

## **Appendix A: Notice of Preparation (NOP) and Comment Letters**



## **NOTICE OF PREPARATION (NOP) ENVIRONMENTAL IMPACT REPORT (EIR) CITY OF LEMOORE GENERAL PLAN UPDATE**

Date: August 15, 2006

To: Responsible Agencies, and Interested Parties and Organizations

**Subject: Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the City of Lemoore General Plan Update**

Project Title: City of Lemoore General Plan Update

Location: City of Lemoore, California

The City of Lemoore is preparing a General Plan Update, and has determined that an Environmental Impact Report (EIR) will be necessary pursuant to the California Environmental Quality Act (CEQA). The City of Lemoore requests your input on how the General Plan Update may affect the environment. More specifically, input is being solicited regarding the scope and content of environmental analysis that is relevant to your respective agency's statutory/regulatory responsibilities in order to ascertain potential impacts of the proposed project.

Although specific proposals and revisions for the Lemoore General Plan Update have not yet been determined, we are soliciting your comments. This will allow your input to be taken into consideration during formulation of the environmental impacts of the General Plan Update to be addressed in the EIR. A description of the proposed action, location map, and preliminary identification of the potential environmental effects are contained in the attached materials.

If your agency is a responsible agency as defined by Section 15381 of the State CEQA Guidelines, your agency will need to use the environmental documents prepared by the City of Lemoore when considering your permit or other approval for the action.

Due to the time limits mandated by State law, your comments should be submitted by the earliest possible date, but not later than 30 days after your receipt of this notice per CEQA Guidelines Section 15082(b). Please send your written response, with the name of your agency contact person, to: Holly Smyth, Planning Director, Planning and Community Development Department, City of Lemoore, 201 Fox Street, Lemoore, CA 93245.

A Scoping Meeting will be conducted on Monday, August 28, 2006, 3:00 – 4:00 PM, Lemoore City Council Chambers, 429 "C" Street, Lemoore. If you have questions regarding this NOP or the Scoping Meeting, you can call Ms. Smyth at (559) 924-6740.

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Holly Smyth, Planning Director  
City of Lemoore

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Date

**NOTICE OF PREPARATION (NOP)  
ENVIRONMENTAL IMPACT REPORT (EIR)  
CITY OF LEMOORE GENERAL PLAN UPDATE**

**PROJECT TITLE**

City of Lemoore General Plan Update

**LEAD AGENCY NAME AND ADDRESS**

Planning and Community Development Department  
City of Lemoore  
210 Fox Street  
Lemoore, California 93245

**CONTACT PERSON AND PHONE NUMBER**

Holly Smyth, Planning Director  
City of Lemoore  
(559) 924-6740

**PROJECT LOCATION AND BOUNDARIES**

*Location*

The City of Lemoore is situated within the northern portion of Kings County, in the center of the San Joaquin Valley. The City is located in the center of California at the junction of California State Route 198 and State Route 41, approximately 210 miles south of San Francisco and 200 miles north of Los Angeles. Lemoore is located near Yosemite, Sequoia, and Kings Canyon National Parks. The regional setting is depicted in Figure 1.

The Lemoore Naval Air Station (LNAS), one of the Navy master jet bases in the United States, is located to the west of the Planning Area. The air station has a strong influence on the population characteristics of Lemoore. The Kings County General Plan assumes a constant base population of 7,500 through the year 2030.

The Santa Rosa Rancheria, consisting of approximately 40 acres of land owned by the Tachi Yokut Indians, is located to the south of the Planning Area. On the northern portion of this land is located the Palace Indian Gaming Center.

*Planning Boundaries*

The Proposed Planning Area comprises a total of 21,400 acres (33.5 square miles) of both incorporated and unincorporated land bearing relation to the City's future growth. More specifically, the Planning Area extends north to Hanford-Armona Road, the intersection of State Route 198 and Medford Avenue to the east, Jackson Avenue to the south, and just west of Marsh Drive to the west. The Planning Area has been defined with the intention of focusing future growth on land contiguous to the City and preventing scattered development on adjacent high quality farmlands. Being included within the Planning Area does not necessarily mean that the City is considering annexation.

### *Sphere of Influence*

The City's Sphere of Influence boundary incorporates a total of 11,100 acres (17.4 square miles) or 52 percent of the total land located within the Planning Area. This boundary encompasses incorporated and unincorporated territory that is envisioned to be the City's ultimate service area. Within the Sphere of Influence, many agricultural areas are already zoned for residential or commercial uses because of anticipated conversion of agriculturally zoned land to meet the city's growth needs. Farmland of Statewide Importance comprises approximately 6,850 acres or 56 percent of the Planning Area with this land dispersed throughout the Planning Area. Urban and Built-Up Land, concentrated within existing City Limits, occupies the second most significant proportion of the Planning Area, comprising approximately 3,600 acres. Prime Farmland comprises a small portion of the Planning Area, located to the northeast and northwest of the existing City Limits.

### *City Limits*

The City of Lemoore's existing City Limits encompasses approximately 6,300 acres (9.9 square miles) of incorporated land or 30 percent of the Planning Area. The existing City Limits include residential, commercial and industrial developments as well as public facilities, including parks, schools, and the Waste Water Treatment Plant.

### **PROJECT SPONSOR'S NAME AND ADDRESS**

Planning and Community Development Department  
City of Lemoore  
210 Fox Street  
Lemoore, California 93245

### **DESCRIPTION OF PROJECT**

The City of Lemoore has initiated a comprehensive update of its General Plan (excluding the Housing Element), which is an opportunity for community members to explore long-term goals and development for the City. The State of California requires every city and county to have a comprehensive General Plan that serves as a constitution for long-term physical development. The Plan identifies current and future needs in areas such as land use, housing, transportation, public services, and environmental quality.

The purpose of the project is to update the City's existing General Plan to accommodate development through 2030. The last comprehensive update was completed in 1992 with a major amendment done in 1997, which added approximately 1,400 acres to the City Limits west of Highway 41. It is intended that this General Plan update will include land use, circulation, conservation, open space (parks and recreation), noise, and safety elements in addition to a public utilities/facilities and community design elements. The City recently adopted a new Housing Element in February 2004 and has received certification from HCD.

The General Plan Update will outline a comprehensive range of policies related to Lemoore's growth and conservation. The Update offers the Planning Commission and City Council an opportunity to establish the City's priorities related to growth through development of key infill sites, cross-town connectors, neighborhoods, and activity centers. A public participation process will provide opportunities for community input, and a General Plan Update Advisory Committee will work with City staff and the consultant team throughout the process. The new General Plan will serve as the framework for the City's Capital Improvements Program (CIP), any needed changes to zoning and other



implementing ordinances, annual budget, and operations and maintenance activities.

The Draft General Plan resulting from the Update process will contain summary background information, goals, and policies addressing the following topics (which may be combined or be stand-alone elements):

- Land Use;
- Community design;
- Public utilities/facilities;
- Circulation;
- Noise;
- Safety;
- Open Space (parks and recreation); and
- Conservation.

