



**STANISLAUS LAFCO  
LOCAL AGENCY FORMATION COMMISSION**

**Sara Lytle-Pinhey, Executive Officer**  
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**Chair Michael Van Winkle**, City Member  
**Vice Chair, Jim DeMartini**, County Member  
Terry Withrow, County Member  
Bill Berryhill, Public Member  
Amy Bublak, City Member  
Richard O'Brien, Alternate City Member  
Brad Hawn, Alternate Public Member  
Vito Chiesa, Alternate County Member

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**AGENDA  
Wednesday, April 24, 2019  
6:00 P.M.  
Joint Chambers—Basement Level  
1010 10<sup>th</sup> Street, Modesto, California 95354**

The Stanislaus Local Agency Formation Commission welcomes you to its meetings. As a courtesy, please silence your cell phones during the meeting. If you want to submit documents at this meeting, please bring 15 copies for distribution. Agendas and staff reports are available on our website at least 72 hours before each meeting. Materials related to an item on this Agenda, submitted to the Commission or prepared after distribution of the agenda packet, will be available for public inspection in the LAFCO Office at 1010 10<sup>th</sup> Street, 3<sup>rd</sup> Floor, Modesto, during normal business hours.

**1. CALL TO ORDER**

- A. Pledge of Allegiance to the Flag.
- B. Introduction of Commissioners and Staff.

**2. PUBLIC COMMENT PERIOD**

This is the period in which persons may speak on items that are not listed on the regular agenda. All persons wishing to speak during this public comment portion of the meeting are asked to fill out a "Speaker's Card" and provide it to the Commission Clerk. Each speaker will be limited to a three-minute presentation. No action will be taken by the Commission as a result of any item presented during the public comment period.

**3. APPROVAL OF MINUTES**

- A. Minutes of the March 27, 2019 Meeting.

**4. CORRESPONDENCE**

No correspondence addressed to the Commission, individual Commissioners or staff will be accepted and/or considered unless it has been signed by the author, or sufficiently identifies the person or persons responsible for its creation and submittal.

- A. Specific Correspondence.
- B. Informational Correspondence.

- 1. Governance Best Practices Free Workshop Flier.

- C. "In the News."

**5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

**6. CONSENT ITEM**

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the discussion of the matter.

- A. **LEGISLATIVE UPDATE AND POSITION LETTERS** – (Staff Recommendation: Accept and authorize Executive Officer to submit position letters.)

**7. PUBLIC HEARING**

Any member of the public may address the Commission with respect to a scheduled public hearing item. Comments should be limited to no more than three (3) minutes, unless additional time is permitted by the Chair. All persons wishing to speak during this public hearing portion of the meeting are asked to fill out a "Speaker's Card" and provide it to the Commission Clerk prior to speaking.

- A. **LAFCO APPLICATION NO. 2019-03 WHITMORE RANCH REORGANIZATION TO THE CITY OF CERES:** Request to annex approximately 94 acres at the southeast corner of Whitmore Avenue and Moore Road within the City's Sphere of Influence to the City of Ceres and detach from the Ceres Fire Protection District. The Commission, as a Responsible Agency, will also consider the Final Environmental Impact Report (FEIR), as prepared by the City of Ceres, as Lead Agency under the California Environmental Quality Act (CEQA). (Staff Recommendation: Adopt Resolution No. 2019-08, approving the reorganization.)

- B. **PROPOSED LAFCO BUDGET FOR FISCAL YEAR (FY) 2019-2020.** The Commission will consider the adoption of the proposed LAFCO budget consistent with Government Code Sections 56380 and 56381. (Staff Recommendation: Approve the proposed budget and adopt Resolution No. 2019-09.)

**8. OTHER BUSINESS**

None.

**9. COMMISSIONER COMMENTS**

Commission Members may provide comments regarding LAFCO matters.

**10. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

The Commission Chair may announce additional matters regarding LAFCO matters.

**11. EXECUTIVE OFFICER'S REPORT**

The Commission will receive a verbal report from the Executive Officer regarding current staff activities.

- A. On the Horizon.

**12. ADJOURNMENT**

- A. Set the next meeting date of the Commission for May 22, 2019.  
B. Adjournment.

#### **LAFCO Disclosure Requirements**

**Disclosure of Campaign Contributions:** If you wish to participate in a LAFCO proceeding, you are prohibited from making a campaign contribution of more than \$250 to any commissioner or alternate. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. No commissioner or alternate may solicit or accept a campaign contribution of more than \$250 from you or your agent during this period if the commissioner or alternate knows, or has reason to know, that you will participate in the proceedings. If you or your agent have made a contribution of more than \$250 to any commissioner or alternate during the twelve (12) months preceding the decision, that commissioner or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner or alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings.

**Lobbying Disclosure:** Any person or group lobbying the Commission or the Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. Any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them.

**Disclosure of Political Expenditures and Contributions Regarding LAFCO Proceedings:** If the proponents or opponents of a LAFCO proposal spend \$1,000 with respect to that proposal, they must report their contributions of \$100 or more and all of their expenditures under the rules of the Political Reform Act for local initiative measures to the LAFCO Office.

**LAFCO Action in Court:** All persons are invited to testify and submit written comments to the Commission. If you challenge a LAFCO action in court, you may be limited to issues raised at the public hearing or submitted as written comments prior to the close of the public hearing. All written materials received by staff 24 hours before the hearing will be distributed to the Commission.

**Reasonable Accommodations:** In compliance with the Americans with Disabilities Act, hearing devices are available for public use. If hearing devices are needed, please contact the LAFCO Clerk at 525-7660. Notification 24 hours prior to the meeting will enable the Clerk to make arrangements.

**Alternative Formats:** If requested, the agenda will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC 12132) and the Federal rules and regulations adopted in implementation thereof.

**Notice Regarding Non-English Speakers:** LAFCO meetings are conducted in English. Please make arrangements for an interpreter if necessary.

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# **STANISLAUS LOCAL AGENCY FORMATION COMMISSION**

## **MINUTES**

**March 27, 2019**

### **1. CALL TO ORDER**

Chair Withrow called the meeting to order at 6:00 p.m.

- A. Pledge of Allegiance to Flag. Chair Van Winkle led in the pledge of allegiance to the flag.
- B. Introduction of Commissioners and Staff. Chair Van Winkle led in the introduction of the Commissioners and Staff.

Commissioners Present: Michael Van Winkle, Chair, City Member  
Jim DeMartini, Vice Chair County Member  
Terry Withrow, County Member  
Amy Bublak, City Member  
Bill Berryhill, Public Member

Staff Present: Sara Lytle-Pinhey, Executive Officer  
Javier Camarena, Assistant Executive Officer  
Jennifer Goss, Commission Clerk  
Robert J. Taro, LAFCO Counsel

Commissioners Absent: Brad Hawn, Alternate Public Member  
Vito Chiesa, Alternate County Member  
Richard O'Brien, Alternate City Member

### **2. PUBLIC COMMENT**

None.

### **3. APPROVAL OF MINUTES**

- A. Minutes of the December January 23, 2019 Meeting.

Motion by Commissioner Withrow, seconded by Commissioner Bublak and carried with a 5-0 vote to approve the Minutes of the January 23, 2019 meeting by the following vote:

Ayes: Commissioners: Berryhill, Bublak, DeMartini, Van Winkle and Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: None  
Absent: Commissioners: Chiesa, Hawn and O'Brien  
Abstention: Commissioners: None

#### 4. CORRESPONDENCE

A. Specific Correspondence.

None.

B. Informational Correspondence.

1. Letter from CALAFCO regarding Membership Dues for 2019-2020, dated March 6, 2019.
2. Memo regarding Availability of Support Documentation for Upcoming Application: Whitmore Ranch Reorganization to the City of Ceres.

C. "In the News"

#### 5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

#### 6. CONSENT ITEMS

A. **LAFCO APPLICATION NO. 2019-05 & SOI AMENDMENT 2019-04 - FAIRWAY 7 ESTATES CHANGE OF ORGANIZATION TO COUNTY SERVICE AREA 18 (ATLAS PARK)** - The Commission will consider a request to modify the sphere of influence and annex approximately 8.44 acres to County Service Area 18 (Atlas Park). The annexation will serve a proposed residential subdivision with extended county services, including CSA administration, storm drainage, and maintenance of streetscape, sidewalks, chain-link fencing and a masonry wall. Pursuant to the California Environmental Quality Act (CEQA), the Commission, as a Responsible Agency, will also review and consider the Negative Declaration prepared by Stanislaus County, as Lead Agency APN: 064-016-004. (Staff Recommendation: Approve the proposal and adopt Resolution No. 2019-06.)

Motion by Commissioner Bublak, seconded by Commissioner Berryhill, and carried with a 5-0 vote to approve the proposal and adopt Resolution No. 2019-06, by the following vote:

Ayes:	Commissioners: Berryhill, Bublak, DeMartini, Van Winkle and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: None
Absent:	Commissioners: Chiesa, Hawn and O'Brien
Abstention:	Commissioners: None

B. **LAFCO APPLICATION NO. 2019-01 - LINDE CHANGE OF ORGANIZATION TO THE KEYES COMMUNITY SERVICES DISTRICT** - The Commission will consider a Request to annex a 5.2-acre parcel to the Keyes Community Services District (CSD) for water service for a liquid carbon dioxide (CO2) purification and liquefaction plant. Pursuant to the California Environmental Quality Act (CEQA), the Commission, as a Responsible Agency, will also review and consider the Mitigated Negative Declaration prepared by Stanislaus County, as Lead Agency. APN: 045-026-043. (Staff Recommendation: Approve the proposal and adopt Resolution No. 2019-04.)

Motion by Commissioner Bublak, seconded by Commissioner Berryhill, and carried with a 5-0 vote to approve the proposal and adopt Resolution No. 2019-04, by the following vote:

Ayes: Commissioners: Berryhill, Bublak, DeMartini, Van Winkle and Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: None  
Absent: Commissioners: Chiesa, Hawn and O'Brien  
Abstention: Commissioners: None

C. **BIENNIAL AUDIT FOR FISCAL YEARS 2016-2017 AND 2017-2018 -**  
(Staff Recommendation: Accept and File Audit Report.)

Motion by Commissioner Bublak, seconded by Commissioner Berryhill, and carried with a 5-0 vote to accept and file audit report, by the following vote:

Ayes: Commissioners: Berryhill, Bublak, DeMartini, Van Winkle and Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: None  
Absent: Commissioners: Chiesa, Hawn and O'Brien  
Abstention: Commissioners: None

7. **PUBLIC HEARING**

A. **PROPOSED AMENDMENT TO COMMISSION POLICY 22- AGRICULTURAL PRESERVATION POLICY** - The Commission will consider an amendment to its existing Agricultural Preservation Policy (Policy 22 of the Commission's Policies and Procedures) regarding the timing of in-lieu fee collection if being used as an agricultural preservation strategy. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to Regulation §15061(b)(3) of the State Guidelines. (Staff Recommendation: Adopt Resolution No. 2019-05, approving the amendment.)

Sara Lytle-Pinhey, Executive Officer, presented the item with a recommendation of approval of the amendment.

Chair Van Winkle opened the Public Hearing at 6:06 p.m.

Keith Schneider, Keystone Corporation Executive Vice President, spoke in favor of the amendment.

Chair Van Winkle closed the Public Hearing at 6:09 p.m.

Motion by Commissioner Bublak, seconded by Commissioner Berryhill, and carried with a 5-0 vote to adopt Resolution No. 2019-05, by the following vote:

Ayes: Commissioners: Berryhill, Bublak, DeMartini, Van Winkle and Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: None  
Absent: Commissioners: Chiesa, Hawn and O'Brien  
Abstention: Commissioners: None

**8. OTHER BUSINESS**

- A. **TERMINATION OF DISSOLUTION PROCEEDINGS FOR RECLAMATION DISTRICT NUMBERS 1602, 2031, AND 2101** – (Staff Recommendation: Adopt Resolution No. 2019-07, terminating dissolution proceedings.)

Motion by Commissioner DeMartini, seconded by Commissioner Berryhill, and carried with a 5-0 vote to adopt Resolution No. 2019-07, by the following vote:

Ayes:	Commissioners: Berryhill, Bublak, DeMartini, Van Winkle and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: None
Absent:	Commissioners: Chiesa, Hawn and O'Brien
Abstention:	Commissioners: None

**9. COMMISSIONER COMMENTS**

Commissioner DeMartini asked if Staff has an update on the Modesto Mobile Home Park Annexation.

**10. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

None.

**11. EXECUTIVE OFFICER'S REPORT**

- A. On the Horizon. The Executive Officer informed the Commission of the following:
- Upcoming items for April will include the Proposed Budget and the Whitmore Ranch annexation to the City of Ceres. Documents are available on the LAFCO website.

**12. ADJOURNMENT**

- A. Chair Van Winkle adjourned the meeting at 6:18 p.m.

**SIGNED COPY ON FILE**

Sara Lytle-Pinhey, Executive Officer



**California Special  
Districts Association**  
*Districts Stronger Together*

**Free Workshop**

*Sponsored by the Stanislaus  
County and Stanislaus LAFCO*

# Governance Best Practices

**JUNE 19, 2019** – 10th Street Place, Basement Chambers, 1010 10th Street, Modesto. CA 95354

## *Earn SDRMA Credit Incentive Points*

This workshop will discuss the board's role in the governance of a special district. Using California Community Services District Law as a template, we will examine the "duties" of the board and provide a job description. Samples of various public agency board member manuals will be presented to discuss how the issues and responsibilities of governance and operations are defined.

The presenter will also examine Brown Act and ethics related issues that have been identified in various Grand Jury reports recently released to the public.

**COSTS:** FREE

## **AGENDA**

6:00 – 7:00 p.m. Welcome and Overview of CSDA and Special District Leadership Foundation Resources and Programs - *Refreshments will be provided*  
7:00 – 9:00 p.m. Governance Best Practices

**Mail** – CSDA, 1112 I Street, Suite 200, Sacramento, CA 95814 or **Fax** – 916.520.2465 • **Questions?** Call – 877.924.2732

## **Governance Best Practices**

☐ **JUNE 19, 2019**

10th Street Place, Basement Chambers, 1010 10th Street, Modesto. CA 95354

NAME/TITLE:

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### **PAYMENT**

☐ CHECK ☐ VISA ☐ MASTERCARD ☐ DISCOVER ☐ AMERICAN EXPRESS

ACCT. NAME:

ACCT. NUMBER:

EXPIRATION DATE:

AUTHORIZED SIGNATURE:

**Cancellations must be made IN WRITING and received via fax or mail no later than three days prior to the seminar. All cancellations made within the specified time will be refunded less a \$25 processing fee.**



**CORRESPONDENCE – IN THE NEWS**

**Newspaper Articles**

- West Side Index, March 28, 2019, “Groundwater recharge project shows encouraging results”
- West Side Index, March 29, 2019, “City, district fire departments streamline operations.”
- West Side Index, April 4, 2019, “Decision close on ambulance future.”
- The Modesto Bee, April 9, 2019, “GM will retire from one of Stanislaus County’s largest water and power providers.”

# Groundwater recharge project shows encouraging results

A pilot project banking groundwater in the Newman area is showing positive results.

The project is a joint effort of the Central California Irrigation District and the Del Puerto Water District, said Chris White, CCID general manager.

The site is located on 20 acres of property west of Eastin Road, within the Del Puerto Water District.

The pilot project is testing the feasibility of increasing water storage by recharging groundwater aquifers, which can then be drawn upon in dry years.

"The pilot project turned out to be very successful on the recharge side," White commented. "Based on testing a few years back, we believed we could get water into the ground at a rate just short of six inches a day. We built a 20-acre pilot facility, and we were getting two feet (absorption) per day. It way over-performed."

During a tour of the site with Congressman Josh Harder and representatives of the CCID and Del Puerto district, White said he believes the site (if developed to the full build-out of 80 acres) has the potential to store some 15,000 acre-feet of water.

The concept, White said, is straightforward.

"The idea is that during the next dry period we could extract that water locally to help meet demand. We could use some wet year water to protect against dry year conditions," he explained.

Anthea Hansen, general manager of the Del Puerto district, said the area is proving well-suited for the water bank project.

"The conditions have to be exactly right for a project to work, but on the West Side we are blessed with many creek beds that come out of these hills. They create potential opportunities up and down the landscape," Hansen stated. "We are hoping that this project will set a precedent for others to follow."

If the water bank project pans out, she added, the agencies may seek the permits required for the site to accept storm flows from Orestimba Creek. Only surface water supplies have been used in the pilot project.

The volume of water which could be stored on a fully-developed site is significant, Hansen added, and equates to about 10 percent of Del Puerto's full contract allocation.

The extraction aspect of the pilot project has not yet been proven, White acknowledged, but he is optimistic about the prospects of the site being developed as a dedicated recharge site.

A well is being developed to test the extraction capabilities.

Before taking the project to a full-blown water bank, White and Hansen said, the water agencies involved will reach out to the neighbors in the area to ensure their cooperation and agreement.

"You set up agreements with the local landowners on the quantities of water that would be left behind and usable in the future. We will set it up to be a positive for the agencies and the neighboring landowners," Hansen told Mattos Newspapers.

Careful accounting of the water is essential, White noted.

"You need to carefully account for the amount of water you put in the ground. Another step that has yet to be taken out there is determining what a reasonable amount of leave-behind water," White explained. "If you put 100 acre-feet of water in, there is a percentage of that which you can draw out."

CCID is looking to develop similar projects elsewhere in its district and one in the El Nido area outside its boundaries, where subsidence is impacting CCID facilities.

"That is an exciting project for us because it is designed to eliminate or greatly reduce the subsidence occurring there," White stated.

**IN THE NEWS – West Side Index, March 28, 2019 (Continued Page 2)**

The two water agencies have shared the cost and water supplies that are being introduced into the pilot.

The cost of the pilot project is just under \$2 million, Hansen noted, with a full project cost estimated at \$9 million.

The districts have applied for grant funding which, if approved, would cover about 80 percent of the cost, Hansen said.

Congressman Harder, who represents California's 10th district visited the groundwater recharge site as part of a tour of West Side facilities last Thursday.

One of his priorities, Harder told Mattos Newspapers, is ensuring that necessary investments are made in the valley's water infrastructure.

Projects such as the groundwater banking, recycling and construction of additional water storage are all elements of that overall effort, he said.

"We need to make sure they get across the finish line and actually get done," he said of such projects.

# City, district fire departments streamline operations

NEWMAN - Sharing and standardization have become buzzwords for the Newman Fire Department and West Stanislaus Fire Protection District.

That relationship grew closer recently when the two agencies agreed to share ownership and maintenance costs of two fire engines which are housed in the Newman fire station.....which in itself is jointly owned by the two agencies.

Under the accord approved by the Newman City Council, the district will pay \$150,000 over the course of two years to buy into ownership of the Type I engines initially purchased by the city and the equipment on each.

Those are the engines which typically would respond to incidents such as structure fires, explained Keith Bowen, a shared employee who is Newman fire chief and a division chief for the West Stanislaus District.

That agreement, Bowen said, is the latest example of how the once rigid lines between the two agencies are giving way to mutual operations.

Prior to the engine sharing agreement being forged, Bowen told Mattos Newspapers, the newest Type I engine at the Newman station was a district unit purchased in 2010.

And even though the same firefighters responded to calls, he explained, they could take only the district engine to rural calls and a city engine to urban calls (unless assistance was specifically requested).

The challenge, Bowen said, was that the pumping systems, communications gear and equipment configuration varied from one engine to the next.

"With duplication came a lot of quirks," said Bowen, noting that firefighters were required to go through separate training on engines designed to serve the same purpose. "We had to learn the same thing twice. For a volunteer organization, it was unnecessary repetition."

"This is going to reduce training duplication and frustration," he said of the equipment sharing. "It is going to make people feel more comfortable (with the apparatus and equipment)."

After the agreement was ratified, the district moved its Type I engine out of Newman to serve another station.

"They were able to take that engine and put it at a station that has an old one instead of spending another half-million dollars on a new one," Bowen pointed out.

The frustrations of duplication have been a long-standing issue in the department, he added.

When he started with the department as a volunteer, Bowen said, firefighters not only had to respond in the appropriate engine but had separate sets of turnouts and different breathing apparatus to use.

Not only was the practice of maintaining different sets of equipment expensive, Bowen told Mattos Newspapers, it was challenging for firefighters. One set of turnouts had velcro, for example, while the other had buckles, and the self-contained breathing apparatus (SCBA) units had different fittings.

The two departments jointly purchased turnouts about six years ago to alleviate one of those challenges, Bowen said, and the breathing units have also been standardized. The district is buying into the city's SCBA units, he noted, and those apparatus are being standardized across West Side stations.

"At one point, before we did the SCBA purchase, they were very different. I had a different mask that I wore for district calls, which had to be fit-tested, versus what I wore on city calls," said Bowen. "You are going to a call, and have to think of all these details."

In addition to the engines, the city and district have shared in the cost of a rescue unit purchased about 15 years ago.

That streamlining, Bowen emphasized, will make the department more efficient and effective.

"For both agencies, trying to do what we do as a single entity is going to be a lot more difficult," Bowen commented. "It is nice to share those resources, while still providing the same coverage and level of service."

Increasing standardization has been a priority since he was hired three years ago by the city and district, Bowen said, and he anticipates the emphasis to be on shared purchase and maintenance going forward - although each entity will be responsible for the purchase of any specialized equipment it requires.

## Decision close on ambulance future

A sub-committee exploring options for the future operation of West Side Community Ambulance is expected to present a recommendation to the ambulance board by mid-April.

Dennis Brazil, ambulance board president, announced last week that the advisory committee is nearing a resolution.

The two alternatives under consideration, he told Mattos Newspapers, are bringing West Side back under in-house operations management or accepting a proposal from American Medical Response (AMR) to essentially absorb the West Side operation.

"We are down to waiting for a bid from AMR to see if that is something that would work for the district," Brazil stated. "We are also looking at the final steps of being stand-alone and what that would take. From what we are seeing with the financial records, that is feasible."

As of last week, he noted, the sub-committee is "not leaning one way or another. We want to see how their proposal measures up against a stand-alone (management structure)."

While its outside management firms have been beneficial in many ways, Brazil told Mattos Newspapers, "the district had definitely done better when it was on its own and not being managed by someone else."

Hiring its own operations manager would take West Side full circle.

The taxpayer-supported ambulance service traditionally operated with in-house oversight until 2014 when, amid turmoil and controversy, the board turned to outside sources for management services.

Two companies have since provided management services - but neither has been problem-free.

The first, Sierra Medical Services Alliance, demanded a substantial increase barely one year in to a five-year management contract, more than doubling the cost of its services.

The ambulance board looked for other options a year later, and brought AMR in to manage the service last spring.

That also did not go well. AMR faced criticism that it was not fulfilling the contract terms, and a few months into its contract declared the management agreement unsustainable. At that point, AMR proposed essentially taking over the West Side operation. When West Side officials did not act, AMR served notice that it was exiting the contract but relented and stayed on to manage the ambulance on a short-term basis while the ambulance board considered its options.

Brazil said he hopes the district receives a detailed takeover proposal from AMR this week. Calling a special board meeting by the middle of the month to consider a recommendation from the sub-committee is possible, he added.

If the board goes with AMR, West Side Community Ambulance operations would essentially be absorbed by the private provider.

Brazil said the board would remain in place, primarily to continue the collection of tax revenues which support the ambulance service.

He said he was not sure if the board would retain any oversight or management authority under that operating structure.

The sub-committee has not reached out to other firms which may be interested in managing West Side in its current form on a contract basis, Brazil said, but may do so if it is determined that neither option currently under study is feasible.

Brazil acknowledged feeling like the ambulance service is in limbo but expressed optimism that a resolution is close at hand.

"One way or the other," he concluded, "we need to make a good, clean decision."

# GM will retire from one of Stanislaus County's largest water and power providers

By John Holland

Casey Hashimoto, general manager of the Turlock Irrigation District since 2010, announced Tuesday that he will retire at the end of 2019.

The leader of one of Stanislaus County's largest water and power providers disclosed his plans at the morning board meeting. Hashimoto, an electrical engineer, joined TID in 1985 and was an assistant GM for 10 years.

"Casey has provided TID impeccable leadership in his nine years as general manager," board president Charlie Fernandes said in a news release. "He navigated the district through difficult transitions in both the water and energy industries all while keeping a watchful eye on the bottom line. He will be greatly be missed."

The district is launching the search for a successor to Hashimoto, who, according to [transparentcalifornia.com](http://transparentcalifornia.com), made 228,679.50 in 2016. TID employs 454 people.

The district provides Tuolumne River water to about 150,000 acres of farmland roughly bounded by the Tuolumne, Merced and San Joaquin rivers and the Hickman and Ballico areas.

The 100,00-plus power customers are in that zone and in areas stretching east to La Grange and west to Diablo Grande.

Electricity rates have been relatively stable as TID dealt with renewable energy mandates and other challenges in the industry. The district's power mix includes natural gas, wind and solar along with its longtime hydroelectric generation at Don Pedro Reservoir.

TID has joined in recent years to fight state proposals for increased fishery flows on the Tuolumne, Stanislaus and Merced rivers. It also is working with the cities of Turlock and Ceres on a river treatment plant supplementing city wells. The Modesto Irrigation District has done that north of the river for a quarter-century.

Hashimoto grew up on a Winton-area farm that produced almonds, peaches and grapes. Before joining TID, he worked in processing and other jobs for the Livingston Farmers Association.

Hashimoto has a bachelor's degree in fruit science from California Polytechnic State University, San Luis Obispo, and is licensed as an engineer by the state.

He was named interim GM in August 2010 and got the permanent job the next March.

## MEMORANDUM

DATE: April 24, 2019

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

**SUBJECT: Legislative Update and Position Letters**

### RECOMMENDATION

Staff recommends that the Commission receive this legislative update and authorize the Executive Officer to submit letters of support and opposition on behalf of Stanislaus LAFCO for various bills.

### DISCUSSION

CALAFCO is currently tracking 20 bills of interest and has been providing regular updates to member LAFCOs. Letters of support have been requested by CALAFCO for two of these bills: Assembly Bills 1253 (Grant Program), and 1822 (Omnibus Bill). Proposed letters of support are attached for each. A letter of opposition has been requested for AB 600 (Annexations and Services). The following is a summary of these and other bills of interest to Stanislaus LAFCO in the current legislative session:

#### **Annexations and Services to Unincorporated Areas**

AB-600 (Chu) – *Re-referred to Committee on Local Governance*

##### QUICK SUMMARY:

*Requires all cities, counties, and certain special district to develop an “accessibility plan” if they have disadvantaged communities identified in the land use element of their respective general plans. The plan is intended to describe how water, sewer and fire services will be extended to these areas and, if not completed within 5 years, requires LAFCOs to initiate a change of reorganization or service extension for the agency.*

While the overall goal of providing reliable and safe drinking water and wastewater facilities to residents is regularly supported by LAFCOs policies and actions, this bill would remove LAFCO discretion, discourage existing city-county efforts to incrementally improve areas, while ignoring typical planning processes and existing tools for providing services. Not only would LAFCOs be required to initiate large-scale annexations of areas while lacking discretion, further restrictions would be placed on LAFCO’s ability to update, amend, or modify a Sphere of Influence of an agency when adjacent to a disadvantaged community.



**IMPLICATIONS FOR STANISLAUS LAFCO:**

If this bill passes, it would circumvent the typical planning and LAFCO processes for incremental improvements and logical annexations of areas. The bill divests LAFCO of its authority and ability to review proposals while imposing an unfunded mandate. **Staff concurs with CALAFCO's analysis of the bill and recommends a letter of opposition for AB-600.**

**Grant Program for LAFCOs**

AB-1253 (Rivas) – *Referred to Assembly Appropriations*

**QUICK SUMMARY:**

*Would establish a grant program for local agency formation commissions that could potentially help fund change of organizations, reorganizations, and special studies.*

Sponsored by CALAFCO, this bill establishes a five-year pilot grant program to provide grants to LAFCOs to address known service and governance concerns in disadvantaged communities. This program provides grants to LAFCOs for conducting special in-depth studies and analyses of local government agencies and services for the purposes of creating improved efficiencies in the delivery of local government services and completing the dissolution of inactive special districts. The grant program would be administered by the Strategic Growth Council and sunset on December 31, 2025.

**IMPLICATIONS FOR STANISLAUS LAFCO:**

If this bill passes, it would provide a unique opportunity for Stanislaus LAFCO and other LAFCOs to apply for grant funding for more in-depth studies, particularly for special districts where no other funding source for such study currently exists. **Staff recommends a letter of support for AB-1253.**

**Omnibus Bill**

AB-1822 (Committee on Local Government) – *Re-referred to Committee on Local Governance*

**QUICK SUMMARY:**

Each year, CALAFCO sponsors an omnibus bill that is intended to make minor clarifications and corrections to language in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act).

This year's omnibus bill, AB-1822 contains several non-controversial changes, including the following:

- Clarification to the definition of "service review" (cross-referencing the existing requirement section).
- Clarification to the section allowing for the waiver of protest proceedings following Commission approval of a proposal.

IMPLICATIONS FOR STANISLAUS LAFCO:

Clarifications and improvements to the CKH Act are necessary to insure the law is as unambiguous as possible to the Commission and Staff. **Staff recommends a letter of support for AB-1822.**

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## Small System Water Authority Act of 2019

SB-414 (Caballero) – *Senate Appropriations*

QUICK SUMMARY:

*Would authorize creation of small system water authorities that will have powers to absorb, improve, and operate noncompliant public water systems. LAFCO would be required to process the formation of the entity and monitor their compliance with a corrective plan.*

According to CALAFCO, the focus of the bill is on non-contiguous water systems. The bill is similar to AB-2050 (Caballero) from 2018. The State Water Resources Control Board already has the authority to mandate consolidation of certain water systems. This bill would add the authority to mandate dissolution of water systems and formation of new public agencies known as small system water authorities. LAFCO would have little, if any, discretion in the process. The bill also requires the new authority to file annual performance reports with the Commission.

IMPLICATIONS FOR STANISLAUS LAFCO:

Staff is concerned by the processes included in this proposed legislation and the lack of discretion by LAFCO. Staff is aware that CALAFCO has been working with the author on amendments and clarifications to the process.

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*Attachments:* Draft Letters for AB 600, AB 1253, and AB 1822.

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April 24, 2019

The Honorable Kansen Chu  
California State Assembly  
State Capital Room 3126  
Sacramento, CA 95814

Subject: **Oppose AB 600 (as amended April 11, 2019)**

Dear Assembly Member Chu:

The Stanislaus Local Agency Formation Commission (LAFCo) joins the California Association of Local Agency Formation Commissions (CALAFCo) to oppose your bill **AB 600**. LAFCos are aware of and concerned about the disparity of local public services, especially for residents and properties located within disadvantaged unincorporated communities (DUCs). All Californians deserve adequate and safe drinking water and wastewater facilities. We support your efforts to address these problems, which persist in many counties, however **AB 600** in its current version does not represent a collective stakeholder dialogue with reasonable and systemic solutions to the problem.

**Annexation concerns:** Changes proposed to Government Code Section 56375 pose several problems. First, the proposed changes in §56375(a)(8)(A) and (B) seem to confuse the annexation of territory into an incorporated city and the annexation of territory into a special district. When the Legislature created LAFCos in 1963, one of LAFCos' primary missions was and still is to ensure orderly growth and development. This is done in a variety of ways including the authority to adopt spheres of influence for local agencies and approve annexations. To ensure orderly growth, when the LAFCo approves a service extension outside the jurisdictional boundary but within the sphere of influence, they do so in anticipation of a later change of organization (annexation), pursuant to §56133(b). Changes to §56375(a)(8)(A) add the exclusion of annexation into a qualified special district.

Further, changes to §56375(a)(8)(B) create an inconsistent exception for protest proceedings which takes away rights that have been long-established in governmental reorganizations in California. The residents of the DUC are afforded the right to file protests for boundary changes but other residents living within a larger annexation boundary that are not part of the DUC would lose their right to protest.

**Removes LAFCo discretion:** When considering a change of organization pursuant to §56133, LAFCo has the discretion to consider the unique local circumstances and conditions that exist. This is an important and basic construct within the legislatively stated purpose of LAFCos. This bill removes that discretion and authority through proposed changes to §56375(a)(9), §56425(k)(1) and (2), and §56425 (l).

**Lack of clarity:** The bill proposes changes to §56301 by adding “considerations of equity” as an additional basis upon which LAFCOs fulfill their purposes. Yet the bill does not define “considerations of equity”, which leads to a wide open interpretation. Each LAFCo will create their own local policies related to “considerations of equity”.

**Accessibility plans:** The bill requires LAFCo, within five years of the approval of an accessibility plan (pursuant to §56440), to hold a noticed public hearing for the purposes of reviewing the status of every DUC that is subject to an accessibility plan. This has the potential of being a vast number of public hearings and comprehensive reviews without the necessary resources to execute such a requirement.

Additionally, the bill requires LAFCo to initiate a change of organization, reorganization or service extension should the commission determine the needs of the DUC remain unaddressed. LAFCo-initiated actions are costly to the LAFCo (as there is no funding source to support the action) and like all other changes of organization or reorganization, are subject to protest proceedings. Further, a service extension without annexation would not be a likely LAFCo-initiated action.

The required contents of the accessibility plan are confusing. First, §56440(a)(5)(A) states: *“Any actions and alternatives necessary to be taken by the commission, if any, to enable the entity determined pursuant to paragraph (2) to provide services to the affected territory.”* How is a county, city or special district best positioned and informed to prescribe to the LAFCo commission what actions the LAFCo should be taking?

Second, §56440(a)(6)(B) requires the commission to approve or approve with conditions the accessibility plan. Once again there is a divestiture in LAFCo authority. Further, we fail to see LAFCos’ authority to enforce any conditions that may be applied to the accessibility plan.

Third, §56440(a)(2) requires the commission to determine which entity is best positioned to provide adequate water or wastewater services to the affected territory. Without a thorough study of surrounding service providers, this may be difficult to determine.

**One size does not fit all:** We are concerned that the bill has unintended consequences in the ability to provide necessary services to an existing DUC. For example, if it is reasonable to extend services to a particular DUC but not to others, this bill prevents the extension of services to the area that can reasonably be serviced. The same is true for those areas currently contained within a city’s sphere, where it may make better sense to have another service provider providing the service. These changes are complicated by the fact the bill interchangeably uses the term “disadvantaged community” and “disadvantaged unincorporated community”.

**Creates a significant unfunded mandate to LAFCo and local agencies:** The studies, analysis, preparation of recommendations regarding underserved disadvantaged communities and public hearings on all accessibility plans and potential subsequent actions initiated by LAFCo that would be required, all impose unfunded mandates on counties, cities, qualified special districts and LAFCos. By law LAFCo is forced to pass their costs on to cities, counties – and in 30 counties – special districts which fund the commissions.

We support workable and sustainable policy solutions to the disparities in service delivery to disadvantaged communities. However, a major obstacle remains the infrastructure and operational funding for these services. We believe that addressing the needs of disadvantaged communities

through the planning process and finding tools to support the infrastructure deficiencies and implementation actions remain a very important part of the solution.

For all of the reasons noted above, the Stanislaus LAFCo is opposed to **AB 600**. Please contact me should you have any questions.

Sincerely,

Sara Lytle-Pinhey  
Executive Officer  
Stanislaus LAFCO

Cc: Members, Assembly Local Government Committee  
Jimmy MacDonald, Consultant, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus  
Pamela Miller, Executive Director, CALAFCO

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April 24, 2019

The Honorable Robert Rivas  
California State Assembly  
State Capital Room 5158  
Sacramento, CA 95814

Subject: **SUPPORT of AB 1253**

Dear Assemblymember Rivas:

The Stanislaus Local Agency Formation Commission (LAFCo) is pleased to join the California Association of Local Agency Formation Commissions (CALAFCO) in support for **Assembly Bill 1253**. Sponsored by CALAFCO, the bill establishes a five-year pilot grant program to provide grants to LAFCos to address known service and governance concerns in disadvantaged communities.

The Legislature established LAFCos in 1963 to encourage the orderly formation of local government agencies. Since that time, the regulatory role and responsibilities of LAFCos has substantially increased without additional funding. Operating in all 58 California counties, LAFCos are responsible for meeting important statutory directives to maintain orderly boundaries and seek greater efficiencies in delivering local services, and yet these directives often times cannot be met under current funding mechanisms. As a result, much needed LAFCo activities are sometimes delayed or rejected.

