

City of Sanger
Sanger 2035 General Plan Update and
North Academy Corridor Master Plan

Facts, Findings, and Statement of Overriding Considerations
Regarding the Environmental Effects from the
Environmental Impact Report

State Clearinghouse # 2018031047

April 2020

Table of Contents

FACTS, FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS..... 4

1.0 Introduction 4

2.0 Project Summary 4

 2.1 Project Description..... 4

 2.2 Project Location 6

 2.3 Project Objectives 7

 2.4 Actions Covered by the EIR..... 8

Subsequent Use of the EIR..... 10

3.0 Environmental Review Process Summary; Content of EIR and Record 11

 3.1 Notice of Preparation..... 11

 3.2 Draft EIR..... 11

 3.3 Content of the EIR..... 11

 3.4 Record of Proceedings..... 12

 3.4 Public Hearings 13

4.0 Preliminary Findings 13

 4.1 Lead Agency; Independent Judgment 13

 4.2 Public Review Provided..... 14

 4.3 Purpose of Errata and Corrections; Clerical Errors..... 14

 4.4 Clerical Errors..... 14

 4.5 Evaluation and Response to Comments 14

 4.6 Recirculation of Final EIR Not Required 15

 4.7 MMRP; Mitigation Measures 15

 4.8 Substantial Evidence..... 16

 4.9 Entirety of Action..... 16

 4.10 Program EIR with Specific Analysis..... 16

 4.11 Effect of Public Comments..... 17

 4.12 Independent Review of Record..... 17

4.13 Adequacy of EIR to Support Approval of the Proposed Project 17

4.14 Program EIR with Specific Analysis..... 17

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS..... 18

5.1 Introduction 18

5.2 No Environmental Impacts..... 20

5.3 Less Than Significant Environmental Impacts..... 21

5.4 Less Than Significant Environmental Impacts With Mitigation 34

5.5 Environmental Impacts Not Fully Mitigated to a Less Than Significant Level 40

5.6 Alternatives..... 49

5.7 Growth Inducing Impacts..... 51

5.8 Statement of Overriding Considerations 53

6.0 Certification of the Final Environmental Impact Report 56

6.1 Findings..... 56

7.0 Adoption of Mitigation Monitoring and Reporting Program..... 57

FACTS, FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

1.0 Introduction

The City Council of the City of Sanger (City), in approving the proposed Sanger 2035 General Plan Update and North Academy Corridor Master Plan Project (the Project), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report (EIR) (State Clearinghouse #2018031047) was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act (CEQA). Hereafter, unless specifically identified, the Notice of Preparation (NOP), Notice of Availability & Completion (NOA/NOC), Draft Environmental Impact Report (EIR), Appendices, Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR (in the Final EIR), and the Mitigation Monitoring and Reporting Program (MMRP) will be referred to collectively herein as the “EIR.” These Findings are based on the entire record before the City Council, including the EIR. The City Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by the City.

2.0 Project Summary

2.1 Project Description

The “Project” under CEQA is the adoption of the 2035 General Plan Update and North Academy Corridor Master Plan; and implementation of the Goals, Objectives and Action Plans set forth therein (including any future annexations or other regulatory procedures required for implementation). The 2035 General Plan Update documents (referred to as “General Plan” or “GPU”) and the proposed General Plan including the North Academy Corridor Master Plan (an implementation tool of the General Plan - referred to as “Master Plan”) are herein incorporated by reference. The “Project” description in the Program EIR is a summary of those documents.

Contents of the General Plan (Summary)

The General Plan is comprised of The General Plan Policy Document, and is supported the Community Profile. The General Plan Policy Document consists of the following seven Elements:

1. **Land Use Element** – The Land Use element details how future land uses will be arranged and what form they will take.

2. **Circulation Element** – The Circulation element shows where future roadways will travel and what kinds of traffic roadways will likely carry. Other modes of transportation, like bicycles, walking and transit are also considered.
3. **Conservation, Open Space, Parks and Recreation Element (Open Space & Conservation Element)** – The Open Spaces & Conservation element plans for recreational needs and also sets forth policies to conserve resources, such as agricultural land and air quality.
4. **Housing Element** – The Housing element includes policies and action programs to ensure that housing is provided for all of Sanger’s income groups. (The Housing Element was adopted separately from this current General Plan Update process, but is part of the General Plan in its entirety).
5. **Safety Element** – The Safety element establishes policies to ensure future citizens and property are as free as reasonably possible from safety hazards.
6. **Noise Element** – the Noise element provides policies designed to minimize the impacts of noise on existing and future development.
7. **Environmental Justice Element** – this element provides policies to minimize negative environmental impacts on low income and minority neighborhoods.

Each Element contains Goals, Objectives and Action Plans that provide guidance to the City on how to direct change, manage growth, and manage resources over the 20-year life of the General Plan. The Action Plans are regulations, procedures, techniques or specific programs to be undertaken by the City to help achieve the specified goals and objectives.

The Community Profile is not actually part of the General Plan, but provides important reference information and analysis that supports and guides the creation and helps inform the implementation of the General Plan. The Community Profile document includes background information on the City of Sanger and is sectioned into three parts, each with its own subsections:

- Human Environment
- Physical Environment
- Resources

The proposed land use diagram is shown in EIR Figure 2-4: Proposed General Plan Land Use Diagram. This map delineates where future land uses will be located in the community, through year 2035. The following generalized land use categories are established to implement the policies of the Sanger General Plan:

- Residential
- Commercial
- Industrial

- Public Facility
- Park/Open Space
- Agricultural / Urban Reserve

Estimated Buildout

Buildout refers to the estimated amount of potential new development and corresponding growth in population and employment that is anticipated by the Proposed Project through the planning horizon year of 2035.

The General Plan proposes a growth rate of 1.7% which results in a year 2035 population of 35,202 residents – an increase of 10,072 residents from the 2015 population estimate.

To support the projected population the adjusted land demand projections are as follows:

- 111 acres of residential (single and multi-family);
- 49 acres of commercial;
- 0 acres of industrial;
- 16 acres of parks; and
- 84 acres of schools.

2.2 Project Location

Sanger is located in Fresno County in the eastern portion of the San Joaquin Valley. It is located south of State Route 180, an east-west highway that crosses the County and connects Mendota on the west to Sequoia/Kings Canyon National Parks on the east. The City is approximately 13 miles east of Fresno, the county seat of Fresno County. Other nearby cities include Fowler, Parlier, and Reedley. The unincorporated community of Del Rey is located 2½ miles southwest of Sanger. See EIR Figure 2-1 Regional Map.

There are two boundaries that are important with respect to the Sanger General Plan Update:

1. **City Limits** – The City controls the use and development of land within the Sanger city limits. As of January 2017, Sanger’s city limits contained 3,680 acres or 5.8 square miles. The location of the City limits boundary is shown in EIR Figure 2-2 Planning Area Boundaries.
2. **Sphere of Influence** – The Sphere of Influence (SOI) is a line that is typically situated outside the City limits boundary and marks where the City is expected to grow (by annexations). As of January 2018, Sanger’s SOI contained approximately 6,873 acres or 10.7 square miles. The location of the SOI is shown in EIR Figure 2-2 Planning Area Boundaries.

This General Plan also proposes the establishment of phased growth boundaries for Sanger. These boundaries are intended to reduce sprawl and leapfrog development by directing growth to occur in a compact and contiguous fashion. The first growth boundary is the existing 2017 City limit boundary. The City is also including the North Academy Corridor Master Plan, an implementing tool of the General Plan, located on the north side of the community in this process. This area represents additional commercial and mixed use development opportunities for the City which would result in sales tax and job generation. The Master Plan area is generally centered along Academy Avenue, from the northern city limits to State Highway 180. The location of the Master Plan area is shown in EIR Figure 2-3 North Academy Corridor Master Plan Area. This area is proposed to be annexed into the City.

Study Area Boundaries

In addition to the City proper, state law requires that a municipality adopt a General Plan that addresses “any land outside its boundaries which in the planning agency’s judgement bears relation to its planning (California Government Code Section 65300).” This includes the City’s Sphere of Influence (SOI), which encompasses the unincorporated areas that are related to the City’s current and desired land use planning and growth. The SOI includes all lands within the City’s jurisdiction as well the area north of the City past State Route 180 and the area south of the City to the Kings River, as shown on EIR Figure 2-2. For purposes of the EIR, the Study Area (also sometimes referred to as the “Planning Area” or “Project Area”) includes all lands within the SOI, including the North Academy Corridor Master Plan Area.

2.3 Project Objectives

A broad set of guiding objectives of the General Plan Update are as follows:

- Project Sanger’s future growth and make provisions for this growth through the General Plan;
- Create a unique and attractive city by investing in projects that will enhance Sanger’s appearance and marketability;
- Provide a safe and pleasant environment and enhance property values throughout the community by avoiding and eliminating land use conflicts;
- Promote increased sales tax revenue in Sanger by providing sufficient land for a wide range of commercial uses;
- Protect and preserve natural resources, such as farmland, air and water quality and native vegetation, while facilitating growth of the community;

- Provide for a greater variety of housing choices and shopping opportunities; Provide an adequate supply of housing opportunities, affordable to all economic segments of the community;
- Ensure that there are adequate public facilities to serve Sanger in the future;
- Ensure that Sanger’s infrastructure system can effectively serve the land use framework;
- Enhance the character of Sanger by creating an improved and revitalized downtown area;
- Promote economic development and enhanced employment opportunities in Sanger by designating sufficient land for industrial uses, retail stores, and office parks;
- Recognize the changing conditions and trends in the planning area and market place and make appropriate amendments to the General Plan; and
- Recognize past land use approval actions and adopted land use policies.

2.4 Actions Covered by the EIR

The City of Sanger is the Lead Agency for the proposed Project. The Sanger 2035 General Plan Update and North Academy Corridor Master Plan will be presented to the Planning Commission and City Council for comment, review and consideration for adoption. The City Council has the sole discretionary authority to approve and adopt the General Plan Update and the North Academy Corridor Master Plan as an implementing tool of the General Plan Update. In order to approve the proposed Project, the City Council would consider the following actions:

- Certification of the Program EIR (State Clearinghouse #2018031047);
- Adoption of required CEQA findings for the above action including a statement of overriding considerations (i.e., this document);
- Adoption of a Mitigation Monitoring and Reporting Program; and
- Approval of the Sanger 2035 General Plan Update including the North Academy Corridor Master Plan as an implementing tool of the General Plan.