To meet the delivery deadlines of California's Department of Housing and Community Development (HCD), the Housing Element update was adopted ahead of the remainder of the General Plan in 2004. The Housing Element was certified by HCD. Upon completion of the General Plan Update the two documents will be reviewed for internal consistency.

The EIR will analyze the potential consequences of adopting the proposed General Plan. It will discuss how General Plan policies will affect the environment, identify significant impacts, and recommend measures to mitigate those impacts. The EIR will also consider the environmental impacts of sketch plan alternatives developed earlier in the update process, and identify an environmentally superior alternative. This NOP is a required publication at the outset of the EIR process.

The EIR will provide a programmatic environmental assessment of the General Plan Update and identify potentially significant impact issues early in the process so that appropriate mitigation policies can be developed and incorporated into the General Plan, and result in a "self-mitigating" document. Subsequent environmental review will be conducted for major development projects, public works and infrastructure improvements to evaluate site-specific issues.

A series of public hearings will allow for additional public input before City decision-makers certify the EIR and adopt the Plan.

## **SURROUNDING LAND USES**

The Planning Area is largely surrounded by limited and general agricultural uses.

## **OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED**

No other public agency is required to approve the Lemoore General Plan Update. Development under the Plan, however, may require approval of State, federal and responsible trustee agencies that may rely on this EIR for information relative to their area of expertise and jurisdiction.

## **POTENTIAL ENVIRONMENTAL IMPACTS TO BE CONSIDERED**

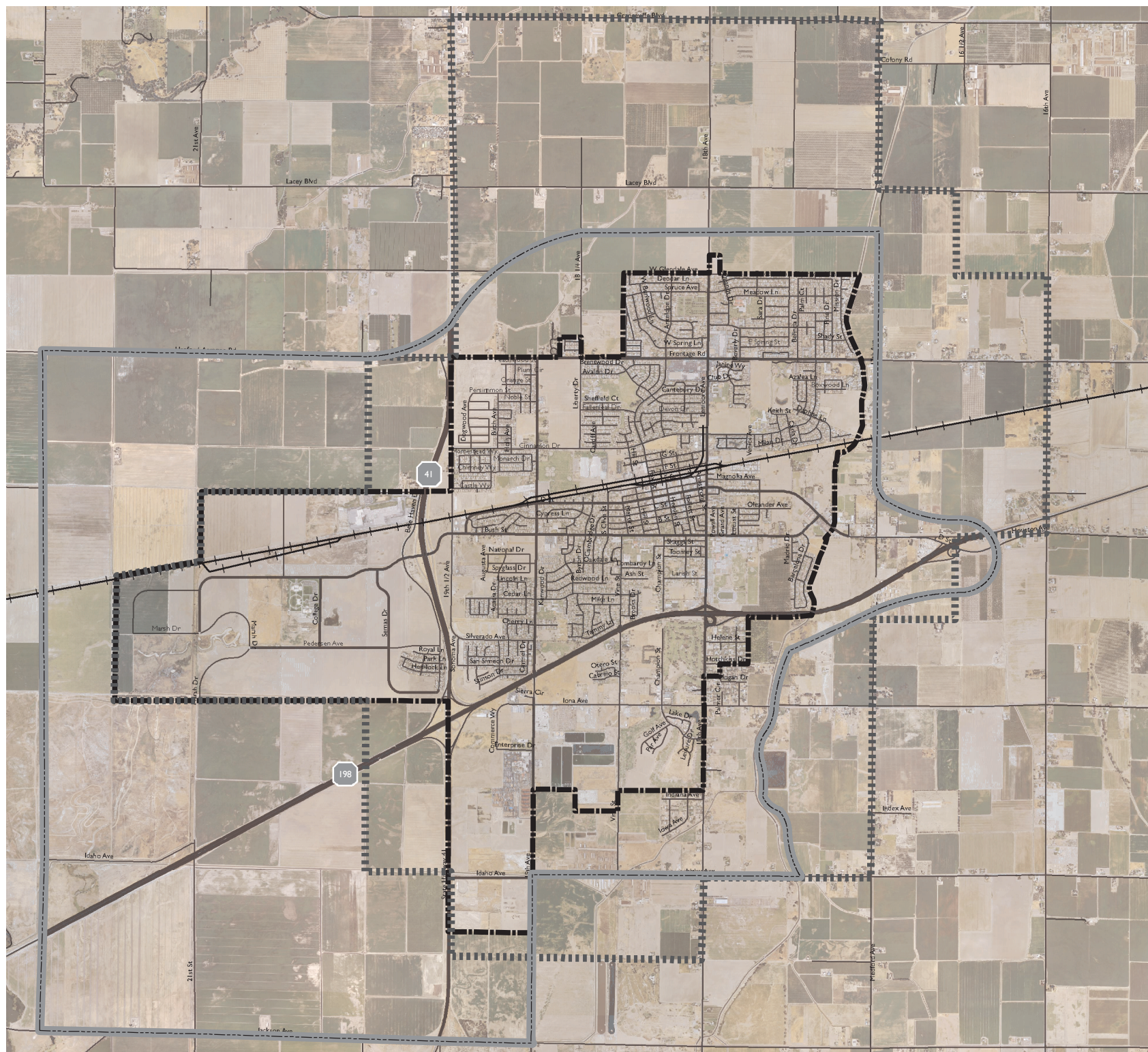
Preliminary topics for the EIR include:

- Land Use;
- Population and Housing;
- Visual Resources;
- Parks and Recreation;
- Biological Resources;
- Cultural Resources;
- Transportation;
- Air Quality;
- Noise;
- Geology and Seismicity;
- Water Resources;
- Hydrology and Water Quality;
- Wastewater and Solid Waste;
- Energy; and
- Hazardous Materials.

In addition to the potential environmental effects listed above, the EIR will evaluate potential cumulative effects of the proposed Lemoore General Plan Update as well as alternatives to the proposed General Plan. The No Project alternative will evaluate the impacts resulting from continued implementation of existing plans, policies, and regulations which govern the City. As appropriate, other alternatives that would avoid or lessen environmental effects related to the proposed Lemoore General Plan Update will be discussed. Referring to General Plan policies, the draft EIR will also recommend measures to mitigate environmental impacts.

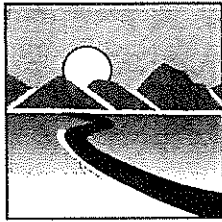


Planning Area  
Sphere of Influence  
Lemoore City Limits



Source: City Limits, Transportation, Kings County, 2006; Sphere of Influence, City of Lemoore, 2006; Planning Area, Dyett & Bhatia, 2006;





**WEST  
HILLS**  
COMMUNITY  
COLLEGE  
DISTRICT

Office of the Chancellor  
Frank Gornick  
frankgornick@westhillscollege.com

West Hills College Coalinga

West Hills College Lemoore

North District Center, Firebaugh

Naval Air Station, Lemoore

**BOARD OF TRUSTEES**

**October 5, 2006**

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*Vice President*  
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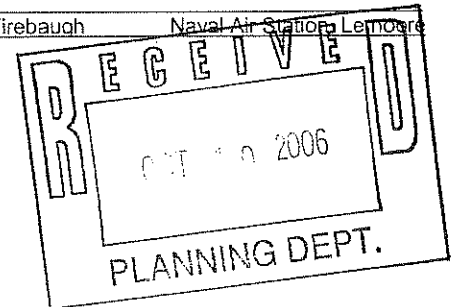
Bill Henry

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Jeff Levinson

*Student Trustee*  
Larry Logsdon

Holly Smyth, Planner  
City of Lemoore  
210 Fox Street  
Lemoore CA 93245



**Re: Notice of Preparation Comments – General Plan Update**

Dear Holly,

It has come to my attention that the property located directly south of the college property, west of the gas line and east of Marsh Avenue has a partial zoning designation of high density residential (18-20 per acre) and a commercial office zoning.