In August 2017, the Little Hoover Commission published a report on special districts and their oversight by LAFCos, which contained several recommendations directly related to LAFCo. One recommendation was for the Legislature to provide one-time grant funding to pay for specified LAFCo activities, particularly to incentivize LAFCos or smaller special districts to develop and implement dissolution or consolidation plans with timelines for expected outcomes.

Stanislaus LAFCO views AB 1253 as an important opportunity to complete in-depth governance studies that would otherwise not occur due to lack of funding. By establishing this one-time grant funding, AB 1253 provides an additional tool for LAFCos to conduct detailed studies and implement greater efficiencies in delivering local services based on local circumstances and conditions. For these reasons, Stanislaus LAFCO is pleased to support AB 1253

Thank you for authoring this important piece of legislation. Please feel free to contact me should you have any questions about Stanislaus LAFCo's position.

Sincerely,

Sara Lytle-Pinhey  
Executive Officer  
Stanislaus LAFCO

Cc: Senator Robert Hertzberg, co-author  
Senator Anna Caballero, co-author  
Pamela Miller, Executive Director, CALAFCO



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April 24, 2019

Honorable Cecilia Aguiar-Curry, Chair  
Assembly Local Government Committee  
California State Assembly  
State Capitol, Room 5144  
Sacramento, CA 95814

RE: SUPPORT of AB 1822: Local Government Committee Omnibus Bill (as amended April 8, 2019)

Dear Chair Aguiar-Curry:

The Stanislaus Local Agency Formation Commission (LAFCo) is pleased to support the Assembly Local Government Committee Bill **AB 1822** (amended April 8, 2019) which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of LAFCos. These changes are necessary as Commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. **AB 1822** currently makes minor technical corrections to language used in the Act. Stanislaus LAFCo is grateful to your Committee, staff and CALAFCO, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

This legislation helps insure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state. We appreciate your Committee's authorship and support of this bill, and your support of the mission of LAFCos.

Sincerely,

Sara Lytle-Pinhey  
Executive Officer  
Stanislaus LAFCO

cc: Members, Assembly Local Government Committee  
Jimmy MacDonald, Consultant, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus  
Pamela Miller, Executive Director, CALAFCO

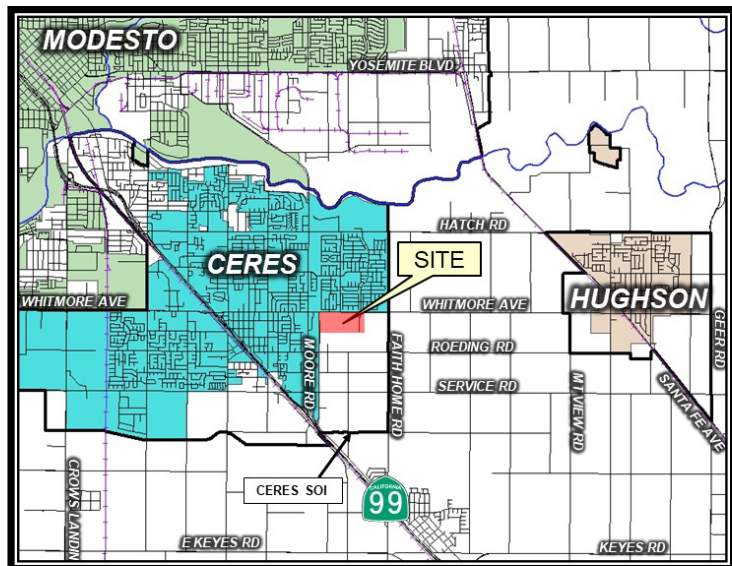
**EXECUTIVE OFFICER'S AGENDA REPORT  
APRIL 24, 2019**

**LAFCO APPLICATION 2019-03 –  
WHITMORE RANCH REORGANIZATION TO THE CITY OF CERES**

**PROPOSAL**

The proposed project is a request to annex approximately 94 acres at the southeast corner of Whitmore Avenue and Moore Road within the City's Sphere of Influence to the City of Ceres. The reorganization is part of the Whitmore Ranch Specific Plan which proposes a mix of open space, schools, and residential uses. As part of the request, the project area will detach from the Ceres Fire Protection District.

1. Applicant: City of Ceres is the applicant and has adopted a resolution authorizing application to LAFCO.
2. Location: Southeast corner of Whitmore Avenue and Moore Road within the City's Sphere of Influence. (See Exhibit B – Legal Description & Maps.)
3. Parcels Involved and Acreage:  
The project includes approximately 94 acres and includes 16 Assessor's Parcels Numbers (APNs). Please see Exhibit B – Legal Description & Maps which includes a list of APNs.
4. Reason for Request: The proposed reorganization is being requested to accommodate the Whitmore Ranch Specific Plan which was adopted by the City of Ceres. The City of Ceres has rezoned the territory which includes approximately 36 acres of existing school sites; 41 acres of mixed density housing; 5.2 acres of parks / open space; and 12.2 acres for streets and related infrastructure. The applicants are seeking the proposed reorganization to receive City utilities and services to facilitate future development on the property.



**ENVIRONMENTAL REVIEW**

The City of Ceres, as Lead Agency, certified and adopted an Environmental Impact Report (EIR) for the Whitmore Ranch Specific Plan (WRSP) pursuant to the California Environmental Quality Act (CEQA). As part of the environmental review, the EIR also addressed the proposed reorganization for the WRSP area. LAFCO, as a Responsible Agency, must certify that it has considered the environmental documentation prepared by the City of Ceres. This documentation has been provided previously in electronic format for the Commission and public's review and is available on the LAFCO website.

### Statement of Overriding Considerations

The Ceres City Council identified significant impacts in the EIR, which could not be eliminated or mitigated to a level of insignificance. In certifying the EIR for the proposal, the City Council adopted certain Findings of Fact and a Statement of Overriding Considerations, concluding the significant effects of the project are outweighed by the benefits of the development plan. Significant and unavoidable impacts of the proposed specific plan include: (1) agricultural resource impacts; (2) noise impacts; (3) greenhouse gas emissions impacts; and (1) transportation and circulation impacts. The City's environmental determination, adopted by Ceres City Council Resolution No. 2018-124, is attached in full as Exhibit C to this report.

### LAFCO as a Responsible Agency

Pursuant to CEQA, the Commission, as a Responsible Agency, must consider the EIR prepared by the City, including the environmental effects of the project, prior to reaching a decision on the project. If the commission decides to approve the proposal, the Commission's resolution should include one or more findings required by CEQA Guidelines Section 15091(a) for each significant effect of the project and make findings in Section 15093, as necessary, to adopt statements of overriding considerations, and file a Notice of Determination in compliance with CEQA Guidelines Section 15096(i).

### FACTORS

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires several factors to be considered by a LAFCO when evaluating a proposal. The following discussion pertains to the factors, as set forth in Government Code Section 56668:

- a. *Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.***

The project area is considered uninhabited territory as there are less than 12 registered voters. The area currently consists of two schools, scattered single family homes and agricultural land. It has been pre-zoned by the City for a mix of open space; schools; and low, medium, and high-density residential uses. The annexation is being proposed for future development. Surrounding land uses include residential subdivisions to the north, agricultural land to the east and south and multi-family housing to the west.

Upon annexation, the property taxes will be shared in accordance with the City/County Master Property Tax Agreement. The subject territory is located in Tax Rate Area 054-001. The current total assessed land value of the territory is \$2,455,617.

- b. *The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.***

Essential governmental services that are currently provided to the subject area and those services that will be provided after the reorganization is finalized are summarized in the following chart:

Type	Current Service Provider	Future Service Provider (Following Reorganization)
Law Enforcement	Stanislaus County Sheriff	City of Ceres
Fire Protection	Ceres Fire Protection District	City of Ceres
Planning & Building Inspection	Stanislaus County	City of Ceres
School District	Ceres Unified	Same
Water (Potable)	Well / City of Ceres (schools)	City of Ceres
Sewer	Septic / City of Ceres (schools)	City of Ceres
Roads	Stanislaus County	City of Ceres
Mosquito Abatement	Turlock Mosquito Abatement	Same

The project site includes two existing schools, La Rosa Elementary School and Cesar Chavez Junior High School, both of which are already connected to City sewer and water services. The connections were provided through out-of-boundary service extensions, approved by LAFCO in 2005 and 2009. The out-of-boundary approvals included a condition that the school district consent to future annexation to the City.

#### Plan for Services

The City submitted a Plan for Services with the proposal describing the City can provide the necessary services to the subject territory (See Exhibit D.) When reviewing the City's Plan for Services, the Commission shall consider the ability of the City to deliver adequate, reliable and sustainable services and will not approve a proposal that has the potential to significantly diminish the level of service(s) within the City's current boundaries. Additional information regarding the proposed services to the area is discussed further in factors "j" and "k."

- c. ***The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.***

As indicated in the previous chart, many of the services currently provided will transfer to the City of Ceres and property taxes will be shared in accordance with the Master Property Tax Agreement. There are no known negative impacts to existing County governmental structures, adjacent areas or social and economic interests as a result of the reorganization.

- d. ***The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.***

Section 56377 requires the Commission to consider LAFCO policies and priorities that would guide development away from existing prime agricultural lands and consider development of existing vacant or nonprime agricultural land for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency before any expansion of boundaries.

The project site is located within the City of Ceres Sphere of Influence and is adjacent to the City's boundary on its northern and western boundaries. Development of project site will result in the loss of Prime Farmland. However, as described in the next section, the City of Ceres has implemented a mitigation measure to minimize the loss. Given the proximity of the proposal to the existing City limits (on two sides) and the existing school sites (making up the third side), as well as the location of existing infrastructure, the annexation can be considered to be an orderly and efficient extension of urban development.

- e. ***The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.***

According to the City of Ceres' Plan for Agricultural Preservation, approximately 51.7 acres of Prime Farmland, is located within the Whitmore Ranch Specific Plan (WRSP). As a result of the proposed reorganization, this acreage would be directly and permanently converted to nonagricultural uses. The conversion of Prime Farmland is considered a significant impact according to the WRSP Environmental Impact Report (EIR). The City of Ceres will be implementing the following mitigation measure as outlined in the WRSP EIR:

*Mitigation Measure 3.2-1: Mitigate Loss of Prime Farmland: Prior to the approval of improvement plans, building permits, or recordation of the final map, project applicants in the Specific Plan area shall offset the loss of Prime Farmland. This shall be done through the acquisition of conservation easements in Stanislaus County at a 1:1 ratio (i.e., 1 acre on which easements are required to 1 acre of Prime Farmland removed from agricultural use) that provide in-kind or similar resource value protection; or payment of in-lieu fees to an established, qualified, mitigation program to fully fund the acquisition and maintenance of agricultural land or easements; or compliance with the City's Plan for Agricultural Preservation, as adopted by Stanislaus LAFCO in accordance with LAFCO Policy 22.*

The above mitigation will be implemented by the City in order to minimize the impacts to agricultural lands as a result of the project and is consistent with the Commission's menu of strategies in Policy 22. The mitigation measure is discussed further in the City's Plan for Agricultural Preservation (Exhibit D).

- f. ***The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting proposed boundaries.***

The proposed boundary would include sixteen Assessor's Parcel Numbers shown on the legal description and map (See Exhibit B). It would also include the adjacent road right-of-way of Moore Road and road right-of-way along East Whitmore Avenue, consistent with the Commission's policies.

- g. ***A regional transportation plan adopted pursuant to Section 65080***

The Regional Transportation Plan (RTP) is prepared and adopted by the Stanislaus Association of Governments (StanCOG) and is intended to determine the transportation needs of the region as well as the strategies for investing in the region's transportation system. The RTP was considered as part of the City's environmental review and it was concluded that the project does not appear to conflict with StanCOG's currently adopted Regional Transportation Plan or any specific plans.

- h. ***The proposal's consistency with city or county general and specific plans***

The proposed annexation area has been pre-zoned for Planned Community as part of the Whitmore Ranch Specific Plan and is consistent with the City General Plan.

- i. ***The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.***

The territory is currently within the City's Sphere of Influence and the "Primary Area" of Influence. Stanislaus LAFCO considers a Primary Area as the near-term growth area for a City. The project area is also within the boundaries of the following agencies: Ceres Fire Protection District, Turlock Mosquito Abatement District, and the Turlock Irrigation District. Upon annexation, the area will detach from the Ceres Fire Protection District. It will remain in the other districts identified.

- j. ***The comments of any affected local agency or other public agency.***

All affected agencies and jurisdictions have been notified pursuant to State law requirements and the Commission adopted policies. Affected agencies were also notified during the City's process of adopting environmental documentation and pre-zoning for the project.

A response letter was received from the Ceres Fire Protection District. The letter states that although the District currently contracts with the City of Ceres for fire protection services, the proposed annexation and subsequent detachment from the District will result in a lower operating budget for the District. In turn, this will affect the District's fixed costs. The District is concerned with future costs related to providing a certified map and legal description which may be required by the County Registrar of Voters, LAFCO and possibly other agencies. Staff spoke with the District and clarified that a separate revised legal description is not required for the District detaching from the area. LAFCO will be able to assist the District with any future maps that may be required.

The Stanislaus County Sheriff's Department and Environmental Review Committee both provided letters indicating that they had "no comment" on the proposed annexation. No additional comments have been received from any other local or public agencies.

***k. The ability of the receiving entity to provide services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.***

The City of Ceres is a full-service provider of municipal services and will provide these services to the project site, such as: domestic water, sanitary sewer, storm drainage, street construction/maintenance, police protection and street lighting. According to the City's Whitmore Ranch Specific Plan Public Facilities Financing Plan, project developers will be responsible for funding or constructing all backbone infrastructure (sewer, water, drainage and roads) and public facilities needed to serve the Project. Public facilities (landscaping, parks, fire service, police service, and transit) will be financed through City Public Facilities fees. Additional fees for schools, county services, and project specific improvements will be financed through school fees, County Public Facilities fees and project based funding mechanisms, such as special agency fees, private fees, and Mello-Roos community facilities districts (CFD).

***l. Timely availability of water supplies adequate for projected needs as specified in Government Code Section 65352.5.***

The City owns its public water supply system, which is operated and maintained by the City's Public Works Department. The City provides potable groundwater to approximately 11,898 residential, commercial, industrial and institutional/government water service connections. The City's service area encompasses an area of approximately 5,989 acres, or about 9.4 square miles.

Currently, the undeveloped portions of Whitmore Ranch Specific Plan (WRSP) area are not served by public water supply infrastructure. A 12-inch water main is located within Eastgate Boulevard, and the pipeline provides potable water supplies to La Rosa Elementary and Cesar Chavez Junior High Schools. For a property located at 3230 E. Whitmore Avenue, potable water service is provided via an existing 12-inch water main along E. Whitmore Avenue.



Additional water transmission pipelines in the vicinity of the WRSP area include 8-inch water mains in Lunar Drive and Boothe Road, a 12-inch water main within Whitmore Avenue that runs from Lunar Drive to areas east of the Specific Plan area, and a 12-inch water main located on Mitchell Road. Also, the City's Water Supply Master Plan identifies a new 16-inch water main along Whitmore Avenue that would be required to serve buildout of the City's Planning area.

According to the City's Plan for Services, the water supply demands for the WRSP area of 214 acre-feet per year (afy) were accounted for in water demand projections contained in the City's Urban Water Management Plan. Therefore, it has been determined that the proposed WRSP would not substantially deplete groundwater supplies such that there would be a net deficit in aquifer volume or substantial lowering of the level of the local groundwater table.

- m. The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.***

The Specific Plan proposes approximately 55 acres for a mix of housing densities and types, to serve the needs of different households, including single family homes, duplexes, townhomes, garden apartments, stacked flats, and/or other potential housing options. The specific plan anticipates that the development of Whitmore Ranch could result in up to 441 dwelling units. These units would contribute towards meeting the City's regional housing needs.

- n. Any information or comments from the landowner or owners, voters, or residents of the affected territory.***

For the current proposal, there are 11 registered voters within the affected territory. Four landowners have submitted their "consent" to annexation while two landowners have submitted their "non-consent" to the annexation to the City of Ceres. No other written comments have been received at the time of this staff report.

- o. Any information relating to existing land use designations.***

The property is currently zoned A-2-10 (General Agriculture) and PD 127 (Planned Development) in the Stanislaus County Zoning Ordinance and has a designation as Urban Transition and Commercial in the County's General Plan. The City of Ceres has prezoned the area as Planned Community with a General Plan designation of Low Density Residential, Medium Density Residential, High Density Residential, Community Facilities and Parks.

- p. The extent to which the proposal will promote environmental justice.***

As defined by Government Code §56668, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. There is no documentation or evidence suggesting the proposal will have a measurable effect for or against promoting environmental justice.

- q. Information contained in a local mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.***

According to the Environmental Impact Report, the project site has not been identified as being within a very high fire hazard severity zone.

## **DISCUSSION**

Pursuant to State law, the Commission has adopted policies relative to the goals and policies for LAFCO, including an Agricultural Preservation Policy. The Policy requires applicants to prepare a Plan for Agricultural Preservation that details the impacts to agricultural lands, identifies a method to minimize impacts, and provides additional information to assist the Commission in making its findings for approval of a project.

The Commission's adopted Agricultural Preservation Policy states that the Commission may consider approval of a proposal that contains agricultural land when it determines there is sufficient evidence demonstrating the following:

- a. Insufficient alternative land is available within the existing sphere of influence or boundaries of the agency and, where possible, growth has been directed away from prime agricultural lands towards soils of lesser quality.*
- b. For annexation proposals, that the development is imminent for all or a substantial portion of the proposal area.*
- c. The loss of agricultural lands has been minimized based on the selected agricultural preservation strategy. For the purposes of making the determination in this section, the term "minimize" shall mean to allocate no more agricultural land to non-agricultural uses than what is reasonably needed to accommodate the amount and types of development anticipated to occur.*
- d. The proposal will result in planned, orderly, and efficient use of land and services. This can be demonstrated through mechanisms such as:*
  - i. Use of compact urban growth patterns and the efficient use of land that result in a reduced impact to agricultural lands measured by an increase over the current average density within the agency's boundaries (e.g. persons per acre) by the proposed average density of the proposal area.*
  - ii. Use of adopted general plan policies, specific or master plans and project phasing that promote planned, orderly, and efficient development.*

The City's Plan for Agricultural Preservation identifies that a majority of the City's vacant land is within the West Landing Specific Plan area, previously annexed in 2012 on the west side of the City. There is approximately 300 acres of land designated for single-family residential housing within this area that has remained undeveloped since annexation. According to the City, this is due to both the economic downturn and a lack of interest from market rate and/or non-profit housing developers. An additional obstacle is the need large-scale improvements to the area, including extensions of water and sewer infrastructure. Over the last few years, the City has extended sewer trunk lines and water lines to West Landing area to further facilitate development.

The City states that other than the West Landing Specific Plan area, there is no other available land within the City limits that could support new residential development such as proposed with the Whitmore Ranch Specific Plan (WRSP). Additionally, the existence of nearby water and sewer lines, as well as the proximity to existing schools and the existing City limits has directed interest in near-term development of this area, likely to occur prior to West Landing.

The findings above also require the City to demonstrate that it has minimized the loss of agricultural land and that the development will result in planned, orderly, and efficient use of land and services. As mentioned previously in this report, the WRSP includes a provision of 1:1 agricultural mitigation, which is consistent with the menu of strategies in Policy 22. Given the existence of nearby infrastructure and existing development (City limits on two sides and schools making up the third), the proposal can be considered a logical and orderly extension of the City's boundary. Further, the WRSP provides a plan for land use, circulation, plan for services and provides a variety of future housing options that include low, medium, and high-density residential uses demonstrating an efficient use of land.

Based on the information provided by the City, Staff believes that the Commission can make the findings contained in Policy 22.

### **Protest Hearing**

As part of its application, the City of Ceres has submitted four landowner "consent to annexation" forms for seven of the parcels within the project site. The City has also submitted "non-consent to annexation" forms for two of the parcels within the project site. Therefore, the reorganization does not meet the requirements for a waiver of protest proceedings as outlined in section 56663(c).

Should the Commission approve the proposal; the annexation will be subject to a Protest Hearing which will allow property owners to protest the Commission's decision. The project site is considered uninhabited as there are less than 12 registered voters. According to Government Code section 57078, for projects that are uninhabited, a majority protest shall be deemed to exist and the proposed reorganization shall be terminated if written protests represent landowners owning 50 percent or more of the assessed value of the land within the territory. If there is less than a majority protest, the Commission's approval will be ordered and the annexation recorded.

### **ALTERNATIVES FOR COMMISSION ACTION**

Following consideration of this report and any testimony or additional materials that are submitted at the public hearing for this proposal, the Commission may take one of the following actions:

- Option 1**      APPROVE the proposal, as submitted by the applicant.
- Option 2**      DENY the proposal.
- Option 3**      CONTINUE this proposal to a future meeting for additional information.

### **STAFF RECOMMENDATION**

State law declares that the purpose of LAFCO includes discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances (Government Code Section 56301). The Commission is also empowered to review and approve or disapprove proposals with or without amendment, wholly, partially, or conditionally, consistent with its own written policies and procedures (Section 56375a).

Based on the discussion in this staff report, including the factors set forth in Government Code Section 56668, and following any testimony or evidence presented at the meeting, Staff recommends that the Commission approve the proposal and adopt Resolution 2019-08 (attached as Exhibit A) which:

- a. Certifies, as a Responsible Agency under CEQA, that the Commission has considered the environmental documentation prepared by the City of Ceres as Lead Agency;
- b. Finds the proposal to be consistent with State law and the Commission's adopted Policies and Procedures;
- c. Determines the effective date of the annexation shall be the date of recordation of the Certificate of Completion.
- d. Directs the Executive Officer to initiate Protest Proceedings.

Respectfully submitted,

*Javier Camarena*  
Javier Camarena  
Assistant Executive Officer

**EXECUTIVE OFFICER'S AGENDA REPORT**  
**APRIL 24, 2019**  
**PAGE 11**

Attachments - Exhibit A: Draft LAFCO Resolution No. 2019-08  
Exhibit B: Legal Description and Maps  
Exhibit C: City of Ceres Council Resolutions 2018-124, 125 & 126 approving the  
Environmental Impact Report, Specific Plan & Financing Plan, and Annexation  
Request.  
Exhibit D: Plan for Services & Agricultural Preservation Plan

Additional support documentation is available on [www.stanislauslafco.org](http://www.stanislauslafco.org), including:

- [Draft Environmental Impact Report](#)
- [Final Environmental Impact Report](#)
- [Whitmore Ranch Specific Plan](#)
- [Financing Plan](#)

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**EXHIBIT A**

**Draft LAFCO Resolution No. 2019-08**

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**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** April 24, 2019

**NO. 2019-08**

**SUBJECT: LAFCO APPLICATION NO. 2019-03 – WHITMORE RANCH  
REORGANIZATION TO THE CITY OF CERES**

On the motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and approved by the following vote:

Ayes: Commissioners:  
Noes: Commissioners:  
Ineligible: Commissioners:  
Absent: Commissioners:

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, the City of Ceres has requested to annex approximately 97 acres known as the Whitmore Ranch Specific Plan to the City and detach said acreage from the Ceres Fire Protection District;

**WHEREAS**, the City of Ceres adopted a Resolution of Application and pre-zoned the proposed annexation area, located within the City of Ceres existing Sphere of Influence and Primary Area;

**WHEREAS**, there are less than 12 registered voters within the area and it is thus considered uninhabited;

**WHEREAS**, the City of Ceres was the Lead Agency in preparing the environmental documentation which included the proposed annexation;

**WHEREAS**, the City of Ceres, as Lead Agency, has certified a Final Environmental Impact Report for the proposal, in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines;

**WHEREAS**, the City of Ceres shall be responsible for monitoring and reporting to ensure CEQA compliance;

**WHEREAS**, the City of Ceres has determined that there are impacts, which could not be mitigated to acceptable levels and adopted CEQA Findings of Fact and Statements of Overriding Considerations, as put forth in the City of Ceres Resolution No. 2018-124;

**WHEREAS**, the Commission has reviewed the environmental documentation prepared by the City of Ceres, including the Final Environmental Impact Report and Statements of Overriding Considerations, and has not identified any feasible mitigation measures that would substantially lessen the identified impacts of the proposal;

**WHEREAS**, the Commission is not aware of any legal challenge filed against the City's environmental determinations for the proposal;

**WHEREAS**, the Commission has reviewed the Plan for Agricultural Preservation submitted by the City for the proposal which provides information regarding impacts to agricultural lands and the City's strategy to minimize the loss of agricultural lands;

**WHEREAS**, at the time and in the form and manner provided by law, the Executive Officer provided notice of the April 24, 2019 public hearing by this Commission; and

**WHEREAS**, the Commission has heard all interested parties desiring to be heard and has considered the proposal and report by the Executive Officer and all other relevant evidence and information presented or filed at the hearing.

**NOW, THEREFORE, BE IT RESOLVED** that this Commission:

1. Acting as a Responsible Agency pursuant to CEQA Guidelines Sections 15051, 15052, 15096, and 15391, the Commission has reviewed and considered the Final Environmental Impact Report for the Whitmore Ranch Specific Plan, and adopts the same findings regarding the environmental impacts of the proposal and the statement of overriding considerations, all as approved and adopted by the City of Ceres acting as the Lead Agency and put forth in Ceres City Council Resolutions Nos. 2018-124; and additionally makes the following findings:
  - A. As a "Responsible Agency", Stanislaus LAFCO has independently evaluated the City's certified EIR, and has complied with all actions and guidelines pursuant to CEQA Guidelines Section 15096, and has reached an independent conclusion that determines the EIR adequately addresses the potential impacts related to the proposal that the Stanislaus LAFCO has been asked to approve;
  - B. On the basis of substantial evidence in light of the whole record, none of the conditions identified in the CEQA Guidelines Section 15052 have occurred that would necessitate LAFCO assuming the role of Lead Agency from the City of Ceres;
  - C. On the basis of substantial evidence in light of the whole record, none of the conditions identified in CEQA Guidelines Section 15162 or 15163 have occurred that would necessitate preparation of a Subsequent EIR or Supplemental EIR as certified by the City of Ceres;
  - D. On the basis of substantial evidence in light of the whole record, in compliance with CEQA Guidelines Section 15096(g)(2), that there are no feasible alternatives to the proposal or feasible mitigation measures within the Stanislaus LAFCO's powers that would substantially lessen or avoid any significant effect the proposal would have on the environment;
  - E. On the basis of substantial evidence in light of the whole record, in compliance with CEQA Guidelines Section 15096(h), that the Stanislaus LAFCO, as a "Responsible Agency" adopts the same findings put forth in Ceres City Council Resolution No. 2018-124 as required by Section 15091(a) for each significant effect of the proposal and makes the findings in Section 15093 as necessary, adopts the same Statement of Overriding Considerations, also contained in said referenced resolution, and to further require the filing of a Notice of Determination in compliance with CEQA Guidelines Section 15096(i); and,

- F. The City of Ceres shall be responsible for the Mitigation Monitoring and Reporting Program, all as approved and adopted by the City to ensure CEQA Compliance.
- 2. Determines that the Plan for Agricultural Preservation, as submitted by the City, contains sufficient evidence demonstrating consistency with the goals of the Commission's Agricultural Preservation Policy.
- 3. Determines that the approval of the reorganization is consistent with overall Commission policies and the City's General Plan and that the City has provided sufficient evidence to show that the required services are available and will be provided upon development of the area.
- 4. Approves the proposal subject to the following terms and conditions:
  - A. The applicant shall pay State Board of Equalization fees and any remaining fees owed to LAFCO.
  - B. The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers, and employees from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul LAFCO's action on a proposal or any action relating to or arising out of such approval, and provide for the reimbursement or assumption of all legal costs in connection with that approval.
  - C. The effective date shall be the date of recordation of the Certificate of Completion.
  - D. The application shall be processed as a reorganization consisting of the annexation of territory to the City of Ceres and detachment from the Ceres Fire Protection District.
  - E. Upon the effective date of the annexation, all rights, title, and interest of the County, including the underlying fee where owned by the County in any and all public improvements, including, but no limited to the following: sidewalks, trails, landscaped areas, open space, street lights, signals, bridges, storm drains, and pipes shall vest in the City; except for those properties to be retained by the County.
- 5. Designates the proposal as the "Whitmore Ranch Reorganization to the City of Ceres."
- 6. Designates the Commission as conducting authority pursuant to Government Code Section 56029 for the reorganization.
- 7. Authorizes and directs the Executive Officer, pursuant to Government Code Section 56881(d), to initiate the protest proceedings for the reorganization pursuant to Part 4, commencing with Section 57000, in compliance with this Resolution and upon receipt of a map and legal description accepted to form by the Executive Officer.

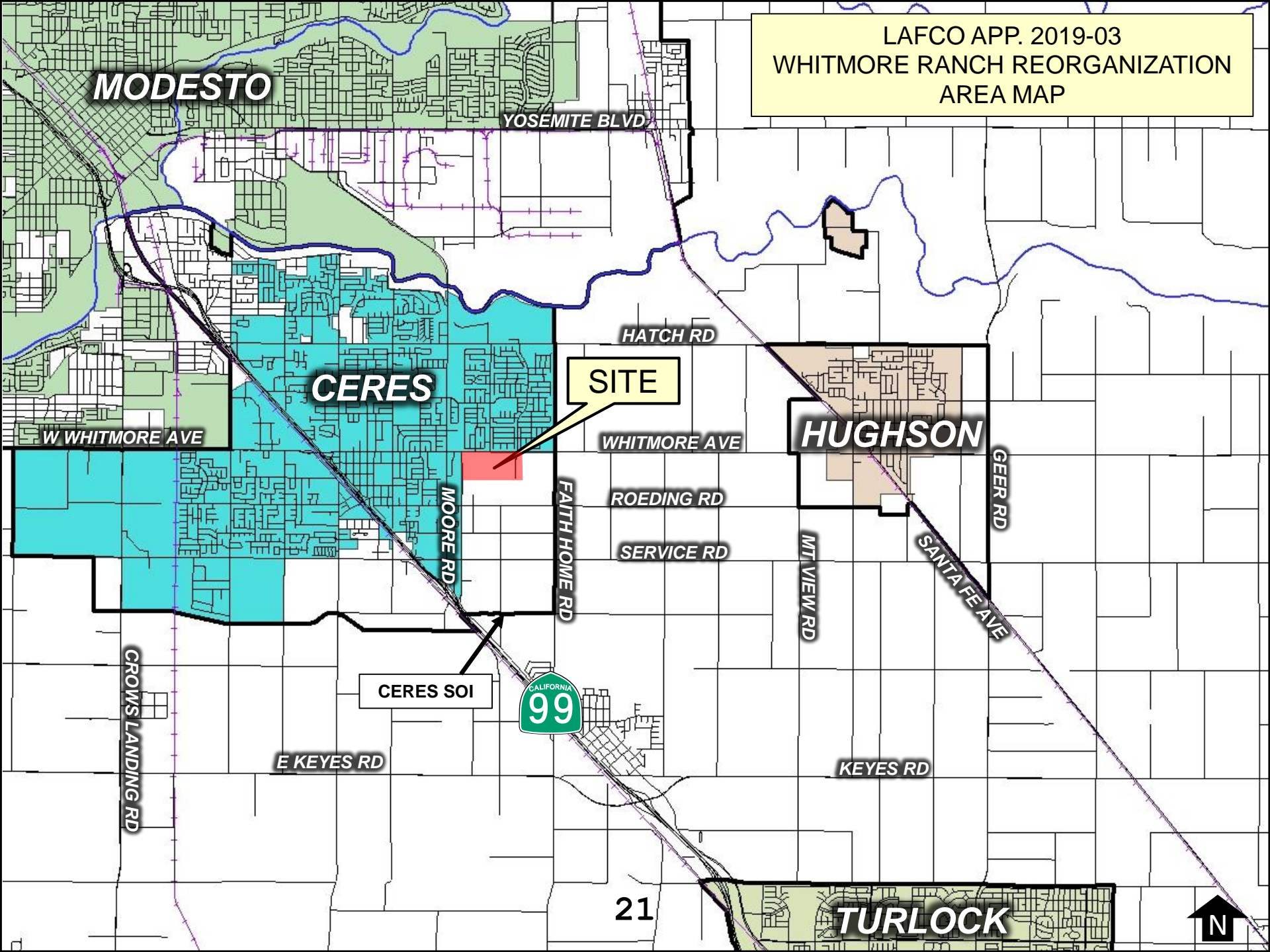
**ATTEST:** \_\_\_\_\_  
Sara Lytle-Pinhey  
Executive Officer

DRAFT

## **EXHIBIT B**

### **Legal Description and Maps**

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**MODESTO**

YOSEMITE BLVD

**CERES**

**SITE**

W WHITMORE AVE

HATCH RD

WHITMORE AVE

**HUGHSON**

ROEDING RD

SERVICE RD

MOORE RD

FAITH HOME RD

MT VIEW RD

GEER RD

SANTA FE AVE

CROW'S LANDING RD

CERES SOI

CALIFORNIA  
**99**

E KEYES RD

KEYES RD

21

**TURLOCK**



**Whitmore Ranch  
Reorganization to the City of Ceres**

Being a portion of the north half of Section 13, Township 4 South, Range 9 East, Mount Diablo Meridian, situated in the County of Stanislaus, State of California, more particularly described as follows:

Commencing at the northwest corner of said Section 13;

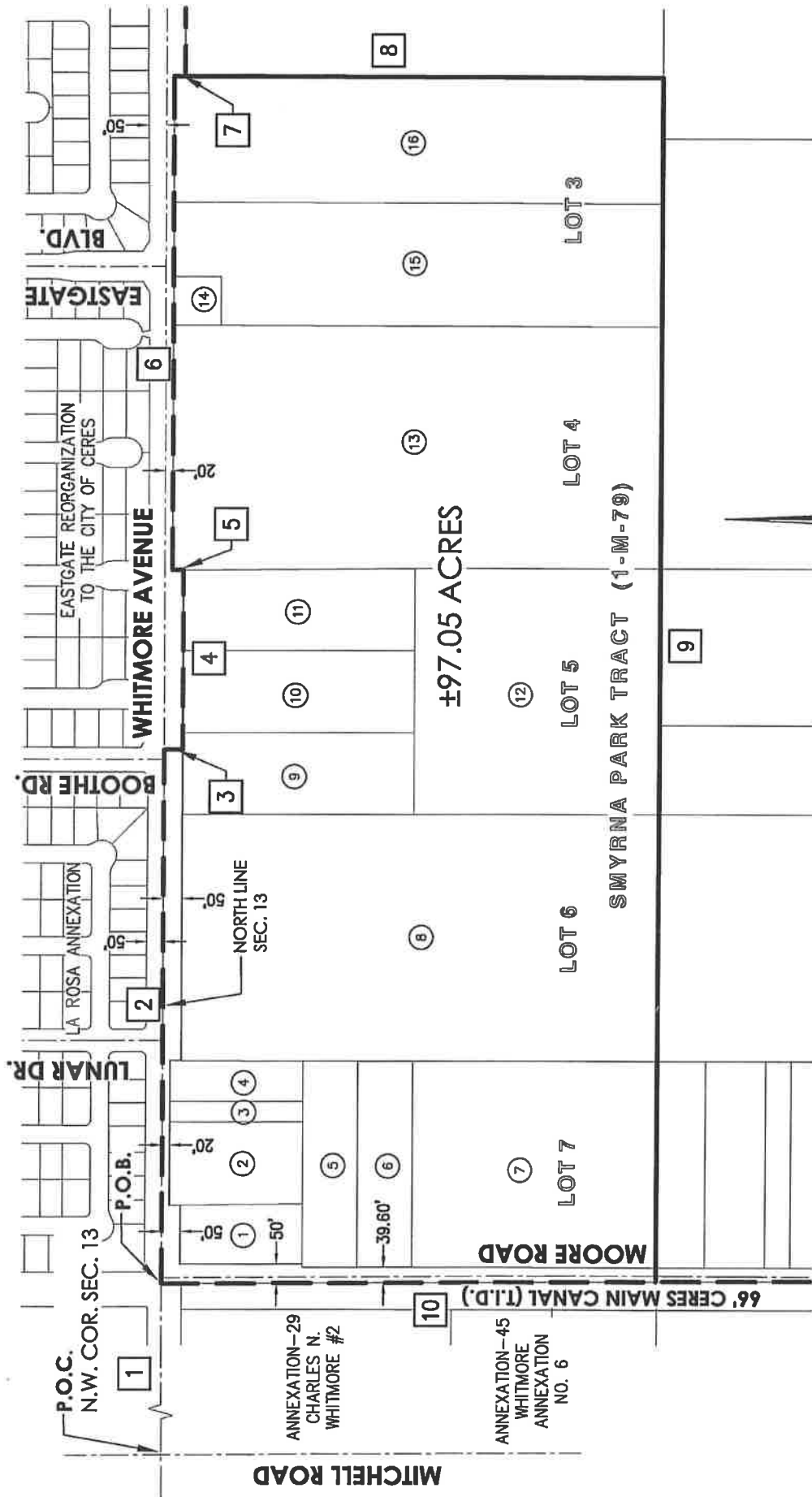
1. thence along the north line of the northwest quarter of said Section 13, North 89°40'00" East, 727.48 feet to the easterly line of the 66'-foot wide Turlock Irrigation District Ceres Main Canal and the northeast corner of Charles N. Whitmore Addition No. 2, and the **Point of Beginning**;
2. thence continuing said north line and along the existing city limits line of the City of Ceres, North 89°40'00" East, 1,432.68 feet to the westerly line of the Eastgate Reorganization to the City of Ceres, said westerly line lies 25.00 feet east of the centerline of Boothe Road;
3. thence continuing along the existing city limits line, South 00°09'54" East, 50.00 feet to the south line Whitmore Avenue;
4. thence along the south line of said Whitmore Avenue and continuing along the existing city limits line, North 89°40'00" East, 485.74 feet to the east line of said northeast quarter of Section 13;
5. thence along said east line of said northeast quarter of Section 13 and continuing along the existing city limits line, North 00°12'57" West, 30.00 feet;
6. thence along a line that lies 20.00 feet south of and parallel with the north line of the northeast quarter of said Section 13 and continuing along the existing city limits line, North 89°40'09" East, 1,323.10 feet to the east line of Lot 3 of the Smyrna Park Tract filed in Volume 1 of Maps, Page 79, Stanislaus County Records;
7. thence along said east line of Lot 3, South 00°12'11" East, 30.00 feet;
8. thence leaving said city limits line and continuing along said east line of Lot 3, South 00°12'11" East, 1,269.49 feet to the southeast corner of said Lot 3;
9. thence along the south line of Lots 3, 4, 5, 6 and 7 of said Smyrna Park Tract, South 89°39'06" West, 3,240.86 feet to said east line of Turlock Irrigation District Ceres Main Canal and the existing city limits line;
10. thence along said east line and said city limits line, North 00°13'48" West, 1,320.39 feet to the point of beginning.