Generally, implementing projects for which the EIR may be utilized include, but are not limited to:

- General Plan Amendments;
- Rezoning;

- Specific Plans;
- Tentative maps, variances, conditional use permits, and other land use permits;
- Approval of utility or infrastructure master plans;
- Approval and funding of public improvements projects;
- Approval of resource management plans;
- Fresno County LAFCo consideration of boundary changes requested by the City; and
- Permits issued by responsible/resource agencies.

As mandated by CEQA Guidelines Section 15124(d), this section contains a list of agencies that are expected to use the EIR in their decision-making, and a list of the approvals for which the EIR may be used. These lists include information that is known to the Lead Agency. A range of responsible and trustee agencies may utilize the EIR in the review of subsequent implementation activities over which that may have responsibility. A responsible agency is a public agency which has discretionary review approval power over a project (CEQA Guidelines Section 15381). A trustee agency is a state agency that has jurisdiction by law over natural resources affected by a project which are held in trust for the people of the state (CEQA Guidelines Section 15386). These responsible and trustee agencies may include, but are not limited to, the following:

- California Air Resources Board;
- California Department of Fish and Wildlife;
- California Department of Conservation;
- California Department of Forestry and Fire Protection;
- California Department of Housing and Community Development;
- California Department of Parks and Recreation;
- California Department of Toxic Substances Control;
- California Department of Transportation (Caltrans);
- California Public Utilities Commission;
- California State Lands Commission;
- California State Office of Historic Preservation;
- California State Water Resources Control Board;
- Central Valley Regional Water Quality Control Board;
- Council of Fresno County Governments;

- County of Fresno;
- County of Fresno Local Agency Formation Commission;
- San Joaquin Valley Unified Air Pollution Control Agency;
- U.S. Fish and Wildlife Service;
- United States Army Corps of Engineers; and
- Any Other Responsible or Trustee Agency.

Subsequent Use of the EIR

The type of EIR utilized for the Project is a Program EIR (See Chapter One – Introduction for a description regarding the use of a Program EIR and CEQA streamlining). When considering approval of subsequent activities under the proposed General Plan and/or Master Plan, the City of Sanger would utilize the EIR as the basis in determining potential environmental effects and the appropriate level of environmental review, if any, or a subsequent activity. Projects or activities successive to this Program EIR may include, but are not limited to, the following:

- Annexations;
- Development Plan Approvals, such as tentative maps, variances, conditional use permits, and other land use permits;
- Development Agreements;
- General Plan Amendments;
- Rezoning;
- Specific Plans;
- Approval of utility or infrastructure master plans;
- Approval and funding of public improvements projects;
- Approval of resource management plans;
- Fresno County LAFCO consideration of boundary changes requested by the City; and
- Permits issued by responsible/resource agencies.

3.0 Environmental Review Process Summary; Content of EIR and Record

3.1 Notice of Preparation

A Notice of Preparation (NOP) was prepared by the City for the Project. The NOP was properly noticed and circulated pursuant to CEQA Guidelines for public review from March 15, 2018 – April 15, 2018. The NOP was published in the *Sanger Herald* newspaper, and a scoping meeting was held on March 28, 2018.

3.2 Draft EIR

The Draft EIR was properly noticed and circulated for public review and comment for 45 days, from February 7, 2020 through March 23, 2020. The Notice of Availability was published in the *Sanger Herald* newspaper. The Draft EIR and Appendices were sent to the State Clearinghouse for distribution and notices were mailed to local/state agencies and other interested individuals. The City received six comment letters on the Draft EIR. These letters are reproduced in their entirety in Chapter Two of the Final EIR and responses are shown after each letter.

3.3 Content of the EIR

The EIR is comprised of the following materials:

- The FEIR including any attached appendices;
- The DEIR including attached appendices;
- The Notice of Preparation and comments received in response to the Notice of Preparation;
- The Mitigation Monitoring and Reporting Plan (“MMRP”);
- Additions and corrections to the remaining portions of the DEIR that have been made pursuant to public comments and DEIR review including all appendices attached thereto;
- Comments received on the DEIR with responses to each of the comments made;
- The Notice of Completion and Availability of the DEIR for public review; and
- Any other information added by the Lead Agency.

(All hereafter collectively referred to as the “EIR”).

Documents that shall accompany and be part of the EIR are:

- MMRP;
- Findings of Fact; and
- Statement of Overriding Considerations.

The EIR, is hereby incorporated by reference into these findings without limitation. This incorporation is intended to address the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project despite the potential for associated significant and unavoidable impacts.

3.4 Record of Proceedings

In accordance with CEQA Section 21167.6(e), the record of proceedings for the City's decision on the Project includes, without limitation, the following documents:

- The NOP (March 15, 2018) and all other public notices issued by the City in conjunction with the scoping period for the project (provided in Appendix A of the Draft EIR);
- All comments submitted by agencies or members of the public during the scoping comment period on the NOP;
- The Draft EIR for the Project;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- Responses to agency comments on the Draft EIR (provided in the Final EIR);
- The Final EIR for the Project;
- Documents cited or referenced in the Draft and Final EIRs;
- The Mitigation Monitoring and Reporting Program (MMRP) for the project;
- The Notice of Completion and Availability of the Draft EIR for public review;
- All findings and resolutions adopted by the City in connection with the project and all documents cited or referred to therein, including these findings;
- All reports, studies, memoranda, diagrams, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the project;
- All documents submitted to the City by other public agencies or members of the public in connection with the project up through final consideration of project approval;

- All minutes and/or verbatim transcripts, as available, of all public meetings held by the City in connection with the project;
- Any documentary or other evidence submitted to the City at such public meetings, and any other information added by the City as Lead Agency;
- Any other materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The official custodian of the documents comprising the record of proceedings is the City of Sanger Community Development Department, located at 1700 7th Street, Sanger, CA 93657. All files have been available to the Department and the public for review in considering these findings and whether to approve the Project.

3.4 Public Hearings

A duly noted Public Hearing was held at the Planning Commission on April 23, 2020, and again on May 28, 2020.

4.0 Preliminary Findings

4.1 Lead Agency; Independent Judgment

The City of Sanger is the “Lead Agency” for the proposed Project, and evaluated the EIR. The City retained the independent consulting firm of Crawford & Bowen Planning, Inc. to prepare the EIR for the Project. Crawford & Bowen prepared the EIR under the supervision, direction, and review of the City. The City has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project. The City finds it has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the proposed Project, that the Draft EIR which was circulated for public review reflected its independent judgment, the Final EIR reflects the independent judgment of the City, and that the EIR reflects the independent judgment of the City.

4.2 Public Review Provided

The City Council finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the proposed Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.

4.3 Purpose of Errata and Corrections; Clerical Errors

Textual refinements and Errata (including corrections and additions to the Draft EIR) were compiled and presented to the decision-makers for review and consideration. City decision-makers and the interested public/agencies have been notified of each textual change in the various documents associated with project review of the proposed Project. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process. The changes and modifications made to the EIR after the Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or CEQA Guidelines section 15088.5.

4.4 Clerical Errors

The City recognizes that the EIR may contain clerical errors. The City reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

4.5 Evaluation and Response to Comments

The City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides an adequate, good-faith and reasoned response to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the EIR.

4.6 Recirculation of Final EIR Not Required

The Final EIR documents changes to the Draft EIR. The Final EIR incorporates information obtained and produced after the Draft EIR was completed, and the Final EIR contains additions, clarifications, and modifications to the Draft EIR. The City has reviewed and considered the Final EIR and all of this information. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR or the Project. Specifically, the City finds that the information was not “significant new information” as contemplated by CEQA Guidelines section 15088.5, and does not show:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Thus, recirculation of the Draft EIR is not required.

4.7 MMRP; Mitigation Measures

CEQA requires the Lead Agency approving a project to adopt a MMRP or the changes to the project which it has adopted or made a condition of project approval to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City as adopted by the City serves that function. The MMRP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the proposed Project and has been designed to ensure compliance with such measures during implementation of the proposed Project. In accordance with CEQA, the MMRP provides the means to ensure that the mitigation measures are fully enforceable.

Unless specifically stated to the contrary in these findings, it is this City Council’s intent to adopt all mitigation measures recommended by the EIR that are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts the MMRP. The mitigation measures identified for the proposed Project were included in the Draft EIR and Final EIR to mitigate or avoid significant effects on the environment and has been designed to ensure compliance during project implementation. As revised, the final mitigation measures for the proposed Project are described in the MMRP. Each of the mitigation measures identified in the MMRP is incorporated into the proposed Project and made a condition of approval for permits, required by agreement, or other measures to ensure the MMRP is fully enforceable. The City finds that the impacts of the proposed Project have been mitigated to the extent feasible by the mitigation measures identified in the MMRP.

4.8 Substantial Evidence

The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

4.9 Entirety of Action

The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the proposed Project.

4.10 Program EIR with Specific Analysis

For the proposed General Plan update, the EIR it is considered to be a “program” EIR. That is, it is written at more of a general level because the General Plan update only establishes a regulatory and policy framework for future development and does not describe or analyze any specific projects. However, there are instances where specific analysis was performed for the North Academy Corridor Master Plan area of the General Plan as noted in the EIR. As a result, future developments within General Plan area will use the EIR as a basis of the analysis, but must conduct their own project level

environmental review to the extent that specified impacts have not already been assessed for the Master Plan area. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the proposed Project by the City and other regulatory jurisdictions.

4.11 Effect of Public Comments

The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including any changes in the proposed Project in response to input from the community, include or constitute substantial evidence that would require recirculation of the EIR prior to certification of the EIR and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the EIR prior to its certification, and that the EIR need not be recirculated prior to its certification.

4.12 Independent Review of Record

The City Council, after receiving a recommendation from the Planning Commission, certifies that the EIR has been completed in compliance with CEQA. The City Council has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By adopting these Findings, the City Council on behalf of the City confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these Findings. The EIR and these Findings represent the independent judgment and analysis of the City and the City Council.

4.13 Adequacy of EIR to Support Approval of the Proposed Project

The City certifies that the EIR is adequate to support all actions in connection with the approval of the proposed Project. The City Council certifies that the EIR is adequate to support approval of the proposed Project described in the EIR, each component and phase of the proposed Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the proposed Project or variants described in the EIR, as well as all components of the proposed Project.

4.14 Program EIR with Specific Analysis

In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the City makes the specific findings required by CEQA with respect to each area of potential environmental impact as further set forth in this Section of these Findings. These Findings do not repeat the full discussions of environmental impacts, mitigation measures, and related explanations contained in the EIR. The City ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The City adopts the

reasoning of the EIR, staff reports, and presentations provided by City staff and the independent consulting firm of Crawford & Bowen Planning, Inc., as may be modified by these Findings.