West Hills College has, in the past, expressed its concern with the development of market rate apartments across from the college and would like to see the area rezoned to a lower density.

**ADMINISTRATION**

*Chancellor*  
Frank Gornick

*Interim President*  
West Hills College Coalinga  
Tom Harris

*President*  
West Hills College Lemoore  
Don Warkentin

*Vice Chancellor*  
*of Business Services*  
Ken Stoppenbrink

In addition to the high density residential zoning, West Hills is concerned over the commercial designation that calls for a commercial development adjacent to the new soccer fields. We are concerned about the traffic trips that would be generated by this type of development in the middle of a residential development. We would request that the property be rezoned to a less intensive use in order to reduce the number of future traffic trips.

Please contact me should you have any questions.

Sincerely,

Frank Gornick

c: Jeff Britz, City Manager, City of Lemoore  
Don Warkentin, President, West Hills College Lemoore

October 5, 2006

Holly Smyth  
Chief Planner – City of Lemoore  
210 Fox Street  
Lemoore CA 93245

RE: Notice of Preparation Comments – General Plan Update

Dear Holly,

Thank you for the opportunity to review the Notice of Preparation for the General Plan EIR. TWA Communities submits this letter as our comments we own/control in the West Hills Area, impacted by the General Plan update:

1. Retail \ High Density Residential Site – North of the College

Based on the current and expected future market conditions, TWA Communities requests that this General Plan designation not exceed H3, and allow small lot, high density, for-sale housing. We are currently considering a small lot detached product that achieves over 10 dwelling units per acre, and 25% meets the 237k affordability threshold.

TWA Communities also supports the relocation of the retail zoning to the west portion of this site adjacent to Production Avenue. TWA will accept the dedication of this land from the city (Deed restricted for Retail/Commercial) in exchange for the lands previously dedicate by TWA to the City of Lemoore along Production Ave.

2. Option Property - West of College North of Wetlands

TWA Communities seek the ability to convert Wetland designation to Low Density Residential designation in the area North of the Wetlands that has a Wetland designation. This area is not wetlands as defined by the ACOE and is currently use for agricultural purposes. The City has discussed at previous Planning Commission meetings that this excessive overlay creates unnecessary maintenance costs for the city. TWA desires to expand its second phase of homes further south to the actual jurisdictional wetland boundary.

If additional wetlands need to be created as part of the ongoing hydrology studies, this should be done on the south of the wetlands, where the grades and soils are more conducive.

### 3. Option Property – South of College between Wetland and Gas Line

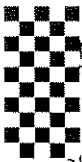
TWA Communities seek the ability to convert the current Commercial and High density residential to Low density Residential. There are two reasons behind this request:

- As discussed, TWA does not foresee a market for an attached product or Commercial in this location in the next 10 years. We believe these land uses should be located north of the college as previously discussed at public hearing by Frank Gornic and TWA.
- Given the Traffic study constraints, and the need to reduce commercial designation, it seems more prudent to eliminate this isolated commercial site and retain the commercial designation adjacent to the freeways.

Please accept these comments as our sincere believe as to what land use designations will be in the long term benefit of the West Hill Community residences and City of Lemoore.

Thank you,

**Tim R. Palmquist**  
Principal, Forward Planning and Entitlements  
**TWA Communities, LLC.**  
1403 N. Tustin Ave. Suite 345  
Santa Ana, CA 92705  
P: (714) 972-1224  
F: (714) 972-2427  
email: tpalmquist@twacommunities.com



OFFICE 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

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Post-It® Fax Note 7671

Date	6/14/07	# of pages	6
To	Rachel	From	Paul Marquez
Co./Dept	City of Lemoore	Co.	Caltrans
Phone #		Phone #	445-5867
Fax #	924-6743	Fax #	

ert  
mtl

September 6, 2006

2133 IGR/CEQA

6-KIN-41/198

LEMOORE GENERAL PLAN

UPDATE NOP

SCH # 2006081113

Ms. Holly Smyth  
Planning Director  
City of Lemoore  
201 Fox Street  
Lemoore, CA 93245

Dear Ms. Smyth:

Caltrans has reviewed the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the City of Lemoore's General Plan Update. We have the following comments:

The last General Plan included annexation of approximately 1,400 acres west of State Route (SR) 41, between SR 198 and the Hanford-Armona Road. Traffic Impact Studies (TIS) for the 1997 College Park at West Hills Development, for Wal-Mart, and for Victory Village indicate traffic congestion in this area will be significant unless traffic mitigation improvements and controlled growth occurs.

The Westside Development exists in an area with limited access. The existing Bush Street interchange (a tight diamond), the Hanford-Armona Road at-grade intersection (a future overcrossing and interchange), and a planned interchange along SR 198 will be the only means of access to the Westside. Each of these access points will be critically important to emergency services, as well as to the Westside residential and business communities.

When the last General Plan was prepared, development in the Westside was limited to an existing subdivision in the northwest quadrant of the SR 41/SR 198 interchange. Access to this location is from Belle Haven Road. This road should be considered a means of temporary access, particularly now that additional development is being proposed and traffic studies have confirmed there are intersection spacing problems between the southbound ramp termini and the Belle Haven Road intersection. Turning movements and queuing problems have been defined in one traffic study as "theoretically infinite." One solution to mitigate this concern is to close all or part of the Belle Haven intersection at Bush Street. It cannot be emphasized enough how potentially problematic the Belle Haven Road intersection could be to traffic movements along Bush Street. The Belle Haven Road - Bush Street intersection has the potential to cause back-up on the SR 41 off-ramps, creating potentially adverse operational conditions.

Ms. Holly Smyth  
September 6, 2006  
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A recent traffic study for the Westside Development indicates there is consideration to extend the north leg of Belle Haven Road to Hanford-Armona Road. The current access road to Leprino Foods (on Belle Haven Road) is a problem for operations at Bush Street and the SR 41 ramps. Extending the use of this road, beyond access to Leprino Foods, will exacerbate the operational and safety problems on Bush Street and the ramps. Moreover, extending the road north to Hanford-Armona Road, without consideration for the future interchange and without setbacks from the ramps, will create another location with operational and safety problems – potentially worse than at Bush Street. The future overcrossing will create sight distance constraints not present at Bush Street. The first and best solution would be to realign Belle Haven Road toward the west, along the back of the Wal-Mart development, as part of the Westside Development traffic impact mitigation. Any northerly connection between Bush and Hanford-Armona Road should be away from the freeway and the future Hanford-Armona Road interchange.

