter screening analysis. More information on diesel particulate matter screening and health risk modeling can be found on the District's website at <http://www.valleyair.org/busind/pto/toxics.htm> or by contacting District Permit Services staff by phone at (559) 230-6000 or e-mail at [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org).

5

6. Mitigation Measure #3.3.3.3b – The City has incorporated measures to reduce construction related emissions. 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. To further reduce construction related diesel exhaust emissions the District recommends incorporating a requirement that for City sponsored/funded projects all off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier II emissions standard of 4.8 g/hp-hr NO<sub>x</sub>. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards. that for City sponsored projects

6

7. Impact #3.3.3.4 – The discussion includes impacts resulting from construction activities and activities typical of residential communities. However, the discussion does not include potential impacts from land use conflicts as residential and other sensitive

7

receptor-based developments encroach upon non-compatible land uses. The District recommends that specific consideration should be given when approving projects that could expose receptors to nuisance odors. When evaluating projects that would locate new receptors near existing sources the District recommends the City to evaluate the potential for the existing source to generate odors and potentially receive nuisance complaints. A facility would be considered to have a potentially significant impact if the facility has received more than one confirmed complaint per year averaged over a three year period or three unconfirmed complaints per year averaged over a three year period. For facilities where there is currently no development in the vicinity, impacts are determined based on the distance and frequency at which odor complaints have occurred for similar projects.

7 cont.

If you have any questions or require further information, please call Jessica Willis at (559) 230-5818.

Sincerely,

David Warner  
Director of Permit Services



for  
Arnaud Marjollet  
Permit Services Manager

DW:jw

Cc: Josh McDonnell

## APPENDIX B

---

GROUNDWATER CONDITIONS IN THE CITY OF  
SELMA GENERAL PLAN UPDATE 2035 AREA

prepared for  
Quad Knopf  
Visalia, California

by  
Kenneth D. Schmidt and Associates  
Groundwater Quality Consultants  
Fresno, California

February 2010



## TABLE OF CONTENTS

	<u>Page</u>
LIST OF TABLES	ii
LIST OF ILLUSTRATIONS	iii
INTRODUCTION	1
EXISTING CONDITIONS	1
Subsurface Geologic Conditions	1
California Water Service Co. Selma Wells	5
Other Supply Wells	8
Water Levels	8
Well Production	13
Pumpage	13
Recharge	13
Wastewater Flows	14
Groundwater Overdraft	15
Groundwater Quality	15
Inorganic Constituents	15
Radiological Constituents	18
Trace Organics	20
Summary	21
Existing Water Budget	21
Urban	21
Rural	22
IMPACTS OF DEVELOPMENT OF PLAN AREA ON GROUNDWATER	24
REFERENCES	25
APPENDIX A   WATER-LEVEL HYDROGRAPHS	

## LIST OF TABLES

<u>No.</u>	<u>Title</u>	<u>Page</u>
1	Construction Data for California Water Service Co. Selma Wells	7
2	Water-Level Data for January 11, 2006	9
3	Chemical and Radiological Quality of Water from Shal- lower California Water Service Co. Selma Wells	16
4	Chemical Analyses of Water from Deeper California Water Service Co. Selma Wells	19

## LIST OF ILLUSTRATIONS

<u>No.</u>	<u>Title</u>	<u>Page</u>
1	Location of Plan Update Area, Active California Water Service Co. Selma Wells, and Subsurface Geologic Cross Sections	3
2	Subsurface Geologic Cross Section A-A'	4
3	Subsurface Geologic Cross Section B-B'	6
4	Water-Level Elevations and Direction of Groundwater Flow (January 11, 2006)	10
5	Long-Term Water-Level Hydrograph for Well T15S/R22E-32N1	12

## GROUNDWATER CONDITIONS IN THE CITY OF SELMA GENERAL PLAN UPDATE 2035 AREA

### INTRODUCTION

Quad Knopf (2008) is preparing an Initial Study for the City of Selma General Plan Update for 2035. As part of this study, Kenneth D. Schmidt and Associates (KDSA) prepared this hydrogeologic evaluation of the plan area. The west boundary of the plan area is Armstrong Avenue. The north boundary of the area is Manning Avenue on the west and South Avenue on the east. The east boundary of the area is Bethel Avenue. The south boundary of the area is near Caruthers Avenue for the area west of Highway 99 and Mountain View Avenue farther east. Urban development is predominant in the area bounded by Dinuba Avenue on the north, Leonard Avenue on the west, Saginaw Avenue on the south, and Dockery Avenue on the east. Agricultural lands are predominant in the rest of the plan update area. Water for the City has been pumped from wells owned and operated by the California Water Service Co. (CWS). Water for irrigation is provided by the Consolidated Irrigation District (CID) from the Kings River and by pumpage from private irrigation wells.

### EXISTING CONDITIONS

#### Subsurface Geologic Conditions

Page and LeBlanc (1969) described general groundwater conditions in the Fresno area, which includes Selma. Highly permeable alluvial deposits are present, and these are tapped by numerous

water supply wells in the area. Prior to the 1980's, private domestic, city, and irrigation wells tapped deposits within the uppermost 350 feet of the alluvium, which is termed the Quaternary Older Alluvium. Somewhat finer-grained deposits are usually present below a depth of about 350 feet, and these are termed the Tertiary-Quaternary continental deposits. Starting in the 1980's, deeper CWS Selma wells began to be drilled, due to water quality problems with the shallow groundwater. These newer wells tap strata below a depth of 340 feet and above a depth of 650 feet.

As part of this evaluation, two subsurface geologic sections were developed (Figure 1). The first (Section A-A') extends from the northwest to the southeast, generally along Highway 99 (Figure 2). This section extends from a deep City of Fowler well near Parlier Avenue, to the southeast through three deep City wells, to a deep test well and deep supply well that are south of Mountain View Avenue. This section is oriented perpendicular to the inferred dip of the alluvial deposits, and thus the layers of deposits appear to be relatively flat. The color of the deposits above a depth of about 600 to 700 feet along this section is indicated to primarily be brown. Sand and gravel layers are common, and many clay layers are discontinuous along this section. One fairly continuous clay layer averages about 80 feet deep beneath the part of the section north of Nebraska Avenue. Another fairly continuous clay layer averages about 180 feet deep in the same area. A third fairly lat-

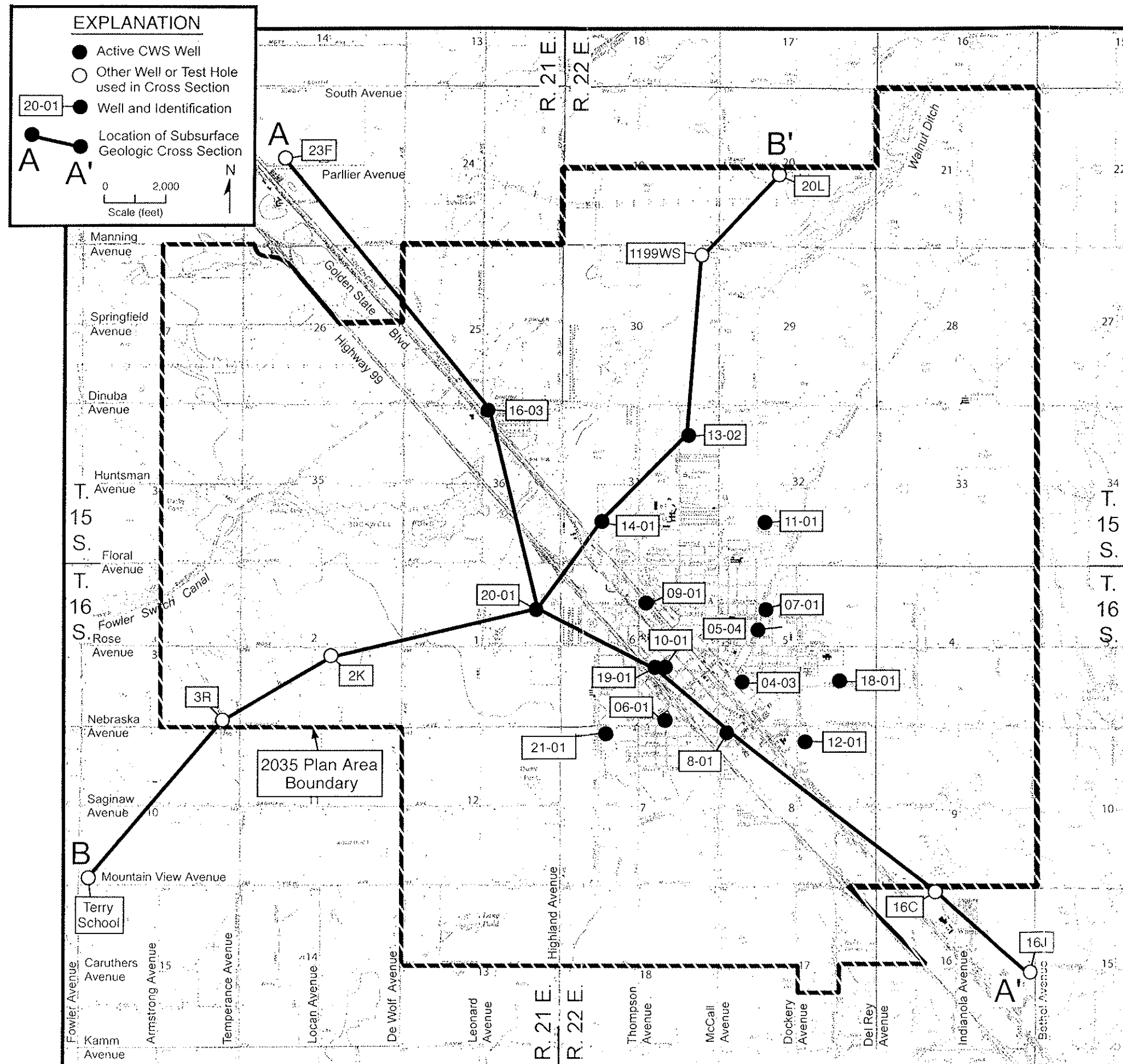


FIGURE 1 - LOCATION OF PLAN UPDATE AREA, ACTIVE CALIFORNIA WATER SERVICE CO. SELMA WELLS, AND SUBSURFACE GEOLOGIC CROSS SECTIONS