Contains 97.05 acres, more or less.



12/21/2018



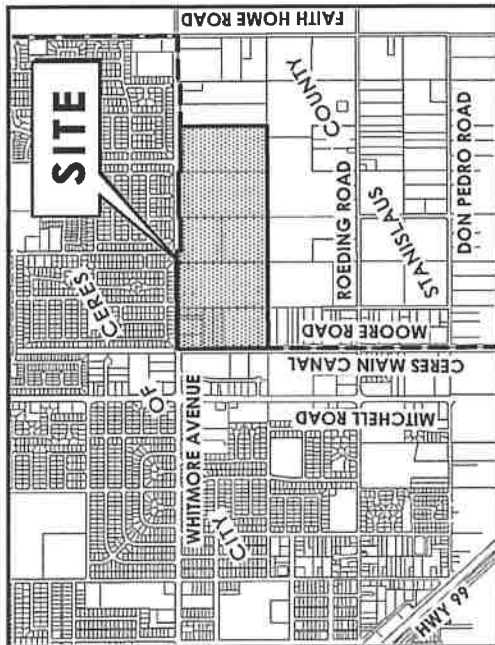


**WHITMORE RANCH**  
**REORGANIZATION TO THE CITY OF CERES**  
 A PORTION OF THE NORTH 1/2 OF SECTION 13,  
 TOWNSHIP 4 SOUTH, RANGE 9 EAST, M. D. M.  
 STANISLAUS COUNTY, CALIFORNIA  
 December 21, 2018  
 Sheet 1 of 2

**NOTES**  
 1. SEE SHEET 2 FOR LINE TABLE,  
 ASSESSOR'S PARCEL NUMBERS  
 & VICINITY MAP.

LINE TABLE		
LINE	BEARING	LENGTH
1	N 89°40'00" E	727.48'
2	N 89°40'00" E	1432.68'
3	S 00°09'54" E	50.00'
4	N 89°40'00" E	485.74'
5	N 00°12'57" W	30.00'
6	N 89°40'09" E	1323.10'
7	S 00°12'11" E	30.00'
8	S 00°12'11" E	1269.49'
9	S 89°39'06" W	3240.86'
10	N 00°13'48" W	1320.39'

#	A.P.N.
1	069-017-001
2	069-017-002
3	069-017-003
4	069-017-004
5	069-017-005
6	069-017-006
7	069-017-007
8	069-017-008
9	069-017-013
10	069-017-012
11	069-017-011
12	069-017-010
13	069-018-001
14	069-018-002
15	069-018-003
16	069-018-004



**VICINITY MAP**  
 N.T.S.



**LEGEND**

- CENTER LINE / SECTION LINE
- - - EXISTING CITY LIMITS LINE
- - - PROPOSED CITY LIMITS LINE
- ASSESSORS PARCEL NUMBER (A.P.N.)
- LINE COURSES
- POINT OF BEGINNING
- POINT OF COMMENCEMENT



P.O.B.  
 P.O.C.

**WHITMORE RANCH**  
**REORGANIZATION TO THE CITY OF CERES**

A PORTION OF THE NORTH 1/2 OF SECTION 13,  
 TOWNSHIP 4 SOUTH, RANGE 9 EAST, M. D. M.  
 STANISLAUS COUNTY, CALIFORNIA  
 December 21, 2018 Sheet 2 of 2

## **EXHIBIT C**

**City of Ceres Council Resolutions 2018-124, 125  
& 126 approving the Environmental Impact  
Report, Specific Plan & Financing Plan and  
Annexation request**

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## **RESOLUTION NO. 2018-124**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERES APPROVING AN ENVIRONMENTAL IMPACT REPORT, FINDINGS CONCERNING MITIGATION MEASURES, FINDINGS CONCERNING ALTERNATIVES, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE WHITMORE RANCH SPECIFIC PLAN PROJECT.**

### **THE CITY COUNCIL** City of Ceres, California

**WHEREAS**, an application was received from Steve and Grant Alvernaz for the Whitmore Ranch Specific Plan project, property bounded by Whitmore Avenue on the north, Moore Road on the west, La Rosa Elementary School on the east, with the southern limit being approximately 1,300 feet south of Whitmore Avenue; and,

**WHEREAS**, the Whitmore Ranch Specific Plan Project proposes to develop up to 441 residential units (196 single-family, 85 multi-family, 160 higher density multi-family); 36 acres of existing schools; and 5.2 acres of parks ("Project"). The Whitmore Ranch Specific Plan Area is located in unincorporated Stanislaus County, adjacent to the City of Ceres, and includes approximately 94 acres that is bounded by Whitmore Avenue on the north, Moore Road on the west, and the east side of La Rosa Elementary School on the east. The southern limit of the Specific Plan Area is approximately 1,300 feet south of Whitmore Avenue. The Specific Plan Area includes two existing schools, which are Cesar Chavez Junior High and La Rosa Elementary. The Specific Plan also proposes a mix of open space; schools; and low-, medium-, and high-density residential uses; and,

**WHEREAS**, the City completed preliminary review of the Project consistent with CEQA Guidelines Section 15063 and determined that an Environmental Impact Report (hereafter "EIR") was required in order to analyze significant impacts associated with the Project; and,

**WHEREAS**, in accordance with Sections 15063 and 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation ("NOP") of an Environmental Impact Report (EIR) and filed it with the Office of Planning and Research ("OPR") on February 1, 2017 (EIR SCH#2017012063). The NOP was circulated to the public, local and state agencies, and other interested parties to solicit comments on the Project, which ended on March 2, 2017; and,

**WHEREAS**, based on the responses to the Notice of Preparation, the City prepared a Draft EIR and circulated it for the required 45 day public review period from June 27, 2018 to August 13, 2018. Copies of the Draft EIR were available for public review and distributed to responsible and trustee agencies. In addition, the Draft EIR was made available on the City's website and Project information was made in PDF

format or on CD by request; and,

**WHEREAS**, a formal Notice of Completion ("NOC") of the Draft EIR was prepared and circulated on June 27, 2018, as required by CEQA for a 45-day review and comment period. The NOC was circulated to responsible agencies, adjacent property owners and interested parties, including any person who filed a written request for such a notice; and,

**WHEREAS**, the public comment period for the Draft EIR ended August 13, 2018; and,

**WHEREAS**, the City received numerous comment letters from the public and responsible agencies during the public review period. The City prepared a Final EIR dated October 2018, containing written responses to all comments received during the public review period, as well as provides the City's good faith, reasoned analysis of the environmental issues raised by the comments; and,

**WHEREAS**, the Final EIR was released to the public and responsible agencies on October 3, 2018 at least ten days prior to the Planning Commission hearing on the Project; and,

**WHEREAS**, the Planning Commission reviewed the Staff Report, the EIR and related project documents at a noticed public hearing on October 29, 2018, at which time all interested parties had the opportunity to be heard; and,

**WHEREAS**, a Staff Report, dated November 13, 2018, and incorporated herein by reference, described and analyzed the Project and the environmental issues raised by the EIR and the Project, and as such were reviewed by the City Council; and,

**WHEREAS**, the City Council reviewed the Staff Report, EIR and related project documents at a noticed public hearing on November 13, 2018, at which time all interested parties had the opportunity to be heard; and,

**WHEREAS**, the Draft and Final EIRs reflect the City's independent judgment and analysis on the potential for environmental impacts and constitute the Environmental Impact Report for the Whitmore Ranch Specific Plan Project; and,

**WHEREAS**, the Project would have significant effects on the environment, most of which can be substantially reduced through mitigation measures; therefore, approval of the Project must include mitigation findings as set forth in the attached Exhibit A; and,

**WHEREAS**, a Mitigation Monitoring and Reporting Program, as required by CEQA, is included within the Environmental Impact Report; and

**WHEREAS**, some of the significant effects cannot be lessened to a level of less than significant; therefore, approval of the Project must include findings concerning alternatives as set forth in Exhibit A – Findings of Fact and Statement of Overriding

Considerations; and,

**WHEREAS**, the Draft and Final EIRs are separately bound documents, incorporated herein by reference, and pursuant to Public Resources Code Section 21081.6 and California Code of Regulations, Title 14, Section 15091, the City is the entity that oversees the documents and other materials that constitute the record of proceedings upon which the City's decision is based, and such documents and other material are located at: Ceres City Clerk's Office, 2720 Second Street, Ceres, California 95307 and;

**WHEREAS**, the properties affected by this resolution encompass the entirety of the area bounded by Whitmore Avenue on the north, Moore Road on the west, and the east side of La Rosa Elementary School on the east. The southern limit of the Specific Plan Area is approximately 1,300 feet south of Whitmore Avenue. The area includes 94 +/- acres; and,

**WHEREAS**, properties affected by this resolution are described as:

**The land referred to is situated in the City of Ceres Primary Sphere of Influence, County of Stanislaus, State of California, and is described as follows:**

Portion of the Smyrna Park Tract, Lots 1 - 4 and 5, 6, and 7 in the City of Ceres Sphere of Influence, according to the Assessor's Maps thereof on file with the Office of the Assessor of Stanislaus County, California.

**NOW, THEREFORE, BE IT RESOLVED** that the foregoing recitals are true and correct and made a part of this resolution.

**BE IT FURTHER RESOLVED** that the City Council recommends certification of the following:

1. That the Environmental Impact Report (EIR SCH#2017012063) for the Whitmore Ranch Specific Plan Project was properly prepared and processed pursuant to the CEQA (Pub. Resources Code, § 21000 et seq. and CEQA Guidelines, § 15090.)
2. The City Council certifies that the Final EIR has been completed in compliance with the requirements of CEQA.
3. The City Council certifies that the Final EIR was presented to it and that it considered the information contained in the Final EIR prior to approving the Project.
4. The Final EIR reflects the City Council's independent judgment and analysis.

**BE IT FURTHER RESOLVED** that the City Council adopt the findings concerning significant impacts and mitigations and alternatives set forth in the environmental

documents, which includes the Mitigation Monitoring and Reporting Program; and the Findings of Fact and Statement of Overriding Considerations as set forth in Exhibit A, all of which are incorporated herein by reference.

**PASSED AND ADOPTED** by the Ceres City Council at a regular meeting thereof held on the 13th day of November 2018, by the following vote:

**AYES:** Council Members: Durossette, Kline, Lane

**NOES:** Council Members: Ryno

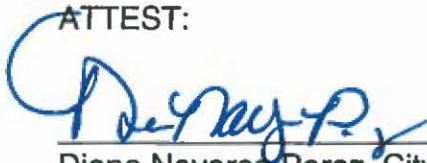
**ABSENT** Council Members: Mayor Vierra

**RECUSAL CONFLICT:**



Mike Kline, Vice Mayor

**ATTEST:**



Diane Nayares-Perez, City Clerk



**Findings of Fact and  
Statement of Overriding Considerations  
Whitmore Ranch Specific Plan  
Environmental Impact Report**

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## ACRONYMS AND ABBREVIATIONS

A-2	General Agriculture
A-2-10	General Agriculture with a 10-acre minimum lot size
AEP	annual exceedance probability
ARB	California Air Resources Board
BMPs	best management practices
Cal-OSHA	California Occupational Safety and Health Administration
CBC	California Building Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Ceres
Conservation Operator	third-party, nonprofit conservation organization
dB	decibel
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
EV	electric vehicle
GHG	greenhouse gas
HDR	High-Density Residential
HDR	high-dynamic-range
LAFCO	Local Agency Formation Commission
LDR	Low-Density Residential
$L_{eq}$	Equivalent Noise Level
LID	Low Impact Development
$L_{max}$	Maximum Noise Level
LOS	level of service
MBTA	Migratory Bird Treaty Act
MDR	Medium-Density Residential
MS4	Municipal Separate Storm Sewer System
MTCO <sub>2e</sub>	metric tons of carbon dioxide equivalents
MUTCD	Manual on Uniform Traffic Control Devices
NOP	notice of preparation
NO <sub>x</sub>	oxides of nitrogen

NPDES	National Pollutant Discharge Elimination System
Order 2009-0009-DWQ	SWRCB's NPDES stormwater permit for general construction activity
PM	particulate matter
SB	Senate Bill
Specific Plan	<i>Whitmore Ranch Specific Plan</i>
State Clearinghouse	Governor's Office of Planning and Research
SWPPP	stormwater pollution prevention plan
TACs	toxic air contaminants
the project site	Specific Plan Area
TID	Turlock Irrigation District
UST	underground storage tank
VMT	vehicle miles traveled

# 1 INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the *Whitmore Ranch Specific Plan* (Specific Plan), referred hereafter as the proposed project.

The CEQA Statutes (California Public Resources Code Sections 21000, et seq.) and Guidelines (California Code of Regulations Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an Environmental Impact Report (“EIR”) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to CEQA Guidelines Section 15090. When an EIR has been certified which identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact:

1. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

CEQA Guidelines Section 15092 states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. Section 15093 requires the lead agency to document and substantiate any such determination in a “statement of overriding considerations” as a part of the record.

The requirements of Sections 15091, 15092, and 15093 as summarized above are all addressed herein. This document summarizes the findings of fact and statement of overriding considerations authorized by those provisions of the CEQA Guidelines for the proposed project.

## 1.1 PROCEDURAL FINDINGS

Pursuant to Section 15082 of the CEQA Guidelines, the City of Ceres (City) prepared a CEQA Notice of Preparation (NOP) and provided copies directly by mail and through the Governor's Office of Planning and Research (State Clearinghouse) to CEQA responsible and natural resource trustee agencies, local municipalities, interested persons, organizations, agencies, and landowners. The City issued the NOP for the Specific Plan on February 1, 2017, and comments were accepted for a 30-day period ending on March 2, 2017. Appendix A of the Draft EIR includes each comment received on the NOP.

AECOM, on behalf of the City of Ceres, contacted the Native American Heritage Commission on June 1, 2016 to request a Sacred Land Files search of the Specific Plan Area. In their response letter dated June 2, 2016, the Native American Heritage Commission stated that their search of the Specific Plan Area did not indicate the presence of any known tribal cultural resources. The City provided a contact list obtained from the Native American Heritage Commission on February 25, 2016, listing three Native American contacts who may have knowledge of any tribal cultural resources within or adjacent to the Specific Plan. On June 1, 2016, AECOM sent letters describing the proposed Specific Plan to the points of contact provided by the City. When no response was received within the 30-day period, a second outreach letter dated September 7, 2016 was sent to each contact via certified mail. No response was received after the second outreach attempt.

The Draft EIR (State Clearinghouse Number 2017012063) was received by the State Clearinghouse and circulated for a 45-day public review period from June 27 through August 13, 2018. Chapter 2, "Comments and Responses to Comments" of the Final EIR includes responses to all comments (as required by the CEQA Guidelines Section 15132).

The Final EIR was released on October 3, 2018. The Final EIR consists of the Draft EIR dated June 27, 2018; Comments and Responses to Comments, dated October 3, 2018; an Errata to the Draft EIR; and a Mitigation Monitoring and Reporting Program, dated October 3, 2018.

As required by CEQA Guidelines Section 15088(b), public agencies that commented on the Draft EIR are provided at least 10 days to review the proposed responses prior to the date for consideration of the Final EIR for certification.

## 1.2 Record of Proceedings

In accordance with Public Resources Code Section 21167.6, subdivision (e), the record of proceedings for the City of Ceres' decision on the Specific Plan includes the following documents, which are incorporated by reference and made part of the record supporting these findings:

- ▶ The NOP, comments received on the NOP and all other public notices issued by the City in relation to the EIR (e.g., Notice of Availability);
- ▶ The Draft EIR and all appendices to the Draft EIR and technical materials cited in the Draft EIR;
- ▶ The Final EIR and all appendices to the Final EIR;

- ▶ All presentation materials related to the project;
- ▶ All comments submitted by agencies or members of the public during the comment period on the NOP and Draft EIR;
- ▶ All studies conducted for the project and contained or referenced in the Draft EIR or the Final EIR;
- ▶ All public reports and documents related to the project prepared for the City of Ceres and other agencies;
- ▶ All documentary and oral evidence received and reviewed at public hearings and all transcripts and minutes of those hearings related to the project, the Draft EIR, and the Final EIR;
- ▶ The Mitigation Monitoring and Reporting Program for the project; and
- ▶ Any additional items not included above if otherwise required by law.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the City of Ceres Planning Division of the Community Development Department, 2220 Magnolia Street, Ceres, California, 95307. The custodian of these documents is Mr. Tom Westbrook, Director of Community Development.

## **2 PROJECT DESCRIPTION**

### **2.1 PROJECT LOCATION AND SETTING**

The Specific Plan Area (also called “the project site”) is located in unincorporated Stanislaus County adjacent to the city of Ceres. The Specific Plan Area encompasses approximately 94 acres that is bounded by Whitmore Avenue on the north, Moore Road on the west, and the east side of La Rosa Elementary School on the east. The southern limit of the Specific Plan Area is approximately 1,300 feet south of Whitmore Avenue. The Specific Plan Area includes acreage that lies entirely within the City of Ceres Primary Sphere of Influence, and within the City of Ceres’ Planning Area.

The Specific Plan Area currently accommodates agricultural uses, housing, and schools. Ceres Unified School District operates two existing schools within the Specific Plan Area: Ceres Chavez Junior High School and La Rosa Elementary School. There are also several existing single-family homes within the Specific Plan Area on lots of between approximately ½ acre and 2 acres in land area.

### **2.2 PROJECT SUMMARY**

The Specific Plan will provide for a range of densities and housing types, parkland and other open space, existing schools, and supporting infrastructure on approximately 94 acres of land. Future development would be compared to the development standards and design guidelines included in the Specific Plan.



Table 2-1 summarizes land use acreages and the assumed number of dwelling units. As shown, the Specific Plan provides approximately 28 acres for Low-Density Residential, 6.6 acres for Medium-Density Residential, and 6.4 acres for High-Density Residential. Approximately 36 acres has the School land use designation and approximately 5.2 acres is designated Parks/Open Space. Streets and associated public rights-of-way would require approximately 12.2 acres of land area.

**Table 2-1. Proposed Specific Plan Land Uses**

<b>Land Use</b>	<b>Acres</b>	<b>Allowable Uses</b>	<b>Dwelling Units</b>
Low-Density Residential (LDR)	28	Single-family homes and home-based businesses	196
Medium-Density Residential (MDR)	6.6	Single-family homes using a variety of designs, multi-family housing, and home-based businesses	85
High-Density Residential (HDR)	6.4	Attached and small-lot single-family homes, multi-family, and complementary open space and public facilities	160
Parks / Open Space	5.2	Trails, parks, open space, stormwater management facilities, and other types of open space	
School	36	Existing and proposed public schools, associated recreational facilities, and associated public uses	
Streets and Rights-of-Way	12.2		
<b>Total</b>	<b>94.4</b>		<b>441</b>

Notes: The acreages for each use type may vary from that shown in the table above as roadways are aligned, lots are configured, and other site-specific elements are refined as a part of future proposed development within the Specific Plan Area.

## 2.2.1 RESIDENTIAL

As shown in Table 2-1, the Specific Plan, once fully developed, could provide opportunities for as many as 441 new dwelling units. The Specific Plan provides housing opportunities in three residential land use designations, including:

- ▶ Low-Density Residential, approximately 28 acres, with an average lot size of 5,000 square feet;
- ▶ Medium-Density Residential, approximately 6.6 acres, with an average lot size lot size of 3,000 square feet; and
- ▶ High-Density Residential, approximately 6.4 acres, with an average density of 24 dwelling units per acre.

The total number of dwelling units and the number of units shown for each land use designation is an assumption used for the purposes of analysis. While these assumptions would be expected to represent the top end of actual yield realized within the Specific Plan Area after it is fully developed, actual densities may be somewhat lower than these assumptions.

## **2.2.2 PARKS/OPEN SPACE**

The proposed Specific Plan includes approximately 5.2 acres of public open space located in the center of the Specific Plan Area. The City anticipates that this open space would provide passive recreational opportunities and stormwater management features, as well as a high-quality, east-west bicycle and pedestrian connection across the Specific Plan Area. On-site open space is intended to meet the City's parks and open space requirement of four acres per thousand residents.

## **2.2.3 SCHOOLS**

Approximately 32 acres of the Specific Plan Area is occupied by two existing schools: Cesar Chavez Junior High and La Rosa Elementary. These schools will continue to operate at this location. Approximately 3.5 acres of undeveloped land in the northeastern portion of the Specific Plan Area is owned by the Ceres Unified School District. Within this area also is an existing home site of approximately 0.4 acres. The total land area with the School designation is approximately 36 acres.

## **2.2.4 TRANSPORTATION**

The Specific Plan transportation network will provide access and mobility for pedestrians, bicyclists, and motorists, along with future opportunities for planned transit extensions. Currently, Eastgate Boulevard is the only improved road in the Specific Plan Area. However, planned improvements would include pedestrian and bicycle facilities along Whitmore Avenue and Moore Road, as well as through the central open space feature of the Specific Plan Area. Specific Plan improvements along Whitmore Avenue will be coordinated with a "Safe Routes to School" project planned south of Whitmore Avenue between Moore Road and the existing schools.

The Specific Plan provides for multi-modal extensions of Lunar Drive and Boothe Road through the Specific Plan Area, as well as a new facility along the southern boundary of the Specific Plan Area (Stanford Avenue). To provide good connectivity and access, several additional internal pedestrian, bicycle, and vehicular facilities would also be installed within the Specific Plan Area, consistent with City design standards. The Specific Plan improvements to circulation will also benefit the existing Ceres Chavez Junior High School and La Rosa Elementary School.

## **2.3 PROJECT OBJECTIVES**

Key objectives for the proposed project are:

- ▶ Promote a distinct, identifiable neighborhood that integrates a variety of housing types;
- ▶ Encourage walking, bicycling, and transit use by Specific Plan Area residents, and provide bicycle and pedestrian connectivity throughout the Specific Plan Area and to adjacent bicycle and pedestrian facilities;
- ▶ Provide safe bicycle and pedestrian connections to and from the two schools within the Specific Plan Area;

- ▶ Ensure appropriate access and connectivity between the Specific Plan Area and existing developed areas, as well as areas planned for future development;
- ▶ Incorporate best practices and conservation measures into the design and provision of sewer, water, storm drainage, parks and open space, and other public improvements necessary to serve future development of the Specific Plan Area; and Develop a Specific Plan that would facilitate annexation of the existing Cesar Chavez Junior High School and La Rosa Elementary School.

### 3 FINDINGS REQUIRED UNDER CEQA

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[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 of the Public Resources Code goes on to state that “in the event [that] 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 mandate and principles in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first such finding is that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR (CEQA Guidelines, Section 15091(a)(1)). For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency (CEQA Guidelines, Section 15091(a)(2)).

The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (CEQA Guidelines, Section 15091(a)(3)). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors (CEQA Guidelines, Section 15364). The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives

of a project. Moreover, ‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417).

With respect to a project for which significant impacts are not avoided or substantially lessened, a lead 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 in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering the EIR for certification, the City of Ceres has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the City of Ceres has found that specific economic, social, and other considerations support approval of the proposed project. Those findings are reflected herein in Section 3, “Findings Required Under CEQA,” and in Section 5 “Statement of Overriding Considerations,” below.

### **3.1 SUMMARY OF FINDINGS**

The Draft EIR identified a number of less-than-significant impacts associated with the Specific Plan that do not require mitigation. The Draft EIR also identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the Specific Plan. Some of these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. Other effects cannot be, and thus may be significant and unavoidable. For reasons set forth in Section 5, “Statement of Overriding Considerations,” however, the City of Ceres has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the proposed project.

The findings of the City of Ceres with respect to the project’s significant effects and mitigation measures are set forth in the Final EIR and these Findings of Fact. The Summary of Findings does not attempt to regurgitate the full analysis of each environmental impact contained in the Final EIR. Please refer to the Draft EIR and the Final EIR for more detail. The Draft EIR and the Final EIR are herein incorporated by reference.

The Summary of Findings provides a summary description of each potentially significant and significant impact, describes the applicable mitigation measures identified in the Final EIR and adopted by the City of Ceres, and states the findings of the City of Ceres regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR and associated record (described herein) both of which are incorporated by reference. The City of Ceres hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

### **3.1.1 FINDINGS REGARDING THE ERRATA TO FINAL EIR**

Section 15088.5 of the CEQA Guidelines requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. Recirculation is not required if new information added to the EIR just clarifies or makes minor modifications to an otherwise adequate EIR.

In response to comments from the public and other public agencies on the Draft EIR, the project has incorporated changes into the Final EIR, which are described in Chapter 3, “Errata,” of the Final EIR. The changes to the Draft EIR make factual and typographical corrections. These changes do not substantively change the analysis, mitigation, or alternatives presented in the Draft EIR. No significant new information has been added to the EIR since public notice was given of the availability of the Draft EIR. Therefore, recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

### **3.1.2 FINDINGS REGARDING LESS THAN SIGNIFICANT IMPACTS (NO MITIGATION REQUIRED)**

The City of Ceres agrees with the characterization in the Final EIR of all project-specific impacts identified as “less than significant” and finds that those impacts have been described accurately and are either less than significant or have no impact, as described in the Final EIR. Section 15091 of the CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as having “no impact” or a “less than significant” impact. However, these findings account for all resource areas in their entirety. The impacts where the proposed project would result in either no impact or a less than significant impact, and which require no mitigation, are identified in the bulleted list below. Please refer to the Draft EIR and the Final EIR for more detail.

#### **AESTHETICS**

- ▶ Impact 3.1-1: Degrade the existing visual character of the project site or impact scenic vistas
- ▶ Impact 3.1-2 Increase in Nighttime and Daytime Lighting, Glare, and Skyglow Effects

#### **AIR QUALITY**

- ▶ Impact 3.3-1: Generation of Short-Term Construction-Related Emissions of Criteria Air Pollutants and Precursors
- ▶ Impact 3.3-2: Generation of Long-Term Operational Emissions of Criteria Air Pollutants and Precursors
- ▶ Impact 3.3-4: Exposure of sensitive receptors to emissions of odors

## **CULTURAL RESOURCES**

- ▶ Impact 3.5-3: Substantial Adverse Change to a Tribal Cultural Resource

## **GEOLOGY, SOILS, MINERAL, AND PALEONTOLOGICAL RESOURCES**

- ▶ Impact 3.6-2: Risks to People and Structures Caused by Seismically-Induced Liquefaction and Lateral Spreading

## **HAZARDS AND HAZARDOUS MATERIALS**

- ▶ Impact 3.8-1: Routine Transport, Use, or Disposal of Hazardous Materials
- ▶ Impact 3.8-4: Safety Hazard for People Residing Near the Modesto City-County Airport (Mitigation Measure 3.8-4 included for planning purposes only [Draft EIR, p. 3.8-24])
- ▶ Impact 3.8-3: Emission or Handling of Hazardous or Acutely Hazardous Materials, Substances, or Waste within One-Quarter Mile of an Existing School

## **LAND USE AND PLANNING**

- ▶ Impact 3.10-1: Inconsistency with Stanislaus County General Plan and Zoning
- ▶ Impact 3.10-2: Inconsistency with Ceres 2035 General Plan
- ▶ Impact 3.10-3: Potential Inconsistency with the RTP

## **NOISE AND VIBRATION**

- ▶ Impact 3.11-2: Increase in Traffic Noise Levels at Existing Noise-Sensitive Receptors

## **POPULATION AND HOUSING**

- ▶ Impact 3.12-1: Induce Population Growth
- ▶ Impact 3.12-2: Potential Displacement of On-site Residential Structures

## **PUBLIC SERVICES & UTILITIES, INCLUDING RECREATION AND ENERGY**

- ▶ Impact 3.13-1: Increased Demand for Fire Protection Facilities, Systems, Equipment, and Services (Mitigation Measure 3.13-1 included for planning purposes only [Draft EIR, pp. 3.13-29 and 3.13-30])
- ▶ Impact 3.13-2: Increased Demand for Law Enforcement Facilities, Services, and Equipment (Mitigation Measure 3.13-2 included for planning purposes only [Draft EIR, p. 3.13-31])
- ▶ Impact 3.13-3: Increased Demand for Public School Facilities and Services
- ▶ Impact 3.13-4: Increased Demand for Parks and Recreation Facilities

- ▶ Impact 3.13-5: Increased Demand for Water Supplies
- ▶ Impact 3.13-6: Increased Demand for Water Supply Conveyance Facilities (Mitigation Measure 3.13-6 included for planning purposes only [Draft EIR, p. 3.13-35])
- ▶ Impact 3.13-7: Increased Demand for Wastewater Collection and Conveyance Facilities (Mitigation Measure 3.13-7 included for planning purposes only [Draft EIR, p. 3.13-39])
- ▶ Impact 3.13-8: Increased Demand for the City of Ceres Wastewater Treatment Plant Facilities
- ▶ Impact 3.13-9: Increased Generation of Solid Waste and Compliance with Solid Waste Regulations
- ▶ Impact 3.13-10: Consumption of Energy
- ▶ Impact 3.13-11: New or Expanded Electrical and Natural Gas Utilities (Mitigation Measure 3.13-11 included for planning purposes only [Draft EIR, p. 3.13-47])

## TRANSPORTATION

- ▶ Impact 3.14-2: Hazards Due To a Design Feature
- ▶ Impact 3.14-3: Inadequate Emergency Access

### 3.1.3 FINDINGS REGARDING SIGNIFICANT ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL LESS THAN SIGNIFICANT

The City of Ceres hereby finds that feasible mitigation measures have been identified in the EIR and these Findings of Fact that will avoid or substantially lessen the following potentially significant and significant environmental impacts to a less-than-significant level. The potentially significant impacts and the mitigation measures that will reduce them to a less-than-significant level are summarized below. Please refer to the Draft EIR and the Final EIR for more detail.

## AIR QUALITY

### Impact 3.3-3: Exposure of Sensitive Receptors to Emissions of Toxic Air Contaminants.

Implementation of the proposed Specific Plan would not be anticipated to result in an increased exposure of sensitive receptors to localized concentrations of air pollutants that would exceed applicable standards. However, if the Specific Plan Area is developed, during construction and operation, there would be an increase in the potential for exposure of sensitive land uses to substantial concentrations of toxic air contaminants (TACs). This impact is considered **potentially significant**. (Draft EIR, pp. 3.3-27 and 3.3-29)

#### Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with exposure of

sensitive receptors to emissions of toxic air contaminants as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

**Mitigation Measures 3.3-3: Use Current Phase Equipment for All Construction Equipment.**

Site developers/leaseholders/project applicants who wish to develop facilities in the Specific Plan Area shall construct all facilities using current phase construction equipment (currently Tier 4) to reduce exposure of sensitive receptors to any toxic air contaminants. (Draft EIR, p. 3.3-29)

Facts Supporting Findings

Implementation of Mitigation Measure 3.3-3 requires the use of current phase construction equipment. In December 2004, California Air Resources Board (ARB) adopted a fourth phase of emission standards (Tier 4) and engine manufacturers are now required to meet after-treatment-based exhaust standards for oxides of nitrogen (NO<sub>x</sub>) and particulate matter (PM) starting in 2011 that are more than 90 percent lower than current levels, putting emissions from off-road engines virtually on par with those from on-road heavy-duty diesel engines. With the implementation of current phase construction equipment (Tier 4), this impact is **less than significant** with mitigation. (Draft EIR, p. 3.3-29)

**BIOLOGICAL RESOURCES**

**Impact 3.4-1: Swainson's Hawk, Other Nesting Raptors, and Burrowing Owl.**

Specific Plan implementation would result in loss of suitable nesting and foraging habitat for Swainson's hawk, white-tailed kite, burrowing owl, and other raptors. Project construction could disturb active nests on or near the construction area, potentially resulting in nest abandonment by the adults and mortality of chicks and eggs. This impact is considered **potentially significant**. (Draft EIR, pp. 3.4-16 and 3.4-17)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with the loss of suitable nesting and foraging habitat for Swainson's hawk, other nesting raptors, and burrowing owl as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

**Mitigation Measure 3.4-1a: Avoid Direct Loss of Swainson's Hawk and Other Raptors.**

Tree removal shall be completed during the nonbreeding season for raptors (between September 1 and the end of February).

To avoid, minimize, and mitigate potential impacts on Swainson's hawk and other raptors (not including burrowing owl) nesting on or adjacent to the project site, the project applicant shall retain a qualified biologist to conduct preconstruction surveys and identify active nests on and within 0.5 mile of the project site for construction activities conducted during the breeding



season (between March 1 and August 31). The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction. Guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley (Swainson's Hawk Technical Advisory Committee 2000) shall be followed for surveys for Swainson's hawk.

Impacts on nesting Swainson's hawks and other raptors shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. No project activity shall commence within the buffer areas until a qualified biologist has determined in coordination with California Department of Fish and Wildlife (CDFW) the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment. CDFW guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest.

The appropriate no-disturbance buffer for other raptor nests (i.e., species other than Swainson's hawk) shall be determined by a qualified biologist based on site-specific conditions, the species of nesting bird, nature of the project activity, visibility of the disturbance from the nest site, and other relevant circumstances.

Monitoring of all active raptor nests by a qualified biologist during construction activities will be required if the activity has potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined appropriate by a qualified biologist. (Draft EIR, p. 3.4-17)

#### **Mitigation Measure 3.4-1b: Avoid Direct Loss of Burrowing Owl.**

To avoid, minimize, and mitigate potential impacts on burrowing owl, the project applicant shall retain a qualified biologist to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on and within 1,500 feet of the project site. Surveys will be conducted prior to the start of construction activities and in accordance with Appendix D of CDFW's Staff Report on Burrowing Owl Mitigation (2012).