The Bush Street interchange will need to be modified to mitigate development-driven traffic impacts. Mitigation is required by CEQA for impacts to State and local facilities. The "build-out" mitigation at the Bush Street interchange has not been sufficiently studied in the above-referenced traffic impact studies. Additionally, impacts to local streets will occur, requiring setback for development, dedication of right-of-way, and construction of through and turn lanes. For example, the 19-1/2 Avenue/Bush Street intersection is critical for east-west movements along Bush Street. The traffic studies indicate queuing will be a problem. Mitigation includes increasing the capacity of the 19-1/2 Avenue intersection by adding of lanes. The City of Lemoore is encouraged to require dedications of right-of-way at this and other locations.

Caltrans encourages the consideration of a future interchange on SR 198 for the Westside Development. The location is important as it could impact the operations of the SR 198/SR 41 interchange. This interchange is defined in State and Federal guidelines as a freeway-to-freeway interchange, which has more stringent geometric and operational guidelines associated with it. Advance planning will provide for more affordable solutions for mitigating for traffic impacts. This is true for the future Hanford-Armona, 19<sup>th</sup> Avenue and SR 198 interchanges.

Please be advised that the existing crossing movements at the termini of the westbound and eastbound SR 198 ramps will one day need to be removed in favor of a safer and more operationally efficient movement. Closing the median and left-turn crossing movements could be required as part of development-driven traffic mitigation or as part of an interregional or regional traffic impact mitigation program. In either case, the improvements to a freeway-to-freeway interchange are expensive as branch connectors (high speed ramps) will be preferred over low speed loop ramps.

Development along SR 41, south of SR 198, should include provisions for up-grading the facility from a 2-lane highway to a future 4-lane freeway, on a 6-lane right-of-way, and a new interchange south of Idaho Avenue. Right-of-way planning should occur in conjunction with land use planning activities or as part of proposed development.



Ms. Holly Smyth  
September 6, 2006  
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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. We have provided a copy of the fee program in place in Bakersfield. If the City would like examples from other jurisdictions, please let us know.

Caltrans suggests that the City consider use the "Toolbox" from the San Joaquin Valley Growth Response Study to evaluate the proposed alternatives in the General Plan Update. The Toolbox can provide additional information than that contained within a standard EIR as the "INDEX" includes over 70 indicators to assist the decision-makers and the general public in developing the best option available. Use of the Toolbox would require the City to hire consultants to develop intensive GIS and indicator data. It may also require coordination with KCAG, Kings County, and Hanford if there is to be development of a regional model. We understand at this stage of the project it may not be practical for the City to invest the time and money to develop the necessary data to use the Toolbox, but the City may wish to consider its use at a later date for a large development project. We have enclosed a fact sheet on the Toolbox and a summary of the demonstration project prepared as part of the development of this important planning tool.

Ongoing development throughout the City of Lemoore will make traffic operations significantly worse by adding considerably to delay and congestion. Transit alternatives can help reduce congestion and delay and reduce overall degradation of air quality and gridlocked intersections. The City should focus on ways to eliminate trips in addition to enhancing capacity. Transportation alternatives the City should consider include standard highway solutions along with the following:

1. Park and ride facilities on site or within the proximity of large developments.
2. A study of the general accommodation and provision of mass transit in this area to provide insight on ways of increasing transit usage.
3. Exploring the potential of commuter shuttles. The shuttle could be financed through an assessment district and provide a way for individuals to utilize a park-and-ride facility or commercial area parking lot and be shuttled to various commercial/office centers within the area. Commuters who need to go further could use the Kings Area Rural Transit (KART) transit if the City and KART planned for convenient connections. This may help to reduce the Single Occupancy Vehicle (SOV) demand seeking to use the State Highway System.
4. Providing for continuity of non-motorized transportation.

Ms. Holly Smyth  
September 6, 2006  
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5. Exploring the potential for employer-sponsored carpools/vanpools or monthly transit passes for employees as well as including as a condition of project approval a covered transit stop as mitigation for project-related impacts to the transportation/circulation system.
6. Exploring the potential for linking the purchase of a monthly transit pass with new residential development as partial mitigation for congestion and air quality impacts, and to ensure the long term viability of public transportation.

Caltrans has committed itself to the pursuit of Environmental Justice in all aspects of Transportation Planning and recommends that all of our partner agencies make similar commitments to include traditionally underrepresented communities and groups in the planning process. Please be mindful that opportunities exist to reach these groups at every step in the process and that creation of a more balanced, equitable future begins in the planning stages of every project. If we can be of any assistance, please let us know.

Please contact me at (559) 488-4347 if you have any questions.

Sincerely,



JOANNE STRIEBICH  
Office of Transportation Planning  
District 6

Enclosure

C: Ms. Terri King, Kings County Association of Governments  
Mr. Bill Zumwalt, Kings County Planning Agency  
Mr. Ron Hughes, Kings Area Rural Transit

## San Joaquin Valley Growth Response Study, Phase III

### Fresno-Clovis-Southeast Madera Region Demonstration Project

#### FACT SHEET

#### ◆ Purpose of Study

- Evaluate urban development form (landscape) at the regional scale
- Consider alternative sets of policy choices and assumptions about the future
- Develop new land use modeling tools and enhanced transportation and quality of life evaluation tools

#### ◆ Study Goals

- Assist in reviewing the urban landscape and considering alternative growth scenarios including their feasibility, to illustrate how options and tools could be used to study policy changes and successfully implement community goals
- Provide information on the land use patterns that could enhance transit, reduce vehicle miles traveled, identify fiscal implications of growth and development, and address air quality issues

#### ◆ Models Developed for Use with Existing Transportation Demand Models

- Land use allocation model
  - Considers projected population and employment, future household characteristics, development densities, and other factors
  - Views the likely land use patterns of alternative growth policies in easy-to-understand maps and tables
- Visualization and indicator model
  - Considers a set of indicators to measure conditions, identify issues, evaluate alternative courses of action, and monitor changes overtime
  - Indicators include population and employment, development density, multi-family housing share, share of employees and housing within 1/4 mile of transit, vehicle miles traveled, and air pollutant emissions

#### ◆ Public and Stakeholder Outreach

- Diverse group of stakeholders including local elected officials, affected agency staff, transit proponents, the League of Women Voters, the Sierra Club, the business community, the Farm Bureau, health organizations, and environmental justice groups
- Assisted in selecting the indicators appropriate for the models
- Provided input on alternative growth scenarios to run and analyze in the models