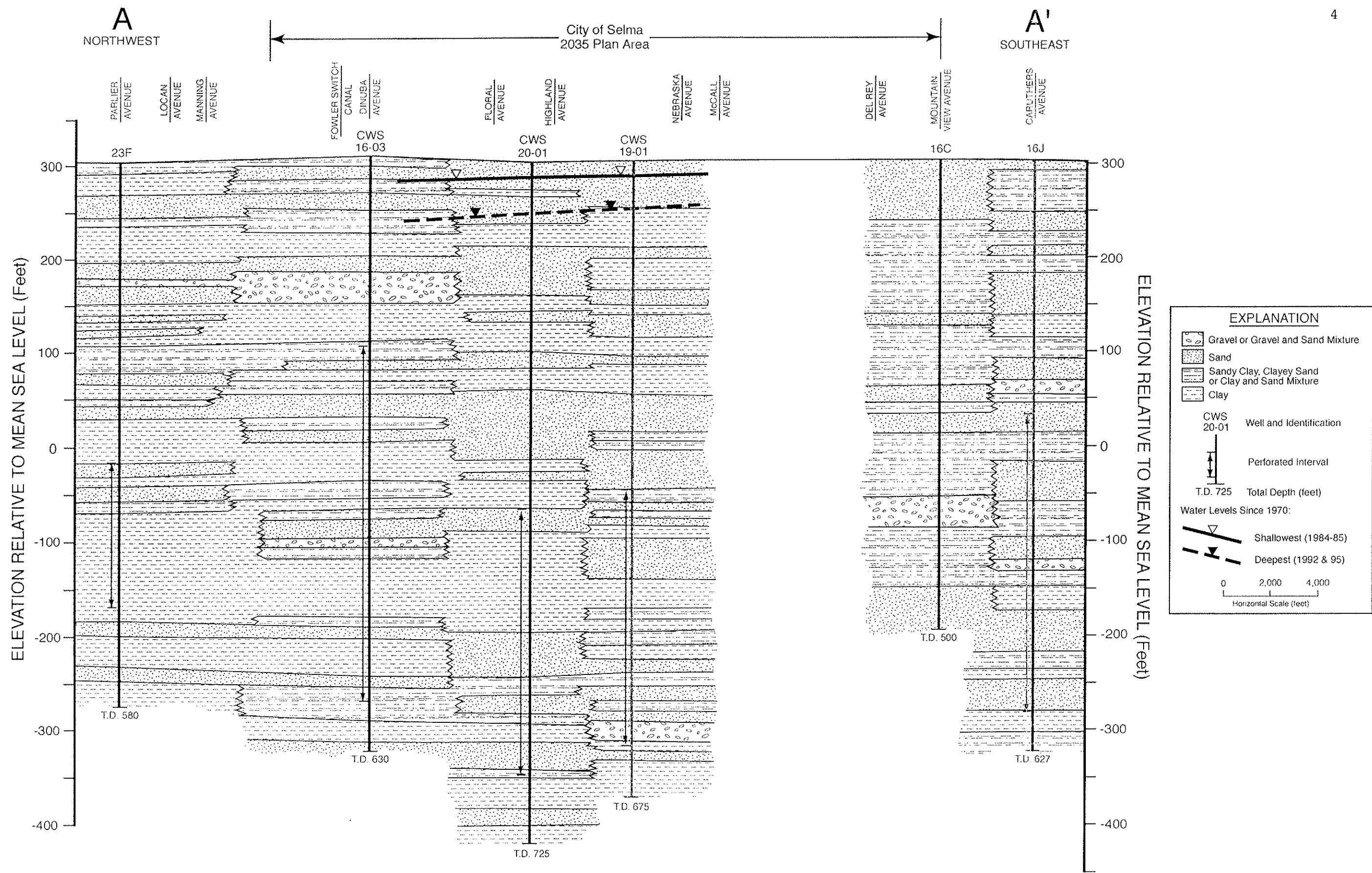


FIGURE 2 - SUBSURFACE GEOLOGIC CROSS SECTION A - A'

erally extensive fine-grained layer is at an average depth of about 300 feet along most of this section. This deep layer is indicated to be important in terms of groundwater quality, which is described in a later part of this report.

Cross Section B-B' (Figure 3) extends from near Fowler and Mountain View Avenue, to the northeast through two deep CWS wells, thence further north-northeast through a moderately deep water system well, to near Parlier Avenue, east of McCall Avenue. This section is oriented along the inferred dip of the alluvial deposits, and the layers slightly dip to the southwest. Coarse-grained strata are also predominant above a depth of about 350 feet along this section. Apparently continuous clay layers are present at average depths of about 60 feet, 200 feet, and about 350 feet along most of the section. The deepest of these is indicated to be important in terms of groundwater quality. Fine-grained strata appear to be predominant below a depth of about 400 feet along this section. However, enough interbedded sand layers are also present that highly productive wells tapping only deep strata can be developed.

#### California Water Service Co. Selma Wells

Figure 1 shows the locations of CWS Selma wells. Of these wells, 05-03 has been on standby and 12-01 is being rehabilitated. Table 1 provides construction data for these wells. Wells drilled



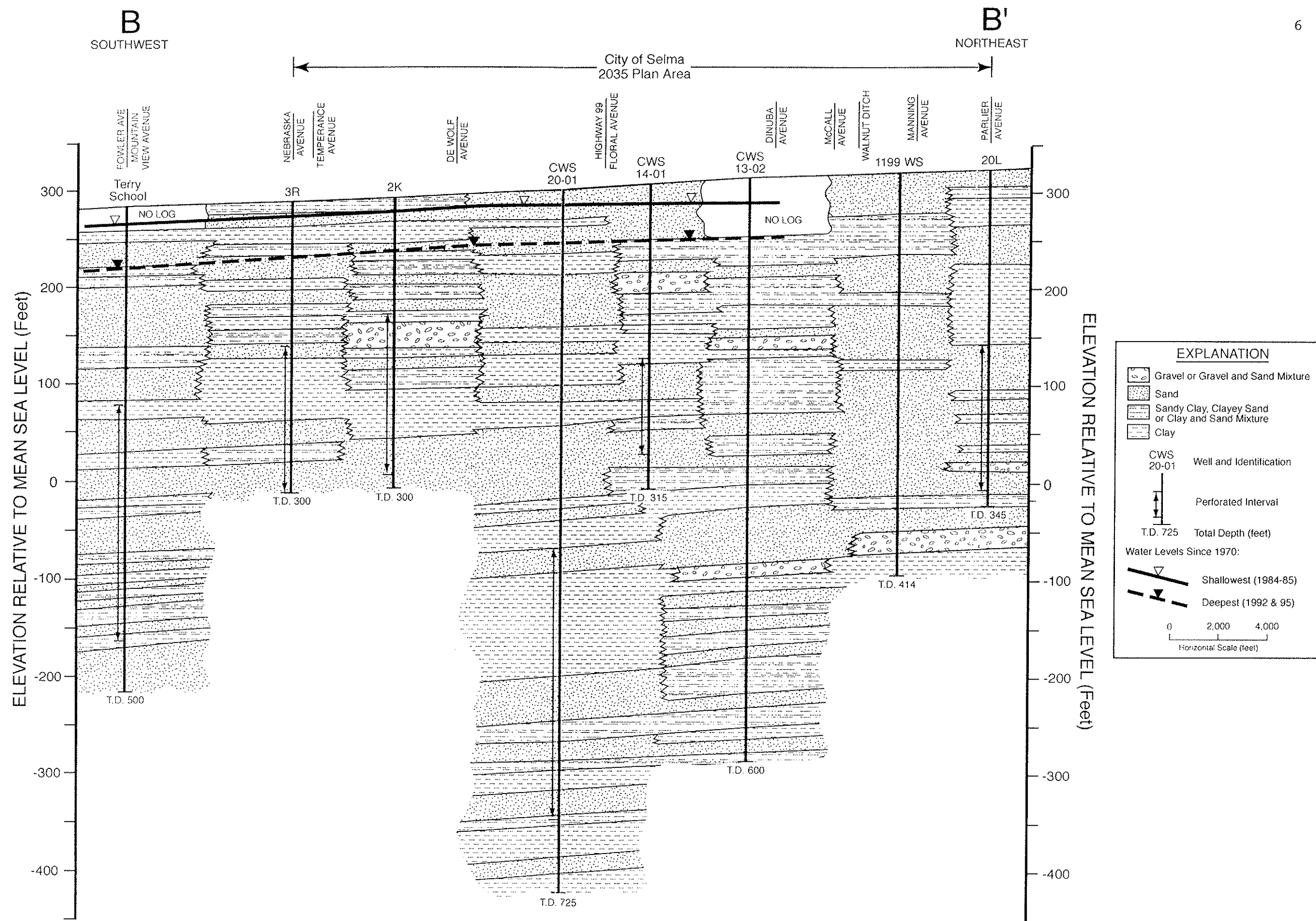


FIGURE 3 - SUBSURFACE GEOLOGIC CROSS SECTION B - B'

TABLE 1-CONSTRUCTION DATA FOR CALIFORNIA WATER SERVICE CO. SELMA WELLS

No.	Date Drilled	Total Depth (feet)	Cased Depth (feet)	Casing Diameter (inches)	Perforated	
					Interval (feet)	Annular Seal (feet)
04-03	1955	264	225	14	O.B.	-
05-03	1924	245	229	-	O.B.	-
06-01	1927	315	294	14	O.B.	-
07-01	1932	211	190	14	O.B.	-
08-01	1934	242	228	12	O.B.	-
09-01	1949	212	172	14	O.B.	-
10-01	1950	306	289	14	O.B.	-
11-01	1956	300	287	16	O.B.	-
12-01	1961	382	316	16	O.B.	-
13-02	1983	600	560	14	340-540	0-300
14-01	1976	315	300	16	179-280	0-61
15-01	1979	316	300	16	160-280	-
16-03	1987	602	582	16	380-570	0-350
17-02	2006	645	645	16	441-626	
18-01	1992	570	570	16	340-570	0-320
19-01	1994	623	620	16	350-600	0-330
20-01	1999	670	670	16	375-650	0-350

Wells drilled prior to 1976 were drilled by the cable-tool method. O.B. is open bottom well. Wells in this table that were drilled after 1961 were drilled by the reverse rotary method, and are gravel packed. Data from well completion reports and files of CDOHS.

prior to 1976 were constructed by the cable-tool method, have non-perforated casings, and are open-bottomed. Wells drilled since 1976 were constructed by the reverse rotary method and are gravel packed. CWS Selma wells drilled prior to 1983 ranged from about 210 to 380 feet in depth. Five wells have been constructed since 1983, and these range in cased depth from 560 to 675 feet. These wells have annular seals ranging from 300 to 350 feet in depth.