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

5.1 Introduction

City staff reports; the EIR; written and oral testimony at public meetings or hearings; these facts, findings, and statement of overriding considerations; and other information in the administrative record (as further defined above) serve as the basis for the City's environmental determination. Public Resources Code Section 21081 requires that the City Council make one of the following findings for each significant impact:

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the EIR;
- Those changes or alterations are within the purview and jurisdiction of another public agency, and such changes have been, or can and should be adopted by that other agency; or
- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.

The same requirements for adopting these findings are also contained in CEQA Guideline Section 15091(a). Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, and environmental, social and technological factors." By this document, the City Council makes the findings required by Public Resources Code Section 21081 with regard to the proposed Project.

Additionally, Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." It also states, "in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The three available findings under Section 21081 and Guideline Section 15091(a) allow an approving agency to specify, as to particular significant environmental impacts, whether the agency is (a) adopting mitigation measures recommended in an EIR; (b) identifying measures that lay outside its

control but should be, or have been, adopted by another agency; or (c) identifying measures that are infeasible. For projects with EIRs that include numerous mitigation measures that are either infeasible or outside the approving agency's control, findings may be very lengthy, as they must explain, for example, why some measures are rejected as being infeasible. In contrast, where the approving agency chooses to adopt each and every mitigation measure recommended in an EIR, there would seem to be little point in repeated invoking, over many dozens of pages, the finding that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." Guideline Section 15091(a).

Where significant impacts are not avoided or significantly lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. CEQA Guidelines §§15093, 15043(b).

The findings below are the City Council's best efforts to set forth the evidentiary and policy bases for its decision to approve the proposed Project in a manner consistent with the requirements of CEQA. These findings are not merely informational but, rather, constitute a binding set of obligations that come into effect with the City Council's approval of the proposed Project. The City Council adopts these findings for the entirety of the actions described in these findings and in the Final EIR.

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, based on the substantial evidence the City Council hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines.

- Findings regarding the environmental review process and the contents of the Final EIR.
- Findings regarding the environmental impacts of the proposed Project and the mitigation measures (General Plan policies, etc.) for those impacts identified in the Final EIR and incorporated into the Project.
- Findings regarding alternatives and the reasons that such alternatives are rejected.
- Statement of Overriding Considerations determining that the benefits of implementing the proposed Project outweigh the significant and unavoidable environmental impacts that will result and therefore justify approval of the proposed Project despite such impacts.
- Findings regarding the Mitigation Monitoring and Reporting Program.

The City Council of the City of Sanger certifies that these findings are based on its full appraisal and consideration of all viewpoints expressed in written correspondence and testimony regarding the

proposed Project, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the Final EIR. The City Council adopts the findings and the statement of overriding considerations for the approvals that are set forth below.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Chapter 3, Environmental Setting, Impacts and Mitigation of the Draft EIR. Responses to comments on the Draft EIR, along with copies of the comments, are provided in Chapter Two of the Final EIR.

The EIR evaluated 20 major environmental categories for potential impacts as outlined in Appendix G of the *CEQA Guidelines*. Of these 20 major environmental categories, this City Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Subsection 5.2, Subsection 5.3, and Subsection 5.4, below are either no impacts, less than significant without mitigation, or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Subsection 5.5, overriding considerations exist that make these potential impacts acceptable to this City Council.

5.2 No Environmental Impacts

The City Council hereby finds, based upon substantial evidence in the record including the EIR and as discussed below, that the following potential environmental areas result in no impacts by the Project.

Agricultural Resources

Impact 3.2-3: The Project would not conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code section 12220(g)), timberland as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

Facts and Findings: There are no established forest lands in the area. Thus, there is no impact.

Impact 3.2-4: The Project would not result in the loss of forest land or conversion of forest land to non-forest use.

Facts and Findings: There are no established forest lands in the area. Thus, there is no impact.

Biological Resources

Impact 3.4-5: The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Facts and Findings: There are no adopted habitat or natural community conservation plans applicable to the area. Thus, there is no impact.

Mineral Resources

Impact 3.12-1: The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Facts and Findings: There are no known mineral resources in the Project area. Thus, there is no impact.

5.3 Less Than Significant Environmental Impacts

The City Council hereby finds, based on substantial evidence in the record including the EIR and as noted below, that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of mitigation measures.

Aesthetics

Impact 3.1-1: The Project would not have a substantial adverse effect on a scenic vista.

Facts and Findings: There are no established scenic vistas in the area. Thus, the impact is less than significant and no mitigation is required.

Impact 3.1-2: The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway

Facts and Findings: There are no established scenic resources such as rock outcroppings or scenic highways in the Project area. Thus, the impact is less than significant and no mitigation is required.

Impact 3.1-3: The Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.

Facts and Findings: Buildout of the General Plan will be regulated by the City's General Plan policies and other rules/regulations in place regarding building design, landscaping, etc. Thus, the impact is less than significant and no mitigation is required.

Impact 3.1-4: The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Facts and Findings: An incremental increase in the amount of daytime glare created can be expected, but substantial increases would not be likely. Nighttime lighting would increase with a greater number of lighting sources to the extent that significant impacts from nighttime glare increases would be expected. However, compliance with the City's General Plan Policies as well as applicable ordinances related to lighting will help ensure that impacts remain less than significant and no mitigation is required.

Energy

Impact 3.6-1: The project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Facts and Findings: The consumption of electricity, natural gas, and vehicle fuel resources would be necessary to accommodate the planned level of growth envisioned by the Project. The use of energy resources in the Planning Area would become substantially more efficient over time with the change in land uses envisioned by the Project and the application of more stringent regulations that reduce energy usage. Various goals, objectives and action plans are identified in the 2035 GPU that will protect energy efficiency. Thus, the impact is less than significant and no mitigation is required.

Impact 3.6-2: The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Facts and Findings: In addition to being in compliance with federal and state regulations, the GPU itself provides policies that are designed specifically to reduce energy consumption or to reduce other types of pollutants that have the co-benefit of reducing energy consumption, as discussed in Impacts 3.6-1 and 3.8-1. Any impacts related to conflicting or obstructing a state or local plan for renewable energy or energy efficiency would be less than significant. Thus, the impact is less than significant and no mitigation is required.

Geology and Soils

Impact 3.7-1: The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other

substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

- ii) Strong seismic ground shaking?
- iii) Seismic-related ground failure, including liquefaction?
- iv) Landslides?

Facts and Findings: The goals, objectives and action plans noted in Section 3.7-1 would make sure that all development would be developed in accordance with the seismic safety standards contained in the California Building Code, would ensure that development occurring as a result of the General Plan Update buildout would not be potentially impacted by geologic and seismic hazards. Impacts would be less than significant. Thus, no mitigation is required.

Impact 3.7-2: The Project would not result in substantial soil erosion or the loss of topsoil.

Facts and Findings: As future development and infrastructure projects are considered by the City of Sanger, each project will be evaluated for conformance with the California Building Code, the General Plan, Zoning Ordinance, and other regulations. In addition to compliance with City standards and policies, the Regional Water Quality Control Board will require a project specific Storm Water Pollution Prevention Plan (SWPPP) to be prepared for each project that disturbs an area of one acre or larger. The SWPPPs will include project specific best management measures that are designed to control drainage and erosion. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. As such, potential impacts associated with erosion including the loss of topsoil would be less than significant. Thus no mitigation is required.

Impact 3.7-3: The Project is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Facts and Findings: Although subsidence or collapse is a significant concern in western Fresno County, as well as other portions of the Valley, the Planning Area is not known to be subject to such subsidence or collapse hazards. Implementation of goals, objectives and action plans discussed in the proposed GPU and in Impact 3.7-1 above will serve to mitigate potential impacts from construction and/or development activities on unstable soils to a less than significant level. Thus no mitigation is required.

Impact 3.7-4: The Project is not located on expansive soil, as defined in Table 18-1-B of the Uniform

Building Code (1994), creating substantial direct or indirect risks to life or property.

Facts and Findings: The majority of soils in the planning area have a low or low to moderate shrink/swell potential. Implementation of goals, objectives and action plans discussed in Impact 3.5-1 would serve to mitigate any potential impacts resulting from development on expansive soils. As future projects in conformance with the General Plan are proposed, preliminary soil reports are required to be prepared to identify potential site-specific soil issues such as expansive soils and include foundation support and grading parameters in the project design. Impacts would be less than significant, thus no mitigation is required.

Impact 3.7-5: The Project does not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

Facts and Findings: There are no proposed use of septic tanks or alternative waste disposal systems that are proposed to be utilized for new development under the General Plan. However, the soils in the area are capable of supporting septic tanks. There are no additional environmental impacts, apart from those disclosed in the relevant chapters of the EIR, which are anticipated to occur. Thus, the impact would remain less than significant and not mitigation is required.

Hazards and Hazardous Materials

Impact 3.9-1: The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Facts and Findings: All existing and future development within the City will continue to be bound by County, state, and federal regulations regarding the transportation, storage, use and handling of hazardous materials. This includes continued use and application of agriculture related hazardous materials in areas adjacent to existing and proposed development. Through implementation of the GPU policies; enforcement of the City's related zoning regulations and County, state, and federal enforcement of the hazardous materials regulations for which they are responsible, impacts on public health and safety from use and/or accidental release of hazardous materials would be reduced to a less than significant level. Thus, no mitigation is required.

Impact 3.9-2: The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Facts and Findings: All hazardous materials would be handled in accordance with federal, state, and county requirements, which would limit the potential for a project to expose nearby uses, including schools, to hazardous emissions or an accidental release. Hazardous emissions are monitored by the Bay Area Air Quality Management District, Regional Water Quality Control Board, and Department of Toxic Substances Control, and the Fresno County CUPA. In the event of a hazardous materials spill or release, notification and cleanup operations would be performed in compliance with applicable federal, state, and local regulations and policies, including hazard mitigation plans. Compliance with all existing regulations and hazard mitigation plans as well as General Plan policies and implementation measures would ensure that the impact would be less than significant. Thus, no mitigation is required.

Impact 3.9-3: The Project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

Facts and Findings: The General Plan includes policies and implementation measures that are intended to reduce the risk of hazards associated with hazardous materials, as provided in Impact 3.9-1. Before a development would be permitted to occur on such a site, the site would be required to be remediated and mitigated for on-site hazardous materials to a level that would permit development onsite. Implementation of the General Plan, including the goals, objectives and action plans outlined in Section 3.9, would help ensure a less than significant impact with regard to this issue. Thus, no mitigation is required.

Impact 3.9-4: The Project is not located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area.