#### ◆ Model Runs

- In addition to the 2034 initial base scenario, two alternative land use/transportation scenarios were run for comparisons. They were:
  - Blackstone / State Route (SR) 41 - Downtown Fresno Scenario
    - "Fixed guideway" transit: Blackstone/SR 41 and Ventura/Kings Canyon corridors
    - Intensification areas: Blackstone Corridor, Downtown Fresno, Kings Canyon Corridor to Southeast Fresno and Southeast Madera New Towns
  - High-Capacity Transit Network Scenario
    - High-capacity transit in dedicated lanes: Blackstone/SR 41 Corridor, Ventura/Kings Canyon Corridor, Shaw Corridor- east of Blackstone, and Clovis Corridor- Kings Canyon to Shaw
    - Intensification areas: Blackstone Corridor, Downtown Fresno, Fancher Creek & Southeast Fresno, Clovis Shaw Corridor & Southeast Urban Center, Whitesbridge Corridor, and Southeast Madera New Towns

# San Joaquin Valley Growth Response Study, Phase III

## Central Valley (CV) Southeast Madera Region Demonstration Project

### FACT SHEET

- ◆ Potential Alternatives that Could be Studied
  - Increase employment densities to reflect market and rezone selected employment areas to allow housing and services.
  - Explore additional employment and services in Madera County to minimize traffic pressure on SR 41 along the San Joaquin River Crossing.
  - Identify options for increasing the amount of medium density housing (townhomes, patio homes, detached cottages, etc.) in proximity to services and transit.
  - Refine transit corridors to better link compact employment areas with medium density mixed-use neighborhoods.
- ◆ Potential Applications of Modeling Tools
  - Test additional land use alternatives
  - City of Fresno General Plan Implementation Program
  - Council of Fresno County Governments' Regional Public Transportation Infrastructure Study
  - Fresno-Madera Regional Transportation Study
  - Downtown Fresno Transportation Study
  - SR 41 Corridor Study
- ◆ Final Phase III documents can be found at:  
<http://www.dot.ca.gov/dist6/planning/sjvgrs/index.htm>

For more information, please contact:

Paul-Albert Marquez  
California Department of Transportation, District 6  
1352 W. Olive Avenue, P.O. Box 12616  
Fresno, CA 93778-2616  
Phone: (559) 445-5867  
Fax: (559) 488-4088  
Email: Paul-Albert\_Marquez@dot.ca.gov

### Proposed Preservation Ordinance

The ordinance would apply to the Downtown District (as identified in the Downtown Revitalization Plan) as well as other specific, non-residential buildings within the City limits of Lemoore as identified below:

- Schools
- Churches
- Commercial Buildings
- Organization or Public Buildings

If a property owner wishes to make major exterior changes so as to change the character of, or demolish any portion of said building, he or she must apply for a "Structural Renovation/Demolition Permit."

Permit Applications would be available from the Planning or Building Department.

Evaluation for granting the permit would consider the following:

- 1 - Age of building  
(Buildings over 75 years old would be considered historical)
- 2 - Historical significance of building (The original owner or function of the building played an important role in the development of the community)
- 3 - Cost of restoration (less than or equal to the cost of new construction)
- 4 - Justification for Exception

The Lemoore Planning Commission would make a decision to allow or disallow the permit based on Planning Department staff recommendation. Permit holder would have the right to appeal the decision of the Planning Commission to the City Council.

Permit fee would be based upon required staff time to process.

August 31, 2006

To: Lemoore General Plan Update Committee

From: The Downtown Revitalization committee &  
The Lemoore District Chamber of Commerce

The City of Lemoore is preparing to update the City's General Plan, and as such, we felt it appropriate to make a few recommendations for the consideration of the City Council for possible inclusion in the General Plan update. It is our desire that the Chamber's Board of Directors considers these recommendations for approval and that they are forwarded to the City Council with the joint recommendation of both the Revitalization Committee and the Chamber of Commerce as a whole. Please be aware that our recommendations do not address all areas that will be considered in the General Plan update, but rather address our concerns regarding the zone classifications that affect downtown. This recommendation does include zone classifications that are not located downtown due to the interaction between all commercial zones.

- 1) Traffic Flow - Ease of travel, with minimal waiting times at intersections should be a priority. Citywide traffic circulation should be designed in such a way as to allow the roads to be kept to a maximum of two lanes in each direction wherever feasible.
- 2) Zoning – the Central Commercial zone should be replaced with four new commercial zone designations: Downtown Commercial, Neighborhood Commercial, Community Commercial, and Regional Commercial. Highway Commercial and Service Commercial zones are acceptable as is.
  - a. Downtown Commercial
    - 1) This district is intended to primarily serve as the central trading district of the City. This District permits the accommodation and enhancement of several existing dominant functions within the Central Business District of the City. The DC district has a unique character as a pedestrian-oriented, concentrated area of retail, service and office uses. It serves as the permanent shopping goods center of the community, retailing goods of an essentially durable nature to meet the occasional needs of the customer. It serves as the financial center, government center, professional center, and entertainment center of the community. Second story uses are encouraged and are permitted.
    - 2) Business type restrictions:
      - We recommend studying the requirements for restrictions on parking lots, limiting parking lots, and consider lowering the amount of parking required.
      - "Adult Stores" - not allowed
      - Require CUP for restaurants with liquor licenses (actually this should be in all districts); this use should be incentivized to locate downtown.
      - No exterior block vending machines (exception – newspapers)
    - 3) Changes to existing uses in the Central Commercial District
      - A) 9-9A-2: Permitted Uses
        - "Retail" Communication and equipment buildings - (Clarification)
        - Ice Dispensers (coin operated) – Remove from this classification
        - Pool Halls – Remove (covered under "billiard and pool hall")
        - Post Offices – Limit location to downtown only
      - B) 9-9A-3: Permitted Uses Requiring Administrative Approval
        - Electrical distribution substations and utility pumping stations – Change to CUP
        - Service stations (gasoline), excluding automotive repair not included in the definition of "service station: as provided by section 9-2-2 of this Title; provided that all operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least two (2) sides – Remove
        - Limit gas/convenience stores and service stations to the existing locations.
      - C) 9-9A-4: Conditional Uses
        - Reading rooms, palmistry, etc. – Remove (results in this use being not allowed in this zone)

- Tattoo parlors – Limit number of parlors to two (2), but still requiring a CUP
  - 4) Store size restriction: - single use limited to 10,000 sq. ft. footprint; larger footprints require a CUP
- b. Neighborhood Commercial
- 1) This district to describe areas suited to house strip malls or larger stand-alone stores, such as Cinnamon Square and Rite-Aid. Designed to blend in with surrounding uses.
  - 2) Store sizes are restricted to 30,000 sq. ft.
  - 3) Business type restrictions: Consider lighting, sound, and height requirement (building and signage) impacts. A CUP to be required for businesses with a drive through. Noise restrictions and limits on delivery times should be set.
    - Professional Office
    - City Offices
    - Courts
    - Post Office
    - Government Buildings
- c. Community Commercial
- 1) This district to describe areas suited to house larger strip malls, with large retail anchors. Examples include the Save-Mart shopping center, Pioneer Square, and Lincoln Market.
  - 2) Store sizes restriction: Limited to size of large format supermarkets
  - 3) Business type restriction:
    - Professional Office
    - City Offices
    - Courts
    - Post Office
    - Government Buildings
- d. Regional Commercial
- 1) This district is for big box stores: Wal-Mart, Target, or malls
  - 2) An exit fee would be established that would be funded by setting aside a portion of the sales tax generated by the proposed development. This exit fee would fund blight eradication, including, but not limited to, the redevelopment necessary to deal with the blight that would be created if the proposed development were to ever become blighted.
  - 3) Have the City evaluate the inclusion of ICSC (The International Council of Shopping Centers) Standards.
  - 4) Business type restrictions:
    - Professional Office
    - City Offices
    - Courts
    - Post Office
    - Government Buildings



# 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)

September 19, 2006

Holly Smyth, Planning Director  
Planning and Community  
Development Department  
City of Lemoore  
201 Fox Street  
Lemoore, CA 93245

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)  
for the Lemoore General Plan Update **SCH# 2006081113**

Dear Ms. Smyth:

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above NOP and offers the following recommendations for the DEIR with respect to the project's potential impacts on agricultural land.