#### Other Supply Wells

Most private domestic wells in the area are less than 200 feet deep and most irrigation wells are less than 300 feet deep. Some of the deepest private domestic and irrigation wells in the area range from about 300 to 400 feet in depth. Other relatively deep wells are in the City of Fowler, and for other water system or school wells. These wells range from about 410 to 620 feet deep.

#### Water Levels

Water levels in eight wells in or near the study area have been regularly measured since 1946. Table 2 provides water-level data for January 11, 2006. The water levels ranged from 46 to 60 feet deep on January 11, 2006 and were shallowest in two wells (T15S/R22E-32N1 and 33R1) in and east of the City. The deepest water levels on January 11, 2006 were in two wells along Fowler Avenue to the west (T15S/R21E-27D1 and T16S/R21E-15D1). Figure 4

TABLE 2-WATER-LEVEL DATA FOR JANUARY 11, 2006

<u>Well Location</u>	<u>Land Surface Elevation (feet)</u>	<u>Depth to Water (feet)</u>	<u>Water-Level Elevation (feet)</u>
T15S/R21E-27D1	302.3	53.9	248.4
-34N1	293.2	48.7	244.5
-35R1	315.0	47.5	267.5
T15S/R22E-32N1	309.0	46.8	262.2
-33R1	317.7	46.1	271.6
T16S/R21E-14A2	288.4	48.2	240.2
-15D1	282.2	59.9	222.3

Data from California Department of Water Resources.

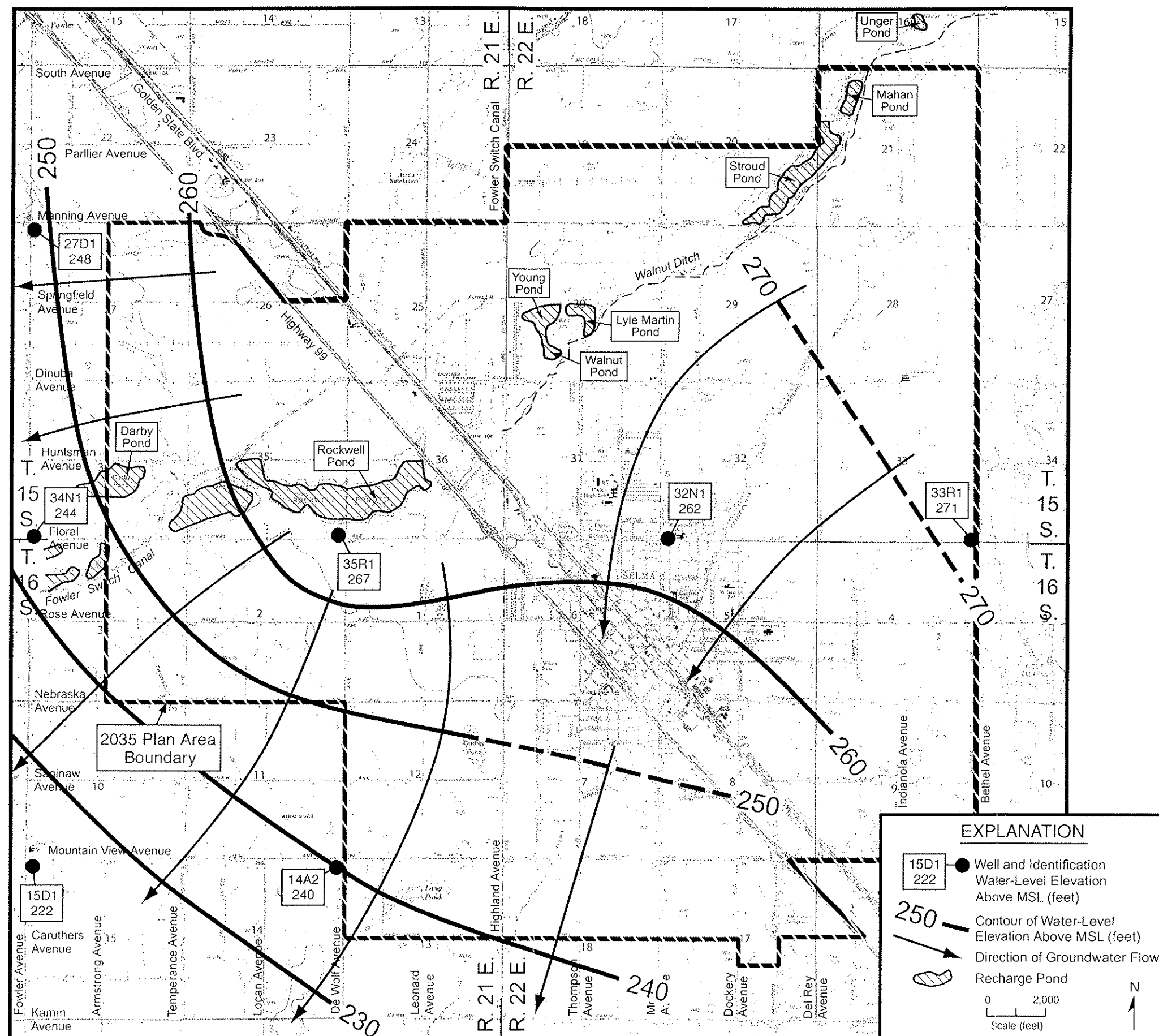


FIGURE 4 - WATER-LEVEL ELEVATIONS AND DIRECTION OF GROUNDWATER FLOW  
(JANAURY 11, 2006)

shows water-level elevations and the direction of groundwater flow for January 11, 2006. The highest water-level elevation was at Well T15S/R21E-33R1, east of the City, and the lowest was at Well T16S/R21E-15D1, to the southwest near Mountain View and Fowler Avenues. The direction of groundwater flow was generally to the southwest, and the influence of CID pond recharge was apparent, due to the curvature of the contours in the vicinity of these.

Water-level hydrographs were prepared for these eight wells and are provided in Appendix A. Figure 5 shows a water-level hydrograph for Well T15S/R22E-32N1, which is located near Floral and McCall Avenues. Since 1950, depth to water in this well has ranged from about 20 to 55 feet. The shallowest water levels (less than 30 feet deep) were in the 1940's and 1950's, 1969-71, 1973-74, 1980-87, and 1998-99. The deepest water levels (greater than 45 feet) were in 1977-78, 1991-95, and in 2005-06. Water levels in wells in the Selma vicinity rise and fall, largely depending on Kings River water deliveries to the CID. Since 1960, there has been an overall decline in the water levels in Well 32N1 averaging about 0.2 foot per year. Except for two wells near the west boundary of the plan area (T15S/R21E-27D1 and T16S/R21E-15D1), water-levels in the other wells in the plan area with long-term records have fallen an average of 0.3 foot per year since 1960. Water levels in Well 27D1 and 15D1 have fallen an average of 0.5 to 0.6 foot per year since 1960. There have been greater water-level declines

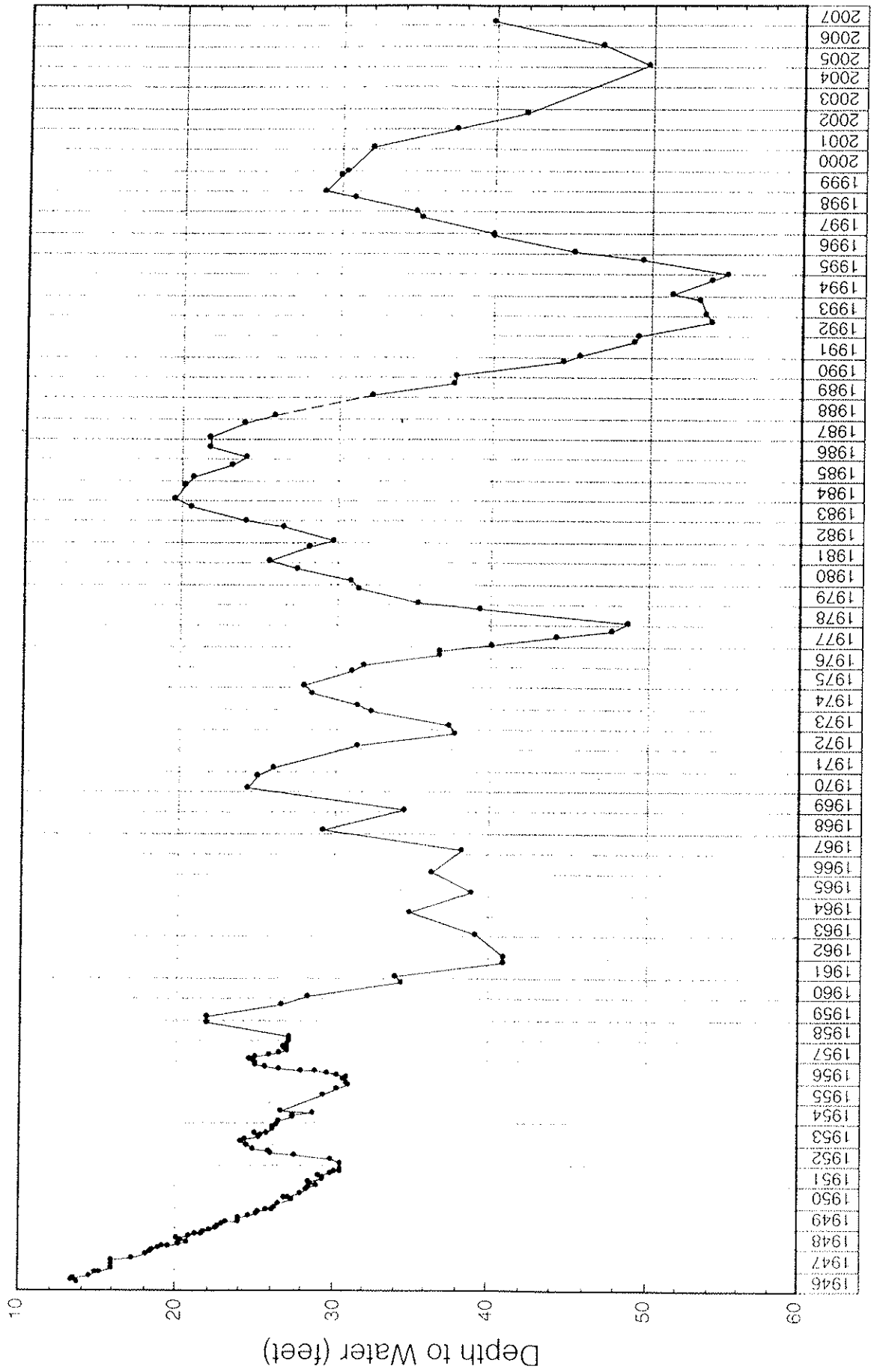


FIGURE 5- LONG-TERM WATER-LEVEL HYDROGRAPH FOR WELL T15S/R22E-32N1

in the area west and southwest of the plan area than farther east. There are a number of CID recharge ponds in the Selma area, and these have been used to recharge the groundwater, along with seepage from canals and deep percolation of applied canal water. According to Summers Engineering (2007), the average rate of water-level decline in the CID has been about 0.5 foot per year.