Facts and Findings: The City of Sanger does not have a municipal airport. The nearest commercial airport is Fresno Yosemite International (FYI) Airport. Fresno Yosemite International Airport is a joint civil-military public airport in eastern Fresno, approximately 10 miles northwest of the City of Sanger via State Route 180/Peach Avenue. Due to the distance to FYI, impacts due to safety hazards resulting from nearby airports would be less than significant. Thus, no mitigation is required.

Impact 3.9-5: The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Facts and Findings: Future projects are not anticipated to remove or impede evacuation routes and the proposed General Plan does not have land uses, goals, objectives or action plans that conflict with emergency response or evacuation plans. Through consistency and adherence to the proposed

General Plan goals, objectives and action plans, implementation of the General Plan would have a less than significant impact with regard to this issue. Thus, no mitigation is required.

Impact 3.9-6: The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Facts and Findings: As described in the environmental setting of Section 3.9, and further discussed in Section 3.20, the Project is located such that it has minimal risk of wildland fires. The Sanger planning area is either developed with urban uses or with active agriculture. No wildlands exist in the planning area or in the immediate vicinity of the planning area. As such, any impacts resulting from wildland fires would be less than significant. Thus, no mitigation is required.

Hydrology and Water Quality

Impact 3.10-1: The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Facts and Findings: Implementation of the General Plan Action Plans and required development consistency with BMPs, NPDES requirements, and RWQCB rules and regulations will ensure that impacts on water quality from buildout of the General Plan and Master Plan is less than significant. Regarding waste discharge requirements, please refer to the Utilities section of this DEIR for that environmental impact evaluation. Thus, no mitigation is required.

Impact 3.10-3: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- i. result in substantial erosion or siltation on- or off—site; or
- ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;
- iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
- iv. impede or redirect flood flows.

Facts and Findings: The City requires new development to install adequate stormwater infrastructure. Compliance with the City's storm water rules, regulations and standards, and implementation of BMPs, building code requirements, and RWQCB rules and regulations will ensure that impacts to drainage patterns and stormwater facilities from buildout of the General Plan and Master Plan is less than significant. Thus, no mitigation is required.

Impact 3.10-4: The Project would not result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

Facts and Findings: With implementation of the proposed General Plan Update policies as well as the City's Municipal Ordinance, and ensuring that new development meets existing regulation and design requirements for promoting flood protection, impacts from flooding to or from buildout of the General Plan and Master Plan is less than significant. Thus, no mitigation is required.

Impact 3.10-5: The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Facts and Findings: The City adopted the Groundwater Sustainability Plan (GSP) on December 3, 2019. The intent of the GSP is to achieve groundwater sustainability within the Kings Subbasin by 2040, as required by the Sustainable Groundwater Management Act. As identified herein, the City's General Plan Update contains does not conflict with or obstruct implementation of the GSP. Thus, the impact is less than significant and no mitigation is required.

Land Use and Planning

Impact 3.11-1: The Project would not physically divide the community.

Facts and Findings: The General Plan includes objectives and action plans to reduce these land use conflicts and provide for future orderly development to reduce the potential to divide established communities. Refer to the land use policies in Impact Section 3.11-2. Implementation of these objectives and action plans would ensure that the impact remains less than significant. Thus, no mitigation is required.

Impact 3.11-2: The Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Facts and Findings: The General Plan itself is the City's underlying land use plan. Thus, an update to the City's General Plan will not cause a conflict. Implementation of the numerous policies and measures identified in Section 3.11-2 will ensure that impacts remain less than significant. Thus, no mitigation is required.

Noise

Impact 3.13-2: The Project would not result in the generation of excessive groundborne vibration or groundborne noise levels.

Facts and Findings: Existing land uses along the railroad tracks in Sanger are a mix of commercial and industrial development. However, along the northern north/west area of Sanger, the railroad is adjacent to some single-family housing units. Any new development within 100 feet of railroad tracks will be subject to site-specific evaluation pertaining to vibration associated with the railroad tracks. New buildings will be required to adhere to rules and regulations pertaining to vibration impacts as set forth in the California Building Code and other regulatory documents. Therefore, the impact is less than significant and no mitigation is required.

Impact 3.13-3: The Project is not located within the vicinity of a private airstrip or an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

Facts and Findings: The City of Sanger does not have a municipal airport. The nearest commercial airport is Fresno Yosemite International (FYI) Airport. Fresno Yosemite International Airport is a joint civil-military public airport in eastern Fresno, approximately 10 miles northwest of the City of Sanger via State Route 180/Peach Avenue. Due to the distance to FYI, impacts due to noise from nearby airports would be less than significant. Thus, no mitigation is required.

Population and Housing

Impact 3.14-1: The Project would not induce substantial unplanned population growth in an area, either directly or indirectly.

Facts and Findings: Based on the proposed Land Use designations and Master Planning documents associated with this General Plan update, it is determined that the proposed project (build-out of the General Plan and Master Plan) will not induce population growth beyond that which will be needed to fulfill future employment opportunities and/or housing developments that have the potential to occur during the planning horizon of this General Plan update (Year 2035). The environmental impacts of the growth of the commercial, industrial, and residential areas of the City are evaluated within the EIR in other sections (e.g. air quality, traffic, noise, water use, biological impacts, etc.). Therefore, the project will have a less than significant impact occurring from inducement of population. Thus, no mitigation is required.

Impact 3.14-2: The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Facts and Findings: Implementation of the General Plan and Master Plan would not necessitate construction of replacement housing in addition to the housing that is planned under the proposed General Plan Update. Therefore, there is a less than significant impact on the displacement of housing

and/or people, necessitating the construction of housing within the City. Thus, no mitigation is required.

Public Services

Impact 3.15-1: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, or other public facilities.

Facts and Findings: As future development and infrastructure projects, including new and/or governmental and public service facilities are considered by the City, each project will be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA.

As noted in the EIR, increased levels of staffing and equipment will be needed to serve growth allowed under the General Plan. The environmental effect of providing the public service is associated with the physical impacts of providing new and expanded facilities. The specific impacts of providing new and expanded facilities cannot be determined at this time, however, the General Plan land use map does designate the location of future schools and parks. New and expanded public facilities are anticipated to be primarily provided on sites with land use designations that allow such uses and the environmental impacts of constructing and operating the governmental facilities would be subject to the General Plan policies listed above and the General Plan requirements related to specific environmental topics as discussed in Chapters 3 of this Draft EIR. As such, any impacts would be less than significant. Thus, no mitigation is required.

Recreation

Impact 3.16-1: The Project would not 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 OR does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Facts and Findings: The policies identified in the proposed General Plan and compliance with the Quimby Act would reduce the potential for implementation of the proposed project to result in increased impacts to public recreational facilities including parks, and the provision of recreational

services. Future development would be required to be consistent with the proposed General Plan, the General Plan Land Use Map, and State requirements.

The implementation of the project is intended to ensure that development in the Sanger planning area protects park and recreational facilities through a continued effort to supply adequate, high quality facilities throughout the planning area. General Plan buildout would have a less than significant impact to parks and recreational facilities. See the the topical sections of Chapter 3 for discussion of specific environmental impacts, including but not limited to aesthetics, air quality, noise, and traffic, that would occur with development under the General Plan, including development of new and expanded public services facilities as accommodated by the Land Use Map, associated with the environmental effects of new or expanded parks and recreational facilities. Thus, no mitigation is required.

Transportation

Impact 3.17-3: The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Facts and Findings: Implementation of the General Plan and Master Plan would increase the amount of vehicle traffic, as well as bicycles, pedestrians, and buses, using the circulation system. However, new and upgraded roadways will be designed according to applicable federal, state, and local design standards. As a result, implementation of the General Plan Update and Master Plan would result in a less-than-significant impact related to hazards due to roadway design features or incompatible uses. Thus, no mitigation is required.

Impact 3.17-4: The Project would not result in inadequate emergency access.

Facts and Findings: Future projects are not anticipated to remove or impede emergency access. Through consistency and adherence to the proposed General Plan goals, objectives and action plans, implementation of the General Plan and Master Plan would have a less than significant impact with regard to this issue. Thus, mitigation is not required.

Impact 3.17-5: The Project would not conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Facts and Findings: The Circulation Element provides numerous action plans regarding non-motorized transportation which are designed to increase the use of public transit, as well as bicycle and pedestrian facilities. The Circulation Element also provides a complete streets approach, which

considers all modes of transportation, in the planning, design and implementation of facilities to support planned population and employment growth. Therefore, implementation of the General Plan Update would result in a less than significant impact related to adopted policies, plans, or programs regarding public transit, bicycle, and pedestrian facilities. Thus, no mitigation is required.

Tribal Cultural Resources

Impact 3.18-1: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Facts and Findings: The City of Sanger sent out letters to the applicable tribes notifying them of the proposed Project. According to AB 52, the tribes had 90 days from the receipt of the letter to request consultation with the City of Sanger. None of the Tribes requested consultation.

As discussed in Chapter 3.5 – Cultural Resources, the SOI is not known to contain any tribal cultural resources (TCRs). As further noted in that chapter, with respect to archaeological resources and human remains that may be present in areas where there would be some ground disturbance, mitigation measures set forth in the section, including monitoring, would be implemented to ensure that should resources be encountered, they would be protected from damage. Therefore, while no TCRs are expected to be affected by the proposed project, the mitigation measures set forth in Chapter 3.5 - Cultural Resources, would further ensure that any resources encountered would not be adversely affected. Based on the above, the proposed project is not expected to result in a substantial adverse change in the significance of TCRs, and this impact is considered less than significant. Thus, no mitigation is required.

Utilities and Service Systems

Impact 3.19-1: The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Facts and Findings: The specific environmental impacts of constructing new electric power, natural gas, or telecommunications facilities (such as poles, pipelines, towers, etc.) that may be needed to support new development cannot be determined because the locations and designs of new facilities are not yet known. However, it can be expected that such construction would have similar impacts as would construction and operation of other types of future development within the proposed SOI. These potential impacts are not anticipated to be significant and unavoidable given the typical nature of the infrastructure that would be required. The proposed General Plan Update policies and mitigation measures referenced in other sections of the EIR that serve to avoid or reduce potential impacts from new development would also avoid or reduce impacts of constructing and operating these new or expanded infrastructure. In addition, as new infrastructure projects are proposed, the City will be required to conduct a CEQA evaluation of each individual project as required by CEQA and the CEQA Guidelines on a case by case basis. Therefore, this impact would be less than significant and no mitigation is required.