If no occupied burrows are found, a letter report documenting the survey methods and results will be submitted to CDFW and no further mitigation will be required.

If an active burrow is found during the nonbreeding season (between September 1 and January 31), the project applicant will consult with CDFW regarding protection buffers to be established around the occupied burrow and maintained throughout construction. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion and relocation plan will be developed in consultation with CDFW and in accordance with CDFW's Staff Report on Burrowing Owl Mitigation (2012). Owls will be relocated outside of the impact area using passive or active methodologies developed in

consultation with CDFW and may include active relocation to preserve areas if approved by CDFW and the preserve managers. No burrowing owls will be excluded from occupied burrows until the burrowing owl exclusion and relocation plan is approved by CDFW.

If an active burrow is found during the breeding season (between February 1 and August 31), occupied burrows will not be disturbed and will be provided with a 150- to 1,500-foot protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The appropriate size of the buffer (between 150 and 1,500 feet) will depend on the time of year and level of disturbance, as outlined in the CDFW Staff Report (2012:9). Once the fledglings are capable of independent survival, the owls will be relocated outside the impact area following a burrowing owl exclusion and relocation plan developed in consultation with CDFW and the burrow will be destroyed to prevent owls from reoccupying it. No burrowing owls will be excluded from occupied burrows until the burrowing owl exclusion and relocation plan is approved by CDFW. Following owl exclusion and burrow demolition, the site shall be monitored by a qualified biologist to ensure burrowing owls do not recolonize the site prior to construction.

If active burrowing owl nests are found on the project site and these nest sites are lost as a result of implementing the project, then the project applicant shall mitigate the loss through preservation of other known nest sites at a ratio of 1:1. Preservation shall be provided through purchase of credits from a CDFW-approved burrowing owl conservation bank if credits are available in an appropriate location. If mitigation credits are not available, the applicant shall develop a mitigation and monitoring plan for the compensatory mitigation areas in consultation with CDFW.

The Mitigation Reporting and Monitoring Plan (MRMP) will include detailed information on the habitats present within the preservation areas, the long-term management and monitoring of these habitats, legal protection for the preservation areas (e.g., conservation easement, declaration of restrictions), and funding mechanism information (e.g., endowment). All burrowing owl mitigation lands shall be preserved in perpetuity and incompatible land uses shall be prohibited in habitat conservation areas. Burrowing owl mitigation lands shall be located as close as possible, based on availability of sufficient suitable habitat, to the project site.

The project applicants shall transfer said burrowing owl mitigation land, through either conservation easement or fee title, to a third-party, nonprofit conservation organization (Conservation Operator), with the City and CDFW named as third-party beneficiaries. The Conservation Operator shall be a qualified conservation easement land manager that manages land as its primary function. Additionally, the Conservation Operator shall be a tax-exempt nonprofit conservation organization that meets the criteria of Civil Code Section 815.3(a) and shall be selected or approved by the City, after consultation with CDFW. The City, after consultation with CDFW and the Conservation Operator, shall approve the content and form of the conservation easement. The City, CDFW, and the Conservation Operator shall each have the power to enforce the terms of the conservation easement. The Conservation Operator shall

monitor the easement in perpetuity to ensure compliance with the terms of the easement. (Draft EIR, pp. 3.4-18 and 3.4-19)

**Mitigation Measure 3.4-1c: Prepare and Implement a Swainson's Hawk Foraging Habitat Mitigation Plan.**

Before any ground-disturbing activities, suitable Swainson's hawk foraging habitat shall be preserved to ensure replacement of foraging habitat lost as a result of the project, as determined by a qualified biologist, in consultation with CDFW.

The habitat value shall be based on Swainson's hawk nesting distribution and an assessment of habitat quality, availability, and use within the County. The mitigation ratio shall be consistent with the 1994 DFG Swainson's Hawk Guidelines included in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California. These guidelines specify that the mitigation ratio shall be 1:1 if there is an active nest within 1 mile of the project site, 0.75:1 if there is an active nest within 5 miles but greater than 1 mile away, and 0.5:1 if there is an active nest within 10 miles but greater than 5 miles away. If there is an active nest within 1 mile of the project site, the mitigation ratio can be reduced to 0.5:1 if all of the mitigation land can be actively managed for prey production. Such mitigation shall be accomplished through either the transfer of fee title or perpetual conservation easement. The mitigation land shall be located within the known foraging area of the regional Swainson's hawk population based on the habitat assessment described above.

Before acceptance of such proposed mitigation, the City shall consult with CDFW regarding the appropriateness of the mitigation. If mitigation is accomplished through a conservation easement, then such an easement shall ensure the continued management of the land to maintain Swainson's hawk foraging values, including but not limited to, ongoing agricultural uses and the maintenance of all existing water rights associated with the land. The conservation easement shall be recordable and shall prohibit any activity that substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat.

Purchase of credits from a CDFW-approved Swainson's hawk mitigation bank may be used as an alternative to conservation easements to compensate for foraging habitat lost as a result of the project. The mitigation bank must be located within the range of the regional Swainson's hawk population. Before purchase of mitigation credits from the mitigation bank, the City shall consult with CDFW to confirm that the proposed mitigation bank provides appropriate foraging habitat relative to the proximity to the project site and quality of habitat.

Swainson's hawk mitigation land shall be transferred, through either conservation easement or fee title, to a third-party, nonprofit conservation organization (Conservation Operator), with the CDFW named as third-party beneficiaries. The Conservation Operator shall be a qualified conservation easement land manager that manages land as its primary function. Additionally, the Conservation Operator shall be a tax-exempt nonprofit conservation organization that meets the criteria of Civil Code Section 815.3(a). CDFW and the Conservation Operator shall approve the content and form of the conservation easement. CDFW and the Conservation Operator shall

each have the power to enforce the terms of the conservation easement. The Conservation Operator shall monitor the easement in perpetuity to assure compliance with the terms of the easement. (Draft EIR, pp. 3.4-19 and 3.4-20)

#### Facts Supporting Findings

Implementing Mitigation Measures 3.4-1a, 3.4-1b, and 3.4-1c would reduce potentially significant impacts on Swainson's hawk, white-tailed kite, burrowing owl, and other raptors to a **less-than-significant** level because it would ensure that these species are not disturbed during nesting so that project construction would not result in nest abandonment and loss of eggs or young. These measures would also ensure that Swainson's hawk and burrowing owl habitat would be preserved at the appropriate ratio of habitat value lost.

#### **Impact 3.4-2: Disturbance of Loggerhead Shrike and Common Nesting Birds.**

Project implementation would result in loss and disturbance of potential nesting habitat for loggerhead shrike and common nesting birds protected under Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Project construction could disturb active nests on or near the construction area, potentially resulting in nest abandonment by the adults and mortality of chicks and eggs. This impact is considered **potentially significant**. (Draft EIR, p. 3.4-20)

#### Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with loss and disturbance of potential nesting habitat for loggerhead shrike and common nesting birds as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

#### **Mitigation Measure 3.4-2: Avoid Direct Loss of Loggerhead Shrike and Protected Bird Nests**

To the extent feasible, City shall encourage vegetation removal, grading, and other ground disturbing activities to be carried out during the nonbreeding season (between September 1 and January 31) for protected bird species in this region to avoid and minimize impacts to loggerhead shrike and other nesting birds.

For any project activity that would occur during the nesting season (between February 1 and August 31), the project applicant shall conduct a preconstruction survey. The preconstruction survey shall be conducted by a qualified biologist before any activity occurring within 500 feet of suitable nesting habitat for any protected bird species. The survey shall be timed to maximize the potential to detect nesting birds, and should be repeated within 10 days of the start of project-related activity.

If an active loggerhead shrike or common bird species protected by the Migratory Bird Treaty Act or California Fish and Game Code is found, the qualified biologist shall establish a buffer around the nest. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active. The size of the buffer shall be determined in

consultation with CDFW. Buffer size is anticipated to range from 50 to 500 feet, depending on the nature of the project activity, the extent of existing disturbance in the area, and other relevant circumstances as determined by a qualified biologist in consultation with CDFW.

If common bird nests are found, a qualified biologist shall ensure compliance with the Migratory Bird Treaty Act and Fish and Game Code Section 3503.

Monitoring of all protected nests by a qualified biologist during construction activities will be required if the activity has potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist. (Draft EIR, p. 3.4-21)

#### Facts Supporting Findings

Implementing Mitigation Measure 3.4-2 would reduce potentially significant impacts on loggerhead shrike and other nesting birds to a **less-than-significant** level because it would ensure these birds are not disturbed during nesting so that project construction would not result in nest abandonment and loss of eggs or young. (Draft EIR, p. 3.4-21)

#### **Impact 3.4-3: Western Red Bat.**

Project implementation would result in loss of orchard trees and other trees that may support breeding western red bats. If red bats are using these trees as breeding sites, removal of trees could result in injury and mortality of western red bat. This impact is considered **potentially significant**. (Draft EIR, p. 3.4-21)

#### Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with the loss of trees that may support western red bats as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

#### **Mitigation Measure 3.4-3: Avoid, Minimize, and Mitigate Loss of Western Red Bat Roosts.**

If any trees are proposed for removal during the breeding season (May through August), a qualified biologist shall be retained to conduct a focused survey for red bats in roosting trees proposed for removal. An evening emergence survey shall note the presence or absence of bats and could consist of visual survey at the time of emergence. If evidence of red bat use is observed, the location of the trees used by the bats shall be determined. Bat detectors may be used to supplement survey efforts, but are not required. If no bat roosts are found, then no further study is required.

If red bats are determined to be present in trees in the project area, the tree shall be protected until breeding is completed and the young are capable of independent flight. If a tree supporting

a red bat must be removed, a detailed mitigation program addressing compensation, exclusion methods, and roost removal procedures shall be developed, in consultation with CDFW, before implementation. (Draft EIR, p. 3.4-22)

#### Facts Supporting Findings

Implementing Mitigation Measure 3.4-3 would reduce potentially significant impacts on western red bats to a **less-than-significant** level because it would ensure trees supporting western red bats are identified before construction and that trees supporting western red bats are protected or a detailed mitigation program addressing compensation, exclusion methods, and roost removal procedures is developed and implemented. (Draft EIR, p. 3.4-22)

#### **Impact 3.4-4: Conflicts with Policies Protecting Biological Resources.**

The Ceres General Plan 2035 includes several policies that call for protection of sensitive species and habitats. As discussed in Impacts 3.4-1 through 3.4-5, Specific Plan implementation would result in removal of habitat that has potential to support special-status plants and wildlife, Swainson's hawk foraging habitat, and wetlands and waterways. This habitat removal would conflict with Ceres General Plan 2035 policies unless mitigated. This impact is considered **potentially significant**. (Draft EIR, p. 3.4-22)

#### Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with conflicts with policies protecting biological resources as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

**Mitigation Measure 3.4-4: Implement Mitigation Measures 3.4-1, 3.4-2, and 3.4-3.** (Draft EIR, p. 3.4-22)

#### Facts Supporting Findings

Implementing Mitigation Measures 3.4-1, 3.4-2, and 3.4-3 would reduce potentially significant impacts associated with conflicts with policies protecting biological resources to a **less-than-significant** level because it would ensure impacts on sensitive species and their habitats are mitigated consistent with Ceres 2035 General Plan policies and implementation actions. (Draft EIR, p. 3.4-22)

#### **Impact 3.4-5: Impede the Use of Native Wildlife Nursery Sites.**

Project implementation would result in loss of human-made structures and trees that may support maternity bat roosts. If these structures are used by bats as maternity colony roosts, implementation of the project could result in mortality of large numbers of bats and inability to reproduce young. This impact is considered **potentially significant**. (Draft EIR, pp. 3.4-22 and 3.4-23)

## Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with impeding the use of native wildlife nursery sites as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

### **Mitigation Measure 3.4-5: Avoid, Minimize, and Mitigate Loss of Bat Roosts.**

Before removal of any trees or existing buildings, a qualified biologist shall conduct a focused survey for roosting bats in suitable trees and structures. Surveys should be conducted as far in advance of project implementation as feasible to allow sufficient time to coordinate with CDFW and develop a mitigation plan if necessary, as described below. The survey shall be conducted in the fall to determine if structures are used as hibernacula and in spring and/or summer to determine if they are used as maternity or day roosts. An evening emergence survey shall note the presence or absence of bats and could consist of visual survey at the time of emergence. If evidence of bat use is observed, the number and species of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts, but are not required. If no bat roosts are found, then no further study is required.

If bat roosts are determined to be present, the bats shall be excluded from the roosting site before the roost structure is removed. If roosts must be removed, a detailed mitigation program addressing compensation, exclusion methods, and roost removal procedures shall be developed, in consultation with CDFW, before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts will be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young).

Compensatory mitigation for the loss of each roost (if any) shall be developed, in consultation with CDFW, and may include construction and installation of bat boxes suitable to the bat species and colony size excluded from the original roosting site. Roost replacement will be implemented before bats are excluded from the original roost site. Once compensation is implemented and it is confirmed that bats are not present in the roost site, the roost structure may be removed. (Draft EIR, p. 3.4-23)

## Facts Supporting Findings

Implementing Mitigation Measure 3.4-3 would reduce potentially significant impacts on bat maternity roosts to a **less-than-significant** level because it would ensure maternity roosts are not disturbed so that Specific Plan construction would not result in bat mortality or abandonment and loss of young and would provide replacement roosts to compensate for loss of existing maternity roosts of common bat species. (Draft EIR, p. 3.4-23)

## CULTURAL RESOURCES

### **Impact 3.5-1: Potential to cause a substantial adverse change in the significance of an historical resource or unique archaeological resource as defined in Public Resources Code Section 21083.2 and CEQA Guidelines Section 15064.5.**

As of 2016, there are no known historical resources or unique archaeological resources identified with the Specific Plan Area as a result of the cultural resource investigations conducted to support the EIR. Based on the results of the investigation, the Specific Plan Area does not appear to be sensitive for cultural resources. However, the lack of previously recorded cultural resources and the lack of surface indications do not preclude the possibility that significant subsurface cultural resources could be inadvertently encountered and damaged during project construction. Potential construction-related project impacts on previously undocumented significant archaeological or historic-era resources in the Specific Plan Area are therefore considered **potentially significant**. (Draft EIR, p. 3.5-16)

#### Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially environmental effect associated with construction-related impacts on previously undocumented significant archaeological or historic-era resources as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

#### **Mitigation Measure 3.5-1: Implement Procedures to Avoid or Reduce Impacts on Cultural Resources.**

In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, are discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Ceres shall be notified.

If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), representatives of the City and the qualified archaeologist shall determine the appropriate course of action, with the City making the final decision. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report shall be prepared by the qualified archaeologist according to current professional standards.

If the archaeologist determines that some or all of the affected property qualifies as a Native American Cultural Place, including a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (Public Resources Code Section 5097.9) or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to California Public Resources Code Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (California Public Resources Code Section 5097.993), the archaeologist shall recommend to the City potentially feasible mitigation measures that would preserve the integrity of the site or minimize impacts on it, including any or a combination of the following:



- avoidance, preservation, and/or enhancement of all or a portion of the Native American Cultural Place as open space or habitat, with a conservation easement dedicated to the most interested and appropriate tribal organization. If such an organization is willing to accept and maintain such an easement, or alternatively, a cultural resource organization that holds conservation easements;
- an agreement with any such tribal or cultural resource organization to maintain the confidentiality of the location of the site so as to minimize the danger of vandalism to the site or other damage to its integrity; or
- Other measures, short of full or partial avoidance or preservation, intended to minimize impacts on the Native American Cultural Place consistent with the proposed design and footprint of the development project for which the requested grading permit has been approved.
- After receiving such recommendations, the City shall assess the feasibility of the recommendations and impose the most protective mitigation feasible in light of land use assumptions and the proposed design and footprint of the development project. The City shall, in reaching conclusions with respect to these recommendations, consult with both the project applicant(s) and the most appropriate and interested tribal organization.

In addition, projects proposed under the Specific Plan shall comply with Ceres General Plan 2035 Policy 4.1.1, which states that the City shall not knowingly approve any public or private project that may adversely affect an archaeological site without first consulting the California Archaeological Inventory, conducting a site evaluation as may be indicated, and attempting to mitigate any adverse impacts according to the recommendations of a qualified archaeologist. City implementation of this policy shall be guided by Appendix G of the CEQA Guidelines. Mitigation shall include avoidance of cultural resources where possible and feasible. (Draft EIR, pp. 3.5-16 and 3.5-17)

#### Facts Supporting Findings

Implementation of Mitigation Measure 3.5-1 would require the performance of professionally accepted and legally compliant procedures for identification and treatment of inadvertently discovered cultural resources and would, therefore, reduce this impact to a **less-than-significant** level. (Draft EIR, p. 3.5-17)

#### **Impact 3.5-2: Potential Disturbance of and Damage to Human Remains during Project Construction.**

No evidence of human remains has been encountered in the project site. However, previously undocumented human remains could be inadvertently encountered and damaged during project construction. Specific Plan impacts on previously undocumented human remains in the project site are therefore considered **potentially significant**. (Draft EIR, p. 3.5-17)

## Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with impacts on previously undocumented human remains as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

### **Mitigation Measure 3.5-2a: Implement Mitigation Measure 3.5-1. (Draft EIR, p. 3.5-17)**

### **Mitigation Measure 3.5-2b: Halt Construction if Human Remains are Discovered and Implement Appropriate Actions.**

If human remains are discovered at any construction sites during any phase of construction, all ground-disturbing activity within 100 feet of the remains shall be halted immediately, and the City of Ceres and the County coroner shall be notified immediately. If the remains are determined by the County Coroner to be Native American, Native American Heritage Commission shall be notified within 24 hours, and the guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains. The project applicant(s) shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the Native American Heritage Commission. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of CEQA Guidelines Section 15064.5(e) and Public Resources Code section 5097.98. The project applicant(s) shall implement approved mitigation, to be verified by the City, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered. (Draft EIR, p. 3.5-18)

## Facts Supporting Findings

Implementation of Mitigation Measures 3.5-2a and 3.5-2b would require the performance of professionally accepted and legally compliant procedures for identification and discovery of previously undocumented human remains and would, therefore, reduce this impact to a **less-than-significant** level. (Draft EIR, p. 3.5-18)

## **GEOLOGY, SOILS, MINERALS, AND PALEONTOLOGICAL RESOURCES**

### **Impact 3.6-1: Risks to People and Structures Caused by Strong Seismic Ground Shaking.**

The Specific Plan Area is not located within, or near, an Alquist-Priolo Earthquake Fault Zone. However, there are active faults in the broader region that can subject the city to strong seismic ground shaking. Therefore, this impact is considered **potentially significant**. (Draft EIR, pp. 3.6-13 and 3.6-14)

## Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with strong seismic ground shaking as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

### **Mitigation Measure 3.6-1: Prepare a Geotechnical Report per California Building Code (CBC) Requirements and Implement Appropriate Recommendations and Monitor Earthwork During Ground-Disturbing Activities.**

Before building permits are issued and construction activities begin, a California Registered Civil Engineer shall be retained to prepare a final geotechnical subsurface investigation report, which shall be submitted to the City's Engineering Division for review and approval. The final geotechnical engineering report shall address and make recommendations on the following, as applicable:

- Site preparation;
- Soil bearing capacity;
- Appropriate sources and types of fill;
- Potential need for soil amendments;
- Road, pavement, and parking areas;
- Structural foundations, including retaining-wall design;
- Grading practices;
- Soil corrosion of concrete and steel;
- Erosion/winterization;
- Seismic ground shaking; and
- Unstable soils.

In addition to the recommendations for the conditions listed above, the geotechnical investigation shall determine appropriate foundation designs that are consistent with the version of the CBC that is applicable at the time of application for building and grading permits. Special recommendations contained in the geotechnical engineering report shall be noted on the grading and improvement plans and implemented, as appropriate, before construction begins. Design and construction of all new project development shall be in accordance with the CBC.

All earthwork shall be monitored by a qualified civil or geotechnical engineer to ensure compliance with project plans and specifications. The geotechnical or civil engineer shall provide oversight during all excavation, placement of fill, and disposal of materials removed from and deposited on the construction areas. (Draft EIR, p. 3.6-14)

## Facts Supporting Findings

Implementation of Mitigation Measure 3.6-1 would reduce the potentially significant impact of possible damage to people and structures from strong seismic ground shaking to a **less-than-significant** level by requiring the project applicant retain a geotechnical engineer and that the design recommendations

of a geotechnical engineer to reduce damage from seismic events be incorporated into buildings, structures, and infrastructure as required by the CBC, and that a geotechnical or soils engineer provide on-site monitoring to ensure that earthwork is being performed as specified in the plans. (Draft EIR, p. 3.6-14)

### **Impact 3.6-3: Construction-Related Soil Erosion.**

Construction activities during project implementation would involve extensive grading and movement of earth, which could expose soils to erosion and result in the loss of topsoil. Therefore, this impact would be **potentially significant**. (Draft EIR, p. 3.6-15)

#### Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with construction-related soil erosion as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

#### **Mitigation Measure 3.6-3a: Prepare and Implement a Grading and Erosion Control Plan.**

Before grading permits are issued or earthmoving activities are conducted, a California Registered Civil Engineer shall be retained to prepare a grading and erosion control plan. The plan shall be submitted to the City Engineering Division for review and approval. The plan shall be consistent with the State's National Pollutant Discharge Elimination System (NPDES) permit and shall include the site-specific grading.

The plan referenced above shall include the location, implementation schedule, and maintenance schedule of all erosion and sediment control measures, a description of measures designed to control dust and stabilize the construction-site road and entrance, and a description of the location and methods of storage and disposal of construction materials. Erosion and sediment control measures could include the use of detention basins, berms, swales, wattles, and silt fencing, and covering or watering of stockpiled soils to reduce wind erosion. Stabilization of construction entrances to minimize trackout (control dust) is commonly achieved by installing filter fabric and crushed rock to a depth of approximately 1 foot. The project applicant shall ensure that the construction contractor is responsible for securing a source of transportation and deposition of excavated materials. (Draft EIR, pp. 3.6-15 and 3.6-16)

**Mitigation Measure 3.6-3b: Implement Mitigation Measure 3.9-1c (Prepare and Implement a Stormwater Pollution Prevention Plan and Associated Best Management Practices).** (Draft EIR, pp. 3.9-22 and 3.9-23)

#### Facts Supporting Findings

Implementation of Mitigation Measures 3.6-3a and 3.6-3b would reduce the potentially significant temporary and short-term construction-related erosion impact to a **less-than-significant** level because grading and erosion control plans with specific erosion and sediment control measures would be prepared and implemented before and during all construction activities. (Draft EIR, p. 3.6-16)

#### **Impact 3.6-4: Potential Damage to Structures and Infrastructure from Construction in Unstable or Expansive Soils.**

The Specific Plan is underlain by soils that have a low potential for expansion when wet. However, soils vary from site to site and a site-specific geotechnical report that meets CBC standards has not been prepared. Therefore, this impact would be **potentially significant**. (Draft EIR, p. 3.6-16)

##### **Finding**

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with potential damage to structures and infrastructure from construction in unstable or expansive soils as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

**Mitigation Measure 3.6-4: Implement Mitigation Measure 3.6-1 (Prepare a Geotechnical Report per California Building Code (CBC) Requirements and Implement Appropriate Recommendations and Monitor Earthwork During Ground-Disturbing Activities).** (Draft EIR, p. 3.6-17)

##### **Facts Supporting Findings**

Implementation of Mitigation Measure 3.6-4 would reduce potential geologic hazards from construction in unstable or expansive soils to a **less-than-significant** level because a geotechnical engineering report would be prepared by that identifies areas of unstable soils (if any are present), identifies measures to ensure structures are built in accordance with the City of Ceres Municipal Code and CBC, and requires all earthwork would be monitored by a soils or geotechnical engineer. (Draft EIR, p. 3.6-17)

#### **Impact 3.6-5: Potential Damage to Unknown, Unique Paleontological Resources during Earthmoving Activities.**

The entire Specific Plan Area is underlain by the Modesto Formation, which is a paleontologically sensitive rock formation. Therefore, construction activities could disturb previously unknown, unique paleontological resources on the project site. This impact is considered **potentially significant**. (Draft EIR, p. 3.6-17)

##### **Finding**

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with disturbance of previously unknown, unique paleontological resources as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

**Mitigation Measure 3.6-5: Conduct Construction Worker Personnel Education and Stop Work if Paleontological Resources are Encountered.**

- Before the start of any earthmoving activities for the project, the project applicant shall retain the services of a qualified archaeologist or paleontologist to inform the construction crew,

including the site superintendent, about the possibility of encountering subsurface fossils and notification procedures should fossils be encountered.

- If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work that may affect the identified resource and notify the City of Ceres Planning and Building Department. The project applicant shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1995a). The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, coordination of museum storage for any specimen recovered, and a report of findings. The recovery plan shall be submitted to the City for review. Recommendations in the recovery plan that are determined by the City to be necessary and feasible shall be implemented before construction activities affecting the resource can resume at the site where the paleontological resources were discovered. (Draft EIR, pp. 3.6-17 and 3.6-18)

#### Facts Supporting Findings

Implementation of Mitigation Measure 3.6-5 would reduce the potentially significant impact associated with potential damage to unique paleontological resources to a **less-than-significant** level because construction workers would be alerted to the possibility of encountering paleontological resources, and in the event that paleontological resources were encountered, fossil specimens would be recovered, recorded and would undergo appropriate curation. (Draft EIR, p. 3.6-18)

## HAZARDS AND HAZARDOUS MATERIALS

### **Impact 3.8-2: Potential Human Health Hazards from Exposure to Existing On-Site Hazardous Material.**

The project site contains several steel and plastic drums, potentially an underground storage tank (UST), water wells, and septic systems. Further, lead-based paint could be present in on-site buildings proposed for demolition. Construction workers could be exposed to hazardous materials present on-site during construction activities and hazardous materials on-site could create an environmental or health hazard for later residents or occupants, if left in place. This impact would be **potentially significant**. (Draft EIR, pp. 3.8-20 and 3.8-21)

#### Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with exposure to existing on-site hazardous materials as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

**Mitigation Measure: 3.8-2: Retain a Licensed Professional to Investigate Known or Unknown Hazards and Hazardous Materials and Implement Required Measures, as Necessary.**

To reduce health hazards associated with potential exposure to hazardous substances, the project applicant and/or construction contractor(s) shall implement the following measures before the start of ground-disturbing activities within each phase of project development:

- Prepare a Phase I (Environmental Site Assessment (ESA) covering all areas prior to development. If recommended by the Phase I(s), a Phase II ESA investigation is also required.
- If, during site preparation and construction activities, evidence of hazardous materials contamination is observed or suspected (e.g., stained or odorous soil or groundwater), construction activities shall cease immediately in the area of the find. If such contamination is observed or suspected, the contractor shall retain a qualified hazardous materials specialist to assess the site and collect and analyze soil and/or water samples, as necessary. If contaminants are identified in the samples, the contractor shall notify and consult with the appropriate federal, state, and/or local agencies. Measures to remediate contamination and protect worker health and the environment shall be implemented in accordance with federal, State, and local regulations before construction activities may resume at the site where contamination is encountered.
- Retain a licensed contractor to remove all domestic and irrigation wells in accordance with applicable local, State, and federal regulations, including the City of Ceres Municipal Code Chapter 13.05.
- Abandon all septic tanks on the project site under permit from the Stanislaus County Department of Environmental Resources.
- Prepare a Limited Phase II ESA to determine the presence and extent of any residual herbicides, pesticides, termiticides, and fumigants on historically-farmed land in agricultural areas that would be disturbed during construction of the proposed project. The soil sampling and analysis shall be conducted by a qualified Phase II Environmental Assessor. The Limited Phase II ESA shall document the areas proposed for sampling; the procedures for sample collection; the laboratory analytical methods to be used; and the pertinent regulatory threshold levels for determining proper excavation, handling, and, if necessary, treatment, or disposal of any contaminated soils. The Limited Phase II ESA shall be submitted to the City of Ceres for review and approval before the start of ground-disturbing activities. If samples reveal concentrations of pesticide residue in excess of acceptable thresholds, actions shall be taken to remediate soil contamination to within ASTM International (formerly known as American Society for Testing Materials) standards. Such actions could include excavation and disposal of contaminated soils from the site or bioremediation. A qualified Phase II Environmental Assessor shall be retained to develop and carry out a remediation plan, if necessary.

- Retain a California Occupational Safety and Health Administration (Cal-OSHA)-certified Asbestos and/or Lead-Based Paint Inspector/Assessor before demolition of any on-site buildings to investigate whether any asbestos-containing material or lead-based paints are present, and could become friable or mobile during demolition activities. The construction contractor shall provide a completed San Joaquin Air Pollution Control District Asbestos Notification Form must be submitted to the district 10 working days before the activity begins. If any materials containing asbestos or lead are found, they shall be removed by an accredited contractor in accordance with California Code of Regulations (CCR) 17 Section 36000 and 36100 (lead based paint) and Section 39658(b)(1) of the Health and Safety Code (asbestos). In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Environmental Protection Agency (EPA), Cal-OSHA, and San Joaquin Air Pollution Control District standards. The materials containing asbestos and lead shall be disposed of properly at an appropriately permitted off-site disposal facility. (Draft EIR, pp. 3.8-21 and 3.8-22)

#### Facts Supporting Findings

Implementation of Mitigation Measure 3.8-2 would reduce the potentially significant impacts related to exposure to hazardous substances to a **less-than-significant** level because previously undiscovered and known hazardous substances would be removed and properly disposed of by a licensed contractor in accordance with federal, State, and local regulations, which are specifically designed to protect the public from human health hazards. (Draft EIR, p. 3.8-22)

#### **Impact 3.8-5: Interference with Adopted Emergency-Response or Plans or Emergency Access.**

Implementation of the Specific Plan would not result in interference with adopted emergency-response or emergency evacuation plans. However, local roadways would experience a higher traffic volume during construction that could potentially slow emergency access. In addition, proposed pedestrian and bicycle improvements along Whitmore Avenue and Moore Road and multi-modal extensions of Lunar Drive and Boothe Road would result in traffic delays during construction as a result of temporary lane closures, increased construction truck traffic, and other roadway effects that could slow emergency access. Therefore, this impact is considered **potentially significant**. (Draft EIR, pp. 3.8-24 and 3.5-25)

#### Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with interference with an adopted emergency-response plans or emergency access as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

#### **Mitigation Measure 3.8-5: Prepare and Implement a Construction Traffic Control Plan.**

The project applicant(s) and/or construction contractor(s) shall prepare and implement traffic control plans for construction activities that may affect road rights-of-way during construction, in order to facilitate travel of emergency vehicles on affected roadways. The traffic control plan must follow applicable City of Ceres *Improvement Standards* (whichever edition is current as of the date of construction) and must be approved and signed by a professional engineer.



Measures typically used in traffic control plans include advertising of planned lane closures, warning signage, a flag person to direct traffic flows when needed, and methods to ensure continued access by emergency vehicles. During project construction, access to the existing surrounding land uses shall be maintained at all times, with detours used, as necessary, during road closures. The traffic control plan shall be submitted to the City of Ceres Engineering Division for review and approval before the approval of improvement plans and issuance of building permits by the City of Ceres Building Division where roadway improvements may cause impacts on traffic. The traffic control plan shall be implemented throughout construction. (Draft EIR, p. 3.8-25)

#### Facts Supporting Findings

Implementation of Mitigation Measure 3.8-5 would reduce the significant impact associated with decreased emergency response times during construction to a **less-than-significant** level by requiring preparation and implementation of a construction traffic control plan that would provide for adequate emergency access during construction activities. (Draft EIR, p. 3.8-25)

### HYDROLOGY AND WATER QUALITY

#### **Impact 3.9-1: Potential Temporary, Short-Term Construction-Related Drainage and Water Quality Effects.**

Construction activities during Specific Plan implementation would involve grading and movement of earth, which would substantially alter on-site drainage patterns and could generate sediment, erosion, and other nonpoint source pollutants in on-site stormwater that could drain to off-site areas and degrade local water quality. In addition, groundwater well abandonment and septic system removal could result in contamination of groundwater. This impact is considered **potentially significant**. (Draft EIR, pp. 3.9-21 and 3.9-22)

#### Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with potential temporary, short-term construction-related drainage and water quality effects as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

**Mitigation Measure 3.9-1a: Implement Mitigation Measure 3.6-3a (Prepare and Implement a Grading and Erosion Control Plan).** (Draft EIR, pp. 3.6-15 and 3.6-16)

**Mitigation Measure 3.9-1b: Implement Mitigation Measure 3.8-2 (Prepare and Implement a Soil and Groundwater Sampling and Remediation Plan and Acquire Appropriate Regulatory Approvals).** (Draft EIR, pp. 3.8-21 and 3.8-22)

**Mitigation Measure 3.9-1c: Prepare and Implement a Stormwater Pollution Prevention Plan and Associated Best Management Practices.**

Prior to the start of earth-moving activities, each project applicant for a project within the Specific Plan Area shall obtain coverage under the State Water Resources Control Board's (SWRCB's) National Pollutant Discharge Elimination System (NPDES) stormwater permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific stormwater pollution prevention plan (SWPPP) at the time the Notice of Intent to discharge is filed. The project applicant shall also prepare and submit erosion and sediment control and engineering plans and specifications for pollution prevention and control to the City of Ceres Engineering Division. The SWPPP shall identify and specify:

- the use of an effective combination of robust erosion and sediment control best management practices (BMPs) and construction techniques accepted by the City at the time of construction, that would reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from construction sites. These may include, but would not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;
- the implementation of approved local plans, non-stormwater management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities;
- the pollutants that are likely to be used during construction that could be present in stormwater drainage and nonstormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation;
- the means of waste disposal;
- spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
- personnel training requirements and procedures that would be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

- Where applicable, BMPs identified in the SWPPP shall be in place throughout all site work and construction activities and shall be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.
  - Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include, but are not limited to, silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
  - Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
  - Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP shall be maintained and available at all times on the construction site. (Draft EIR, pp. 3.9-22 and 3.9-23)

#### Facts Supporting Findings

Implementation of Mitigation Measures 3.9-1a, 3.9-1b, and 3.9-1c would reduce the significant impact from short-term, temporary, construction-related drainage and water quality impacts to a **less-than-significant** level because a grading and erosion control plan and a SWPPP, both containing BMPs specifically designed to prevent erosion and protect water quality, would be prepared, approved by the City of Ceres Engineering Division and the SWRCB, and implemented. These plans are required by law to specify and implement water quality control measures pursuant to the SWRCB NPDES permit for construction activity (Order 2009-0009-DWQ) and the *Waste Discharge Requirements For Storm Water Discharges From Small Municipal Separate Storm Sewer Systems*. Additionally, further evaluation of historical effects on groundwater and implementation of recommended remediation actions will avoid creating preferential pathways for contaminants that could be redistributed during construction. (Draft EIR, p. 3.9-23)

#### **Impact 3.9-2: Potential Increased Risk of Flooding and Hydromodification from Increased Stormwater Runoff.**

Specific Plan implementation would increase the amount of impervious surfaces, thereby increasing surface water runoff. This increase in surface runoff would result in an increase in both the total volume and the peak discharge rate of stormwater runoff, and therefore could result in a greater potential for on- and off-site flooding. This impact is considered **potentially significant**. (Draft EIR, pp. 3.9-23 through 3.9-26)

## Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with potential increased risk of flooding and hydromodification from increased stormwater runoff as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

### **Mitigation Measure 3.9-2: Prepare and Submit A Final Drainage Plan and Implement Requirements.**

Before the approval of grading plans and building permits, project applicants for projects proposed within the Specific Plan Area shall prepare and submit final drainage plans to the City of Ceres Engineering Division. The drainage plan shall demonstrate that off-site upstream runoff would be appropriately conveyed through the Specific Plan Area, and that Specific Plan-related on-site runoff would be appropriately contained in detention basins or managed through other improvements (e.g., source controls) to reduce flooding and hydromodification impacts. The plan shall include, but not be limited to, the following items:

- a map dividing the site into discrete drainage management areas to show in each how runoff will be managed using site design measures, source controls, treatment controls, and hydromodification measures as defined by the current Municipal Separate Storm Sewer System (MS4) permit.
- site design measures, source controls, treatment controls, and hydromodification measures must be selected, sized, and situated in accordance with the guidance provided in the current MS4 permit and the City's Storm Water Design Standards Manual for New Development and Redevelopment;
- an accurate calculation of pre-project and post-project runoff scenarios, obtained using appropriate engineering methods consist with the *City of Ceres Public Works Department Engineering Improvement Standards*, that accurately evaluates potential changes to runoff, including increased surface runoff;
- runoff calculations for the 10-year and 100-year (0.01 annual exceedance probability [AEP]) storm events (and other, smaller storm events as required) shall be performed and the trunk drainage pipeline sizes confirmed based on alignments and detention facility locations finalized in the design phase;
- a description of the proposed maintenance program for the on-site drainage system;
- identification of specifications for installing drainage systems consist with the *City of Ceres Public Works Department Engineering Improvement Standards*;
- a description of on-site features designed to treat Specific Plan Area or additional areawide development stormwater and maintain stormwater quality before it is discharged; and

- stormwater management BMPs that are designed to limit hydromodification. These may include, but are not limited to, the use of Low Impact Development (LID) techniques to limit increases in stormwater runoff at the point of origination (these may include, but are not limited to: surface swales; replacement of conventional impervious surfaces with pervious surfaces [e.g., porous pavement]; and impervious surfaces disconnection);

Per Chapter 13.18 of the City of Ceres Municipal Code, a legally binding operation and maintenance agreement is required for maintenance of the installed post-construction design measures. The agreement shall be recorded with the deed by the County Clerk making it transferrable to the new owner; or, when there are multiple property owners responsible for the maintenance of the control measures, the agreement shall consist of a legally binding covenant between the City and the homeowners' association or maintenance district. The owner or association responsible for the maintenance of the control measures may be required by the City to submit an annual self-certification that the stormwater control measures are effective and are being maintained in accordance with the submitted and approved operation and maintenance plan. (Draft EIR, pp. 3.9-26 and 3.9-27)

#### Facts Supporting Findings

Implementation of Mitigation Measure 3.9-2 would reduce the significant effect associated with increased risk of flooding and hydromodification from increased stormwater runoff to a **less-than-significant** level because project applicants will demonstrate to the City of Ceres Engineering Division that proposed projects will conform with applicable State and local surface water runoff regulations that were designed to avoid adverse effects. (Draft EIR, p. 3.9-27)

#### **Impact 3.9-3: Long-Term Operational Water Quality and Hydrology Effects from Urban Runoff.**

Residential, open space, and related land use changes anticipated under the proposed Specific Plan could result in additional discharges of pollutants to receiving water bodies from nonpoint sources. Such pollutants could result in adverse changes to the water quality. This impact is considered **potentially significant**. (Draft EIR, pp. 3.9-27 and 3.9-28)

#### Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with long-term operational water quality and hydrology effects from urban runoff as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

#### **Mitigation Measure 3.9-3: Develop and Implement a Best Management Practice and Water Quality Maintenance Plan.**

Before approval of the final subdivision map for projects proposed within the Specific Plan, a detailed BMP and water quality maintenance plan shall be prepared by a qualified engineer retained by the project applicant. Drafts of the plan shall be submitted to the City of Ceres Engineering Division for review and approval concurrently with development of the final subdivision maps. The plan shall finalize the water quality improvements and further detail the

structural and nonstructural BMPs proposed for the project. The plan shall include the following elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features, which shall include final water quality basin sizing and design configuration.
- Pre-development and post-development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Ceres and including details regarding the size, geometry, and functional timing of storage and release pursuant to the *City of Ceres Public Works Department Engineering Improvement Standards*.
- Source control programs to control water quality pollutants, which may include but are not limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- A pond management component for the proposed detention basin that shall include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.
- LID control measures shall be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
  - surface swales;
  - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
  - impervious surfaces disconnection; and
  - trees planted to intercept stormwater. (Draft EIR, pp. 3.9-29 and 3.9-29)

#### Facts Supporting Findings

Implementation of Mitigation Measure 3.9-3 would reduce the significant effect associated with long-term water quality effects of urban runoff to a **less-than-significant** level because projects proposed within the Specific Plan Area would develop and implement a BMP and water quality maintenance plan that would require preparation of quantitative hydrologic and water quality analysis, demonstrate proposed water quality BMPs meet or exceed requirements established by the City of Ceres, and identify source control programs to control water quality pollutants. (Draft EIR, p. 3.9-29)

#### **Impact 3.9-4: Depletion of Groundwater Supplies and Interference with Groundwater Recharge.**

The development of additional Specific Plan-related impervious surfaces would reduce the amount of water available for local groundwater recharge. This impact is considered **potentially significant**. (Draft EIR, pp. 3.9-29 and 3.9-30)

## Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with depletion of groundwater supplies and interference with groundwater recharge as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

**Mitigation Measure 3.9-4a: Implement Mitigation Measure 3.9-2 (Prepare and Submit Final Drainage Plans and Implement Requirements Contained in Those Plans).** (Draft EIR, pp. 3.9-26 and 3.9-27)

**Mitigation Measure 3.9-4b: Implement Mitigation Measure 3.9-3: (Develop and Implement a Best Management Practice and Water Quality Maintenance Plan).** (Draft EIR, p. 3.9-30)

## Facts Supporting Findings

Implementation of Mitigation Measures 3.9-4a and 3.9-4b would reduce potentially significant impacts associated with interference of groundwater recharge to a **less-than-significant** level because project applicants for projects proposed within the Specific Plan Area would demonstrate to the City of Ceres Engineering Division that the proposed Specific Plan includes development and implementation of BMPs and LID measures (e.g., the detention basin, plants appropriate for stormwater management) that would help to increase groundwater recharge following project site development. (Draft EIR, p. 3.9-31)

## NOISE AND VIBRATION

**Impact 3.11-4: Long-Term Exposure of On-site Sensitive Receptors to On- and Off-site Non-transportation Noise Sources.**

Specific Plan implementation would result in development of on-site, noise-sensitive and noise-producing uses. Noise levels associated with residential land uses would also include the operation of exterior mechanical equipment (i.e., air conditioning units). Depending on the distance between residential dwellings, noise levels associated with air conditioning units located within side-yard areas of residential land uses could potentially exceed the City's noise standards. Noise levels associated with landscape maintenance activities and mechanical noise associated with the operation of ventilation equipment directly adjacent to the Cesar Chavez Junior High School could potentially exceed the City's noise standards. This impact is considered **potentially significant**. (Draft EIR, pp. 3.11-32 to 3.11-33)

## Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with long-term exposure of on-site sensitive receptors to on- and off-site non-transportation noise sources as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

#### **Mitigation Measure 3.11-4: Reduce Stationary Noise Source Exposure.**

- Noise generating mechanical equipment shall be shielded or located at a distance that would reduce noise levels at any existing or planned noise-sensitive outdoor activity areas to acceptable levels, as directed by the Ceres General Plan 2035 (2018).
- Residential air conditioning units shall be located a minimum of 10 feet from adjacent residential dwellings, including outdoor activity areas, or shall be shielded or designed to reduce operational noise levels at adjacent dwellings. Shielding may include the use of fences or partial equipment enclosures. To provide effectiveness, fences or barriers shall be continuous or solid, with no gaps, and shall block the line of sight to windows of neighboring dwellings.
- Include site planning and design strategies, such as orientation of homes toward Cesar Chavez Junior High School with outdoor gathering areas placed behind proposed homes in order to reduce noise exposure, consistent with the Ceres General Plan 2035 noise policies. (Draft EIR, p. 3.11-33)

#### **Facts Supporting Findings**

In addition to Mitigation Measure 3.11-4, development within the Specific Plan Area will be required to comply with the City's Code of Ordinances, Chapter 9.36, which includes restrictions on noise generation. Based on above-described measures and the performance standards referenced in these mitigation measures, the impact would be reduced to a **less-than-significant** level for mechanical equipment that may be associated with future development. (Draft EIR, p. 3.11-34)

#### **TRANSPORTATION**

##### **Impact 3.14-1: Conflict with an Applicable Transportation Plan, Ordinance, Policy, or Congestion Management Program.**

Development of the Specific Plan Area may generate new vehicle trips that may contribute to unacceptable traffic operations under existing plus project and existing plus approved project conditions. This could conflict with an applicable transportation plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, pedestrian and bicycle paths, and mass transit. This could also conflict with an applicable congestion management program, including, but not limited to the level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. This impact is considered **potentially significant**. (Draft EIR, pp. 3.14-16 through 3.14-22)

#### **Finding**

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with conflicts with an applicable transportation plan, ordinance, or policy establishing measures of effectiveness for the



performance of the circulation system as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

**Mitigation 3.14-1a: Widen Whitmore Avenue to Four Lanes.**

If this has not occurred as a part of a separate project, the Specific Plan applicant shall cause the segment of Whitmore Avenue from Della Drive to Cesar Chavez Junior High School to be widened to 4 lanes before 44 percent of the dwelling units are occupied within the Specific Plan Area, or as directed by the City of Ceres. If this improvement is pursued under a different project, future projects under the Specific Plan shall contribute a fair share to the widening of Whitmore Avenue. (Draft EIR, p. 3.14-17)

**Mitigation Measure 3.14-1b: Improvements for Full Buildout of the Specific Plan Area.**

Specific Plan traffic volumes have been compared to Manual on Uniform Traffic Control Devices (MUTCD) peak-hour warrants, and the results are noted in Table 12 of Appendix F. As indicated the same locations that satisfy warrants under existing conditions do so with the implementation of the Specific Plan. However, as noted previously, signalization is not necessary the preferred action at each location. Alternatives for improving the level of service (LOS) at study intersections have been evaluated and a preferred plan has been developed that will improve the LOS. Implementation of the following improvements is recommended to provide acceptable, LOS D or better operations:

- ▶ The Specific Plan applicant shall cause the construction of a barrier at the Whitmore Avenue / Moore Road intersection to prohibit northbound left turns when directed by the City of Ceres.
- ▶ The Specific Plan applicant shall cause the construction of a barrier at the Whitmore Avenue / Lunar Drive intersection to prohibit northbound and southbound left turns and cross traffic when directed by the City of Ceres.
- ▶ The Specific Plan applicant shall cause the construction of a signalized intersection with separate left turn lanes at the Whitmore Avenue / Boothe Road intersection before 10 percent of the Specific Plan's dwelling units are occupied or when directed by the City of Ceres. (Draft EIR, p. 3.14-19)

**Mitigation Measure 3.14-1c: Improvements at Mitchell Road / Whitmore Avenue Intersection.**

The City's impact fee program includes funds for improving Mitchell Road to a 6-lane facility. This improvement will result in LOS D or better conditions. Implementation of the following improvements is recommended to provide acceptable, LOS D or better operations:

- The Specific Plan applicants shall contribute their fair share towards the cost of constructing an additional through- lane in each direction on Mitchell Road by paying adopted traffic impact mitigation fees. (Draft EIR, p. 3.14-22)

## Facts Supporting Findings

With the implementation of Mitigation Measure 3.14-1a, the roadway will operate at LOS A and the impact would be **less than significant**. (Draft EIR, p. 3.14-17)

With Mitigation 3.14-1b, at the Whitmore Avenue / Moore Road intersection, the northbound left turns will be prohibited and the length of delays on the northbound approach will greatly reduce. Westbound traffic leaving the Specific Plan Area would be diverted to Boothe Road and to Roeding Road. The City's LOS D minimum can be met in the a.m. and p.m. peak hour. In the long term, the City may elect to further eliminate Moore Road access, which was the case with the area north of Whitmore Avenue. Similarly, with Mitigation T-1B, prohibiting left turns onto Whitmore Avenue would be the applicable strategy at the Whitmore Avenue / Lunar Drive intersection. Existing southbound left turns and the Specific Plan northbound left turns would be diverted to the Boothe Road intersection. With this change, the City's LOS D minimum can be met in the a.m. and p.m. peak hour. The traffic signal included in the City's current PFF program is the applicable action at the Whitmore Avenue / Boothe Road intersection. Concurrently, with Mitigation T-1C, the northbound approach will be widened to accommodate a separate left turn lane. Therefore, with the implementation of Mitigation Measure 3.14-1b, peak hour LOS satisfying the City of Ceres' minimum LOS D standard are projected and these measures would reduce the significant impacts associated with some intersections operations under the Specific Plan Area to a **less-than-significant** level. (Draft EIR, pp. 3.14-19 and 3.14-20)

With Mitigation 3.14-1c, Mitchell Road will be widened to a 6-lane facility. Therefore, adequate LOS will be provided, and the project's impact would be **less than significant**. (Draft EIR, p. 3.14-22)

### **Impact 3.14-4: Conflict with Adopted Policies, Plans, or Programs Regarding Public Transit, Bicycle, or Pedestrian Facilities, or Otherwise Decrease the Performance or Safety of Such Facilities.**

Future development activities within the Specific Plan Area could conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise, decrease the performance or safety of such facilities. Development of Specific Plan will result in potential conflicts between motor vehicles and pedestrians on Whitmore Avenue where dedicated facilities are lacking and the Specific Plan's traffic increase is substantial. The proposed Specific Plan Area would construct or develop structures or infrastructure (including roadways) that could potentially result in the decreased performance or safety of public transit facilities. Also, the residents within the Specific Plan Area may create the demand for transit services as an alternative to the private automobile. Therefore, this impact is considered **potentially significant**. (Draft EIR, pp. 3.14-23 and 3.14-24)

## Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with conflicts with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

### **Mitigation Measure 3.14-4a: Construct Pedestrian Facility.**

Implementation of the following improvement is recommended to provide adequate pedestrian facilities:

- The Specific Plan applicant shall cause an all-weather pedestrian facility to be constructed on the south side of the segment of Whitmore Avenue from Della Drive to Cesar Chavez Junior High School before 44 percent of the dwelling units are occupied within the Specific Plan Area, or as directed by the City of Ceres. (Draft EIR, p. 3.14-24)

### **Mitigation Measure 3.14-4b: Construct Transit Facility.**

The City PFF program includes constructing the bus-pull outs at the Whitmore Avenue / Boothe Road intersection. Implementation of the following improvements is recommended to provide adequate transit facilities:

- The Specific Plan applicant shall cause a bus pull-out to be constructed at the Whitmore Avenue / Boothe Road intersection. (Draft EIR, p. 3.14-24)

#### **Facts Supporting Findings**

Implementation of Mitigation Measure 3.14-4a would ensure that future pedestrian and bicycle needs are properly planned and designed to support the developments. Implementation of Mitigation Measure 3.14-4b would ensure that future transit facility needs are properly planned and designed to support the developments. With these improvements, adequate pedestrian and transit facilities will be provided, and the project's impact would be **less than significant**. (Draft EIR, p. 3.14-24)

### **3.1.4 FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT**

The following significant and potentially significant and significant environmental impacts of the proposed project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact. The City of Ceres finds that the project's environmental, economic, social, and other benefits outweigh and override the significant adverse impact related to change in the environment. The City of Ceres hereby elects to approve the project due to overriding considerations as set forth below in the Section 5, "Statement of Overriding Considerations," below.

#### **AGRICULTURAL RESOURCES**

##### **Impact 3.2-1: Loss of Important Farmland and Conversion of Agricultural Land to Nonagricultural Urban Uses.**

Implementation of the Specific Plan would result in the permanent conversion agricultural land, including Important Farmland, to urban uses. This impact is considered **significant**. (Draft EIR, pp. 3.2-11 and 3.2-12)

## Finding

Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the City of Ceres finds that the impact associated with the permanent conversion agricultural land, including Important Farmland, to urban uses is significant. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect related to permanent conversion of agricultural land to urban uses. As discussed below, the effects would remain significant and unavoidable after implementation of mitigation.

### **Mitigation Measure 3.2-1: Mitigate Loss of Important Farmland.**

Prior to the approval of improvement plans, building permits, or recordation of the final map, project applicants for projects in the Specific Plan Area shall offset the loss of Prime Farmland. This shall be done through the acquisition of conservation easements in Stanislaus County at a 1:1 ratio (i.e., 1 acre on which easements are acquired to 1 acre of Prime Farmland removed from agricultural use) that provide in-kind or similar resource value protection; or payment of in-lieu fees to an established, qualified, mitigation program to fully fund the acquisition and maintenance of agricultural land or easements; or compliance with the City's Plan for Agricultural Preservation, as adopted by Stanislaus Local Agency Formation Commission (LAFCO) in accordance with LAFCO Policy 22. (Draft EIR, p. 3.2-12)

## Facts Supporting Findings

Mitigation Measure 3.2-1 would require 1:1 conservation of Prime Farmland. However, no new farmland would be made available and a net loss of Important Farmland would occur. There is no additional feasible mitigation available that would reduce impacts associated with the permanent conversion of agricultural land, including Prime Farmland, to a less-than-significant level. As a result, impacts would remain **significant and unavoidable**. (Draft EIR, p. 3.2-13)

### **Impact 3.2-2: Conflict with Existing On-Site and Off-Site Agricultural Operations.**

Implementation of the Specific Plan would locate residential land uses adjacent to existing on-site and off-site agricultural lands, resulting in potential conflicts with adjacent agricultural operations. This impact is considered **potentially significant**. (Draft EIR, pp. 3.2-13 to 3.2-14)

## Finding

Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the City of Ceres finds that the impact associated with potential conflicts between residential uses and existing on-site and off-site agricultural lands is potentially significant. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the potentially significant environmental effect related to conflicts with existing on-site and off-site agricultural operations. As discussed below, the effects would remain significant and unavoidable after implementation of mitigation.

### **Mitigation Measure 3.2-2: Provide the County's Right-to-Farm Notice to Prospective Residents Adjacent to Active Agricultural Uses.**

Project applicant(s) for residential uses within the Specific Plan Area shall provide Stanislaus County's Right-to-Farm Notice (Section 9.32.050, in Chapter 9.32 of the Stanislaus County Municipal Code) to all prospective homebuyers within 150 feet of the southern Specific Plan Area boundary. The Right-to-Farm Notice shall be included in all residential deeds at the time of sale. The Right-to-Farm Notice shall contain, and be substantially in the form of the following (Section 9.32.050[F]):

"The County of Stanislaus recognizes and supports the right to farm agricultural lands in a manner consistent with accepted customs and standards. Residents of property on or near agricultural land should be prepared to accept the inconveniences or discomforts associated with agricultural operations, including but not limited to noise, odors, flies, fumes, dust, the operation of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. Stanislaus County has determined that inconveniences or discomforts associated with such agricultural operations shall not be considered to be a nuisance if such operations are consistent with accepted customs and standards. Stanislaus County has established a grievance committee to assist in the resolution of any disputes which might arise between residents of this County regarding agricultural operations. If you have any questions concerning this policy or the grievance committee, please contact the Stanislaus County Department of Planning and Community Development." (Draft EIR, p. 3.2-14)

#### **Facts Supporting Findings**

Implementation of Mitigation Measure 3.2-2 would require project applicants to provide a Right-to Farm Notice to notify prospective residents of potential land use conflicts associated with agricultural activities adjacent to the Specific Plan Area. Although this would substantially lessen potential conflicts, it would not reduce the impact to a less-than-significant level. Other than precluding development adjacent to agricultural lands, no other feasible mitigation is available to eliminate potential urban/agricultural interface land use conflicts. It is not feasible to preclude development in this location, since it has been long planned for development, along with areas south of the Specific Plan Area that could potentially accommodate agricultural areas until they are annexed to, and developed within the City of Ceres. (Draft EIR, pp. 3.2-14 and 3.2-15)

No additional feasible mitigation is available to reduce the effects related to conflicts with existing on-site and off-site agricultural operations to a less-than-significant level. This impact would remain **significant and unavoidable**.

#### **GREENHOUSE GAS EMISSIONS**

##### **Impact 3.7-1: Contribution to Significant Climate Change Cumulative Impact.**

Implementation of the proposed Specific Plan would generate short-term construction and long-term operational greenhouse gas (GHG) emissions. Construction-related GHG emissions would cease

following buildout of the proposed Specific Plan. Operational emissions are considered long-term and would occur for the lifetime of the project. GHG emissions attributable to future development within the Specific Plan Area during construction and operational phases are **cumulatively considerable**. (Draft EIR, pp. 3.7-13 through 3.7-17)

#### Finding

Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the City of Ceres finds that the impact related to GHG emissions attributable to future development within the Specific Plan Area is cumulatively considerable. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect related to GHG emissions attributable to future development within the Specific Plan Area. As discussed below, the effects would remain significant and unavoidable after implementation of mitigation.

#### **Mitigation Measure 3.7-1a: Reduce Construction-Related GHG Emissions**

The contractor(s) for projects proposed within the Specific Plan Area shall use electric and renewable fuel powered construction equipment and require renewable diesel fuel, where commercially available, and shall require construction vehicles to operate with the highest tier engines commercially available. (Draft EIR, p. 3.7-17)

#### **Mitigation Measure 3.7-1b: Reduce Operational GHG Emissions**

The following mitigation measures shall be implemented to reduce GHG emissions to an emissions rate per service population that would be consistent with the emissions rate for land use-related emissions needed to achieve the State's emission targets for 2030 (Executive B-30-15 and Senate Bill [SB] 32) and 2050 (Executive Order S-3-05):

- Projects proposed under the Specific Plan shall be consistent with the allowable densities and land uses specified in the Specific Plan and in the EIR Project description.
- Provide safe and convenient pedestrian and bicycle connections to the Central Park Blocks, to schools within the Specific Plan Area, and to existing and planned pedestrian/bicycle facilities along Whitmore Avenue and Moore Road, which connect to destinations in the vicinity of the Specific Plan Area.
- When project applications for projects located in the Specific Plan Area are deemed complete by the City, the City will communicate with Stanislaus Regional Transit and Ceres Area Transit to determine whether the Specific Plan Area can accommodate an extension of transit and whether an additional bus stop should be provided on the south side of Whitmore Avenue. If the City determines that a bus stop should be provided, projects shall be designed, as applicable, to accommodate the provision of a bus stop, a turnout, a bus shelter, bench, route information, and other appropriate amenities identified by the City, including shade, lighting, and trash receptacles.

- Provide electric vehicle (EV)-ready parking spaces with electric vehicle charging stations for at least 3% of the parking spaces provided in the High-Density Residential (HDR)-designated area.

Projects may propose alternative mitigation strategies to those listed above that are determined by the City to achieve a GHG emissions to an emissions rate per service population that would be consistent with the emissions rate for land use-related emissions needed to achieve the State's emission targets for 2030 (SB 32) and 2050 (Executive Order S-3-05). One alternative to accomplish this performance standard could be, for the life of the project, to participate in Turlock Irrigation District's (TID's) B-Green Energy Program, which is a renewable energy program providing credits that are in excess of the legislatively mandated renewable portfolio standard. As an alternative, if the City has developed a greenhouse gas reduction program consistent with CEQA Guidelines Section 15183.5, projects proposed under the Specific Plan may demonstrate consistency with the City's greenhouse gas reduction program as alternative to implementing the mitigation measures listed above. (Draft EIR, pp. 3.7-17 and 3.7-18)

#### Facts Supporting Findings

Mitigation Measure 3.7-1a and 3.7-1b requires feasible mitigation for projects proposed under the Specific Plan. If each of these mitigation measures is implemented, this is estimated to reduce annual emissions by approximately 4,523 metric tons of carbon dioxide equivalents (MTCO<sub>2</sub>e)/year or 45 percent, compared to unmitigated emissions. This is estimated to provide a GHG emissions rate of approximately 3.7 MTCO<sub>2</sub>e/capita/year, which is consistent with the rate needed statewide to achieve the State's goals identified under SB 32 and Executive Order S-3-05. Achieving an emissions rate consistent with State goals would allow the City to demonstrate that development within the Specific Plan Area would be consistent with the statewide framework that, in California, has been established for assessing the cumulative significance of GHG emissions impacts. However, the City cannot at this time guarantee the success of this mitigation measure since the provision and extension of transit to serve the Specific Plan Area is not fully under the control of the City and depends on funding and ridership levels that neither the City nor the project applicants can control. (Draft EIR, p. 3.7-18)

No additional feasible mitigation is available to reduce the cumulative effects associated with GHG emissions attributable to future development within the Specific Plan Area during construction and operational phases to less than cumulatively considerable. As a result, this impact would remain **significant and unavoidable**.

#### NOISE AND VIBRATION

##### **Impact 3.11-1: Potential for Temporary, Short-Term Exposure of Sensitive Receptors to Construction Noise.**

Specific Plan implementation would result in temporary, short-term construction activities. Noise levels anticipated over temporary periods of time as a result of construction facilitated by the Specific Plan could expose on- and off-site sensitive receptors to noise levels that exceed the Ceres 2035 General Plan noise standards (45 decibel (dB) Equivalent Noise Level (L<sub>eq</sub>) and 45 dB Maximum Noise Level

( $L_{\max}$ ) during nighttime, 55 dB  $L_{\text{eq}}$  and 60 dB  $L_{\max}$  during daytime). This impact is considered **potentially significant**. (Draft EIR, pp. 3.11-6 to 3.11-26)

#### Finding

Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the City of Ceres finds that the impact associated with the potential for temporary, short-term exposure of sensitive receptors to construction noise is significant. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect associated with potential exposure of sensitive receptors to construction noise. As discussed below, the effects would remain significant and unavoidable after implementation of mitigation.

#### **Mitigation Measure 3.11-1: Reduce Construction Noise.**

- Where feasible, construction traffic shall avoid routes directly adjacent to noise-sensitive land uses, including Roeding Road between Moore Road and Faith Home Road and Moore Road between Whitmore Avenue and Roeding Road.

The project applicant(s) and contractor(s) of all project phases shall implement the following measures to minimize noise impacts for all on- and off-site construction within 500 feet of any noise-sensitive land use.

- Limit noise-generating construction operations to the hours of 7 a.m.-8 p.m. (daytime).
- Locate fixed/stationary equipment (e.g., generators, compressors) as far as possible from noise-sensitive receptors. Shroud or shield all impact tools, and muffle or shield all in-take and exhaust ports on powered construction equipment.
- Store and maintain equipment as far as possible from noise-sensitive receptors.
- Properly maintain and equip all construction equipment with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment-engine shrouds shall be closed during equipment operation.
- Shut down all motorized construction equipment when not in use to prevent excessive idling noise.
- Construct acoustic barriers (e.g., plywood, sound attenuation blankets) to reduce construction-generated noise levels at affected noise-sensitive land uses. The barriers shall be designed to obstruct the line of sight between the noise-sensitive land use and construction equipment. (Draft EIR, pp. 3.11-26 to 3.11-27)

#### Facts Supporting Findings

With the implementation of Mitigation Measure 3.11-1, construction activities would be limited to daytime hours (would not take place between 8 p.m. of one day and 7 a.m. of the following day).



Construction equipment would be properly maintained and equipped with noise control components, such as mufflers, in accordance with manufacturers' specifications. All feasible sound barriers would be installed, where warranted. When installed properly, acoustic barriers may reduce noise levels by 5–15 dB. However, the City cannot demonstrate that these mitigating efforts would reduce construction noise exposure to 55 dB  $L_{eq}$  or less at noise-sensitive receivers in all cases. (Draft EIR, p. 3.11-27)

No additional feasible mitigation is available to reduce effects associated with exposure of sensitive receptors to construction noise to a less-than-significant level. As a result, impacts would remain **significant and unavoidable**.

### **Impact 3.11-3: Increase in Traffic Noise Levels at Proposed Noise-Sensitive Receptors.**

Implementation of the proposed Specific Plan would add traffic to the roadway network, increasing traffic noise levels in areas that may affect proposed noise-sensitive uses. The impact is considered **significant**. (Draft EIR, pp. 3.11-30 to 3.11-31)

#### **Finding**

Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the City of Ceres finds that the impact associated with increases in traffic noise levels at proposed noise-sensitive receptors is significant. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect associated with the increase in traffic noise levels at proposed noise-sensitive receptors. As discussed below, the effects would remain significant and unavoidable after implementation of mitigation.

### **Mitigation Measure 3.11-3: Reduce Transportation Noise Exposure Consistent with the Ceres General Plan 2035.**

The project applicant(s) and contractor(s) for proposed residential development along Whitmore Avenue that could be exposed to transportation noise levels in excess of City noise policies shall incorporate one or both of the following strategies to ensure noise exposure levels that are consistent with the Ceres General Plan 2035 (2018):

- Provide site planning and design strategies demonstrated to achieve acceptable or conditionally acceptable exterior noise exposure policies. This can include placing distance between outdoor gathering spaces and Whitmore Avenue, placement of buildings between Whitmore Avenue and outdoor gathering spaces associated with proposed residential uses, or other approaches that are demonstrated to achieve acceptable or conditionally acceptable exterior noise exposure policies in the Ceres 2035 General Plan.
- Construct sound walls along the affected roadways, between the Specific Plan Area and the roadways with noise levels above 65 dB  $L_{dn}$ . After all practical site planning and design strategies are exhausted, the City may allow construction of sound walls along the south side of Whitmore Avenue, if needed, to achieve acceptable or conditionally acceptable exterior noise exposure policies in the Ceres 2035 General Plan. Soundwalls should be high

enough to cut the line of sight between the roadway and outdoor gathering areas. (Draft EIR, p. 3.11-31)

#### Facts Supporting Findings

With the implementation of Mitigation Measure 3.11-3, feasible sound barriers would be installed, where warranted. When installed properly, acoustic barriers may reduce noise levels by 5–15 dB. However, the City cannot demonstrate that these mitigating efforts would reduce traffic noise exposure to 65 dB  $L_{eq}$  or less at noise-sensitive receivers in all cases. (Draft EIR, p. 3.11-31)

No additional feasible mitigation is available to reduce the effects associated with increases in traffic noise levels at proposed noise-sensitive receptors to a less-than-significant level. As a result, this impact would remain **significant and unavoidable**.

#### **Impact 3.11-4: Long-Term Exposure of On-site Sensitive Receptors to On- and Off-site Non-transportation Noise Sources.**

Specific Plan implementation would result in development of on-site, noise-sensitive and noise-producing uses. Residential uses planned in the southern portion of the Specific Plan Area would be set back from ongoing and potential future agricultural operations by Stanford Avenue. Although noise-generating equipment would only operate during certain relatively limited times of the year, and although the vicinity of the Specific Plan is anticipated to transition away from agricultural uses, the impact is considered temporary and **significant**. (Draft EIR, pp. 3.11-32 to 3.11-33)

As discussed previously, impacts related to exterior mechanical equipment and landscape maintenance equipment can be sufficiently mitigated to a less-than-significant level by Mitigation Measure 3.11-4.

#### Finding

Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the City of Ceres finds that the impact associated with the long-term exposure of on-site sensitive receptors to off-site noise-generating agricultural equipment is significant. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect associated with the long-term exposure of on-site sensitive receptors to off-site noise-generating agricultural equipment. As discussed below, the effects would remain significant and unavoidable after implementation of mitigation.

#### **Mitigation Measure 3.11-4: Reduce Stationary Noise Source Exposure.**

- Noise generating mechanical equipment shall be shielded or located at a distance that would reduce noise levels at any existing or planned noise-sensitive outdoor activity areas to acceptable levels, as directed by the Ceres General Plan 2035 (2018).
- Residential air conditioning units shall be located a minimum of 10 feet from adjacent residential dwellings, including outdoor activity areas, or shall be shielded or designed to reduce operational noise levels at adjacent dwellings. Shielding may include the use of fences or partial equipment enclosures. To provide effectiveness, fences or barriers shall be

continuous or solid, with no gaps, and shall block the line of sight to windows of neighboring dwellings.

- Include site planning and design strategies, such as orientation of homes toward Cesar Chavez Junior High School with outdoor gathering areas placed behind proposed homes in order to reduce noise exposure, consistent with the Ceres General Plan 2035 noise policies. (Draft EIR, p. 3.11-33)

#### Facts Supporting Findings

While site planning and design strategies can likely achieve consistency with the City's noise policies, the City cannot guarantee at this time that noise exposure policies would be achieved in every case. In addition, although agricultural operations would produce only intermittent noise and agricultural areas are expected to transition to urban development, there could be temporary impacts. (Draft EIR, p. 3.11-34)

No additional feasible mitigation is available to reduce effects associated with the long-term exposure of on-site sensitive receptors to off-site noise-generating agricultural equipment to a less-than-significant level. As a result, impacts would remain **significant and unavoidable**.

#### **Impact 3.11-5: Potential Exposure of On- and Off-site Sensitive Receptors to Groundborne Noise and Vibration.**

Implementation of the Specific Plan could result in exposure of on- and off-site sensitive noise receptors to groundborne noise and vibration. Based on the anticipated phasing and location of development of the Specific Plan Area, vibration-induced construction activities could exceed FTA and Caltrans guidelines (0.2 in/sec PPV and 80 VdB, respectively) while portions of the Specific Plan Area are occupied and other portions are under construction. This impact is considered **significant**. (Draft EIR, pp. 3.11-34 to 3.11-35)

#### Finding

Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the City of Ceres finds that the impact associated with exposure of on- and off-site sensitive noise receptors to groundborne noise and vibration is potentially significant. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the potentially significant environmental effect associated with exposure of on- and off-site sensitive noise receptors to groundborne noise and vibration. As discussed below, the effects would remain significant and unavoidable after implementation of mitigation.

#### **Mitigation Measure 3.11-5: Implement Measures to Reduce Impacts Associated with Groundborne Noise and Vibration.**

The project applicant(s) and contractor(s) of all development phases under the Specific Plan shall implement the following measures to reduce impacts associated with groundborne noise and vibration:

- Vibration-generating construction operations shall occur greater than 100 feet from occupied vibration-sensitive receptors (e.g., residences, schools) or as far as feasible from sensitive receptors.
- All construction equipment and equipment staging areas shall be located as far as possible from nearby vibration-sensitive land uses. (Draft EIR, p. 3.11-35)

#### Facts Supporting Findings

With the implementation of Mitigation Measure 3.11-5, construction would be required to occur at a farthest feasible distance from occupied, vibration-sensitive receptors. Implementation of this mitigation measure would reduce potentially significant impacts from temporary, short-term construction groundborne noise and vibration. However, particularly with the off-site sewer line improvements, the City cannot guarantee that it will be feasible to conduct all vibration-generating construction activities greater than 100 feet from occupied vibration-sensitive uses. (Draft EIR, p. 3.11-35)

No additional feasible mitigation is available to reduce effects associated with exposure of on- and off-site sensitive noise receptors to groundborne noise and vibration to a less-than-significant level. Therefore, this impact would remain **significant and unavoidable**.

### 3.1.5 FINDINGS REGARDING CUMULATIVE IMPACTS

The following cumulatively significant and potentially significant environmental impacts of the proposed project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact. The City of Ceres finds that the project's environmental, economic, social, and other benefits outweigh and override the significant adverse cumulative impacts related to change in the environment. The City of Ceres hereby elects to approve the project due to overriding considerations as set forth below in the Section 5, "Statement of Overriding Considerations," below.

Please refer to Chapter 5.0, "Other CEQA Considerations," of the EIR for a comprehensive discussion of cumulative impacts.

#### AESTHETICS

As described on pages 5-9 and 5-10 of the Draft EIR, past, present, and future development in the county has caused, and will continue to cause, substantial changes to the existing visual character as agricultural land and open viewsheds are replaced by urban development. Increased urban development would also lead to increased nighttime light and glare in the region, more limited views of the night sky, and sky glow effects, and would disrupt the rural nature of much of the county. As development continues to expand the current visual separation between cities will be reduced. From the perspective of a resident of the county or a traveler through the area, development of former agricultural land or other open space creates a **significant cumulative impact**.

Projects developed within the Specific Plan Area will be required to comply with design guidelines and relevant policies and standards of the Specific Plan. Compliance with this guidance for community design and other important visual components of development will help to maintain locally important

elements of visual character. However, views of the Specific Plan Area and the visual character of the area would be substantially altered as rural land is replaced by urban development. The impacts on visual resources from Specific Plan implementation are **cumulatively considerable**.

While mitigation can address impacts related to light and glare, there is no feasible mitigation that would fully preserve existing nighttime views, while at the same time allowing development of the Specific Plan Area. Although Specific Plan design guidance will ensure that development remains within certain aesthetic guidelines, there is no mechanism to allow implementation of the Specific Plan while avoiding the conversion of open space and agricultural use to urban development. Aesthetic impacts are considered **significant and unavoidable**.