#### Well Production

Records of the California Department of Health Services (DOHS) indicate that operational pumping rates for most of the cable-tool drilled CWS Selma wells have ranged from about 500 to 800 gpm. For the deeper gravel packed wells, operational pumping rates have usually ranged from about 700 to 1,300 gpm.

#### Pumpage

CWS records indicate that the total Selma water system pumpage in 2008 was about 7,100 acre-feet. This was for a total of 5,999 active connections serving a population of about 24,000 residents.

There are several industries in the City of Selma that have their own wells for water supply. The annual pumpage from these is estimated to be about 500 acre-feet per year.

#### Recharge

Summers Engineering, Inc. (2002) described water supplies in



the CID. The two main canals are the Fowler Switch Canal, which passes through the plan area near the northwest corner of the City, and the Centerville and Kingsburg (C&K) Canal, which passes through the east and south parts of the City. Canal water deliveries normally begin in April and end in mid-August. The CID conducts recharge to the groundwater by seepage from the canals and dedicated recharge basins. There is typically basin recharge when there are excess flows or flood releases in the Kings River. Plate D-1 of Summers Engineering shows locations of recharge ponds near Selma, and these are shown in Figure 4. Summers Engineering (2007) indicated that pond deliveries in the CID averaged about 31,000 acre-feet per year over the period of record. There is an estimated 20,000 acre-feet per year of canal seepage and pond deliveries during the irrigation season. In addition, Summers Engineering (2007) estimated that deep percolation losses from water applied to irrigated fields in the CID were about 30 percent.

#### Wastewater Flows

Data from the Selma-Kingsburg-Fowler County Sanitation District (SKFCSD) indicate a wastewater flow from Selma of about 3,000 acre-feet in 2008. The effluent is sent to a series of ponds south of Conejo Avenue, and most of it percolates (about 2,700 acre-feet per year from Selma) to the groundwater, while the remainder evaporates.

### Groundwater Overdraft

Based on the water-level hydrographs for the eight wells in the 2035 plan area with long-term records, the average rate of water-level decline since 1960 has been about 0.35 foot per year. Using an estimated average specific yield of 0.15 for the shallow deposits, the amount of groundwater overdraft in the 2035 plan area has averaged about 800 acre-feet per year since 1960.

### Groundwater Quality

In general, the quality of groundwater in most of the plan area has been suitable for public supply, except for DBCP and uranium in the shallow groundwater at some locations. Since 1983, new CWS Selma wells have been drilled to depths of at least 600 feet and the shallow groundwater sealed off. Other new water system wells have also been constructed in a similar manner.

### Inorganic Constituents

Table 3 shows the results of analyses for selected constituents for water samples collected from shallower CWS Selma wells during 2007-08. Total dissolved solids (TDS) concentrations ranged from 136 to 260 mg/l. The lowest TDS concentrations (175 mg/l or less) were in water from Wells No. 05-03, 07-01, 11-01, and 14-01. The first three of these wells were near the C&K Canal, and the other was near the Walnut Ditch. The waters from this group of wells were of the calcium or calcium-sodium bicarbonate type, and

TABLE 3-CHEMICAL AND RADIOLOGICAL QUALITY OF WATER FROM  
SHALLOWER CALIFORNIA WATER SERVICE CO. SELMA WELLS

Constituent (mg/l)	No. 04-03	No. 05-03	No. 06-01	No. 07-01
Calcium	34	29	40	31
Magnesium	6	3	4	4
Sodium	21	22	27	18
Carbonate	<1	3	3	4
Bicarbonate	146	116	133	120
Sulfate	17	11	20	15
Chloride	16	12	30	13
Nitrate	13	8	16	11
Fluoride	0.1	<0.1	<0.1	<0.1
pH	8.2	8.1	8.0	8.2
Electrical Conductivity (micromhos/cm @ 25°C)	300	268	381	282
Total Dissolved Solids	220	136	224	172
Arsenic (ppb)	<2	1.9	1.1	<1
Iron	<0.1	<0.1	<0.1	<0.1
Manganese	<0.02	<0.02	<0.02	<0.02
Alpha Activity (pCi/l)	8.9	3.6	7.1	6.5
DBCP (ppb)	0.15	0.05	<0.01	0.12
1,2,3-TCP (ppb)	<0.01	<0.01	<0.01	<0.01
Date	07/15/08	01/10/06	10/07/08	04/08/08
Perforated Interval (ft)	225 O.B.	229 O.B.	T.D.296	208 O.B.

Continued:

TABLE 3-CHEMICAL AND RADIOLOGICAL QUALITY OF WATER FROM SHALLOWER  
CALIFORNIA WATER SERVICE CO. SELMA WELLS (Continued:)

Constituent (mg/l)	No. 08-01	No. 10-01	No. 11-01	No. 14-01
Calcium	36	45	24	27
Magnesium	6	3	1	3
Sodium	23	33	20	21
Carbonate	<1	<1	4	4
Bicarbonate	183	305	93	115
Sulfate	11	29	18	12
Chloride	14	26	9	7
Nitrate	9	29	11	15
Fluoride	0.1	<0.1	<0.1	<0.1
pH	8.1	8.0	8.3	8.2
Electrical Conductivity (micromhos/cm @ 25°C)	300	400	225	263
Total Dissolved Solids	220	260	160	160
Arsenic (ppb)	<2	<2	<1	1.0
Iron	<0.1	<0.1	<0.1	<0.1
Manganese	<0.02	<0.02	<0.02	<0.02
Alpha Activity (pC/l)	5.9	3.1	3.5	5.5
DBCP (ppb)	<0.01	<0.01	<0.01	0.10
1,2,3-TCP (ppb)	<0.01	<0.01	<0.01	<0.01
Date	09/11/07	09/11/07	07/10/07	10/07/08
Perforated Interval (ft)	228 O.B.	290 O.B.	287 O.B.	179-280

Water from Well No. 14-01 is treated for DBCP removal prior to use.  
Analyses from CDOHS files.

pH values ranged from 8.0 to 8.3. Nitrate concentrations in water from these wells ranged from 8 to 29 mg/l, below the MCL of 45 mg/l. The lowest nitrate concentrations (15 mg or less) were from the wells with the lowest TDS concentrations. Concentrations of iron, manganese, and arsenic in water from these were well below the respective MCLs.

Table 4 shows the results of analyses for inorganic constituents in water samples collected from deeper CWS Selma wells during 2007-08. TDS concentrations ranged from 62 to 132 mg/l. Water from three of these wells (No. 17-02, 19-01, and 20-01) were less than 70 mg/l. The waters were of the sodium or calcium-sodium bicarbonate type and pH values ranged from 8.3 to 8.9. Nitrate concentrations in water from these wells ranged from less than 1 to 11 mg/l. Concentrations of iron and manganese were well below the respective MCLs. Arsenic concentrations ranged from about 2 to 5 ppb, below the MCL of 10 ppb.

#### Radiological Constituents

Table 3 indicates that alpha activities in water from the shallower CWS Selma wells ranged from about 3 to 9 picocuries per liter in 2007-08, below the MCL of 15 picocuries per liter. The highest alpha activities were generally in wells with the shallowest perforations. Table 4 indicates that alpha activities in water from all of the deeper CWS Selma wells were less than 3 pico-

TABLE 4-CHEMICAL ANALYSES OF WATER FROM DEEPER  
CALIFORNIA WATER SERVICE CO. SELMA WELLS

<u>Constituent (mg/l)</u>	<u>No. 13-02</u>	<u>No. 16-03</u>	<u>No. 17-02</u>	<u>No. 18-01</u>	<u>No. 19-01</u>	<u>No. 20-01</u>
Calcium	15	13	6	14	8	7
Magnesium	1	<1	<1	<1	<1	<1
Sodium	20	20	15	19	16	17
Carbonate	6	<1	6	7	7	8
Bicarbonate	79	70	67	60	46	54
Sulfate	9	<10	3	6	6	3
Chloride	5	13	2	15	7	3
Nitrate	11	8	<1	7	7	5
Fluoride	<0.1	<0.1	0.1	<0.1	0.1	0.1
pH	8.6	8.3	8.5	8.7	8.9	8.8
Electrical Conductivity (micromhos/cm @ 25°C)	173	160	100	161	133	116
Total Dissolved Solids	132	110	67	98	68	62
Arsenic (ppb)	1.6	<2	2.7	5.3	3.5	3.8
Iron	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Manganese	<0.01	<0.01	<0.01	0.01	<0.01	<0.01
Alpha Activity (pC/l)	2.3	<3.0	<3.0	<3.0	<3.0	<3.0
DBCP (ppb)	0.04	0.05	<0.01	0.02	<0.01	<0.01
1,2,3-TCP (ppb)	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01
Date	10/16/07	07/29/08	12/09/08	01/09/07	12/14/07	03/06/07
Perforated Intervals (ft)	340-560	380-582		340-570	350-600	375-650

Analyses from CDOHS. No. 17-01 is a new well, not yet in service.

curies per liter.