Impact 3.19-3: The Project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Facts and Findings: The specific environmental impacts of constructing new electric power, natural gas, or telecommunications facilities (such as poles, pipelines, towers, etc.) that may be needed to support new development cannot be determined because the locations and designs of new facilities are not yet known. However, it can be expected that such construction would have similar impacts as would construction and operation of other types of future development within the proposed SOI. These potential impacts are not anticipated to be significant and unavoidable given the typical nature of the infrastructure that would be required. The proposed General Plan Update policies and mitigation measures referenced in other sections of the EIR that serve to avoid or reduce potential impacts from new development would also avoid or reduce impacts of constructing and operating these new or expanded infrastructure. In addition, as new infrastructure projects are proposed, the City will be required to conduct a CEQA evaluation of each individual project as required by CEQA and the CEQA Guidelines on a case by case basis. Therefore, this impact would be less than significant and no mitigation is required.

Impact 3.19-4: The Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Facts and Findings: It is assumed that as the existing American Avenue Landfill nears capacity, the County would continue to plan for, fund, and construct additional disposal facilities or employ new technologies to meet future cumulative demand. Development of new landfill capacity would be a project that requires separate CEQA review by the County to identify adverse environmental effects and mitigation measures. Given that the landfill should have sufficient capacity to accommodate the City's incremental contribution of solid waste through 2030, as well as the City Disposal Divisions objectives that help to reduce the amount of solid waste generated by the City that ends up in the American Avenue Landfill, this impact would be less than significant. In addition, the City will continue to comply with all federal, state and local statutes related to solid waste, thus resulting in a less than significant impact pertaining to this issue. Thus, no mitigation is required.

Impact 3.19-5: The Project will comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Facts and Findings: It is assumed that as the existing American Avenue Landfill nears capacity, the County would continue to plan for, fund, and construct additional disposal facilities or employ new technologies to meet future cumulative demand. Development of new landfill capacity would be a project that requires separate CEQA review by the County to identify adverse environmental effects and mitigation measures. Given that the landfill should have sufficient capacity to accommodate the City's incremental contribution of solid waste through 2030, as well as the City Disposal Divisions objectives that help to reduce the amount of solid waste generated by the City that ends up in the American Avenue Landfill, this impact would be less than significant. In addition, the City will continue to comply with all federal, state and local statutes related to solid waste, thus resulting in a less than significant impact pertaining to this issue. Thus, no mitigation is required.

Wildfire

Impact 3.20-1: The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, if the

project were located in or near state responsibility areas or lands classified as very high fire hazard severity zones.

Facts and Findings: The Sanger SOI is approximately four miles southeast of the nearest State Responsibility Area and 15 miles southwest of the nearest Very High State Responsibility Area. The City lies on the Valley floor and is surrounded by active agriculture, in various stages of production. Impacts associated with implementation of the General Plan and reasonably foreseeable development expected to occur under full GPU buildout would be less than significant related to wildfires given the distance of the Sanger SOI from the State Responsibility Area and the State's Very High Fire Hazards Severity Zone and the intervening land uses between them. Thus, the impacts are less than significant and no mitigation is required.

5.4 Less Than Significant Environmental Impacts With Mitigation

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed that identifies one or more significant effects unless the public agency makes one or more of the following findings:

- Changes or alternations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

The following issues from the environmental categories analyzed in the EIR were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. This City Council hereby finds, based on substantial evidence in the record including the EIR and as noted below, pursuant to Public Resources Code Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the MMRP adopted by this City Council. Specific findings of this City Council for each category of such impacts are set forth in detail, below.

Air Quality

Impact 3.3-3: After mitigation, the Project would not result in other emissions (such as those leading to odors affecting a substantial number of people.

Finding: The General Plan Update does not have policies or implementing measures that address potential conflicts in land uses that could result in odor complaints; however, compliance with the SJVAPCD's odor analysis and Mitigation Measure AIR-1 would reduce odor impacts to less than significant.

Mitigation Measures: AIR – 1

Facts in Support of the Finding: According to the Air District's GAMAQI, analysis of potential odor impacts should be conducted for the following two situations:

- Generators - projects that would potentially generate odorous emissions proposed to locate near existing sensitive receptors or other land uses where people may congregate, and
- Receivers - residential or other sensitive receptor projects or other projects built for the intent of attracting people locating near existing odor sources.

For a project locating near an existing source of odors, the project should be identified as having a potentially significant odor impact if it is proposed for a site that is closer to an existing odor source than any location where there have been:

- 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.

Projects meeting these criteria would provide an odor assessment to determine if the odor issues from the facilities have been resolved or if mitigation measures are available to reduce odor impacts to future residents. The implementation of this mitigation measure will assure that odor impacts are addressed.

Biological Resources

Impact 3.4-1: After mitigation, the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

Finding: Implementation of the following mitigation measures will reduce potential impacts to a less than significant level.

Mitigation Measures: BIO – 1 through BIO – 23.

Facts in Support of the Finding: The Sanger GPU and North Academy Corridor Master Plan provide a framework for sustainable growth within a 6,900-acre planning area that, at present, contains extensive agricultural and other undeveloped land. It is assumed that, by 2035, some or all these lands will be converted to residential, commercial, and industrial uses to accommodate full buildout. As outlined in Tables 3.4-1 and 3.4-2 of the EIR, certain regionally occurring special status species have the potential to occur in the planning area. The City has developed goals, objectives and action plans regarding the protection of special status plant and animal species. However, even with implementation of these goals, objectives and action plans, significant impacts to these species could result from direct or indirect impacts as the planning area is built-out. Mitigation measures BIO-1 through BIO-23 are included to reduce any impacts to these protected species to less than significant. The mitigation measures will help assure that impacts to special status / protected biological resources will be avoided or minimized to the extent feasible.

Impact 3.4-2: After mitigation, the Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

Finding: Implementation of the following mitigation measures will reduce potential impacts to a less than significant level.

Mitigation Measures: BIO – 24 through BIO – 26.

Facts in Support of the Finding: The Kings River and Collins Creek within the planning area support riparian habitat of considerable value to native wildlife species. Any future project-related loss of riparian habitat along these natural drainages would be likely to adversely affect native wildlife, both in terms of direct impacts and contribution to cumulative loss of riparian habitat in the region. Potential loss of riparian habitat along the Kings River and Collins Creek is considered significant; however, implementation of mitigation measures BIO-24 through BIO-26 will reduce impacts to less than significant.

Elsewhere within the planning area, the Fowler-Switch Canal and Centerville-Kingsburg Canal contain isolated riparian trees along their banks, but are not characterized by intact riparian habitat with the potential to support a diversity of native wildlife. Impacts to riparian habitat associated with the potential loss of trees along the Fowler-Switch Canal and Centerville-Kingsburg Canal are therefore considered less than significant.

Impacts are considered to be less than significant with the incorporation of mitigation measures BIO-24 through BIO-26. The mitigation measures will help assure that impacts to riparian or other natural habitats will be avoided or minimized to the extent feasible.

Impact 3.4-3: After mitigation, the Project would not have a substantial adverse effect on state or federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Finding: Implementation of the following mitigation measures will reduce potential impacts to a less than significant level.

Mitigation Measures: BIO – 27 and BIO – 28.

Facts in Support of the Finding: The planning area contains a portion of the Kings River and Collins Creek, both of which are known to fall under the jurisdiction of the USACE. The planning area also contains portions of a number of canals and ditches that may be claimed by the USACE based on hydrological connectivity to the Kings River and other Waters of the U.S.

The City has developed goals, objectives and action plans regarding the protection of jurisdictional waters as described in Impact 3.4-2 of the EIR; however, any future projects within these waterways have the potential to result in significant impacts to the Waters of the U.S. per the provisions of CEQA. Implementation of Mitigation Measure BIO-27 and BIO-28 will reduce any potential impacts to less than significant. The mitigation measures will help assure that impacts to wetlands will be avoided or minimized to the extent feasible.

Impact 3.4-4: After mitigation, the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site; (e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Finding: Implementation of the following mitigation measures will reduce potential impacts to a less than significant level.

Mitigation Measures: BIO – 24 through BIO – 26.

Facts in Support of the Finding: The planning area contains a portion of the Kings River, which is known to function as an important movement corridor for wildlife in the region. The remaining drainages and canals of the planning area are not expected to function in this capacity. As discussed in Appendix A, portions of Collins Creek within the planning area have been realigned and cleared of riparian vegetation, resulting in a discontinuous riparian corridor not conducive to travel by most

wildlife species. The planning area's canals and ditches are largely devoid of riparian vegetation, and do not offer the cover typical of most terrestrial wildlife movement corridors.

If future projects in the planning area remove riparian habitat associated with the Kings River, the river's value as a wildlife movement corridor may decrease. Such an impact would be considered significant under CEQA. Potential impacts to the Kings River riparian corridor were considered in Impact 3.4-2 and mitigation measures BIO-24 through BIO-26 were included to reduce impacts to less than significant. As such, any impacts wildlife movement are considered to be less than significant with the incorporation of Mitigation Measure BIO-24 through BIO-26. The mitigation measures will help assure that impacts to riparian or other natural habitats will be avoided or minimized to the extent feasible.

Cultural Resources

Impact 3.5-1: After mitigation, the Project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: CUL – 1

Facts in Support of the Finding: Buildout of the 2035 General Plan and Master Plan would occur on existing disturbed lands as well as vacant, agricultural, or unused lands. Development of previously undisturbed areas would therefore potentially discover sensitive historical, archaeological or cultural resources. This would be a potentially significant impact. However, mitigation measure CUL-1 included herein will reduce the impact to a less than significant level. In addition, individual projects in the future would be subject to site-specific cultural resource analysis (including potential field surveys) as determined to be necessary by the City. The mitigation measures will help assure that impacts to historical resources will be avoided or minimized to the extent feasible.

Impact 3.5-2: After mitigation, the Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: CUL – 1

Facts in Support of the Finding: Buildout of the 2035 General Plan and Master Plan would occur on existing disturbed lands as well as vacant, agricultural, or unused lands. Development of previously

undisturbed areas would therefore potentially discover sensitive historical, archaeological or cultural resources. This would be a potentially significant impact. However, mitigation measure CUL-1 included herein will reduce the impact to a less than significant level. In addition, individual projects in the future would be subject to site-specific cultural resource analysis (including potential field surveys) as determined to be necessary by the City. The mitigation measures will help assure that impacts to archaeological resources will be avoided or minimized to the extent feasible.

Impact 3.5-3: After mitigation, the Project would not disturb any human remains, including those interred outside of formal cemeteries.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: CUL – 2

Facts in Support of the Finding: Buildout of the 2035 General Plan and Master Plan would occur on existing disturbed lands as well as vacant, agricultural, or unused lands. Development of previously undisturbed areas would therefore potentially uncover human remains. This would be a potentially significant impact. However, mitigation measure CUL-2 included herein will reduce the impact to a less than significant level. The mitigation measures will help assure that adverse impacts to human remains will be avoided or minimized to the extent feasible.