## **AGRICULTURAL RESOURCES**

As described on pages 5-10 and 5-11 of the Draft EIR, past, present, and future projects throughout the region have, and will continue to convert existing agricultural land to other uses – predominantly urban use. Continued urbanization of the region in accordance with applicable land use plans, as well as those approved and proposed development projects described previously, would continue to convert agricultural and open space land to urban uses with residential and commercial buildings and associated roadways and other infrastructure. The continued conversion of farmland in the region is a **significant cumulative** impact. Implementation of the Specific Plan would contribute to the incremental decline of Important Farmland in the county, region, and state and result in the irreversible conversion of this agricultural land. The impact is **cumulatively considerable**.

Mitigation Measure 3.2-1 would require the project applicant(s) to prepare an Agricultural Preservation Plan that identifies a method for conservation of Important Farmland. However, no new farmland would be made available and a net loss of Important Farmland would occur. There is no additional feasible mitigation available that would reduce impacts associated with the permanent conversion of agricultural land, including Prime Farmland, to a less-than-significant level. Consequently, full compensation for loss of Important Farmland would not be achieved, and a net loss of Important Farmland would still occur. Therefore, this impact would remain **significant and unavoidable**.

## **GREENHOUSE GAS EMISSIONS**

Greenhouse gases are a cumulative issue. Please see Section 3.7, “Greenhouse Gas Emissions,” of the Draft EIR and “Findings Regarding Environmental Impacts Not Fully Mitigated to a Level of Less than Significant” in this Findings of Fact for the analysis of cumulative greenhouse gas emissions impacts.

## **NOISE AND VIBRATION**

As described on pages 5-19 through 5-22 of the Draft EIR, predicted increases in traffic noise levels for future cumulative conditions would be largely attributable to projected increases in development within the surrounding community. Under future cumulative conditions with traffic attributable to the Specific Plan, predicted traffic noise levels along all studied roadway segments would increase approximately 0.2 to 1 dB. A 1-dB increase in noise level is imperceptible. Therefore, the Specific Plan’s contribution

to future cumulative traffic noise levels along these roadway segments is **less than cumulatively considerable** with respect increase above cumulative no project conditions.

However, predicted future cumulative transportation noise levels with and without Specific Plan at the property line of existing and future land uses located adjacent to studied roadway segments would be projected to exceed the City's noise standards. Implementation of Mitigation Measure 3.11-2 would substantially reduce cumulative traffic noise impacts at nearby land uses. Given that detailed development plans are not currently available, it is conceivable that traffic noise levels at some land uses may continue to exceed applicable noise impact criteria. In addition, commonly employed traffic noise mitigation measures, such as sound barriers, may not be feasible at some land uses. There is no additional feasible mitigation. As a result, this impact is considered **cumulatively considerable and significant and unavoidable**.

## TRANSPORTATION

As described on pages 5-31 through 5-33 of the Draft EIR, the 2040 cumulative conditions with the addition of project-related traffic would result in intersections that exceed the applicable LOS thresholds during peak-hour operations (Draft EIR, Table 5-4). Therefore, the LOS at these intersections with the addition of project-related traffic to cumulative conditions is **cumulatively considerable**.

### Mitigation Measure 5-1: Implement Roadway Improvements

The project applicant(s) shall implement the following roadway improvements:

- Contribute on a cumulative fair-share basis to the signalization for the Roeding Road / Moore Road intersection when directed by the City of Ceres.
- Construct a signalized intersection with separate northbound left turn lane at the Whitmore Avenue / Boothe Road intersection before 10 percent of Specific Plan's dwelling units are occupied, when Boothe Road is extended south from Whitmore Avenue, or when directed by the City of Ceres.
- Construct an "overlap" phase for the southbound right-turn lane at the Whitmore Avenue / Mitchell Road intersection when directed by the City of Ceres.
- Construct a barrier at the Whitmore Avenue / Moore Road intersection to prohibit northbound left turns after construction of the Eastgate Boulevard extension when directed by the City of Ceres.
- Construct a barrier at the Whitmore Avenue / Lunar Drive intersection to prohibit northbound and southbound left turns after construction of the Whitmore Avenue / Boothe Road intersection when directed by the City of Ceres.
- Contribute their fair share the cost of constructing a dual northbound left-turn lane at the Mitchell Road / Whitmore Avenue intersection.
- Contribute their fair share the cost of widening the Mitchell Road to 6 lanes.

Implementation of Mitigation Measure 5-1 would improve the LOS at the Mitchell Road/Whitmore Avenue intersection from a LOS F to a LOS E in the p.m. peak hour; however, the LOS at this intersection would still exceed the City's acceptable LOS D standard. There is no feasible mitigation to improve the LOS at the Mitchell Road/Whitmore Avenue intersection to LOS D or better. Therefore, this cumulative impact is considered **significant and unavoidable**.

The redistribution of existing traffic created by new roads and traffic controls under cumulative conditions would increase traffic through the Roeding Road / Moore Road intersection. As shown in Table 5-4 in Chapter 5 of the Draft EIR, the LOS would decrease from an acceptable LOS D to LOS E in the a.m. peak hour. No improvements are proposed at this time and no additional feasible mitigation is available. This cumulative impact is considered **significant and unavoidable**.

## 4 PROJECT ALTERNATIVES

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, whether there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

As noted under the heading "Findings Required under CEQA," an alternative may be "infeasible" if it fails to achieve the lead agency's underlying goals and objectives with respect to the project. Thus, "feasibility" under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" of a project (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 401, 417).

### 4.1 ALTERNATIVES CONSIDERED BUT ULTIMATELY REJECTED

#### 4.1.1 OFF-SITE ALTERNATIVE

The Specific Plan Area is bordered on two sides by existing City limits and by City infrastructure and services. The Stanislaus Local Agency Formation Commission's (LAFCO's) policy would not support an alternative location that was not adjacent to the City limits and that could create an island. The applicant does not have access to any other similarly and conveniently-located property or group of properties that could generate the same amount of residential development that the proposed project site.

In addition, an off-site alternative would not meet all of the project's basic objectives. Specifically, one of the objectives is to provide safe bicycle and pedestrian connections to the two schools within the Specific Plan Area. With an off-site alternative, these connections would not be developed. In addition, an off-site alternative would not facilitate the annexation of the two existing schools. The City of Ceres currently provides sewer and water services to those existing schools under an Out of Boundary Agreement approved by Stanislaus LAFCO, which asserts that annexation of those schools would someday be considered by the City of Ceres.

Many of the potential impacts occur on a regional scale. An alternative anywhere in the same air basin would have the same impacts on air quality. It is expected that potentially significant and significant impacts on agricultural resources; air quality; biological resources; geology, soils, minerals, and paleontological resources; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; noise and vibration; population and housing; public services and utilities, including recreation and energy; and transportation identified throughout the EIR for the proposed project would be similar because an off-site alternative would be likely be located in a similar environmental setting and would have similar impacts.

Given that this is the only project site that would meet the above-described project objectives; the likelihood that a similar site would have similar environmental impacts; and feasibility considerations related to site acquisition, the City has elected in this case not to examine an off-site alternative in detail.

#### **4.1.2 REDUCED SIZE ALTERNATIVE**

The Specific Plan Area lacks sensitive environmental resources, such as significant cultural resources, biological resources, scenic vistas, mineral resources, or established communities and significant environmental constraints, such as on-site hazards, geologic formations unsuitable for structures, flood hazard zones, or significant streams or rivers. Avoiding a certain portion of the project site would not reduce any significant impacts to a less-than-significant level. Since there are no specific areas of the Specific Plan Area that contain environmental resources or constraints, the City has elected not to examine this alternative in detail.

#### **4.1.3 DEVELOPMENT WITHIN THE COUNTY**

The Specific Plan Area is currently in unincorporated Stanislaus County and the County's General Plan has land use designations and zoning for properties within the Specific Plan Area. The Specific Plan Area is designated by the County General Plan as Urban Transition and is zoned by Stanislaus County as General Agriculture with a 10-acre minimum lot size (A-2-10) and Planned Development.

Development of the Specific Plan Area consistent with the County's General Plan land use and zoning designations would be inconsistent with the Ceres General Plan 2035. The Ceres General Plan 2035 identifies the Specific Plan Area as within the City's Urban Growth Area, which encompasses all land envisioned for development. The Specific Plan is included in the Ceres General Plan 2035 Land Use Diagram, and includes the same land use designations for the Specific Plan Area.

In addition, development under Stanislaus County zoning designations would not meet the project objectives, specifically to promote a distinct, identifiable neighborhood that integrates a variety of housing types and develop a Specific Plan that would facilitate annexation of the existing Cesar Chavez Junior High School and La Rosa Elementary School. Therefore, the City has elected not to examine this alternative in detail.



#### **4.1.4 AGRICULTURAL BUFFER**

Residential uses planned in the southern portion of the Specific Plan Area would be partially set back from ongoing and potential future agricultural operations by Stanford Avenue. In these areas, Stanford Avenue would provide an approximately 28-foot buffer from the property line of residences to the existing agricultural uses south of the project site. Although a buffer zone would be established between the edge of development and adjacent off-site agricultural land, conflicts could still occur between agricultural and urban land uses.

Much of the area adjacent to the project site is designated by the County General Plan as Urban Transition and zoned by Stanislaus County as General Agriculture with a 10-acre minimum lot size (A-2-10). Stanislaus County has guidelines to minimize conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in, or adjacent to the A-2 (General Agriculture) zoning district. County guidelines suggest a minimum 150-foot wide buffer.

However, in this instance, these guidelines are not appropriate as the Ceres General Plan 2035 Land Use Diagram shows the area to the south and east of the project site as planned for future development (i.e., Low Density Residential, Service Commercial, and Light Industrial). Areas designated for continuing agricultural land uses are located east of Faith Home Road and south of East Redwood Road. No areas identified for continued agricultural use in the Ceres General Plan 2035 are adjacent to the Specific Plan Area. Thus, agricultural conflicts will likely not be an issue as the City develops consistent with its General Plan 2035. Therefore, the City has elected not to examine this alternative in detail.

#### **4.2 ALTERNATIVES CONSIDERED IN THE EIR**

The City of Ceres selected three alternatives for detailed analysis in the EIR:

- ▶ Alternative 1: No Project Alternative – Existing Land Use
- ▶ Alternative 2: Revised Site Plan Alternative to Reduce Transportation, Noise, and Greenhouse Gas Emissions Impacts
- ▶ Alternative 3: Revised Site Plan Alternative to Protect Existing Trees

##### **4.2.1 ALTERNATIVE 1: NO PROJECT ALTERNATIVE – EXISTING LAND USES**

The Specific Plan Area is currently under the jurisdiction of Stanislaus County and currently accommodates agricultural uses, housing, and schools. The site has almond orchards in the southwestern and northeastern portions and alfalfa, oats, and rye hay in the central portion. Some portions are fallow or not currently under production. Ceres Unified School District operates two existing schools within the Specific Plan Area: Ceres Chavez Junior High School and La Rosa Elementary School. There are existing single-family homes within the Specific Plan Area on lots of between approximately ½ acre and 2 acres in land area. Therefore, the No-Project Alternative consists of continued agricultural, housing, and school use.

#### **4.2.2 ALTERNATIVE 2: REVISED SITE PLAN ALTERNATIVE TO REDUCE TRANSPORTATION, NOISE, AND GREENHOUSE GAS EMISSIONS IMPACTS**

Alternative 2 is intended to reduce potential impacts related to transportation, noise, and greenhouse gas emissions. Alternative 2 includes a buffer from Whitmore Avenue that is sufficient to achieve 65 decibels at the front façade of homes to be consistent with guidance in the City's General Plan. This would require a buffer of approximately 107 feet from the centerline of Whitmore Avenue. This alternative would also increase the amount of open space along a relatively higher-volume roadway compared to the proposed project (7.8 rather than 5.2 acres).

Alternative 2 would decrease the amount of land for low-density residential development and increase the amount of land provided for medium-density and high-density development compared to the proposed project. This would reduce per-unit travel demand (vehicle miles traveled, or "VMT") compared to the proposed project, along with decreasing the rate of transportation-related GHG emissions. Also, as density increases, typically energy demand per unit would decrease. So, with a greater proportion of this alternative for medium- and high-density residential development, GHG emissions associated with energy generation and use would be decreased compared to the proposed project.

#### **4.2.3 ALTERNATIVE 3: REVISED SITE PLAN ALTERNATIVE TO PROTECT EXISTING TREES**

The analyses in Section 3.1, "Aesthetics," and Section 3.4, "Biological Resources," of the Draft EIR conservatively assumed that all existing vegetation, including mature trees at existing residential properties, could be removed as a result of the project and that all existing habitat functions would be lost. This is a conservative assumption since it is possible future site planning and design efforts could avoid the loss of these trees and since the Specific Plan would allow, but does not require development.

Alternative 3 is intended to reduce the potential that the two large valley oak (*Quercus lobata*) trees present within the fenced back yard of the residence just west of the junior high school would be lost. For this alternative, the low-density residential development planned for this area would be switched with some of the open space. Alternative 3 would have the same yield as the proposed project.

### **4.3 FINDINGS**

Alternative 1 would not meet the Specific Plan's objectives to promote a distinctive, identifiable neighborhood that integrates a variety of housing types and develop a Specific Plan that would facilitate annexation of the existing Cesar Chavez Junior High School and La Rosa Elementary School.

Alternative 2 could potentially meet each of the project objectives. Development of a reduced size alternative could be designed in a way that would promote a distinct, identifiable neighborhood that integrates a variety of housing types, encourage a variety of forms of transit, provide connectivity, and incorporate best practices into the design. However, Alternative 2 would not meet the City's objective related to best practices and conservation measures in providing multi-use parks, open space, and drainage to the same degree as the proposed project. Instead of focusing on the efficient development

and operation of the Central Park, as anticipated under the proposed Specific Plan, this alternative would break the open space into two areas along the northern edge of the Specific Plan Area, as well as just south of the center of the Specific Plan Area. This would not provide an approach that would be as efficient for construction or long-term maintenance of these two multi-use open space areas. From a combined stormwater, parks, and open space perspective, Alternative 2 would have less space for actual open space activities and trails because most of the room would be needed for stormwater slopes and drainage. Alternative 2 would be less efficient and more costly than the proposed Specific Plan. With two multi-use drainage, park, and open space areas, there would higher costs and associated environmental effects associated with grading, higher costs related to additional inlet/outlet structures, and higher costs associated with additional drainage piping and manholes. Long-term maintenance costs would be higher, as well. While the City considers alternative that may be more costly, for the other reasons outlined here, this alternative would not achieve the City's objective to the same extent as would the proposed Specific Plan.

Alternative 3 could potentially meet each of the project objectives. Alternative 3 could be designed in a way that would promote a distinct, identifiable neighborhood that integrates a variety of housing types, encourage a variety of forms of transit, provide connectivity, and incorporate best practices into the design.

Table 4-1 compares the environmental impacts of the alternatives (after mitigation) to the proposed project. The No Project Alternative is environmentally superior to Alternatives 2 and 3. The No Project Alternative provides the greatest opportunity for reduction in environmental effects of the proposed project, reducing impacts in 13 topic areas. However, Alternative 1 does not meet any of the project objectives including annexation of the existing schools, Cesar Chavez Junior High and La Rosa Elementary.

<b>Table 4-1. Comparison of Significant Environmental Effects of the Alternatives to the Proposed Project</b>			
<b>Environmental Issue Area</b>	<b>Alternative 1: No Project Alternative – Existing Land Use</b>	<b>Alternative 2: Revised Site Plan Alternative to Reduce Transportation, Noise, and Greenhouse Gas Emissions</b>	<b>Alternative 3: Revised Site Plan Alternative to Protect Existing Trees</b>
Aesthetics	Reduced	Reduced	Reduced
Agricultural Resources	Reduced	Similar	Similar
Air Quality	Reduced	Similar	Similar
Biological Resources	Reduced	Similar	Similar
Cultural Resources	Reduced	Similar	Similar
Geology, Soils, Minerals, and Paleontological Resources	Reduced	Similar	Similar
Greenhouse Gas Emissions	Reduced	Reduced	Similar
Hazards and Hazardous Materials	Reduced	Similar	Similar
Hydrology and Water Quality	Reduced	Reduced	Similar
Land Use And Planning	Similar	Similar	Similar
Noise and Vibration	Reduced	Reduced	Similar
Population and Housing	Reduced	Similar	Similar
Public Services, Including Recreation, Utilities, and Service Systems + Energy	Reduced	Reduced	Similar
Traffic	Reduced	Reduced	Similar
<b>Total Reduced Impact Topics</b>	<b>13</b>	<b>6</b>	<b>1</b>

Alternative 2 would reduce impacts in six topic areas compared to the proposed project. While, Alternative 3 could generally meet the project objectives, it would only reduce impacts in one topic area compared to the proposed project.

Therefore, Alternative 2 would be the environmentally superior alternative. However, as noted above, Alternative 2 would not meet the City's objective related to best practices and conservation measures in providing multi-use parks, open space, and drainage to the same degree as the proposed project.

Based on impacts identified in the EIR and throughout this findings document, the City of Ceres finds that the proposed project is the most desirable, feasible, and appropriate, and rejects other alternatives and other combinations and/or variations of alternatives as infeasible.

## 5 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the City of Ceres adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

The City of Ceres finds and determines that (1) the majority of the significant impacts of the project will be reduced to acceptable levels by implementation of the mitigation measures recommended in these findings; (2) The City of Ceres's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than-significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, and the considerations set forth below related to this project, City of Ceres chooses to approve the project because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The following statements identify the reasons why, in City of Ceres' judgment, the benefits of the project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The City of Ceres finds that the project, as conditionally approved, will have the following economic, social, technological, and environmental benefits:

- ▶ The Specific Plan would provide a mix of housing densities and types, to serve the needs of different household incomes, sizes, and preferences. Once fully developed, the Specific Plan could provide opportunities for as many as 441 new dwelling units consisting of Low-Density Residential, Medium-Density Residential, and High-Density Residential units.
- ▶ The Specific Plan will create short-term construction jobs that would provide income to local residents. The additional 1,485 permanent residents generated by the Specific Plan will spur an increase in demand for goods and services in the surrounding area, thereby expanding the local revenue base.
- ▶ The Specific Plan transportation network would provide access and mobility for pedestrians, bicyclists, and motorists, along with future opportunities for planned transit extensions. Planned improvements would include pedestrian and bicycle facilities along Whitmore Avenue and Moore Road, as well as through the central open space feature of the Specific Plan Area. Specific Plan improvements along Whitmore Avenue will be coordinated with a Safe Routes to School project planned south of Whitmore Avenue between Moore Road and the existing schools.
- ▶ The Specific Plan provides for multi-modal extensions of Lunar Drive and Boothe Road through the Specific Plan Area, as well as a new facility along the southern boundary of the Specific Plan Area (Stanford Avenue). The Specific Plan also includes improvements to circulation that will benefit the Ceres Chavez Junior High School and La Rosa Elementary School.

- ▶ The Specific Plan includes development and implementation of BMPs and LID measures (e.g., the detention basin, plants appropriate for stormwater management) that would help to increase groundwater recharge following project site development.
- ▶ The Specific Plan would encourage energy conservation strategies in new development that would likely result in new development being more efficient than existing buildings in the region.
- ▶ The Specific Plan would facilitate annexation of the existing Cesar Chavez Junior High School and La Rosa Elementary School.

## **6 REFERENCES**

This Findings of Fact and Statement of Overriding Considerations includes all references used in Chapter 6.0, “References,” of the Draft EIR and Chapter 4.0 of the Final EIR, “References.”

## **RESOLUTION NO. 2018-125**

**A RESOLUTION OF THE CITY OF CERES CITY COUNCIL APPROVING THE WHITMORE RANCH SPECIFIC PLAN AND FINANCING PLAN. THE AREA IS BOUNDED BY WHITMORE AVENUE ON THE NORTH, MOORE ROAD ON THE WEST, AND THE EAST SIDE OF LA ROSA ELEMENTARY SCHOOL ON THE EAST. THE SOUTHERN LIMIT OF THE SPECIFIC PLAN AREA IS APPROXIMATELY 1,300 FEET SOUTH OF WHITMORE AVENUE. THE AREA INCLUDES 94 +/- ACRES.**

### **THE CITY COUNCIL** City of Ceres, California

**WHEREAS**, an application was received from Steve and Grant Alvernaz for a Specific Plan ("SPA") for adoption of a Specific Plan to guide the development of property bounded by Whitmore Avenue on the north, Moore Road on the west, and the east side of La Rosa Elementary School on the east. The southern limit of the Specific Plan Area is approximately 1,300 feet south of Whitmore Avenue and includes 94 +/- acres; and,

**WHEREAS**, in conjunction with the proposed Whitmore Ranch Specific Plan and Financing Plan, Rezoning of the territory is also proposed; and,

**WHEREAS**, the City's Zoning Code requires that the Planning Division investigate the facts bearing on any case involving such approval to provide the Planning Commission and City Council with data essential for action consistent with the intent of the City's General Plan; and,

**WHEREAS**, the City's Planning Division has completed this investigation and the results of this investigation is included in the Draft and Final Environmental Impact Reports (together "EIR") prepared for the Whitmore Ranch Specific Plan Project under the California Environmental Quality Act ("CEQA"), in the Staff Report, and as was otherwise communicated to the Planning Commission and City Council by Planning Department Staff at the public hearing for this project; and,

**WHEREAS**, the Planning Commission held a duly noticed public hearing on October 29, 2018 at 6:00 p.m. and considered all testimony and comment presented whether orally or in writing and by a 4-1 vote (Commissioner Condit – No), and thusly recommended to the City Council approval of the proposal; and,

**WHEREAS**, the City Council held a duly noticed public hearing on November 13, 2018 at 6:00 p.m. and considered all testimony and comment presented whether orally or in writing; and,

**WHEREAS**, the properties affected by this resolution are located within the area bounded by Whitmore Avenue on the north, Moore Road on the west, and the east side of La Rosa Elementary School on the east. The southern limit of the Specific Plan Area is approximately 1,300 feet south of Whitmore Avenue and includes 94 +/- acres.; and,

**WHEREAS**, the properties affected by this resolution consist of Assessor Parcel Numbers, all of the following parcels: 069-017-001, 069-017-002, 069-017-003, 069-014-004, 069-017-005, 069-017-006, 069-017-007, 069-017-008, 069-017-010, 069-017-011, 069-017-012, 069-017-013, 069-018-001, 069-018-002, 069-018-003, 069-018-004; as described in Stanislaus County Assessor Maps; and,

**WHEREAS**, properties affected by this resolution are described as:

The land referred to is situated in the City of Ceres Primary Sphere of Influence, County of Stanislaus, State of California, and is described as follows:

Portion of the Smyrna Park Tract, Lots 1-4 and 5, 6, and 7 in the City of Ceres Sphere of Influence, according to the Assessor's Maps thereof on file with the Office of the Assessor of Stanislaus County, California.

**WHEREAS**, notice of a public hearing of the City Council of the City of Ceres to consider applicant's application was given in accordance with the City's Codes and applicable law; and,

**WHEREAS**, at the November 13, 2018 meeting, in compliance with the requirements of California Environmental Quality Act (CEQA), the City Council as the decision-making body and Lead Agency for the project, has carefully reviewed and considered the information contained in the Whitmore Ranch Specific Plan Environmental Impact Report and related Findings of Fact and Statement of Overriding Considerations, and find that the information identified therein outweigh and render acceptable the significant environmental impacts of the project which cannot be fully mitigated.

**NOW THEREFORE**, the City Council of the City of Ceres does hereby find as follows:

The proposal meets the intent of the General Plan in that it provides for annexation and development of new area pursuant to master planning, and is consistent with General Plan Policies. The Whitmore Ranch Specific Plan and related EIR includes an assessment of consistency with the policies of the General Plan. Specifically, adoption of the Whitmore Ranch Specific Plan and the related rezoning actions would implement and be consistent with the following General Plan Goals and underlying Policies:

Goal 2.A      *Support growth that improves quality of life for all residents and enhances the qualities of Ceres that residents love.*



The Whitmore Ranch Specific Plan provides for development within the City's Primary Sphere of Influence, promotes compact development patterns and higher development intensities, as well as includes a range of residential densities and housing types to accommodate the housing needs of all residents. The Plan also integrates transportation and land use to plan for a well-connected neighborhood with safe and convenient vehicle, pedestrian, bicycle, and transit accessibility. (Policies: 2.A.2; 2.A.3; 2.A.6; 2.A.11; 2.A.12; 2.A.13; and 2. D.1.)

Goal 2.B *Foster a distinctive city identity to support civic pride and Ceres' appeal.*

The Whitmore Ranch Specific Plan is located along a major corridor and includes entry and landscape features, as well as plans for a pedestrian and bike path set back from Whitmore Avenue to provide a safer and more inviting pedestrian experience. (Policies: 2.B.2; 2.B.4)

Goal 2.D *Promote infill development to protect farmland; enhance community character; optimize City investment in infrastructure; provide pedestrian and bicycle friendly neighborhoods; and enhance economic vitality.*

The Whitmore Ranch Specific Plan has been prepared consistent with the General Plan's Land Use & Community Design Element's many goals and policies which support and promote infill development to reduce pressure to develop on farmland. Further, the Whitmore Ranch Specific Plan was envisioned in the General Plan for residential development in the recently replaced 1997 General Plan in addition to the Ceres General Plan 2035. (Policies: 2.D.1; 2.D.3).

Goal 2.F *Support Ceres' neighborly and family-friendly character with complete and well-designed neighborhoods.*

The Whitmore Ranch Specific Plan supports the development of complete and compact neighborhoods with pedestrian-friendly connectivity to the existing La Rosa Elementary and Cesar Chavez Junior High Schools. The Specific Plan also contains central park blocks which include tree-lined streets and on-street parking to separate pedestrians from vehicular traffic and the facilities will provide direct connection to Cesar Chavez Junior High school. (Policies: 2.F.1; 2.F.2; 2.F.3; 2.F.4; and 2.F.7)

Goal 2.I *Ensure new growth areas contribute to Ceres's proud identity and promote community health.*

The Whitmore Ranch Specific Plan includes a comprehensively planned area that consists of the following: 1) a range of housing types consistent with the City's Housing Element; 2) compatibility with the two adjacent existing schools, and 3) bicycle/pedestrian

connectivity within the Specific Plan Area and adjacent existing neighborhoods. The WRSP will provide pedestrian connections from the existing schools in the east of the Plan Area to an existing Class 1 bicycle facility at the west of the project. (Policies: 2.I.1; 2.I.2; 2.I.3)

Goal 2.L *Ensure quality design that supports the goals of the General Plan.*

The Whitmore Ranch Specific Plan includes objectives and descriptions of circulation facilities to provide safe and convenient bicycle and pedestrian connections, consistent with the General Plan. The Specific Plan's design guidelines address the placement of garages and front porches. (Policies: 2.L.1; 2.L.2; 2.L.3; 2.L.5; 2.L.6).

Goal 3.A *Provide for the long-range planning, development, and maintenance of the City's roadway system to ensure the safe and efficient movement of people and goods through a variety of travel modes.*

The Whitmore Ranch Specific Plan Area's Environmental Impact Report (EIR) describes improvements necessary to achieve an acceptable level of service (LOS) throughout the Plan Area. Consistent with the General Plan, the Specific Plan includes policy language stating new development will construct or fund improvements necessary to mitigate the effects of the project, as well as maintaining consistency with the City's street improvement standards. Additionally, Chapter 5 of the Specific Plan describes in depth, the circulation framework, improvements, and required standards for road, transit, bicycle and pedestrian facilities. (Policies 3.A.2; 3.A.3, 3.A.5; 3.A.6; as well as Policies 3.B.1; 3.C.1; 3.C.2; 3.C.3; 3.D.1; 3.D.4; 3.E.1; 3.F.3; 3.F.4; 3.F.5; 3.F.8)

Goal 6.A *Provide for educational needs for all Ceres residents, ensuring adequate school facilities are available and appropriately located.*

The Whitmore Ranch Specific Plan incorporates the existing Cesar Chavez Junior High and La Rosa Elementary School facilities, which were developed in the unincorporated area of the County. The Plan also addresses the school facilities with existing and future circulation, along with new sidewalk improvements along Whitmore Avenue, funded by the Federal "Safe Routes to School" program. (Policies 6.A.6; 6.A.7; as well as Policies 6.C.14; 6.C.15)

Goal 6.D *Ensure safe and reliable potable water supply and delivery system sufficient to meet the current and future needs of the city.*

The Whitmore Ranch Specific Plan, Chapter 7, "Infrastructure and Public Services" provides information on the source of, and availability of, existing and proposed improvements to water supply and conveyance to serve the Plan Area. The Specific Plan promotes the efficient water use; reduced water demand; as well as

addresses standards for landscaping, irrigation, and water conservation in Chapter 6, "Parks, Paths, Trails, and Trees". Irrigation within the Specific Plan will be designed to meet the State of California Model Water Efficient Landscape Ordinance (MWELO) standards. (Policies 6.D.1; 6.D.2).

**Goal 6.E**     *Ensure adequate wastewater collection and treatment and the safe disposal of waste in a timely fashion to support the needs of current and future Ceres residents.*

The Whitmore Ranch Specific Plan states that new development will construct or fund improvements to serve the Plan Area. Funding for the planned public facility improvements area addressed in Chapters 5, 7; and 8; consistent with City standards. (Policies 6.E.1; 6.E.2)

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Ceres resolves as follows:


1. That the aforementioned findings are hereby approved.
2. The Whitmore Ranch Specific Plan and the associated Public Facilities Financing Plan are hereby recommended for approval to the City Council.

**PASSED AND ADOPTED** by the Ceres City Council at a regular meeting thereof held on the 13<sup>th</sup> day of November 2018, by the following vote:

**AYES:**            Council Members:     Durossette, Kline, Lane

**NOES:**           Council Members:     Ryno  
                         Mayor Vierra

**ABSENT**        Council Members:  
**RECUSAL CONFLICT:**

  
\_\_\_\_\_  
Mike Kline, Vice Mayor

**ATTEST:**

  
\_\_\_\_\_  
Diane Nayares-Perez, CMC, City Clerk

*Resolution No. 2018-125*



## **RESOLUTION NO. 2018-126**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERES APPROVING A REQUEST TO PROCESS AN ANNEXATION TO THE CITY OF CERES AND DETACHMENT FROM THE CERES FIRE PROTECTION DISTRICT OF THE WHITMORE RANCH SPECIFIC PLAN AREA BOUNDED BY WHITMORE AVENUE ON THE NORTH, MOORE ROAD ON THE WEST, LA ROSA ELEMENTARY SCHOOL ON THE EAST, WITHIN THE SOUTHERN LIMIT BEING APPROXIMATELY 1,300 FEET SOUTH OF WHITMORE ELEMENTARY AND AUTHORIZING THE CITY SUBMIT AN APPLICATION TO STANISLAUS LOCAL AGENCY FORMATION COMMISSION (LAFCO)**

### **THE CITY COUNCIL City of Ceres, California**

**WHEREAS**, an application was received from Steve and Grant Alvernaz for the Whitmore Ranch Specific Plan project, property bounded by Whitmore Avenue on the north, Moore Road on the west, La Rosa Elementary School on the east, with the southern limit being approximately 1,300 feet south of Whitmore Avenue; and,

**WHEREAS**, the City Council of the City of Ceres, State of California has considered said application proposing Annexation to the City and detachment from the Ceres Fire Protection District of the Whitmore Ranch Specific Plan area; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on October 29, 2018 at 6:00 p.m. and considered all testimony and comments presented whether orally or in writing; and,

**WHEREAS**, the properties affected by this resolution encompass the entirety of the area bounded by Whitmore Avenue on the north, Moore Road on the west, and the east side of La Rosa Elementary School on the east. The southern limit of the Specific Plan Area is approximately 1,300 feet south of Whitmore Avenue. The area includes 94 +/- acres; and,

**WHEREAS**, the properties affected by this resolution consist of the Assessor Parcel Numbers consist of Assessor Parcel Numbers, all of the following parcels: 069-017-001, 069-017-002, 069-017-003, 069-014-004, 069-017-005, 069-017-006, 069-017-007, 069-017-008, 069-017-010, 069-017-011, 069-017-012, 069-017-013, 069-018-001, 069-018-002, 069-018-003, 069-018-004; as described in Stanislaus County Assessor Maps; and,

**WHEREAS**, properties affected by this resolution are described as:

**The land referred to is situated in the City of Ceres Primary Sphere of Influence, County of Stanislaus, State of California, and is described as**

**follows:**

Portion of the Smyrna Park Tract, Lots 1 - 4 and 5, 6, and 7 in the City of Ceres Sphere of Influence, according to the Assessor's Maps thereof on file with the Office of the Assessor of Stanislaus County, California.

**WHEREAS**, once the City Council has authorized staff to submit an application to LAFCO, staff will prepare and submit an application to LAFCO on behalf of the applicant. The applicant will be required to pay for all of the necessary LAFCO application fees and the State Department of Equalization fees; and

**WHEREAS**, the City Council based on the evidence within the staff report and project file finds that:

1. The proposed annexation application is consistent with the purpose and intent of the Ceres General Plan 2035.
2. The proposed annexation area is within the City's Primary Sphere of Influence.
3. The proposed annexation is consistent with City Council Resolution No. 2018- 125 for a specific plan covering the annexation area which will adopt the Whitmore Ranch Specific Plan encompassing the entire proposed annexation area and with the adoption of that resolution the annexation will be consistent.
4. The proposed annexation is consistent with City Council Ordinance No. 2018- 1050 which will prezone the Whitmore Ranch Specific Plan area as Planned Community (PC). The Specific Plan will provide a range of densities and housing types, parkland and other open space, existing schools, and supportive infrastructure on approximately 94 acres of land. Future development proposals will be implemented according to the development standards and design guidelines included in the Specific Plan; and with the adoption of that ordinance the annexation will be consistent.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Ceres does hereby authorize the City to submit an application to Stanislaus LAFCO for annexation of, and detachment from the Ceres Fire Protection District for the area encompassed by the Whitmore Ranch Specific Plan area.

**PASSED AND ADOPTED** by the Ceres City Council at a regular meeting thereof held on the 13th day of November 2018, by the following vote:



*Resolution No. 2018-126*

**AYES:** Council Members:

Durossette, Kline, Lane

**NOES:** Council Members:

Ryno

**ABSENT** Council Members:

Mayor Vierra

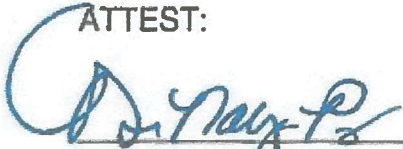
**RECUSAL CONFLICT:**



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Mike Kline, Vice Mayor

**ATTEST:**



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Diane Nayaes-Perez, CMC, City Clerk

## **EXHIBIT D**

### **Plan for Services & Agricultural Preservation Plan**

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**CITY COUNCIL**

Chris Vierra, Mayor  
Bret Durossette                      Mike Kline  
Linda Ryno                              Channce Condit

**PLAN FOR SERVICES  
WHITMORE RANCH SPECIFIC PLAN  
REORGANIZATION TO THE CITY OF CERES**

January 2019

**Background**

This Plan for Services evaluates the proposed Whitmore Ranch Specific Plan (WRSP) annexation area which is located within the unincorporated Stanislaus County, adjacent to the City of Ceres, and includes approximately 94 acres. The Specific Plan Area is entirely within the City's "Primary Area" Sphere of Influence and within the recently adopted City of Ceres General Plan 2035.

The WRSP area is bounded by Whitmore Avenue on the north, Moore Road on the west, and the east side of La Rosa Elementary School on the east. The southern limit of the Specific Plan Area is approximately 1,300 feet south of Whitmore Avenue. The Specific Plan area includes two existing schools: Cesar Chavez Junior High School and La Rosa Elementary. The Specific Plan proposes a mix of open space; schools; and low-, medium-, and high-density residential uses.

Surrounding land uses include to the: North: Single Family residences north of Whitmore Avenue; to the West: Multi-family residential and commercial uses along Whitmore Avenue and Mitchell Road and the Turlock Irrigation District-Ceres Main Canal, an irrigation canal and stormwater conveyance facility, with a Class I bike trail located west of, and running parallel to Moore Road is also located West of the Plan Area; to the South and East: are agricultural uses (field crops, trees, farmhouses and structures, and single-family homes) and a manufacturing facility.