### Trace Organics

DBCP was applied in some irrigated lands in the eastern San Joaquin Valley to control nematodies, particularly for vineyards on sandy soils, until it was banned in 1977. CSUF (1994) evaluated the distribution of DBCP in the Kings Basin, which includes the project site. High DBCP concentrations in groundwater usually coincide with sandy topsoils, coarse-grained under-lying alluvium, and vineyards. DBCP in the groundwater has been found to be primarily above a depth of about 250 feet in the Selma area. Tables 3 and 4 also show DBCP concentrations in water from CWS Selma wells in 2007-08. CWS Selma Well No. 15-01 is now inactive, due to DBCP contamination. DBCP was detected in water from four of the shallower CWS Selma wells at concentrations ranging from 0.05 to 0.15 ppb, below the MCL of 0.2 ppb. Water from CWS Well 14-01 is treated for DBCP removal. CWS Selma cable-tool wells that draw water from below a depth of about 290 feet appear to normally have had no detectable DBCP concentrations in the pumped water. DBCP concentrations in water from three deeper CWS Selma wells were non-detectable (Table 4). Water from the other three of the deeper wells had DBCP concentrations ranging from 0.02 to 0.05 ppb, below the MCL.

### Summary

The quality of groundwater below a depth of about 300 feet and above a depth of about 700 feet beneath the City of Selma plan area appears to be excellent for public supply. Shallower groundwater is generally of suitable quality for irrigation use.

### Existing Water Budget

#### Urban

CDOHS records indicate that pumpage from CWS Selma wells was about 7,100 acre feet in 2008, or an average of about 3.0 acre-feet per acre per year for the 2,500 acres in the City limits. There is an additional estimated pumpage of 500 acre-feet per year from several industries in the City of Selma. Information from the SKFCSD indicates a dry weather wastewater influent amount from the City of Selma of 2,600 acre-feet in 2008. The estimated outdoor water use in the City was thus about 4,500 acre-feet per year. Assuming an average irrigation efficiency of 60 percent in the urban area, the consumptive use of applied water in the urban area would be about 2,700 acre-feet per year, or about 1.1 acre-foot per acre per year.

Information on SKFCSD effluent ponds evaporation and percolation is submitted by the SKFCSD to the Regional Water Quality Control Board on an annual basis. Of the City of Selma contribution to wastewater effluent from the SKFCSD WWTF, an estimated 200 acre-feet per year (rounded) has been lost to pond evaporation, when the



ponds have been allowed to gradually plug. Thus the total consumptive use for the City of Selma was about 2,900 acre-feet per year, or about 1.2 acre-foot per acre per year. In 2009 the percolation ponds were deep ripped, and after this was completed, the pond water surface area decreased from about 110 acres to 15 acres (Ben Munoz, person communication). Thus infiltration rates from the ponds can be increased and evaporation rates decreased in the future by periodic maintenance. Recharge of storm water in the City hasn't been exactly determined, but is estimated to be less than 1,000 acre-feet per year.

#### Rural

Summers Engineering (2007) summarized canal water deliveries in the CID. The CID delivers an average of 239,000 acre-feet per year of water to 95,000 acres in the CID. Assuming that two-thirds of the 9,900 irrigated acres in the plan area were provided canal water by the CID (based on the District-wide average), the canal water delivery to the plan area would average 15,000 acre-feet per year. According to Summers Engineering (2007), the CID recharges an average of about 51,000 acre-feet per year in recharge ponds and canals in the District. An estimated 500 acres of these ponds are in the 2035 plan area. The estimated recharge from the ponds and canals in the plan area averages about 20,000 acre-feet per year.

Aerial photos were reviewed for the 2035 plan area. The part

of this area east of Locan Avenue was covered by a photo for August 20, 2004, and the part of the area to the west was covered by a photo of March 30, 2007. The plan area encompasses about 15,200 acres of land. Of the land, a total of about 9,900 acres was irrigated, 3,100 acres were urban, 500 acres were recharge basins, and 1,700 acres were idle land, agricultural residences, and ancillary land in the rural area.

Based on a review of these aerial photos, there were about 8,040 acres of vineyards, 1,540 acres of deciduous orchards, and 400 acres of other irrigated crops in the 2035 plan area (based on the November 2008 preferred alternative map). Using California Department of Water Resources Bulletin 113-3 values for evapotranspiration of applied water by crops, the consumptive use of applied water in the 2035 plan area was 21,000 acre-feet per year. The average consumptive use in the rural area was thus 2.1 acre-feet per acre per year, or about twice the estimated urban consumptive use (including evaporation of the City's share of sewage effluent from SKFCSD ponds). Using an estimated irrigation efficiency of 60 percent, the applied water requirement for irrigation in the plan area would be about 35,000 acre-feet per year. If an average of 15,000 acre-feet per year of irrigation water has been delivered in this area from canals, then the groundwater pumpage for irrigation in this area has averaged about 20,000 acre-feet per year.

In the CID as a whole, canal water deliveries (for irrigation

and recharge) have been less than the crop consumptive use and the groundwater outflow to the west. This is demonstrated by the history of water-level declines shown by water-level hydrographs for numerous wells in the District. The larger water-level declines aren't associated with urban areas, rather they are associated with pumpage for agricultural irrigation, both in and west of the CID. Average rates of water-level decline in the City of Selma plan area have been much less than the reported average decline in the CID.

The best estimate of groundwater overdraft for the 2035 plan area is to multiply the average water-level decline times the specific yield of the Quaternary older alluvium. Davis, Lofgren, and Mack (1964) indicate that the average specific yield of deposits in the King's River groundwater storage unit above a depth of 200 feet was 13 percent. This storage unit includes the City of Selma. Based on the experience of Ken Schmidt, this value was increased slightly, to 15%, for use in this evaluation. Using an average water-level decline in the 2035 plan area of about 0.35 foot per year since 1960, and a specific yield of about 0.15 for the shallow deposits, the average annual groundwater overdraft in the plan area has been about 800 acre-feet per year.

#### IMPACTS OF DEVELOPMENT OF PLAN AREA ON GROUNDWATER

Based on the November 2008 preferred alternative 2035 plan area, about 14,700 acres of land would be urban (excludes CID

canals and recharge ponds). California Water Service (2006) estimated the water requirement for year 2030 would be about 27,600 acre-feet per year. This was based on the City's established growth rate at that time. If groundwater pumpage alone is used to supply the urban demand for the 2035 planning area, the increased pumpage would be about 7,000 acre-feet per year compared to existing conditions. There would be an estimated urban consumptive use of about 18,000 acre-feet per year under full development of the 2035 plan area. This would be about 10,000 acre-feet per year less than the estimated present consumptive use in the plan area. The amount of wastewater generated in the plan area would be about 13,000 acre feet per year. If all of this was exported out of the plan area, there would be an average water deficit of about 19,000 acre-feet per year in the plan area. If the canal water formerly used for irrigation in the 2035 plan area (15,000 acre-feet per year) were used or recharged in the 2035 plan area under full development, then the deficit would be only about 4,000 acre-feet per year. The use or recharge of part of the 10,000 acre-feet of additional wastewater created in the plan area could eliminate this deficit.

#### REFERENCES

California State University, Fresno Foundation, 1994, "Strategy for Mitigation of DBCP Contamination of Kings Groundwater Basin", prepared for California State Water Resources Control Board.

California Water Service, 2006, "2006 Urban Water Management Plan, Selma District, California Water Service".

Davis, G. H., Lofgren, B. E., and S. Mack, 1964, "Use of Ground-Water Reservoirs for Storage of Surface Water in the San Joaquin Valley, California", U.S. Geological Survey Water-Supply Paper 1618, 125p.

Lassotovitch, C. R., 1996, "The Evaluation of DBCP in Groundwater in the Kings Basin, Central San Joaquin Valley, California", M.S. Thesis, Hydrology and Water Resources, University of Arizona, Tucson, Arizona, 141p.

Page, R. W., and R. A. LeBlanc, 1969, "Geology, Hydrology, and Water Quality in the Fresno Area, California", U. S. Geological Survey Open-File Report, 70p.

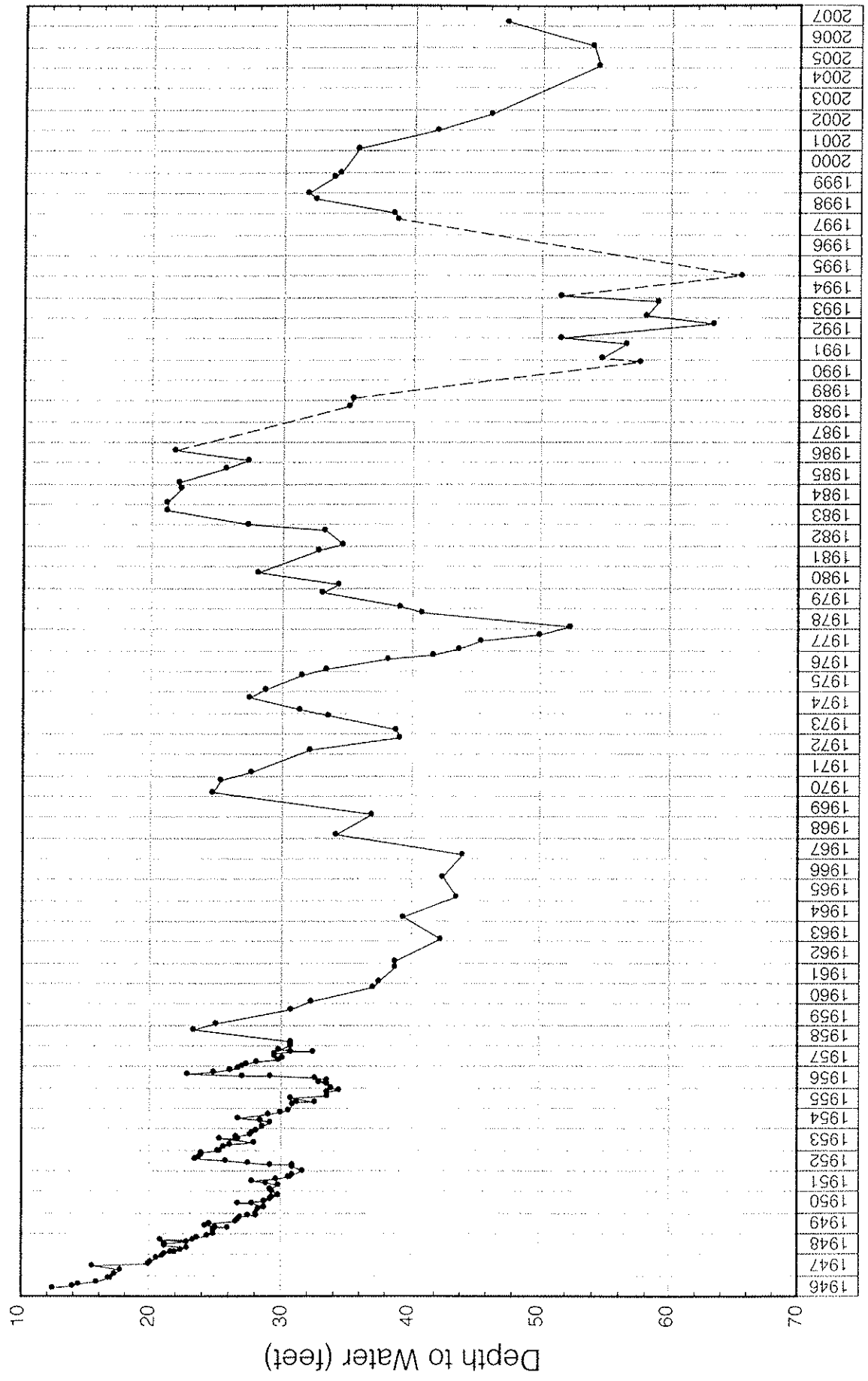
Quad Knopf, 2008, "City of Selma, General Plan Update, 2035", Notice of Preparation/Initial Study".