Geology and Soils

Impact 3.7-6: After mitigation, the Project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: CUL – 1

Facts in Support of the Finding: While the discovery of paleontological resources in the Project Area is considered unlikely, General Plan buildout would adhere to PRC Section 21083.2 which requires all earth-disturbing work to be temporarily suspended or redirected until a qualified paleontologist has evaluated the nature and significance of the records, in accordance with federal, State, and local guidelines. In addition, Mitigation Measure CUL-1 would be implemented in the case of any inadvertent discoveries. With adherence to these regulatory requirements and measures, impacts would be less than significant. The mitigation measures will help assure that impacts to paleontological resources will be avoided or minimized to the extent feasible.

5.5 Environmental Impacts Not Fully Mitigated to a Less Than Significant Level

The City Council finds, based on substantial evidence in the record including the EIR and as noted below, the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures, as set forth below. The City also finds that any alternative discussed in the EIR that may reduce the significance of these impacts is rejected as infeasible for the reasons given in the EIR and this Section of these Findings. In accordance with CEQA Guidelines Section 1092(b)(2), the City Council of the City of Sanger cannot approve the Project unless it first finds (1) under Public Resources Code Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities make infeasible the mitigation measures or project alternatives identified in the EIR; and (2) under CEQA Guidelines Section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein. Each potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations as described further in Section 5.8, and the City finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

Agricultural and Forestry Resources

Impact 3.2-1: The EIR evaluated and concluded that the Project could potentially 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.

Facts and Findings: The City is not expanding the Sphere of Influence with this GPU. Under the GPU, however, full buildout would result in the direct conversion of approximately 1,827 acres of Important Farmland (comprised of Prime Farmland, Farmland of Statewide Significance, and Unique Farmland) to non-agricultural use (to calculate direct conversion acreage: subtract 533 acres of agriculture under the proposed General Plan Land Use Map from 2,360 acres of existing agricultural land in Planning Area). Various goals, objectives and action plans are identified in the 2035 GPU that will protect agricultural resources.

The above-noted policies are largely part of the growth management component of the GPU. By managing growth into agricultural areas in a measured way and ensuring that agricultural use of land within the proposed SOI remains viable until such time as the land is annexed and developed for non-agricultural use, the policies will serve to limit the premature conversion of important farmland. However, the loss of 1,827 acres of agricultural land is still considered significant. Therefore, implementation of the policies will not prevent the ultimate conversion of

such farmlands and the impact of conversion would be cumulatively significant and unavoidable. There are no other reasonable or feasible mitigation measures identified in the EIR that would reduce the impact to a less than significant level. The only mitigation available to fully avoid this impact would be to restrict growth to occur only on non-agricultural lands and to not allow agricultural-support operations on agricultural lands. This limitation of growth would not be consistent with the Project goals, objectives and action plans.

Impact 3.2-2: The EIR evaluated and concluded that the Project could potentially conflict with existing zoning for agricultural use, or a Williamson Act contract.

Facts and Findings: It is assumed that agricultural uses within the SOI would continue until such time as the City or future project developers request that such land be annexed into the City. Growth management policies in the GPU would be implemented to avoid premature conversion of agricultural land to urban use. GPU Goals and Policies. Implementation of the range of GPU policies identified under impact 3.2-1 above will serve to minimize premature development of agricultural lands within the SOI. Since a significant amount of land within the SOI is under Williamson Act contract, avoiding premature development of such land would reduce conflicts with existing contracts. Avoiding premature conversion would also provide enhanced opportunity for owners of contracted land to file for a Notice of Non-Renewal such that contracts may be terminated before the subject properties are proposed for development. Nevertheless, it is possible that conflicts with Williamson Act contracted land may occur as it is also possible that some landowners would seek cancellation of their contracts in anticipation of the economic benefit to be derived from converting their land to urban uses. This impact would be cumulatively significant and unavoidable even with implementation of GPU policies. There are no other reasonable or feasible mitigation measures identified in the EIR that would reduce the impact to a less than significant level. The only mitigation available to fully avoid this impact would be to restrict growth to occur only on non-agricultural lands and to not allow agricultural-support operations on agricultural lands. This limitation of growth would not be consistent with the Project goals, objectives and action plans.

Impact 3.2-5: The EIR evaluated and concluded that the Project could potentially involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

Facts and Findings: As discussed in Impact 3.2-1, agricultural land within the Planning Area would be converted to non-agricultural land uses as a result of full buildout of the GPU. As such, impacts to farmland conversion resulting from the proposed Project would be considered significant and unavoidable. This impact would be cumulatively significant and unavoidable even with implementation of GPU policies. There are no other reasonable or feasible mitigation measures identified in the EIR that would reduce the impact to a less than significant level. The only mitigation

available to fully avoid this impact would be to restrict growth to occur only on non-agricultural lands and to not allow agricultural-support operations on agricultural lands. This limitation of growth would not be consistent with the Project goals, objectives and action plans.

Air Quality

Impact 3.3-1: The EIR evaluated and concluded that the Project could potentially 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 non-attainment under an applicable federal or state ambient air quality standard.

Facts and Findings: The San Joaquin Valley Air Pollution Control District (SJVAPCD) states “if project specific emissions exceed the threshold of significance for criteria pollutants the project would be expected to result in a cumulatively considerable net increase of any criteria pollutant for which the District is in non-attainment under applicable Federal or State ambient air quality standards.” As described in the Environmental Setting section, the San Joaquin Valley is in non-attainment under Federal and State standards for ozone and PM_{2.5} and State standards for PM₁₀. As quantifying emissions of future specific development projects is speculative, it cannot be determined if future project emissions would be under significance thresholds set by the SJVAPCD. Therefore, cumulative air quality impacts from future development are assumed to be significant and unavoidable for their potential to violate air quality standards and be inconsistent with air quality management plans. No feasible measures in addition to the SJVAPCD Rules outlined in Section 3.3-1 are available.

Impact 3.3-2: The EIR evaluated and concluded that the Project could potentially expose sensitive receptors to substantial pollution concentrations.

Facts and Findings: With respect to local operational emissions, and construction and operational toxic air contaminant emissions and health impacts, future development under the General Plan Update would be required to comply with the SJVAPCD and CARB regulations, Title 24 energy efficiency standards, and the proposed General Plan Update goals, objectives and action plans. However, there is no way to determine the extent to which these regulations will be, or need to be implemented, nor the effectiveness of the mitigation for individual projects. Therefore, localized operational impacts, construction and operational health and toxic air impacts would remain cumulatively significant and unavoidable. No feasible measures in addition to the objectives and action plans identified in Section 3.3-2 are available.

Greenhouse Gas Emissions

Impact 3.8-1: The EIR evaluated and concluded that the Project could potentially generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or

conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses.

Facts and Findings: As described in Section 3.8-1 of the EIR, a goal of the proposed Sanger General Plan Update is to prepare and adopt a Climate Action Plan (CAP), which is a programmatic GHG emission reduction plan. CEQA Guidelines Section 15183.5 identifies that an adequate GHG reduction plan must:

- Quantify existing and projected community-wide greenhouse gas emissions;
- Establish greenhouse gas emissions reduction targets over the life of the plan which, if achieved, would render the community's greenhouse gas emissions to be less than significant;
- Identify and analyze the greenhouse gas emissions resulting from sources in the community;
- Identify a set of specific, enforceable measures that, collectively, will achieve the emissions targets;
- Establish a mechanism to monitor the plan's progress and to require amendment if the plan is falling short; and
- Be adopted in a public process following environmental review.

The future analysis of the GHG impacts of individual development projects proposed within the City can be simplified if a programmatic plan such as a CAP has been prepared and adopted that identifies how GHG emissions from all future development within the City can be mitigated. Once the City prepares a qualified CAP, individual project proponents would have the opportunity to incorporate GHG reduction measures identified in the CAP into their projects. By doing so, the GHG emissions impacts of their projects would be determined to be less than significant, both at a project-specific and cumulative level. This streamlines the environmental review process for individual projects by avoiding detailed analysis of GHG emissions generation and reduction measures for individual projects. Adoption of a CAP would allow the City to demonstrate consistency with the intent of the GHG emission targets identified in AB 32 and the Scoping Plan.

In lieu of the City having prepared a CAP, the most applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions is the SJVAPCD's CCAP. As described previously, the CCAP guidance and more specifically, guidance provided in the SJVAPCD's Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA and the district policy Addressing GHG Emission Impacts for Stationary Source Projects under CEQA When Serving as the Lead Agency, can be utilized by lead agencies as guidance for reviewing and conditioning new individual development projects to reduce their GHG impacts to less than significant. The guidance for land use projects is designed to assist local agencies. While the City is not required to rely on the guidance, in the absence of an alternative framework for reducing GHG emissions from new development, the guidance is a useful tool whose use by the City would be useful in reducing GHG

emissions from new development. However, the proposed GPU does not contain policy that specifically identifies that it would use SJVAPCD guidance as a tool for GHG emissions reduction in the interim until such time as it adopts a CAP.

The proposed Project would be consistent with key state plans and regulatory requirements referenced in the 2017 Scoping Plan Update designed to reduce statewide emissions. According to the 2017 Scoping Plan Update, reductions needed to achieve the 2030 target are expected to be achieved by increasing the RPA to 50 percent of the State's electricity by 2030, greatly increasing the fuel economy of vehicles and the number of zero-emission or hybrid vehicles, reducing the rate of growth in VMT, supporting alternative transportation options, and increasing the use of high efficiency appliances, water heaters, and HVAC systems. The proposed Project would not impede implementation of these potential reduction strategies identified by CARB, and it would benefit from statewide and utility-provider efforts towards increasing the portion of electricity provided from renewable resources. The proposed Project would utilize energy efficient appliances and equipment, as required by Title 24, and would encourage the establishment of EV charging stations to support the future use of electric and hybrid-electric vehicles by employees and visitors.

The City recognizes; however, that it may not be possible for all individual projects to feasibly achieve GHG emissions reductions that are consistent with SJVAPCD guidance (29 percent or greater) or consistent with the GHG reduction measures that would be included the City's future CAP. Consequently, it may not be possible for the City to achieve cumulative GHG emission reductions that are consistent with AB 32 and the Scoping Plan. Consequently, impacts of implementing the proposed GPU and North Academy Corridor Master Plan will be cumulatively significant and unavoidable. Mitigation Measure GHG-1 has been included, but may not reduce impacts to a less than significant level. There are no other reasonable or feasible mitigation measures identified in the EIR that would reduce the impact to a less than significant level.