The proposed Specific Plan Land Use Diagram provides approximately 28 acres for Low-Density Residential, 6.6 acres for Medium-Density Residential, and 6.4 acres for High-Density Residential. The Specific Plan, once fully developed,

could provide opportunities for up to 441 new dwelling units. The total number of dwelling units and the number of units for each land use designation are *assumptions* used for the purposes of analysis, and not a regulatory aspect of the Specific Plan. Additionally, approximately 36 acres is under the Schools land use designation and approximately 5.2 acres is designated Parks/Open Space. Infrastructure including streets and associated public rights-of-way would require approximately 12.2 acres of land within the Specific Plan Area.

### General Plan and Zoning

The Whitmore Ranch Specific Plan proposal meets the intent of the General Plan in that the Plan: 1) provides for annexation and new development through master planning of the area; and 2) is consistent with the policies and goals of the Ceres General Plan 2035. The Whitmore Ranch Specific Plan Draft EIR includes an assessment of consistency with the policies of the General Plan. Specifically, adoption of the Whitmore Ranch Specific Plan and related rezoning actions would implement and be consistent with the recently adopted General Plan 2035, Land Use Map as well as Goals and Policies.

Currently, the WRSP area is designated by the County as Commercial and Urban Transition (UT). Existing zoning for the Plan Area is within the Stanislaus County's Planned Development (PD-127 - Commercial) and Agriculture (A-2-10). With the adoption of the WRSP, the City of Ceres pre-zoned the plan area to Planned Community (P-C) and the zoning designations included in the WRSP will govern future development opportunities within the Plan Area. At the same time that the City Council approved the proposed annexation request, the Council also approved the Specific Plan, associated Finance Plan, and rezoning of the area.

The Whitmore Ranch Specific Plan Area also includes two existing Ceres schools (Cesar Chavez Junior High and La Rosa Elementary), which were developed within the County. Prior to the development of both schools, the City of Ceres, on behalf of the Ceres Unified School District, requested Out of Boundary Service Agreements (OOBSA) from Stanislaus LAFCO.

Stanislaus LAFCO approved the OOBSA's for: 1) La Rosa Elementary on May 25, 2005, LAFCO Resolution No. 2005-09; and 2) Cesar Chavez Junior High on September 23, 2009, LAFCO Resolution No. 2009-03; allowing the City of Ceres to provide water and sewer services to both schools. As part of that process, Ceres committed to someday annexing the two schools into the City limits, and the annexation of the WRSP will complete that obligation. Furthermore, because the properties as described above are receiving city water and sewer, the Ceres Unified School District was required, as part of the LAFCO process to sign an "Agreement to Annex with the City of Ceres".

Also, in April 2018, an out-of-boundary service extension was approved for water service to a residential home located at 3230 Whitmore Avenue, as the

property's well was failing; the property owner also signed the required "Agreement to Annex with the City of Ceres.

Annexation of the WRSP Area for city development and inclusion of the two existing schools and single family home will assist the City in meeting Stanislaus LAFCO requirements for consideration of a proposal that provides planned, orderly and efficient patterns of urban development.

### Environmental

The City of Ceres completed and certified an Environmental Impact Report (SCH# 2017012063) for the proposed project as the City Council reviewed and approved the project at their meeting of November 13, 2018, and authorized staff to submit an annexation request for the Whitmore Ranch Specific Plan area to Stanislaus LAFCO. The City's certifying resolution (2018-124) identifies the potential for significant impacts, identifies and requires mitigation measures where feasible, and identifies significant and unavoidable impacts and adopts a statement of overriding considerations. The Resolution also adopts the Finding of Fact and Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program (MMRP).

The Whitmore Ranch Specific Plan EIR identifies mitigation measures required to ensure that certain impacts remain less than significant. Each such mitigation measure will be incorporated into the proposed conditions of approval for future project entitlements within the WRSP. Any removal or modification of any condition which reflects mitigation would require the same type of balancing and findings as described in this report and the project EIR and is thus not recommended.

### **A. Water Supply**

Water supply for the Whitmore Ranch Specific Plan (WRSP) area is discussed in the Whitmore Ranch EIR and the Specific Plan and associated Finance Plan. Hydrology and Water Quality is discussed in more detail in the EIR, under Section 3.9. Water service would be provided to the WRSP area by the City of Ceres, upon annexation.

The City of Ceres (and the WRSP area) is located in the Turlock Subbasin, which is part of the larger San Joaquin Valley Groundwater Basin, California Department of Water Resources [DWR] Subbasin Number 5-22.03. The Turlock Subbasin lies between the Tuolumne and Merced Rivers and is bounded on the west by the San Joaquin River and on the east by the crystalline basement rocks of the Sierra Nevada foothills.

The City owns the public water supply system, which is operated and maintained by the City's Public Works Department. As of May 16, 2018, per the meter billing system, the City provides potable groundwater to approximately 11,898

residential, commercial, industrial and institutional/government water service connections. The City's service area encompasses an area of approximately 5,989 acres, or about 9.4 square miles.

While the City's existing water service area is generally contiguous with the City limits, there is a section in unincorporated Stanislaus County, which includes La Rosa Elementary and Cesar Chavez Junior High Schools within the WRSP area, that are receiving water and sewer service through an out-of-boundary service extensions. These out-of-boundary service extensions were approved by LAFCO in 2005 and 2009, respectively.

As part of the LAFCO approvals, the City of Ceres agreed to submit an annexation request for the two school sites, at such time that development of the Whitmore Ranch Specific Plan area was eminent. The Ceres Unified School District signed the required "Agreement to Annex" documents.

On April 26, 2018, the City applied for, and received LAFCO approval to extend water service to a residence within the WRSP area (3230 E. Whitmore, and the property owner signed the required "Agreement to Annex".

Currently, within the Plan area there are several existing private wells providing service to existing residences, along with a section in the northwestern portion of the City that receives water service from the City of Modesto.

#### Water Supply Infrastructure

The City has approximately 154 miles of water distribution pipelines that range in size from 4 to 25 inches. In addition to the pipelines and active groundwater wells, the City has two ground-level water storage tanks (reservoirs) that have a combined storage capacity of 3.8 million gallons. The reservoirs have an associated booster pump station to pump water from the reservoirs into the distribution system. During periods of high demand, water is pumped from the tanks into the distribution system to supplement well supplies. In addition, these tanks are filled with system water at night and continuously pumped throughout the day to meet demands.

Currently, the undeveloped portions of the Whitmore Ranch Specific Plan (WRSP) area are not served by public water supply infrastructure. A 12-inch water main is located within Eastgate Boulevard, and the pipeline provides potable water supplies to La Rosa Elementary and Cesar Chavez Junior High Schools. For the property located at 3230 Whitmore Avenue, potable water service is provided via an existing 12-inch water main along Whitmore Avenue.

Additional water transmission pipelines in the vicinity of the WRSP area include 8-inch water mains in Lunar Drive and Boothe Road, a 12-inch water main within Whitmore Avenue that runs from Lunar Drive to areas east of the Specific Plan area, and a 12-inch water main located in Mitchell Road. Also, the City's Water

Supply Master Plan identifies a new 16-inch water main along Whitmore Avenue that would be required to serve buildout of the City's Planning Area.

#### Existing Water Supply

In 2018, the City pumped 2,137 million gallons, with an average of 5.9 million gallons per day (gpd), with a pumping capacity of 11,780 gpm. Per the City's 2017 Annual Report to the State Water Resources Control Board (SWRCB), eleven percent (11%) of the City's groundwater supply is treated.

The City's Water Master Plan assumes that the City's historic yearly pumping rate of approximately 10,000 afy (acre feet a year) is at or near the limit of safe yield of the Turlock Subbasin underlying the City. The City anticipates groundwater supplies will be used to meet all of the City's current water needs through 2020. Table 1 below, summarizes the output of the 13 active domestic wells that are operating within the City of Ceres as of December 5<sup>th</sup>, 2018

**Table 1 – Active Well Data List – December 5<sup>th</sup>, 2018**

Well Number	Name	GPM
34	Lions Park	290
20	Kinser	inactive
21	Roeding Heights*	inactive
22	Rockefeller	1048
25	Boothe	inactive
23	Hatch/Moffet	1035
27	Sixth Street	1420
28	River Bluff	1270
14	Firestine	172
1	Smyrna	inactive
16	Hatch & Mitchell	172
35	Hackett	619
36	Little Lions	inactive
32	Blaker	1750
38	Eastgate*	1223
39	Smyrna North	1000
40	Smyrna South	931
6	Hollister	inactive
41	Riverview	850
<i>*Roeding Heights and Eastgate wells are located within the Whitmore Ranch Specific Plan area.</i>		
<b>TOTAL 11,780 gpm</b>		

These wells are continually monitored to ensure the contaminants, if any, do not exceed the Maximum Contaminant Levels (MCLs) set by the Environmental Protection Agency (EPA) and regulated by the State Water Resources Control Board (SWRCB). The water quality through the City's system is affected by a

combination of inorganic and organic contaminants. Two of the wells are currently being treated for contaminants.

Many of the City's wells are nearing the end of their service life and may need to be replaced to maintain the City's groundwater pumping capacity through full buildout of the City's 2035 General Plan. Due to water quality concerns, wellhead treatment and/or blending of well water is expected to be necessary in the future. These concerns are consistent with many communities located in the Central Valley.

#### Future Water Supply

The City's Urban Water Management Plan has determined that the water supply is projected to be sufficient to meet demand through 2035 in normal, single-dry, and multiple-dry years.

As a member of the Stanislaus Regional Water Authority (SRWA), the City has entered into a water sales agreement for delivery of 1,825 million gallons per year (5,600 afy) of Turlock Irrigation District (TID) surface water.

The SRWA's Regional Surface Water Supply Project will include numerous improvements within the Cities of Ceres and Turlock to pump water from the Tuolumne River, treat it to drinking water standards, and then deliver it to the City's service area. TID anticipates providing the City with surface water supply starting in 2022.

Chapter 7, "Infrastructure and Public Services" of the WRSP and Section 3.9, "Hydrology and Water Quality" also provides further information on the source of and availability of existing and proposed improvements to water supply and conveyance, required for Specific Plan development.

#### Water Demand

In 2017, the City pumped 2,109.5 (mg) with a pumping capacity of 10,492 gallons per minute (gpm), averaging 5.779 mg daily. The gallon per day capita usage in 2017 was 121.32 mg per the 2017 Consumer Confidence Report.

The water supply demands for the WRSP area of 214 acre-feet per year (afy) were accounted for in water demand projections contained in the City's Urban Water Management Plan (2015). Therefore, the proposed WRSP would not substantially deplete groundwater supplies such that there would be a net deficit in aquifer volume or substantial lowering of the level of the local groundwater table. As with all new development, the Public Works Director will verify that the City's water supply system can meet the State Water Resources Control Board (SWRCB) standards prior to the connection of any new development within the Plan area to the City's water system.

## Water Distribution

Distribution within the Plan area will require the installation of new piping as planned for and specified in the Specific Plan and related Financing Plan.

## Recycled Water

In addition to the domestic water system, the Specific Plan proposes to include a separate piping system to carry recycled water for purposes of irrigation of parks and public landscaping. This system will be installed in anticipation of the availability of recycled water in the future, in the interim it is planned to charge the system from an agricultural well within the area. This system will reduce the requirement for production and treatment of domestic water within the Plan area. Ceres also uses non-potable groundwater pumped from shallow wells to irrigate all of its public parks, with the exception of Roeding Park.

## **B. Wastewater Collection and Treatment**

Wastewater collection and treatment plans for the Plan area are discussed in the Whitmore Ranch EIR and the Specific Plan and associated Finance Plan. Wastewater collection and treatment is discussed in the Specific Plan in Chapter 7 – Infrastructure and Public Services. Sanitary sewer collection and treatment would be provided to the WRSP area by the City of Ceres, upon annexation.

The existing Ceres Sewer Service Area (CSSA) consists of approximately 4,100 acres of developed and underdeveloped lands, where wastewater collection, treatment, and disposal service is provided to approximately 13,800 sewer connections. Sewer service is provided to a mix of single-family and multi-family residential uses and commercial, industrial, and institutional land uses within the Ceres City limits and to adjacent unincorporated areas of Stanislaus County.

## Collection and Conveyance

The City has approximately 132 miles of sewer system pipelines, which range in size from 6 inches to 54 inches in diameter; 14 lift or pump stations; wastewater treatment and disposal facilities; and a wastewater effluent export pump station and pressurized force main to the city of Turlock.

The City of Ceres Sewer System Master Plan (SSMP) indicates that the sewer lines in Whitmore Avenue are surcharged and the Barbour's Lift Station is undersized to accommodate the upstream peak flows. However, the City of Ceres has recently upgraded the capacity of the Barbour Lift Station. The current flow for the Barbour Lift Station is 0.8 mgd, with a current capability of 2,678 gpm. Therefore, the capacity of the Barbour Lift Station is no longer an issue to serve upstream peak flows from existing and anticipated future development, including within the WRSP area. The City also recently installed a 27-inch

gravity main on Mitchell Road from the Barbour's Lift Station south to Service Road, as well as a 36-inch gravity main on Service Road

Within the WRSP area there are existing private septic tanks providing service to existing residences. There is an existing 8-inch sewer pipe in Whitmore Avenue, which runs from Eastgate Boulevard to just east of Boothe Road, where it becomes a 12-inch sewer pipe. The pipeline flows west and then, travels south along the 27-inch gravity sewer pipe in Mitchell Road to the Barbour's Lift Station located south of the intersection of Whitmore Avenue and Mitchell Road. These lines serve the existing La Rosa Elementary and Cesar Chavez Junior High schools in the WRSP.

### Treatment Facilities

The Ceres Sewer Service Area (CSSA) includes two disconnected service areas. The North Ceres Sewer Service Area (NCSSA) represents approximately a quarter of the CSSA service system. The NCSSA is bounded by the Tuolumne River on the north, Hatch Road on the south, Mitchell Road on the east (from Central Avenue to Mitchell Road flows to the Ceres WWTP, and South 9<sup>th</sup> Street on the west. Wastewater generated from the NCSSA generally flows to the northwest and into the City of Modesto's sewer system and is ultimately treated at the City of Modesto's Wastewater Treatment Plant.

The remainder of the CSSA, which includes the WRSP area, generally flows south and ultimately to the Ceres Wastewater Treatment Plant (Ceres WWTP). The Ceres WWTP operates under Waste Discharge Requirements Order No. 93-237, issued by the Central Valley Regional Water Quality Control Board on December 3, 1993.

The Ceres WWTP currently has a disposal capacity to treat 2.8 million gallons per day (mgd) with a treatment capacity of 3.5 mgd. However, the waste discharge permit limits the disposal capacity to 2.5 mgd. To utilize the 2.8 mgd disposal capacity, the City would need a revised waste discharge permit from the Central Valley Regional Water Quality Control Board.

In addition, Ceres has a contract in place to send 2.0 mgd of treated wastewater, via a 12-mile force main, to the City of Turlock Regional Water Quality Control Facility for disposal. Ceres is currently pumping an average of .950 mgd to Turlock, with pumping capabilities of 1.17 mgd. As a result, the City of Ceres has a total disposal capacity of 4.5 mgd under the current discharge permit; however, the total discharge capacity could increase to 4.8 mgd with a revised discharged permit.

As of 2018, the Ceres WWTP treats approximately 2.47 mgd average dry-weather flow and 1.66 mgd average dry-weather flow is sent to the Modesto WWTP from the NCSSA. In addition, the City has planned improvements in



place that would allow for the ability to treat increased wastewater generation as planned in the City's recently adopted 2035 General Plan.

#### Future Service for WRSP

As identified in the Whitmore Ranch Specific Plan and EIR, the City estimates that buildout of the WRSP area would generate a peak flow of 1.33 mgd. Currently, the La Rosa Elementary and Cesar Chavez Junior High schools generate 0.254 mgd of wastewater that is conveyed to the Ceres WWTP.

### **C. Storm Drainage**

Storm Drainage plans for the Whitmore Ranch Specific Plan area are discussed in the Whitmore Ranch EIR and the Specific Plan and associated Finance Plan. Storm Drainage facilities are discussed in Chapter 7 of the WRSP.

#### Existing Adjacent Facilities and Remaining Capacity

In 2002, an Eastgate Storm Drain Benefit District was established to share the cost of the storm drain system among the properties using and benefitting from it. The first phase of the District was established for the area north of Whitmore Avenue (Area 1). The area south of Whitmore Avenue (which contains the WRSP area) as Area 2, and was considered for future development.

A description developed for the Eastgate Storm Drain Benefit District established the drainage system for the area that includes the Specific Plan area. A 30-inch pipeline exists in Eastgate Boulevard, which flows north, eventually discharging into the Tuolumne River; and per the District, this pipe is sized to accept seven (7) cubic feet per second (cfs) of storm water from the future development to the southeast.

#### Whitmore Ranch Specific Plan

The Whitmore Ranch Specific Plan and Financing Plan provide for the construction of on-site storm drain facilities for this project that comply with City Standards. New catch basins on the south side of Whitmore Avenue will be connected to existing catch basins on the north side of the street, which drain to the existing storm drainage system north of Whitmore Avenue.

Areas south of Whitmore Avenue are to include detention facilities within the central park area and drain surrounding new development storm water into these detention facilities. These detention facilities would then connect by gravity pipelines to the existing 30-inch pipe located on Eastgate Boulevard. The two existing schools have already constructed on-site detention facilities and have extended the 30-inch pipeline south on Eastgate Boulevard, approximately 800 feet.

#### **D. Fire Protection**

The Plan area is currently served by the Ceres Rural Fire Protection District. Currently, the District's Insurance Services Office (ISO) rating is 9. Following annexation, the City of Ceres Fire Department provides fire protection to the project area. Currently, the City of Ceres has a mutual aid agreement for fire protection to the area.

The Ceres Fire Department operates from four fire stations within City limits. The Ceres Fire Department has 38.5 paid positions, including a part-time secretary, one chief, three battalion chiefs, 13 fire captains, 12 engineers, and nine firefighters. One of the captain positions is paid for by Stanislaus County as part of the Regional Fire Investigations Unit.

The closest Ceres Fire Department stations to the Whitmore Ranch Specific Plan (WRSP) area are:

- Fire Station 1, located at 2727 3<sup>rd</sup> Street, approximately 1.6 miles west of the project area. This station is equipped with one Type III engine, one rescue engine, and one grass engine.
- Fire Station 4, located at 3101 Fowler Road, approximately 0.9 north of the project area. This station is equipped with one ladder truck and one rescue boat.

These stations would provide first response service to the WRSP area.

The Ceres Fire Department does not have service ratio standards but does aim for the National Fire Protection Association's National Response Time Standard of responding within nine minutes of the dispatch notification at least 90 percent of the time. The Department responded to approximately 4,758 services calls from 2016-2018 with an average response time for fire and emergency calls of less than five minutes.

Additionally, the Insurance Services Office (ISO) is the recognized classification for a fire department or a district's ability to defend against major fires. A rating of 10 generally indicates no protection, whereas an ISO rating of 1 indicates the highest firefighting capability. Overall, the City's Fire Department ISO rating is three (3).

Funding for the Ceres Fire Department's operations is provided by the City's General Fund and Measure H Sales Tax. The City requires the payment of a one-time public facilities fee for any new residential, commercial, or industrial development to mitigate the impacts to fire protection services.

In addition, annual community facilities district fees allows the Ceres Fire Department to maintain service levels as new residential, commercial, and

industrial development occurs by ensuring new development pays for its pro-rata share of new firefighters. Fire protection services and related facilities are discussed further in the Whitmore Ranch EIR, Specific Plan and associated Finance Plan.

## **E. Police Protection**

The Stanislaus County Sheriff's Department provides law enforcement services throughout the unincorporated areas of the county, including the WRSP area. Upon annexation, the City of Ceres Police Department would provide police protection services within the WRSP area.

The Ceres Police Department is located downtown and all personnel are dispatched from this location, at 2727 Third Street, approximately 1.6 miles west of the WRSP area. The Department includes patrol and canine units, SWAT, special ops, traffic unit, detective bureau, records section, and street crime unit. The Department also provides a variety of volunteer positions that include parking enforcement, supplemental traffic patrol, assistance at City-sponsored events, and serving of subpoenas.

The Police Department provides a full range of police services with 46 sworn officers and 31.5 support personnel. The service ratio of 1.11 sworn officers per 1,000 is slightly under the Department's goal of 1.3 officers per 1,000. The Department estimates that approximately 20 new officers would be required to meet the service ratio goal. Consideration for additional police officers may be discussed during the upcoming 2019 City Council budgeting session(s).

Funding for the Ceres Police Department's operations is provided by the City's General Fund, Measure H Sales Tax, State Traffic Safety fund, Abandoned Vehicle Fund, and Supplemental COPS program. The City requires the payment of a one-time public facilities fee for any new residential, commercial, or industrial development to mitigate any impacts to its police services. In addition, annual community facilities district fees allow the Police Department to maintain an adequate level of service level as new residential, commercial, and industrial development occurs by ensuring new development pays for its pro-rata share of new firefighters. Police protection services and related facilities are also discussed in detail within the Whitmore Ranch EIR, Specific Plan and associated Finance Plan.

## **F. Circulation**

The circulation framework for the proposed annexation area is discussed in the Whitmore Ranch EIR, Specific Plan, and associated Financing Plan. Chapter 5 of the WRSP also indicates access points to adjacent roadways that will serve to connect the internal project to existing roadways. Along Whitmore Avenue there will be four connections to the WRSP starting in the east, existing Eastgate Boulevard, then existing Esmar Road, a future connection and Boothe Road and

Lunar Drives. It is envisioned that the connection at Boothe Road will be controlled via a traffic signal.

There will also be connections to Moore Road at the west end of the WRSP via a few local streets and through the linear park that will bisect the WRSP. Additionally, Ceres Unified School District is working with the project proponent to see if an extension of a roadway from the WRSP to Eastgate Boulevard in order to provide additional access to La Rosa Elementary School and Cesar Chavez Junior High School.

Development of the WRSP will provide for on-site circulation as well as adjacent streets. The Finance Plan will provide for financial contribution to a number of wider area intersections.

## **G. Population**

Currently, there are six (6) existing single-family homes on lots between one-half acres to 2 acres located within the WRSP area. The owners of these parcels would ultimately choose whether to develop or sell their property, pending annexation of the area.

The proposed Specific Plan Land Use Diagram provides approximately 28 acres for Low-Density Residential, 6.6 acres for Medium-Density Residential, and 6.4 acres for High-Density Residential.

The Specific Plan, once fully developed, could provide opportunities for as many as 441 new dwelling units and a potential population of 1,258 new residents. The total population and number of dwelling units for each land use designation are *assumptions* used for the purposes of analysis, and not a regulatory aspect of the Specific Plan. Additionally, approximately 36 acres is under the Schools land use designation and approximately 5.2 acres is designated Parks/Open Space. Infrastructure including streets and associated public rights-of-way would require approximately 12.2 acres of land within the Specific Plan Area.

## **Utility Providers within the Whitmore Ranch Specific Plan (WRSP) area**

### Current utility provides within the WRSP area:

<b>Type of Utility</b>	<b>Utility Provider</b>
Electrical Service	Turlock Irrigation District
Solid Waste	Bertolotti Disposal Services
Natural Gas	PG & E
Water	Private wells/City of Ceres (La Rosa & Cesar Chavez schools)
Wastewater	Private septic/City of Ceres

### Future utility providers for the WRSP area upon annexation:

<b>Type of Utility</b>	<b>Utility Provider</b>
Electrical Service	Turlock Irrigation District
Solid Waste	Bertolotti Disposal Services
Natural Gas	PG & E
Water	City of Ceres
Wastewater	City of Ceres



**CITY COUNCIL**

Chris Vierra, Mayor  
Bret Durossette      Mike Kline  
Linda Ryno              Channce Condit

**PLAN FOR AGRICULTURAL PRESERVATION  
WHITMORE RANCH SPECIFIC PLAN  
REORGANIZATION TO THE CITY OF CERES**

**January 2019**

**1. Introduction and Purpose**

One of the Stanislaus Local Agency Formation Commission's (LAFCO's) main charges, as set forth by the Legislature, is to protect and promote agriculture. As described in the Whitmore Ranch Specific Plan's environmental documentation, LAFCO requires annexation proposals that would impact agricultural lands to prepare a "Plan for Agricultural Preservation".

**2. Project Setting and History**

Project Description

The Whitmore Ranch Specific Plan (WRSP) Area is located in unincorporated Stanislaus County, adjacent to the City of Ceres on two sides, and is within the City's "Primary Area" Sphere of Influence.

The Plan Area includes approximately 94 acres that is bounded by Whitmore Avenue on the north, Moore Road on the west, and the east side of La Rosa Elementary School on the east. The southern limit of the Specific Plan Area is approximately 1,300 feet south of Whitmore Avenue. The Specific Plan Area also includes two urban developed existing schools: Cesar Chavez Junior High School and La Rosa Elementary.

Surrounding land uses include to the North: Single Family residences north of Whitmore Avenue; to the West: Multi-family residential and commercial uses along Whitmore Avenue and Mitchell Road and the Turlock Irrigation District-Ceres Main Canal, an irrigation canal and stormwater conveyance facility, with a Class I bike trail located west of, and running parallel to Moore Road is also located West of the Plan Area;

to the South and East: are agricultural uses (field crops, trees, farmhouses and structures, and single-family homes) and a manufacturing facility.

The Specific Plan proposes a mix of open space; schools; and low-, medium-, and high-density residential uses. There is also a concrete-lined Turlock Irrigation District Ceres Main Canal that is developed with a Class I bicycle facility approximately 30 feet west of the Specific Plan area and the Tuolumne River is located approximately 1.25 miles to the north.

The Whitmore Ranch Specific Plan (WRSP) has been in the planning process since September of 2014. The proposed land uses within the WRSP were envisioned and included within the analysis of the 2035 General Plan, which was adopted by the Ceres City Council in May of 2018. As a result, no amendment of the General Plan was necessary with the adoption of the WRSP.

Furthermore, the Plan Area is within the City of Ceres "Primary Area" Sphere of Influence (SOI) which has largely stayed the same since the adoption of the 1997 General Plan. Pursuant to Stanislaus LAFCO's local policy, "Primary Area" is an area designated within an agency's Sphere of Influence (SOI) that is intended to show the direction of near-term growth within 0-10 years.

Adoption of the General Plan 2035 did not change the "Primary Area" Sphere of Influence for the Whitmore Ranch Specific Plan and therefore this area has been planned for reorganization to the City for more than two decades.

Of note, part of the City's application to LAFCO, includes the request for detachment from the Ceres Rural Fire Protection District. Therefore, the City is requesting annexation of the Whitmore Ranch Specific Plan area, and consequently detachment from the Ceres Rural Fire Protection District. The City of Ceres currently provides fire protection to the Whitmore Ranch Specific Plan area pursuant to an existing agreement with the Ceres Rural Fire Protection District.

Additionally, the Ceres Unified School District has two schools within the Specific Plan area. Based upon prior approvals from LAFCO, the City currently provides with water and sewer services to La Rosa Elementary and Cesar Chavez Junior High School. Annexation of the WRSP honors the City of Ceres commitment to Stanislaus LAFCO that reorganization to Ceres would be made as the City provides water and sewer services to the two developed schools.

The Whitmore Ranch Specific Plan Land Use Diagram provides approximately 28 acres for Low-Density Residential, 6.6 acres for Medium-Density Residential, and 6.4 acres for High-Density Residential. The Specific Plan, once fully developed, would provide opportunities for approximately 441 new dwelling units. Additionally, approximately 36 acres is under the Schools land use designation and approximately 5.2 acres is designated Parks/Open Space. Infrastructure including streets and associated public rights-of-way would require approximately 12.2 acres of land within the Specific Plan Area.

When developed, the Whitmore Ranch Specific Plan Area will also provide better circulation and access to the two existing schools via new roadways connecting to Moore Road and Whitmore Avenue. This future level of access would not be possible without the development of WRSP. Development of the project also allows for not only opportunities for new single-family residential housing, but also has a component to allow high density housing opportunities within the City of Ceres.

#### Agricultural Resources

Based on analysis of the Stanislaus County Important Farmland map (DOC 2016c), approximately 51.7 acres of Prime Farmland, is located within the Whitmore Ranch Specific Plan (WRSP) area, and as such, would be directly and permanently converted to nonagricultural uses.

In 2016, approximately 249,967 acres of Prime Farmland existed in Stanislaus County, of which 6,463 acres of Prime Farmland were located within the City's Planning area. A conversion of approximately 51.7 acres of Prime Farmland would account for approximately less than one percent of total Prime Farmland in the City's Planning Area.

As the impact associated with direct conversion of Prime Farmland in the Specific Plan area is considered significant mitigation measures were adopted as part of the WRSP EIR. With regards to agricultural mitigation relating to conversion of Prime Farmland, the following outlines how the Plan intends to mitigate the loss of Prime Farmland:

Mitigation Measure 3.2-1: Mitigate Loss of Prime Farmland: "Prior to the approval of improvement plans, building permits, or recordation of the final map, project applicants in the Specific Plan area shall offset the loss of Prime Farmland. This shall be done through the acquisition of conservation easements in Stanislaus County at a 1:1 ratio (i.e., 1 acre on which easements are required to 1 acre of Prime Farmland removed from agricultural use) that provide in-kind or similar resource value protection; or payment of in-lieu fees to an established, qualified, mitigation program to fully fund the acquisition and maintenance of agricultural land or



easements; or compliance with the City's Plan for Agricultural Preservation, as adopted by Stanislaus LAFCO in accordance with LAFCO Policy 22.

#### Williamson Act Contract Lands

Under the California Land Conservation Act of 1965, also known as the Williamson Act, local governments can enter into contracts with private property owners to protect land (within agricultural preserves) for agricultural and open space purposes.

There are no Williamson Act Contracted Lands within the Whitmore Ranch Specific Plan Area. Therefore, implementing the proposed Specific Plan would not conflict with any existing such Williamson Act contract(s).

### **3. Vacant Land Inventory and Absorption Study/Analysis**

The City of Ceres recently conducted a comprehensive review of vacant or underutilized residential, commercial and industrial lands as part of its General Plan Update. One of the purposes of the General Plan update is to determine where new housing and employment growth will be accommodated within the geography of the city. This analysis has two sides: demand and supply. Estimates of demand for new developable land are driven by demographic and economic projects for the Ceres and the region as whole. The supply side is determined by first looking at current and proposed development in the "pipeline" and then identifying sites within the Planning Area that may be appropriate for new development. The City's General Plan Update kept that same 1997 Planning Area boundaries, yet as part of that process, the City recognized that based on the vision and goals set by the community, growth is largely dependent on market conditions.

#### Potential Development Opportunity Sites

The City's General Plan Update and 2015 Housing Element identified opportunity sites for potential future development. Summarized, there are 563.3 acres of vacant land, 121.0 acres of underutilized land, 1,137.7 acres of rural land, and 189.5 acres of additional sites within the Ceres Sphere of Influence (SOI). As mentioned previously, absorption of available developable land can take many years.

Vacant land is scattered throughout the City with the majority being available within the West Landing Specific Plan (WLSP) area. Although there remains approximately 300 acres of vacant single-family residential housing inventory within the WLSP area, based on long downturn in the local economy, and the lack of interest from market rate and/or non-profit housing developers there has been no movement for any residential

development in that area. Additionally, there is the need for the extension of water and sewer infrastructure to this area. Over the last few years, the City has extended sewer trunk lines and water lines to the WLSP area to facilitate development within this area.

Further, there are several County-owned facilities located within the West Land Specific Plan area including Animal Services, CSA, Sheriff, and Ag Center. Industrial properties owned by G3 Enterprises are also located within the WLSP area. There are also several new retail establishments developed along the east side of Crows Landing Road adjacent to G3 Enterprises industrial properties.

Other than the WLSP area noted above, the City of Ceres has almost no land within the City limits that could support new residential development. New single-family residential development over the last five years has only been on finished lots that were developed prior to the recession. Currently, there is only one subdivision under construction in Ceres that is finishing a subdivision that was subdivided in 2005. There is a 10 acre property in the extreme northeast corner of the City that can be subdivided for new single family homes and 2.5 acres of that lot will be developed in conjunction with some adjacent properties into a new neighborhood park.

As mentioned above, the City's certified 2015 Housing Element and recently adopted General Plan 2035, stipulate how the City will meet its share residential housing needs as identified by the Stanislaus Council of Governments (StanCOG). The Whitmore Ranch Specific Plan area has been identified the City's Housing Element and General Plan as providing a range of housing types, including higher density housing. Of note, WRSP also includes two existing developed school sites.

#### **4. Regulatory Framework and Policy Consistency**

The following provides a listing of the relevant policies, regulations and programs for which the Whitmore Ranch Specific Plan area must comply with, in accordance to the regulations of the jurisdiction and the region:

##### **Ceres Adopted Housing Element and General Plan Policies**

California law requires specific plans to be consistent with the jurisdiction's general plan and that findings regarding consistency be included in the specific plan. The Ceres General Plan 2035 Land Use Diagram identifies five land use designations for the Whitmore Ranch Specific Plan (WRSP) area: High Density Residential, Medium Density Residential, Low Density Residential, Schools, and Parks. The WRSP adopted the same land use designations, along with an annexation application to LAFCO, and rezoning of the area to Planned Community (P-C),

The Whitmore Ranch Specific Plan proposal also meets the intent of the General Plan by: 1) providing for annexation and new development through master planning of the area; and 2) maintaining consistency with the policies and goals of the Ceres 2015-2023 Housing Element and General Plan 2035.

#### 2015-2023 Housing Element

The City's adopted and certified 2015-2023 Housing Element identifies lands within the WRSP area for residential development in order to meet State-mandated regional housing needs:

Housing Element Program 1.0: Regional Housing Needs Allocation. The City shall designate sufficient land at various densities to allow for the construction of sufficient housing to meet its legally adopted HCD Regional Housing Need Allocation (RHNA) between 2014 and 2023. Development of the Whitmore Ranch Specific Plan area, which includes varied housing densities, will assist the City in meeting a share of the City's RHNA's.

Housing Element Program 1.3: Master Plans, Specific Plans, and Planned Developments states "the City shall require that large tracts of vacant land to develop under a comprehensive site plan, either through a master plan, specific plan process, or a planned development process, that provides for a mixture of housing types and a range of housing densities." With regards to the Whitmore Ranch Specific Plan, residential development includes various densities that corresponds to the proportion of the City's regional housing needs for each income group, consistent with this Program.

Housing Element Policy 1.14: The City will include a variety of housing types and densities in all annexations that include residential development in compliance and support of state-mandated annexation requirements and LAFCO annexation approval procedures in accordance with the Cortese-Knox-Hertzberg Act. The Whitmore Ranch Specific Plan area is identified in the City's Housing Element as providing a range of low-medium and very high density housing sites, and as recommended for adoption as part the City's Housing Objectives. (City of Ceres 2015-2023 Housing Element)

#### Ceres General Plan 2035

The adopted Whitmore Ranch Specific Plan includes and is consistent with the overall goals and policies within the recently adopted Ceres General Plan 2035; as follows:

**Goal 2.A**     *Support growth that improves quality of life for all residents and enhances the qualities of Ceres that residents love.*

The Whitmore Ranch Specific Plan provides for development within the City's primary "Primary Area" Sphere of Influence and within the "Primary Area", promotes compact development patterns and higher development intensities, as well as includes a range of residential densities and housing types to accommodate the housing needs of all residents. The Plan also integrates transportation and land use to plan for a well-connected neighborhood with safe and convenient vehicle, pedestrian, bicycle, and transit accessibility. (Policies: 2.A.2; 2.A.3; 2.A.6; 2.A.11; 2.A.12; 2.A.13; and 2.D.1.)

**Goal 2.D**     *Promote infill development to protect farmland; enhance community character; optimize City investment in infrastructure; provide pedestrian and bicycle friendly neighborhoods; and enhance economic vitality.*

The Whitmore Ranch Specific Plan has been prepared consistent with the General Plan's Land Use & Community Design Element's many goals and policies which support and promote infill development to reduce pressure to develop on farmland. Further, the Whitmore Ranch Specific Plan was envisioned in the General Plan for residential development in the recently replaced 1997 General Plan in addition to the Ceres General Plan 2035. (Policies: 2.D.1; 2.D.3).