Schmidt, K. D., 1986, "DBCP in Groundwater in the Fresno-Dinuba Area, California", Proceedings of the Conference on Agricultural Impact on Groundwater, NWWA, Omaha, Nebraska, August 11-15, 1986, pp 511-529.

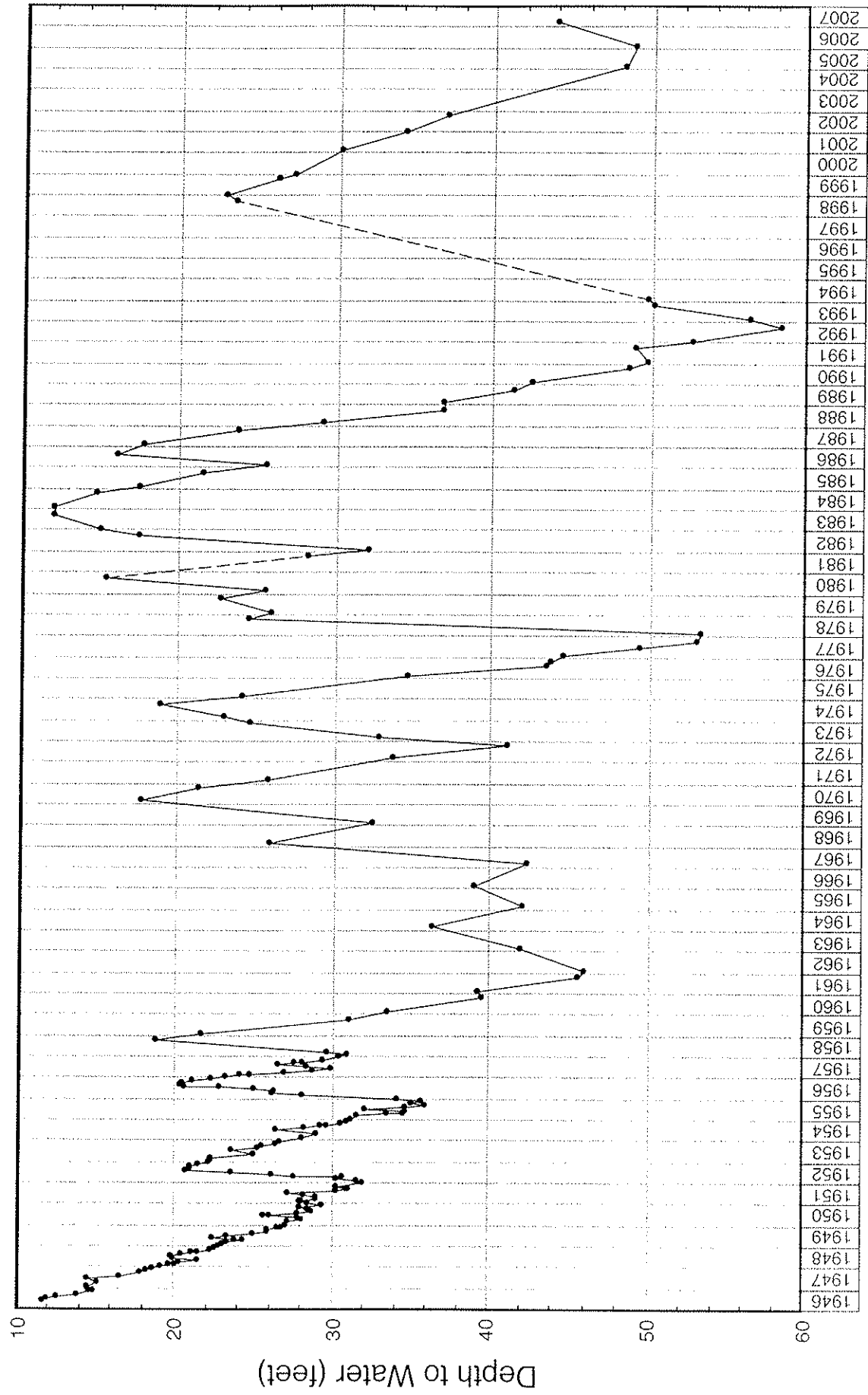
Summers Engineering, Inc., 2007, "Engineering Report, Urban Impacts Study, Consolidated Irrigation District", Draft Report, 54p.