The proposed project involves a comprehensive update of the City's general plan with the exception of the housing element. The NOP notes that the 21,400-acre planning area has been defined to focus future growth on land contiguous to Lemoore and to prevent scattered development on adjacent high quality farmlands. The NOP also notes that the City's Sphere of influence includes agricultural areas currently zoned for residential or commercial development. Therefore, the Division recommends that, at a minimum, the following items be specifically addressed to document and treat the project impacts on agricultural land.

### Agricultural Setting of the Project

The DEIR should describe the project setting in terms of the actual and potential agricultural productivity of the land. The Division's Kings County Important Farmland Map, which defines farmland according to soil attributes and land use, can be used for this purpose. This would provide a graphic reference showing areas of Prime Farmland, Farmland of Statewide Importance, other farmlands, and areas of Urban and Built-up Land in the planning area. In addition, we recommend including the following information to characterize the agricultural land resource setting of the project.



- Current and past agricultural use of the planning area. Include data on the types of crops grown, and crop yields and farmgate sales values. Some of this information may need to be generalized since this would be a program-level DEIR.
- To help describe the full agricultural resource value of the soils in the planning area, we recommend the use of economic multipliers to assess the total contribution of the area's potential or actual agricultural production to the local, regional and state economies. State and Federal agencies such as the UC Cooperative Extension Service and USDA are sources of economic multipliers.

#### Project Impacts on Agricultural Land

- Type, amount, and location of farmland conversion resulting directly and indirectly (growth-inducement) from project implementation.
- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, etc.
- Incremental project impacts leading to cumulatively considerable impacts on agricultural land. This would include impacts from the proposed project as well as impacts from past, current and probable future projects.

Impacts on agricultural resources may also be quantified and qualified by use of established thresholds of significance (California Code of Regulations Section 15064.7). The Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model, a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is available on the Division's website noted later in this letter. (Application of this model may be more appropriate for future site-specific projects.)

#### Williamson Act Lands

A project is deemed to be of statewide, regional or area-wide significance if it will result in cancellation of a Williamson Act contract for a parcel of 100 or more acres [California Code of Regulations Section 15206(b)(3)]. Since agricultural preserves and lands under Williamson Act contract exist within the planning area, the Department recommends that the following information be provided in the DEIR:

- A map detailing the location of agricultural preserves and contracted land within each preserve. The DEIR should also tabulate the number of Williamson Act acres, according to land type (e.g., prime or non-prime agricultural land), which could be impacted directly or indirectly by the project.
- A discussion of Williamson Act contracts that may be terminated upon project implementation. The DEIR should discuss the impacts that termination of Williamson Act contracts would have on nearby properties also under contract; i.e., growth-inducing impacts.

As a general rule, land can be withdrawn from Williamson Act contract only through the nine-year nonrenewal process. Immediate termination via cancellation is reserved for "extraordinary", unforeseen situations (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855). The City or County of jurisdiction must approve a request for contract cancellation, and base that approval on specific findings that are supported by substantial evidence (Government Code Section 51282). At the time Williamson Act contract cancellations are proposed, we recommend that a discussion of the findings be included in the project DEIR. Finally, the notice of the hearing to approve the tentative cancellation, and a copy of the landowner's petition, must be mailed to the Director of the Department of Conservation ten (10) working days prior to the hearing. (The notice should be mailed to Bridgett Luther, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 18-01, Sacramento, CA 95814-3528.)

- If sites within the planning area are under Williamson Act contract and would remain under contract after project completion, the DEIR should discuss the proposed uses for those lands. Uses of contracted land must meet compatibility standards identified in Government Code Sections 51238 - 51238.3. Otherwise, contract termination (see paragraph above) must occur prior to the initiation of the new land use.
- An agricultural preserve is a zone authorized by the Williamson Act, and established by the local government, to designate land qualified to be placed under the Act's 10-year contracts. Preserves are also intended to create a setting for contract-protected lands that is conducive to continuing agricultural use. The uses of agricultural preserve land must be restricted by zoning or other means so as not to be incompatible with the agricultural use of contracted land within the preserve (Government Code Section 51230). Therefore, the DEIR should also discuss any proposed general plan designation or zoning within agricultural preserves affected by the project.
- Pursuant to Government Code Section 51243, if a city annexes land under Williamson Act contract, the city must succeed to all rights, duties and powers of the county under the contract unless conditions in Section 51243.5 apply to give the city the option to not succeed to the contract. Although a city may have protested a contract and although LAFCO may have upheld the protest, conditions in Section 51243.5 may not have been met to give the city the option to not succeed to the contract. A LAFCO must notify the Department of Conservation within 10 days of a city's proposal to annex land under contract (Government Code Section 56753.5). A LAFCO must not approve a change to a sphere of influence or annexation of contracted land to a city unless specified conditions apply (Government Code Sections 51296.3, 56426, 56426.5, 56749 and 56856.5).

Mitigation Measures and Alternatives

Feasible alternatives to project boundary location or design that would lessen or avoid farmland conversion impacts should be considered in the DEIR. Similarly, while the direct conversion of agricultural land is often deemed to be an unavoidable impact by California Environmental Quality Act (CEQA) analyses, mitigation measures must nevertheless be considered.

The Division recommends that the purchase of agricultural conservation easements on land of at least equal quality and size be considered as partial compensation for the direct loss of agricultural land, as well as for the mitigation of growth inducing and cumulative impacts on agricultural land. We highlight this measure because of its growing acceptance and use by lead agencies as mitigation under CEQA.

Mitigation using conservation easements can be implemented by at least two alternative approaches: the outright purchase of conservation easements tied to the project, or via the donation of mitigation fees to a local, regional or statewide organization or agency, including land trusts and conservancies, whose purpose includes the purchase, holding and maintenance of agricultural conservation easements. For example, the California Farmland Conservancy Program is authorized to accept donations of funds if the Department of Conservation is the designated beneficiary and it agrees to use the funds for purposes of the program in a county specified by the donor. Whatever the approach, the conversion of agricultural land should be deemed an impact of at least regional significance and the search for mitigation lands conducted regionally, and not limited strictly to lands within the Lemoore region.