Mitigation Measures: GHG – 1

Hydrology and Water Quality

Impact 3.10-2: The EIR evaluated and concluded that the Project could potentially substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Facts and Findings: Sanger obtains its potable water exclusively from groundwater extraction. Buildout of the General Plan and Master Plan areas will result in increase in demand for groundwater. Impacts of groundwater extraction are generally not localized within a project site or in the case of the

proposed GPU, within the boundaries of the proposed expanded SOI. Rather, such impacts are cumulative in nature as the boundaries of an affected groundwater basin are typically significant broader than that of the subject project being evaluated for its impacts on groundwater. Hence, this discussion of the impacts of the proposed GPU is inherently focused on its incremental, cumulative contribution to impacts on groundwater conditions within the much broader Kings Basin.

The Project is projected to increase groundwater extraction to meet future demands and this increase could result in significant impacts to groundwater levels within the Kings Sub-basin. Implementation of the City's General Plan Update goals, objectives and action plans as well as measures discussed herein could reduce or avoid the potentially significant impact that would result from increased pumping of groundwater from a groundwater basin that is in overdraft condition. However, until such time as the City is able to implement the UWMP water conservation measures therein and/or implement the groundwater management plan in compliance with the Sustainable Groundwater Management Act, due to the technical and financial feasibility of developing a plan in conjunction with other nearby cities, agencies, water authorities, water purveyors and others, the impact is determined to be cumulatively significant and unavoidable. See also the discussion in Impact 3.10-5 pertaining to compliance with the Sustainable Groundwater Management Act. Implementation of Mitigation Measure HYD-1 will help reduce impacts of the General Plan Update on groundwater overdraft, but the impact remains cumulatively significant and unavoidable. There are no other reasonable or feasible mitigation measures identified in the EIR that would reduce the impact to a less than significant level.

Mitigation Measures: HYD – 1

Noise

Impact 3.13-1: The EIR evaluated and concluded that the Project could potentially result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Facts and Findings: Implementation and buildout of the 2035 General Plan and Master Plan will result in new sources of noise and in a potential increase in noise intensity from existing sources of noise. New and increased sources of noise would likely result in an increase in the number of people exposed to higher noise levels. The primary new sources of noise or sources of increased noise levels include mobile sources such as traffic and rail operations, stationary sources such as industrial and commercial sources, and short-term sources such as construction equipment and activities. Noise sensitive uses located at the urban/agricultural fringe of the City would continue to be affected by intermittent sources of noise from agricultural operations.

The City's Noise Ordinance and Noise Element measures and action plans that are designed to reduce the effects of noise, would in most instances, reduce noise impacts to less than significant levels. However, these proposed noise reduction measures are ultimately limited, as even advanced policies and measures are limited in what they can do to remediate or reduce the magnitude of noise effects on many existing noise-sensitive land uses in areas with current high noise exposures or where substantial noise increases are expected. Thus, the continuing exposure of existing noise-sensitive land uses to noise levels in excess of standards established by the City, or to substantial noise increases as a result of future growth according to the General Plan Update, would be considered a potentially significant impact. Therefore, long-term project impacts associated with the exposure of persons to or the generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies would be cumulatively significant and unavoidable. Refer to the General Plan Goals, Objectives and Action Plans described in Section 3.13-1 for required noise reducing measures. There are no other reasonable or feasible mitigation measures identified in the EIR that would reduce the impact to a less than significant level.

Transportation

Impact 3.17-1: The EIR evaluated and concluded that the Project could potentially conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Facts and Findings: Development allowed under the General Plan Update and Master Plan would result in increased use of the local and regional circulation system associated with increased residential, commercial, industrial, recreational, and other uses accommodated under the proposed General Plan Update, Master Plan and Land Use Map.

Applicable Circulation Element action plans will ensure that new development projects address their project-level impacts, pay their proportional share of roadway improvements, and/or provide necessary off-site improvements. In order to construct the potential improvements identified in the EIR, the City will require one or more of the following actions: i) Add these projects to those programmed for funding through a development impact fee program; ii) Continue to require participation by new development in providing fair-share funding and/or constructing new facilities, and/or iii) Continue to seek and obtain other regional and state funding to ensure that sufficient funds are available to construct the improvements. Therefore, since the implementation of improvements necessary to ensure roadway operations meet performance standards may not occur as the General Plan identifies that the necessary improvements to the local roadway system are planned but not guaranteed due to funding and other considerations and improvements to Caltrans facilities are outside of the City's jurisdiction, the impact associated with the General Plan Update's potential to conflict with applicable plans, ordinances, or policies establishing measures of effectiveness for the

performance of the circulation system is significant and unavoidable. There are no other reasonable or feasible mitigation measures identified in the EIR that would reduce the impact to a less than significant level.

Mitigation Measures: TRA – 1 and TRA – 2.

Impact 3.17-2: The EIR evaluated and concluded that the Project could potentially conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

Facts and Findings: Development allowed under the General Plan Update and Master Plan would result in increased use of the local and regional circulation system associated with increased residential, commercial, industrial, recreational, and other uses accommodated under the proposed General Plan Update, Master Plan and Land Use Map.

Applicable Circulation Element action plans will ensure that new development projects address their project-level impacts, pay their proportional share of roadway improvements, and/or provide necessary off-site improvements. In order to construct the potential improvements identified herein, the City will require one or more of the following actions: i) Add these projects to those programmed for funding through a development impact fee program; ii) Continue to require participation by new development in providing fair-share funding and/or constructing new facilities, and/or iii) Continue to seek and obtain other regional and state funding to ensure that sufficient funds are available to construct the improvements. Therefore, since the implementation of improvements necessary to ensure roadway operations meet performance standards may not occur as the General Plan identifies that the necessary improvements to the local roadway system are planned but not guaranteed due to funding and other considerations and improvements to Caltrans facilities are outside of the City's jurisdiction, the impact associated with the General Plan Update's potential to conflict with applicable plans, ordinances, or policies establishing measures of effectiveness for the performance of the circulation system is cumulatively significant and unavoidable. There are no other reasonable or feasible mitigation measures identified in the EIR that would reduce the impact to a less than significant level.

Mitigation Measures: TRA – 1 and TRA – 2.

Utilities and Service Systems

Impact 3.19-2: The EIR evaluated and concluded that the Project could potentially not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

Facts and Findings: Sanger obtains its potable water exclusively from groundwater extraction. Buildout of the General Plan and Master Plan areas will result in increase in demand for groundwater.

Impacts of groundwater extraction are generally not localized within a project site or in the case of the proposed GPU, within the boundaries of the proposed expanded SOI. Rather, such impacts are cumulative in nature as the boundaries of an affected groundwater basin are typically significant broader than that of the subject project being evaluated for its impacts on groundwater. Hence, this discussion of the impacts of the proposed GPU is inherently focused on its incremental, cumulative contribution to impacts on groundwater conditions within the much broader Kings Basin.

The Project is projected to increase groundwater extraction to meet future demands and this increase could result in significant impacts to groundwater levels within the Kings Sub-basin. Implementation of the City's General Plan Update goals, objectives and action plans as well as measures discussed herein could reduce or avoid the potentially significant impact that would result from increased pumping of groundwater from a groundwater basin that is in overdraft condition. However, until such time as the City is able to implement the UWMP water conservation measures therein and/or implement the groundwater management plan in compliance with the Sustainable Groundwater Management Act, due to the technical and financial feasibility of developing a plan in conjunction with other nearby cities, agencies, water authorities, water purveyors and others, the impact is determined to be cumulatively significant and unavoidable. See also the discussion in Impact 3.10-5 pertaining to compliance with the Sustainable Groundwater Management Act. Implementation of Mitigation Measure HYD-1 will help reduce impacts of the General Plan Update on groundwater overdraft, but the impact remains cumulatively significant and unavoidable. There are no other reasonable or feasible mitigation measures identified in the EIR that would reduce the impact to a less than significant level.

Mitigation Measures: HYD – 1

Mandatory Findings of Significance

Impact 3.21-1: The EIR evaluated and concluded that the Project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory; and the project has impacts that are individually limited, but cumulatively considerable; and the project has environmental effects which will cause substantial adverse effects on human beings either directly or indirectly.

Facts and Findings: Development allowed under the Project would result in increased residential, commercial, industrial, recreational, and other uses accommodated under the proposed General Plan Update, North Academy Corridor Master Plan and Land Use Map. The increase in development and population is expected to result in significant and unavoidable impacts to air quality, greenhouse gas

emissions, hydrology (water supply), noise, traffic and utilities. The City’s General Plan Update contains policies and programs designed to help reduce some of the environmental impacts. In addition, mitigation measures have been imposed that will further reduce impacts. However, these policies and mitigation measures cannot reduce the impact to a less than significant level. As such, this impact is considered cumulatively significant and unavoidable. There are no other reasonable or feasible mitigation measures identified in the EIR that would reduce the impact to a less than significant level.

Mitigation Measures: AIR-1, BIO-1 through BIO-28, CUL-1, CUL-2, GHG-1, HYD-1, TRA – 1 and TRA – 2.

5.6 Alternatives

CEQA Guidelines Section 15126.6 requires the consideration of a range of reasonable alternatives to the proposed project that could feasibly attain most of the objectives of the proposed project. The Draft EIR analyzed four alternatives as follows:

- Alternative 1 - Existing General Plan (No Project) Alternative
- Alternative 2 - Reduced Project Area (Elimination of Master Plan area)
- Alternative 3 - Alternative Project Location
- Alternative 4 - Reduced Project Intensity

Alternatives Rejected

According to the CEQA Guidelines, two primary provisions are necessary for an adequate alternative site analysis – feasibility and location. The EIR should consider alternate project locations if a significant project impact could be avoided or substantially lessened by moving the project to an alternate site. An alternative site for the proposed project would not be feasible because the project consists of the update of the City of Sanger’s General Plan. The project is, by definition, located in and around the City of Sanger. Since the project consists of a plan update for a specific area, an alternative location for this project is not feasible. A discussion of an infeasible alternative site would not meet the “rule of reason” under CEQA and Alternative 3 – Alternative Project Location was eliminated from further consideration in the EIR.

In addition, a project alternative consisting of reducing development intensity was considered (Alternative 4 – Reduced Project Intensity), but rejected for several reasons. First, much of the land within the City limits is already developed and could not be reduced or eliminated without significant impacts to the existing residents. Most of the larger and contiguous areas that are currently undeveloped but anticipated to be developed under the General Plan have already undergone a planning process that was specifically meant to guide development in that area.

Any alternative changing or reducing uses in these areas would be in conflict with the previously adopted plans and is not desired by the City. The City does not desire to restrict or reduce development in infill areas within the City. For these reasons, Alternative 4 – Reduced Project Intensity was eliminated from further consideration in the EIR.