APPENDIX A

WATER-LEVEL HYDROGRAPHS

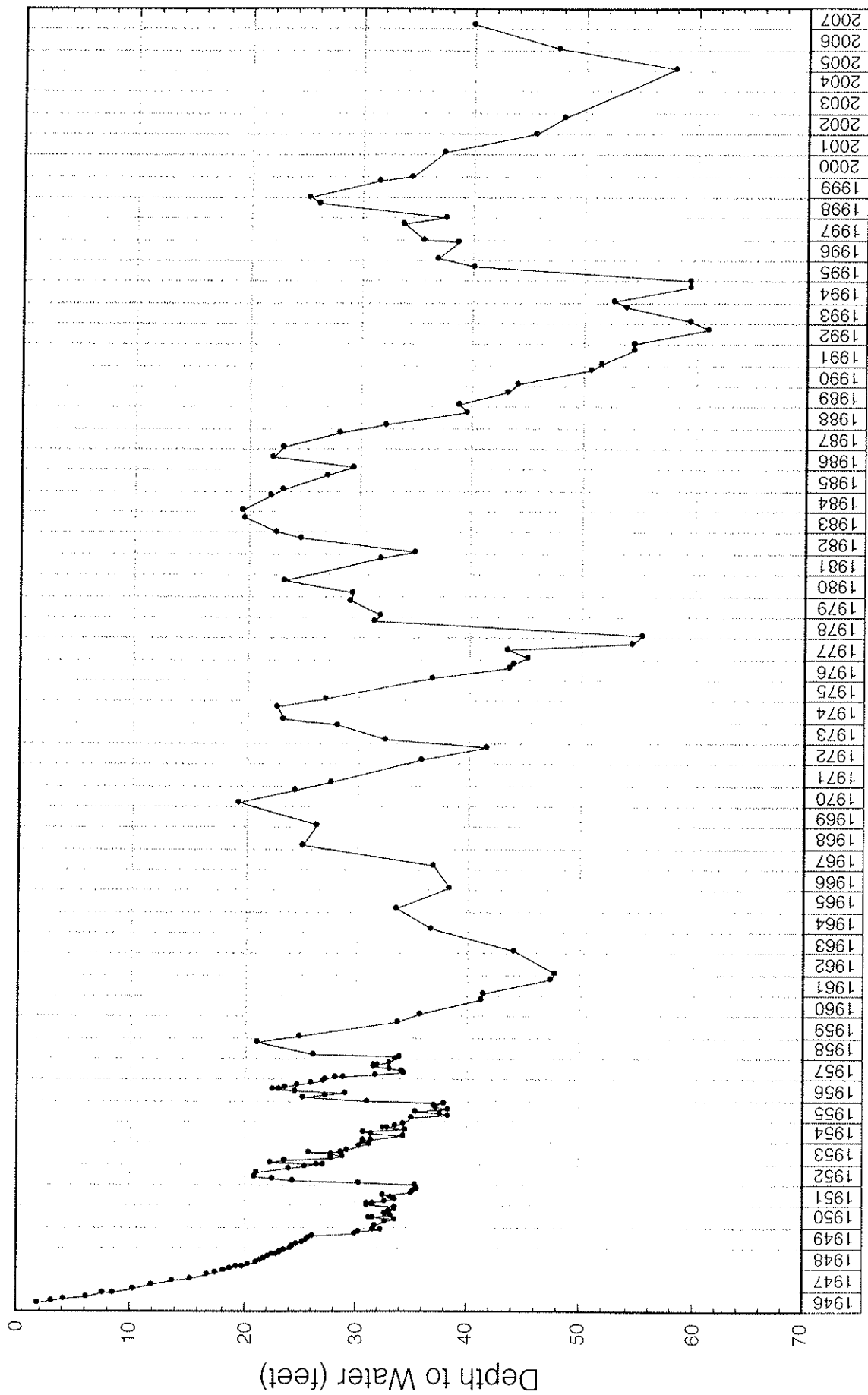


LONG-TERM WATER-LEVEL HYDROGRAPH FOR WELL T15S/R21E-27D1

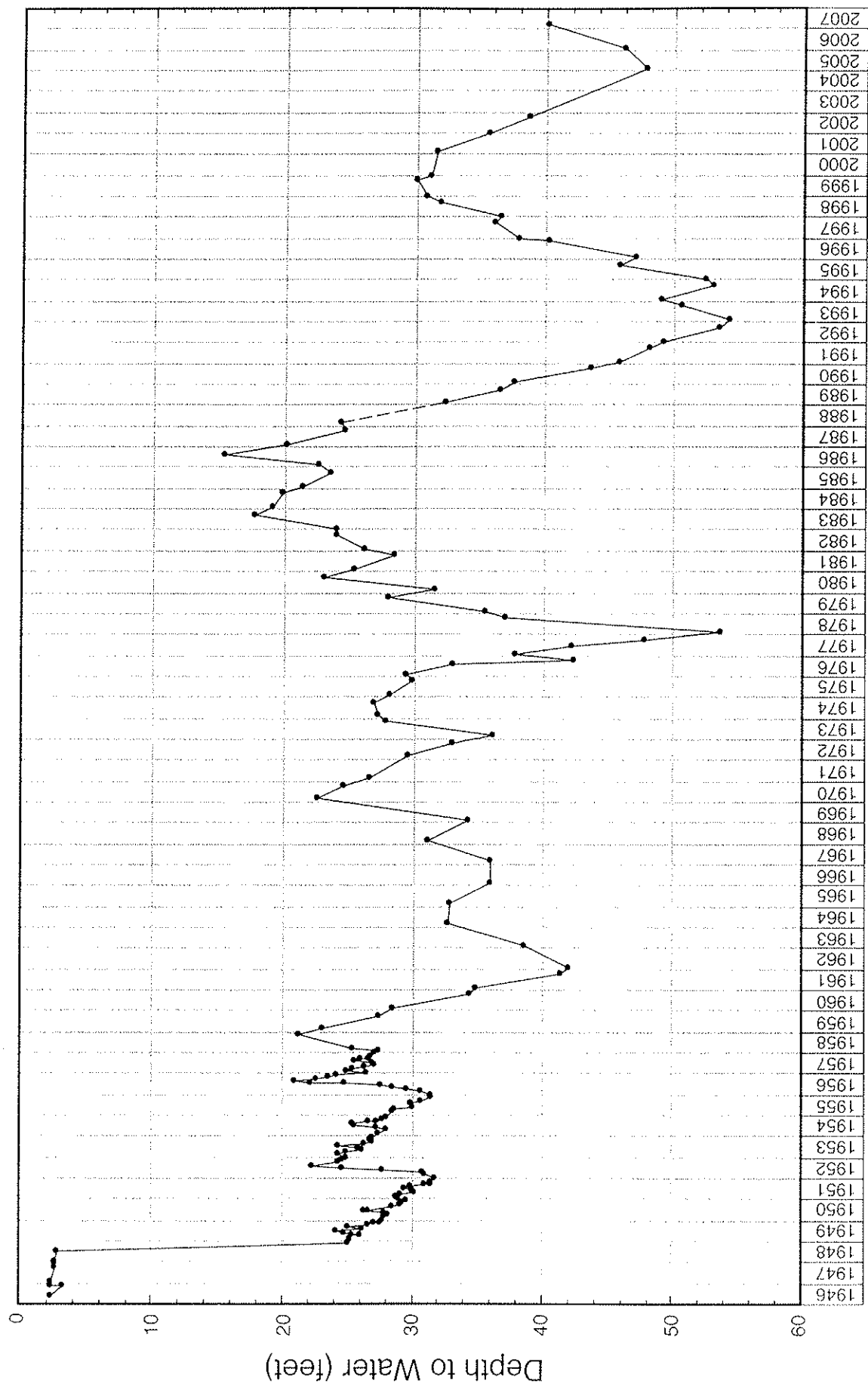


LONG-TERM WATER-LEVEL HYDROGRAPH FOR WELL T15S/R21E-34N1

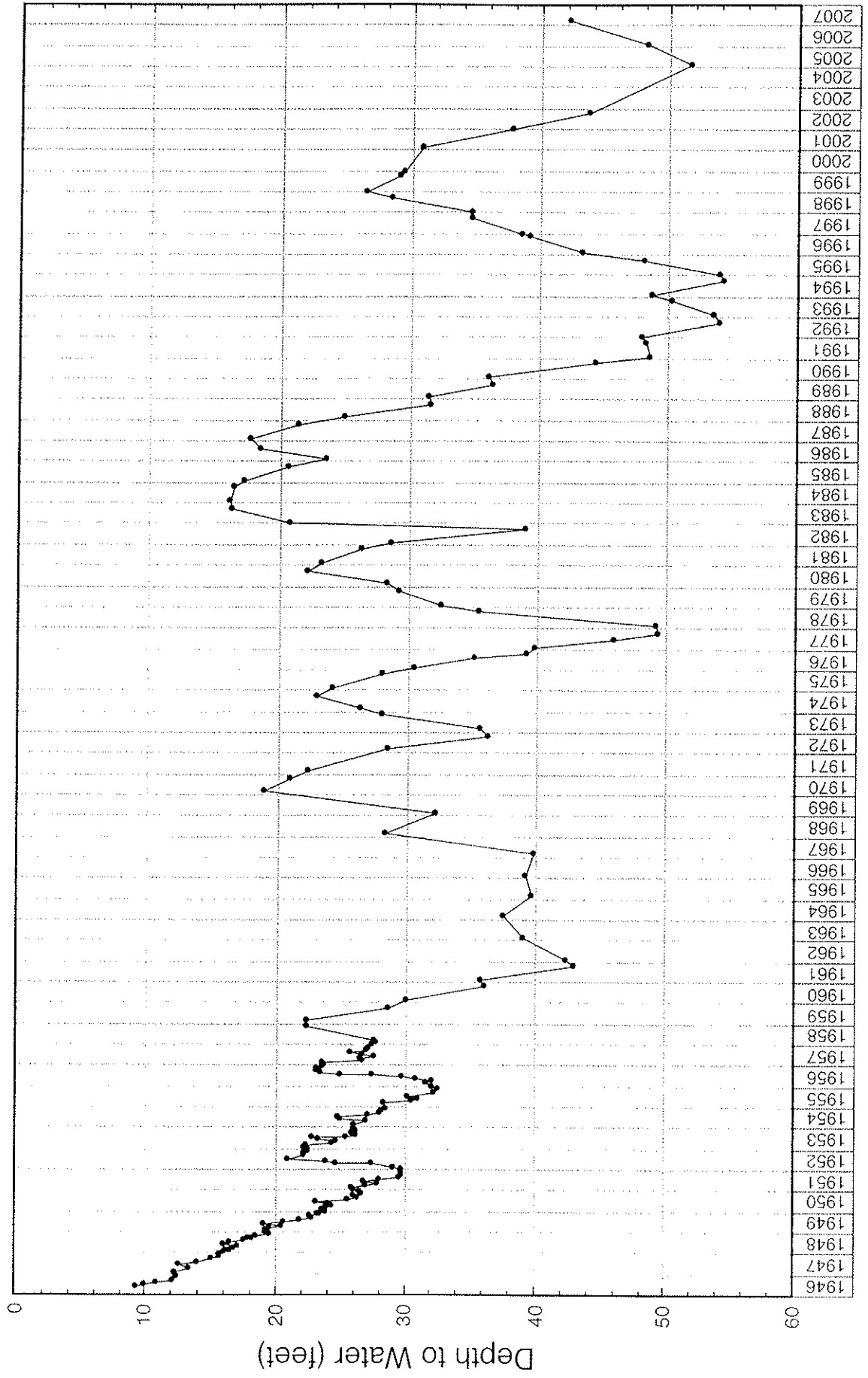




LONG-TERM WATER-LEVEL HYDROGRAPH FOR WELL T15S/R21E-35R1

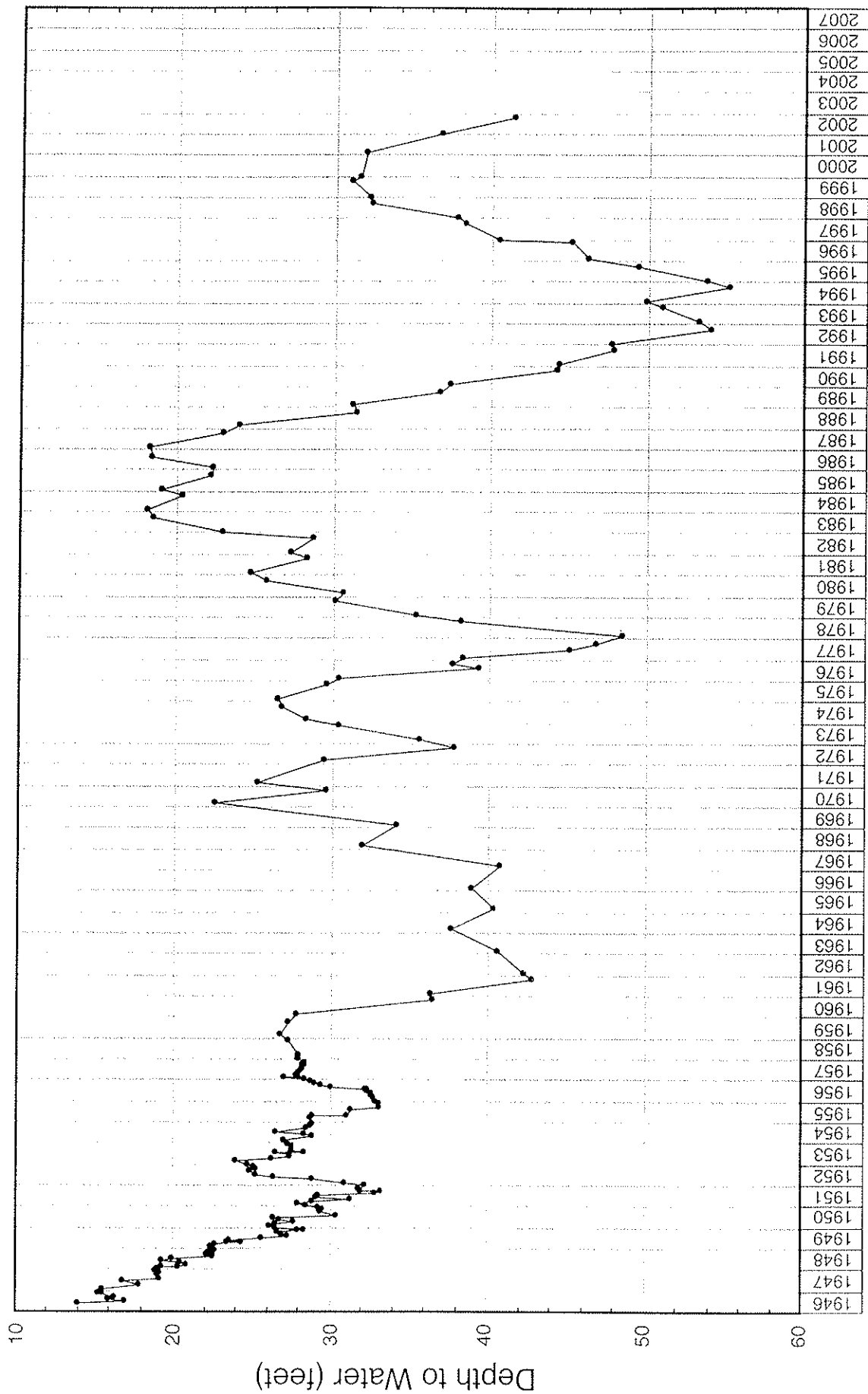


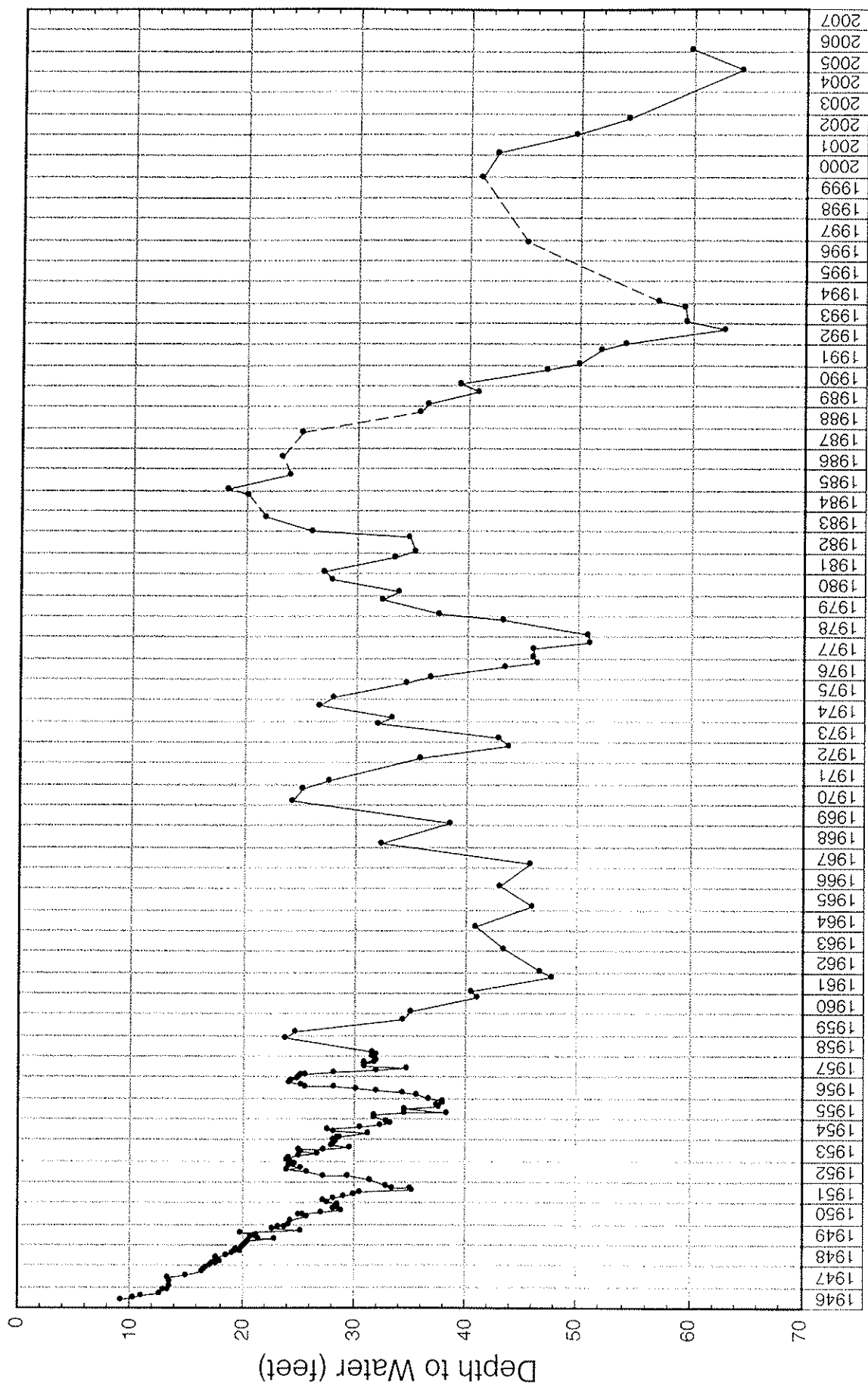
LONG-TERM WATER-LEVEL HYDROGRAPH FOR WELL T15S/R22E-33R1



LONG-TERM WATER-LEVEL HYDROGRAPH FOR WELL T16S/R21E-14A2

# LONG-TERM WATER-LEVEL HYDROGRAPH FOR WELL T16S/R22E-18A1





LONG-TERM WATER-LEVEL HYDROGRAPH FOR WELL T16S/R21E-15D1

## APPENDIX C

---

3 March 2009

Mr. Phi Desatoff, General Manager  
Consolidated Irrigation District  
2255 Chandler Street  
Selma CA 93662

RE: **COOPERATIVE AGREEMENT**

Dear Mr. Desatoff;

The City of Selma is very aware of the water needs of its citizens and the fact that we are having a water "crisis" within the Central Valley. The City of Selma has also been a participant with the other cities in the development of the New Cooperative Agreement to address the concerns of Consolidated Irrigation District.

At our meeting on February 19 between representative of your Board, yourself, Don and Jerry Farhney, Cliff Tutelian, Mayor Dennis Lujan, Councilmember Ken Grey and myself we decided that what the District needed was a response to the proposed New Cooperative Agreement. We were told that what you wanted or needed was a timeline when the City of Selma would address the concerns presented by Consolidated Irrigation District. It was stated that with this in place that Consolidated Irrigation District would approve an agreement with the Farhney – Tutelian project west of the present Wal-Mart on Floral Avenue. We told you that we would be dealing with the Cooperative Agreement at our 2 March 2009 City Council meeting and would have a response.

Since the February 19<sup>th</sup> meeting the City of Selma held a meeting with our staff, the staff of California Water Service, Inc., Mayor Lujan and Councilmember Grey to discuss the proposed Cooperative Agreement and our response to Consolidated Irrigation District.

We had server concerns about the proposed Cooperative Agreement including issues of accountability and that the farmers are seemly not a part of this agreement. Also the question that our water is not pumped from the same aquifer as farmers, but that California Water Services wells are much deeper. There is a question that the first aquifer may not be drinkable as there is going to be run off from the use of pesticides.

**Page Two – CID letter 3 March 2009**

It was decided that there are two major issues: - Water Recharge and Storm Water. At our February 19<sup>th</sup> meeting we made several decisions that will be recommended to the Selma City Council:

**First, as California Water Service** is a private company that provides water to our residents and businesses it was determined that they would respond to you regarding technical water issues such as cost per acre foot. The City of Selma is not in a position to tell California Water Services what it should pay for water therefore California Water Services will work directly with Consolidated Irrigation District.

**Second, Regarding Storm Water.** The City of Selma has a four phased plan that over a 3-5year period to remove the City of Selma's use of Consolidated Irrigation District canals and ponds. Presently we do have a NPDES General Permit and this Storm Water Plan does fit with that plan.

**Phase 1** – Immediately the City of Selma will adjust its master storm water management plan. From this point on any project coming on line will not discharge storm water into the canals or property of the Consolidated Irrigation District.