Information about conservation easements is available on the Division's website, or by contacting the Division at the address and phone number listed below. The Division's website address is:

<http://www.conservation.ca.gov/DLRP/>

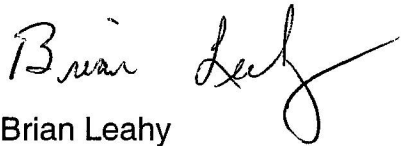
Of course, the use of conservation easements is only one form of mitigation that should be considered. The following mitigation measures could also be considered:

- Increasing home density or clustering residential units to allow a greater portion of the planning area to remain in agricultural production.
- Protecting nearby farmland from *premature* conversion through the use of less than permanent long-term restrictions on use such as 20-year Farmland Security Zone contracts (Government Code Section 51296) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.).
- Establishing buffers such as setbacks, berms, greenbelts, and open space areas to separate farmland from incompatible urban uses.
- Investing in the commercial viability of the remaining agricultural land in the project area through a mitigation bank which invests in agricultural infrastructure, water supplies and marketing.

The Department believes that the most effective approach to farmland conservation and impact mitigation is one that is integrated with general plan policies. For example, the measures suggested above could be most effectively applied as part of a comprehensive agricultural land conservation element in the City's general plan. Mitigation policies could then be applied systematically toward larger goals of sustaining an agricultural land resource base and economy. Within the context of a general plan mitigation strategy, other measures could be considered, such as the use of transfer of development credits, mitigation banking, and economic incentives for continuing agricultural uses.

Thank you for the opportunity to comment on the NOP. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0850.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Leahy", with a stylized flourish at the end.

Brian Leahy  
Assistant Director

cc: Excelsior/Kings River RCD  
680 North Campus Drive, Suite E  
Hanford, CA 93230

**DEPARTMENT OF TRANSPORTATION**

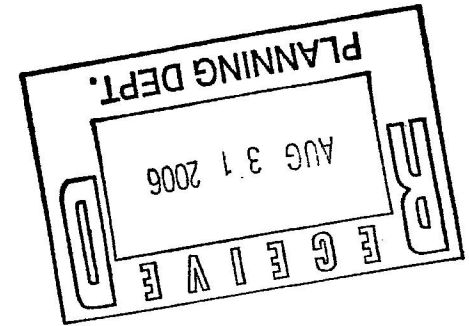
1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 488-4347  
FAX (559) 488-4088  
TTY (559) 488-4066



*Flex your power!  
Be energy efficient!*

August 30, 2006

Ms. Holly Smyth  
Planning Director  
City of Lemoore  
201 Fox Street  
Lemoore, CA 93245



Dear Ms. Smyth:

Enclosed is documentation related to the Metropolitan Bakersfield Transportation Impact Fee Program that was adopted in 1992 by both the City of Bakersfield and Kern County. The Program was updated in 1997 and again in 2003. Its purpose is to assure that new development pays a proportionate share of the cost of capital improvement projects necessary to provide a regional transportation system consistent with the Circulation Element of the Metropolitan Bakersfield General Plan. The Program provides for the collection of fees sufficient to mitigate traffic impacts created by development without the need for supplemental payments to off-set impacts. It also eliminates the need for project-specific traffic impact studies for those projects consistent with the land use designations in the General Plan or specific plans.

The Transportation Impact Fee program includes a list of regional transportation facility projects established by the City and County. It provides a mechanism for which developers can receive credits for construction of facilities included in the list and it includes funds necessary to protect the rights-of-way for identified freeway and beltway alignments, and transit facilities.

The following items are included for you information:

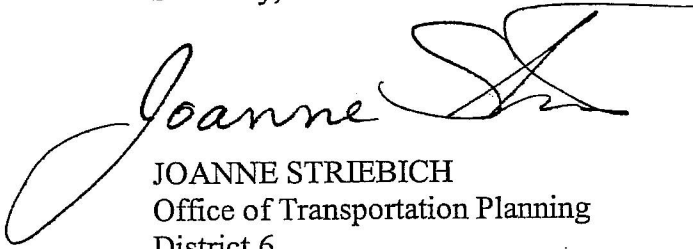
1. Transportation Impact Fee Ordinance;
2. Nexus Study/Fee Update background (August 27, 2003);
3. Impact Fee Schedule;
4. Metropolitan Bakersfield General Plan/Impact Fee Area Boundary Map;
5. Non-core Area Transportation Facilities Project List;
6. Core Area Map;
7. Core Area Transportation Facilities Project List;
8. RFP for the recently adopted Tehachapi Area Study; and
9. Contact list for information regarding the Bakersfield Program.

Ms. Holly Smyth  
August 30, 2006  
Page 2

We hope that this information will be of help to the City of Lemoore as you prepare to update your General Plan.

Please contact me at (559) 488-4347 if you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Joanne" followed by a stylized, cursive flourish that extends to the right.

JOANNE STRIEBICH  
Office of Transportation Planning  
District 6

Enclosure



**DEPARTMENT OF FISH AND GAME**

<http://www.dfg.ca.gov>

San Joaquin Valley and Southern Sierra Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4014



September 25, 2006

Holly Smyth  
Planning and Community Development  
City of Lemoore  
210 Fox Street  
Lemoore, California 93245

Dear Ms. Smyth:

**Notice of Preparation (NOP) of an Environmental Impact Report (EIR)  
City of Lemoore General Plan Update (SCH# 2006081113)**

The Department of Fish and Game (Department) has reviewed the information submitted by the City of Lemoore (City) regarding a General Plan Update (Project). The City plans a comprehensive General Plan Update excluding the Housing Element.

The Department appreciates the opportunity for early consultation that has occurred so far on this Project. Our comments follow.

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

**Responsible Agency Authority:** The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001{c}, 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and



supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080. State-listed species potentially occurring within the Project area include the State and Federally endangered Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*), the State threatened and Federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the State and Federally endangered and Fully Protected blunt-nosed leopard lizard (*Gambelia sila*), and the State threatened Swainson's hawk (*Buteo swainsoni*).

The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, the Department may require a Stream Alteration Agreement (SAA) pursuant to Section 1600 et seq. of the Fish and Game Code. Issuance of a SAA is subject to CEQA review. The Department, as a Responsible Agency under CEQA, would consider the CEQA document prepared for the Project. The CEQA document should fully identify potential impacts to any stream or riparian resources and should provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of any SAAs.

**Unlisted Species:** Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any state or federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, and Section 15380), it should be fully considered in the environmental analysis for the Project. The State Species of Special Concern western pond turtle (*Actinemys marmorata*) may occur in the Project area.

**Fully Protected Species:** The Department has jurisdiction over Fully Protected Species of birds, mammals, amphibians and reptiles, and fish pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. Take of any Fully Protected Species is prohibited and the Department cannot authorize their take. One Fully Protected Species, the blunt-nosed leopard lizard, may occur near the Project area and potential habitat occurs within the Project area.