The following alternatives are described and evaluated in the Draft EIR and are summarized below.

Existing General Plan (No Project) Alternative

CEQA Section 15126.6(e) requires the discussion of the No Project Alternative “to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” The No Project scenario in this case consists of not adopting the 2035 General Plan while continuing to utilize the City’s existing General Plan. Under this alternative, all land use changes and boundary changes will not occur and development will continue to be governed by the existing General Plan.

The proposed General Plan Update would add up to 141 acres of undeveloped land for single and multi-family housing and 49 acres of undeveloped land for commercial development (note: the City already has 241 acres of undeveloped land that is zoned for industrial use, thus additional industrial land is not considered to be necessary at this time).

Under the No Project scenario, these additional acreages would not be added to the City and development would continue to occur under the existing General Plan document. The vast majority of the land within the expanded SOI is currently in agricultural use and is designated and zoned by Fresno County for continued agricultural use. Under the No Project Alternative, land within the expanded SOI would continue to be actively farmed; no urban development would occur.

Development would be expected to continue to occur within the City, however, any future development would have to be consistent with the existing Land Use Map shown in the City’s General Plan. As such, environmental impacts would still occur, notwithstanding the reduction of acreage available for development. However, some impacts may be reduced based on this Alternative.

Reduced Project Area (Elimination of Master Plan area)

The Reduced Project Area (Elimination of Master Plan Area) Alternative consists of removing the North Academy corridor Master Plan from the General Plan Update process. The General Plan Update would still occur, however the Master Plan area would be eliminated and no annexation of these lands would occur. The site would remain with its underlying land use designations and zoning and would remain in Fresno County.

The North Academy Corridor Master Plan is an implementing tool of the General Plan and intended to guide urban development within a 285-acre planning area centered on Academy Avenue, north of the existing Sanger city boundary, extending to the intersection of Academy Avenue and State Route 180 (Kings Canyon Road). The annexation and development of this corridor was selected by the Sanger City Council as one of its top land use goals for action. It is important to note that the annexation of these lands is guided by a Memorandum of Understanding between the City of Sanger and Fresno County.

Elimination of the Master Plan would remove this area from consideration for annexation and/or from the proposed General Plan Update. Development could be expected to continue to occur within the Master Plan area, however, any future development would have to be consistent with the underlying land use and zoning designations. As such, environmental impacts would still occur, notwithstanding the reduction of acreage available for development as proposed by the General Plan Update. However, because of the reduced Project, some impacts may be reduced based on this Alternative.

Environmentally Superior Alternative

Based on a review of the alternatives evaluated in the EIR, the City finds the No Alternative would result in the fewest impacts on the environment. However, the No Project Alternative would not meet the City's Project objectives, as identified in the EIR.

Apart from the No Project Alternative, the City finds the Reduced Project Alternative would be the Environmentally Superior alternative because it would result in less adverse physical impacts to the environment with regard to most environmental topics. However, the Reduced Project does not meet all of the Project objectives, particularly with regard to the financial feasibility of this alternative.

Only the No Project and Reduced Project Alternatives could potentially result in fewer impacts than the proposed Project's impacts. These Alternatives however, would not meet the objectives of the proposed Project. After this full, substantial, and deliberate analysis, the proposed Project remains the preferred alternative.

5.7 Growth Inducing Impacts

Section 15126.2(d) of the CEQA Guidelines requires that at EIR evaluate the growth-inducing impacts of a proposed action. A growth-inducing impacts is defined by the CEQA Guidelines as:

The way in which a proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are

projects which would remove obstacles to population growth... it is not assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment.

Based on the State CEQA Guidelines, growth inducement is any growth that exceeds planned growth of an area and results in new development that would not have taken place without implementation of the Project. A project can have direct and/or indirect growth inducement potential. Direct growth inducement would result if a project, for example, involved construction of new housing. A project would have indirect growth inducement potential if it established substantial new permanent employment opportunities or if it would involve a construction effort with substantial short-term employment opportunities that would indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. A project providing an increased water supply in an area where water service historically limited growth could be considered growth-inducing.

The State Guidelines further explain that the environmental effects of induced growth are considered indirect impacts of the proposed action. These indirect impacts or secondary effects of growth include increased demand on other community and public services and infrastructure, increased traffic and noise, and adverse environmental impacts such as degradation of air and water quality, degradation or loss of plant and animal habitat, and conversion of agricultural and open space land to developed uses.

Growth inducement may constitute an adverse impact if the growth is not consistent with or accommodated by the land use plans and growth management plans and policies for the area affected. Local land use plans provide for land use development patterns and growth policies that allow for the orderly expansion of urban development supported by adequate urban public services, such as water supply, roadway infrastructure, sewer service, and solid waste service. The discussion of growth inducing impacts in this chapter is in addition to the analysis and evaluation contained in Chapters 3 of the EIR.

A general plan update is by nature a growth-inducing project to the extent that a general plan update is designed to accommodate new economic and/or population growth anticipated by the City. The proposed GPU and North Academy Corridor Master Plan is growth inducing in that it includes new land uses within the existing SOI which new growth not accommodated by the existing 2003 General Plan would be possible. New economic development and new housing development would occur in response to the City's anticipation that its population will grow between 1.24% and 3.6% per year to the year 2035.

The growth inducement that would be enabled by the proposed project would lead to significant direct and significant indirect effects on the environment, including having significant and unavoidable growth-inducing impacts. These are described in Section 3.0, Environmental Setting,

Analysis and Mitigation Measures. Many of the significant impacts of the project would be avoided or lessened with the implementation of proposed GPU policies, including policies related to growth management, and by implementation of mitigation measures. Hence, by design, the proposed project reduces the most of the impacts of the growth it would induce. Those impacts that cannot be reduced to a less than significant level are described below in Section 5.3, Significant and Unavoidable Impacts.

5.8 Statement of Overriding Considerations

Public Resources Code Section 21081 mandates that no public agency shall approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the Project is approved or carried out unless both of the following occur:

- The public agency makes one or more of the following findings with respect to each significant impact:
 - Changes or alternatives have been required in, or incorporated into, the Project that mitigate or avoid the significant impacts on the environment.
 - Those changes or alternatives are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.
- With respect to the third point, the public agency finds that specific overriding economic, legal, social and technological, or other benefits of the project outweigh the significant impact on the environment.

As discussed in Subsection 5.4, significant impacts were identified, but mitigation measures have been incorporated into the project that mitigate or avoid the significant impacts on the environment. Additionally, as discussed in Subsection 5.5, there were significant and unavoidable impacts that could not be mitigated to a less than significant level.

Accordingly, the Sanger City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically: Air Quality, Greenhouse Gas Emissions, Hydrology (Water Supply), Noise, and Traffic/Transportation Impacts.

The City Council hereby declares that, pursuant to State CEQA Guidelines Section 15093, the City Council has balanced the benefits of the Project against any significant and unavoidable

environmental impacts in determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse environmental impacts, those impacts are considered “acceptable.”

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Subsection 5.5, above.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not to be incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they may not substantially reduce environmental impacts associated with the Project, and would prohibit the realization of the Project objectives and/or specific economic, social, or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighted the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic, and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project reflects the stated vision, goals and objectives of the City of Sanger.
- The Project will ensure orderly development patterns to accommodate projected increases in population through buildout of the General Plan by providing strategic land use designations that avoid or minimize land use conflicts.
- The Project will maximize and broaden the City’s sales tax base by providing local and regional tax-generating uses.
- The Project will improve and maximize economic viability of the currently vacant and underutilized Project site and area by providing strategic land use designations.
- The Project will create additional employment-generating opportunities for the citizens of Sanger and surrounding communities.

- The Project will provide for a greater variety of housing choices and shopping opportunities; Provide an adequate supply of housing opportunities, affordable to all economic segments of the community.
- The Project will ensure that there are adequate public facilities to serve Sanger in the future.
- The Project will ensure that Sanger’s infrastructure system can effectively serve the land use framework.
- The Project will enhance the character of Sanger by creating an improved and revitalized downtown area.
- The Project will promote economic development and enhanced employment opportunities in Sanger by designating sufficient land for industrial uses, retail stores, and office parks.
- The Project will recognize the changing conditions and trends in the planning area and market place and make appropriate amendments to the General Plan.
- The Project will recognize past land use approval actions and adopted land use policies.

As the CEQA Lead Agency for the proposed action, the City of Sanger has carefully reviewed the Project and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this City Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR and public testimony. This City Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section 5.6, above, and finds that approval of the Project is appropriate.

In Section 5.8, the City Council has identified economic and social benefits and important policy objectives that will result from implementing the Project. The City Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this City Council finds that these specific overriding benefits of the Project outweigh the significant impact on the environment.

Public Resource Code 21002 provides, “In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof.” Section 21002(c) provides, “In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency”.

Finally, California Administrative Code, Title 4, 15093(a) states, “If the benefits of a Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweigh the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR, and finds those impacts to be acceptable.

6.0 Certification of the Final Environmental Impact Report

6.1 Findings

The City Council finds that it has reviewed and considered the EIR in evaluating the Project, that the EIR is an accurate and objective statement that fully complies with CEQA and the State CEQA Guidelines, and that the EIR reflects the independent judgment of the City Council. The City Council declares that no new significant information as defined by State CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the Draft EIR that would require recirculation. All of the information added to the Final EIR merely clarifies, amplifies, or makes insignificant modifications to an already adequate Draft EIR pursuant to State CEQA Guidelines Section 15088.5(b). The City Council hereby certifies the EIR based on the following findings and conclusions.

CEQA Compliance

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA’s procedural and substantive requirements.

Significant Unavoidable Impacts / Statement of Overriding Considerations

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. As set forth in Section 5.5 of these Findings, the following significant environmental impacts have been identified in the Final EIR and no feasible mitigation measures are available to reduce these impacts to a level of insignificance: traffic impacts.

The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

Conclusions

All potentially significant environmental impacts from implementation of the Project have been identified in the Final EIR and, with the implementation of the mitigation measures defined herein and set forth in the MMRP, will be mitigated to a less than significant level, except for the impacts identified in Section 5.5, above. Other reasonable alternatives to the Project that could feasibly achieve the basic objectives of the Project have been considered and rejected in favor of the Project. Environmental, economic, social, and other considerations and benefits derived from the development of the Project override and make infeasible any alternatives to the Project or further mitigation measures beyond those incorporated into the Project.

7.0 Adoption of Mitigation Monitoring and Reporting Program

Pursuant to Public Resources Code Section 21081.6, the City Council hereby adopts, as conditions of approval of the Project, the MMRP. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.