**Phase 2** - Waters that are presently being directed to Rockwell Pond will be diverted away from that location via new pipe and discharged into a city owned pond west of Highland Avenue. We are making application for funds from the United States Stimulus Package and anticipate this to be a two year project. Additionally, we should note that the City of Selma does have a pond at Shafter Park where water does settle before being pumped into Consolidated Irrigation District's Rockwell Pond.

**Phase 3** – Land that is north of Dinuba Avenue that uses Young Pond would be diverted into the City's Storm Water System. This is in year three.

**Phase 4** – Presently the City of Selma has several lift stations that takes water from the older part of the City of Selma and pumps into the canal that is along Orange Avenue. The City of Selma working through grants and the U.S. Stimulus Package will place a parallel storm water pipe that will extend south and discharge into a city owned storm water basin. This will be completed in years 3-5 of the plan.

**Third, Water Recharge.** It is the City of Selma's position that it will develop a program whereby the City will be responsible for its own water recharge and will be pursuing with Consolidated Irrigation District a method for the conveyance of water to our recharge basins. This is much like what Fresno Irrigation District is now doing with the cities of Fresno and Clovis. This means that we are looking at the establishment of policy of not removing annexed property from Consolidated Irrigation District, but retaining the water rights. This water from the annual water runs will then be placed into the recharged basins. Additionally, the City of Selma understands from meetings with Consolidated Irrigation District that there is additional water that can be purchased. Though we understand that all the rights of the Kings River have



**Page Three - CID Letter 3 March 2009**

been allocated we will be working with water consultants, as well as California Water Services, to find additionally water that we can be then purchased for the area in which we have retained water rights.

Additionally, we will be working with a water consultant to determine what the impact has been of the natural water flow or water shed for the area that encompasses the City of Selma by the development of the irrigation canal system.

The third decision is anticipated to take effect immediately with any new proposed project. The City of Selma therefore would enter into negotiations with Consolidated Irrigation District regarding a cost for the conveyance of water when new projects are approved.

It is the understanding of the City of Selma that Consolidated Irrigation District wanted to maintain the water rights as property was annexed to the City. It is our belief that if we had retain the water rights and developed recharge basins, per the cities of Fresno and Clovis, assuming only 75% had water rights through the District that we would have had 476 acres funded for direct water recharge for municipal water use.

It is our belief that these decisions can all be completed within the 5-years identified in the plan. We have already begun the plan addressing with local, state and federal representatives the funding of these projects and feel confident that we will receive the support of local, state and federal legislators.

We feel that the City of Selma and Consolidated Irrigation District have had excellent working relationships in the past and we look forward to continue that relationship in the future.

Sincerely,

D-B Heusser  
City Manager