### **General Comments**

**Native Habitat:** Areas of native habitat exist in the western and southern portions of the Project. These areas are characterized by alkali sink scrub habitat with seasonally flooded vernal pools and other wetlands. This habitat type is now extremely rare in the



Project area region, and generally supports sensitive species such as the Tipton kangaroo rat, blunt-nosed leopard lizard, and San Joaquin kit fox. As a result, this habitat should be protected in perpetuity and zoned accordingly. In the event that the City chooses to zone these areas in such a way that development or other ground disturbing activities would be allowed to occur, protocol level biological surveys for these species should be required prior to any Project-specific CEQA analysis for any development within or adjacent to these habitats. These species are not limited to occurring only in alkali sink scrub habitat and the absence of this specific habitat type does not eliminate the need for protocol-level biological surveys in other settings where these species may also occur. It is important to note that depending on survey results and other factors, acquisition of a State Incidental Take Permit may be needed prior to any ground disturbing activities in order to comply with CESA. CEQA findings and local land use approvals do not preclude the necessity of a project applicant complying with this State law. These issues should be addressed in the General Plan Update. The Department would be willing to assist the City with identification of sensitive habitat areas within the Project area.

**Blunt-nosed Leopard Lizard:** The blunt-nosed leopard lizard is Fully Protected and therefore no take, incidental or otherwise can be authorized by the Department. Protocol-level surveys must be conducted and the results submitted to the Department prior to any ground disturbing activities in all areas of suitable habitat. Suitable habitat includes all grassland and shrub scrub habitat that contains required habitat elements, such as small mammal burrows. This includes the area to be disturbed, as well as access points, travel routes, and an appropriate buffer. These surveys, the parameters of which were designed to optimize detectability, must be conducted to reasonably assure the Department that take of this Fully-Protected species will not occur as a result of disturbance associated with Project implementation. In the event that this species is detected during protocol-level surveys, consultation with the Department is warranted to discuss how to implement the Project and avoid take.

**Riparian Habitat and Wetlands:** Riparian habitat and wetlands are of extreme importance to a wide variety of plant and wildlife species. Riparian habitat and wetlands (vernal pools and waterways) are known to exist adjacent to and within the proposed Project area. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, impacts to wetlands should be compensated for with the creation of new habitat, preferably on-site, on a minimum of an acre-for-acre basis. Potential impacts to special status resources posed by wetland creation should also be considered. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy.

In portions of the Project area with potential seasonal wetlands, a formal wetland delineation should be conducted by a qualified biologist to determine the location and extent of wetland habitat on site, including vernal pools and swales. The wetland delineation should be submitted to the United States Army Corps of Engineers (ACOE) for verification. Wetlands should be designated on a site map and included in the final environmental documents.

In addition, we recommend delineating all surface waters and wetlands with a minimum 50-foot no-disturbance buffer around the outer edge of these areas, with the exception of necessary road crossings over drainages.

The Department would be willing to assist the City with identification of areas with potential seasonal wetland habitat within the Project area.

**Swainson's Hawk and other Raptors:** The Department considers removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA, and in the case of Swainson's hawk could also result in take under CESA. This is especially true with species such as Swainson's hawk that exhibit high site fidelity to their nest and nest trees year after year. To avoid such impacts, surveys for nesting raptors should be conducted following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to any disturbance within 5 miles of a potential nest tree (DFG, 1994). Impacts to known nest trees should be avoided at all times of year. If avoidance of a known nest tree is not feasible, consultation with the Department is warranted prior to taking any action and a determination of take potential under CESA or under Fish and Game Code Sections 3503.5 and 3513 will be made. Project-related take (as defined in Section 86 of the Fish and Game Code) of Swainson's hawk must be completely avoided or a State Incidental Take Permit pursuant to Section 2081 of the Fish and Game Code would be warranted.

Potential Project-related impacts to Swainson's hawk foraging habitat should be mitigated, regardless of whether or not "take" will occur. Swainson's hawks generally forage within 10 miles of their nest tree, and more commonly within 5 miles of their nest tree. In addition to fee title acquisition of grassland habitat, mitigation could occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Certain low-growing row or field crops are appropriate as well. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

Holly Smyth  
September 25, 2006  
Page 5

Regardless of nesting status, riparian trees that must be removed should be replaced with an appropriate native tree species planting at a ratio of 3:1 in an area that will be protected in perpetuity.

If you have any questions regarding these comments, or would like the Department to assist in identification of sensitive habitat areas within the Project area, please contact Justin Sloan, Environmental Scientist, at the address or telephone number (extension 216) provided on this letterhead.

Sincerely,

  
W. E. Loudermilk  
Regional Manager

cc: Scott Morgan  
State Clearinghouse  
Post Office Box 3044  
Sacramento, California 95812-3044

Holly Smyth  
September 25, 2006  
Page 6

### **Literature Cited**

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

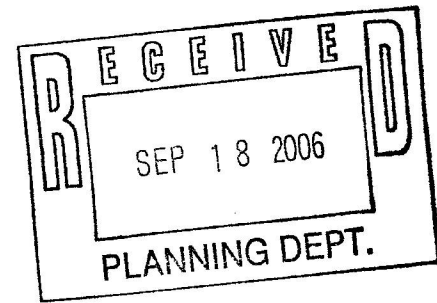
SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.



**Pacific Gas and  
Electric Company**

487 W. Shaw Avenue, Bldg. B  
Fresno, CA 93704

September 12, 2006



City of Lemoore  
Ms. Holly Smyth, Planning Director  
Planning and Community Development Department  
210 Fox Street, Third Floor  
Lemoore, CA 93245

**RE.: Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for  
the City of Lemoore General Plan Update**

Dear Ms. Smyth:

Pacific Gas and Electric Company (PG&E) is in receipt of the referenced information regarding the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the City of Lemoore General Plan Update. PG&E appreciates receiving this notice with the opportunity to comment.

PG&E operates a grid distribution system that transmits electricity via a vast network of transmission and distribution lines throughout its service area to the users. Lemoore Substation, located along 19<sup>th</sup> Avenue about 1500 feet north of Cinnamon Drive, provides electrical service to the Lemoore area. PG&E is in the process of planning an expansion of this substation. This expansion, consisting of adding a third bank, would be on adjacent property currently owned by PG&E. There are also plans to convert the existing Henrietta-Lemoore 70 kilovolt power line to 115 kilovolts. In addition, PG&E may extend the existing Leprino Foods 115 kilovolt power line (located approximately one mile southwesterly of Lemoore substation) to Lemoore Substation.

Due to anticipated future loads in the general Lemoore area, PG&E may need to eventually install a new substation in the vicinity of its Henrietta-Kingsburg 115 kilovolt power line located south of Lemoore approximately 1.5 miles from the southern most existing city boundary.

PG&E would appreciate being included in future correspondence regarding the subject matter. In addition, PG&E would appreciate being included in any correspondence dealing with specific general plan updates which could affect its ability to serve the greater Lemoore area as explained above.

PG&E remains committed to working with the City of Lemoore to provide timely, reliable and cost effective electric service to the City. If you have any questions regarding this information, you may contact me at (559) 263-5237 or my email address [ASJ4@pge.com](mailto:ASJ4@pge.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Smith". The signature is written in a cursive, flowing style.

Andrew Smith  
Senior Land Planner