**Goal 2.F**     *Support Ceres' neighborly and family-friendly character with complete and well-designed neighborhoods.*

The Whitmore Ranch Specific Plan supports the development of complete and compact neighborhoods with pedestrian-friendly connectivity to the existing La Rosa Elementary and Cesar Chavez Junior High Schools. The Specific Plan also contains central park blocks which include tree-lined streets and on-street parking to separate pedestrians from vehicular traffic and the facilities will provide direct connection to Cesar Chavez Junior High School. (Policies: 2.F.1; 2.F.2; 2.F.3; 2.F.4; and 2.F.7)

**Goal 2.I**     *Ensure new growth areas contribute to Ceres' proud identity and promote community health.*

The Whitmore Ranch Specific Plan includes a comprehensively planned area that consists of the following: 1) a range of housing types consistent with the City's Housing Element; 2) compatibility with the two adjacent existing schools, and 3) bicycle/pedestrian connectivity within the Specific Plan Area and adjacent existing neighborhoods. The WRSP will provide pedestrian connections from the existing schools in the east of the Plan Area to an existing Class 1 bicycle facility at the west of the project. (Policies: 2.I.1; 2.I.2; 2.I.3)

Goal 6.D *Ensure safe and reliable potable water supply and delivery system sufficient to meet the current and future needs of the city.*

The Whitmore Ranch Specific Plan, Chapter 7, "Infrastructure and Public Services" provides information on the source of, and availability of, existing and proposed improvements to water supply and conveyance to serve the Plan Area. The Specific Plan promotes the efficient water use; reduced water demand; as well as addresses standards for landscaping, irrigation, and water conservation in Chapter 6, "Parks, Paths, Trails, and Trees". Irrigation within the Specific Plan will be designed to meet the State of California Model Water Efficient Landscape Ordinance (MWELO) standards. (Policies 6.D.1; 6.D.2).

Goal 6.E *Ensure adequate wastewater collection and treatment and the safe disposal of waste in a timely fashion to support the needs of current and future Ceres residents.*

The Whitmore Ranch Specific Plan states that new development will construct or fund improvements to serve the Plan Area. Funding for the planned public facility improvements are addressed in Chapters 5, 7; and 8; consistent with City standards. (Policies 6.E.1; 6.E.2)

### **Stanislaus Local Agency Formation Commission Policies**

The Stanislaus Local Agency Formation Commission (LAFCO), is charged with approving changes in jurisdictional limits and public service areas, as well as reviews proposals in relation to their impact to agricultural lands.

According to Government Code Section 56668, among one of the many factors to be considered by LAFCO in reviewing organizational and boundary changes, is "the effect of the proposal on maintaining the physical and economic integrity of agricultural lands".

#### Policy 22 – Agricultural Preservation Policy

Stanislaus LAFCO considers the Agricultural Preservation Policy as an evaluation standard for review of those proposal that could reasonably be expected to induce, facilitate, or lead to the conversion of agricultural land.

Thus, in the instance of the Whitmore Ranch Specific Plan proposal, upon application for an annexation to a city ("agency") providing one or more urban services (i.e. potable water, sewer services) that includes agricultural lands, a Plan for Agricultural Preservation must be provided with the application to LAFCO.

The purpose for a Plan for Agricultural Preservation is to assist LAFCO in determining how a proposal meets the goals of the policy. Therefore, the

City has prepared this "Plan for Agricultural Preservation" document that shall serve as the City's Plan for Agricultural Preservation for the Whitmore Ranch Specific Plan.

#### Out of Boundary Service Extensions

The Whitmore Ranch Specific Plan Area also includes two existing Ceres schools (Cesar Chavez Junior High and La Rosa Elementary), which were developed within the County and located within the City of Ceres "Primary Area" Sphere of Influence.

In 2005 and 2009 respectively, the City of Ceres, on behalf of the Ceres Unified School District, was granted two Out of Boundary Service Extensions from Stanislaus LAFCO, pursuant to Government Code Section 56133. These agreements were required in order for the City of Ceres to provide water and sewer services to both schools, which are located outside the City limits. (*LAFCO Resolution Nos. 2005-09 and 2009-23*)

As part of that process, the Ceres committed to someday annexing the two schools into the City limits, based on LAFCO's conditions of approval. Thus, annexation of the WRSP area (including the two schools) will complete that obligation to Stanislaus LAFCO.

Furthermore, because the schools are receiving city water and sewer, the Ceres Unified School District was required to sign an "Agreement to Annex with the City of Ceres" as part of the LAFCO process. Thus, annexation of the Plan Area for city development and inclusion of the two existing schools will meet Stanislaus LAFCO requirements for consideration of a proposal that provides "planned, orderly and efficient patterns of urban development".

More recently, the City applied for and subsequently received LAFCO approval for an Out of Boundary Service Extension for a single-family home located at 3230 E. Whitmore Avenue, Ceres (APN 069-017-002). LAFCO decision included the following: 1) the property is located within the City of Ceres "Primary Area" Sphere of Influence; 2) the subject property's on-site well failed and represents a clear health and safety concern; and 3) a signed copy of the service agreement between the City and the landowner includes language that the landowner consents to future annexation, per LAFCO Policy 15, Section E.

#### **Stanislaus County**

The Stanislaus County's General Plan provides a blueprint to guide the physical development, preservation, and conservation of areas within the unincorporated areas of the county.

### County General Plan

The County's General Plan establishes land use designations within the Specific Plan area. According to the County's General Plan, the west (approximately 16 acres) portion of the Specific Plan area is designated as Commercial, where the remainder to the east (including the two existing schools) is designated as Urban Transition (UT).

Per the County General Plan, the purpose of the Urban Transition (UT) designation is to ensure that land remains agricultural use until urban development consistent with a city's general plan designation is approved. The intent of the Commercial designation is to indicate areas best suited for retail, service, and wholesaling operations. Historically, the County's UT designation was adopted for areas within the City's spheres of influence and consideration that the eventual annexation of the area to a city would occur when development was imminent.

### County Zoning

According to Stanislaus County, the estimated 16-acre portion on the west of the Whitmore Ranch Specific Plan (WRSP) is zoned as Planned Development, whereas the remaining larger portion to the east (including the two existing developed schools) is zoned General Agriculture with a new 10-acre minimum lot size (A-2-10).

### Right-to-Farm Notice

The project applicant(s) for residential uses within the WRSP area shall provide the Stanislaus County's Right-to-Farm Notice (Section 9.32.050 of the Stanislaus County Municipal Code) to all prospective homebuyers within 150 feet of the southern Specific Plan area boundary. Consistent with County policies, the Right-to-Farm Notice shall be included in all residential deeds at the time of sale. Page 486 of the WRSP Draft EIR includes the specific language and form required to be contained in the Right-to-Farm Notice (Section 9.32.050[F]).

## **5. Analysis of Mitigation Measures**

The Whitmore Ranch Specific Plan (WRSP) project was reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined to require the preparation of an Environmental Impact Report (EIR). The preparation of the EIR, included a Mitigation Monitoring and Report Program (MMRP) and Findings of Fact and Statement of Overriding Conditions (subsequently adopted by the City Council).

A Notice of Preparation (NOP) for the WRSP was released on February 21, 2017. The WRSP Draft EIR was released on June 27, 2018. The review period for the Draft EIR (SCH # 2017012063) lasted for 45 days, from June 27, 2018 to August 13, 2018. A public scoping meeting regarding the Whitmore Ranch Specific Plan and DEIR was held at the Ceres Community Center on August 6, 2018. The Final EIR, which is the response to all comments received during the review period was released to the public on October 3, 2018.

The Whitmore Ranch Specific Plan EIR identified environmental impacts which were less than significant based on established standards of significance, and impacts which are significant and unavoidable (i.e., those for which no feasible mitigation exists). Significant and unavoidable impacts are discussed in depth within the EIR and include impacts to the following:

- Cumulative impact on emission of criteria air pollutants and greenhouse gases
- Conversion of farmland to non-agricultural uses
- Noise
- Traffic

With regards to proposed residential development on Prime Farmland, methods or strategies for minimizing the loss of agricultural lands have been adopted within the Whitmore Ranch Specific Plan Environmental Impact Report and the Statement of Overriding Considerations.

## **6. Method for Minimizing the Loss of Agricultural Lands**

According to the Whitmore Ranch Specific Plan (WRSP) Draft Environmental Impact Report (DEIR), the proposed project will result in a permanent conversion and loss of approximately of 51.7 acres of Prime Farmland within Stanislaus County. Based on analysis within the DEIR, the conversion of approximately 51.7 acres of Prime Farmland would account for less than one percent of the total Prime Farmland in Stanislaus County as a whole, as well as less than one percent of the total Prime Farmland within the City's Planning Area.

Per the City's WRSP Adopted EIR, Mitigation Measure 3.2.-1; reads in its entirety as follows:

"3.2-1 Mitigate Loss of Important Farmland. Prior to approval of improvement plans, building permits, or recordation of the final map, project applicants for projects in the Specific Plan Area shall offset the loss of Prime Farmland. This shall be done in coordination with the City, through the acquisition of conservation easements in Stanislaus County at a 1:1 ratio (i.e., 1 acre on which easements are acquired to a 1 acre of Prime Farmland removed



from agricultural use) that provide in-kind or similar resource value protection; payment of in-lieu fees to an established, qualified, mitigation program to fully fund the acquisition and maintenance of agricultural land or easements; or compliance with the City's Plan for Agricultural Preservation, as adopted by Stanislaus LAFCO in accordance with LAFCO Policy 22."

Retention of this Mitigation Measure is supported by LAFCO, per their letter dated August 13, 2018.

In addition, consistent with LAFCO Agricultural Preservation Policy 22, the Whitmore Ranch Specific Plan's related environmental documentation pursuant to CEQA, and General Plan policies, complies with LAFCO's requirements for minimizing the loss of agricultural lands.

As such, for projects to be developed within the Whitmore Ranch Specific Plan area, the chosen method or strategy must be consistent with Mitigation Measure 3.2:1 and shall occur prior to the approval of improvements, building permits, or recordation of the final map, in order to offset the loss of Prime Farmland. For conservation easements, the chosen land must contain equal or better soil quality, a dependable and sustainably supply of irrigation water (Turlock Irrigation District).

## **7. Conclusion**

In conclusion, Plan for Agricultural Preservation for the Whitmore Ranch Specific Plan area is consistent with LAFCO requirements as follows:

- A. The Plan area has been within the LAFCO-approved "Primary Area" Sphere of Influence since 1997. It is also within the County's Urban Transition (UT) zone, which specifically recognizes that the area would convert from agriculture to urban land uses at some point in the future.
- B. Annexation of the already urban-developed Ceres Unified School District sites (La Rosa Elementary and Cesar Chavez Junior High) honors the City's commitment to LAFCO to annex the schools sites, when the City received LAFCO approval to provide water/sewer services to these sites. (2005, 2009)
- C. The Whitmore Ranch Specific Plan area has been comprehensively planned with development consistent with the City's General Plan, and Housing Element. In addition, development of the area will assist the City in meeting its Regional Housing Needs Allocation, per HCD.

- D. Development of the area includes compact development with higher densities, and reducing pressure on Prime Farmland. For example, the Plan achieves an overall residential density of 10.75 dwelling units per acre.
- E. The Whitmore Ranch Specific Plan project includes the provision of 1:1 agricultural mitigation, a method identified by the LAFCO Agricultural Policy. This strategy is codified in Ceres Resolution No. 2018-124, dated November 13, 2018 and referenced in the adopted Mitigation Monitoring and Reporting Program and the Findings of Fact and Statement of Overriding Considerations (Exhibit A). Therefore, based on this methodology, the Whitmore Ranch Specific Plan complies with LAFCO requirements for minimizing the loss of agricultural lands.
- F. There is existing adequate and available infrastructure located within Whitmore Avenue, as a result of serving the two school sites, in addition to the existing residential developments north of the plan area.
- G. The area is also adjacent to the City limits on two sides, and overall can be considered as in-fill development and a logical extension of the City's boundaries.
- H. Urban development will result in the planned, orderly and efficient use of land, consistent with the intent of LAFCO, the City of Ceres, and Stanislaus County.

**EXECUTIVE OFFICER'S AGENDA REPORT**  
**APRIL 24, 2019**

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

**SUBJECT: PROPOSED LAFCO BUDGET FOR FISCAL YEAR 2019-2020**

**RECOMMENDATION**

It is recommended that the Commission:

1. Receive the Executive Officer's report and accept public testimony regarding the Proposed LAFCO Budget.
2. Adopt Resolution No. 2019-09, approving the Proposed LAFCO Budget for Fiscal Year 2019-2020.
3. Schedule a public hearing for May 22, 2019, to consider and adopt the Final LAFCO Budget for Fiscal Year 2019-2020.

**EXECUTIVE SUMMARY**

The Proposed Fiscal Year (FY) 2019-2020 Budget includes operating expenses totaling \$498,175 and reflects a 1% increase as compared to the 2018-2019 budget. The increase is primarily attributable to the salaries and benefits category. Table 1, below, summarizes the Proposed Budget and includes a comparison to the current year's budget.

*Table 1: LAFCO Proposed Budget Summary*

<b>Expenses</b>	<b>Current Budget FY 2018-19</b>	<b>Proposed Budget FY 2019-20</b>	<b>% Change (Proposed v. Current)</b>
Salaries & Benefits	\$406,165	\$429,200	6%
Services & Supplies	85,754	67,375	-21%
Other Charges	2,000	1,600	-20%
<b>Total Expenses</b>	<b>\$493,919</b>	<b>\$498,175</b>	<b>1%</b>
<b>Revenues</b>			
Undesignated Fund Balance	(\$30,000)	(\$25,000)	-17%
Application & Other Revenues	(12,000)	(20,000)	67%
<b>Agency Contributions</b>	<b>\$451,919</b>	<b>\$453,175</b>	<b>0%</b>

An analysis of the Commission's estimated year-end fund balance is also included in this report. Following allocations of reserve funds, Staff recommends the use of \$25,000 in undesignated fund balance to offset the FY 2019-2020 budget.

A chart depicting individual accounts for the Proposed Fiscal Year 2019-2020 Budget is attached to this report.

## **BACKGROUND**

LAFCO is an independent commission established in each county by the State legislature. The Cortese-Knox-Hertzberg Local Government Reorganization Act establishes the specific funding methods and process for the annual LAFCO budget.

The Commission is funded by the County and its nine cities. Adopting the LAFCO budget is the responsibility of the Commission. The statutes governing LAFCO and directing its operations do not require separate approval of the financial program by the County, the nine cities, the independent special districts, nor any other local governmental agency. Section 56381(a) of the Government Code provides that:

- The Commission shall adopt annually, following noticed public hearings, a proposed budget by May 1, and final budget by June 15. At a minimum, the proposed and final budget shall be equal to the budget adopted for the previous fiscal year unless the Commission finds that reduced staffing or program costs will nevertheless allow the Commission to fulfill the purposes and programs of this chapter.
- The Commission shall transmit its proposed and final budgets to the board of supervisors, to each city, and to each independent special district.

Following adoption of a final budget, the County Auditor will allocate and charge LAFCO's final net budget to all participating local agencies as outlined under Government Code Section 56381(b).

## **EXPENSES**

The expense portion of the Proposed Budget is divided into three main categories: Salaries and Benefits, Services and Supplies, and Other Charges.

### *SALARIES AND BENEFITS (Accounts 50000+)*

Expenses in the salaries and benefits category are projected to increase by 6% overall during Fiscal Year 2019-2020. LAFCO's employee benefits mirror the County's benefits, including health insurance and retirement (through StanCERA), pursuant to a Memorandum of Understanding between the County and the Commission. Estimates for these accounts are typically provided by the County during each budget cycle and are incorporated into the LAFCO Budget. For FY 2019-2020, retirement costs are projected to have a slight decrease (following a 15% increase in FY 2018-2019). Health insurance costs are anticipated to increase by 5% effective January 1st. Additionally, in June of 2018, the Board of Supervisors approved a 3% increase to base salaries for unrepresented employees for fiscal years beginning July 1, 2018, July 1, 2019, and July 1, 2020.

### *SERVICES AND SUPPLIES (Accounts 60000+)*

The proposed expenditures in the Services and Supplies category have decreased by 21% as compared to the FY 2018-2019 budget. This is partly due to the removal of the Special Department Expense item (Account #65660) which is budgeted every other year for the biennial audit. This category also includes items associated with the County's Cost Allocation Plan (CAP) charges for various services provided to LAFCO, including County payroll, information technology, accounts payable/receivable, mailroom services, building services, legal services

and overhead charges. The following are highlights for various line items in the Services and Supplies category.

Professional & Special Services (Account #63000)

This account includes costs for office space, utilities, as well as overhead charges from the County for human resources, risk management, and purchasing. Staff met with the County to review these charges and clarify LAFCO's use of these services. This resulted in a reduced charge for current and proposed budget years of approximately \$2,000.

Data Processing (IT) Services (Account #63990)

LAFCO's information technology services are provided by the County's Strategic Business Technology Department (SBT). SBT also houses the County's Geographical Information Systems (GIS) division, which offers reduced pricing for GIS license fees to County departments and partner agencies (including LAFCO). The overall cost for IT services has increased based on SBT's implementation of new Office 365 licenses and enhanced IT security. Also included in this line item is the estimated annual cost for videotaping, televising, and live-streaming LAFCO meetings, totaling \$2,500.

Indirect Costs – "A-87 Roll-Forward" (Account #62450)

This account represents a two-year "true up" of estimated charges from the County's Cost Allocation Plan (CAP) charges for various services provided to LAFCO. These amounts tend to fluctuate annually and can result in a credit or debit depending on actual costs. For the current year, the Commission is estimated to have a credit of \$3,760.

Commission Expense (Account #65890)

The estimated Commission Expense for FY 2019-2020 is proposed to remain at \$6,100. The majority of this is expended on monthly meeting attendance stipends, with remaining funds used for Commissioner travel expenses to trainings, as opportunities arise. During Fiscal Year 2018-2019, the Commission had a savings in this account due stipend savings and only one Commissioner attending the Annual Conference. For the upcoming year, it is anticipated that two Commissioners will have the opportunity to attend the CALAFCO Annual Conference.

*OTHER CHARGES (Accounts #70000+)*

This category includes one account (#73024) for copy costs and a shared portion of the copier lease with the County Planning Department. These costs continue to trend lower than projected in the current fiscal year, as Staff strives to eliminate paper copies. Therefore, it is recommended that this account be reduced slightly to \$1,600.

**REVENUES**

The primary revenue source for LAFCO is contributions from the County and nine cities. Government Code Section 56381(b)(2) requires that the county and its cities shall each provide a one-half share of the commission's operational costs. By statute, the cities share is apportioned by the County Auditor relative to each city's total revenues, as reported in the most recent edition of the Cities Annual Report published by the State Controller.

In addition to scheduled municipal service review updates, Staff is aware of at least four annexation proposals and a sphere of influence proposal that are in various planning stages and may be received in FY 2019-2020. Annexation applications are processed at actual cost, with deposits for different application types starting at \$3,000 and increasing based on estimated complexity. For FY 2019-20, Staff proposes budgeting estimated fee revenues of \$20,000. Application fees that are received in any given year can vary widely, so this item is estimated conservatively. Any additional revenue received above this amount will be credited during the Commission's next budget cycle.

### **FUND BALANCE & RESERVES**

Government Code Section 56381(c) provides that "if at the end of the fiscal year, the Commission has funds in excess of what it needs, the Commission may retain those funds and calculate them into the following fiscal year's budget."

In 2015, an analysis of the fund balance was completed and the Commission reimbursed the majority of its undesignated fund balance back to the County and the nine cities. A remaining portion of the fund balance was used to maintain reserve funds.

Table 2 outlines the changes to the fund balance based on projected operating revenues and expenses in the current fiscal year. The actual amount of the FY 2018-19 fund balance will be calculated at year's end (typically by September). However, based on the beginning year fund balance and projected revenues and expenses, Staff has estimated a year-end fund balance of \$375,789. This is due to projected FY 2018-19 revenues exceeding estimates and expenses trending lower than anticipated, resulting in a net gain of \$7,869.

*Table 2: LAFCO Fund Balance*

<b>Fund Balance July 1, 2018</b>		<b>\$ 367,920</b>	
<b>Revenues</b>	<b>Estimated Year-End</b>	<b>Budgeted FY 18-19</b>	<i>Variance with Budget Over / (Under)</i>
City/County Contribution	\$ 451,919	\$ 451,919	\$ -
Application Revenue	30,000	12,000	18,000
Interest	6,340	-	6,340
<b>Total Revenues</b>	<b>\$ 488,259</b>	<b>\$ 463,919</b>	<b>\$ 24,340</b>
<b>Expenses</b>	<b>Estimated Year-End</b>	<b>Budgeted FY 17-18</b>	<i>Difference</i>
Salaries and Benefits	\$ 405,870	\$ 406,165	\$ (295)
Services and Supplies	73,620	85,754	(12,134)
Other Charges (Copier)	900	2,000	(1,100)
<b>Total Expenses</b>	<b>\$ 480,390</b>	<b>\$ 493,919</b>	<b>\$ (13,529)</b>
<b>Net Gain (Loss)</b>	<b>\$ 7,869</b>	<b>\$ (30,000)</b>	<b>\$ (22,131)</b>
<b>Estimated Fund Balance June 30, 2019</b>		<b>\$ 375,789</b>	

Reserve Funds & Long-Term Pension Liability

The Commission's Reserve Fund Policy identifies two reserve categories to be calculated annually and allocated during the annual budget process: an Accrued Leave Fund (based on accumulated cash-out liability) and a General Fund Reserve (15% of operating expenses). Two years ago, the Commission requested an additional reserve fund be included to represent long-term liabilities. Proposed reserve funds are shown below:

*Table 3: Proposed Reserve Funds*

<b>General Fund Reserve (15%)</b>	<b>\$ 74,730</b>
<b>Accrued Leave Fund (Cash-Out Liability)</b>	<b>86,900</b>
<b>Long-Term Liability Reserve</b>	<b>100,000</b>
<i>Total Reserves</i>	<i>\$ 261,630</i>

The Commission's addition of a Long-Term Liability Reserve was in response to a recent accounting requirement known as GASB 68. GASB 68 requires employers to report long-term unfunded pension liabilities on their balance sheets. The estimated unfunded portion of the pension can vary significantly each year based on investment returns and contribution rates. It can be viewed as an indicator of the overall health of the StanCERA retirement system from year to year.

Accounting and budgeting for retirement costs are based on retirement contribution rates that are updated annually using actuarial analysis and adopted by the StanCERA Board. The rates are subsequently approved by the County Board of Supervisors, and participating departments and agencies are charged for their respective employees throughout the year for the current liability due for retirement contributions to the retirement system.

Long-term pension liability is currently reported on the Commission's balance sheet in the amount of \$503,091. This is a reduction from the previously reported amount of \$554,866. Pension liability is expected to continue to improve and the corresponding liability will be reduced when we see our next estimate at the close of this Fiscal Year. It is important to also note that the estimate of unfunded pension liability is based on LAFCO's proportion of the StanCERA system's overall unfunded pension liability and not actual amounts for LAFCO employees based on their years of service, retirement date, etc.

For the current year's budget, the Commission set aside \$75,000 for its Long-Term Liability Reserve. For the proposed budget, this reserve item has been increased to \$100,000. Staff from the County Auditor's office identified that there are many uncertainties with regards to the exact amount and timing of the long-term pension liability.

Fund Balance Status – Use of Undesignated Funds

As the Commission has been depleting the remainder of its undesignated fund balance, agency contributions will continue to see a corresponding increase in their allocation amounts. For the current year, the Commission received higher than anticipated application revenues, as well as savings from lower than expected expenses. Therefore, Staff recommends using \$25,000 of the undesignated fund balance to offset the proposed FY 2019-2020 Budget. This, in conjunction with estimated application revenues (\$20,000) will help to offset agency

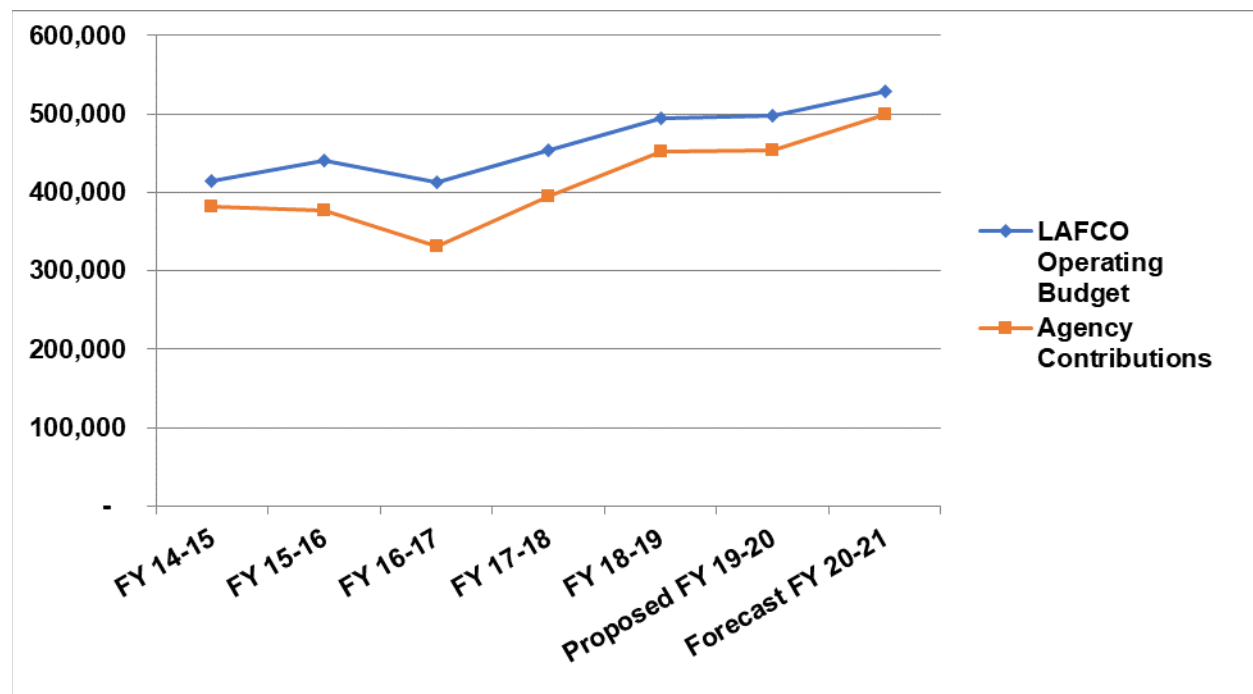
contributions, keeping them at a similar level as FY 2018-2019.

A forecast of the following year's budget shows that agency contributions will soon be closer to matching the Commission's operating expenses (see Table 4 and the figure below).

*Table 4: Total Budget & Agency Contributions*

	FY 18-19	Proposed FY 19-20	Forecasted FY 20-21
<b>Total Budget</b>	\$ 493,919	\$ 498,175	\$ 529,000
<b>Agency Contributions</b>	451,919	453,175	499,000
<b>Fund Balance Beg.</b>	367,920	375,789	350,789
<b>Drawdown</b> (Use of Fund Balance to Reduce Agency Contributions)	(30,000)	(25,000)	(15,000)
<b>Fund Balance End (Est.)</b>	375,789	350,789	335,789
<b>Designated Reserves: 15% Reserve</b>	74,100	74,730	79,350
<i>Accrued Leave (Cash-Out Liability)</i>	82,700	86,900	85,000
<i>Long-Term Liability Reserve</i>	75,000	100,000	125,000
<i>Total Reserves</i>	231,800	261,630	\$ 289,350
<b>Available Fund Balance to Offset Next FY Budget</b>	<b>\$ 143,989</b>	<b>\$ 89,159</b>	<b>\$ 46,439</b>

*Figure 1: Forecast of Agency Contributions*





### **WORK PROGRAM & APPLICATION ACTIVITY**

During the current fiscal year, LAFCO Staff completed the Commission's 2018 municipal service review work program and has begun work on the updates scheduled for 2019. Staff also processed nine out-of-boundary service extension applications, seven district applications, and two city applications. City and district application activity has remained steady, and we continue to receive inquiries regarding upcoming applications.

For the upcoming fiscal year, Staff expects to complete the Commission's 2019 adopted work program. Staff has also been working to improve our Geographical Information Systems data and convert additional paper records to electronic files, consistent with the Commission's retention policy.

### **CONCLUSION**

The Commission and LAFCO Staff continue to exercise fiscal prudence, recognizing the financial constraints faced by our funding agencies. Approval of the Proposed Budget will enable the Commission to perform its core responsibilities effectively, and continue its work on MSR/SOI updates, policy development, and current projects.

Attachments: LAFCO Resolution No. 2019-09  
Proposed Fiscal Year 2019-2020 Budget Detail

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**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** April 24, 2019

**NO.** 2019-09

**SUBJECT: Adoption of the Proposed LAFCO Budget for Fiscal Year 2019-2020**

On the motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and approved by the following vote:

Ayes: Commissioners:  
Noes: Commissioners:  
Absent: Commissioners:  
Ineligible: Commissioners:

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, Government Code Section 56381(a) requires the Commission to adopt annually, following noticed public hearings, a proposed budget by May 1 and a final budget by June 15;

**WHEREAS**, the Stanislaus Local Agency Formation Commission wishes to provide for a budget to fulfill its purposes and functions as set forth by State law;

**WHEREAS**, pursuant to Government Code Section 56381(a), the proposed budget must be, at a minimum, equal to the previous budget, unless a finding is made that the reduced costs will nevertheless allow the Commission to fulfill the purposes and programs of the Stanislaus Local Agency Formation Commission (LAFCO);

**WHEREAS**, approval of the Proposed Budget will enable the Commission to perform its core responsibilities effectively, and to continue its work on State mandated Municipal Service Reviews and Sphere of Influence Updates;

**WHEREAS**, the Commission mailed notices of the Proposed Budget to the County Board of Supervisors, the nine cities and the independent special districts; published a notice in Modesto Bee, and posted said notice on its website; and

**WHEREAS**, the Commission has conducted a public hearing on April 24, 2019, to consider the Proposed Budget for Fiscal Year 2019-2020, as submitted by the Executive Officer.

**NOW, THEREFORE, BE IT RESOLVED** that the Commission:

1. Finds that the Proposed Budget for Fiscal Year 2019-20 will allow the Stanislaus Local Agency Formation Commission to fulfill the purposes and programs of the Cortese-Knox-Hertzberg Local Government Reorganization Act.
2. Adopts the Proposed Budget for Fiscal Year 2019-20 as outlined in Exhibit 1, in accordance with Government Code Section 56381(a).

3. Hereby schedules the public hearing to consider the adoption of the Final Budget for Fiscal Year 2019-2020, for the Commission's May 22, 2019 meeting.

**ATTEST:**

\_\_\_\_\_  
Sara Lytle-Pinhey  
Executive Officer

Attachment: Proposed Fiscal Year 2019-2020 Budget

DRAFT

**Stanislaus LAFCO**  
**PROPOSED FISCAL YEAR 2019-2020 BUDGET**

Account	FY 18-19 Legal Budget	FY 18-19 Estimated Year-End	FY 19-20 PROPOSED BUDGET	Increase or (Decrease)	% Change
<b>Salaries and Benefits</b>					
50000+ Salaries and wages	\$ 243,710	\$ 244,100	\$ 263,630	\$ 19,920	8%
52000 Retirement	70,695	72,600	\$ 70,100	(595)	-1%
52010 FICA	19,210	18,800	\$ 20,000	790	4%
53000 Group health insurance	59,550	57,300	\$ 62,080	2,530	4%
53009 OPEB health insurance liability	2,820	2,820	\$ 2,920	100	4%
53020 Unemployment insurance	450	450	\$ 450	-	0%
53051 Benefits admin fee	190	160	\$ 190	-	0%
53081 Long term disability	380	380	\$ 380	-	0%
54000 Workers compensation insurance	1,165	1,165	\$ 1,300	135	12%
55000 Auto allowance	2,400	2,400	\$ 2,400	-	0%
55080 Professional development	2,200	2,200	\$ 2,200	-	0%
55130 Deferred comp mgmt/conf	3,395	3,495	\$ 3,550	155	5%
<b>Total Salaries and Benefits</b>	<b>\$ 406,165</b>	<b>\$ 405,870</b>	<b>\$ 429,200</b>	<b>\$ 23,035</b>	<b>6%</b>
<b>Services and Supplies</b>					
60400 Communications (SBT - Telecom)	\$ 900	\$ 1,080	\$ 1,110	\$ 210	23%
61000 Insurance (SDRMA)	3,475	3,400	\$ 3,600	125	4%
61030 Fiduciary liability insurance	40	40	\$ 40	-	0%
62200 Memberships (CSDA, CALAFCO)	6,065	5,880	\$ 6,615	550	9%
62400 Miscellaneous expense	3,000	2,000	\$ 3,000	-	0%
62450 Indirect costs (A87 roll forward)	5,875	5,875	\$ (3,760)	(9,635)	-164%
62600 Office supplies	1,500	1,000	\$ 1,500	-	0%
62730 Postage	1,200	900	\$ 1,200	-	0%
62750 Other mail room expense	420	400	\$ 420	-	0%
63000 Professional & special serv	14,214	11,060	\$ 11,690	(2,524)	-18%
Building maint & supplies	3,600	2,800	\$ 3,000	(600)	-17%
Office lease	3,975	3,850	\$ 4,010	35	1%
Utilities	1,460	1,350	\$ 1,410	(50)	-3%
Janitorial	605	720	\$ 745	140	23%
Purchasing	275	240	\$ 275	-	0%
HR/Risk Mgt overhead	4,300	2,100	\$ 2,250	(2,050)	-48%
63090 Auditing & accounting	2,800	2,850	\$ 2,850	50	2%
63400 Engineering services	2,000	2,000	\$ 2,000	-	0%
63640 Legal services	12,000	9,000	\$ 12,000	-	0%
63990 Outside data proc services (IT & GIS Lic)	11,015	10,885	\$ 11,530	515	5%
IT Services (SBT)	7,315	7,335	\$ 7,830	515	7%
Video Streaming (SBT)	1,000	1,000	\$ 1,000	-	0%
Mtg Recording (Final Cut Media)	1,500	1,350	\$ 1,500	-	0%
GIS License (SBT)	1,200	1,200	\$ 1,200	-	0%
65000 Publications & legal notices	800	800	\$ 1,000	200	25%
65660 Special dept expense (biennial audit)	8,000	8,000	\$ -	(8,000)	-100%
65780 Education & training	5,500	3,000	\$ 5,500	-	0%
65810 Other supportive services (messenger)	230	330	\$ 350	120	52%
65890 Commission expense (stipends, training)	6,100	4,500	\$ 6,100	-	0%
67040 Other travel expenses (mileage)	500	500	\$ 500	-	0%
67201 Salvage disposal	120	120	\$ 130	10	8%
<b>Total Services and Supplies</b>	<b>\$ 85,754</b>	<b>\$ 73,620</b>	<b>\$ 67,375</b>	<b>\$ (18,379)</b>	<b>-21%</b>
<b>Other Charges</b>					
73024 Planning dept services	\$ 2,000	\$ 900	\$ 1,600	\$ (400)	-20%
<b>Total Other Charges</b>	<b>\$ 2,000</b>	<b>\$ 900</b>	<b>\$ 1,600</b>	<b>\$ (400)</b>	<b>-20%</b>
<b>TOTAL EXPENSES</b>	<b>\$ 493,919</b>	<b>\$ 480,390</b>	<b>\$ 498,175</b>	<b>\$ 4,256</b>	<b>1%</b>
<b>TOTAL REVENUES</b>					
40680+ Agency Contributions	451,919	451,919	453,175	1,256	0%
36414 Application & Other Revenues	12,000	30,000	20,000	8,000	67%
17000+ Interest Earnings & Refunds	-	6,340	-	-	-
<b>Use of Undesig. Fund Balance</b>	<b>\$ 30,000</b>		<b>\$ 25,000</b>	<b>\$ (5,000)</b>	<b>-17%</b>

**Stanislaus LAFCO**  
**PROPOSED FISCAL YEAR 2019-2020 BUDGET**  
**Reserve Funds & Undesignated Fund Balance**

Estimated Fund Balance June 30, 2019	\$	375,789
<i>General Fund Reserve (15%)</i>		(74,730)
<i>Accrued Leave Fund (Cash-Out Liability)</i>		(86,900)
<i>Long-Term Liability Reserve</i>		(100,000)
<b>Undesignated Fund Balance (Est.)</b>	<b>\$</b>	<b>114,159</b>